

# Handout 1



WINSTON-SALEM  
POLICE DEPARTMENT**NEWS RELEASE**

## Criminal Investigations Division

Only the information contained in this form is to be released to the news media. A Lieutenant or Captain in C.I.D will release any other information concerning crimes under investigation by the Criminal Investigations Division.

<b>Date:</b> 11-15-02	<b>Time:</b> 7:53P	<b>IR#:</b> 252704	<b>Crime:</b> Homicide	<b>Prepared by:</b> Lt. D.C. Clayton	<b>Telephone number:</b> (336) 773-7775
<b>Complainant/Victim:</b> Nathaniel F. Jones			<b>Address:</b> 905 Moravia St.	<b>Location of Offense:</b> 905 Moravia St	
<b>Suspects:</b> Unknown			<b>Address:</b>	<b>Age:</b>	<b>Race:</b>
<b>Arrestee:</b>			<b>Address:</b>	<b>Age:</b>	<b>Race:</b>
<b>Arrestee:</b>			<b>Address:</b>	<b>Age:</b>	<b>Race:</b>

**Narrative**

Police Officers responded to assist Emergency Medical Services at 905 Moravia St., in reference to an unconscious man. Officers arrived and located Mr. Jones laying face down in the carport of the residence with his hands tied behind his back. EMS arrived and attempted to revive the victim; however, their efforts were unsuccessful. The victim had sustained a head injury and was pronounced deceased at the scene. Detectives from the Criminal Investigations Division are investigating the incident and a motive has not been established.

Anyone with any information concerning this incident should contact CRIMESTOPPERS at 727-2800.



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Local News

Sat, November 16, 2002

## Fire & Police Briefs

### Man is found dead outside his house

JOURNAL STAFF AND WIRE REPORT

A Winston-Salem businessman was found dead outside his house yesterday with his hands and mouth taped.

Nathaniel Frederick Jones, 61, was found lying next to his car inside the carport of his house at 905 Moravia St. in southeast Winston-Salem, said Lt. David Clayton of the Winston-Salem Police Department. He had a head injury, but police are unsure what caused it.

There were signs of a struggle, Clayton said.

Police have no suspects.

Jones was the grandfather of Chris Paul, a senior at West Forsyth High School who Thursday signed a letter of intent to play basketball at Wake Forest University, police said.

Jones owned a service station and usually arrived home about 6:30 p.m., Clayton said. He was supposed to call a house painter at 6:30 to give him directions to the house, but the painter said that he didn't hear from Jones.

The painter got directions from another family member and drove to Jones' home about 7:50. The painter, who is not a suspect, found Jones' body, Clayton said.

Police ask that anyone with information call CrimeStoppers at 727-2800.

## Man killed when his plane crashes in Guilford County

GREENSBORO - The pilot of a single-passenger plane was killed last night when the aircraft crashed in southeast Guilford County, according to the N.C. Highway Patrol.

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## Fire / Police Briefs

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painter, who is not a suspect, found Jones' body, Clayton said.

Police ask that anyone with information call CrimeStoppers at 727-2800.

## Man killed when his plane crashes in Guilford County

GREENSBORO — The pilot of a single-passenger plane was killed last night when the aircraft crashed in southeast Guilford County, according to the N.C. Highway Patrol.

The victim, identified as a High Point resident, died on impact, Randy Knight, a spokesman for the patrol, said. His name was being withheld pending family notification. The plane crashed about 6 p.m. near Highway 62 south of Greensboro.

## Two killed in Elkin wreck were Kernersville residents

ELKIN — Authorities have identified two people killed Wednesday morning in a wreck at the intersection of U.S. 21 and Poplar Springs Road in Elkin.

Jose Flores Popaca, 21, of 408 New St., Kernersville was traveling west on Poplar Springs Road in a 1994 Chevrolet Cavalier at 1:40 a.m. when his car collided with a tractor-trailer at the intersection of U.S. 21. Popaca and a passenger, Suyapa Aguilar Galo, 28, of the same address, were killed, Elkin Police said.

The driver of the tractor-trailer, Jason Edmond Jackson, 25, of Vansant, Va., and his passenger, Myra Kay Jackson, 23, of the same address, were treated at Hugh Chatham Memorial Hospital and released. Elkin police are investigating the accident.

## Indiana man dies in fall from Pilot Mountain cliff

PILOT MOUNTAIN — An Indiana man was killed Wednesday night when he fell from a 150-foot cliff at Pilot Mountain State Park.

Richard Leon Reed, 41, of Fort Wayne, Ind., was found dead at the bottom of an overlook about 9:30 p.m., according to Surry County Emergency Services.

Authorities are investigating the fall as an accident.

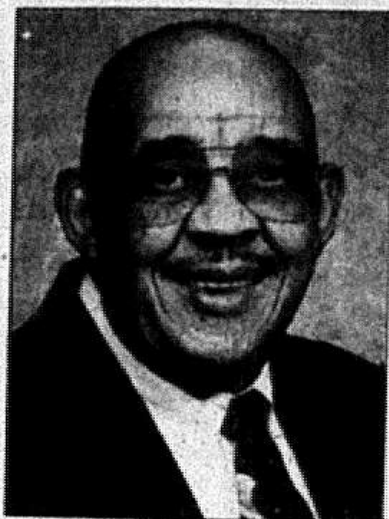


# METRO

WINSTON-SALEM JOURNAL  
Sunday, November 17, 2002



PHONE 727-7234 • www.journalnow.com • FAX 727-7315



Nathaniel Jones was found dead not long after he arrived home from work Friday evening.

## Motive a question in beating, death

### Slain gas-station owner was friendly, well-liked

By Victoria Cherrie  
JOURNAL REPORTER

Nathaniel Jones seemed to live a peaceful life working on cars, attending his grandsons' basketball games and sharing his earthly blessings with the people who frequented his Chevron station.

He died in violence at his own home, fighting back as one or more assailants taped his mouth shut, tied his hands behind his back and beat him in the head

and face. Jones, 61, was found Friday evening lying face down in his carport at 905 Moravia St., not long after he got home from work, said Lt. David Clayton of the Winston-Salem Police Department.

It appears that Jones pulled his car into the driveway, went inside to put groceries in the kitchen and encountered his attackers when he went back outside.

Investigators say they don't know why someone would kill Jones. Possibly, the killer is someone who knew Jones' schedule and was waiting to rob him, Clayton said.

Nothing appears to have been taken

from Jones' home, but his wallet, which was stuffed with papers, is missing.

Neighbors say they didn't hear anything Friday evening. It was dark and overcast in the normally quiet neighborhood where Jones had lived alone since his wife, Rachel, died 10 years ago.

Detectives are waiting for the results of an autopsy at Wake Forest University Baptist Medical Center.

In the meantime, they are trying to figure out who killed Jones, a friendly, church-going man whose death marks the city's 15th homicide this year.

See BEATING, Page B5



**METRO****BEATING***Continued From Page B1*

Jones was found by a Charlotte painter who was to meet him at his house about 6:30 p.m. to provide an estimate. The man called several times for directions but got no answer. So he called Rhonda Richardson, Jones' youngest daughter, whose house he had recently painted and who had referred him to her father.

Richardson, who lives in Charlotte, gave directions to the painter, who arrived just before 8.

"We just don't understand it," Richardson said last night at her sister Robin Paul's house in Lewisville. "Who? Why?"

There were no answers last night for the relatives and friends who gathered to comfort one another and share stories about Jones, who owned his service station for more than 30 years. A spray of white carnations stood outside the closed station on New Walkertown Road.

"He treated everybody the way he wanted to be treated," Richardson said. "He loved people."

Jones grew up in Winston-

Salem. He attended Dreamland Park Baptist Church—his whole life and had served as a chairman for the deacon board. At work, he was known to give gasoline to patrons who couldn't afford to fill up. He was also the kind of dad that his two daughters could count on.

"He called me every day at 6 and my sister at 6:30," Richardson said. "He was our wake-up call every morning until now."

Jones was also a fixture at his grandsons' basketball games. The youngest, Chris Paul, signed a letter of intent this week to play basketball at Wake Forest University. The oldest, C.J. Paul Jr., plays for the University of South Carolina in Spartanburg.

"He was so proud," Richardson said, trying not to cry. "He went to every game that he could."

He never left home without his spirit. When asked how he was doing, Jones would always say: "I am blessed and highly favored by the Lord."

■ *Victoria Cherrie can be reached at 727-7283 or at [vcherrie@wsjournal.com](mailto:vcherrie@wsjournal.com)*

■ *Journal reporter Deirdre Fernandes contributed to this story.*

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Nursing Home. Funeral services  
will be at 11 a.m. Tuesday at  
Piedmont Funeral Home.

**JOHNSON**  
LEXINGTON — Charlie Lee  
Johnson, 79, died Saturday at  
his home. Funeral services will  
be held at 4 p.m. Tuesday at  
Piedmont Funeral Home  
Chapel.

**JOHNSON**  
KING — Mr. Keith Wall Johnson,  
66, died Saturday, Nov. 16, 2002,  
at his home on Mountainview  
Road. He was born in Stokes  
County to the late P. Holbin and  
Inez Wall Johnson. He is sur-  
vived by his wife of 43 years,  
Linda Shelton Johnson; two  
sons, Mark and his fiancée,  
Molly Waldrup; and Michael  
and his wife, Mickey; a sister,  
Dianne Johnson; and many spe-  
cial relatives, friends, and golf-  
ing, hunting and fishing bud-  
dies. He was a trustee, deacon,  
church moderator, chairman of  
the budget and finance com-  
mittee and Sunday school  
teacher for 38 years at Quaker  
Gap Baptist Church. He attend-  
ed Brevard College and retired  
from Sara Lee Hosiery in 2000 as  
manager of East Coast distribu-  
tion. He was very active in the  
Boy Scouts for years, the King  
Jaycees and was instrumental in  
the initial development of King  
Recreation Acres. He had an in-  
tense love for the Lord, his wife  
and children, church family,  
gospel music, especially sung by  
his choir and the New Horizons  
Quartet, his many Boy Scouts  
and Sunday school class mem-  
bers and cousins that he re-  
ferred to as his "young'uns,"  
Fords, playing golf with R.B. and  
John and his '50s music. All of  
us who knew him can account  
for his sense of humor and his  
joy and love for life. The funeral  
service will be held at 7 p.m. this  
evening at Quaker Gap Baptist  
Church with Dr. James Baldwin  
and the Rev. Gerald Jones offici-  
ating. Family visitation will be  
immediately after the service in  
the church sanctuary. In lieu of  
flowers, the family requests that  
memorials be made to the  
Quaker Gap Baptist Church  
Building Fund, in care of Mrs.  
Dennis Moore, P.O. Box 31, King,  
NC 27221 or to the charity of the  
donor's choice. *Thank you to  
our faithful relatives, neighbors  
and friends and strangers from  
here and all over the United  
States; your cards, food, visits  
and especially your prayers have  
sustained us. Thank you to Dr.  
Tatter and his staff at Wake For-  
est University Baptist Medical  
Center and our heartfelt thanks  
to the fifth-floor nurses (espe-  
cially Terry, our cousin) for your  
diligent caring and ministrations  
to us. We love all of you and shall  
not forget how you tended to us  
with sincere concern. Also, thank  
you to Dr. Sears and her staff at  
Forsyth Radiological Center, who  
treated us with compassion and  
dignity. We have been over-  
whelmed with everyone's love  
and generosity during this dif-  
ficult time for us.*

**JONES**  
Philippians 4:13 "I can do all  
things through Christ who  
strengthens me." Mr. Nathaniel  
"Chilly" Fredrick Jones depart-  
ed this life Fri-  
day, Nov. 15,  
2002, unex-  
pectedly at his  
residence at  
905 Moravia  
Street. He was  
born March  
22, 1941, in  
Winston-  
Salem to the  
late Willie and  
Roma Jones. He was a graduate  
of Carver High School, Class of  
1959. His lifetime is reflected in  
self-employment at Jones  
Chevron for 38 years, (the only  
black private owned service sta-  
tion in the state of North Caroli-  
na) and Christian membership  
at Dreamland Park his entire  
life, serving as past chairman  
and member of the deacon  
board, program director of the  
usher board and member of the  
male chorus and Sunday  
school. Family love and devo-  
tion is instilled in the memory  
of him by two loving daughters,  
Robin J. Paul (Charles) and  
Rhonda J. Richardson (Anto-  
nio); four devoted grandsons,  
Charles Paul Jr., Christopher  
Paul, Reginald Richardson and  
Antonio Richardson Jr., and a  
devoted granddaughter,  
Tequicia Richardson; three sis-  
ters, Elveta Rutledge of Wash-  
ington, D.C., Esther Hagler  
(Joseph) of Oakton, Va., and  
Hattie Jones of Capital Heights,  
Md.; seven brothers, James  
Jones, Hubert Jones, Odell Jones  
(Roselyn) and Hobart Jones  
(Carolyn), all of Winston-Salem,  
Thomas Jones (Rosa) of Ayers,  
Mass., George Jones (Patricia) of  
Raleigh and Reginald Jones  
(Ethel) of Walkertown; a brother-  
in-law, Rscoc J. Hines  
(Joann) of Mount Airy; devoted  
friends, Hazel Gilbert, Aldena  
Gaither, Mr. and Mrs. Hunter  
Hill, Willie "Bo" Crawford; and a  
host of nieces, nephews, other  
relatives and many other devo-  
ted friends. Anytime you met  
him and asked, "How are you?"  
his response was, "I am blessed  
and highly favored in the Lord."



MR. JONES

Funeral services will be held on  
Tuesday, Nov. 19, 2002, at 1:30  
p.m. from the Greater Cleveland  
Avenue Christian Church, with  
the Rev. Ronald Fisher officiat-  
ing. Burial will be in the family  
plot of the Piedmont Memorial  
Park. The family visitation will  
be from noon to 1:30 p.m. Tues-  
day at the church. In lieu of  
flowers, donations can be made  
to Dreamland Park Baptist  
Church Building Fund. (Russell)

**KOONTZ**  
Mrs. Edrie Howard Koontz, 95,  
of 1240 Arbor Road and formerly  
of Arnold Road, Welcome, died  
Saturday, Nov. 16, 2002. She was  
born Dec. 15, 1906, to the late  
V.A. Howard and Maude Bum-  
garner Howard. On Oct. 9, 1926,  
she married Hoyle K. Koontz,  
who preceded her in death, as  
did a son, K. Keith Koontz. Mrs.  
Koontz attended Women's Col-  
lege in Greensboro and for many  
years was an elementary school  
teacher at Welcome School. She  
was an active member of Beulah  
United Church of Christ and in  
every way an example as to how  
all us should live our lives. Sur-  
viving are two sons, Richard H.  
Koontz of New London and Dr.  
Thomas J. Koontz of Winston-  
Salem; three sisters; nine grand-  
children; five great-grandchild-  
ren; and three great-great-  
grandchildren. The family will  
receive visitors at 1 p.m. Wed-  
nesday, Nov. 20, 2002, at  
Beulah United Church of Christ  
Fellowship Hall. Funeral serv-  
ices will follow at 2 p.m. Dr. Chris  
Burr will officiate. Burial will fol-  
low in the church cemetery. In  
lieu of flowers, memorials may  
be made to the church at 2828  
Arnold Road, Lexington, NC  
27295, or to the donor's choice.

**LASHMIT**  
LEXINGTON — Harold Daniel  
Lashmit, 72, died Saturday at  
Lexington Memorial Hospital.  
Funeral services will be at 2 p.m.  
Tuesday at Piedmont Funeral  
Home Chapel.

**PAYNE**  
MOUNT AIRY — Mrs. Lola Allie  
Bowman Payne, 78, of 2662  
Pipers Gap Road, the wife of the  
late Mr. Rupert (Whitey) Nelson  
Payne, passed away on Sunday,  
Nov. 17, 2002, at Northern Hos-  
pital of Surry County, Mount  
Airy. Mrs. Payne was born on  
Jan. 20, 1924, in Patrick County,  
daughter of the late James M.  
and Addie S. Bowman. Mrs.  
Payne was retired as office man-  
ager and bookkeeper of Whitey's  
Radiator Shop, Inc. and was a  
member of New Bethel Baptist  
Church. Surviving are a daugh-  
ter, Patsy L. Payne, of Winston  
Salem; a son and daughter-in-  
law, Michael and Diane Payne,  
of Mount Airy; two grandsons  
and spouse, Mitchell Eaton of  
Seattle, Wash., and Stephen and  
Dawn Payne of Mount Airy; a  
great-granddaughter, Jessica  
Nicole Payne, of Mount Airy;  
two sisters, Inis Smith and Iris  
Adkins, both of Mount Airy; five  
brothers and sisters-in-law;  
Odell Bowman and Pate and  
Ergie Bowman, all of Claudville,  
Va.; Millard and Willa Bowman  
and Gilmer and JoAnn Bowman,  
all of Mount Airy and Wade and  
Ernie Bowman of Cana, Va.;  
three sisters-in-law; Ola Bow-  
man of Ararat, Va., Gaynell Bow-  
man of Mount Airy and Lorene  
Bowman of Hillsville, Va. In ad-  
dition to her husband and par-  
ents, Mrs. Payne was preceded

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**WINSTON-SALEM**  
— Today —  
Mrs. Ethel Houch Chaffin  
Hayworth-Miller Chapel 11 a.m.  
Mr. Ricky Dean Anglin  
Marler Road Baptist Church 2 p.m.  
Mrs. Dorothy Jean Jones Moore  
Memorial Service 2:30 p.m.  
— Tomorrow —  
Mrs. Edna Mae Lippard Stokes  
Mount Olivet United Methodist Church 2 p.m.  
— Tuesday —  
Mr. Ronald G. Frazier  
Memorial Service 11 a.m.  
Andrew United Methodist Church  
Mrs. Hazel Gail Williams  
Hayworth-Miller Chapel 2 p.m.  
Mrs. Judy Bader-Hunter Delapp  
Memorial Service 2 p.m.  
Good Shepherd United Methodist Church

**KERNERSVILLE**  
— Tuesday —  
Mrs. Janna H. Doyle  
Hayworth-Miller Chapel 2 p.m.

**RURAL HALL**  
— Tuesday —  
Mrs. Margaret "Polly" Woods Smith  
Hayworth-Miller Chapel 2 p.m.

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# Deaths

## Local

**BARBER**, Mary Susan Forrest, 81, of Winston-Salem.  
**DAVIS**, William, 84, of Winston-Salem.  
**FOIL**, Mavareen Lawrence, 90, of Winston-Salem.  
**MARTIN**, Etolia, of Winston-Salem.  
**McCLENDON**, Amos S., 77, of Winston-Salem.  
**O'DOWD**, Richard Clyde, of Winston-Salem.

## Area and State

**ARTHUR**, Marion Stewart Hannah, of Salisbury.  
**BULLINS**, Mary Gibson, 91, of Madison.  
**McDONALD**, Betty, 69, of Lake Lure.  
**PARKER**, Frances Woodruff, 79, of Mount Airy.  
**PICKLE**, Pauline Snider, 90, of Lexington.  
**ROBINSON**, Darby Carolyn, 58, of Lexington.  
**SIMERSON**, Billy Joe, 75, of Lexington.  
**TILLEY**, Gary Lynn, 56, of Mount Airy.

## FOIL

Mrs. Mavareen Lawrence Foil, 90, wife of the late Walter Mitchell Foil Sr., of Winston-Salem died Sunday, Nov. 17, 2002, at her home. She was born Dec. 18, 1911, in Surry County to Daniel Lester and Ollie Woodruff Lawrence. Mrs. Foil was an active member of Fries Memorial Moravian Church, where she was a member of the ladies circle. She was retired from Hanes Knitwear. In addition to her husband, she was preceded in death by a sister, Sadie Rierson. Survivors include a son, Walter Mitchell Foil Jr. (Audra) of Winston-Salem; two grandsons, Charles Mitchell Foil (Tamara) of Winston-Salem and Monte G. Foil (Carol) of Spartanburg, S.C.; two great-grandchildren, Nicholas Graham Foil and Bethany Anne Foil of Spartanburg, S.C.; and two sisters, Lestine Mackie (Grady) of Yadinville and Gladys Stuart of Clemmons. The funeral service will be conducted at 11 a.m. Wednesday at Vogler & Sons Main Street Chapel by the Rev. Stuart Zimmerman and Bishop Graham Rights. Burial will follow at the Moravian Graveyard. The family will receive friends from 7 to 9 this evening at the funeral home. Memorials may be made to Fries Memorial Moravian Church, 251 Hawthorne Road NW, Winston-Salem, NC 27104; or to the Moravian Music Foundation Inc., Box L, Salem Station, Winston-Salem, NC 27108.

## JONES

*Philippians 4:13 "I can do all things through Christ who strengthens me."* Mr. Nathaniel "Chilly" Fredrick Jones departed this life Friday, Nov. 15, 2002, unexpectedly at his residence at 905 Moravia Street. He was born March 22, 1941, in Winston-Salem to the late Willie and Roma Jones. He was a graduate of Carver High School, Class of 1959. His lifetime is reflected in self-employment at Jones Chevron for 38 years, (the only black private owned service station in the state of North Carolina) and Christian membership at Dreamland Park his entire life, serving as past chairman and member of the deacon board, program director of the usher board and member of the male chorus and Sunday school. He was preceded in death by his wife, Rachel H. Jones in February 1993. Family love and devotion is instilled in the memory of him by two loving daughters, Robin J. Paul (Charles) and Rhonda J. Richardson (Antonio); four devoted grandsons, Charles Paul Jr., Christopher Paul, Reginald Richardson and Antonio Richardson Jr., and a devoted granddaughter, Tequila Richardson; three sisters, Elveta Rutledge of Washington, D.C., Esther Hagler (Joseph) of Oakton, Va., and Hattie Jones of Capital Heights, Md.; seven brothers, James Jones, Hubert Jones, Odell Jones (Roselyn) and Hobart Jones (Carolyn), all of Winston-Salem; Thomas Jones (Rosa) of Ayers, Mass.; George Jones (Patricia) of Raleigh and Reginald Jones (Ethel) of Walkertown; a brother-in-law, Roscoe J. Hines (Joann) of Mount Airy; devoted friends, Hazel Gilbert, Aldrena Gaither, Mr. and Mrs. Hunter Hill, Willie, "Bo" Crawford; a



MR. JONES

godson, Deron Simmons; and a host of nieces, nephews, other relatives and many other devoted friends. Anyone you met him and asked, "How are you?" his response was, "I am blessed and highly favored in the Lord." Funeral services will be held on Tuesday, Nov. 19, 2002, at 1:30 p.m. from the Greater Cleveland Avenue Christian Church, with the Rev. Ronald Fisher officiating. Burial will be in the family plot of the Piedmont Memorial Park. The family visitation will be from noon to 1:30 p.m. Tuesday at the church. In lieu of flowers, donations can be made to Dreamland Park Baptist Church Building Fund. (Russell)

## KOONTZ

Mrs. Edrie Howard Koontz, 95, died Saturday. The funeral will be 2 p.m. Wednesday at Beulah United Church of Christ. Davidson Funeral Home-Hickory Tree Chapel is in charge of arrangements.

## MARTIN

Etolia Martin of Lutheran Nursing Home passed away Friday, Nov. 15, 2002. The funeral service will be at 11 a.m. Wednesday, Nov. 20, 2002, at Beasley's Chapel. Burial will at Beasley's Memorial Gardens. Mrs. Martin is survived by a niece, Hazel Chin, of Winston-Salem; a nephew, Arthur Lee Nesbitt, of Winston-Salem; a sister-in-law, Elizabeth Nesbitt, of Winston-Salem and Mrs. Gillman of Winston-Salem. Services entrusted to Beasley's Funeral Service.

## McCLENDON

Mr. Amos S. McCleendon passed away Friday, Nov. 15, 2002, at Forsyth Medical Center. He was born Oct. 5, 1925, to the late Doll and Laura Spencer McCleendon in Wadesboro. Mr. McCleendon received his education in the Anson County school system and was a retired employee of R.J. Reynolds Tobacco Co. He was the owner of McCleendon Janitorial Service. Mr. McCleendon was a member of Mount Zion Baptist Church, where he served on the deacon board, Sunday school, Laymen No. 8217 League, finance committee and the church food service committee. In addition to his church affiliations, he was also a member of the Prince Hall Masons (Salem Lodge), the Shriners Consistory (Sethos Temple No. 170), Phalanx Fraternity, Winston-Salem Sportsman Club, TUI Club and Pommel/Oak Hill Community Club. Five brothers and four sisters preceded him in death. He is survived by his wife of 49 years, Mrs. Mattie Marchman McCleendon; children Marilyn McCleendon Thornton (Wayne Maycock) and Angela McCleendon Parker (Mel); grandchildren Eric B. Thornton, Malissa R. Thornton, Aleah F. Parker and Micah Parker; three great-grandchildren; sisters Viola Little of Philadelphia, Pa., Mattie Jane Ledbetter of Wadesboro and Hattie Dunlap of Winston-Salem; sisters-in-law Mary McCleendon, Ruby McCleendon and Lillie Mae McCleendon; a devoted brother-in-law, Otis Sellers (Gladys); brother-in-law Charles Simon; a devoted cousin, Howard Ward (Viola); and several nieces, nephews, cousins and friends. The funeral service will be held at noon Wednesday, Nov. 20, at Mount Zion Baptist Church with Dr. Serenus Churn, pastor, officiating with family visitation from 11 a.m. to noon. Memorials may be made to the Mount Zion Baptist Church Building Fund or the Kidney Foundation. Interment will follow at Evergreen Cemetery. (Clark S. Brown & Sons)



MR. McCLEENDON

## McDONALD

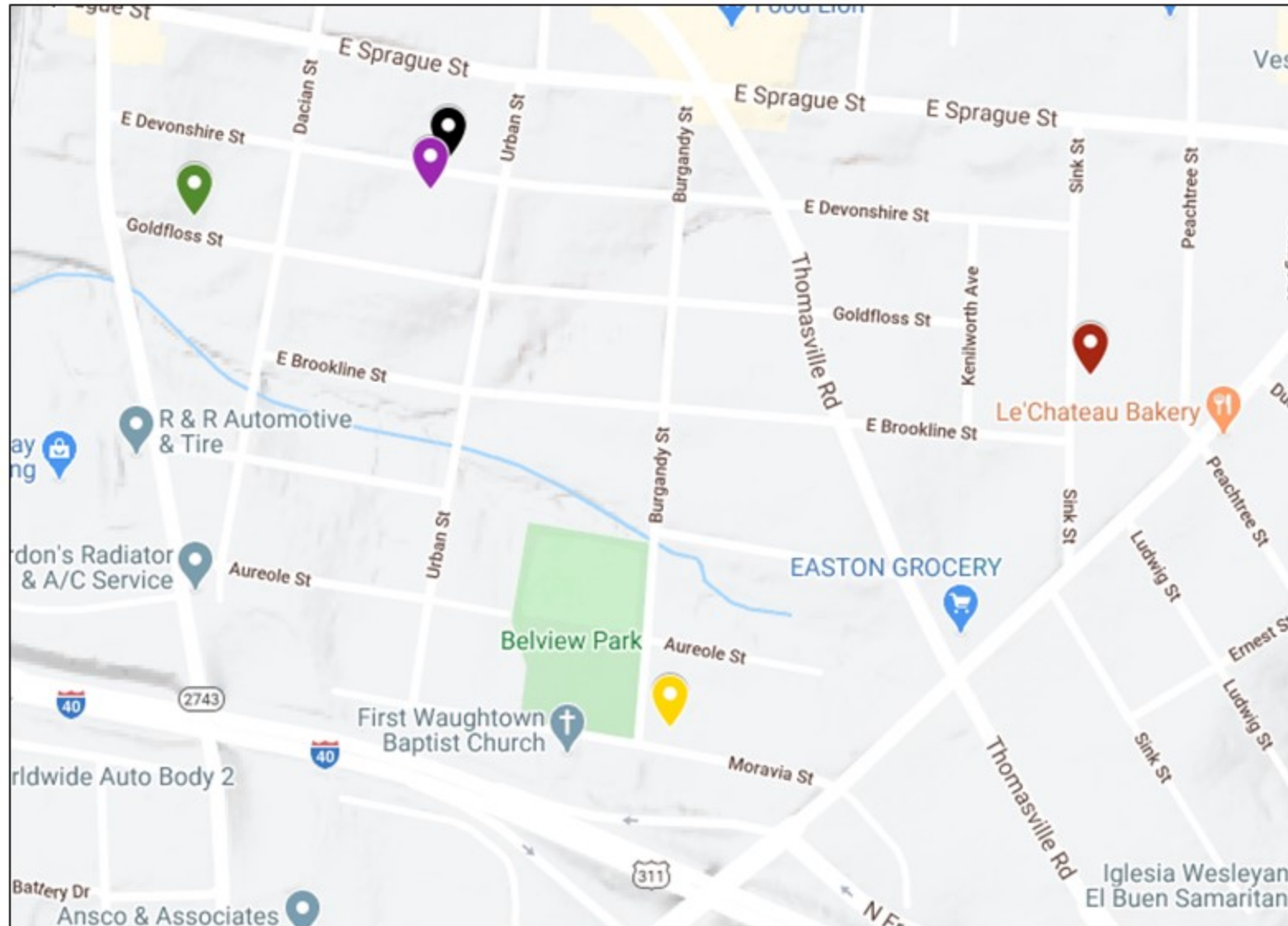
LAKE LURE — Mrs. Betty McDonald, 69, formerly of Kernersville, died Sunday, Nov. 17, 2002, at Elizabeth House Hospice in Hendersonville. Mrs. McDonald was born May 29, 1933, in Steubenville, Ohio, to Martha and Raymond Johnson. Mrs. McDonald graduated from Strong Vincent High School in Erie, Pa., in 1951. She also graduated from Penn State University. She is survived by three daughters, Susan Repko of Lake Lure, Cindy McDonald of Merritt Island, Fla., and Patty Reller of Madison; and three grandchildren, Lauren and Chris Wojtowicz and Michael McDonald. She is also survived by a brother, Robert Johnson, of Erie, Pa. A memorial service will be held at noon Saturday, Nov. 23, 2002, at Davis Memorial Chapel Wake Forest Medical Center, 300 S. Hawthorne Road, Winston-Salem. In lieu of flowers, memorials may be made to Hospice of Rutherford County or the American Cancer Society.



# Handout 2



## Map of Victim and Defendants' Addresses



### Key:

- Nathaniel Jones
- Christopher Bryant
- Nathaniel Cauthen & Rayshawn Banner
- Jermal Tolliver
- Dorrell Brayboy



# Handout 3



# **JESSICAH BLACK**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
DWLR (M)	ALAMANCE	01/14/2011	02/02/2012



# Handout 4



1 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
 2 COUNTY OF FORSYTH SUPERIOR COURT DIVISION  
 02 CRS 38886

3  
 4 STATE OF NORTH CAROLINA, )  
 v )  
 5 CHRISTOPHER BRYANT, )  
 Defendant. )

6  
 7 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
 8 COUNTY OF FORSYTH SUPERIOR COURT DIVISION  
 02 CRS 38884

9 STATE OF NORTH CAROLINA, )  
 v )  
 10 NATHANIEL CAUTHEN, )  
 Defendant. )

11 RECORDED DEPOSITION OF JESSICAH BLACK

12 This matter coming on for deposition on October 21, 2019, at  
 13 Kurtz Evans Whitley Guy & Simos, Winston-Salem, North Carolina,  
 recorded by audio means, sworn before the Notary Public  
 14 Mackenzie Myers, and transcribed by Victoria L. Pittman, AOC  
 Certified Judicial Transcriber, the following proceedings were  
 15 had, to wit:

16 APPEARANCES

17 Julie Bridenstine  
 STAFF ATTORNEY  
 18 North Carolina Innocence Inquiry Commission  
 Post Office Box 2448  
 19 Raleigh, North Carolina 27602  
 - and -  
 20 Mackenzie C. Myers  
 GRANT STAFF INVESTIGATOR  
 21 North Carolina Innocence Inquiry Commission  
 Post Office Box 2448  
 22 Raleigh, North Carolina 27602

23 TRANSCRIBED BY: Victoria L. Pittman, AOC-CJT  
 24  
 25



## C O N T E N T S

## THE WITNESS PAGE

JESSICAH BLACK

Examination by Ms. Bridenstine 3

## E X H I B I T S

Number	Description	Marked
1	Subpoena	5
2	DPS Information - Christopher Bryant	26
3	DPS Information - Jermal Tolliver	29
4	DPS Information - Dorrell Brayboy	31
5	DPS Information - Rayshawn Banner	33
6	DPS Information - Nathaniel Cauthen	37
7	Map	147
8	DPS Information - Sherman Williams	166

\*\*Transcriber's Note: This transcript may contain quoted material. If so, such material is reproduced as read or spoken.\*\*



Monday, October 21, 2019 (10:08 a.m.)

\* \* \* \* \*

JESSICAH BLACK,

having been duly sworn by the Notary (Ms. Myers), was examined  
and testified as follows on

EXAMINATION

BY MS. BRIDENSTINE:

Q. All right. Ms. Black, my name is Julie  
Bridenstine. I will be taking your deposition today. I am  
an attorney for the North Carolina Innocence Inquiry  
Commission, a neutral state agency that investigates  
postconviction innocence claims.

A. I know all about you.

Q. You've been subpoenaed here today in the matters  
of State versus Christopher Bryant and state versus  
Nathaniel Cauthen. These cases involve the murder and  
robbery of Nathaniel Jones on November 15, 2002.

A. So you're referring to Bubba and Stinky; correct?

Q. I understand --

A. I know them by their nicknames. I didn't know  
their names like that.

Q. Okay. We'll get into that later. But yes, it's  
my understanding.

A. Okay.

Q. Nathaniel Cauthen was convicted of first-degree



1 murder and robbery with a dangerous weapon following a  
2 guilty verdict after a trial in 2004. Nathaniel Cauthen is  
3 serving a life sentence.

4 Rayshawn Banner, one of his codefendants, was also  
5 found guilty of those charges at that trial.

6 Christopher Bryant was convicted of second-degree  
7 murder and common-law robbery following a guilty verdict  
8 after a jury trial in 2005. Christopher Bryant was  
9 sentenced to prison. He has served his sentence.

10 Jermal Tolliver and Dorrell Brayboy were also  
11 codefendants in this case and they were convicted of the  
12 same charges as Christopher Bryant and they also served  
13 their prison sentences.

14 Dorrell Brayboy is deceased.

15 A. I know.

16 Q. The North Carolina Innocence Inquiry Commission is  
17 a truth-seeking commission. We are not prosecutors or law  
18 enforcement. We do not represent the defendants who make  
19 innocence claims with our agency.

20 If we find verifiable and credible new evidence of  
21 factual innocence, there is a process by which the  
22 defendants who make innocence claims can have their cases  
23 heard before our eight-member commission.

24 At this commission hearing, for cases that  
25 resulted in a guilty verdict following a trial, if a



1 majority of the commissioners finds sufficient evidence to  
2 merit judicial review, the case moves on to a three-judge  
3 panel. At this three-judge panel hearing, the defendants  
4 who make innocence claims are represented by defense  
5 attorneys and the State is represented by the district  
6 attorney.

7 At that point, if the three judges unanimously  
8 find clear and convincing evidence of innocence, the  
9 defendant is declared innocent and exonerated.

10 If the cases of Christopher Bryant and Nathaniel  
11 Cauthen were to go into formal inquiry with our agency and  
12 proceed to a commission hearing, Rayshawn Banner and Jermal  
13 Tolliver could also become claimants with our agency and go  
14 through the process as I just outlined.

15 A. Right.

16 Q. As I stated before, I'm only looking for the truth  
17 in this case.

18 I'm going to hand you what I am marking is  
19 Exhibit 1, which is a copy of your subpoena to appear for  
20 the deposition today.

21 A. Okay. All right.

22 (Exhibit 1 marked.)

23 A. Oh, you want that back? I'm sorry.

24 Q. I just want you to take a look at it.

25 A. Oh, I just read -- the one you gave me --



1 Q. Yes.

2 A. -- on the way here?

3 Q. It's a copy of that.

4 A. Right there.

5 Q. All right.

6 THE DEPONENT: Would y'all like a mint?

7 MS. MYERS: Thank you, though.

8 Q. All right, Ms. Black.

9 A. Okay. So like I said --

10 Q. I've got some questions.

11 A. Oh, I'm sorry. I'm sorry.

12 Q. Let me just get through the introductory stuff.

13 A. Uh-huh. I'm sorry.

14 Q. No, no. That's fine. That's fine.

15 Have you ever been deposed before?

16 A. What's that?

17 Q. This is a deposition, where we are taking your  
18 testimony under oath.

19 A. The only thing I've done was testify on the trial.  
20 That was it. I don't know anything like this.

21 Q. Okay. I just have a few things to go over with  
22 you first, including some ground rules so that we all have  
23 the same understanding.

24 Does that sound fair?

25 A. Absolutely.



1           Q.    First, do you understand that you are testifying  
2 under oath today?

3           A.    Yes.

4           Q.    Do you understand that your answers are subject to  
5 the penalty of perjury?

6           A.    Yes.

7           Q.    Do you understand that this is the same oath that  
8 you would make if you were testifying at trial?

9           A.    Yes.

10          Q.    You are under oath and are expected to answer  
11 completely and truthfully.

12                   Do you understand that?

13          A.    Yes.

14          Q.    Do you understand that at today's deposition, I  
15 will ask questions, you will answer, and everything that I  
16 say and that you say will be taken down verbatim and later  
17 transcribed by a court reporter?

18          A.    Yes.

19          Q.    Do you understand that this court reporter will  
20 then prepare a written transcript?

21          A.    Yes.

22          Q.    Do you understand that you will have the right to  
23 request to review the transcript and make corrections before  
24 the deposition is completed?

25          A.    Yes.



1           Q.    Do you understand that when you review the  
2 transcript you can make any changes of form or substance so  
3 that your testimony in the transcript is true, accurate, and  
4 complete?

5           A.    Yes.

6           Q.    Do you also understand that we want to find out  
7 everything you know about the facts and events in this case  
8 and so we want your answers to be full, accurate, and  
9 complete as possible?

10          A.    Yes, ma'am.

11          Q.    Now, I understand that you may want to ask  
12 questions before I have -- or excuse me -- that you may want  
13 to answer some of the questions before I have had a chance  
14 to complete them. Please wait until you hear my entire  
15 question before you answer.

16                Do you understand this request?

17          A.    Yes, ma'am.

18          Q.    Also, because inaudible responses are sometimes  
19 difficult to record, can you please provide audible  
20 responses to my questions?

21          A.    Yes, ma'am.

22          Q.    Will you do that?

23          A.    Yes.

24          Q.    If you don't understand a question, that's okay.  
25 Please just inform me that you do not understand a question



1 and ask me to clarify.

2 Will you agree to ask me to clarify any question  
3 that you do not understand?

4 A. Yes, ma'am.

5 Q. If you do not ask to -- if you do not ask me to  
6 clarify a question, I will assume that you understood the  
7 question and that you gave a complete response.

8 Do you understand that?

9 A. Yes, ma'am.

10 Q. After you have given an answer, you may remember  
11 more information later on in the deposition that responds to  
12 an earlier question. If this is the case, please stop me,  
13 tell me you remember more information that is responsive to  
14 an earlier question, and provide that information.

15 Will you do this?

16 A. Yes, ma'am.

17 Q. If I believe that I have a document that will help  
18 you respond to a question, I will label it as an exhibit and  
19 ask you to review the document.

20 If you believe that I have a document that will  
21 refresh your memory and help you respond to a question,  
22 please ask to see it and I will provide it to you if I have  
23 it.

24 Okay?

25 A. Okay.



1           Q.    Do you understand that I want you to review  
2 records that may help refresh your memory?

3           A.    Yes, ma'am.

4           Q.    Will you ask me for these records if you believe  
5 that they are available to you?

6           A.    Yes, ma'am.

7           Q.    All right.  Let's talk about breaks now.

8                   If you find that you're getting tired at any point  
9 during this deposition, please let me know and we'll talk  
10 about taking a break.  I ask that you answer any question  
11 that is pending before we take a break.

12          A.    Yes, ma'am.

13          Q.    All right.

14                   Do you understand that?

15          A.    Yes, ma'am.

16          Q.    Is there any reason why you can't give full and  
17 complete responses today?

18          A.    No, ma'am.

19          Q.    Are you taking any medication or drugs of any kind  
20 that might interfere with your ability either to recall past  
21 events accurately or testify about them fully and completely  
22 today?

23          A.    No, ma'am.

24          Q.    Do you have any condition that might interfere  
25 with your ability to recall past events accurately?



1           A.    No, ma'am.

2           Q.    Do you have any condition that might interfere  
3 with your ability to testify fully and completely today?

4           A.    No, ma'am.

5           Q.    Is there any reason why your ability to recall  
6 past events accurately and testify about them fully and  
7 completely is not as good today as it normally is?

8           A.    No, ma'am.

9           Q.    Are you feeling okay today?

10          A.    Absolutely.

11          Q.    Do you drink alcohol?

12          A.    I do not.

13          Q.    Are you currently under the influence of any  
14 drugs, either illegal or prescription?

15          A.    No, ma'am.

16          Q.    Can you list any medications that you're taking?

17          A.    I'm not on any since I lost my insurance.

18          Q.    Okay. Do you currently have a medical condition  
19 that requires ongoing treatment by a physician?

20          A.    Quite a few.

21          Q.    All right. And can you list what those conditions  
22 are?

23          A.    I've had double hip replacements due to rheumatoid  
24 arthritis completely ate up the cartilage and stuff. I have  
25 rheumatoid arthritis all throughout my body, which would be



1 why my arms look like this. When I bump into something at  
2 work or something, it bruises. It don't heal. I've got  
3 that all through my feet.

4 I have osteoarthritis in my spine and spinal  
5 stenosis.

6 I have a blood clot in my vena cava, which is why  
7 all the veins and stuff have popped up. It rerouted so they  
8 didn't have to do surgery and put a stent in.

9 I've got lupus.

10 It's just -- and that's -- there's a few more but  
11 I can't pronounce them. And one of them is like a  
12 blood/skin disorder that causes these knots to pop up, and  
13 the only way -- there is no cure for it, but you have to  
14 take steroids and I can't do that. I can't take any  
15 steroids, nothing over-the-counter, any of that because of  
16 the blood clot.

17 And I had to get fixed so I couldn't have any more  
18 kids because they said if I went in labor, I'd die.

19 So -- all because of that blood clot.

20 **Q.** Okay. So it sounds like you have some significant  
21 medical issues.

22 **A.** Every bit of that come on when I was 28. That's  
23 when we found out about everything.

24 **Q.** Do any of these conditions prevent you from giving  
25 truthful, accurate, and complete testimony today?



1           A.    Absolutely not.

2           Q.    Are there any other circumstances or issues  
3 preventing you in any way from giving truthful, accurate,  
4 and complete testimony today?

5           A.    No, ma'am.

6           Q.    Did you examine or review anything in preparation  
7 for the deposition today?

8           A.    No, ma'am.

9           Q.    Have you brought any documents or information with  
10 you regarding this case?

11          A.    I haven't brought anything. I mean, all I -- all  
12 I have is the stuff that I was going to tell you about that  
13 I had spoke with with Hunter.

14          Q.    Okay. Any written documents --

15          A.    No.

16          Q.    -- or anything on paper --

17          A.    No.

18          Q.    -- or anything like that?

19          A.    He has all that.

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

23          A.    No.

24          Q.    When did you first learn that the North Carolina  
25 Innocence Inquiry Commission wanted to take your deposition



1 in this case?

2 A. I just learned what a deposition was. So when you  
3 served me the subpoena.

4 Q. Okay. So from the time that you were served that  
5 subpoena until today, have you communicated with anyone  
6 about the facts of the case or about your deposition?

7 A. No.

8 Q. Okay.

9 A. My mother knew. I had to -- obviously, she  
10 brought me and dropped me off. She knew I had to come and  
11 do it. She knows what it involves. But there's not a whole  
12 lot of people who even know anything about what went on.

13 Q. All right. So I've got some background questions  
14 to go through, and then we will talk about the facts of the  
15 case.

16 A. Okay.

17 Q. What is your date of birth?

18 A. 4/1/86.

19 Q. What is your current address?

20 A. 172 Koontz, K-o-o-n-t-z, Road, Lexington, 27295.

21 Q. And who lives with you at this address?

22 A. My son.

23 Q. Does anyone else live with you?

24 A. No, ma'am.

25 Q. How long have you lived at this location?



1 A. About three weeks.

2 Q. What is the best phone number for you?

3 A. (336)749-2506.

4 Q. What is your e-mail address?

5 A. Jessicah, J-e-s-s-i-c-a-h, 62205@gmail.com.

6 Q. Are you married?

7 A. No, ma'am.

8 Q. Were you married previously?

9 A. No, ma'am.

10 Q. Do you -- you mentioned a son.

11 Do you have any other children other than your  
12 son?

13 A. No, ma'am.

14 Q. What is your son's name?

15 A. Trynton, T-r-y-n-t-o-n.

16 Q. And how old is Trynton?

17 A. 14.

18 Q. Can you tell me about your education?

19 How far did you go in school?

20 A. I graduated high school. I went to school for  
21 aesthetics, finished that, and then I went for cosmetology  
22 and finished that. And I couldn't do either because of my  
23 hands getting so bad.

24 Q. So you have degrees in both of those fields?

25 A. Yes.



1 Q. Are you currently employed?

2 A. I am.

3 Q. What do you do?

4 A. I work at RJR.

5 Q. What is RJR?

6 A. The tobacco plant that RJR -- R.J. Reynolds  
7 Tobacco.

8 Q. What are your duties and responsibilities there?

9 A. To make sure that the operators that are in my  
10 unit -- there are six units. Each unit has a different  
11 number of machines. Each unit makes different kind --  
12 brands of cigarettes.

13 But my job consists of ensuring that the operators  
14 have everything that they need to keep the night going and  
15 keep the machine running and to -- to help maintain the  
16 cleanliness of the machines and to clean the inside of them  
17 and dispose of cigarettes and break them down and -- I mean,  
18 we pretty much -- we are cross-trained on everything so we  
19 do a little bit of everything and -- but that's -- those are  
20 the main duties.

21 Q. Okay. How long have you been working there?

22 A. I just had my year anniversary.

23 Q. Have you done anything else for employment other  
24 than working at R.J. Reynolds and getting your degrees?

25 A. Throughout all that time?



1           Q.    Uh-huh.   Just generally.

2           A.    I have managed convenience stores.   I have worked  
3   at Sara Lee when it was Sara Lee and transitioning to Hanes.  
4   I have worked at Liberty Hardware.   But mainly something --  
5   anything having to do with, like, a factory setting or a  
6   convenience store.   I have done landscaping.   I have helped  
7   do carpentry.   I have -- I just jumped around doing mainly  
8   what I could that was hands-on.   So ...

9           Q.    Have you ever been personally involved in any  
10   other legal cases?

11          A.    I mean, driving stuff with me.   But that -- not  
12   anything like this.   Nothing like this.   Nothing that would  
13   require a trial or anything.   It's all traffic.

14          Q.    Anything civil?

15          A.    Such -- such as?

16          Q.    Any civil suits, anything like that?   Civil  
17   lawsuits?

18          A.    That's like -- money?   Is that what that's  
19   referring to?

20          Q.    It could, yes.

21          A.    No.   The only other thing that I have been  
22   involved in, me and my uncle had got into an argument and he  
23   punched me in the side of the face so I threw something at  
24   him, and we both had assault charges on each other but the  
25   judge had dismissed it.



1 Q. Did he dismiss your cases?

2 A. Yeah. It still pulls up and -- in the records. I  
3 didn't know that until I went to court and was trying to get  
4 a -- I can't even remember what they call it, but it's where  
5 you ain't been in -- been in trouble and you can get it to  
6 where it -- you're not charged.

7 And I went upstairs, and that's when she informed  
8 me the assault still popped up even though it was dismissed.  
9 But it does say dismissed.

10 Q. Okay. Well, when did that case happen?

11 A. Lord have mercy. Maybe three or four -- anywhere  
12 between three and five years ago. I'm not -- I'm not  
13 entirely sure. It was before my mother -- my grandmother  
14 passed away and before he did, because both of them are --  
15 has passed now. And I just -- I'm not -- I'm not positive  
16 on the dates. My mother could tell you that; I couldn't.  
17 She keeps up with all of that.

18 Q. So this uncle who was charged --

19 A. That's right, yeah.

20 Q. -- as well passed away?

21 A. Yes.

22 Q. And what happened to his case -- your uncle's  
23 case?

24 A. They weren't -- the judge dismissed them all  
25 because he said it was just a family disagreement.



1 Q. Okay.

2 A. And that's -- that's what he let it go as.

3 Q. All right. I want to first start off and talk  
4 about November of 2002 before the crime happened -- so that  
5 time period before. And the date of the offense for this  
6 case is November 15, 2002.

7 So going back to that time period, what grade were  
8 you in?

9 A. I was 16 when I was hanging out with them because  
10 I had just got my license. So I'm going to say -- I was 18  
11 when I graduated; so I'm going to say 10th.

12 Q. So this would be the fall of 2002. When did you  
13 graduate?

14 A. 2004.

15 Q. 2004. Okay.

16 I have seen it reported that you were in 11th  
17 grade.

18 A. I might've been in 11th. I wasn't -- that's why I  
19 said maybe 10th -- 10th, 11th, one of them.

20 Q. Okay. Where did you go to school?

21 A. North Davidson High School.

22 Q. And who were your friends in that time period?

23 A. In school, I pretty much -- like, I -- while we  
24 were in school, I stayed to myself. But I hung out with  
25 pretty much all the black kids. The school was a -- is a



1 very, very, I guess you would say, redneck kind of country  
2 school to the point where they have tractor day. Like they  
3 drive a tractor to school and everything. They chew dip,  
4 spit dip in the hallways. Like, I mean, it's redneck. It's  
5 a mess.

6 So the 12 or 15 black kids that lived down in  
7 Midway that went to school with me are pretty much the ones  
8 I hung out with besides -- there was a girl I was close to.  
9 She was my next-door neighbor. Her name was Ashley  
10 Frederick. And then another girl that I was really close  
11 to, Elizabeth Fowler.

12 But other than that, most of the time, I spent my  
13 time down in Midway hanging out with them until I met the  
14 boys. And then when I met them, I -- every day after  
15 school, once I finished -- well, I usually never had  
16 homework --

17 Q. Okay.

18 A. -- because I finished all that in school.

19 But once I got the okay from my grandma, I'd leave  
20 the house and I'd spend my afternoons with them and come  
21 back home when -- by curfew. Like, when she -- I carried a  
22 beeper and she said when she paged me, get my butt home, and  
23 that's what I did.

24 Q. When you refer to "the boys," are you referring to  
25 the defendants in this case that we're here for today?



1           A.    At -- yeah, all -- well, I mean, all of them for  
2 the most part because it was always -- just about always all  
3 of us together.

4           Q.    Other than Ashley Frederick and Elizabeth Fowler,  
5 can you think of anyone else's name?

6           A.    Jordan Sellers. I mean, we were -- I guess since  
7 you get older -- not really what you call friends, more  
8 acquaintances. We used to hang out in bathrooms smoking  
9 cigarettes together and stuff like that. So, I mean, that's  
10 about the gist of, like, what that was.

11          Q.    She was your acquaintance in that time period or  
12 currently?

13          A.    Yeah, all through school. I mean -- because I  
14 went from Davidson -- I went -- started going there when I  
15 was in eighth grade. So she was pretty much an acquaintance  
16 all through there. We never really hung out much outside of  
17 school a couple times. But we'd speak. We were always  
18 cordial and stuff like that, but there wasn't, like, a  
19 really good friend that I hung out with all the time.

20          Q.    In November of 2002, who were you living with?

21          A.    My grandmother and grandfather.

22          Q.    And what is your grandmother's name?

23          A.    Joanna Davis Haley. J-o-a-n-n-a.

24          Q.    And your grandfather?

25          A.    Oh, and the Haley is H-a-l-e-y.



1                   His name is Benny Wayne Haley. She is now passed.

2           Q.    Is your grandfather still alive?

3           A.    As far as I know. I know, I -- I think he's bad  
4 off. I've got a -- we had a restraining order against him,  
5 me and my mom and my brother, and haven't really done too  
6 much talking since that went away.

7           Q.    You mentioned a brother.

8                   Were you living with him at that time?

9           A.    No. He stayed with my mama. I moved out of my  
10 mother's because we are so much alike that we butted heads  
11 quite a bit once I hit teenager. So it was just easier for  
12 me to go to my mawmaw's.

13          Q.    When did you move out of your mother's house into  
14 your grandmother's house?

15          A.    I can't -- honestly, I can't -- I can't tell you  
16 exactly because I bounced back and forth between them. I'd  
17 go back to my mom's and stay, and if we -- if I got mad or  
18 something like that, then I would go back to my mawmaw's.  
19 So, I mean, it was like an off-and-on kind of thing.

20                   And my stepdad and I really never seen eye to  
21 eye -- which was my brother's daddy. They were married --  
22 him and my mother were married for over 25-plus years and he  
23 had been there since I was like 18 months old, but he was --  
24 he was just an asshole, I mean, to tell you what it is. And  
25 so I -- I didn't like him, felt like he didn't like me, and



1 seemed like every time they argued, my name was brought up  
2 and I felt like it was easier for me just to leave the house  
3 because I felt like I was the cause of their arguments.

4 But ...

5 Q. When did you start moving back and forth between  
6 your grandparents' house and where your mother and your  
7 stepfather lived?

8 A. I lived with them when I was -- a little bit when  
9 I was little, when I was a small, small child. Then I went  
10 back to my mom's. But I started going back and forth at the  
11 very beginning of eighth grade year because I had just  
12 started at Ledford, I got suspended off the bus because I  
13 touched a thing that they used to open the doors because I  
14 was sitting in the front seat, I had to let somebody out,  
15 all the kids that were coming -- I couldn't move out of the  
16 way. I held onto that to keep from getting knocked around  
17 while they were getting off the bus, and I got wrote up for  
18 putting people's life in danger because I was up there while  
19 the bus was running and they suspended me off the bus.

20 My mother told me that if my mawmaw could not take  
21 me back to school, she was going to beat the hell out of me  
22 and had me scared to death. And I begged my mawmaw to let  
23 me come and live with her so I did. And when I got mad at  
24 them, I'd run back to my mom's and vice versa.

25 Q. When you say "mawmaw," are you talking about your



1 grandmother? Is that --

2 A. No. I mean I'd run back to my mom's.

3 Q. Your mom's?

4 A. Yeah.

5 Q. Okay.

6 A. When I say "mawmaw" or "pawpaw," that's -- that's  
7 who I'm referring to, is my grandparents.

8 Q. Your grandparents?

9 A. That's what I called them.

10 Q. What is your mother's name?

11 A. Tamara Michelle Black.

12 Q. And your stepfather's name?

13 A. James Henry Brown.

14 Q. And your brother's name?

15 A. James Dustin Brown.

16 Q. Where did your grandmother live in November 2002?

17 A. Gumtree Road. It's 2392 Gumtree Road, 27107.

18 Q. Okay.

19 A. That's the address.

20 Q. Okay. Is that in Winston-Salem?

21 A. It is a Winston address.

22 Q. Is that in Davidson County?

23 A. It is Davidson County.

24 Q. Okay.

25 A. It's right on the line.



1 Q. Where did your mother live in November of 2002?

2 A. 503 Hege Road, Lexington, North Carolina 27295.

3 Q. All right. Lexington is also Davidson County; is  
4 that right?

5 A. Yes. That is -- that's farther into Davidson, but  
6 it was -- from my grandmother's to my mother's wasn't no  
7 more, maxed out, if the traffic was bad, ten minutes.

8 Q. Before this case occurred, had you ever had or  
9 been involved in a criminal case?

10 A. No.

11 Q. Had you ever been investigated for a crime?

12 A. No.

13 Q. What was your involvement with law enforcement or  
14 police prior to this -- prior to this occurring?

15 A. I had never been in trouble. Like, I was a good  
16 student, like, really excelled in school. I listened to  
17 what my mother said down to the T. And they held -- like, I  
18 was held to standards that were, like, up here as to where  
19 the rest of the siblings, my cousins and stuff, were held  
20 down here, because I was the firstborn for so many years.  
21 And so I was done a little bit different. They was a lot  
22 stricter on me, which was part of the reason I kept going to  
23 my grandmother's because I could get away with a little bit  
24 more with them than I could with my mother. She wouldn't  
25 let me go anywhere.



1           Q.    So your grandparents, at -- would it be fair to  
2 say they weren't as strict with you?

3           A.    They were nowhere near as strict. As long as I  
4 did what they expected me to, which was -- if my grades  
5 stayed good and I held down a job to pay for, like, the gas  
6 in my car, they made sure I had a car, whatever kind of car  
7 I wanted. If I didn't like the one I had, they would sell  
8 it and get me another one. Like, I mean, it was --  
9 whatever -- whatever I wanted because I was the baby -- or,  
10 well, not really the baby, but their baby.

11                   And so, yeah, they -- they spoiled me quite a bit.

12           Q.    Okay. I'm going to move on now to the time period  
13 of when you met the defendants in this case. And I'm going  
14 to hand you what I'm marking now as Exhibit 2.

15                   This is a DPS information sheet for Christopher  
16 Bryant, and I just want you to take a look at that exhibit.

17                           (Exhibit 2 marked.)

18           Q.    Do you recognize the person in the photo on this  
19 exhibit?

20           A.    I do. That's Bubba.

21           Q.    All right. Is that a photo of Christopher Bryant?

22           A.    It is.

23           Q.    And you just stated you knew him as Bubba.

24           A.    I did.

25           Q.    In November of 2002, did you know him by any other



1 name other than Bubba?

2 A. No.

3 Q. When did you meet Christopher Bryant?

4 A. I met all the boys at the same time. They were  
5 hanging out at Jermal's -- Jermal's place, which was next  
6 door to -- how do I? -- I guess I would say an aunt removed.  
7 She had been married to my uncle at one point in time.

8 So her son and I were hanging out because I'd go  
9 over there and we'd sit there and we would get high. And  
10 those boys all lived within the same vicinity. And I didn't  
11 know, like, that they all stayed pretty much right there in  
12 a circle around each other.

13 And Opie, which is what her son's always been  
14 called -- his name is Shayne, and -- but Opie introduced me  
15 to them, they all come on the porch, we hung out. I really  
16 clicked with them. I like hanging out with them. They --  
17 they seemed like they were fun. And I had finally just got  
18 my license, and that was -- I was able to do what I wanted.

19 And so I started going up there every day to see  
20 them because I just thought they were -- they were just  
21 cool, cool guys. I mean, like, when -- they were laid back.  
22 They were a good time. But we -- that's all we did was  
23 every day come up there after school, and I'd meet them and  
24 we'd just ride around and smoke or just pass the time, blast  
25 music, just do what teenagers do.



1           Q.    All right.  You've talked a little bit about this  
2 but how would you describe your relationship to Christopher  
3 Bryant?

4           A.    When we first met each other, I didn't really -- I  
5 didn't really care for him because he just seemed like he  
6 didn't -- it's -- he had -- he was kind of smug as far as  
7 his personality.  The more I was around him, the more he got  
8 to where he was -- he was pretty chilled out.  He liked to  
9 use his -- his size as his -- I'm going to say he was -- he  
10 was the more dominant one in the group because he was bigger  
11 and it was always known.  So he would be quick to -- like if  
12 he got into it with one of them boys or something, he could  
13 intimidate them pretty good.

14                   But once I got to know him, I liked him.  I mean,  
15 he's cool people.  We'd talk trash and cut up and have a  
16 good time.

17           Q.    How well did you know him?

18           A.    I had only -- I only hung out with them for about  
19 two months.  So -- and it wasn't never really, like,  
20 personal information exchanged, which is why I only knew  
21 them by nicknames.  I didn't even know their ages.  I  
22 thought they were all older than me and -- because when I  
23 asked their ages -- like Bubba, Bubba told me he was 18.  I  
24 thought he was 18.  He looked like he could have been 18.  
25 He looked like he could have been older.  He was a big guy.



1 And did not find out their real ages until we went to  
2 trials.

3 I had met his mother once -- super, super sweet  
4 woman, awesome woman. And I do know he loved the hell out  
5 of his mama and would do anything for his mama.

6 Q. Okay. I'm going to hand you now what I marking as  
7 Exhibit Number 3.

8 (Exhibit 3 marked.)

9 Q. This is a DPS information sheet for Jermal  
10 Tolliver. And I'd like you to take a look at that exhibit  
11 and I'm going to ask you the same question.

12 Do you recognize the person that is in the photo  
13 on this Exhibit 3?

14 A. I do.

15 Q. Is this a photo of Jermal Tolliver?

16 A. It is.

17 Q. Did you know Jermal Tolliver by a nickname?

18 A. No. Jermal, I think, was the only one that might  
19 have went by his name. They had, like, little nicknames for  
20 him. I can't remember exactly what it was, but I knew him  
21 by Jermal.

22 Q. Did you know his last name at that time?

23 A. No.

24 Q. Did you ever hear anyone refer to Jermal Tolliver  
25 as Mel?



1           A.    Ah.  There you go.  That would be it.

2           Q.    Okay.  And when did you meet Jermal Tolliver?

3           A.    The same time -- the same night or the same  
4 evening that I -- I met Bubba.

5           Q.    What was your relationship to Jermal Tolliver?  
6 How would you describe that?

7           A.    I think we had a good little friendship.  He was  
8 more of the quiet one, laid back.  He wasn't as  
9 rambunctious, which again, would lead me to believe that he  
10 was older because he wasn't -- he didn't act really immature  
11 and like -- like kids our age or -- you know, and he -- he  
12 was always nice.  Super sweet guy.  Never seen anything out  
13 of him.  I never even can recall seeing him mad.  Just a  
14 really nice guy.

15          Q.    How well would you say that you knew Jermal  
16 Tolliver?

17          A.    I didn't.  I knew he stayed in the house that was  
18 beside Opie.  And I didn't really get a chance -- I didn't  
19 really go over there.  His mother seemed like she was  
20 eccentric and she wasn't very -- she didn't come off very  
21 friendly.  So I never would go over there.  I'd be in a --  
22 I'd park in Opie's driveway or park in front of Opie's  
23 house, and that's where the boys would come unless I didn't  
24 see them out in the yards, then I would ride around because  
25 usually they'd be walking or something.



1           Q.    So you just described Jermal Tolliver's mother as  
2 eccentric and --

3           A.    Kind of wired.  Like, she was just up in the air.  
4 She was ...

5                   What I would say as far as, like, somebody  
6 immediately coming off as having an attitude or being kind  
7 of just -- I don't -- kind of hateful.  I don't -- short  
8 and --

9           Q.    You mean short with her words?

10          A.    Yes.  Like just -- just didn't come across as a  
11 friendly woman, not like Christopher's mama.

12          Q.    Did you ever have any specific interactions with  
13 her that you can --

14          A.    Nope.  I just -- I listened to her out in the yard  
15 and stuff like that when she was out there talking to  
16 somebody, and it's the way she came across, looks that she  
17 would give, I mean, and -- I do that a lot.  I pay attention  
18 to my surroundings a lot.  And I watch people's facial  
19 expressions and stuff because I know I'm bad about showing  
20 everything on my face so I make a habit to watch everybody  
21 around me just to see how they -- they act.

22          Q.    All right.  I'm going to hand you now what I am  
23 marking as Exhibit Number 4.

24                   (Exhibit 4 marked.)

25          Q.    This is a DPS information printout for Dorrell



1 Brayboy. Ask you to take a look at that, and I'll ask you  
2 the same question: Do you recognize the person depicted in  
3 the photo of this exhibit?

4 A. Yes.

5 Q. And who is this photo of?

6 A. Dorrell.

7 Q. All right. So you recognize that as Dorrell  
8 Brayboy?

9 A. Yes. That's how I knew him, was Dorrell. I can't  
10 remember a nickname that was used for him.

11 Q. Did you know Dorrell's last name?

12 A. I did not.

13 Q. When did you meet Dorrell Brayboy?

14 A. I don't even think I met him the same night that I  
15 met the others. I think we went and picked him up one day,  
16 I'm pretty sure, when they were staying at the other end of  
17 Devonshire I think.

18 Q. Do you know how long after you met Jermal and  
19 Christopher Bryant that you met Dorrell Brayboy?

20 A. Almost immediately. Like, I mean, it was -- there  
21 wasn't no time after that.

22 Q. Okay.

23 A. Because it was always the same boys that were  
24 always around each other, always.

25 Q. What was your relationship to Dorrell Brayboy?



1 How would you describe it?

2 A. We did not get along from get-go. He was -- he  
3 was smaller than everybody and kind of seemed like he had  
4 the -- like the Napoleon complex. And he was mouthy and  
5 hostile. Just very, just -- his opinion was coming out,  
6 didn't matter, and he was very loud and just -- he was -- he  
7 was a small one so he was going to be heard. That's just  
8 what it was.

9 But it took a few times, after, like, me and him  
10 would bicker a little bit -- even though it would all be in  
11 the car riding around together, and me and him would still  
12 get into it in the car. But the boys -- the other boys, for  
13 the -- for the most part, like Bubba and Stinky and Mel,  
14 they -- they'd be like, "Look, dude, quit acting like that."  
15 And they -- I mean, they kind of talked to him and got him  
16 to where he quit being so damn short with me and -- and just  
17 mouthy. He was still mouthy, but just nowhere near as bad,  
18 not towards me. So we got to where we were pretty cool.

19 Q. How well did you know Dorrell Brayboy?

20 A. Just -- not well. Just enough to -- to grasp his  
21 personality in -- just in a couple of months.

22 Q. All right. I'm now going to hand you what I'm  
23 marking as Exhibit Number 5.

24 (Exhibit 5 marked.)

25 Q. This is a DPS information sheet for Rayshawn



1 Banner.

2 Do you recognize the person depicted in the photo  
3 on this exhibit?

4 A. Yes, ma'am.

5 Q. Is this a photo of Rayshawn Banner?

6 A. It is.

7 Q. When did you meet Rayshawn Banner?

8 A. Same time as I met the other boys, on the same  
9 evening.

10 Q. So would that be the same evening you met  
11 Christopher Bryant --

12 A. Yes.

13 Q. -- and Jermal Tolliver?

14 A. Yes.

15 Q. What was your relationship to Rayshawn Banner?  
16 How would you describe it?

17 A. Started off rocky -- not as rocky as me and  
18 Dorrell, but Rayshawn was more super impulsive, aggressive,  
19 always talking about fighting and stuff. I mean, he was  
20 just -- his brother would have to talk him down, calm him  
21 down a lot.

22 It kind of really, really reminds me of the stuff  
23 my son is going through at the moment. Like, I mean, as far  
24 as his aggression and his anger, stuff like that. He was --  
25 I mean, you could tell the boy was -- he was decent. He was



1 a decent person, I mean, but he just -- I didn't know  
2 anything about their past or anything or what they had grown  
3 up in or anything. He was just -- seemed like he was just,  
4 like, it -- "I hate the world" kind of thing, you know. But  
5 other than that, he was -- he was good. But he was a shit  
6 stirrer all the way. And he instigated just like -- him and  
7 Dorrell both, they would instigate left and right. But  
8 he -- he seemed all right.

9 Q. What would they instigate?

10 A. Like, I mean, if there was -- say, if me and --  
11 just saying, like me and Bubba may have got into a little  
12 spat or something like that, then if it's that -- coming  
13 from the peanut gallery, chiming in and constantly trying to  
14 egg that on, instigate -- just instigate stuff into  
15 something more.

16 Q. Is it fair to say you're saying, like, a verbal  
17 argument, trying to get a verbal argument going?

18 A. I mean, just -- just in general, they were -- it  
19 was just, I don't know, more impulsive than anything. Like,  
20 it was, "Oh, this person pissed me off. I'm going to beat  
21 their ass," stuff like that. You know, they -- those two,  
22 Dorrell and Rayshawn, were -- were both like that.

23 But when Rayshawn was around his brother, he was a  
24 lot more calm, a lot easier to talk to, and, I mean, you  
25 could actually enjoy being around him.



1 Q. Which brother are you talking about -- Rayshawn?

2 A. Nathaniel.

3 Q. You mentioned the word "aggressive."

4 Did you ever see him get physically aggressive  
5 with anyone?

6 A. Not with anyone, but I'd hear them talk about,  
7 like, I guess, get together at some parties or something  
8 they had been to and him showing out or -- or I'd see how he  
9 got pissed off at the other boys, and it was always an  
10 immediate -- like, you'd see his hands clench and he would,  
11 like, just -- that anger. That's why I say -- my son does  
12 that now. And so, as a teenager, like, being their age and  
13 seeing that, you're like, "What the hell's wrong with you?"

14 As an adult, going through the same thing with my  
15 child, I'm like, "Damn. What did the boy go through? Why  
16 was he like that?"

17 And then I met their mom once. I don't think -- I  
18 don't know the woman like that. I met her one time. I  
19 don't know if she was upset because they had me in their  
20 house or if it was because I was a white girl or what it  
21 was, but she was not happy and she was very, very short with  
22 me. She was -- and she did not want me there. So we left  
23 and I never went back.

24 But their mama -- as far as moms go and their  
25 upbringing and stuff like that, their mom was -- she kind of



1 reminded me of mine. She was more -- I know the boys --  
2 those two boys, the brothers, got into a lot of shit as --  
3 when they were younger. But they had a good mama, man. She  
4 was -- she was hard on them. And she was. The stuff that I  
5 could hear her say -- I'd pull out in front of the house and  
6 she'd be out there on that porch raising hell and getting  
7 onto them and stuff.

8 But they had a good mama. She -- she was strict  
9 for the most part.

10 Q. How well would you say that you knew Rayshawn  
11 Banner?

12 A. Just as -- as your little homeboy riding around,  
13 smoking, and just going places and stuff like that. I  
14 didn't really care for, like -- with him and Dorrell, it  
15 didn't really matter if they were there or if they weren't.  
16 Like, that wasn't the main boys I was really enjoying  
17 hanging out with. I mean, if they were there, then, okay,  
18 cool; they're there for the ride-along. But if not, it was  
19 okay.

20 Q. All right. I'm handing you now what I marking as  
21 Exhibit Number 6.

22 (Exhibit 6 marked.)

23 Q. And this is a DPS sheet for Nathaniel Cauthen.  
24 Do you recognize the person in the photo on  
25 Exhibit 6?



1           A.    I do.

2           Q.    Is that a photo of Nathaniel Cauthen?

3           A.    It is.

4           Q.    Did you also know Nathaniel Cauthen by the  
5 nickname of Stinky?

6           A.    That's the only way I knew him.  I did not know  
7 his name was Nathaniel --

8           Q.    Okay.

9           A.    -- until the trials.  Excuse me, until, I guess,  
10 the interrogations, rather.

11          Q.    Did you know any of the defendants' last names?

12          A.    No.  No.  Because I -- as a matter fact, when I  
13 found out, like, which trials I was going to, that I had  
14 to -- I had to have the DAs and stuff to tell me -- say --  
15 call them by nicknames because I didn't know who they were  
16 talking about.  And it took me a while to place their names  
17 with their faces because I'm -- I'm still horrible like  
18 that.  I know people's faces; I don't know their names.

19          Q.    Well, we have these exhibits now; so if there's  
20 ever a question during the deposition, you can go back and  
21 look at that if we need to clarify who we're talking about.

22          A.    All right.

23          Q.    When did you meet Nathaniel Cauthen?

24          A.    The same night I met the other -- the other  
25 fellas.



1           Q.    Was that that night you met Christopher Bryant,  
2 Jermal Tolliver, Rayshawn Banner?

3           A.    Yes, ma'am.

4           Q.    All right.  So you met Nathaniel Cauthen with  
5 those three before you met Dorrell Brayboy?

6           A.    I did.

7           Q.    What was your relationship to Nathaniel Cauthen?  
8 How would you describe it?

9           A.    He was probably the one I was closest to.  Him and  
10 I got along really well.  He was really chill and laid back.  
11 And, I mean, if any of the boys felt funny inside, they want  
12 to come out the neck and say something smart to me or give  
13 me shit about something or try to pick on me in some way or  
14 something just to be little jerks, little teenage boys, then  
15 Stinky was always the one that was like, "Look, y'all need  
16 to stop being like that.  Don't treat her like that.  Don't  
17 say that to her.  Don't"-- me and him, we hung out more than  
18 me and the rest of the fellas.

19          Q.    Okay.  How well did you know Nathaniel Cauthen?

20          A.    I didn't -- not like -- I mean, I didn't -- the  
21 personal stuff, I didn't know anything like that.  I just  
22 knew that I clicked with his personality and we could hang  
23 out without there being any kind of drama or BS and any kind  
24 of chaos or anything.  Because when you got them all  
25 together, then, the -- Jesus Christ, acting like a bunch of



1 fools, man.

2 Q. I'm going to refer to these five individuals --  
3 Christopher Bryant, Nathaniel Cauthen, Rayshawn Banner,  
4 Jermal Tolliver, and Dorrell Brayboy -- by their full names,  
5 and sometimes I will refer to them as "the five defendants."  
6 And when I do that, I just want to make sure you understand  
7 that I'm -- when I say "five defendants," I'm referring to  
8 the five individuals I just named.

9 A. Okay.

10 Q. Okay. Did you date any of these five defendants?

11 A. I did not.

12 Q. Did you have any sort of a romantic relationship  
13 with any of the five defendants?

14 A. Me and Nathaniel, we had -- we had messed around  
15 one time. I was still a virgin. I didn't -- because I  
16 didn't even have sex until after I graduated high school.  
17 So I really didn't know much about much. I was kind of  
18 terrified of the male anatomy, I swear. But him and I, I  
19 think we messed around once. But other than that, we just  
20 more got along, just hung out. And that -- that's about it.

21 Q. You -- you brought up a couple of instances, but  
22 just to go back to this, did you ever go to any of the five  
23 defendants' houses?

24 A. I went to Bubba's house. I met his mother. I did  
25 not go in. His mother come out on the porch. But she was



1 super friendly. If you was hungry, she'd feed you.  
2 Thirsty, need somewhere to sit -- whatever. I mean, that  
3 woman is -- she was so nice.

4 Nathaniel -- well, Stinky and Rayshawn, we went to  
5 their house one day -- I can't even remember what it was  
6 for. I think it was for them to grab something out of the  
7 house and we had all went in there because his mother was  
8 not home. She happened to come home while we were in there,  
9 which may be why she acted the way she did, but she seemed  
10 like she was kind of mean and I did not go back there.

11 Mel -- I wouldn't even go in his yard. There was  
12 always a lot of stuff popping off at his house.

13 Q. What do you mean by that?

14 A. Chaos. Arguments. Like, I mean, hell-raising.  
15 Like, I don't know if his -- if it was his uncles that were  
16 always there or if they were older cousins or what. I'm not  
17 sure exactly who the guys were. But they -- I mean, it  
18 seemed like every time you turn around, there was always  
19 something going on. That's why -- and he was always wanting  
20 to -- wanting to go. It was like, "Well, let's go. Let's  
21 go. We're going to ride around. We're going to do  
22 something."

23 Like, I mean, it's -- I ain't never really see any  
24 of them over there. I mean, when they were, they were  
25 usually out in the yard.



1           And I never met anybody that was Dorrell's family  
2       ever. Usually if I took him and dropped him home, it was I  
3       dropped him off in front of his -- where I -- what I think  
4       was his house. And that was it with that one right there.  
5       So ...

6           Yeah. Bubba's mom was the only one I really ever  
7       sat and had a good -- a conversation with.

8           **Q.**    When did you go to Christopher Bryant's house  
9       where you talked to his mother on the porch?

10          **A.**    I don't even -- I couldn't tell you an exact day  
11       or anything. I mean, it was just one of the evenings I was  
12       up there, and we just -- just so -- I don't even know why I  
13       went over there. I just so happened to go over there and  
14       she come out there and she was just real nice. I guess she  
15       wanted to know who it was that was there. And -- but she  
16       made you feel welcome. She was -- she was real nice. And  
17       from what I gathered from everybody, that she was like the  
18       neighborhood mama. She -- she was just -- for all of them  
19       fellas. She was just a really, really nice woman.

20          **Q.**    Same question regarding the time you went to  
21       Nathaniel Cauthen and Rayshawn Banner's house.

22                When was that?

23          **A.**    I know it was sometime during the day. I do know  
24       that. But just one of them times I went over there. Like I  
25       said, I can't even recall what it was we went there for, it



1 was for something, but that's when his mother had gotten  
2 home.

3 Q. Prior to November 15, 2002, how many times a week  
4 were you going and hanging out with any of the five  
5 defendants?

6 A. Every day, if I could. Every day I could get away  
7 from the house, I could. My grandparents told me -- when I  
8 got my license, it was, "Jessica, doesn't matter where you  
9 go, doesn't matter -- it doesn't help"-- first, I had a '72  
10 Nova that was canary yellow, black racing stripes. It  
11 seemed like my grandparents knew any and everybody around  
12 Winston. My whole family was born and raised there. So  
13 they were pretty well known. So everybody knew my car, all  
14 their friends. I was told specifically, "Stay out of  
15 Southside."

16 My mother moved me out of Southside because she  
17 did not want me raised up over there. It had gotten to  
18 where it was nothing but trouble. Every time you turn  
19 around, it's trouble. Bad stuff always happened. So she  
20 didn't want me to finish my teenage years and stuff there.  
21 Took me to Davidson County.

22 That's when things -- stuff went down with Ledford  
23 and me getting kicked off the bus and I moved in with my  
24 grandparents. With them, as long as my grades stayed up and  
25 I worked a job to pay for my gas, they would maintain my



1 car, my insurance.

2           They got me a pager. If she paged me and just put  
3 in her regular number, it was -- it was just call her and  
4 see what she wanted, maybe she had a question. If she put  
5 in 911, I better get my ass home then. And she gave me a  
6 certain amount of time to get home within her paging me;  
7 otherwise, I couldn't leave the house again.

8           So every day I got out of school and made sure  
9 that they didn't need me for nothing, and I'd tell them I  
10 was going to see friends. I lied -- never told them I was  
11 going to Southside.

12           At this time, I had done got rid of the Nova and  
13 got an '86 Mercury Cougar, and I just wanted -- I just  
14 wanted to drive the car. And we just -- just wanted  
15 somebody to hang out with. But it seemed like because they  
16 told me I couldn't go to my hometown, that's where I was  
17 going and I wanted to. And I knew -- it didn't matter. You  
18 could go -- you could pull up at a convenience store in  
19 Southside or at the carwash or something, and you could  
20 always find a party. You could always find people to hang  
21 out with even if you didn't know them. It was -- you could  
22 always find something to do, which is why I was over there.

23           But I had recently found out about Ann Gilkerson,  
24 which is the lady I told you was married to my uncle -- one  
25 of my uncles -- found out that she had lived there, and her



1 son. I hadn't seen her in years. I wanted to go by and see  
2 her. So I had started going over there a couple days a  
3 week.

4 One night, me and Opie were sitting out on the  
5 porch smoking a blunt, and all the boys -- well, not all of  
6 them, not Dorrell -- but the rest of them were all over in,  
7 like, Mel's yard just cutting up and stuff, and they were  
8 hollering back and forth to Opie, talking, and asked who I  
9 was, and they all come over there. And everybody was -- was  
10 on Opie's front porch, and we stood around and finished  
11 smoking the blunt, and we just -- we just clicked.

12 And I kept going over there to see Opie again, but  
13 it was -- like, when I went to Opie's, I was hoping that  
14 they'd come out because they -- they had more personality,  
15 they were fun. They were just fun to hang out with. I had  
16 a good time. They kept me laughing. They were just -- they  
17 really were fun to hang out with.

18 **Q.** Was Opie friends with the five defendants?

19 **A.** Yeah, he was. He knew all of them. And -- well,  
20 I mean, he's the one told me their names as far as nicknames  
21 and stuff. And -- but he had known all of them for a  
22 minute. Because I didn't know that they actually had  
23 lived -- Opie and his mother had lived in that same house  
24 for some years now. So -- or by then. So, yeah, he knew  
25 them probably a whole lot better than I did.



1           Q.    Did you hang out with Opie and the five defendants  
2 together? Or tell me about how that worked.

3           A.    Once I started hanging out with them, it seemed  
4 like Opie kind of got jealous, mad -- some "can't have more  
5 than one friend at a time" kind of thing. So I quit hanging  
6 out with him and just started hanging out with them. And  
7 that didn't take no time. Maybe -- hell, within the first,  
8 maybe, couple of weeks and he got pissy so I quit hanging  
9 out with him.

10          Q.    What was your relationship to Opie?

11          A.    Opie would have been, I guess, my cousin while his  
12 mama and my uncle were married. He was -- we were little  
13 kids. They got divorced while we were little but we still  
14 considered him family. She still carries my uncle's name.  
15 And -- but Opie had got to a point where, like, he was,  
16 like, had a crush on me, he wanted to be romantic --  
17 romantically involved, and I didn't want to, but I knew he  
18 always had weed and stuff so I could go over there, and I  
19 knew he was going to smoke.

20                He -- as an adult, he had got hit on Highway 52  
21 out there working with a road crew or something and got some  
22 big settlement and stuff. And I had to turn around and  
23 block him on all social media. I had to block his phone  
24 number. And I moved because it got to the point where it  
25 was, "Jessica, please, if you'll just come and -- just come



1 and stay with me, I'll take care of you. You don't have to  
2 worry about it."

3 And I was, like, "Dude, you're pretty much --  
4 you're family. You was -- you were my cousin at one point  
5 in time."

6 So that's the majority of why I quit hanging out  
7 with him, because he got to where he was real pushy like  
8 that and he -- so when I tell you he got pissy over me  
9 hanging with them boys, it wasn't just like "I'm mad because  
10 my friend is hanging out them." It was more he was pissed  
11 off because he wanted my attention and he wasn't getting it.

12 And I -- the majority of my friends even to this  
13 day are black. And just like when I was doing hair, I did  
14 black hair. I went to school to do black hair. And I  
15 just -- I felt like -- like the white people I knew in  
16 Davidson County, they -- they were more -- they had money,  
17 and I didn't come from money. And -- so those boys were  
18 more my level. We all come from the same part of town and  
19 kind of grew up the same kind of way and had the same  
20 mentalities. So our personalities really clicked. But --  
21 that's it.

22 Q. When did you have to block Opie on your social  
23 media?

24 A. I have blocked Opie on my social media and stuff  
25 probably a good six or seven times because I'll wait a



1 couple of years and I'll unblock him and figure maybe he's  
2 going to act right now, and then he'll start his little dumb  
3 mess up again, and it don't even make no sense.

4 If he sees me -- still to this day I can pull up  
5 at a stoplight, and if there's -- there's two lanes. I have  
6 to -- a couple of years ago, as a matter of fact, I was  
7 sitting at a stoplight. He pulled up beside me at the  
8 stoplight, rolled down his window, hollered -- I hadn't seen  
9 this boy in, like, three years -- hollered. And it was  
10 like, "Jessica, Jessica" -- he ended up following me.

11 And I wouldn't -- I wouldn't stop my car where I  
12 was going. I just kept going by. And -- just to try to get  
13 away from him, to see if he was following me. And he  
14 followed me for probably 25 minutes. And I finally went  
15 back to R&R Automotive, which is right on Lexington Road,  
16 right by -- right two minutes, probably, walking from Stinky  
17 and Rayshawn's house. And he pulled in behind me. I  
18 happened to be dating a guy that was working there and he  
19 told him off, and I haven't heard from him since then.

20 Q. The neighborhood where the five defendants lived  
21 and Opie lived, is -- when you refer to the south side, is  
22 that the same -- is that neighborhood part of the south  
23 side?

24 A. Yeah. It's part of the south side.

25 Q. Okay. Ms. Black, you did not go to the same



1 school as the five defendants; is that right?

2 A. No, ma'am.

3 Q. Where did the five defendants go to school back in  
4 November of 2002?

5 A. I don't know.

6 Q. Were you aware at that time that Dorrell Brayboy  
7 and Rayshawn Banner were in middle school in November of  
8 2002?

9 A. I did not know. When they told me -- when we  
10 started the trials, that is when I learned about them being  
11 14 years old. When they told me they were 14, my mouth hit  
12 the floor. I was like, "Are you serious?"

13 Like I said, every -- every one of the boys told  
14 me they were older than what they were. As far as I knew,  
15 they ranged between 17 and 18 years old. I did not know --  
16 like, I just figured that, hell, not all 17, 18-year-olds  
17 got cars. Not everybody -- especially coming from that part  
18 of town. I mean, the only reason I did was because my  
19 grandpa was in the wrecker business and shit. So that's the  
20 only reason I had access to vehicles like that. But we come  
21 from the same part. So I just looked at that as, "Well,  
22 they ain't got a car." I didn't -- I wasn't thinking in  
23 terms of their age.

24 So needless to say, when I found out that they  
25 were 14, that -- that floored me because I was like -- you



1 know, I was a kid, but they were really kids.

2 Q. So you weren't aware that none of the five  
3 defendants was even 16 yet at the time?

4 A. No, ma'am. Every bit of that I learned with the  
5 trials.

6 Q. You -- were you aware that none of them could  
7 drive in November 2002?

8 A. No. I just thought they didn't have cars so they  
9 didn't drive. Which I never let anybody drive my car  
10 because it's -- I was always on my mawmaw's insurance. And  
11 so -- and she told me not to ever let nobody drive my car  
12 because if they mess up her insurance, they're going to kick  
13 my ass. So ...

14 Q. Did you know whether or not any of the five  
15 defendants had driver's licenses?

16 A. No. That was nothing that -- that wasn't my  
17 concern. I didn't care. I drove. And as long as I drove  
18 around and we'd ride around, they supplied the weed. And  
19 that's -- that was pretty much the gist of the friendship or  
20 the relationships we had. It was we all got together. I --  
21 now that I'm adult, it's, like, pretty much they just --  
22 they had a ride, they knew they could just ride around and  
23 chill instead of having to walk. And, me, I was like -- I  
24 had people to hang out with and they supplied the weed and  
25 they just kept me high.



1           Q.   Who supplied the weed to you?

2           A.   Everybody. They all -- all of them would have --  
3   it was just different times depending on who had it. I  
4   mean -- and they'd all take turns rolling up and -- and we  
5   just smoked and I'd be back home.

6           Q.   Did you ever provide any marijuana to them?

7           A.   No. Because I never had to buy it.

8           Q.   Did you ever drink alcohol with any of them?

9           A.   I don't -- I don't think so. I've never been a  
10   big drinker so I -- I don't -- I don't think I have.

11          Q.   Other than marijuana, did you do any other drugs  
12   with any of the five defendants?

13          A.   No, that's all -- no. No. No, ma'am. That's all  
14   I did -- ever done.

15          Q.   Did any of the five defendants know where you  
16   lived?

17          A.   I think they rode with me to my grandparents'  
18   house one time, but I can't -- I can't recall who all was in  
19   the car. I don't think it was the whole group. Hell, it  
20   may have just been Stinky. I don't -- I can't remember.

21                But I do remember, like, telling him don't get out  
22   the car. My pawpaw was very, very old school, okay, you  
23   don't -- you don't mix races. You don't -- you don't do all  
24   this.

25                I hate that. I have fought them my whole life



1 over that. I understand that things were a certain way back  
2 in the day, but I worked hard to get my young'un to know --  
3 like, to tell him it doesn't -- it don't matter. There's  
4 good and bad in every race. You can't judge people.

5 But my pawpaw had told me one time -- I was about  
6 11 years old and I was looking at a magazine, and I -- back  
7 when Usher first come out, and I said, "Oh, look," I said,  
8 "Mama, he's so cute."

9 She said, "Who?"

10 I showed her the picture.

11 My pawpaw told me -- he said, "I'm going to tell  
12 you right now" -- pardon my language -- "if I ever catch you  
13 with a nigger, I will put you 6 feet under."

14 So I was terrified. So the fact that I even  
15 brought whichever to the house or they rode with me -- and I  
16 promise you, it was probably dark when I pulled up so that  
17 way they couldn't be seen, and it was, "Don't get out this  
18 car. Don't make a noise. Don't nothing" -- because I  
19 would've probably -- you know, I was scared to death. I  
20 thought my grandpa would literally kill me.

21 So I didn't ever tell them. They didn't know I  
22 was hanging out with them.

23 Q. And you said that Nathaniel Cauthen went to your  
24 house one time.

25 Was it only the one time or was there ever more



1 than one time that any of the five defendants went with you  
2 to your grandmother's house?

3 A. That's why I said I don't think it -- I don't  
4 think I took them to my house very often. It may have just  
5 been once, maybe twice. I mean, not -- I am not sure, and  
6 I'm really not, and I can't -- I can't even tell you exactly  
7 who was with me when we went to the house. I just knew to  
8 tell them, "Shh."

9 Q. Okay.

10 A. As a matter fact, if I had to stop anywhere with  
11 them in the car, it was always, "Be quiet." Because  
12 everybody knew my grandparents and had they seen me with a  
13 car full of black boys, that'd been -- that would've been my  
14 ass.

15 Q. The whole time that you knew the five defendants  
16 and that you were hanging out with them, did you have any  
17 contact with your mother and your stepfather?

18 A. Oh, yeah. I don't go a day without speaking to my  
19 mama my whole life, never. I speak or I see -- I see her  
20 one way or the other.

21 Q. Was your -- was your mother aware that you were  
22 hanging out --

23 A. No.

24 Q. -- with any of the five defendants?

25 A. No, ma'am.



1           Q.    How did she feel about your having friendships  
2 with black people?

3           A.    My mom was not -- she's not about the race thing  
4 like that. They did the same thing to her. My grandpa told  
5 her that exact same thing. So she decided to buck the  
6 system. She started dating Hispanic men and did for quite a  
7 few years. And so they finally learned that they couldn't  
8 run -- run her life. She was gonna do what she wanted to.

9                   But we were told, both of us, that we would be  
10 disowned. My grandparents -- my grandma didn't -- never  
11 stopped speaking to her. My pawpaw got mad and didn't talk  
12 to her for a little while and then he got over it.

13                   But she -- she's not -- she's not as bad, like,  
14 with that. But -- just like she knows, like, my son -- I  
15 swear, as long as you had some kind of tan going on with  
16 your color, he had all the interest in the world -- if  
17 you're black, Mexican, Asian, something -- anything that had  
18 a color but white; he wouldn't look twice at a white girl.  
19 He just recently got to where he'd look at white girls.

20                   And I told him, "I don't care who you bring home.  
21 I don't care. Just don't -- you better make sure they treat  
22 you right. I don't care. Black white, green, purple, it  
23 don't matter."

24           Q.    I just want to clarify.

25                   When you say your cousin Opie was Shayne, it's his



1 full name Michael Shayne Gilkerson?

2 A. Gilkerson.

3 Q. Okay. And how long had you been going to that  
4 neighborhood where Opie lived?

5 A. I had been hanging out at Opie's house probably a  
6 couple weeks prior to meeting the boys -- maybe three or  
7 four weeks maybe. And then it was damn near every day for  
8 two months because that's -- two months is about just what I  
9 hung out with the fellas before all this shit happened.

10 Q. So was that Monday through Friday after school and  
11 the weekends?

12 A. And the weekends, yes.

13 Q. You mentioned something earlier about working to  
14 have money for gas.

15 Were you working in November 2002?

16 A. Oh, Lord. I don't know. Pretty sure because I  
17 got a job -- like, I mowed yards and stuff before I was old  
18 enough to get a work permit. As soon as I got my work  
19 permit, I went straight to work and I have always had --  
20 always held down a job.

21 So at 16, I'm pretty sure I was working at the  
22 McDonald's. When I was 16, I worked at the McDonald's in  
23 Lexington. I'd also worked at the Subway in Welcome. I'm  
24 pretty sure I was working at one of those places.

25 Q. What kind of hours per week would you have been



1 working?

2 A. They usually worked me on the weekends. And when  
3 they did, it was only part -- it wasn't even full part-time  
4 hours. I mean, it was -- it was just a few hours. I didn't  
5 care as long as I had -- as long as I had money to pay for  
6 gas in my car, I was good.

7 Q. Did you ever get into a fight with Opie in front  
8 of any of the five defendants?

9 A. I'm sure I probably cussed him out in front of  
10 them. I'm not going to recall and say that's for certain,  
11 but I'm sure I probably did.

12 Q. Was there ever any sort of physical violence  
13 between you and Opie?

14 A. Not that I know of. Not that I can remember.

15 Q. Did you know anything about the five defendants  
16 before you met them at Opie's house?

17 A. No.

18 Q. We've been going about -- a little bit over an  
19 hour.

20 Do you want to take a short break now or do you  
21 want to keep going?

22 A. Let's go.

23 Q. All right. Ms. Black, you mentioned a reporter  
24 named Hunter to me when we served the subpoena on you for  
25 this deposition and asked if we had talked to Hunter.



1           Who is Hunter?

2           A.    Hunter Atkins.  He is a journalist for the  
3   *Houston -- Houston Chronicle* maybe.  He's the sportswriter.  
4   But he had been trying to get ahold of me for about three  
5   years.  And, now, anybody who tried to get ahold of me  
6   regarding anything having to do with this case, I blocked, I  
7   moved -- I did everything I could stay away from this case.

8           That is the scared -- most -- that's the most  
9   scared I've ever been in my whole life.  So I couldn't  
10   imagine how scared they were.  I know how scared I was just  
11   testifying -- terrified.  So ...

12          Q.    Okay.  You said he'd been trying to get ahold of  
13   you for three years.

14                Do you know the first time he made contact with  
15   you or tried to get ahold of you?

16          A.    He had sent me a message over Facebook Messenger  
17   explaining who he was, sent me a link to the website that  
18   had his articles and the type of work that he does.  He was  
19   trying to be super persuasive and -- in the extent of  
20   telling me that he didn't want to write and try to bash me  
21   or any of the boys.  He was looking for the truth and wanted  
22   to -- that was his whole point, was to get the innocence  
23   people involved.  And he explained to me that there was two  
24   different innocence things and one of them was by the State  
25   and the other one wasn't, it was through something else.



1           Anyway, that's why I thought -- that's why I asked  
2     you because he's the one who taught -- filled me in on you.  
3     He done told me who you were. He was talking about this  
4     lawyer who -- who would fight for people and -- for people  
5     that -- that had a chance, that maybe things weren't done  
6     right, maybe, you know.

7           And he scared me to death. Talking to him, I  
8     cried. He come all the way up here from Texas. He come all  
9     the way here and popped up on me, and that is the only  
10    reason I agreed to meet with him. He found the guy I was  
11    dating. He went to his mother's house. He went to a few  
12    people's houses trying to see if he could get ahold of me.  
13    And of course he had to explain to them why he wanted to  
14    talk to me, which really pissed me off because, like I said,  
15    I don't -- this is not something I bring up in conversation.  
16    I do not tell people none of this because of everything that  
17    was said during the trials, and I'm just terrified somebody  
18    was going to find out where I was or where my young'un was  
19    and try to hurt my young'un or hurt me because of -- of what  
20    happened with them or with Mr. Jones.

21           And then the fact I didn't even know who Chris  
22    Paul was and then the fact that here -- he has so many fans  
23    around here, somebody would get pissed off and -- and just  
24    react and -- and just do something really stupid. And I  
25    just -- I just didn't want my son in all that. The last



1 time I testified, I was pregnant. After that, I was so  
2 glad. That was the last trial I went to.

3 When he found me and he asked me where I could  
4 meet him at or where he could meet me, I told him -- gave  
5 him an address of the IHOP on Peters Creek, told him to meet  
6 me there once I got off work. Like I told y'all, I work  
7 third shift, because this has been fairly recent.

8 I met him at the IHOP. He set up a camera, a  
9 recorder. He had his computer. We sat there for about  
10 three or four hours and had a really, really good  
11 conversation. I laughed. I cried. He even brought me a  
12 birthday cake because my birthday had just passed and my  
13 cake melted in the car.

14 But once I finally gave him a chance to explain  
15 hisself, he was able to throw facts at me pertaining to the  
16 case and stuff that I -- I never knew. I didn't -- didn't  
17 have a clue on, and which I really appreciated because as an  
18 adult, you're able to comprehend what actually was going on  
19 at that point in time and what you -- certain things that  
20 happened that you now know as an adult was really wrong,  
21 really shitty, and really -- they went about some things in  
22 a bad way.

23 And -- but I told him all about the boys. And he  
24 had -- personally, he had spoke with every one of them,  
25 whether it be the brothers that are still locked up, he has



1 talked to them on the phone. He has went and personally sat  
2 with the mothers of all the boys. And he has went and spent  
3 time with Chris and Jermal and Dorrell. As a matter of  
4 fact, the day that things went down with Dorrell, I had sent  
5 him a message and asked if he had heard about it, and he had  
6 just heard about it and --

7 Q. Sent a message to?

8 A. Hunter.

9 Q. Hunter? Okay.

10 A. And he is actually the one who -- because what I  
11 assumed -- and you should never assume, but what I assumed  
12 was that maybe one of Chris Paul's fans or somebody who was  
13 pissed off over stuff that happened then had maybe seen him  
14 and took out their anger on him. And that's what I assumed.  
15 So I brought that up to Hunter.

16 He said, "Jessica, no, I have talked to some  
17 people." He said, "It was some built-up tension over a  
18 petty amount of money between him and his cousin." He said,  
19 "And it's a shame." He said, "The boy had done all that  
20 time, got out, and had just had that baby and had just got  
21 to experience his first little bit of freedom and fatherhood  
22 and then he was killed."

23 So, I mean, it's not like I ever wanted them to be  
24 locked up or go to jail, but I was scared to death and  
25 there's not a day that don't go by that I feel for them



1 boys. Because that's half their lives gone. Their teenage  
2 years shot to hell, young adulthood shot to hell.

3 So now they're out here -- the ones that have been  
4 released are out here, and they are trying to let things go.  
5 And Hunter was like, "Jessica," he said, "you know, I asked  
6 them how they felt about you," he said, "and they -- they  
7 said that they -- all of them said that they did not harbor  
8 any hard feelings." They felt like I got caught up into  
9 this kind of like they did or how they seen things.

10 And I agreed. And I told him, I was like, "If you  
11 can" -- because I try my best to stay out of Southside  
12 unless I have somebody with me. At them trials, things were  
13 so hot and heavy, I didn't let none of my family come --  
14 none. I did not allow them to come to the trials. I was so  
15 ashamed that I had let my family down and got in trouble  
16 because I -- I don't get in trouble. I was the good child.  
17 I listened to everything I was told to do and did what I was  
18 told to do.

19 And I felt ashamed. And I felt like they were so  
20 disappointed in me. And I felt like I -- I don't know. I  
21 felt like I was going to be in trouble with them rather than  
22 having the support. And now everybody -- my mother has  
23 always been by my side. And it broke her heart for me not  
24 to let her come, but I went by myself. The DAs kept me in  
25 their office. They even had me smoking in their office.



1 They wouldn't let me go outside the courthouse.

2 Q. Smoking cigarettes?

3 A. Yeah. The -- the families of the boys and stuff,  
4 they were pissed off and they had every right to be. But  
5 they had me terrified, and it was "That's all right because  
6 when we see you, promise you, you're going to get yours." I  
7 was -- I'm still scared to go in Southside by myself. I'll  
8 go as long as I got somebody with me. I don't worry about  
9 it then.

10 But he told me that -- Hunter told me that he had  
11 discussed that with all -- with the boys and that that was  
12 just stuff that everybody have said out of anger and he had  
13 spoke with their families and their moms and stuff, and they  
14 said they didn't feel that way anymore. But it still had me  
15 worried to death because I was scared that Trynton might be  
16 with me and something happen and he sees stuff he shouldn't  
17 see or -- my face don't change. I look exactly the same as  
18 I did then -- hair, face, everything and -- so it didn't  
19 matter. I didn't -- I looked at it. I was like -- if I'm  
20 driving a different car, I'm not going to be noticed.

21 The older I get, I realize, well -- I look back at  
22 pictures, and I don't change -- none. And it's not a --  
23 I've got one of them faces you don't -- you just know you've  
24 seen, you know, and it -- it just had me terrified.

25 But Hunter brought a lot of things to light that I



1 did not -- didn't realize being 16 and scared. And he did  
2 the same thing for the boys. And he has begged me and  
3 begged me and begged me to talk to friends of his that were  
4 lawyers or friends that were with the other innocence thing  
5 and -- and I wouldn't because I -- I was scared that I was  
6 going to be put on trial again and have to go through all  
7 this again, which is why I tried to avoid you because I  
8 thought -- I thought I was going to have to be in a  
9 courtroom in front of the families and stuff. And I -- I'd  
10 probably have a nervous breakdown. I can't do it.

11 This right here, I don't mind. I can deal with  
12 this. It's still hard. I can deal with it, but I'm just  
13 terrified -- I'm terrified of having to go through and  
14 relive all that again.

15 Q. Ms. Black, you've said a lot, and I just want to  
16 go back and ask you some follow-up questions.

17 But first I just want to clarify we work for the  
18 North Carolina Innocence Inquiry Commission. We are  
19 neutral. We do not represent any of the defendants in this  
20 case. We are not their attorneys. And so we are just  
21 looking for the truth in this case.

22 A. But, you know, the fact that the defense attorneys  
23 had me terrified, I did not realize how easy it is to  
24 twist -- turn and twist everything you say into a different  
25 way and I felt like nothing I said was right, nothing I said



1 was good enough, nothing -- and those defense attorneys had  
2 me terrified. They hurt my feelings. They -- they just  
3 scared the shit out of me. And that's what I thought I was  
4 gonna go back through, which is why I have avoided ...

5 The first letter I can remember getting from the  
6 innocence people -- and I don't know if it was from the one  
7 you're with or from the one he was talking about. I know it  
8 was a certified letter. I knew better than to go get it.  
9 My mother said never answer a certified letter.

10 I went to the post office. I was like, "Ooh, this  
11 is neat. I got something certified." I opened it, and I  
12 immediately -- I took -- like, I dropped the envelope, the  
13 paper, everything, and I started crying. And I called my  
14 mama and I told her about the letter I received, and she  
15 said, "What do you want to do?" And I just started crying.  
16 I was just hysterical. I was scared, scared to death. And  
17 I was like I didn't even want to be part of it. As a matter  
18 fact, the one that -- that they had sent before I'm pretty  
19 sure was male.

20 Q. When did you receive that certified letter?

21 A. I was living in Burlington. My son had just  
22 started kindergarten, so he was 5; so nine years ago.

23 Q. The only thing that we have done recently is tried  
24 to subpoena you for the past few months for the deposition.  
25 So ...



1           A.    Well, it must've been the other one. I just  
2 wasn't sure. I didn't even know there was two of them.

3           Q.    We are the one that is -- by statute, we're  
4 neutral. And I described the process to you at the  
5 beginning. We don't represent anyone who makes innocence  
6 claims, but there are other innocence organizations in the  
7 state.

8           A.    Well, I didn't know how all that worked. And this  
9 is -- like, they constantly threw at me throughout the  
10 whole -- whole few years of the trials and stuff, "They can  
11 always come back and charge you, Ms. Black. They can always  
12 come back and charge you. They can always come back. No  
13 matter, 30 years down the road, they can always come back  
14 and they can charge you."

15          Q.    And who told you that?

16          A.    The lawyers. So that was one of my main reasons.

17          Q.    Which lawyers?

18          A.    That -- that comment was brought up by the DAs.  
19 It was brought up by the defense attorneys while I was on  
20 the stand because, of course, they had asked was I told that  
21 I -- I wouldn't ever get in trouble or I wouldn't be charged  
22 with anything if I would testify, this, that, the other.

23                And I was like, "Oh, no. I was told they could  
24 always come back and charge me."

25                And I am so scared to go to jail -- and I'm the



1 only person my young'un -- my young'un's got. And I just  
2 don't want -- I didn't want to go back to jail. I didn't  
3 want to go to jail. I was scared to death. And I'm, like,  
4 I'm scared that I'm just going to get locked up. And I was  
5 scared that if I come and I tell y'all stuff and -- or talk  
6 to whoever and tell them something and contradict everything  
7 I said then, that I'm going to jail. And that shit scares  
8 the hell out of me.

9 So needless to say, like, my nails -- my nails was  
10 to the end of my finger. Since I got that subpoena, I have  
11 bit my nails down to where they bleed. Like this shit  
12 really racks my nerves.

13 My son asks me, "What's wrong?" Because he's old  
14 enough to comprehend now. And I'm just like, "Trynton, it's  
15 okay. I'm just stressed out." It's bills. It's whatever.  
16 Because your son -- your kids get stressed out when you're  
17 stressed out.

18 So I try to keep my composure because, like I  
19 said, he don't know anything about this. And this is  
20 something that he needs to be an adult for me to inform him  
21 of what happened in my life.

22 Q. Okay.

23 A. I need him to be old enough to really comprehend.  
24 But at the same time, I wanted to know, look, everybody's --  
25 everybody -- you got to watch who to -- not even so much who



1 you hang out with, just what the hell you do, the part of  
2 town that you're in, just -- that's just it. Because my son  
3 is a damn knucklehead. And he reminds me -- that's what I  
4 told Hunter. He reminds me of these boys, and that drives  
5 me nuts, I say, because I couldn't imagine my son going  
6 through shit like that. I said, "So I feel for them boys  
7 and I feel for the families." I told Hunter, I said, "If  
8 you can, if you talk to them again, please tell them I am so  
9 sorry."

10 Q. What are you sorry for, Ms. Black?

11 A. I am sorry because when I told -- like when I went  
12 for interrogation, there was a room full of -- of officers  
13 or detectives or whatever. I mean, they were all around.  
14 And there was this one -- I can't remember his name. I  
15 remember what his hair looked like and I remember how he  
16 come across and he was so aggressive and hollered at me. He  
17 was hollering so much that he was spitting and he was in my  
18 face. I mean, I could feel that spit hit my face. And I  
19 was crying. And he had me broke down. And I was like,  
20 "This is what we did. I saw them walking down the road.  
21 You know, I picked them up." And went on and -- to tell him  
22 what it was that was -- "No. You're lying. You're lying,  
23 you're lying."

24 So it was finally, "Damn, did we -- did we smoke  
25 so much weed or get so high that I can't remember what the



1 hell I done? Did it -- did we go somewhere and I don't  
2 remember?"

3 Like, they had me really -- you go from, like,  
4 sheltered, not allowed to stay the night with anybody,  
5 nothing. If I went to the movies with a friend, an adult  
6 had to be present. My mom wanted tag numbers, everything.

7 So when I tell you I was sheltered, I was  
8 sheltered.

9 So that was my first stab at freedom, to be able  
10 to go and do as I wanted. And then turn around and got my  
11 ass into shit.

12 So you could say I've done that to my son. He is  
13 so sheltered. And it's -- it's ridiculous because he's  
14 naïve as hell, as was I.

15 And I looked at it as, you know, being 16 or  
16 teenagers or whatever, you're -- at that age, you shouldn't  
17 have any kind of negative outlook on the world as far as  
18 being crooked, corrupt, doing things in a dirty matter --  
19 anything. You're supposed -- you trust the police. They're  
20 there to help you. That's what they're for. So you never  
21 think that they're going to do anything like the shit that  
22 they did.

23 But once you get older and you're able to actually  
24 look back on it and you're able to go back over everything  
25 that happened, to go through the transcripts and go through



1 all this -- read through this and see this shit, and then  
2 you're like, "Oh, my God" -- just like the interrogations.  
3 There was like 11, 12 officers involved in that. That's  
4 nonsense. I didn't even know because I thought that, as a  
5 young'un, you had to have an adult present. I didn't know  
6 that was only like if you were, like, being arrested and  
7 stuff. Just like I didn't know that at any point in time I  
8 could've got up and left out of that place and they couldn't  
9 ask me no more questions. I didn't know that either.

10 And they kept -- I don't -- it was like --  
11 what? -- eight, nine hours or something they kept me in  
12 there. And it was just -- I mean, there was some decent  
13 detectives. But that one, he hollered and screamed at me so  
14 much it made me feel like I was crazy, like I could -- so to  
15 just -- the gist of it is everything I said on the stand, I  
16 can tell you, them, anybody -- all that shit's not true.  
17 But I said what I said because I was scared to death I was  
18 getting charged and going to jail. I was so scared I was  
19 going to jail and nothing that I said was right. And they  
20 weren't satisfied until -- until, like, I gave them the  
21 answer they wanted.

22 So that's -- and that's what I did. And it was  
23 like -- just like once y'all start going through the facts  
24 of them trials or this -- or those trials and you start  
25 going through, reading little -- little bits and pieces of



1 it and ask me about it, one thing I have learned being an  
2 adult, you don't have to try and remember the truth. You  
3 always remember that. If you can't remember the other  
4 little shit that you -- that you said, especially in  
5 something that traumatic, something that important, that big  
6 that happened in your life, somewhere there's some bullshit  
7 mixed up in there.

8 And just like I told Hunter, the only -- I would  
9 have never, ever in my life, just in two months, thought  
10 those boys would've ever been a part of that. I would've  
11 never thought I'd have been part of that.

12 And Hunter had asked me, you know, "Jessica, is  
13 there -- is there any of them that you would -- that you  
14 could ever see possibly doing anything?" And just like I  
15 told him, the only one that I could even imagine maybe going  
16 off the rail like that would be Rayshawn because of him  
17 being so sporadic and angry and aggressive and stuff. I  
18 mean, he -- he always said stupid shit and made stupid  
19 comments and would just do nonsense, dumb shit for no  
20 reason. And that -- but his demeanor and stuff, that would  
21 be the only one that I would ever think would even -- could  
22 even participate in that.

23 Q. So, Ms. Black, what is the truth in this case?

24 A. I got out of school like any other day. I can't  
25 even remember if it was during the fucking -- a weekday, a



1 weekend, or whatever. I know it was daylight when I got  
2 there. And I remember driving around Belview Park because  
3 if I rode -- rode up Devonshire where -- between Bubba and  
4 Mel's house, because they were across the street from each  
5 other, if I rode there and I didn't see them boys outside,  
6 I'd go around the blocks right there because nine times out  
7 of ten, they were always walking in a group. And usually I  
8 found them by the park.

9           So I circled around Belview Park. And it wasn't  
10 out of the ordinary to see them there. We'd go there and  
11 sit on picnic tables and stuff and smoke -- smoke weed and  
12 hang out and shit, and that's just what we did. So it  
13 wasn't unusual.

14           If you are in front of Belview Park, you --  
15 there's a road right here beside it, and then, like, two or  
16 three houses over would be Mr. Jones' house, okay, so that  
17 road that's right here, I come around that corner and cut  
18 down that road, and I seen them walking. They had done got  
19 right past the park where the trees and stuff start, and so  
20 I stopped, pulled over, and they all jumped in the car.

21           And it was, "We need to go back to our house. We  
22 need to change. We're going to a party tonight."

23           I didn't -- it's not like I noticed -- I wasn't --  
24 I wasn't looking, but it's not like I noticed any kind of  
25 blood or anything out of the ordinary. And it wasn't --



1 that wasn't out of the ordinary for them to change clothes  
2 either because they were like girls, man, them boys was all  
3 about their little shoes and their swag and the way they  
4 looked. And they changed clothes all the time. And  
5 that's -- it's just what it was. It wasn't nothing out of  
6 the ordinary.

7           So I was like, "Okay." Next thing I know, I was  
8 told they changed their mind about the party or it was  
9 canceled or something. So we rode around and we went to  
10 Creekside Bowling Lanes and ended up getting thrown out of  
11 there due to -- I'm pretty sure it was Rayshawn acting like  
12 a damn fool.

13           They were -- it wasn't just him. The boys -- they  
14 were young and they were just loud and acting like a damn  
15 fool and got in there in the arcade and the pool room just  
16 cutting up and being real, real damn loud and doing fool  
17 shit. And the officer come in there -- and they knew me as  
18 a regular. My grandparents used to take me there. Every  
19 weekend they had karaoke and shit. So I used to go there  
20 and spend my Fridays and Saturdays because my grandparents  
21 were always at auctions.

22           So the officers -- the officers knew me. So he  
23 was like, "Jessica, you've got to get them out of here. If  
24 you don't get them out of here, you'll be permanently  
25 banned."



1 I was like, "Oh, y'all are going to get me kicked  
2 out. Damn, what the hell I do? Let's go." So we did. But  
3 the officer, he was real cool.

4 We went to the mall. Jordan Sellers, that  
5 acquaintance I have, she -- she worked at Hot Topic at the  
6 mall. And so I can't remember if I brought up the mall or  
7 if they had brought up the mall. Because you can't even pay  
8 me to go in that damn place now.

9 So we went and we separated off. And it was -- I  
10 was going to go see if Jordan was at work and go shoot the  
11 shit with her. They took off and went the other way. And  
12 it was -- we were going to meet back there in, like, the  
13 main little opening or whatever at a certain time before --  
14 right before the mall closed. And -- so we could go and we  
15 didn't have to hang with each other.

16 Jordan wasn't at work so I come back looking for  
17 them. And they were just teenage boys cutting up, acting a  
18 fool.

19 But -- and we walked by a little jewelry store and  
20 was checking shit out there. And I think it -- I think it  
21 was Kay's that was up on the top floor -- that was on the  
22 second floor. I can't remember exactly which jewelry store  
23 it was. But we left there and went -- and we come back to  
24 the neighborhood.

25 But we always -- and it wasn't -- it wasn't out of



1 the ordinary for us, before I took them home, we'd always go  
2 by the park or something because the houses that are across  
3 from the park looks like a bunch of little mill houses.  
4 That -- whoever it was they knew that stayed in them houses  
5 is where they got their bud at. So we would ride around  
6 there a lot and just see if whoever -- the car was home or  
7 if they were sitting outside, and we'd stop and get it.

8 Well, as we circled around there, you see SUVs,  
9 cop cars, all kinds of stuff. Tape -- everything taped off.  
10 I was like, "What in the hell? What is going on?"

11 And, I mean, they -- they acted just as surprised  
12 as I did. So it was, "Oh. Shit. Stop. Let us out. Let  
13 us out."

14 And it's -- like, that kind of shit scares me  
15 because that right there, that's a whole -- that was a whole  
16 lot of damn police, a whole lot. So you knew it was  
17 something serious.

18 And I was like, "I wonder what happened."

19 And the boys -- I remember the boys stepping out  
20 the car and glancing at the shit. I mean, you could see the  
21 tape. You could see all the SUVs. You could see the  
22 officers walking around. But we had already come around the  
23 corner of Belview like where you pull into the park. And I  
24 think I stopped on the side -- on the side of the road  
25 because you were allowed to park on the side of the road too



1 in this little neighborhood. So -- and I think I -- I don't  
2 even remember if I got out of the car or not. But then  
3 after that, we left from there, I took them home, and I went  
4 by Elizabeth Fowler's house, seen her for a little bit, and  
5 I left and went home.

6 That's why I say when I come in there, I told  
7 those detectives the exact same thing, and I'm sure was  
8 probably -- I probably gave a little bit more detail since  
9 it was fresh, but it didn't matter. It didn't matter what I  
10 said because I was wrong. I was lying. I was lying. I was  
11 lying. Everything I said was a lie.

12 "Oh, but you didn't go in there?"

13 It's like they'd throw up -- they'd be like, "But  
14 are you sure you didn't go here and -- at this time? And  
15 about what time did this happen?"

16 And, hell, I don't know. We were potheads, man.  
17 That's all -- all we did was stay high. You're not paying  
18 attention to what time it is. Hell, I didn't even pay  
19 attention half the time if it was daylight or dark. I  
20 couldn't even have told you it happened on November 15 until  
21 y'all tell me. I -- I don't even know if that was a  
22 weekday, weekend. I didn't pay attention to that.

23 I was 16. I didn't give a damn about what time of  
24 day it was. I was hanging out with my little homeboys. We  
25 was getting high and having a good time, and that's just



1 what it was. And I dropped them out and went on about my  
2 way.

3 But it didn't -- it just didn't matter. That's  
4 exactly -- like, you can go through a transcript. That's  
5 exactly what I told them from the get-go. That's what I  
6 remember -- facts what I remember about what we did.

7 And then something was said -- Hunter brought it  
8 up to me. He said, "Jessica, are you sure you didn't --  
9 y'all didn't ride through Midway?" Because the boys that  
10 were with me said we did. And I was, like, "Hell, we might  
11 have." Because we would just do shit like that, just ride  
12 around. And that was the area I stayed in. So, I mean, we  
13 would do stuff like that. We'd just ride around and go  
14 through just neighborhoods and shit because that's all we  
15 had to do. Never really stopped and chilled anywhere, it  
16 was just riding.

17 Q. The crime happened on November 15, 2002. That was  
18 a Friday.

19 That day, did you ever see any of the five  
20 defendants go from Belview Park over to where the victim's  
21 house was and leave you at the park?

22 A. Absolutely not.

23 Q. That did not happen?

24 A. No, ma'am.

25 Q. Were any of the five defendants involved in this



1 crime where Mr. Jones was robbed, tied up, and beaten and  
2 died that night?

3 A. I don't know. I don't know if they were. That's  
4 what I -- that's what I was trying to tell him. I said, "I  
5 can't say for a fact who if any -- if any -- were involved  
6 in there." That's why I said the only one that I could ever  
7 even imagine maybe being tied up in some shit like that  
8 would be Rayshawn, and that was just based on what I knew of  
9 him of the two months we hung out. Because he may not have  
10 even been involved in it.

11 I don't know if any of them were involved, which,  
12 again, is another reason that shit eats at my conscience  
13 because it's pretty much I said what I said to save my ass,  
14 to keep me from going to jail, not realizing at 16 that --  
15 that screws up their whole lives. Because at the end of the  
16 day, even after you get out of prison, it's so hard to find  
17 a job -- hell, it's hard to find people who will rent to  
18 you. It's hard to do anything because everybody's going to  
19 look at you. Like when Dorrell got stabbed -- when he  
20 passed, the first headline in the damn paper was -- was "Boy  
21 involved in the Jones" -- that's -- that happened -- that  
22 was -- what? -- 17, 18 years -- something -- that's that  
23 many years ago, that should not be the headline of that.  
24 That should not be why -- what he is known as when you're  
25 reporting his death. They -- they didn't have to put that



1 in. If they wanted to put that in there, they could've put  
2 that in small print on down in the story. It didn't have to  
3 be a damn headline. That was unnecessary. That boy had  
4 done got out.

5 Hunter said that what I -- when he asked me how  
6 their -- what I thought of their personalities when I first  
7 met them. I -- and I described them as I knew them.

8 He said, "Jessica, you are right on point," he  
9 said, "because everything you just said to me is exactly how  
10 they described themselves and their parents described them."

11 I said, "Yeah," I said, "because" -- just like I  
12 told you, I pay attention to people's mannerisms and stuff  
13 and I always have.

14 But -- but -- and I don't give a damn -- they were  
15 just knuckleheads, man. And that's just it. Jermal is the  
16 only one you never really seen nothing out of because he was  
17 quiet for the most part. Quiet, sweet, soft-spoken. Didn't  
18 see a whole lot out of him.

19 And Stinky -- like I said, Stinky was always,  
20 like, just -- had my back. Me and Stinky would go to the  
21 park and we would chill, just me and him. We would sit  
22 there and we would hang out, talk, and just chill. He would  
23 be aggravated with the fellas, they done got on his nerves,  
24 they done got on mine. He'd be like, "Come on, let's go to  
25 the park." It was always Belview we went to.



1           And there were plenty of times me and all those  
2 boys would be sitting out there at the park and I would be  
3 sitting on a picnic table or something. But I never once  
4 seen them go in the direction of Mr. Jones' house. They  
5 always went to the, like, mill houses I was telling you  
6 about because that was their people that was there. Or we'd  
7 just sit there and we'd smoke.

8           But it was -- I had never seen them boys go to  
9 none of them houses. And -- so I -- somebody's saying that  
10 they seen them in the area or anything, that's absolutely  
11 possible. They stayed walking them blocks always.

12           But -- so you seen them damn near a daily basis  
13 somewhere around that park or something. So to me, it's --  
14 it's easy to be like, pssh, yeah, five young black boys  
15 right here, not just necessarily a race thing, but you think  
16 they're growing up in -- in what would seem like -- like  
17 Chris, like, it -- okay. So Dorrell -- Dorrell's house  
18 looked a little bit -- Chris's house, Chris's mom's house  
19 looked like one of the old mill houses, okay, not a lot of  
20 money, nothing. But that woman would give you the shirt off  
21 her back, great person.

22           Mel's house was like a two-story house. It was  
23 bigger, it was better, but it -- either way, all the boys  
24 come from poverty just like I did, and that's the kind of  
25 people I tend to stay around. Because they come from



1 nothing and you tend to appreciate life a little bit more  
2 because you have to bust your ass for what you get. So --  
3 but I don't care. I don't see -- I don't see them boys  
4 beating somebody to damn death.

5 And then I was told that they had video footage of  
6 them using ATM cards at the mall which later I found out was  
7 a lie. I was also told they found DNA in my car.

8 Q. Who told you that? Who told you those two things?

9 A. Hunter. Hunter went through and was going --  
10 talking with me about going through all the transcripts and  
11 stuff and all the information that he was able to get ahold  
12 of, and he would say -- well, talk to the defense attorneys.  
13 He talked to some detectives. He couldn't talk to the DAs  
14 because most of them passed.

15 But, I mean, he was going off of the stuff that he  
16 had found out on his own. And just like he said, he  
17 couldn't -- he couldn't say one way or the other because he  
18 wasn't there and he was a journalist and he was trying to do  
19 the best of his ability to put the truth out there. He was  
20 just like y'all. I mean, that's -- that's really what --  
21 how he come at me.

22 And -- hell, he even paid -- he even paid my car  
23 payment, like, one time in the last, like, month or so,  
24 he knew I was staying in a motel. My son had to stay with  
25 my brother. I lost my job, my car, and my house all within



1 two weeks. And it's the first time in my whole life I had  
2 fell on my ass. I have spent two years trying to come back  
3 from that.

4 So this was either make my car payment or have the  
5 money I needed to get me and my son into a house. And I  
6 have a lot of pride. I don't ask for help. I don't like  
7 asking for help because I -- that's what -- just like I  
8 won't file for disability. I don't care what's wrong with  
9 you, you still work. I want my son to know that. I want  
10 him to see that I busted my ass his whole life to make sure  
11 that he has the best of everything. He has name-brand  
12 everything, best of all game systems, best of everything he  
13 could have. And I just want him to know that you can -- you  
14 can still do that.

15 So Hunter fills me in on some stuff. Like -- like  
16 when I was talking about the car, the '86 Mercury Cougar is  
17 what I had when I was hanging out with them. I loved that  
18 car. With a passion I loved that car. I just got that car  
19 back, it ain't been a few years ago. I could not believe  
20 they kept it this damn long. I wanted to keep my car. I  
21 told my grandpa, I said, "I want to keep it. Can I please  
22 keep it?" They had done cut almost all the interior off my  
23 seats. They tore my car all to hell. I didn't even know  
24 nothing was going on.

25 The detectives popped it back to my fucking house



1 and come and told me my car was being taken for evidence and  
2 then proceeded to tell me why, because I didn't know what  
3 the hell was going on, and asked me if I'd talk to them. I  
4 said yeah. My pawpaw took me down there and left me. I  
5 told him to come back and get me. I told him I didn't want  
6 him staying. I didn't want him knowing I was hanging out in  
7 Southside because I had been told not to. I also didn't  
8 want him to know I was hanging out with all black boys  
9 because I was scared he was going to beat my ass.

10 And it is what it is. Them boys -- I don't -- I  
11 don't care. They didn't -- they said they found skin DNA in  
12 my car -- no blood DNA, just skin DNA.

13 From the information Hunter gathered, there was --

14 Q. Who -- who told you about the skin DNA?

15 A. The -- I can't remember what attorneys it was, if  
16 it was the district attorneys or if it was brought up by the  
17 defense attorneys.

18 Q. And when was that?

19 A. When all the trials and stuff were going on.

20 Q. Okay.

21 A. So that's when it was told that they were on  
22 camera using -- trying to use Mr. Jones' ATM cards at the  
23 mall and that they found skin DNA in my car. And there was  
24 something else -- and I can't remember.

25 Q. And who told you about seeing them on camera



1 trying to use the ATM card?

2 A. That was told around the same time -- I'm pretty  
3 sure it was the same conversation where I was told about my  
4 car, about the DNA.

5 Q. Was this prior to any of the trials? Was this  
6 when the --

7 A. This is all while --

8 Q. -- police were talking to you?

9 A. -- all that was going on.

10 Q. Okay.

11 A. So after talking with Hunter and dealing with him  
12 all this time, he said, "Jessica," he said, "from what I've  
13 seen," he said, "the only thing that they had was a  
14 footprint on the hood of the car, and it was from some Air  
15 Force 1s."

16 When we were that age, everybody and their mama  
17 had Air Force 1s. That was the shoe.

18 And then it was said that the only -- the only one  
19 that even had a pair was Rayshawn. And I was, like, and --  
20 I said, "But if they can't say it was his, they can't say it  
21 was him."

22 So -- and then I was informed that it was pretty  
23 much my testimony that put them boys behind the bars. And  
24 that shit broke my fucking heart. That shit broke my heart  
25 to know that it was me that did that, especially not



1 knowing, because I was trying to save my own ass.

2 Q. Was your testimony the truth?

3 A. Not all of it, no. No. What I told you about  
4 where we went and stuff, that's it. That's all I can  
5 remember about that night. And I don't know if it's because  
6 they had -- they had me so damn scared, I was shaking, I  
7 don't know, and crying and all to hell. And I swear they  
8 had me thinking I was crazy, like I couldn't remember  
9 anything. It was like, "Maybe I did forget them details.  
10 Maybe -- maybe we did do this. Or maybe -- maybe I was at  
11 the park. Damn, what did -- did I -- did we do this and I  
12 just forgot?"

13 I mean, and -- and then I was sitting there  
14 thinking to myself. That's why I was like you don't  
15 forget -- you don't forget the truth. You don't forget  
16 stuff that you know actually happened in your life,  
17 regardless -- no matter what it is. You don't forget the  
18 truth. But you can forget lies.

19 And -- that's why I am like I am now. Like I -- I  
20 can't stand to lie. I can't stand somebody who lies,  
21 nothing. Just like I told my son, "Don't -- don't ever,  
22 ever tell me no lie. Tell me the truth. Because you're  
23 going to have to tell another one to cover that up and  
24 another one to cover that up. And then eventually, you're  
25 going to get lost in them and the truth is going to come out



1     anyway.

2                 So my son has gotten into the habit of he tells on  
3     hissself all the time. He might -- I could be like,  
4     "Trynton, did you go get that game after I took it away?"

5                 "No."

6                 Then he looks at me with his little dumb look on  
7     his face, "Yeah, I did. It's me." He snitches hissself out.

8                 So, I mean, he knows I'm just so -- I'm brutally  
9     honest with my young'un. If he was to ever come up and ask  
10    me about this, I would tell him. But I am brutally honest  
11    with him and I tell him everything. I try to keep life so  
12    realistic for him all because of this -- this, this whole  
13    thing, and those trials. That -- that is some scary, scary  
14    stuff. But I feel -- I feel horrible because they're  
15    just -- if I had known I could've just stayed with what I  
16    said and them officers couldn't have done shit to me and I  
17    could've just stayed --

18                Q.     Stayed with what? What do you mean?

19                A.     With the statement I just told you about what we  
20    did.

21                Q.     Mm-hmm.

22                A.     If they would've -- if I had known that I wasn't  
23    under arrest, I could've left, I could've gave him that  
24    little statement right there of what I actually -- what I  
25    did know happened and -- and got up and left, that's how it



1 would have stayed.

2 And every bit of that come on because of little --  
3 I don't want to sit here and accuse these officers or these  
4 detectives of putting information out there purposely, but  
5 there's a lot of what I said that I had based on the -- or  
6 that I had put with my shit based on little things that they  
7 had brought up, that the officers -- the detectives had  
8 brought up. Because I felt like that's what they wanted to  
9 hear.

10 And if I told them what they wanted to hear, they  
11 were going to let me go home. All I wanted to do was go  
12 home and get out of there. So, "What you want to know?  
13 Okay. So yeah, I did this, I did that." I did -- they even  
14 gave me -- like, I can't remember when -- what -- throughout  
15 the time of the trials and stuff, I cannot remember the  
16 exact time I got this, I got -- I'm still in the midst of  
17 trying to unpack my house, okay, I ain't unpacked not the  
18 first thing, and I've still got the transcript that I was  
19 given that I was told to go over just in case I needed to  
20 refresh my memory.

21 Q. Who -- who gave you the transcript?

22 A. The DAs.

23 Q. This is something you got back -- when did you get  
24 this transcript?

25 A. While all of this was going on, while -- sometime



1 throughout there. And I -- just like I said, I don't know,  
2 I can't remember if it was during the trials or if it was  
3 from -- the transcript that I got, it was -- it had to've  
4 been with one of the trials because it had defense attorneys  
5 talking to me throughout the transcript. But it was like  
6 that thick, and I'm talking like that small print like that  
7 and there was no spaces, but it was that thick and it  
8 said -- held together with some big paper thing and I packed  
9 that up and I kept it.

10 Q. What was the transcript of?

11 A. Of -- pretty much an outline of my statement and  
12 what had -- the back-and-forth that had been done with the  
13 attorneys and DAs and stuff, and -- but it was -- like if I  
14 went to go say the story or go over it or refresh with them,  
15 I was -- I mean, I was leaving bits and pieces out that I  
16 had put in there after giving them a statement for, like,  
17 the third or fourth time, and each one of them different  
18 from the last, which, to me, like, if I'm -- if I'm having  
19 to change my statement that many times to try -- like, to --  
20 I don't even remember if I said the same thing with the hell  
21 they was doing.

22 They had access -- they had access to know my ass  
23 hadn't never been in no trouble, good student -- nothing. I  
24 didn't know shit about shit. And those are people you  
25 trust -- you should be able to trust. My whole outlook on



1 law enforcement and everything since all of that -- I've got  
2 some officers -- friends that are officers, sheriffs, and  
3 they're cool and they're laid back, and still I don't have  
4 no trust for -- for police anymore, none.

5 And then every day, you know, you look at the news  
6 and shit, and it just gets worse and worse and worse, and  
7 you keep seeing all the corruption and shit that keeps going  
8 on. And I think back, and I'm so glad that now when they  
9 interrogate you and shit that it has to be recorded.

10 Because it wasn't. It wasn't like that and I  
11 didn't know that they didn't have to do that when they were  
12 doing that with us. I also thought that, like, I was the  
13 first one interrogated. I didn't know that I was on down  
14 the list because they had done spoke to the boys before they  
15 spoke to me.

16 And in all reality, I think -- I truly believe  
17 that they took bits and pieces of what they thought would  
18 get for what they needed to do and then come to me with it.  
19 But I had to refresh on my transcript to make sure that my  
20 story stayed completely the same, I didn't forget any of it,  
21 I stayed saying the same stuff because the defense attorneys  
22 called me out on the stand quite a bit -- it made me feel so  
23 stupid. I felt that big -- from where my statements had  
24 changed over and over and over. And I know it's their job,  
25 but they really make you feel like shit.



1           So like I said, the fact that I can't say who did  
2 what, I wasn't there, I can't say if any of them -- and, you  
3 know, odds are all five of them were not involved. I'm just  
4 saying I'm pretty sure all of them wasn't involved in it.

5           Some of them may have been, but all of them? I  
6 don't believe that.

7           **Q.**   What makes you think some of them might have been  
8 involved?

9           **A.**   I mean, because they were -- they were teenage  
10 boys and that -- who knows what's in your head or what  
11 they -- what they were going to do. That's why I said I  
12 can't say they were or they weren't. None of them may have  
13 been involved. But they still served time in prison because  
14 of what the hell I said, and that's horrible. That is  
15 really, really horrible. And that shit eats away at you. I  
16 don't care. They lost out so much with their family on --  
17 on -- being able to be out here and accomplish something.

18           Now, mind you, they're still pretty young because  
19 they're right around my age. So they're still able to get  
20 out here and do, but it sucks that they had to wait until  
21 they're damn near 30 -- right? 30? -- or older, and then  
22 to -- to be able to experience anything. That's horrible,  
23 and that shit's my fault.

24           **Q.**   I think now is a good time to talk about breaking  
25 for lunch since it's right around -- right after 12:00.



1                   **THE DEPONENT:** How long are we going to take  
2 it for?

3                   **MS. BRIDENSTINE:** How long do you think you  
4 would need?

5                   **THE DEPONENT:** All I need to do is smoke a  
6 cigarette because she's going to come back and get me at  
7 2:30 so I can get my young'un. That's probably all I need,  
8 just a cigarette.

9                   **MS. BRIDENSTINE:** Let's due until 12:30.  
10 It's 12:04 now.

11                   **THE DEPONENT:** Okay.

12                   **MS. BRIDENSTINE:** We will start back up. I  
13 still have a lot to go through with you so I don't think  
14 that we will necessarily be done by 2:30, but we'll stop at  
15 2:30 so that you can go pick up your son.

16                   **THE DEPONENT:** Well, I am more than happy to  
17 come back and finish it with you because Hunter -- it took  
18 him a little over six months of do -- steady talking to him  
19 and him pleading with me before I would even -- before I  
20 would even let it cross my mind to talk to anybody with any  
21 kind of innocence anything because he has tried to get me to  
22 do it and I have refused and refused and refused because I  
23 thought they were going to throw me back on the stand in  
24 front of judges and stuff.

25                   But for so long -- just like I told my mama,



1 I said, "Mama, that shit makes me feel horrible." Because  
2 for so long, I have wanted -- I've wanted to say something  
3 but I didn't because I was -- I'm scared. I'm still scared  
4 because I don't want to go through that again. I don't want  
5 my son to see that shit. If I didn't have him, that would  
6 be one thing. I don't want him to know I was involved in  
7 none of that. And I know it's public information and all  
8 you've got to do is Google it, but he don't have a reason in  
9 the world to Google anything about me.

10 So let's go to lunch.

11 **MS. BRIDENSTINE:** All right. We will resume  
12 around 12:30. We're going to go off the record now. It is  
13 12:05.

14 (Recess taken, 12:05 to 12:28 p.m.)

15 (Audio file 2 begins)

16 **MS. BRIDENSTINE:** Okay. We are back on the  
17 record. It is approximately 12:28 p.m.

18 Ms. Black, you are still under oath.

19 **THE DEPONENT:** Yes, ma'am.

20 **Q.** All right. I want to get into some of the things  
21 that you have brought up this morning in your deposition.

22 You talked a lot about Hunter Atkins. How many  
23 times did you meet with him in person?

24 **A.** Just the -- the once. He -- when he could not get  
25 me over Facebook because I had blocked him, because like I



1 say, I didn't want anything to do with this case, period,  
2 none. I had pushed it to the very, very back of my life,  
3 and that's where it's -- try and keep it.

4 And then -- but once he -- he took it upon himself  
5 to come on up here to North Carolina -- I did not know he  
6 was in town, in Winston, and that's when he had sent me a  
7 text message. I didn't -- he got my phone number. He --  
8 it's amazing the information that he was able to get, the  
9 addresses he got of people who were new in my life and  
10 everything.

11 When he informed the guy I was seeing's mother of  
12 why he wanted to talk to me, she immediately hit up the guy  
13 I was seeing and -- which really pissed me off because here  
14 I'd spent my whole life making sure that's not something  
15 that got out because I know how people are and how people  
16 are going to judge you and that's just life. And I don't  
17 need no more than that because I'm already an asshole and I  
18 get looked at bad enough for that, and I didn't need that in  
19 there.

20 So she -- she called her son and was showing  
21 out because she was upset because that -- Hunter had showed  
22 up. And then I was upset because Hunter had opened his  
23 mouth. And he figured that because it was public  
24 information that -- and it was a big thing -- that was a  
25 very big trial -- that everybody knew me, I guess, knew



1 about it.

2 So I called him and I proceeded to cuss him up one  
3 side and down the other. And, I mean, I let loose. I went  
4 off. I was crying and screaming. And he apologized from  
5 the bottom of his heart and asked if I would just meet with  
6 him. And I finally told him, I said, "Yeah, we need to meet  
7 so I can say what I've got to say to you in person."

8 He really is a nice guy, super nice guy. And as I  
9 did with y'all, I apologized for coming across the way I did  
10 but I explained to him my -- the reason for my actions. He  
11 apologized for putting business out there that he did not  
12 realize people didn't know about and he left it at that.

13 And I spoke with him. Told you, I said I feel  
14 like three or four hours just talking and cutting up. And  
15 we speak -- we speak on the phone from time to time. He  
16 texts me all the time and asks me how I'm doing, asks me if  
17 I need anything -- always. And I can honestly say that it's  
18 not like a fake, "Well, if you need help, I'm here"; it's  
19 like he's really authentic with everything he does. He  
20 really does have a good heart. And he knows my outlook on  
21 life in general. I'm a realist. And I'm like, look, you  
22 know, life is -- I mean, it's hard. It's so hard. And --  
23 it just is what it is, man. But he's -- he's -- he's a good  
24 person. He really is.

25 He said, "Jessica, I'm not trying to make you



1 look bad. I'm not trying to make the boys look bad." He  
2 said, "I'm just trying to get down to what the truth is, and  
3 maybe if I can" -- because his story is supposed to be  
4 published sometime this month. It's supposed to come out in  
5 the *Houston Chronicle*. And he said that maybe if he could  
6 find out somewhat of what the truth was, that maybe somebody  
7 from y'all's thing or from somewhere else might be able to  
8 pick up on that and maybe get some kind of justice if it's  
9 due for these boys. So ...

10 Q. When was your meeting with Mr. Atkins at the IHOP?

11 A. A few months ago -- two or three months ago.

12 (indiscernible) he said, "I don't care. You want  
13 one of everything? We'll just order us some of everything."  
14 He had the whole table full of food.

15 And, like I said, he brought his own little  
16 camera, his computer. He had some -- a whole lot of little  
17 devices. I don't even know what half of them are, don't  
18 know nothing about none of that.

19 And we cut up and then he told me about his life  
20 and really, really made me feel comfortable. He's somebody  
21 I could really open up with. And, I mean, he stayed  
22 objective, like, to both sides because he was not trying to  
23 sit here and just take the boys' sides or my side. He's  
24 just like, "Look, I can't say whether this is true or this  
25 is true, but this is what -- what I could find. These are



1 the facts that I do know. This is what I found." And he  
2 put all that together.

3 He went -- when he went to the boys' mothers and  
4 spoke with them, every one of them thought they had their  
5 copy of the transcripts -- so apparently they was given out  
6 to all of us -- and none of them could find any. I know for  
7 a fact I've got mine. I just don't know where but I do have  
8 them. And he has -- he was hoping I could get ahold of them  
9 or find them before time for this article to come out.

10 Q. Did he give you any information about the case or  
11 show you any information and any documents?

12 A. He -- he pulled up stuff online. As far as, like,  
13 the articles and stuff, the stuff he was able to find as far  
14 as what -- like, what evidence was actually had, he found  
15 that through public -- I don't know -- I don't even know how  
16 to go about all that. I didn't know that was public. I  
17 didn't know that trial transcripts were public. I didn't  
18 know none of that was public. So I thought this is -- we're  
19 all enraged that it was -- none of that be out there like  
20 that. But, obviously, it is.

21 And no, all he did was he just brought to light  
22 some of the things that he thought all of us needed to hear  
23 that he found to be true, to be facts after speaking with  
24 them -- like I said, the attorneys -- the defense attorneys,  
25 the detectives, the ones he could get to talk to him.



1           Q.    Other than those online articles, did he show you  
2 any other documents?

3           A.    No. He had sent me some pictures because I had  
4 informed him about Eric Saunders picking me up one time in a  
5 minivan. And I said he come up in a minivan. I can't  
6 remember -- it wasn't him driving. Somebody was driving.  
7 He was in the -- in the middle seat, the back -- the first  
8 backseat you come to. And there was a black lady in there.

9                   And just like I told Hunter, I said I was told  
10 that that was Mr. Jones' daughter, or one of his daughters,  
11 and they come and picked me up and he introduced me to this  
12 woman, and then we rode around. And we rode around by  
13 Mr. Jones' house and they showed me where he was laying at  
14 on the -- on the carport and stuff.

15                   During some time or another, they had showed me  
16 pictures -- oh, God, I will never forget them pictures they  
17 showed me. They showed me pictures of him. And it was so  
18 horrible. And that was while all the trials and stuff were  
19 going on. And -- but that woman -- I just apologized to her  
20 and I told her I was so sorry. But she was so nice.

21                   Well, come to find out he went and he spoke with  
22 both of the daughters of Mr. Jones.

23           Q.    Mr. Atkins did?

24           A.    Yes, ma'am.

25                   Because the detectives and the attorneys and



1 everything -- he was not able to find any kind of anything  
2 about me getting picked up in that van. Nobody else knew  
3 about it, none of the attorneys, nothing. He said,  
4 "Jessica, I'm not saying you're lying," he said, "I'm just  
5 saying I can't -- I can't find anything on it."

6 I said, "I'm telling you," I said, "Eric Saunders  
7 picked me up." Because that's the -- that's the DA that I  
8 clung to. Beirne, she was a very stern woman, and she was  
9 very standoffish. She did not come across friendly at all.  
10 And I was terrified of that woman. Eric Saunders, when you  
11 first meet him, he come across as a dick, but he was really  
12 compassionate with me and really, really nice. And so I  
13 didn't care what he told me. I believed everything that man  
14 said because I felt like he was on my side. He was on  
15 the -- even though I wasn't even the one on trial, but I  
16 felt like he was there for me, especially when I wouldn't  
17 allow none of my family to come.

18 So he showed me pictures of Mr. Jones' daughters  
19 and --

20 Q. Who showed you pictures?

21 A. Hunter.

22 Q. Hunter. Okay.

23 A. Because he had went and spoke with them because of  
24 not being able to find that. Both of the daughters said  
25 that they had never met me. He said they said they would



1 have been appalled had one of the DAs come up and brought  
2 that up, them meeting with me and riding around, stuff like  
3 that.

4 I said, "So who could it be?" I said -- and I  
5 remember the woman had a bob haircut, it was a short bob. I  
6 said -- and that's all I can place. I was like, "It's just  
7 a black lady, maybe in her late 30s, early 40s or  
8 something. I don't know," I said, "but she was really  
9 sweet."

10 So he has spent a lot of time trying to figure out  
11 who it was in -- in that van. He did send me a picture of  
12 Eric Saunders' assistant at the time, and she still works  
13 for the court system some -- somewhere down here. And one  
14 of the pictures he sent me of her and asked if she looked  
15 familiar, and her face did look familiar. But when he sent  
16 me the picture, not knowing about the bob -- I had not even  
17 said nothing about this bob yet. He sent me that picture of  
18 her with that bob, and I was like -- and immediately, it hit  
19 my head. I said, "That looks that that's the exact  
20 hairstyle the woman had. That's -- that's what" -- she  
21 resembled of what I remembered. I said, "I can't say for a  
22 fact it was her," I said, "but I just think it's real funny  
23 that it wasn't the daughters" -- because the daughters had  
24 been interviewed and it was not them. Neither one of them  
25 women even looked remotely nothing like the woman I met.



1 And nobody else knew about it. And he just found that  
2 strange.

3 And I was like, "Well, you know, being an adult  
4 now and being able to rationalize things, you know, it's  
5 kind of odd. Because the ones that you would need to talk  
6 to who knew that information are dead. So you'll never find  
7 out about it and -- or find out what was really going on  
8 with that."

9 But then he drove me around and I spoke to that  
10 woman, and just -- she really didn't say a whole lot. She  
11 just introduced herself, shook my hand. She smiled. Like I  
12 said, she was really sweet. And I just took him around  
13 the -- the path we had taken when we come back to the  
14 neighborhoods from the mall and stuff and where we had  
15 stopped and when I seen all the caution tape and the  
16 detectives' vehicles, and they took me by his driveway and  
17 showed me where Mr. Jones was laying, and then they took me  
18 back and they dropped me off.

19 Q. Who introduced that woman to you as the daughter  
20 of the victim?

21 A. Eric Saunders.

22 Q. What did he say?

23 A. He had called and asked me if I would be willing  
24 to meet with Mr. Jones' daughter and do -- and just ride  
25 around and kind of go around the little -- the roads we



1 stayed riding all the time and -- and just talk a little bit  
2 and, if she had any questions, just answer any questions.

3 She didn't have any questions, which was -- it was  
4 odd to me that I was meeting this woman. My nerves were so  
5 racked. I felt this woman was so going to cuss me out or  
6 whatever because that was father, it was supposed to be her  
7 father. I know if that was mine and I had to meet somebody  
8 that was in that trial, I probably would've showed out. So  
9 I was terrified.

10 But, I mean, she was nice. Like I said, Eric was  
11 always nice. And -- so I didn't think nothing of it.

12 Q. Other than the photos that Hunter Atkins sent you  
13 trying to track down that woman with Mr. Saunders, did he  
14 send you anything -- any other photos or any other  
15 documents?

16 A. Yeah. He sent me pictures of -- we were trying --  
17 he wanted to know which detective it was that was hollering  
18 and screaming at me because that's the only one that stuck  
19 in my head and -- and was spitting. And just like I told  
20 him, the only photos he could find were of the men now; so  
21 that's a -- there's a big difference there. You know,  
22 they're -- most of them are gray-headed now and their  
23 haircuts changed, they've gained weight, they're older. And  
24 as I already said, you know, at that point in time, that  
25 man -- I said, "I remember specifically he had a little bit



1 longer hair, but it was kind of like it feathered back. But  
2 it was longer," you know what I'm saying, and it was -- "he  
3 was still professional looking," I said, "but he was so  
4 aggressive and so loud, and -- like, if it was a good  
5 cop/bad cop thing, like he -- that was him, all the way. He  
6 was just mean. And I was like -- and I said -- and then I  
7 was -- I said it was a room full of officers or detectives  
8 or whatever.

9 He said, "A room full?" So he got to digging on  
10 that. He said, "You know, typically, if they do an  
11 interrogation, it's -- it's usually two or three maybe." He  
12 said, "Jessica, each one of y'all" -- I believe he said it  
13 was 11 officers that were in them interrogations.

14 I said, "Why would they bring so many officers or  
15 detectives when dealing with kids?"

16 He said, "I don't have a clue," he said, "but that  
17 struck me as a little odd myself."

18 And -- but he sent me -- I've still them got on my  
19 phone. He sent me some pictures of the officers now. And  
20 one of them who is actually no longer an officer -- he got  
21 in trouble for sexual harassment and he was removed from the  
22 force. He now does security for a hospital or something.  
23 And most of them are retired. They've retired out.

24 Q. Other than those photos of the detectives and the  
25 photo trying to track down the woman and the online



1 articles, has Mr. Atkins shown you any other documents or  
2 photos?

3 A. Like these?

4 Q. Like the Exhibits 1 through 6 of the defendants?

5 A. Yes.

6 Q. Okay.

7 A. Yes. He showed me those. And he asked me -- he  
8 had blocked out the names and stuff to see if I could  
9 identify each one of them by their face, and I could. Off  
10 he'd go. And that's when he started asking me to describe  
11 each one of them to him, and I did just like I did with you.  
12 Which ones were mouthy, which ones were laid back, who was  
13 quiet. And he said yeah, and he just laughed. He said,  
14 "You've got them to a point."

15 I said, "I told you, I pay attention to people's  
16 mannerisms and the way they do." I said, "And I just really  
17 liked the boys, even Rayshawn and Dorrell, with all the damn  
18 mouth they had." They -- I just really enjoyed them because  
19 they -- they weren't uptight and they just were loose like  
20 me and it's just what it was. That's -- I think that's what  
21 drew me to them. Oh, and the fact that that I was  
22 constantly told don't hang around black people and  
23 constantly told don't be in that part of town. So my first  
24 taste of freedom, I was like, "Go."

25 And then when I got into this, my mom said, "Damn,



1    Jessica," she said, "I understand going out here, getting  
2    in trouble," she said, "but you did it big, didn't you?"  
3    She said, "Go big, go home; right?"

4            I said that didn't make no sense, which is why I  
5    keep my ass out of trouble now. I have -- I fell off from  
6    always having people around me and at my house and hanging  
7    out with people all the time to I swear people think I'm a  
8    hermit. That's why I moved so far out, to get away from  
9    everybody, so nobody would know where I was at.

10           I didn't even want, like -- I don't want anybody.  
11    Y'all -- y'all? That's one thing. Police? That's one  
12    thing. Public and stuff? No, I don't want -- I like being  
13    secluded, to myself. I'm out of trouble. I don't have to  
14    deal with any chaos. And can't nobody put me in nothing  
15    because I'm out there, just me and my kid.

16           **Q.** Did he show you -- did Mr. Atkins show you  
17    anything else?

18           **A.** He pulled out some stuff on his computer the day  
19    we met at IHOP, but that was when he was pulling up these  
20    papers because he had downloaded them on there and then he  
21    would show it -- oh, he had showed me -- asked me if I  
22    recognized -- he had some more women up there, and it was  
23    the boys' moms. And the only one that I could -- I was able  
24    to point out was Bubba's mama. And he said, "But you only  
25    met her one time?"



1 I said, "Right," I said, "but she was that kind.  
2 She just -- she just stuck with you because it was that  
3 neighborhood mama," I said, "and that's how my mom is and my  
4 mawmaw," and that -- that just stuck with me.

5 So -- but no. Ain't no more ...

6 Q. Any police reports?

7 A. He did show me some of -- some of the, I guess,  
8 paragraphs or statements or whatever that come out of the  
9 transcripts that he was able to dig up. And -- when I  
10 wasn't around him, like I -- he went back -- back to  
11 Houston, he had called me on the phone. Anytime he has had  
12 to show me pictures or anything, he put me on the phone  
13 before he would because he wanted to know -- he wanted to  
14 hear my initial reaction, I guess, and so that way -- oh,  
15 hell, I don't even -- I don't know why. Y'all would know  
16 why before I would. But he wanted -- he wanted my real  
17 reaction when I first seen it.

18 So anything he read me or showed me that he would  
19 send me over the phone, he was always on the phone with me  
20 when I went through it.

21 But he -- he read me transcripts, had sent me a  
22 couple of things that he had screenshots on, articles out of  
23 the *Winston-Salem Journal* of stuff back when all that was  
24 going on, which I'd seen them because my mawmaw had kept  
25 every -- every article or anything that was printed during



1 that whole three, four years, and then just them pictures,  
2 that was it.

3 Q. How many times would you say you've spoken to  
4 Mr. Atkins on the phone?

5 A. Quite a bit in, like, the last six months. I  
6 mean -- and not even necessarily over the trial.  
7 Eventually, something in our conversation would go to the  
8 trial, but like I said, he would call and he -- he truly  
9 seems like he just cares about your well-being and stuff.  
10 And he does the same with the boys and their families.  
11 Like, he still calls and checks on them and asks how they're  
12 doing.

13 And, like, Bubba and Jermal, he said that -- I  
14 think he said they had started new jobs and that they were  
15 doing good and -- and I was really glad to hear that. I was  
16 glad to hear that, after they got out and what they were  
17 charged with, they were able to get on their feet and  
18 meet -- meet girls. And when he said Dorrell had had the  
19 baby, he said I wouldn't -- I wouldn't have believed how  
20 much Dorrell changed.

21 He said, "Jessica, I know you said he was mouthy  
22 and stuff when he was younger," he said, "and his mom said  
23 the same thing and all the boys said the same thing," he  
24 said, "so I definitely believe you," he said, "but you  
25 wouldn't believe how he acts now." He said, "He's just so



1 calm and cool and collected."

2 So when I heard about his death, it just -- it  
3 just blew my mind. Here you spent all that time behind them  
4 bars, every bit of that helps round you into the person that  
5 you become, but instead of him showing out and having, you  
6 know, resentment towards me or towards the system or  
7 anything, he just let it go and was like, you know, "I'm  
8 ready to move on with life. I don't -- I don't have harsh  
9 feelings towards her or anybody else."

10 Like I said, once -- once we were actually given  
11 the public information of how things were going about with  
12 each one of us, we noticed that each one of us went through  
13 pretty much the same kind of thing and kind of sympathized  
14 with each other. And just like I told him, I said, "I don't  
15 have -- I don't have a reason to hate them or want  
16 anything -- any of that to happen. It was all -- it was all  
17 because I was scared and I -- they kept telling me they  
18 could charge me and I was scared that I was going to go to  
19 prison for something I didn't do, something I didn't know  
20 nothing about."

21 Q. Do you still have the text messages between you  
22 and Mr. Atkins?

23 A. Yes.

24 Q. Would you be willing to share those with us?

25 A. Yes.



1           Q.    Do you have any of the documents that he has shown  
2   you?

3           A.    I've got a couple of the pictures that he has sent  
4   me. He is more than willing to work with the innocence  
5   committee, he's done said, and he taped every one of our  
6   conversations, all of that, and he's always recorded every  
7   one of them. So I've got his contact info because he said  
8   if I was willing to sit down and talk with somebody and they  
9   ever needed anything, that he would -- he'd be more than  
10  willing like, willingly only give what he found.

11          Q.    Do you have a copy of the video of your  
12  conversation with Mr. Atkins?

13          A.    No. I never recorded none of that. He said if I  
14  ever wanted any of it that he would be more than happy to  
15  give it to me because I have -- he said I have rights to all  
16  that and he said he would always send me a copy if I need  
17  it.

18                But no, I -- I don't.

19          Q.    And if you were able to get a copy of that video,  
20  would you get -- be willing to give that to us?

21          A.    Yeah. That's why I said, because he -- he would  
22  give that to you hisself because I done -- he asked if it  
23  come to him, talking to -- to -- not necessarily to you but  
24  to somebody in relation to the innocence thing, would I be  
25  willing to sign something stating that he could show them



1 what we talked about or he could -- whatever.

2 And I said yeah. And I went ahead and gave him  
3 the okay on that. And it's recorded and all that. So, I  
4 mean, he's -- he's got the okay. And I can -- I can hit him  
5 up, and he is more than willing to work with y'all and give  
6 y'all anything that y'all need when it comes to what he has  
7 done with me. He has made that very, very clear.

8 Q. Do you feel like Hunter has pressured you to say  
9 that you didn't know anything about this crime?

10 A. No. I feel like he has -- like, before he even  
11 gave me information that I've got now, he asked me to tell  
12 him what happened that day and I told him the exact thing I  
13 told you. And none of that other stuff even come about  
14 until later on in our conversations. He said he did not  
15 want to try -- he didn't want to influence me one way or the  
16 other.

17 He said, "Jessica, I'm not" -- he made that clear  
18 every time he told me something. He said, "I'm not trying  
19 to influence you," he said, "I'm just trying to let you see  
20 what's happening" because he had to remain objective to  
21 everything.

22 So I was like, "Okay." And I told them exactly  
23 what I did.

24 And he said, "Well, why did you say, you know,  
25 this, like, that you saw Bubba and I don't know if it was



1 Mel or whoever pick up a stick, or that you heard Mr. Jones  
2 screaming, 'Stop, stop, help'?"

3 And I told -- just like I told him, "Because I  
4 thought that's what I was supposed to say. That's what they  
5 want -- that's -- it seemed that's what they wanted to  
6 hear."

7 And if I kept saying something over and over  
8 again, it was either I was told I was lying or if I gave a  
9 statement of something that was close to what they wanted to  
10 hear but not every detail, I'd keep getting asked about it  
11 and asked about it until I guess I said what was -- what was  
12 wanted to be heard, and then they'd go on to the next  
13 question. But until I -- until the shit come out that  
14 they -- that was to their standards, I was constantly,  
15 constantly asked about it.

16 And I apologized. I done everything to -- to the  
17 guys that interrogated me because I just felt like -- I  
18 really felt like I was just crazy, like I -- I wasn't  
19 remembering shit or something. Like "Maybe we did go here.  
20 Maybe it's because I'm so scared I'm not remembering this.  
21 Maybe it's this, that, and a third."

22 But then when I sit here and tell y'all about  
23 stuff, when I can give you down to the last detail about how  
24 someone acted or about things that they've said or things  
25 we've done and it was so many years ago, but then when it



1 comes to other stuff that should be very detailed,  
2 there's -- there's absolutely no recollection of certain  
3 things that I have said. And I'm like, "I don't ever  
4 remember this stuff happening."

5 So it's asked, "Why did you say it?"

6 "Because I didn't want to go to jail and I was  
7 scared -- still scared."

8 Q. Are you changing your testimony from what you said  
9 before because -- or in any way to make Mr. Atkins happy?

10 A. Absolutely not. Me changing this testimony is  
11 going to make people judge me worse than what it's going to  
12 do anybody else. That's going to make them look at me like  
13 a piece of shit. I put -- I didn't -- I should never been  
14 allowed to go there and testify, not the way that they had  
15 me up there testifying, because if I couldn't say for a fact  
16 they was there or they weren't -- just because they were  
17 around the area, that shit's not right.

18 Just like I said, they could -- all of them could  
19 have done it. And then again, none of them may have done  
20 anything.

21 I don't like the fact that this shit was in my  
22 hands. All of that -- all that time that they have served,  
23 that shit is on me. That's -- that's my -- that's my fault,  
24 and that's just the way I see it. That was my fault.

25 Q. I want to go back to when you were questioned by



1 the police.

2 Tell me how you first heard that the police wanted  
3 to speak to you.

4 A. They showed up at the house. They showed up at my  
5 grandparents' house on Gumtree, the address that I had given  
6 you, the 2392 Gumtree Road. Asking -- the main detective, I  
7 cannot remember his name but he was really nice, he was a  
8 heavier-set fella, was older, real short-cut hair, but he  
9 was really nice to me and he was very calm and he told me  
10 that they coming to have somebody pick up my car. So I went  
11 all to hell because I couldn't figure out why my car was  
12 getting taken. They told me they were taking it for  
13 evidence. So my pawpaw was out there, and of course he's  
14 pissed off because they're taking my car.

15 And he said, "Evidence on what?"

16 And it's not like they could sit there and say  
17 exactly what everything was for, and it was just like,  
18 "Look, we need -- we really need to speak with you so is  
19 there any way you can come down" -- I don't even know what  
20 building I was in. Because it wasn't like the jail house,  
21 the magistrate's office.

22 I don't -- the building that I was in, I can't --  
23 it didn't look like that. It was tall and stuff, and I  
24 don't know exactly where it was they had me go for the  
25 interrogation, but I was there like eight, nine hours --



1 Jesus Christ -- and it was steady. It wasn't breaks. It  
2 wasn't none of that. It was an ongoing in-my-face-kind of  
3 thing. It started out nice. Like, the detective that said  
4 he wanted to speak to me, he started out the interrogation.  
5 And he introduced me to the other detectives or officers  
6 that got brought in there, and I just -- it was like a room  
7 full of them. And then I was sitting in this chair, but I  
8 was -- it was just like being surrounded. And I didn't know  
9 how to act, what to do. And I just told my pawpaw, "Just  
10 drop me off. Just drop me off. I'll call you when it's  
11 time for me to go."

12 I didn't -- like I say, I didn't want none of  
13 that -- none of that. I just finally opened up to my mom  
14 about all of this. And I told you how close me and my  
15 mother are, and I just recently opened up to her about all  
16 this because she was wanting to know why, in Burlington, I  
17 had received that letter and did I ever respond to it and I  
18 told her no. And all they know is the stuff that was in the  
19 papers and where I said I heard this man being murdered and  
20 I had seen these boys do this and do that.

21 Had I actually seen the shit or heard the shit,  
22 that would be one thing. But I didn't, and I don't -- if it  
23 happened that day, then it happened that day. But I didn't  
24 get with them boys until I seen them all walking down by the  
25 park. So I can't say they hadn't come from there or come



1 from other people's houses. Maybe they was just walking.

2 But I didn't see any blood on them or anything,  
3 but it wasn't anything like I was looking either.

4 Q. So I understand that you were questioned on  
5 Tuesday, November 19, 2002. So that would have been the  
6 Tuesday after the Friday when the crime occurred.

7 Does that sound correct to you?

8 A. I know it was a few days -- it was a few days  
9 after the fact.

10 Q. I also understand from police reports that they  
11 contacted your grandmother.

12 A. They -- they may have. That's -- I don't -- I  
13 don't remember all that. I mean, I just -- I don't know if  
14 they called or contacted. All I remember is them showing up  
15 at the house and me being off guard because I couldn't  
16 understand why all these police was at the house. Or it  
17 wasn't even, like, really the police cars, it was the  
18 undercover cars and stuff.

19 Then with my car being taken away and stuff and --  
20 I was more scared of being grounded because my car had done  
21 been snatched by the police, and then when they said they  
22 wanted to talk to me, I was just like, "Oh." Immediate --  
23 heart dropped to my stomach. I was scared and didn't even  
24 know what for. And then when I get in there and start  
25 hearing what for, that scared the ever-living shit out of



1 me. That was it. And I'm like, "Murder? What? What? Ho,  
2 uh-uh."

3 Q. What did you think the police wanted to talk to  
4 you about before they told you it was about a murder?

5 A. I didn't know. That's why I couldn't understand  
6 why they was taking my car. I was like, "Why -- what do you  
7 mean you've got to check it for evidence? What do you mean?  
8 Why are you checking my car for evidence? We -- we ain't  
9 done nothing."

10 Like, at the -- just like I told them, all we ever  
11 did was ride around and get high. That's all we did, man,  
12 is just ride around and smoke and bullshit. That's it.

13 Q. Before you were interviewed by the Winston-Salem  
14 police, did you talk to anyone about this case, about what  
15 had happened to Mr. Jones?

16 A. I told my -- I told my mawmaw and pawpaw maybe  
17 that I had rode through there or something and seen a bunch  
18 of cop cars and stuff. But that -- I think at that point, I  
19 didn't know anything about Mr. Jones. I didn't know  
20 nothing -- I didn't -- I didn't know there was a body. I  
21 just knew there was tape and there was the SUVs and stuff.  
22 That's all I knew.

23 Q. Did you think you had a choice in whether or not  
24 you could go talk to the police?

25 A. Hell no. They said, "Come talk to me." So I



1     figured you do what the hell the police said. I didn't --  
2     uh-uh. I thought that if they say jump, it's how high.  
3     You're supposed to do what they say. Like I said, I didn't  
4     know any better. I didn't know -- I didn't have a clue.

5           Q.     My understanding is that you were interviewed at  
6     the Public Safety Center in Winston-Salem.

7                     Does that ring a bell for where you were with the  
8     police during your interviews?

9           A.     I don't know where I was at. I couldn't -- like,  
10    if I would see that building again, I'd know that building.

11          Q.     You were at a police station; is that right?

12          A.     I don't know. I just remember being in that room.  
13    That's it. That's all I remember. And it had a long  
14    table -- not as long as this, but it had a long table.

15                     The majority of them -- those officers stood up,  
16    stood around. And whoever was talking to me at the time  
17    most of the time was sitting -- or when that one that real  
18    aggressive one come in there, he grabbed that chair and he  
19    put it right in front of me so he was damn near nose to nose  
20    with me and, I mean, just hollering and all I was doing was  
21    crying.

22          Q.     Before you went to talk the police and you were  
23    interviewed, did you know if the police were talking to  
24    anyone else?

25          A.     No. Because I thought that I was the first one



1   interrogated.  I -- that's what I've always thought.  I  
2   always assumed that I was the first since it was my car.  I  
3   don't even know why I assumed that.  I just assumed that  
4   because of them coming and getting my stuff and saying they  
5   wanted to talk to me.  And then I found out I wasn't, and I  
6   was like -- and I didn't find that out until Hunter told me,  
7   and I was like, "Oh, really?"  Because I figured since I was  
8   in there for so long, that that's what that was, that they  
9   were able to take all of the bullshit I had put together and  
10  told them and come at them boys with it.  That's why I  
11  thought I was the first one to be interviewed.

12       **Q.**   How did you first become aware that the police  
13  were investigating you regarding this case?

14       **A.**   When they come and got my car and told me to come  
15  down there to that building.

16       **Q.**   When did you first learn that it was in connection  
17  with the murder of Mr. Jones?

18       **A.**   Sometime in the interrogation, when -- when they  
19  told me.

20       **Q.**   Did you see any of the five defendants on the  
21  night that you were being interviewed by the police?

22       **A.**   No.

23       **Q.**   Were you aware that any of the five defendants  
24  were at the police station or where you were being  
25  interviewed while you were there?



1           A.    No.

2           Q.    How many officers did you talk to when you were  
3 interviewed by police that night?

4           A.    I don't remember exactly how many I talked to. It  
5 was just -- all of them didn't speak. Like, it didn't --  
6 you know, some just -- they just stood around. I thought  
7 that was normal. I thought that -- I didn't know that it's  
8 usually a small amount. I didn't know that that was, like,  
9 an excessive amount of officers in that room. Like I said,  
10 I had never been in trouble. I didn't know. I thought that  
11 was normal.

12                   And so a lot of them didn't speak. And I guess  
13 the ones that spoke were the ones that -- I guess that they  
14 figured that they were going to get through to me with, and  
15 when I -- I guess I didn't give them or tell them what they  
16 were looking for with the nice guys, that's when the little  
17 asshole was brought in.

18           Q.    How many officers did you actually have a  
19 conversation with that night, if you had to guess -- or not  
20 guess, sorry -- if you had to estimate?

21           A.    It was probably a few. But that -- the main  
22 detective that said he wanted to speak to me, I remember him  
23 talking because he was very nice -- he was really nice. And  
24 I know a couple more talked. I don't even remember what was  
25 said with them.



1 But the nice one --

2 Q. Uh-huh.

3 A. -- just because from the initial start of that  
4 investigation, he had always been really nice to me. And  
5 then that -- that jerk. He is the one who always sticks in  
6 my head because I couldn't -- I couldn't understand why he  
7 was in my face and why he was screaming at me and -- and  
8 hollering. And he was just -- he was so mean, I swear he  
9 broke me down like a baby. I was just bawling. I just  
10 wanted to go home.

11 Q. Do you remember any of the names of the officers?

12 A. No. I know that first detective's name, the one  
13 I'm thinking of -- the nice one -- the one that was --

14 Q. Uh-huh.

15 A. -- over the case, the lead detective? He -- I  
16 know his name when I hear it and I know his face when I see  
17 it, but I can't -- I don't -- I can't remember none of them  
18 by names.

19 Q. The -- my understanding of the lead detective was  
20 Detective Griffin.

21 Does that sound correct?

22 A. Heavy-set -- yes. Taller, heavier-set -- that's  
23 the one with the short hair. He had -- it was like --  
24 grayish, maybe -- maybe something like that. Because when I  
25 say "older," I don't mean like 60, I mean like -- I was 16.



1 Older I'm thinking like 40s maybe, maybe 50s --  
2 something, I don't know. But he was -- he was just really  
3 nice.

4 Q. You said you were in a small room with a table  
5 shorter than the one that where we are currently.

6 A. Yeah. It was a long table. It was like a  
7 rectangle, but it wasn't as long as this.

8 Q. Were you in only one room when you spoke to the  
9 police or were you in more than one room that night?

10 A. Uh-uh. Just one room.

11 Q. You've gotten into this a little bit, but I just  
12 want to get some more details from you.

13 What was the demeanor of the officers that you  
14 spoke to that day?

15 A. The majority of them that was in that room were  
16 quiet. It's like they were just watching, I guess. And  
17 then the ones I spoke to were nice except for the one; the  
18 one, his demeanor was just aggressive and mean.

19 Q. The mean one -- can you tell me what he looked  
20 like?

21 A. He -- so when I say "tall," I don't necessarily  
22 mean like over 6-foot because I'm not but 5'5". So anyways,  
23 it's all taller than me.

24 But he was -- he was a taller gentleman, kind of  
25 slim, and he just had longer hair. It was -- his hair --



1 when I describe anybody, I always bring up their hair. I  
2 would -- I don't know what it is. I look at everybody's  
3 hair. And his hair just stuck out to me because it was  
4 longer and it was just -- you know what I'm saying? Layered  
5 in back. But -- it was professional, but just kind of a  
6 longer do, something that you usually don't see on cops  
7 because they typically have shorter hair or a crewcut or  
8 something to that effect. It's not usually longer like  
9 that.

10 And that's why Hunter was trying to -- he was --  
11 he hunted pictures of them back around that time so maybe I  
12 could point out who he was or figure out the name, and he  
13 couldn't find any. All he could find was recent pictures.

14 So just like I told him, I wasn't sure.

15 Q. What did you first tell officers about this case?

16 A. When they asked me -- because they hadn't even  
17 told me what I was there for. It was -- they asked me what  
18 I had done that Friday and so I told them. And I told them  
19 the same thing I told you. I rode around there. I didn't  
20 see them boys out in the yard so I rode around the blocks to  
21 see if I see them walking. And I seen them walking down  
22 there past Belview -- or past the park coming back towards  
23 their neighborhood.

24 So I stopped, picked them up. They said they  
25 needed to change -- all of them didn't say it. I mean,



1 there was a couple of them was like, "Need to change  
2 clothes, there's a party tonight" -- something to that  
3 effect. And then so I took them to their houses, supposed  
4 to be for them to change. Then it was said that the party  
5 was canceled or they wasn't going -- something like that.

6 And so we got in the car and we -- I don't know  
7 which one was first. I can't remember if we went to the  
8 mall first or went to the bowling alley first. I know we  
9 went to both. And I told you we got run out of the bowling  
10 alley and I had to get them out of there before they turn  
11 around and got me banned because that was my hangout spot.  
12 And then I went with them in the mall. I mean, they went  
13 one way, I went the other, we met back and then we left.

14 And we may have rode down through Midway or  
15 something, maybe. Like I said, we was always riding around  
16 and stuff. And then we come back. I was going to see  
17 Elizabeth. But as we come back, we circled around by those  
18 mill houses in front of Belview. Usually if they -- we were  
19 in the car, we always went by there because they was always  
20 picking up weed from those houses.

21 So when we circled around there is when we saw the  
22 caution tape and all the vehicles. And the -- all of them,  
23 like I said, they were just as surprised as I was, and it  
24 was, "Oh, what's going on? What's going on?" I mean, they  
25 was, like, leaned up. My car was two-door. So Bubba was



1 typically the one that sat up front because he was so much  
2 bigger. And when he wasn't up front, it was always Stinky.  
3 And then -- but they would pile in the back of my car, and  
4 I'm talking like four and five.

5           They -- Dorrell, well, he was so little, he'd  
6 spread out across laps. I mean, they -- that's just what it  
7 was.

8           And they was all leaned up and, "Oh, let me out  
9 the car. Let me see. Let me see."

10           So I mean, they just acted just as surprised as I  
11 did.

12           And then -- and that's what I told them. Then I  
13 told them I dropped them off. And that was -- that was a  
14 wrap. And I went to see Elizabeth. I gave them her phone  
15 number, her address at the time. I swear, they never even  
16 checked in. They never even got in contact with her to  
17 verify that I went over there. They just -- I swear. But  
18 it -- they -- they kept telling me I was leaving shit out.

19           They were like, "Well, that's not all you did.  
20 That's not all you did so you need to go ahead and rehash,  
21 rethink about it. Think about it, Jessica, think about it.  
22 Think about it."

23           And it was -- it was, like, never enough. I  
24 never -- I never told them. So I kind of listened to some  
25 of the stuff they said and then took what they said and put



1 with me because it -- just like their whole times and stuff,  
2 I couldn't -- I couldn't tell you exact time I did any of  
3 that. I can't even tell you what I did this morning. Hell,  
4 I walk into a room and forget why I walk in there. Really.  
5 So I couldn't give exact times. I couldn't remember if it  
6 was daylight, dark.

7 And, hell, during trial, they were like one -- the  
8 defense attorneys were like, "Well, you said such and such  
9 happened at this time, and it was daylight. Well, do you  
10 realize it was November and at that time it would have been  
11 dark?"

12 Well, hell, that obviously lets you know my times  
13 and shit are messed up. And I -- I don't know. So ...

14 I just kept trying to put more and more together  
15 because it seemed like the more and more I put together and  
16 said what I thought -- what I thought that they wanted to  
17 hear so they would let me the hell out of there, the less  
18 they -- the more they got off my back.

19 **Q.** How long did you deny knowing anything about this  
20 crime to the police when you were there that night when they  
21 were interviewing you?

22 **A.** The majority of the time I was there. And I  
23 finally was broke down enough, I was -- you know, "Yeah.  
24 All right. I didn't see it. I heard it. And I heard the  
25 boys making jokes about robbing people or whatever."



1 But -- I mean, but it was all because -- and I  
2 mean, the boys made fucked-up comments, but they was  
3 teenagers. We all made comments. Just ask -- that's like  
4 me sitting here saying, "I'm going to kill you, you keep  
5 acting like that." You don't literally mean you're going to  
6 do that. It's just things that you say. I've heard people  
7 in jokingly manners be like, "Damn, man, I'm so broke, I  
8 ought to go out here and rob a store." And they just --  
9 they're just bullshitting. They wouldn't never do it. But,  
10 I mean, comments like that and stuff? They're made --  
11 especially with teenagers, man. We make mistakes. We act  
12 stupid -- all teenagers.

13 Q. Did you ever hear any of the five defendants joke  
14 about robbing people or say that they had robbed someone?

15 A. No. I mean, they talked about shit like -- like  
16 fighting and -- I mean, I couldn't tell you exactly what  
17 little comments were made. I just know the people I choose  
18 to hang out with and the way that they act -- they're  
19 usually always the same. They're usually always like that  
20 as far as personalities go. And it's always typically the  
21 same kind of shit, I mean.

22 But it was never a direct, "Okay, well, we're  
23 going to get Mr. Jones, that house, that man,"  
24 da-da-da-da-da. And from what I've gathered, everybody who  
25 lived in that neighborhood knew who Mr. Jones was and they



1 all knew that man would give you the shirt off the back --  
2 off his back, and always knew that he also never carried  
3 cash.

4 So -- and that was told to me from people -- as a  
5 matter fact, there are people I work with right now -- my  
6 boss lady is one of them, and I just sat there with my mouth  
7 shut when she brought this up -- when Dorrell got stabbed,  
8 it was on the news at work before we was getting ready to  
9 get off, she says, "You know" -- and she -- she's an older  
10 black lady. She says -- she's like 60. She said, "I used  
11 to love Mr. Jones." She said, "Girl, I didn't have the  
12 money to fix my car one day and he told me to bring it on  
13 down here and he would pay for it." She said, "He was that  
14 kind of person. He just would do anything for anybody."

15 Kids -- they said kids could go up and ask him for  
16 something and he would just hand it to them. If he had  
17 money, he would hand it to them.

18 So that being said, and them growing up in those  
19 neighborhoods, everybody around there knew him and everybody  
20 around there knew he didn't carry cash. So to me, it would  
21 be senseless to beat a man to death and rob him just to try  
22 and use a card or something that you can't access because  
23 you don't have the PIN to.

24 Q. When you met with the police that night that they  
25 interviewed you about this case, did they give you any



1 information or details about the case?

2       A. As the interrogation went on and the  
3 aggressiveness picked up, that's when little stuff would  
4 come out. And I really don't think that they intentionally  
5 were trying -- that the officers were trying to, like, throw  
6 it out there for me. And I think they were pretty much  
7 getting aggravated with me and I was aggravated with them  
8 and I was all to hell and they kept telling me stop crying  
9 because they couldn't understand what I was saying.

10               And so if a comment was made and it was something  
11 that I hadn't heard be said, I took that and added that in  
12 with my shit somehow or another. Like I'm -- I don't even  
13 remember -- like the tape. Something was brought up about  
14 some tape, which is why I said I had seen them get the tape.  
15 That's just like I changed the color of the tape three damn  
16 times because I was trying to guess at what color -- because  
17 they wouldn't tell me the color of the tape. So I  
18 figured -- I was like, okay, well, it was duct tape.

19               Well, next thing I know, next time I talked to  
20 them -- like not that interrogation but, like, the next time  
21 I talked to the people, "Well, you said it was gray and it  
22 wasn't gray, Ms. Black. Are you sure it was gray and it  
23 wasn't some other kind?"

24               So then they got me thinking, "Oh," I'm like,  
25 well, maybe it was black." You know? And I would just keep



1 going and I'd keep guessing along until I kind of got the --  
2 the sense that it was the right one, that that's the one  
3 they were looking for.

4 And -- because at that time, I didn't realize that  
5 me saying everything I said was putting them boys away the  
6 way it did. I was just -- I thought -- I thought I was  
7 going to prison. I thought I was going to jail. And the  
8 very last time I was on the stand, I was pregnant almost  
9 eight months. And they brought me back off the stand  
10 because I broke down. That defense attorney had me racked  
11 and he just kept on and kept on and kept on. The judge  
12 finally told him, "You need to stop," and they took me in  
13 the back.

14 And as I was going through the back -- I had never  
15 seen the elevator that they bring the inmates up on. I  
16 didn't know that was right there as you walk to the back.  
17 So as I was coming back, they was bringing up -- Rayshawn  
18 was in the elevator. When he seen me, he lunged at me as he  
19 was coming off the elevator. Now, mind you, he's in  
20 shackles and handcuffs. He still lunged. When he did, they  
21 slung him back in that elevator and, like, they -- they was  
22 cussing and everything. And then they got me on there.

23 And that -- that's what I'm talking about with his  
24 impulsiveness. He -- like, he -- that's just -- that was  
25 him. He's always angry -- or he was then. And I just



1 can't -- I can't see him changing like that. But that's --  
2 that's just -- I don't know. My story changed. Every time  
3 I was on the stand, it changed a little bit more. Every  
4 time I talked to them, it changed a little more, a little  
5 bit more. We'd get added -- into it, a few more details  
6 would come out.

7 But it was all because it's something -- some way,  
8 I -- I'm sitting here listening, and I hear one of them  
9 bring up something or bring up something else or bring up  
10 the smallest little detail, and I'm taking it and I'm  
11 fitting it in wherever I think it goes. So that way, they  
12 just leave me alone. They just -- just leave me alone. I  
13 just wanted to be done.

14 Q. Did you ever see any statements by any of the five  
15 defendants or anyone else when you were being interviewed by  
16 the police?

17 A. No.

18 Q. Were there any documents present in the interview  
19 room?

20 A. Uh-uh.

21 Q. Any photographs?

22 A. I can't -- that's why I say I can't remember if it  
23 was during that interrogation that I was shown the pictures  
24 of Mr. Jones or if it was later on in -- in another  
25 conversation time with them. I just remember seeing them



1 pick -- when they showed me them pictures and I just  
2 remember them showing me the pictures of him bound, of him  
3 laying there, of him -- it was just -- and I don't know. I  
4 just -- I can't -- I can't deal -- I can't handle shit like  
5 that.

6 Q. That first time you were interviewed by the police  
7 about this case, which was Tuesday, November 19, 2002, did  
8 anyone tell you anything about what could possibly happen to  
9 you?

10 A. Oh, they told me. They were like, "Oh, you're  
11 going to cooperate or you're going to be charged with  
12 accessory, and, you know, as a matter of fact, we can charge  
13 you with murder too."

14 And I was like, "What? How are -- how are you  
15 charging me with murder and I didn't do anything?" And  
16 that's -- that's what I'm saying. I'm like, "I didn't do  
17 nothing. I was just hanging out with them. That's all I  
18 was doing. They were my friends. They were my friends."

19 "Well, how are they such good friends, Jessica,  
20 and you only know them two months?"

21 Because I'm 16. And at 16, you can know a person  
22 a day, and that's your friend. That's just what it is. You  
23 are naïve to the world, especially when you've never been  
24 exposed to anything.

25 And they were my friends and ...



1           Q.    Did anyone talk to you about what possible  
2 punishment those charges could carry?

3           A.    Life in prison.

4           Q.    Did they say that to you?

5           A.    Yeah.  And that's all they kept telling me.  
6 That's why they kept telling me, "Well, that's okay, because  
7 if it's 30 years down the road, if them attorneys feel like  
8 they want to, they can come back and charge you.  They can  
9 come back and charge you.  So just know that.  Just know  
10 they can always come back and charge you.  So even after you  
11 testify, we can't guarantee that you will never be charged."

12                That's why I keep to myself and make sure doesn't  
13 nobody know nothing.  I didn't want nobody to be able to  
14 find me if I had -- if I could help it.  Nobody be able to  
15 do anything because -- I was scared at some point in time it  
16 was going to happen.  I was scared that the boys, once they  
17 got out, maybe they'd find my address and they might look  
18 for revenge because I've taken their life, the majority.  
19 And maybe their families will stick to the shit they said.  
20 I was at -- I was -- had so many people threaten to kill me  
21 it was unreal, which is why they kept me in the courthouse  
22 and wouldn't let me go outside for a break or nothing.

23           Q.    Who threatened to kill you?

24           A.    Family members and friends of the -- of the boys.  
25 That's all that was there.  You had Mr. Jones' little



1 family, the little bit that was there, and then it was  
2 filled up with their families and their friends.

3 And at first, it was a -- "Here this white girl is  
4 hanging out with all these little back boys. She just  
5 pinned the wrong because heaven forbid the white girl get in  
6 trouble." I was hearing all kinds of comments.

7 Then it went from a race thing to "She's just  
8 trying to save her own ass."

9 And then it was, "That's all right, bitch, because  
10 if we catch you out on the street, your ass is ours."

11 And like I said, that's why I still do not go to  
12 Southside unless I have to and I have somebody with me,  
13 because I'm scared that somebody's going to recognize me.

14 So when Hunter brought that up to them and they  
15 said that they were sorry for their families acting like  
16 that and the family members of the boys that he spoke with  
17 said that everybody was just -- it was a real dramatic  
18 moment in all their lives -- in all of our lives, and -- and  
19 they were speaking from emotion and they were so mad and so  
20 upset and ...

21 So, I mean, being a mother myself, I can't -- I  
22 can't blame them because I'd probably say some of the same  
23 shit if my son was in some shit like that.

24 Q. Do you have any --

25 A. And that's --



1 Q. -- specific memories of who threatened you?

2 A. No. I mean --

3 Q. Names?

4 A. -- the courtroom was going off. It was multiple  
5 people in there showing their ass. They were standing out  
6 front of the courthouse showing their ass. They were in the  
7 courtroom raising hell. The judge -- he said something  
8 about contempt if they didn't settle down. Like, people  
9 were going -- it was really nerve-racking.

10 Q. What does "showing their ass" mean?

11 A. I mean like just hollering and -- and cussing and  
12 just saying mean, hateful shit, which is another reason why  
13 I refused to let my mother come. I know my mom. My mom  
14 would've went to jail big as hell because she's been like --  
15 she's been raised -- she's been fighting. Would've been a  
16 rap.

17 Q. When you were interviewed by the police that first  
18 night, did -- did you believe them when they said that you  
19 could be charged with a crime?

20 A. Yeah. I believed everything them cops told me.  
21 Everything. And it's like I said. At that age, there's no  
22 reason in the world why you shouldn't have any trust in the  
23 law. None. You are raised to know that they are there to  
24 serve and protect you, to make sure that the right is right  
25 and the wrong is dealt with. That's what they're for, to



1 serve justice. And so you have no reason to not believe  
2 anything they say.

3 So everything they told me, I didn't give it --  
4 they could have told me the damn sky was black and I'm going  
5 to be like, "Yep, you're right."

6 Q. Did you think that you could leave the police  
7 station that night?

8 A. Uh-uh.

9 Q. Is that a no?

10 A. Oh, I'm sorry. No.

11 No, I didn't -- I -- it's -- I felt like I had to  
12 stay there until they told me they was done. I did not know  
13 that because they hadn't read me my rights, which meant I  
14 wasn't being arrested, I did not know that that meant I  
15 could get up and leave at any point in time. I did not have  
16 a clue.

17 Like I said, my mother, nobody was there. And so  
18 I asked after I got grown, and I was like, you know, I said,  
19 "Why wasn't my mom made to be present?" Something --  
20 because I was a kid.

21 "Well, because, Ms. Black, you were never under  
22 arrest and because you weren't under arrest, there was no  
23 reason to have to have her there."

24 Well, I -- I call bullshit on that. I think that  
25 they still should have had somebody there to prevent the



1 shit going on like what it did, all the -- the way that  
2 you're talked to.

3 I can understand how people can get aggressive  
4 sometimes to get what you need, to get somebody to finally  
5 come forth. I can understand that. But I can't understand  
6 taking it to the levels of what they did and that just to --  
7 I swear to God, it's like they meant to just break you down  
8 just to break you, period. I mean your spirit, your mind --  
9 everything.

10 Q. You initially met with officers and talked about  
11 the case, and then later they taped an interview with you;  
12 is that correct?

13 A. I don't know. Hunter asked me the same thing. He  
14 said was there ever a recorder out while I was interrogated  
15 the first time. I can't remember. I can't ever remember  
16 seeing a camera, a recorder -- nothing. But my nerves were  
17 all racked, and I cried the entire time I was there. So it  
18 wasn't like I was paying attention. My mind was everywhere  
19 but there. I wanted to go home, and that's all I was  
20 focused on.

21 Q. We do have a transcript of an interview with you.  
22 And the information that we have says that you were  
23 interviewed starting around 7:00 p.m. that night and it  
24 looks like you denied involvement for about two hours. You  
25 were interviewed from 9:00 to 9:30. From 9:30 to 10:00, to



1 10:00 there was a taped interview that has been transcribed.

2 Does that refresh anything for you?

3 A. No. I mean, if that's in the transcript, then I'm  
4 pretty sure -- I'm sure it happened.

5 Q. Well --

6 A. It's a fact that I denied that for two damn  
7 hours -- two hours. So for two hours, I fought them and  
8 kept saying that same shit over and over and over and over  
9 and over, and I was told I was lying over and over and over  
10 and over. So ...

11 Q. It's approximately -- it's approximately two  
12 hours. They indicate that you started the interview  
13 sometime after 7:00 and then you took a bathroom break  
14 around 8:45, and then sometime soon after that is when they  
15 got their statement from you stating that you were involved  
16 and what you had said to the police that night.

17 The reason I'm asking you this is earlier you said  
18 you thought you were there eight to nine hours.

19 A. And, girl, I'm telling you, it seemed like -- it  
20 seemed like two days while I was there. I mean, it was --  
21 it was the longest period of my life and that's what it  
22 seemed like, eight to nine hours. So I get -- it was  
23 just -- it was just that long.

24 I couldn't tell you -- just like I didn't know I  
25 was there at 7:00 o'clock, I don't know -- I just -- I know



1 what's in the transcripts, that I've actually been able to  
2 go over and look at. And -- but I couldn't -- I don't -- I  
3 don't have a clue. My mind was so shot in those years --  
4 the whole years of them trials and shit, my mind was just  
5 shot.

6 Q. How did you leave the interview that night? Tell  
7 me about that. How did it conclude?

8 A. I don't really remember. I think my pawpaw come  
9 back and got me, I think.

10 But as far as -- I don't know how -- I don't  
11 remember how the interview ended, just like I don't remember  
12 that -- that tape being done. I -- I don't know. I just  
13 told them what I did remember.

14 And, once again, just like I said, I picked them  
15 up, took them to their houses, we took off, went a few  
16 places, I brought them back and got my ass home -- or I went  
17 to Liz's, then got my ass home, because I had to be home by  
18 a certain time.

19 But that -- that's it. I -- I don't know ...

20 And, see, and other stuff -- other stuff might  
21 have happened that I cannot remember. And, I mean, shit  
22 might have happened, but I don't know if I said the shit  
23 because I was just all out scared trying to save my own ass  
24 or if it was shit that was thrown out there that I took and  
25 put into there or -- I don't have a clue because I really



1 thought I was losing my mind because I wasn't remembering  
2 what the hell I was -- from what they're telling me, I  
3 wasn't remembering what I was supposed to be remembering.  
4 And I couldn't -- I wasn't telling them what the hell was  
5 going on apparently, and I kept getting told I was lying and  
6 I was leaving shit out.

7 Q. Why did you tell them that you were involved?  
8 Tell me about how that happened.

9 A. Because I was with them that day. And that's how  
10 my involvement got put in play, because I was with them.  
11 And when I was talking to Hunter, he informed me that Mel  
12 was the first one to get to be questioned, and that that's  
13 how they found me was because the boys had -- had told them  
14 they had hung out with me that day.

15 And I said they did. We were always hanging out.  
16 But, I mean, we -- we hung out that day, but I'll be damned  
17 if I -- they didn't kill nobody while they was with me. I  
18 mean, hell, they -- I know kids can do some messed-up shit.  
19 Hell, I watch *Investigation Discovery* all the time. ID  
20 channel don't move off my TV.

21 I see there are kids out here that commit murder  
22 and stuff every day. But regardless of the way them boys  
23 acted, as big of fucking knuckleheads they are -- or were, I  
24 would have never thought they were going to kill some  
25 fucking body. I still -- ain't no way all five of them is



1 involved. I don't care. One, two, three -- hell, some of  
2 them may be, but there's no way all five of them is  
3 involved. I can't even remember who all was in the car with  
4 me that night.

5 And then it says I jumped around and said it was  
6 Rayshawn, then changed it and said it was Dorrell, and then  
7 went back and said it was Rayshawn. And -- I don't know.

8 Q. Earlier you were talking about how there was one  
9 officer who was mean and aggressive to you.

10 A. Yep.

11 Q. What do you remember about that?

12 A. That's that one I was describing to you that had  
13 the longer hair.

14 Q. At what point during the interview did that  
15 happen?

16 A. I don't know. Sometime after I had been there for  
17 a while. It's not that -- it seemed like a while. I  
18 don't -- obviously, my time is off. I don't know.

19 Q. What did that officer say or do?

20 A. He just -- he started to question me and make me  
21 go over my story and then telling me I was lying -- I'm  
22 lying about what I went -- or where we went or what we did.  
23 And then the -- where we went first and shit.

24 Like I said, I can't tell you what -- where I went  
25 first. I can't remember where we went first. I know where



1 we went. I don't know which one was first and which one was  
2 last and what time it was and all that. That's not  
3 something I paid attention to. That -- that's -- I don't  
4 know. He was just -- he was screaming at me and was so  
5 close to me, I could feel his spit hit my face.

6 Q. Did the --

7 A. That's how loud he was hollering.

8 Q. This officer was doing that to you when you were  
9 still denying any knowledge of the crime?

10 A. Yeah. And that -- and right when he started  
11 showing his ass is about the time I started, "Okay, well,  
12 maybe -- maybe this happened. Okay, but I -- like I said,  
13 that shit had me scared to death. I was so scared. I  
14 thought I was going to jail. I thought I was -- I thought  
15 that was it, that I was going to prison for murder and I  
16 didn't even know nothing about a murder.

17 That's just like they asked this one time -- I  
18 asked them one time -- I can't even remember when it was  
19 they asked me how did we know -- or how did I know to drive  
20 around Belview at that time to catch all of the law there at  
21 the time that I did.

22 It wasn't like I had planned to drive around there  
23 at a certain time. It's just we drove around there like any  
24 other time and, boom, what in the hell is going on here? It  
25 was -- I ain't never seen that many police and stuff at one



1 place. It was ridiculous. And it wasn't just that yard  
2 that was roped off, that -- that shit come all the way down  
3 around the block. They had that whole area roped off so you  
4 couldn't even go that way and get near that house.

5 Q. Do you remember crying during your interview with  
6 the police?

7 A. Damn near the whole time.

8 Q. What was the reaction of the officers to your  
9 crying?

10 A. There was a couple like, "It's okay and here's  
11 tissues," and, "It's all right, we just want to know. We  
12 just want to know what's going on."

13 And then that jerk, that motherfucker -- it's like  
14 he didn't even feel bad for crying. "No, you just want" --  
15 like I just want pity or sympathy or something. And --  
16 because I was a girl, you know, I mean, he just made me feel  
17 like shit.

18 And then because of that initial interview with  
19 them and the story changing like it did so much, those  
20 defense attorneys tore me a new ass. And, I mean, they made  
21 me look like a complete idiot on the stand. Hell, I made  
22 myself look like an idiot because I couldn't -- I couldn't  
23 answer them. I couldn't tell them why I just walked up and  
24 why I did this and why I did that. I couldn't -- I couldn't  
25 give them a reason. I don't know why my story was different



1 then and why it's now. I didn't -- I didn't know what to  
2 tell them. I was scared to tell them that -- that I was  
3 lying and that I was trying to tell them what they wanted to  
4 hear so they would let me go home because I was scared that  
5 they was going to arrest me. And I ...

6 Q. All right. I just have a few more questions about  
7 the day that you were interviewed by the police, and then we  
8 can move on to something else.

9 Did you see anyone with the district attorney's  
10 office when you were with the police that night being  
11 interviewed the first time?

12 A. Not that I remember.

13 Q. Did you talk to any attorneys that night?

14 A. Not that I remember.

15 Q. Did you receive any advice from anyone on  
16 November 19, 2002? And that's the day that you were  
17 interviewed by the police.

18 A. Uh-uh.

19 Q. Is that a no?

20 A. No. No. No.

21 Q. On November 19, 2002, did any of the officers ever  
22 tell you that you were a suspect in this case?

23 A. Yeah. Immediately.

24 Q. You talked about this earlier, but do you remember  
25 your interview ever being recorded by the police?



1           A.    I don't know if it was or not.

2           Q.    Did any officer ever talk to you about the  
3 evidence that they had collected in this case?

4           A.    I was told that -- that's when I was told that  
5 like -- you're talking about in that initial interview?

6           Q.    Yes.

7           A.    I don't know. I don't know when it is that I was  
8 told about the evidence that was -- that they supposedly  
9 had. I don't -- and I can't remember if it was throughout  
10 the trials or if it was with the DAs or if it was in the  
11 interview. I just remember I was told that they -- there  
12 was skin DNA found in my car.

13                   I didn't even -- because I couldn't fathom why  
14 they didn't find no blood -- if these boys killed somebody,  
15 why they wouldn't find no blood. Why couldn't you find --  
16 why didn't -- why wouldn't you find blood if they beat him  
17 to death? Why couldn't you find blood? It should have been  
18 in my car.

19                   Well, then I found out about the -- let's see. It  
20 was the skin DNA and then it was something about finding  
21 some -- some tape or something.

22                   And then said they had a video of the boys trying  
23 to use Mr. Jones' cards at the ATM at the mall and said they  
24 had the video of us at the bowling alley. And I was like,  
25 "Okay. So if you have those videos, then you know we were



1 there. Why didn't" -- but -- and just like when they  
2 brought up the video about the ATM at the mall, "Well, I  
3 don't know what they did. They wasn't with me. If y'all  
4 have the videos, you'll see. We go in, we go separate  
5 ways." And it was come back and meet at this such and such  
6 a time so we can go. They had their own little reason for  
7 doing what they was doing, and I was going to see Jordan.  
8 She wasn't at work so I come back and got up with the boys  
9 and we left.

10 But there was no video. They didn't have a video  
11 of them at the mall on the ATM.

12 Q. How do you know this?

13 A. Because they said -- because that's what the --  
14 one of the detectives and stuff said in the little interview  
15 they did with Hunter.

16 So they didn't have -- because Hunter was bringing  
17 up the stuff that I told him about what they had told me  
18 over the evidence and stuff. He said -- and one of the  
19 officers told him, one of the detectives that was a higher  
20 detective told him that -- he said, "Yeah," he said, that --  
21 he said, "Her testimony is what put them boys away."

22 And I -- that -- I felt so bad. I said, "That's  
23 bullshit. That -- that's bullshit."

24 That's -- that's how I found out about the  
25 footprint on the hood of whatever was out there from the



1 shoe. And that right there was about the only evidence they  
2 had.

3 Q. Who told you that?

4 A. That's what Hunter was reading to me from what he  
5 had found. And I know he was reading it because of how he  
6 was saying it or whatever. Like, he was reading it off of  
7 whatever he was looking at or whatever. But it's -- it's in  
8 those recorded conversations.

9 Q. All right. I want to go back to the day of the  
10 crime, November 15, 2002. I know you've talked a lot about  
11 what happened that day. I'm going to try to get more  
12 details from you. If you don't remember, you don't  
13 remember.

14 A. All right.

15 Q. But let's just walk through that day and tell me  
16 what happened.

17 A. So it's Friday, which means when I got out of  
18 school, my first thing is to always go straight home  
19 because that's -- that was the rules. Come straight home,  
20 you make sure there ain't nothing that Mawmaw wants you to  
21 do.

22 And then as soon I get my chance to run, I take  
23 off and I go to the boys. That's my -- I'm sorry. I was  
24 looking for another mint. My mouth ...

25 Q. Do you want to take a break? We've actually been



1 going now for about --

2 A. No. We ain't got much longer.

3 Q. Okay.

4 A. But my mouth's just a little dry. I'm sorry.

5 MS. MYERS: Do you want some more water or  
6 anything?

7 THE DEPONENT: No. I just -- that tobacco  
8 plant, that dust is killing me.

9 But ...

10 A. Okay. So details of that day?

11 Q. Uh-huh. You can start --

12 A. I would have got out of school. I would have went  
13 home, made sure there wasn't nothing that they wanted me to  
14 do, and then I would've lied about where I was going because  
15 I did not want nobody to know I was in Southside, for one.

16 THE DEPONENT: Thank you so much.

17 MS. MYERS: Uh-huh.

18 A. And that I was hanging out with all these boys,  
19 and little black boys on top of that.

20 So I probably told them I was going to Liz's house  
21 or something, which eventually I did by the end of the  
22 night. But it was -- as a matter of fact, when I went by  
23 her house, I was telling her about that crime scene. I was  
24 like -- and I was telling her about how she would not  
25 believe how many damn cops and shit was there. I said, "I



1 don't know what happened, but," I was like, "Girl, we just  
2 saw all these cops, there was tape. I don't know what  
3 happened."

4 But I wasn't there long because her dad and her  
5 stepmom was about to come home.

6 Anyway, I would've lied to them about where I was  
7 going and then hauled ass to find the boys. I never went  
8 by -- like, I wasn't -- wasn't never on Goldfloss, where  
9 Stinky and Rayshawn lived. Always went straight to  
10 Devonshire, which is a street over. And -- because they  
11 were usually always up at Bubba's or at Mel's, if they were  
12 at somebody's house, and they were always either on the  
13 porches or in the yard.

14 They weren't nowhere in sight, and that's when I  
15 rode around the blocks. And when I come around from turning  
16 right there beside Belview, I see them walking down the  
17 road.

18 Q. Which road?

19 A. The road that's in between Belview Park and the  
20 line of houses where Mr. Jones' house is at. There is a  
21 road that's in between there, and I can't remember the name  
22 of that road.

23 Q. You know what? I'm going to -- I have a map.  
24 This was actually a state's exhibit at trial.

25 A. Oh, yeah.



1 Q. And I'm going to mark it as Exhibit 7.

2 (Exhibit 7 marked.)

3 Q. I'm just going to have you look at this and see if  
4 that helps orient you. So just take a look at it first.

5 A. Okay. So Belview Park is right here. So you've  
6 got Moravia right here. Mr. Jones' house is -- what? Like  
7 this third one, I think -- second or third. It's one or the  
8 other.

9 I come around here, because these houses right  
10 here is where they -- where they always stopped to get their  
11 weed.

12 Q. Okay. Why don't we circle those homes.

13 A. All right.

14 Q. You can use this marker.

15 A. All right. So these homes on this street -- I'm  
16 not necessarily one of these, but it's --

17 Q. That area?

18 A. -- those, yes, because that's a dead-end street.  
19 It dead ends down here.

20 Q. And these were where they got their weed from some  
21 friends?

22 A. Yeah.

23 Q. Or --

24 A. Friends or family or something. I don't know. I  
25 never went in the houses, I ain't never talked to the



1 people.

2 Q. Okay. Why don't you --

3 A. I'd stop ...

4 Q. Why don't you just write "weed" under it and we'll  
5 know that that's what that is.

6 All right. I'm sorry. Keep going.

7 A. Because when I asked why we were always at -- why  
8 we were even over there, I was like, "We always hung out  
9 here."

10 And then we always -- there's a street -- so once  
11 you come down here, you get down here to where Goldfloss is,  
12 you keep going, and you go back to Devonshire and stuff.

13 When you get down to Goldfloss, you could cut down  
14 and then there would be -- there is another street at the  
15 stop sign and it brought you right up here, because this  
16 right here dead-ends.

17 So we were always coming right here. I would  
18 stop, let them run in, do what they was going to do, and  
19 then we'd come on back.

20 So I was coming around here and coming down this  
21 way right here.

22 When I got the boys, like I said, they were right  
23 there by where the trees started. So you got -- your tree  
24 line's right after the parking lot.

25 Q. Uh-huh.



1           A.    So it's somewhere -- somewhere right in here is  
2 where I got with the boys.

3           Q.    Okay. Why don't you put an X there.

4           A.    Yeah. Because they were just right past -- right  
5 past the park.

6           Q.    Okay.

7           A.    So I didn't see them here, but they were right  
8 past the parking lot when I got them. Then, once they got  
9 in the car, it was, "We need to change clothes."

10                   So I go, and I can't remember if I -- I can't even  
11 remember which all boys was with me. Stinky was usually  
12 always with me, and Mel was usually always with us. But ...

13           Q.    So you don't remember who --

14           A.    Bubba was there from time to time. Rayshawn I'm  
15 pretty sure was there because I'm pretty sure Rayshawn was  
16 the reason we got kicked out of the damn bowling alley. I'm  
17 about -- I'm about 95 percent positive Rayshawn was with us  
18 that night at the bowling alley because he may not have been  
19 walking with them.

20           Q.    The police reports indicate that Nathaniel Cauthen  
21 was the reason you got kicked out of the bowling alley.

22                   Does that sound correct --

23           A.    It may be.

24           Q.    -- to you?

25                   Or do you think it was Rayshawn Banner?



1           A.    I think it may have been both of them cutting up  
2 together acting stupid.

3           Q.    Okay. But you don't have a memory of exactly who  
4 was with you at that point?

5           A.    No. Because -- well, there were so many times  
6 when, like, I'd only see one or two of them. And then it  
7 would be like 30, 45 minutes later, boom, here was another  
8 one. And then one might have to leave and then another one  
9 comes. So it was -- it was a constant swap out, all the  
10 time throughout the whole two months.

11          Q.    How many of the defendants do you think you picked  
12 up at that point?

13          A.    When we went to the bowling alley, I think I  
14 had --

15          Q.    This is when you saw them in the afternoon.

16          A.    Oh, when I seen them there?

17          Q.    Yeah.

18          A.    I think it may have been three of them -- three or  
19 four of them walking down the street.

20          Q.    All right.

21          A.    It was a little group, like it -- it wasn't like  
22 two. It was like three or four.

23          Q.    Can you write "3 to 4" next to it?

24                Okay. So what happened after -- we can stay off  
25 that for now.



1           A.    Okay.  So once we --

2           Q.    We'll come back to the map.

3           A.    Once we go down through here, Dorrell was in this  
4 group of what I picked up first because I remember having to  
5 go this way on Devonshire to get -- drop him out.

6                   And then the rest of the boys, I could drop them  
7 out there because I wouldn't never take Stinky and Rayshawn  
8 down to their house, not after meeting their mama that one  
9 time.  I -- uh-uh, I wasn't going there.  So I just thought  
10 they'd walk down and they'd come back.

11          Q.    Do you know --

12          A.    I was gone for a short little period of time.

13          Q.    Do you know about what time it was that you picked  
14 them up on the street next to the park?

15          A.    I was pretty sure it was daylight, and that's --  
16 that's all I could remember.  And that's what got me so  
17 confused, because what I thought might've been daylight  
18 or -- or whatever is when they kept throwing shit at me,  
19 "Well, you know it's this time of year, and this -- it had  
20 to be dark" or whatever.  Well, maybe it was.  I don't  
21 remember.  But I thought it was daylight when I got them.

22          Q.    All right.  And then you dropped off Dorrell.

23          A.    Yeah.  So we go down and we drop off Dorrell.  And  
24 we come back here and drop them boys off -- or stop and make  
25 them change clothes.



1           From what I can remember, I just sat there and  
2 waited for them to come back in front of Ann and Opie's  
3 house, which was like right across from Bubba's.

4           Then the boys come back, and that's when we just  
5 took off. And that's when they told me the party was --  
6 they wasn't going to the party and whatever fucking party  
7 they was talking about. That was the only reason for them  
8 having to change clothes. As a matter fact, I remember  
9 asking them why the hell they had to change clothes because  
10 they went -- from what I could see, there wasn't nothing  
11 wrong with the clothes.

12       **Q.**   What were they wearing? Do you remember that?

13       **A.**   Every time you seen them, it was some always kind  
14 of T-shirt, baggy-ass jeans -- I mean off-their-ass jeans --  
15 and sneakers. Always.

16           Dorrell, you'd see him, he'd wear wife-beaters  
17 sometimes.

18           And Stinky -- Stinky'd wear wife-beaters.

19           But then I'm pretty sure it was just T-shirts and  
20 jeans and some sneakers and shit because that was their  
21 typical look. So I'm --

22       **Q.**   All right. So going back to that day ...

23       **A.**   We -- they come back and they go ahead and get  
24 back with -- I don't think -- I don't know if Dorrell come  
25 back. I can't remember. I can always guarantee Stinky is



1 with me. That's the one I can always tell you I know for  
2 fact was with me because he was always with me.

3 I honestly cannot tell you -- I'm pretty damn sure  
4 Rayshawn was with us just when we -- when we went to the  
5 bowling alley. There was three or four of them when we went  
6 to the mall. I remember that because I remember them acting  
7 foolish. That's why we got kicked out of the damn bowling  
8 alley, I think. Acting stupid, like immature little boys.  
9 And I mean, like -- in the arcade part, the old-school video  
10 games like the racing ones, you know, they had the little  
11 dome that come over you and shit, and they'd be, like,  
12 jumping on top of video games, being loud, cussing, cutting  
13 up, and acting stupid. That's what got us thrown out of  
14 there, was them being boys, teenage boys acting immature and  
15 dumb.

16 And then they got smart with the po-po. And then  
17 they get smart with the po-po. That was -- which I hated  
18 because I was really familiar with that officer. He knew  
19 me.

20 So we took off.

21 Q. So --

22 A. I can't guarantee who all was with me.

23 Q. Okay.

24 A. It was a group of them.

25 Q. This was -- I just want to make sure I'm clear in



1 understanding what the timeline is.

2 So you picked up three to four here?

3 A. Uh-huh.

4 Q. You dropped Dorrell off.

5 You dropped some of the others off on Devonshire;  
6 is that right?

7 A. Yeah.

8 Q. Or somewhere around there?

9 A. I just -- I pulled either in front of Bubba's  
10 house or in front of Opie's house because I -- I wouldn't go  
11 in front of Mel's house. His mama scared the shit out of  
12 me.

13 Q. How long were you in that area -- or what happened  
14 after you dropped them off?

15 A. It wasn't no time. Like, it -- they wasn't gone  
16 very long. It didn't take no time to change. And all of  
17 them didn't damn change. So, I mean, if he -- that's why I  
18 was like, "Well, what the hell?"

19 But that's when they said they weren't going to  
20 the party.

21 Q. Okay. So did they come back to your car and get  
22 in your car?

23 A. Yeah.

24 Q. All right. And where did you go after that?

25 A. I don't know. I don't remember where we went



1 first. It was dark when we were at the bowling alley and it  
2 was dark when we come out the mall. So I -- I don't know  
3 where we went first. And then we'd ride around. We rode  
4 around, get high.

5 And, girl, in all honesty, we -- when we did that,  
6 it doesn't just -- you just -- you listen to your music and  
7 talking shit and you're sat back and you've got a buzz and  
8 you're not paying attention. You're just riding to ride  
9 because you're just enjoying your buzz and having a good  
10 time. And -- I don't know. I don't know where we all rode  
11 to. Those -- I remember being at them two places. I  
12 remember us going there.

13 Q. Did you go back to Belview Park that day?

14 A. Now, it was towards the evening when I was  
15 bringing them back to drop them off before I was heading to  
16 Liz's and then going home and we come this way, come up  
17 through here, come around here. And as soon as you get,  
18 like, right here, you just saw everything. And it was  
19 like -- that tape, that yellow tape, all the way -- I mean  
20 all the way around there. There were damn SUVs and shit all  
21 up and down here. You -- I mean, you could hardly get  
22 through the road there were so many damn vehicles.

23 Q. My understanding of where you're pointing to is  
24 that this street that intersects Moravia is Burgandy.

25 Does that sound right?



1           A.    That does sound right.

2           Q.    Okay.  So in between the time that you picked up  
3 the three to four along looks like Burgandy, next to Belview  
4 Park, and when you went back later that night, you saw the  
5 crime scene tape --

6           A.    Yeah.

7           Q.    -- did you go back to Belview Park at any time?

8           A.    I know I stopped my car and everybody hopped out  
9 and was looking, but I can't remember if I stopped it here  
10 or if I actually pulled in there and parked.

11          Q.    When the crime scene tape was out?

12          A.    Yeah.  Because we did -- we were able to go this  
13 way because you damn sure wasn't going this way, there was  
14 too many vehicles.  You're not getting through there.  And  
15 it was just a shit-ton of stuff, I guess because his body  
16 was out there, they weren't going to let anybody go that way  
17 anyway.  Because you wasn't going to get through there.  
18 And -- but we come down this way.  And I know I stopped my  
19 car.  So that's why I say I'm not sure if I pulled in the  
20 parking lot if it's that -- I sat on the side of the street.

21          Q.    Okay.

22          A.    I probably pulled in the parking lot with all the  
23 damn police because, you know, we had done been smoking  
24 weed.

25                   And I don't remember getting out the car.  I



1 remember looking out, like, through the windows and shit.  
2 But I know a couple of them jumped out the car and I was  
3 like, "What in the -- what went on? What the fuck's going  
4 on?" And like -- like I said, they were just as surprised  
5 as I was. So it wasn't like a -- you know, I wouldn't have  
6 thought that they had anything to do with it because they  
7 legit were surprised.

8 Q. Do you see where, the ones who got out of the car,  
9 where they went?

10 A. They didn't go nowhere. I mean, like they  
11 didn't -- they didn't -- it's not like they come all the way  
12 over here and went to the crime scene. Like you just got  
13 out the car and just, like, step -- stepped around so you  
14 could see, so you could just catch a look. Because with  
15 that being a two-seater, and the -- especially in that  
16 '86 Cougar, the back windows that -- they're itty-bitty,  
17 they're little. You can't see shit out of them. So unless  
18 you're in the front, you can't see anything, and that would  
19 be why they got out. I mean, they -- they was just, "Damn,  
20 I wonder what happened there." I mean, they were just as  
21 shocked, as surprised as I was.

22 Q. How long were you there?

23 A. Oh, we wasn't there very long. I was like, "We  
24 need to go." I was paranoid. I didn't -- got high. It  
25 killed my buzz. And we had blunt roaches in the car and



1 shit. I'm like, "They -- no. We need to go. We need to  
2 go." I was scared that they were going to smell weed or  
3 something and we're going to be in trouble. I can't -- I  
4 couldn't do all that.

5 Q. Do you know about how long you were there?

6 A. Just a few minutes.

7 Q. Where did you go after that?

8 A. I took them back home or dropped them back off in  
9 the -- I always dropped them off right there in between  
10 Bubba's and Jamal's. That's always where I dropped them  
11 off.

12 Now, where they go after that is where they go.  
13 They always -- they disperse and they're all walking to one  
14 house or whatever. But I dropped them off because I went by  
15 and seen Liz for a couple minutes, and then I had to be  
16 home. If I wasn't home when I was supposed to, my mawmaw  
17 would take my car and I was fucked. So uh-uh, no, I had to  
18 get back home.

19 Q. Do you mind signing your name and just dating it  
20 so we know that this exhibit comes from today?

21 A. It's the 21st; right?

22 Q. Uh-huh. That's correct.

23 Okay. Did you know the victim, Nathaniel Jones?

24 A. I did not. I didn't know who he was. I didn't  
25 know anything about him. I got filled in from what I heard.



1 Before our names got thrown all up in the papers and stuff,  
2 there were -- that was a huge stain in Southside. How else  
3 you seen in Winston hood, everybody was talking about it.

4 And, I swear, everybody in Winston knew that man.  
5 I didn't know the man had a store. I didn't know who he  
6 was. Damn sure didn't know it was Chris Paul's grandfather.  
7 I didn't know none of that -- none of that. I just listened  
8 to what had been said. And they were talking about how nice  
9 that man was and how he'd do anything for anybody. And I --  
10 I mean, it's just the same kind -- it was the same kind of  
11 story, "Well, he did this for me one time" and, you know,  
12 and it's -- you know, it's just all the good shit he had  
13 done, how nice that man was. That's all I ever heard about  
14 him. I didn't know who he was, though.

15 Q. Had you ever heard any of the five defendants talk  
16 about Nathaniel Jones?

17 A. No.

18 Q. How long had you been going to Belview Park before  
19 the day of the crime?

20 A. Went to Belview Park my whole life. I mean, when  
21 I got in maybe eighth grade is when I (indiscernible) with  
22 my mom moved our asses to Davidson County. She said we  
23 wasn't going to Forsyth County schools, especially not in  
24 Southside.

25 So, I mean, if I went to Belview, it was to sit



1 and hang out. And we typically smoked. That's usually why  
2 I went there. And it was always to sit in the picnic  
3 tables -- well, up here, the ones that were up to this part  
4 of the park, at the edge. There was like a -- I don't know  
5 if that's the shelter or if the shelter is right here. I  
6 can't make it out.

7 But there's a shelter somewhere in -- it's one of  
8 these two things, and it's got picnic tables underneath it.  
9 But it's right here at the edge on this side, and we would  
10 always go and sit on the picnic tables and smoke.

11 Q. Circle the area where the picnic tables were.

12 A. It's -- it's one of them.

13 Q. Okay.

14 A. But it's on this edge so ...

15 Q. Why don't you write "picnic table" under it.

16 Okay. Was there a sandbox in the park?

17 A. You know, I don't remember. There were some  
18 swings. I remember some swings. I don't know. It ain't  
19 like I ever -- I didn't never take -- I never had any  
20 young'uns with me or nothing like that, like -- so I didn't  
21 ever go over there and pay attention to people playing or  
22 anything like that. It was -- we really went there to get  
23 high.

24 Q. Did the park close every day at a certain time?

25 A. Oh, I'm sure it did.



1 Q. Do you remember when that happened?

2 A. Um ...

3 Q. What time it closed?

4 A. Probably 9:00 or 10:00 at night. But only thing  
5 police did around there was if -- they'd drive by and make  
6 sure you wasn't causing no bullshit. And then if one  
7 decided he wanted to be an asshole that night, they'd tell  
8 you to leave because the park is closed. That's -- that's  
9 about it.

10 But, I mean, they knew because of the area that's  
11 in, because all these houses along here, it's -- it's a lot  
12 of dope houses.

13 Q. Are you -- you're pointing to Moravia Street.

14 A. Yeah. All the -- the mill houses I was talking  
15 about?

16 Q. Uh-huh.

17 A. Like when you get on this side, this is like your  
18 older couples and stuff like this, all this down through  
19 here. You're on this side, this is your drug dwelling. All  
20 surrounding Belview Park is nothing but dope houses. That's  
21 all it is is drugs everywhere. So they knew that that's  
22 already a bad little area. So the cops stay in it and they  
23 stay circling around there because they know what goes on.

24 Q. So you're pointing to the west part of Moravia  
25 Street to the west of Belview Park?



1           A.    Yes.

2           Q.    Okay.

3           A.    It's like the church splits it.  That's exactly  
4 what it is.  Like, you've got your church right here.  
5 Everything on the right side of this church, that's your  
6 good area.  Your bad goes back in here.

7                   And all the neighborhood's that way until you get  
8 to Old Lexington Road.  Everyone that -- it's drugs  
9 everywhere.  That whole little area where them boys was  
10 raised up in, the whole little area is eat up.  It's so hot  
11 over there, it's ridiculous.  The cops stay over there.  
12 That's why I -- as long as you wasn't causing shit at the  
13 park, they wasn't so much on you because that wasn't their  
14 focus.  They're looking for the shit that's going down at  
15 them houses.  That's what they were wanting.

16          Q.    Was the parking lot always open at Belview Park?

17          A.    Yeah.

18          Q.    Did you see any of the defendants with any weapons  
19 on November 15, 2002?

20          A.    I did not.

21          Q.    Did you ever see any of the five defendants with a  
22 weapon before November 15, 2002?

23          A.    Not that I recall.

24          Q.    Did you see any of the defendants with a baseball  
25 bat on November 15, 2002?



1 A. No.

2 Q. What about a rake?

3 A. No.

4 Q. Garden tool?

5 A. No.

6 Q. A pole?

7 A. Uh-uh. No.

8 Q. Did you ever see any of the five defendants with  
9 sticks?

10 A. No.

11 Q. Were any of the defendants wearing a hat or  
12 anything covering their heads on November 15, 2002?

13 A. I didn't really see them in hats. Bubba was the  
14 only one that ever really wore hats. He wore them fitted  
15 hats, the ones -- and they were always too big for his head.  
16 Like, you know how the little guys wear them, they'll tilt  
17 them to the side and shit like -- if you see them in hats,  
18 he was usually the one with the hat on.

19 Dorrell tended to go towards, like, the beanies  
20 and shit.

21 But that day, no. It's -- you didn't -- they  
22 didn't wear hats and shit a lot of times.

23 Q. What about do rags?

24 A. Bubba'd wear do rags. Hell, they'd all wear do  
25 rags.



1           Q.    Did you see any of them wearing a do rag on  
2 November 15, 2002?

3           A.    I can't remember. But more than likely they  
4 probably did because that was just an everyday thing. It  
5 was normal.

6           Q.    What about a baseball cap?

7           A.    No.

8           Q.    A beanie or a toboggan-style hat?

9           A.    They may have had that on too because it was  
10 November. I don't -- but I don't remember.

11          Q.    Were they wearing jackets on November 15, 2002?

12          A.    Girl, I do not know. I don't have a clue.

13          Q.    What about gloves?

14          A.    No.

15          Q.    You talked a little bit about this before, but  
16 were Nike Air Force One shoes a popular shoe in  
17 November 2002?

18          A.    Absolutely. Everybody and their mama wanted a  
19 pair, and not just a pair, any color they could get, any --  
20 that was the big thing. Hell, they're still a big thing.

21          Q.    Were they called be BDPs? Does that sound right?

22          A.    Oh, I don't know nothing about the slang for  
23 shoes.

24          Q.    Okay.

25          A.    I wear flip-flops all year round. I don't know



1 nothing about no tennis shoes.

2 Q. On November 15, 2002, did you see anything on any  
3 of the defendants' -- the five defendants' clothing?

4 A. I did not.

5 Q. Did anyone change clothes on November 15, 2002?

6 A. They said they was going to change clothes. Like  
7 I said, they said it was for -- for a party. I don't even  
8 remember if they changed clothes.

9 Q. Did you see any blood on any of the five  
10 defendants?

11 A. Nope.

12 Q. Did you see any injuries on any of the five  
13 defendants?

14 A. No.

15 Q. Did you see any of the five defendants with tape  
16 on November 15, 2002?

17 A. No.

18 Q. Did you have a cell phone on November 15, 2002?

19 A. Nope.

20 Q. Did any of the other five defendants have a cell  
21 phone on November 15, 2002?

22 A. I don't believe so. I don't think they ever -- I  
23 don't think I've ever seen them boys with a cell phone, none  
24 of them.

25 Q. Was there ever a time you accidentally ran over



1 Rayshawn Banner's foot with your car?

2 A. Hell if I know. I don't know. If I did, it  
3 probably was an accident, probably (indiscernible)  
4 (indiscernible). No, I don't recall running over his foot.

5 On that same day? Is that the date?

6 Q. Just ever a time.

7 A. Oh, no. I don't remember.

8 Q. Who is Jed?

9 A. You know, I know that name. I can't place his  
10 face so I don't know. And I can't -- there was one of them  
11 boys that was around them that was kind of off. I think  
12 that may have been him. Like, I mean, just like it -- just  
13 a little -- like a little slow or a little special,  
14 something. That may have been him.

15 Q. Did you see him on November 15, 2002?

16 A. I don't remember.

17 Q. The person that you described as mentally a little  
18 off, do you think that you would recognize him if you saw a  
19 photo?

20 A. Yeah. I'm pretty good with faces, but I am  
21 horrible putting names with them.

22 Q. I am going to hand you a DPS information sheet for  
23 Sherman Williams.

24 (Exhibit 8 marked.)

25 Q. Is the man in that photo -- is that the person you



1 remember seeming a little off or a little slow?

2 A. No. But that face looks really familiar.

3 Honestly, I -- I couldn't -- honestly, not tell you. I  
4 don't know. But his face is familiar.

5 I remember there being a guy that was -- like I  
6 said, he was, like, a little bit slow. And there was --  
7 that would be around them sometimes. And then there was  
8 a -- that boy always wore do rags. The one I'm talking  
9 about always had a do rag on his head.

10 And then there was a real light-skinned -- Marcus.  
11 I remember his name. Light skin and had freckles all over  
12 his face. And me and Marcus hung out for a while, like, off  
13 to ourselves. He even come home -- like stayed the night  
14 with me at a friend's house and stuff. Like, he was cool to  
15 hang out with.

16 Q. Was he -- did Marcus know any of the other five  
17 defendants?

18 A. I think Marcus knew them all. He may have been  
19 related to one of them. I don't know. I think that's how I  
20 met him, was through them.

21 Q. Did you go to the Dollar General store with any of  
22 the five defendants on November 15, 2002?

23 A. I don't remember.

24 Q. Did you go to the Maxway store with any of the  
25 defendants on November 15, 2002?



1           A.    I had been to the Maxways with them, but -- I had  
2    taken them to Maxways a couple times. I don't know if that  
3    was on that day.

4           Q.    Did you see any of the five defendants with money  
5    on November 15, 2002?

6           A.    I ain't never seen them boys with no money ever.  
7    We'd never even go nowhere for them to spend money like  
8    that. And if we went to Maxways or something, they usually  
9    was getting like do rags or something, they'd get the little  
10   packs, and they was ganking them, they was not -- they  
11   didn't pay for them.

12          Q.    You mean they were stealing them?

13          A.    Yeah. Like little packs of do rags? Because they  
14   were really thin, little, easy to put up and whatever. Like  
15   I said, that's why I said they was all kids. It was just --  
16   I didn't give a damn because I was high. I didn't give a  
17   damn. Most time -- especially if they needed to get to the  
18   store, the majority of time I'd stay out in my car because I  
19   knew what was going on. I'm always scared I'm going to get  
20   in trouble and -- uh-huh.

21          Q.    Did you ever hear a discussion among any of the  
22   five defendants about committing a robbery on November 15,  
23   2002?

24          A.    No.

25          Q.    Or stealing money from someone?



1           A.    No.

2           Q.    Or any sort of a conversation about splitting up  
3 money?

4           A.    No.

5           Q.    Going back to what you told us happened on  
6 November 15, 2002, was there any sort of time period where  
7 you weren't with the defendants?

8                   I know you can't remember specifically who or how  
9 many, but was there a time period where they left you on  
10 November 15, 2002?

11          A.    At the mall, when the -- when we went our separate  
12 ways.

13                   At the bowling alley, we was pretty much -- we all  
14 pretty much stayed right around each other. But at the  
15 mall, we went our separate ways and come right back and  
16 left. And that's why that's -- and when I dropped them and  
17 went back and went to go see Liz.

18          Q.    Was that at the -- after you went to the --

19          A.    That was at the end of the night.

20                   But we did -- I mean, we rode around a lot between  
21 there. And in the short amount time, we make a lot of  
22 leeway. Like, we would be on the road. We'd be everywhere.  
23 But that's why I said I don't -- I can't remember where all  
24 we went. Those are the places I remember because those are  
25 the places I remember getting out of my car and going in



1 with them.

2 Q. Did you --

3 A. Ain't no telling where all we went, but I'm so  
4 serious when I tell you that if I'm sitting there and I was  
5 driving and I was high, like, I probably wasn't getting out  
6 too many damn places. Because, for one, I don't want people  
7 all up in my damn face. My eyes get red, and it's telltale.  
8 Everybody's going to know. And they shut and I get nervous.  
9 So it's -- uh-uh.

10 Q. When you were separated from them at the mall, how  
11 much time was that where you weren't with them?

12 A. It was just a short little period of time.  
13 Because I walked down to Hot Topic to see if Jordan was  
14 working, they told me she was not working, so then I walked  
15 back to the part where we come in and looked around, spot  
16 them -- as a matter fact, I'm pretty sure they were the ones  
17 standing by that jewelry store. And that's why I went to  
18 the jewelry store. And then that was it. I mean, it  
19 wasn't -- it wasn't no long period of time.

20 Q. Did you ever go to Midway on November 15, 2002?

21 A. We may have. I don't know.

22 Q. Why would you have gone to Midway?

23 A. Just to ride around.

24 Q. Did you know anyone in Midway?

25 A. I'd say everybody I hung out with lived in Midway.



1           Q.    Do you remember specifically going to see anyone  
2   in Midway?

3           A.    I'd been riding through Midway with them boys  
4   quite a few times, but I don't ever remember taking them to  
5   anybody's house, like, specifically getting out and going in  
6   somebody's house.

7           Q.    All right. I actually think now is probably a  
8   good stopping point for us.

9                   We are going to continue the subpoena until we can  
10   conclude the deposition. I know you have to go pick up your  
11   son.

12                   So the days we could come back here would be -- I  
13   think it was tomorrow, Wednesday, or next Monday.

14          A.    Next Monday.

15          Q.    Next Monday? Okay.

16                   Would 10:00 a.m. work?

17          A.    I think, actually, if y'all are available earlier,  
18   since I get off at 8:00, I could come -- instead of me  
19   having to come all the way past here and go all the way to  
20   my house and the backtrack back here -- because I have to  
21   pass downtown anyway, and that traffic is always jacked up,  
22   especially on a Monday, so if you want to make it, like,  
23   9:00 o'clock or -- yeah, about 9:00, just in case it's  
24   standstill -- I've gotten off that RJR exit and it be  
25   standstill starting at Hanes Mill all the way over here.



1 So, I mean, it's -- that's miles and miles and miles and  
2 miles.

3 Q. Okay. So let's do 9:00 a.m. next Monday, the  
4 28th.

5 I'm continuing your subpoena, but I'm actually  
6 just going to give you another one just to make it official  
7 and so you also have a record as well.

8 And we'll say 9:00 a.m.

9 A. Yeah. Because my son will be back on the bus  
10 tomorrow and I ain't not going to have to worry about that.

11 Q. Okay. Just make sure -- yeah. There you go.

12 MS. BRIDENSTINE: All right. And we are  
13 going to go off the record.

14 It is 2:19 p.m. We will continue this until  
15 Monday, October 28 at 9:00 a.m.

16 (Deposition recessed at 2:19 p.m. to be  
17 reconvened at 9:00 a.m. on October 28, 2019.)

18 (Signature waived.)

19 (Volume 2 begins on page 173.)  
20  
21  
22  
23  
24  
25



1 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
 2 COUNTY OF FORSYTH SUPERIOR COURT DIVISION  
 02 CRS 38886

3  
 4 STATE OF NORTH CAROLINA, )  
 v )  
 5 CHRISTOPHER BRYANT, )  
 Defendant. )

6  
 7 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
 8 COUNTY OF FORSYTH SUPERIOR COURT DIVISION  
 02 CRS 38884

9 STATE OF NORTH CAROLINA, )  
 v )  
 10 NATHANIEL CAUTHEN, )  
 Defendant. )

11 RECORDED DEPOSITION OF JESSICAH BLACK, VOLUME 2

12 This matter coming on for deposition on October 29, 2019, at  
 13 Kurtz Evans Whitley Guy & Simos, Winston-Salem, North  
 14 Carolina, recorded by audio means, sworn before the Notary  
 15 Public Mackenzie Myers, and transcribed by Victoria L.  
 Pittman, AOC Certified Judicial Transcriber, the following  
 proceedings were had, to wit:

16 APPEARANCES

17 Julie Bridenstine  
 18 STAFF ATTORNEY  
 North Carolina Innocence Inquiry Commission  
 Post Office Box 2448  
 19 Raleigh, North Carolina 27602  
 - and -  
 20 Mackenzie C. Myers  
 GRANT STAFF INVESTIGATOR  
 21 North Carolina Innocence Inquiry Commission  
 Post Office Box 2448  
 22 Raleigh, North Carolina 27602

23 TRANSCRIBED BY: Victoria L. Pittman, AOC-CJT  
 24  
 25



## C O N T E N T S

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11	DPS Information - J. Cauthen	213

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Monday, October 21, 2019

JESSICAH BLACK,

having been duly sworn by the Notary (Ms. Myers), was  
examined and testified as follows on

EXAMINATION

BY MS. BRIDENSTINE: (9:23 a.m.)

Q. All right. We are back on the record. It is  
approximately 9:23 a.m. on Tuesday, October 29th, 2019.

As a reminder, my name is Julie Bridenstine and I  
will be taking your deposition today. I'm an attorney with  
the North Carolina Innocence Inquiry Commission, a neutral  
state agency that investigates postconviction innocence  
claims.

You are here today in the matters of State versus  
Christopher Bryant and State versus Nathaniel Cauthen. As I  
have previously stated, I am only working for the truth in  
this case. Just have a few things to go over to begin with  
that we also did at the first part of the deposition last  
Monday on October 21st, 2019.

Ms. Black, do you understand that you are  
testifying under oath today?

A. Yes.

Q. Do you understand that your answers are subject to  
the penalty of perjury?

A. Yes.



1 Q. Do you understand that this is the same oath that  
2 you would make if you were testifying at trial?

3 A. Yes.

4 Q. You are under oath and are expected to answer  
5 completely and truthfully.

6 Do you understand that?

7 A. Yes.

8 Q. If you don't ask me to clarify a question, I will  
9 assume that you understood the question and that you gave a  
10 complete response.

11 Do you understand that?

12 A. Yes.

13 Q. After you have given an answer, you may remember  
14 more information later on in the deposition that responds to  
15 an earlier question. If this is the case, please stop me,  
16 tell me you remember more information that is responsive to  
17 an earlier question, and provide that information.

18 Will you do this?

19 A. Yes.

20 Q. Is there any reason you can't give full and  
21 complete responses today?

22 A. No.

23 Q. Are you taking any medications or drugs of any  
24 kind that might interfere with your ability either to recall  
25 past events accurately or testify about them fully and



1 completely today?

2 A. No.

3 Q. Is there any reason why your ability to recall  
4 past events accurately and testify about them fully and  
5 completely is not as good today as it normally is?

6 A. No.

7 Q. Are you feeling okay today?

8 A. I'm going on about three hours sleep in two days.  
9 My son has been really, really sick.

10 Q. Okay.

11 A. So I'm just really tired.

12 Q. And you worked last night; right?

13 A. Yeah.

14 Q. When did your work shift start last night?

15 A. Midnight.

16 Q. When did you get off work?

17 A. 8:00.

18 Q. Do you feel like the fact that you're tired right  
19 now is going to interfere with your ability to give full and  
20 complete and truthful responses today?

21 A. No.

22 Q. If you feel like you need a break, please stop me  
23 and let me know.

24 So you're okay moving forward today?

25 A. Yes.



1 Q. When was the last time you drank alcohol?

2 A. I don't drink.

3 Q. Are you currently under the influence of alcohol?

4 A. No.

5 Q. Are you currently under the influence of any  
6 drugs, either illegal or prescription?

7 A. No.

8 Q. Were you under the influence of alcohol or any  
9 other substances last Monday, October 21st, 2019, during the  
10 first part of this deposition?

11 A. No.

12 Q. Are there any other circumstances or issues  
13 preventing you in any way from giving truthful, accurate,  
14 and complete testimony today?

15 A. No.

16 Q. Since last Monday, have you done anything to  
17 prepare for the deposition today?

18 A. No.

19 Q. Did you examine or review anything else in  
20 preparation for the deposition today?

21 A. No.

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

25 A. No.



1 Q. Since last Monday, October 21st, 2019, have you  
2 communicated with anyone about the facts of the case or  
3 about your deposition?

4 A. No, just the text message -- that last text  
5 message I sent to Hunter because until I got your voicemail,  
6 it slipped my mind. I forgot to even ask him -- ask about  
7 the audio files and the video files. So they -- he's  
8 usually up all night, that's when we do most of our  
9 communicating, so he'll hit me back sometime, I'm sure, once  
10 nightfall comes.

11 Q. Okay.

12 A. It's usually while I'm at work, is when we go back  
13 and forth. So ...

14 Q. Okay. All right. It's a little harder to hear  
15 you today. Can you scoot forward a little bit and just  
16 raise your voice. And I know you work overnight. So if you  
17 feel like you need a break, then please let me know.

18 A. Okay.

19 Q. All right. I have a few follow-up questions to go  
20 through relating to what you testified to last time. And  
21 then I have a few more topics and hopefully we can conclude  
22 that pretty quickly today. Okay?

23 A. Okay.

24 Q. Ms. Black, how long have you had your current cell  
25 phone?



1           A.     You're referring to the -- that particular phone  
2 or just that service -- that number?

3           Q.     That number. Cell phone number.

4           A.     Oh. Probably six, seven years maybe.

5           Q.     In those six to seven years, have you had any  
6 other phone numbers?

7           A.     No. No, not since I had that one.

8           Q.     What phone numbers did you have before this cell  
9 phone number?

10          A.     I can't remember. I had a -- a couple of the  
11 little Obama phones and I don't know what -- I gave them to  
12 my son to play with, and I don't even -- them things are  
13 long gone by now.

14          Q.     Okay.

15          A.     I had a few -- I had a couple numbers, I just -- I  
16 don't remember them.

17          Q.     Had you been to Creekside Bowling with any of the  
18 five different defendants before November 15th, 2002?

19          A.     I don't think so. I don't think I took them  
20 there.

21          Q.     Had you been to Hanes Mall with any of the five  
22 defendants before November 15th, 2002?

23          A.     Not that I recall.

24          Q.     Had any of the five defendants met any of your  
25 friends other than Opie?



1           A.     I mean, we rode down to Midway a couple times, and  
2     I -- I just -- I can't remember if we seen anybody. I think  
3     that's -- was the gist of it. We rode down there and wasn't  
4     nobody around, because I had never -- the guys and stuff I  
5     hung out with down there, we had never gotten out and knock  
6     on doors. Pretty much the same way it was with the boys.  
7     If they were outside, then we stopped; and if they wasn't,  
8     then I just kept going.

9           Q.     Okay. Had any of the five defendants met  
10    Elizabeth Fowler?

11          A.     No.

12          Q.     Had any of the five defendants met Jordan Sellers?

13          A.     No.

14          Q.     Did Jordan Sellers know that you were going to the  
15    mall on November 15th, 2002, to look for her at Hot Topic?

16          A.     No.

17          Q.     Did you talk to a bystander at the crime scene on  
18    November 15th, 2002, and learn from that bystander that the  
19    victim had been beaten and had died?

20          A.     I don't remember that.

21          Q.     After you left the crime scene on  
22    November 15th, 2002, and before you were interviewed by  
23    police on Tuesday, November 19th, 2002, did you ever learn  
24    anything else about the crime?

25          A.     No.



1 Q. Did you ever see anything about the crime on TV or  
2 in the newspaper from November 15th, 2002, to November 19th,  
3 2002?

4 A. I didn't. I'm sure -- I was staying with my  
5 grandparents at the time. My grandmother watched the news  
6 religiously, and I'm sure she probably -- she probably said  
7 something about -- she's always talking about stuff that was  
8 going on, but, no, I didn't. I personally did not watch the  
9 news or nothing like that.

10 Q. Did you see any other type of media reports about  
11 the crime during that time period of November 15, 2002,  
12 until November 19th, 2002?

13 A. Not that I recall.

14 Q. Did you hear anyone talk about the crime from  
15 November 15th, 2002, to November 19th, 2002?

16 A. I -- I don't remember.

17 Q. I'm going to ask you some questions that were in  
18 the police reports and notes about what you initially told  
19 the police.

20 Does the reference of Brookline to Betty/J.C.  
21 Branton mean anything to you?

22 A. It's my brother's grandparents.

23 Q. All right. Who are your brother's grandparents?

24 A. Betty and J.C. Branton.

25 Q. Okay. And what is Brookline referring?



1           A.     Brookline Street is one street closer to Belview  
2     Park from where Nathaniel and Rayshawn lived -- one street  
3     over. On the opposite side there was Devonshire. So you  
4     had Devonshire, then it was Goldfloss, and then it was  
5     Brookline.

6           Q.     Did you go to Betty and J.C. Branton's house on  
7     November 15th, 2002?

8           A.     I don't know.

9           Q.     Did you see Elizabeth Fowler on 11 -- excuse me --  
10    November 15th, 2002?

11          A.     Yes, I went by. Once I dropped the boys out, I  
12    went by her house.

13          Q.     How many times did you see her on  
14    November 15th, 2002?

15          A.     The one that I remember.

16          Q.     And at what time at night did you go by her house?

17          A.     I don't know what time it was. It wasn't too late  
18    because I had to get back. I had to be in the house when I  
19    got paged; so it wasn't -- it wasn't late.

20          Q.     Is it fair to say that Elizabeth Fowler's was your  
21    last stop on November 15th, 2002, before you went to your  
22    grandmother's house?

23          A.     Yes.

24          Q.     Who is Rob?

25          A.     I think that's the little white boy that lived up



1 the street from Mel.

2 Q. From Jermal Tolliver?

3 A. Yes. I think that's -- I'm pretty sure that's who  
4 that was.

5 Q. Do you know Rob's last name?

6 A. I do not.

7 Q. Did you see Rob on November 15th, 2002?

8 A. I don't remember.

9 Q. Who is Nelson?

10 A. The name sounds familiar. So I'm pretty sure it's  
11 one of the boys that hung out with them from time to time,  
12 and I -- I think that was another little white boy that hung  
13 out with them.

14 Q. Did you see Nelson on November 15th, 2002?

15 A. I don't remember.

16 Q. Do you remember Nelson's last name?

17 A. I do not.

18 Q. Was there ever a problem between Rob and Rayshawn  
19 Banner that you were aware of that day, November 15th, 2002?

20 A. I don't know that -- Rayshawn was -- he was just  
21 argumentative anyway, and he just -- was just bicker and  
22 fuss about stuff, and he like damn escaped from time to time  
23 and stuff. So I don't -- it's possible, but I don't know.  
24 I couldn't say for sure.

25 Q. Who is Lauren?



1           A.     The only Lauren I can remember is Lauren  
2 Clodfelter that I went to high school with.

3           Q.     Clodfelter is her last name?

4           A.     If that -- if that's the one that we're referring  
5 to.

6           Q.     Is -- how do you spell Clodfelter?

7           A.     C-l-o-d-f-e-l-t-e-r.

8           Q.     Did you talk to Lauren Clodfelter on  
9 November 15th, 2002?

10          A.     Oh, I don't know.

11          Q.     Do you remember Lauren's pager number?

12          A.     I don't think Lauren had no pager. I think she --  
13 I think she always had a cell phone, I mean ...

14          Q.     Does the number 631-7205 mean anything to you?

15          A.     Yeah, that number sounds real familiar. It might  
16 have been one of my numbers.

17          Q.     Who is Michelle?

18          A.     My mama's name is Michelle.

19          Q.     A Michelle Hepler?

20          A.     Oh, no. That's a girl went to school with.

21          Q.     Where did she live?

22          A.     I don't know.

23          Q.     Did you see Michelle Hepler on  
24 November 15th, 2002?

25          A.     Not that I remember. I don't ever remember seeing



1 her outside of school.

2 Q. Did you see Jordan Sellers on November 15th, 2002?

3 A. No, she wasn't at work.

4 Q. Did you talk to Jordan Sellers about this case?

5 A. No. Not that I know of. I don't think so.

6 Q. Did you talk about this case with any of your  
7 friends?

8 A. As I was going through it?

9 Q. Yes.

10 A. No. I didn't know -- no. This -- this stuff  
11 did -- people did not put my name with this case. They  
12 didn't put two and two together. So I tried to -- I didn't  
13 have -- I didn't allow any of my family to come to the  
14 trials or anything because I felt ashamed that I got  
15 involved in something like that, and I was in -- more  
16 worried about them being disappointed in me. So -- because  
17 I hadn't been in trouble ever and -- no.

18 So I tried to keep that, like, on wraps until I --  
19 Hunter started coming around, and then he -- the people,  
20 when -- he kept trying to get in touch with me and I kept  
21 avoiding him. Then somehow or another he tracked down  
22 addresses of -- I mean, new people in my life, and went and  
23 was trying to get in contact with me and gave them a  
24 roundabout summary of why he was looking for me.

25 And that's when that started coming out. So after



1 all these years, it took all these years for me to open up  
2 and tell anybody about it because that's not something that  
3 I -- I try to tell anybody.

4 Q. Between November 15th, 2002, and  
5 November 19th, 2002, did you see any of the five defendants?

6 A. Possibly. I mean, we were always hanging out. So  
7 I don't -- I don't know. I don't remember. I don't  
8 remember.

9 Q. The crime happened on November 15th, 2002, which  
10 was a Friday.

11 Do you remember seeing any of the defendants that  
12 weekend? Afterwards? Saturday the 16th?

13 A. I don't know what I did that weekend because it --  
14 I was caught really off guard and I was surprised when they  
15 come to the house to get my car because I didn't know what  
16 was going on.

17 Q. Did you see any of the defendants, Sunday, the  
18 17th, or Monday, the 18th, of November 2002?

19 A. I may have. I mean, I -- like I said, I used  
20 to -- damn near every day when I got out of school, I went  
21 around there. So, I mean, I -- I may have. I'm not -- I  
22 don't remember.

23 Q. Did you see any of the defendants on Tuesday,  
24 November 19th, 2002, before you went to the police station  
25 to be interviewed by the police?



1           A.     No.    I'm pretty sure I didn't.

2           Q.     Did you know of Rayshawn Banner to be hanging out  
3     or going on a date with someone with the initials of P.M.  
4     on --

5           A.     No.

6           Q.     Do you know who P.M. is?

7           A.     No.

8           Q.     In your initial statement to the police, their  
9     reports and notes indicate that the bowling alley did not  
10    come up as one of the stops on that night,  
11    November 15th, 2002.

12                   Why didn't you tell the police about going to the  
13    bowling alley that night?

14           A.     I don't know.   I think I was so overwhelmed when I  
15    got in there about the whole fact of the -- of going through  
16    interrogation and -- and overwhelmed with the whole reason  
17    of me being talked to that -- I -- I don't know.   I think  
18    they caught me off guard.   I don't have a clue.   I did --  
19    it -- it scared the hell out of me.

20           Q.     Did anyone give you any advice on what to do or  
21    say when you were being interviewed by the police on  
22    November 19th, 2002?

23           A.     There was a whole lot said, a whole lot going back  
24    and forth and a whole lot of crying and a lot of hollering,  
25    and half of what was said that come from them -- like, it



1 did -- it wasn't even registering. So -- and then, I  
2 mean -- I couldn't tell you even part of what they said.  
3 Certain things stick out in my head, but it was mostly when  
4 the -- that one detective was just raising hell and  
5 hollering and just showing his ass. Because nothing --  
6 no -- no -- nothing I told them, it -- it just didn't -- it  
7 didn't matter what I said. Nothing I said was right.

8 So it was like more and more that, I just -- I  
9 don't know. The more that I'd keep changing, and it's like  
10 it now -- it was kind of like statements and stuff they  
11 would made -- they were making as they were coming at me, it  
12 was like little things would be said. So I tried taking the  
13 little things and wrap it up in something else. That way --  
14 maybe that's what they wanted to hear and they'd stop and  
15 that's the sooner I could go home.

16 So -- because it was kind of -- like I say, it  
17 didn't matter what I said. It was, "You're lying. That's  
18 not the truth. You're lying. That's not the truth." It's  
19 "You're lying." So ...

20 Q. Did you talk to anyone other than police about  
21 what to do or say when you were being interviewed on  
22 November 19th, 2002?

23 A. Uh-uh. No.

24 Q. Did you have any conversations with your  
25 grandparents that night at the police station?



1           A.     My pawpaw asked me why they wanted to see me or  
2     why they wanted to talk to me, what happened. And -- I know  
3     because I could -- I didn't -- I didn't know what was going  
4     on until I got there and everything started to be throwing  
5     out. And I'm like, "Ho, ho, hold up. Uh-uh."

6                     And I told them that the boys said that they --  
7     they -- I picked them up coming down the road. They were  
8     walking down by the park and I picked them up. And they  
9     said they was supposed to be going to some party and they  
10    wanted to change clothes. Gave them a ride back to their  
11    houses, and that was normal. That was an everyday thing.

12                    If I'd -- if they wasn't in the yards or whatever,  
13    you know, I'd -- they were always somewhere around them  
14    blocks, typically. So I'd drive by and they'd see my car,  
15    I'd pick them up and we'd ride around. It wasn't really  
16    much hanging out at their houses ever. It was always us on  
17    the go or we'd go and sit at the park and sit there and cut  
18    up and smoke, and that would be the gist of it.

19                    So, I mean, it ...

20           Q.     Did you have any family members present in the  
21    building where you were being interviewed by the police on  
22    November 19th, 2002?

23           A.     No. My grandfather took me and dropped me out.

24           Q.     From the time that you started being interviewed  
25    by the police on November 19th, 2002, until the time that



1 you left, did you have any contact with anyone other than  
2 police?

3 A. Uh-uh.

4 Q. Did you talk to any attorneys that night?

5 A. Uh-uh. I don't -- no. I don't think so. I think  
6 it was just police.

7 Q. Did you ever talk to anyone on the phone on  
8 November 19th, 2002?

9 A. I -- as far as -- I don't know, but --

10 Q. Did you ever make a phone call to, say, a family  
11 member, and talk to anyone when you were being interviewed  
12 by the police?

13 A. Oh, no. No, because I didn't come out that room.

14 Q. Ms. Black, why did you say that you were involved  
15 and knew that the five defendants committed the crime to the  
16 police?

17 A. Because nothing I said -- because every time I'd  
18 try to tell them what -- like, what we actually did, like,  
19 it was -- they wouldn't believe that I just saw them walking  
20 down the road and I stopped and picked them up. That --  
21 like, that just don't happen. Yeah, it happens all the  
22 time. Still happens this day, people do that. Like, it --  
23 with teenagers, it's what it was.

24 It's like they didn't believe that -- that's just  
25 what it was, and they -- well, "Why did y'all come back



1 around that way at the end of the night?"

2 Well, because that's what we did. Because that we  
3 always rode around through there and rode the block because  
4 of their people staying in them houses across from the park.  
5 And that's just what we did. It -- I mean, that was not out  
6 of the norm for us.

7 And -- but everything that I said to them, it  
8 didn't matter, was wrong. So the more I changed it and  
9 manipulated it -- all I wanted to do was tell them what they  
10 wanted to hear so they would let me go.

11 Q. Why did you continue to say that you were involved  
12 and that the five defendants committed the crime under oath  
13 at both trials?

14 A. Because it's pretty much you cooperate or you're  
15 going to be charged with murder. And I wasn't going to  
16 prison. I'm not -- I am not made for jail. I'm not -- no.  
17 Nope.

18 So whatever they wanted me to do is what I did.  
19 Whether they come straight out right and said that or  
20 whether they just hinted around to it. Either way, they got  
21 their way so I could get the hell out of there.

22 I'm fine.

23 Q. Okay. I want to talk to you about the information  
24 that you told the police or testified to at trial about the  
25 crime.



1           A.     Okay.

2           Q.     All right?

3                   Where did you get the specifics that you gave  
4 about the park, such as where you were sitting and where the  
5 five defendants went when they left you at the picnic  
6 tables?

7           A.     Where I was sitting is where we always sat.  
8 Anytime we went to that park, it was always the same picnic  
9 table. And we always sat on the tables and the same one.  
10 It was always the end one, closer to where the -- the little  
11 swings and stuff were. I'm -- so, I mean, I took facts  
12 about stuff that we actually did on a regular basis and put  
13 them in with that.

14                   Because they -- the stuff that -- it was, "We can  
15 put you at this point in time, and we can do" and -- "No, I  
16 wasn't there."

17                   "Yeah. Yeah, you were. We know you were."

18                   And I couldn't figure out how y'all can know I'm  
19 somewhere and I know I wasn't but you were still going to  
20 sit here and tell me I'm wrong.

21                   So you know what? Yeah. Yeah, I was there. I  
22 was there. That's what -- that's what they wanted to hear.  
23 It didn't matter.

24           Q.     What about the information about where the  
25 defendants and the direction that they walked in after they



1 left you at the picnic tables? Where did you get that  
2 information?

3 A. Because Mr. Jones' house is right back there.

4 Q. Where did you get the information about where  
5 Mr. Jones's house was located?

6 A. When we rode through there and seen the -- the --  
7 all the SUVs and stuff and the crime tape and stuff like  
8 that. You could see where most of the activity was.

9 Q. Last Monday you testified that you had been to  
10 Belview Park before and that you were familiar with the  
11 park.

12 Had you been to Belview Park at night before  
13 November 15th, 2002?

14 A. Yeah.

15 Q. At the trials, you testified that you picked up a  
16 guy named Jed with Christopher Bryant, Dorrell Brayboy,  
17 Nathaniel Cauthen, and Rayshawn Banner after you left the  
18 Dollar General store.

19 You also testified that Jed told these  
20 individuals, these defendants, about the victim, where he  
21 lived, and that he might have cash and credit cards before  
22 you took Jed home.

23 Do you remember testifying to that?

24 A. Yeah.

25 Q. Where did you get that information?



1           A.     Just -- it seemed like it didn't -- like I said,  
2     it didn't matter. It did not matter. So until -- like, I  
3     could sit there and not -- I changed that story. Like, if  
4     you look through all that, them stories changed. It changed  
5     over and over and over and over and it was always little  
6     details they kept changing around until I got to -- to the  
7     point of what they were satisfied with.

8                     And once they quit harping on one question, I  
9     knew, all right, well, that's what -- that's what needed to  
10    be said so, therefore, they'd move on and go to something  
11    else.

12           Q.     Who was satisfied?

13           A.     The officers, the detectives that were doing the  
14    interrogating.

15           Q.     Okay. You also testified at the trials that,  
16    prior to the five defendants leaving you at the picnic  
17    table, you and the five defendants saw a car coming down the  
18    road and the defendants said, "There's the car" and "Come  
19    on."

20                     Where did you get that information?

21           A.     Exactly the same thing. I didn't know who  
22    Mr. Jones was.

23           Q.     Were you --

24           A.     I don't even think -- well, I mean, they may have  
25    because they were from the neighborhood. And from what I --



1 from what I gather, everybody knew who he was. I didn't  
2 know who he was because my mother moved me away from  
3 Southside because she said it wasn't nothing but trouble,  
4 and that's where my whole family is from.

5 So I -- I don't know. And I don't know -- I  
6 assume that maybe that's how they knew who he was, but --  
7 they -- the direction of his house and stuff like that come  
8 from me knowing from the crime scene and stuff. And then  
9 other little things I said were stuff that were kind of like  
10 thrown at me, and I took what I could out of the -- out of  
11 the statements and the -- the comments that were made by  
12 these officers and twisted them and tried to make them work  
13 somehow with what I could say to get them off of my back.

14 I just wanted to go home.

15 Q. Where did you get the information about how much  
16 time had passed after the five defendants left you at the  
17 picnic table and before you heard any noises?

18 A. Stuff that just -- stuff that was said. Somehow I  
19 got around to that because that's just like -- like,  
20 something was said about -- they were always asking the  
21 exact same times, exact times. I can't tell you exact time  
22 of anything to -- to what I did. I can't tell you what time  
23 I left the parking lot at work this morning. I don't pay  
24 attention to stuff like that.

25 So, like, I -- I could have swore up and down



1 that, on certain things I was, like, it was daytime. It was  
2 daytime. And then they kept telling me that "There's no way  
3 it could have been daytime, Jessica. There's no way  
4 because -- because it's November and it gets dark at such  
5 and such a time" and da, da, da, da, da, da, da.

6 I don't -- I don't know -- I don't know how the  
7 majority of where I pulled information -- I mean, that --  
8 some of it -- some of the information I pulled were from  
9 stuff they said. It's not like I sat here and was like,  
10 "Okay. Well, this is what we want you to say," but at the  
11 same time it was like a subconscious, "This is what you we  
12 want you to say."

13 Q. Where did you get the details that you heard  
14 screaming and yelling, for example, "Get the fuck down and  
15 give us that shit"?

16 A. Me. Because that's what they wanted to hear.

17 Q. Where did you get the information that you heard  
18 the assault going on for 10 minutes -- or approximately  
19 10 minutes?

20 A. I don't even know which detective it was I was  
21 talking to then. It was like -- it was like, "Okay,  
22 Ms. Black. So you're sitting here at Belview Park. There's  
23 no way you didn't hear something go on as close as that  
24 house is."

25 They pull out -- I remember him pulling out a



1 picture of -- of the layout, okay? It showed -- it was like  
2 off Google Maps or something, okay? And that you could see  
3 the park right here. You could see the -- the shelter that  
4 was over -- over the -- on the picnic tables. And you see  
5 the road right here and then you see the houses.

6 And it's, like, "Okay. So you're here right here  
7 and you know right here is Mr. Jones' house. So you're this  
8 close in proximity. There's no way you didn't hear  
9 something with the commotion that went on."

10 So I was like, "Okay. Okay. Well, I heard  
11 something, then."

12 "Well, what did you hear?"

13 So then I told them what I thought they wanted to  
14 hear.

15 Q. Where did you get the information that Dorrell  
16 Brayboy and Nathaniel Cauthen were carrying sticks?

17 A. It was just something I said. Because they asked  
18 me if the boys had any weapons. And then they asked me --  
19 they asked me about a bat. And there was another -- there  
20 was something else they asked me about. But I remember them  
21 asking me about a bat specifically.

22 I was like, "No, they didn't have a bat. Maybe it  
23 was a stick." Like, I -- I just -- just changed it up a  
24 little because I -- and see them boys pick up nothing.

25 Q. Why did you tell police that you thought Dorrell



1 Brayboy had "protection" on the day of the crime?

2 A. I remember them asking me -- I don't even know if  
3 it was about specific ones. I didn't remember about stuff  
4 hang -- being in their pockets and how they wear their  
5 clothes and if they were really baggy. So if they were  
6 baggy and they have stuff in their pockets, you're going to  
7 see -- and you're going to see the weight of it holding them  
8 down.

9 And so "Did you see weight in the pockets? And if  
10 you did, what do you think it was? Or do you know what it  
11 was?"

12 And it was -- I don't know. It was just what I  
13 thought, I guess, I -- what I thought that they wanted to  
14 hear.

15 Q. What does "protection" mean? What is that  
16 referring to?

17 A. Knowing how I think, I'm assuming it -- a gun.

18 Q. Had you ever known Dorrell Brayboy to have a gun  
19 before November 15th, 2002?

20 A. No, ma'am.

21 Q. Had you ever known Dorrell Brayboy to have any  
22 sort of a weapon before November 15th, 2002?

23 A. No.

24 Q. Did you know him to have any sort of a weapon on  
25 November 15th, 2002?



1           A.     No.

2           Q.     Did you know of any of the five defendants to have  
3 a weapon on November 15th, 2002?

4           A.     You know, I had never even seen them boys with so  
5 much a pocketknife. I'd never seen them boys with nothing.  
6 There was never any -- there was never even any reason  
7 for -- even if they did carry little pocketknives or  
8 something, like, there was never even a reason for me to  
9 even see them because we -- there -- there would be no  
10 reason for them to ever have pulled them out.

11                   Legit, no lie, from the time we got together to  
12 the time I left them, it was spent either riding around or  
13 sitting somewhere parked or at a park getting high. That's  
14 all we did every time we was together is smoking. I'm  
15 talking nonstop, a constant -- it's a constant thing.

16                   So there was never really anything, any kind of  
17 beef or anything that went or any kind of quarrels was  
18 within us, in the little group, and it was typically  
19 instigated by Rayshawn or Dorrell, because both of them are  
20 the ones who -- they was so mouthy. Jesus Christ, they were  
21 so mouthy.

22                   And -- and it might have started bigger and then  
23 it would be shut down and everything go back to the -- just  
24 like, it wasn't never -- just never nothing serious, never  
25 nothing that you'd get upset about like you'd -- you're



1 teenagers. You -- you talk shit and you go on about your  
2 way.

3 At the end of the day, everybody's sitting around,  
4 and we all got a little buzz, we're having a good time, and  
5 that's just what it is.

6 Q. Why did you tell police and testify that you saw  
7 the five defendants playing with the tape after you left  
8 MaxWays?

9 A. Because someone mentioned something about tape.

10 Q. Who mentioned something about tape?

11 A. The officers. One of them officers in that  
12 interrogation room mentioned something about some kind of  
13 tape. I don't know if it was in reference to the tape being  
14 used with Mr. Jones or them drawing out the fact that tape  
15 was on him or -- or something to that effect, but that is  
16 where that come from.

17 Because it was brought up, and it was -- then that  
18 just gave me another -- another stepping stone to get onto  
19 to give them what they wanted so I can get up out of there.

20 Q. Why did you say that you saw some of the  
21 defendants with do-rags after leaving the Dollar General  
22 store on November 15th, 2002?

23 A. For one, some of them did wear do-rags from time  
24 to time. I'm -- Christopher did, Nathaniel did, Rayshawn  
25 did from time to time, and Mel. And every once in a while,



1 Dorrell would. I mean, they always had little do-rags and  
2 stuff. That -- because that was nothing out of the  
3 ordinary.

4 Q. Why did you -- why did you tell the police that on  
5 November 15th?

6 A. Because they said they knew we was at -- at that  
7 store.

8 Q. At which store?

9 A. The Dollar Store or Big Lots or MaxWays, whichever  
10 one it was they said we was that. I think it was a couple  
11 of them that they said that they knew we were there. And I  
12 couldn't for the life of me figure out how the hell they  
13 know we're there and I can't remember being there.

14 And I kept telling them, "No, we didn't. No, we  
15 didn't. No."

16 "Yes. We know. We know y'all were there."

17 "Okay. Well, maybe we did. Maybe we just smoked  
18 so much damn weed that I couldn't remember what the hell we  
19 did."

20 Q. Where did you get the information that you saw an  
21 imprint of a wallet in Nathaniel Cauthen's pants on  
22 November 15th, 2002?

23 A. Because they kept asking me if I seen stuff in  
24 their pockets.

25 Q. Did you see the imprint of a wallet in Nathaniel



1 Cauthen's pants that day?

2 A. I never looked hard enough to even realize if  
3 there was an imprint of anything in their pockets.

4 Q. Where did you get the information that you saw  
5 Rayshawn Banner and Nathaniel Cauthen messing with papers on  
6 a bed in their house on November 15th, 2002?

7 A. I don't know. Some more shit I pulled out of a  
8 bag because I -- like I told you, I didn't go in their  
9 houses. I had went into Rayshawn and Nathaniel's house one  
10 time, and it was -- like, I don't even know what we run in  
11 there for. But when you walked into their house, it was  
12 like -- I don't know if it was like a little foyer or some  
13 little area, it was like -- I remember, like, a bookshelf  
14 being there, one of the short ones.

15 I remember some shoes right there. It was like,  
16 kind of like -- like a foyer, man, where you take off your  
17 shoes and set them to the side and stuff.

18 And then I didn't leave that -- that little area.  
19 When you walked in there, you had like a branch off another  
20 room and other things. I didn't -- but never left the area.  
21 And then in here come the mama and she was not happy I was  
22 in the house.

23 So it was ...

24 Q. The time that you were in Nathaniel Cauthen and  
25 Rayshawn Banner's house, was that prior to



1 November 15th, 2002?

2 A. Yeah.

3 Q. Did you go into their house on  
4 November 15th, 2002?

5 A. No.

6 Q. Did you see any of the five defendants from  
7 November 15th to November 19th, 2002, with money?

8 A. No. They never had no money.

9 Q. Did any of the five defendants talk to you about  
10 this crime before you were interviewed by police on  
11 November 19th, 2002?

12 A. No.

13 Q. Did you ever hear any of the five defendants  
14 talking about this crime before you were interviewed by  
15 police on November 19th, 2002?

16 A. The only comments that was made about anything was  
17 the night we rode around there and seen all of the -- all of  
18 the vehicles and the caution tape and stuff like that, or  
19 the -- you know, all -- the police tape or whatever.  
20 I'm ...

21 Q. Other than that?

22 A. That's it. That's -- that's the only time  
23 anything was said. And it wasn't even -- Mr. Jones' name  
24 was never even thrown out there.

25 It was a, "Oh, what the hell happened? What the



1 fuck y'all think happened?" Like, it wasn't -- that -- and  
2 that's really -- they were just as surprised as I was.

3 When I seen all that, I was automatically bugging  
4 because I was high. That killed my buzz and had me paranoid  
5 as shit because here there are all these damn cops, car  
6 smells like weed, we smell like weed, they got weed. And --  
7 but they didn't give a damn, because it was like (makes  
8 noise), they ain't worried about them, they could have  
9 jumped out of the car and they weren't worried about it and  
10 everybody wanted to know what was going on.

11 So, I mean, it was -- that's all that was ever  
12 said about that. There was never any specifics about whose  
13 house it was. You couldn't even get close enough to see  
14 what house it was. So, I mean, like, you had to really walk  
15 around there and -- and -- and have to get close or talk to  
16 some people over there, and I didn't know them people like  
17 that.

18 The boys knew some of the people -- I mean, hell,  
19 the majority of them -- but I didn't know them like that.  
20 So, I mean, that's it. It was never specified.

21 Q. Since the five defendants were arrested for this  
22 crime, have you talked to any of them?

23 A. No.

24 Q. On November 15th, 2002, did you see any of the  
25 family members of any of the five defendants?



1           A.    No.  I don't think so.

2           Q.    Who had you met of the five defendants' family  
3 members?  And I know you mentioned Christopher Bryant's  
4 mother --

5           A.    -- Christopher's mom.

6           Q.    -- Jermal Tolliver's mother, and Rayshawn Banner  
7 and Nathaniel Cauthen's mother.

8                   Any other family numbers of any of the five?

9           A.    Mel had a -- he was always -- I told you there was  
10 always people at his house, but he said it was family, so --  
11 and, I mean, I wasn't never formally introduced.  It  
12 wasn't -- it wasn't hanging out at their houses.

13                   And at Jermal's house, it was always -- like,  
14 there was -- there was always commotion.  Like, not  
15 necessarily bickering and fighting, but it was just always  
16 commotion and -- so I know he had uncles that hung out over  
17 there and there was cousins and there was -- man, I met so  
18 many different damn people through them, like, in -- just in  
19 passing.  "Oh, this is So-and-so," and we might stand there  
20 and -- and smoke a blunt, and then we're gone.  It was me  
21 and same old boys.

22                   I mean, Jed, it had took me a minute when he was  
23 brought up -- when that name was brought up to me with  
24 Hunter, when he was asking me about -- I was like, I know  
25 that name, and I could not place it for the life of me.  And



1 I -- I just couldn't.

2 And then I told him, I was like, "You know what?"  
3 I said, "There was one -- there was one boy" -- and I  
4 couldn't remember which -- what the name was, but he's kind  
5 of like a little slow, maybe -- maybe, kind of a little off,  
6 but I'm pretty sure that was Jed.

7 And I remember meeting -- it was one of them's  
8 cousin. I don't know which one's it was. It was the  
9 light-skinned boy with all the freckles I was talking about.  
10 And I cannot remember his name. He would come and hung out  
11 with me all night one night at a friend of our family's.

12 Q. Was that night after November 15th, 2002, or  
13 before?

14 A. No. That was before.

15 Q. On November 15, 2002, did you see any of the five  
16 defendants' family members that day?

17 A. Not that I recall.

18 (Exhibit 9 marked.)

19 Q. All right. I'm going to hand you what I'm marking  
20 as Exhibit Number 9. This is a DPS information sheet for  
21 Thayers Tolliver.

22 Do you recognize the man depicted in the photo on  
23 that exhibit?

24 A. I mean, not particularly. I mean, it may have  
25 been one of the family members that was out at Mel's house,



1 I mean, but I -- specifically, no, I do not.

2 Q. Do you remember any sort of a problem going on  
3 between any of Jermal Tolliver's family members and Rayshawn  
4 Banner, Nathaniel Cauthen, on November 15th, 2002?

5 A. I don't remember the specifics like that. Like I  
6 said, there was always some kind of commotion with something  
7 over there because there was always people at Mel's house.  
8 So -- and I told you, they were -- they would be outside  
9 and, well, they'd be smoking or drinking or whatever. There  
10 was always something. But it always that loud talking so  
11 you didn't know if it was arguing or bickering or just  
12 talking shit and cutting up.

13 I mean, you didn't -- I didn't -- hell, I didn't  
14 know because I wasn't up in it like that. I was always on  
15 the sidelines or sitting in my car. And I always parked in  
16 Opie's mama's driveway.

17 So which was dead to -- their driveway was dead in  
18 between Jermal's house and Opie's mom's house. And their  
19 house has since then been condemned. The windows and  
20 stuff's boarded up and stuff now.

21 Q. Was there a football game scheduled on Friday  
22 evening, November 15, 2002?

23 A. I don't know.

24 Q. Were you aware of any of the five defendants going  
25 to or planning to go to a football game that night?



1           A.     No.   Because I thought they was going to a party.  
2   And then somehow or another that -- they changed their  
3   minds.   The part -- they weren't going and -- I don't even  
4   remember why they changed their mind on going.

5           Q.     If there was a football game that any of the five  
6   defendants were going -- planning to go that day, do you  
7   know where it would've -- have been?

8                     Where it would have been?

9           A.     The closest -- the closest high school I can think  
10  of, it's -- to there would be -- maybe Parkland?   Parkland  
11  might be the closest.

12          Q.     Did you ever know of any of those five defendants  
13  to go to a football game?

14          A.     No, I mean -- but when I went and seen them --  
15  okay.   A lot of the weekends, I couldn't just get up and go  
16  over there because, like, in afternoons on the weekdays, I  
17  could tell my mama that I was going and do this and going  
18  doing that, and I knew I wasn't gone but like three hours,  
19  maybe, and then she'd pull me back home.

20                   On weekends, they always went to auctions.   So it  
21  was either me go with them and help them -- because they  
22  sold at auctions too.   So it was either me be their little  
23  show person, and you're there until damn near midnight, or  
24  helping mawmaw out and going stuff and places for her.   So a  
25  lot of my weekends were spent doing shit my grandparents



1 needed done and not just free roaming, because it wasn't --  
2 I wasn't allowed. I couldn't -- I didn't have it like that.

3 But, I don't know. I mean, I don't know. They  
4 may have -- hell, most school-age young'uns like that, like  
5 at our age, yeah, we went to football games and shit. So  
6 I'd assume they probably did attend some football games. I  
7 personally do not know about them going to football games.

8 Q. Who is Donavan?

9 A. I don't know. I -- I'm so horrible with, names,  
10 man. I know faces, but I cannot put the two together unless  
11 they really made an impression or it's somebody that I'm  
12 around constantly.

13 Q. Who is Shelton?

14 A. Oh, I know that name. I don't know, but I know  
15 the name.

16 Q. Did you know a last name for Shelton?

17 A. No. Just a -- when you -- when you just said the  
18 name, it's like it -- it hit a -- it's like a bell.

19 Q. Can you picture this Shelton?

20 A. No. I can't place a face with him. But that's  
21 not a name you hear very often so when you hear it, you know  
22 you've heard it because you don't hear of people named that.

23 Q. You've mentioned a Marcus.

24 Do you know --

25 A. Yeah. That -- that's the light-skinned one with



1 the freckles.

2 Q. Yeah. Do you know Marcus's last name?

3 A. Oh, I can't -- I did. I did at one time but I  
4 can't remember.

5 (Exhibit 10 marked.)

6 Q. I'm going to hand you what I'm did marking as  
7 Exhibit Number 10. This is a DPS information sheet for  
8 Marcus Shavers.

9 Do you recognize the man depicted in the photo on  
10 this exhibit?

11 A. Absolutely.

12 Q. Who is that?

13 A. It's Marcus.

14 Q. Is that the same Marcus that you said that you had  
15 hung out with?

16 A. Yes.

17 Q. Okay. Did you see Marcus Shavers on  
18 November 15th, 2002?

19 A. Not that I remember.

20 Q. Who is Joseph Cauthen?

21 A. I don't know. Somebody related to Nathaniel.

22 Q. Did you know anyone who went by the nickname of  
23 "Black"?

24 A. They all went by nicknames. Jesus. I -- I  
25 don't -- I don't recall.



1 Q. Who is Anjuan Terry D'Angelo.

2 A. Oh, hell. I don't know.

3 Q. Did you ever meet any of Rayshawn Banner and  
4 Nathaniel Cauthen's relatives -- either brothers, cousins?

5 A. That Cauthen that you had just asked me, pretty  
6 sure that's one of the guys that lived in one of them little  
7 mill houses behind Belview Park where I told you we always  
8 stopped. Pretty sure he lived up in there.

9 Q. All right. So let's go back and look at that  
10 exhibit, which is Number 7. And you had circled an area of  
11 homes and marked "weed" next to them.

12 Is that the area where you think this individual  
13 lived?

14 A. Yes. Yes. Somewhere -- somewhere along that  
15 line. I mean, there's -- because there's a -- the road  
16 dead-ends. So there's -- there's quite a few houses, but  
17 it's -- I don't know which houses, but they're all -- but  
18 they're all little hood houses and they're all -- they all  
19 dabble in something.

20 And the boys just -- hell, they grew up in the  
21 neighborhoods, man, they knew everybody.

22 Q. Do you think you would recognize a photo of this  
23 individual if you saw it?

24 A. I might. I didn't really see -- when, like, if  
25 the thing that had me stop or any of them had me stop right,



1 like, in there, I didn't get out of the car. I was  
2 always -- I always stayed in my car. They'd get out, run up  
3 to the porch, something like that. They didn't even really  
4 go in the houses. It was run up, talk shit for a minute,  
5 and run back off.

6 (Exhibit 11 marked.)

7 Q. I'm going to hand you what I'm marking as Exhibit  
8 Number 11. This is a DPS information sheet for Joseph  
9 Cauthen.

10 Do you recognize the photo depicted in this  
11 exhibit? Do you recognize that man?

12 A. I recognize that one, with the hat.

13 Q. All right. And who do you recognize him as? Who  
14 is this?

15 A. I recognize his face. I don't -- name, I can't  
16 put the name with the face. And, I mean, even though it  
17 says it right there, like, I -- I personally would not know  
18 him as that name. I just know his face.

19 Q. You just talked about remembering that one of  
20 Nathaniel Cauthen and Rayshawn Banner's relatives lived in  
21 the mill houses.

22 A. Yes.

23 Q. Is -- is the man -- this man in the Exhibit  
24 Number 11, is that the same man that you remember living  
25 there?



1           A.     I don't -- I don't know. I didn't get out of the  
2 car whenever we'd stop. I just know that they had -- they  
3 did have family staying right there.

4           Q.     Did you ever hear anything about any of Nathaniel  
5 Cauthen and Rayshawn Banner's relatives committing any sort  
6 of crimes?

7           A.     I'm sure they mentioned that shit before -- they  
8 was -- they was the -- the whole -- okay. So I'm looking at  
9 their age. They're teenagers. And it was that boastful  
10 shit, that bragging. There was always shit being said,  
11 whether it's, you know, about their family members doing  
12 shit, them doing shit -- I mean, whatever. It's like --  
13 it's just bullshitting. So never really paid attention to a  
14 lot of that.

15                     And then --

16           Q.     Do you have any specific memory of that, though?

17           A.     Uh-uh.

18           Q.     Who is Brittany Ward?

19           A.     That name is familiar.

20           Q.     What's familiar about her name?

21           A.     Just the name itself. I've heard that name and --  
22 well, I don't know where.

23           Q.     Who is Keith?

24           A.     I don't know.

25           Q.     Did you know a Keith during this time period?



1           A.     I went to high school with one boy named Keith,  
2     and then my boss is Travecki -- her old man's name was  
3     Keith, and that's about it as far as a name that I can put a  
4     face with.

5           Q.     Just give me one second.

6                     Why was Hunter Atkins asking you who Keith Manns  
7     is? And it looks like it was July 10th of this year.

8           A.     I don't know. I think may have been asking me  
9     it -- something similar to this, like, he'd ask me names and  
10    stuff, whether it was on the phone or through message. Most  
11    of the conversations we had were -- would be on the phone so  
12    he could record it.

13                    If he'd come at me through text message, it was  
14    typically because it was something that he was trying to hit  
15    back on to see if I'd -- I knew yet, or if it come to me  
16    or -- or something like that. And I don't -- I don't know.  
17    Something -- something like that. I never got back and read  
18    through the messages or anything. That -- that's a whole  
19    lot.

20          Q.     Who is Latoya Mayshack?

21          A.     I don't know.

22          Q.     Who is Papa?

23          A.     Papa?

24          Q.     Someone that went by that nickname who might have  
25    known Nathaniel Cauthen?



1 A. Oh, I don't know.

2 Q. Did you ever drop off anyone with Nathaniel  
3 Cauthen on November 15th, 2002?

4 A. I thought I took Nathaniel and Rayshawn down to  
5 their house and dropped them out when I first picked them  
6 up, when everybody said they needed to change clothes.

7 Q. Did you ever know of any of the five defendants to  
8 use a cab to get around?

9 A. No.

10 Q. Did -- did you know of anyone in the neighborhood  
11 where the defendants lived using cabs to get around?

12 A. I can't ever recall ever seeing a cab in those  
13 neighborhoods. Everybody over there was, like, bicycles,  
14 walking, or we drove or rode with people. Like it -- a lot  
15 of people over there walk. A lot -- I mean, because it's --  
16 obviously, you look at neighborhoods. I mean, they're --  
17 it's their -- Southside is a poor part of town, man. I  
18 mean, it's -- it's you just, you go there and it's just what  
19 it is. It's a lot of like, hood, per se, neighborhoods and  
20 stuff and so, I mean, it wasn't -- there was just a lot of  
21 walking.

22 Q. Did you know of any cab drivers in that area?

23 A. I never known a cab driver except for my uncle  
24 William, and he -- that was -- he worked for Blue, that was  
25 a Willard Cab. Willard Cab, way on back then, years ago.



1 Q. Did your uncle work for Willard Cab Company in  
2 this time period?

3 A. I don't think so.

4 Q. Were you aware of any similar crimes to the crime  
5 that happened against Mr. Jones happening in Winston-Salem  
6 at this time period?

7 A. No. I didn't -- I ain't ever paid attention to  
8 the news. And after this situation, I really, really stayed  
9 away from it. And only as I've gotten older have I really  
10 started paying attention to stuff that goes on. Since my  
11 young'un hit about the age that we were.

12 Q. Do you have any information on who might have  
13 committed this crime if not any of the five defendants?

14 A. I don't have a clue who. Somebody thinking they  
15 was going to get some money, I'm assuming. But, like I  
16 said, you can go back and when you read stuff that was wrote  
17 and you hear people talk about this man and -- and  
18 everything that he had done throughout his life and stuff  
19 and the type of man he was, I truly do not.

20 I wouldn't think it would be anybody from that  
21 neighborhood because that man had been there for years, from  
22 what I gathered. Like -- and I mean, I'm talking just from  
23 people talking about him throughout the years. Because I  
24 don't -- I won't sit here, and -- I'll just listen what they  
25 say in conversation, like people at work. When the stuff



1 went down with Dorrell, with him getting stabbed, people at  
2 work were talking about it. I'd just sit there and I'd just  
3 listen and they were talking about the crime that happened  
4 all that -- all that time ago, and, you know -- but  
5 everybody knew that.

6 So he had lived there for all that time and that  
7 man would do anything to help anybody, all the -- the kid --  
8 nobody had to do nothing but ask, just ask him, and he would  
9 just do it. As a matter fact, my lead, she said that --  
10 she's about -- she's like 62 now. She said that back years  
11 ago, her car messed up and that she didn't have money to get  
12 it fixed and that he gave her the money to get her car fixed  
13 and never asked for it back.

14 So, I mean, it's -- the stuff that that man did --  
15 and these are kids who grew up in these neighborhoods. So,  
16 therefore, their parents had been there all this time too.  
17 I, knowing what -- what I know about that man, I don't  
18 understand -- and knowing that he didn't carry his cash like  
19 that. And everybody that's talked about that knew that.

20 Q. Where did you get the information that the victim  
21 did not carry cash?

22 A. From people who talk about him throughout the  
23 years. People that have brought up who -- who've talked  
24 about that. I had -- I have heard this stuff talked about  
25 randomly. I hang out -- everybody I know, just about, is



1 from Southside, man. So when they talk about things and you  
2 sit down and you get in conversation and you just start  
3 talking about stuff that's happened and this, that, and the  
4 third, and -- so when they start talking about stuff like  
5 that, I keep my mouth shut and I just listen to it. And  
6 that has been a common statement that I've heard said, is  
7 that this man did not keep cash on him like that.

8 If he -- something about some kind of briefcase or  
9 something -- or some briefcase, box, something that he kept  
10 cash separately in but he did not keep cash personally on  
11 him.

12 And so when I heard that, I was like, that just  
13 completely defeats the purpose of what whoever was trying  
14 to -- to do. What was the point in --in killing the man,  
15 trying to -- for money, and you didn't get any money?

16 Q. Is it fair to say you heard this information, for  
17 lack of a better term, "through the grapevine?"

18 A. Absolutely.

19 Q. All right. Did you ever hear anything about the  
20 victim and how he might have carried cash other than through  
21 the grapevine?

22 A. No. No. Because like I said, before -- before  
23 the interrogations and stuff started, I did not have a clue.  
24 I didn't even know who Mr. Jones was. That man did not  
25 exist to -- to me in my world. I didn't know him.



1 Q. Have you ever heard anything about who might have  
2 committed this crime?

3 A. No.

4 Q. We've been going almost an hour, about an hour.  
5 Do you want to take a break?

6 A. No. If I -- if I leave out of this room and sit  
7 somewhere, I'm going to fall asleep. So I want to go.

8 Q. Are you doing okay?

9 A. I'm -- yeah.

10 Q. Okay. Can I get you anything?

11 A. Uh-uh.

12 Q. All right. You testified at both trials that  
13 Christopher Bryant and Dorrell Brayboy went into the Dollar  
14 General store for five to ten minutes on  
15 November 15th, 2002; is that correct?

16 A. Yes.

17 Q. Police collected the surveillance video from the  
18 Dollar General store from that day.

19 Have you seen the surveillance video?

20 A. Nope.

21 Q. Have you -- has anyone talked to you about the  
22 surveillance video from Dollar General store and what was on  
23 it?

24 A. One of the officers told me that was how they  
25 like -- they -- that's why they told me I was lying. It



1 was, "We know you were there. We know you were there. We  
2 know you were there." And then stuff was said about videos.  
3 They just -- like videos from the mall and -- and videos  
4 from Creekside, and just -- there was a lot of stuff about  
5 videos thrown around from all kinds of places. And I'm  
6 like -- and honest to God, I don't remember going to them  
7 places all in one damn day.

8 I'm not saying we never went to the Dollar  
9 General, we never went to Family Dollar, we never went to  
10 MaxWays, or whatever because we -- we had. But I don't  
11 recall going that day. The places that I recall was the  
12 bowling alley, the mall, riding around for a little bit,  
13 and -- those. That's -- that's what I can absolutely say  
14 for a fact I know we did that day.

15 Q. Other than having the police talk to about  
16 surveillance videos -- and correct me if I'm wrong, but  
17 you're talking about November 19th, 2002, when you were  
18 first interviewed?

19 A. Yeah.

20 Q. All right. So other than that, has anyone talked  
21 to you about the surveillance video from the Dollar General  
22 store and what was on it?

23 A. No.

24 Q. A detective reviewed the video from  
25 November 15th, 2002, and testified at the trial that he did



1 not see defendants on their surveillance video.

2 Did anyone with the police or the district  
3 attorney's office ever confront you over the fact that none  
4 of the defendants were on the surveillance from that store?

5 A. The defense attorneys -- you know what? The  
6 defense attorneys confronted me on a whole lot of shit, and  
7 I mean a lot. And I couldn't sit there and tell them what I  
8 told them from the beginning because I was wrong.  
9 Everything I said was wrong.

10 Q. Did anyone with the police or the district  
11 attorney's office ever confront you with that information,  
12 the fact that the defendants were not on that surveillance  
13 video from the Dollar General store?

14 A. Not that I recall.

15 Q. Did anyone from the district attorney's office or  
16 the police ever talk to you about the fact that the  
17 defendants were not on that surveillance video?

18 A. No. Because as far as I know, they had video of  
19 all kinds of shit. They had video of them and us  
20 everywhere.

21 Q. Did anyone with the police or the district  
22 attorney's office ever confront you with incorrect  
23 information from the statements you had made regarding this  
24 case?

25 A. Clarify that.



1 Q. Did anyone with the police or the district  
2 attorney's office ever talk to you about any information  
3 from your statements that was incorrect?

4 A. Like saying that what I said was incorrect?

5 Q. Correct.

6 A. Everything I said. Everything I said just about  
7 was wrong, it was wrong in some way, sense, or form -- or  
8 shape or form, like everything.

9 Q. Did anyone ever talk to you about the fact that  
10 you had given incorrect information?

11 A. The defense attorneys, I mean, asked me why --  
12 they asked me why I changed my story so much and asked me  
13 which ones were the truth and -- and I still went with all  
14 that shit. And, I mean, I don't know how to answer the  
15 question. I really -- I don't. I don't --

16 Q. Let me ask it a different way.

17 Did the police or anyone with the district  
18 attorney's office ever come to you and say something like,  
19 "Ms. Black, what you said before is incorrect" and talk to  
20 you about it?

21 A. No, no. Not that I -- no. I don't believe so.  
22 No.

23 Q. All right. So I'm going to talk to you now about  
24 the time -- the time period from when you made your  
25 statements to the police on November 19th, 2002, until the



1 first trial. The first trial was with Rayshawn Banner and  
2 Nathaniel Cauthen -- so that time period.

3 After November 19th, 2002, and before the first  
4 trial, who did you speak to about this case?

5 A. I didn't, like, talk to my family or nothing.  
6 I'm --

7 Q. Any friends?

8 A. I may have told Liz that they interrogated me  
9 and -- I did tell Liz that, and I told her that they didn't  
10 believe that I was over there. And she said, "Well, give  
11 them my name. They can ask me." I tried to.

12 Q. And --

13 A. They pretty much told me I was full of shit and  
14 they didn't need that, and that was it.

15 But I know I had quite a few sessions in with the  
16 DAs --

17 Q. Okay.

18 A. -- and not so much with the detectives and stuff,  
19 more -- more sit-ins with the DAs.

20 Q. All right. I just want to clarify -- Liz.

21 Is that Elizabeth Fowler?

22 A. Elizabeth Fowler, yes.

23 Q. So anyone other than Liz and, you said, the  
24 district attorneys. Anyone else?

25 A. Not that I can say for certain. I didn't even



1 really discuss the shit with my family, even, I mean -- and  
2 they -- they really didn't question me too much about it. I  
3 think it's -- they -- the way things are in my crew, they  
4 know. Like, everything shows on my face and they know.  
5 I -- I beat myself up worse than what any of them could.  
6 And so there wasn't really a whole lot of talk with them and  
7 me about it.

8 Now, they went by the newspaper articles and stuff  
9 like that, but they never approached me with questions,  
10 asked me about none of that. They just left it alone and  
11 respected the fact that I didn't want them to be part of it.

12 Q. With Elizabeth Fowler, did you discuss with her  
13 the facts of the case at all?

14 A. I think I told her I was, like -- I think I told  
15 her about somebody being killed and that they thought that  
16 the friends I had been hanging out with had done it, and  
17 they took my car and they checked it for DNA and stuff like  
18 that. But, I mean -- because that was my best friend at the  
19 time. So I was, like -- but as far as deep detail, no. It  
20 wasn't never nothing like I gave -- it was like a roundabout  
21 summary of, "Listen to the shit I been through."

22 Q. Are you currently friends with Elizabeth Fowler?

23 A. No.

24 Q. When was last time you saw Ms. Fowler or spoke to  
25 her?



1           A.     Aw, shit. Probably -- I think might've said "Hey"  
2     a couple times online. I mean, that's about the gist,  
3     "Hey." But we fell off -- my son was about -- he was less  
4     than a year old. So 2005, right after I graduated.

5           Q.     So you lost contact with her sometime in 2005?

6           A.     Uh-uh. She lost contact with me.

7           Q.     Okay. And why do you say it that way, that she  
8     lost contact with you?

9           A.     Because she made the choice not to speak to me  
10    anymore. She got pissed off at me and left it at that. And  
11    she went on her way and I went on mine.

12          Q.     Why was she pissed off at you?

13          A.     Over a guy. That -- over -- over a damn man.

14          Q.     Who?

15          A.     Greg Mathis.

16          Q.     Who is Greg Mathis?

17          A.     Ex-boyfriend. Well, I was with him for eight  
18    years after my son -- about eight years after my son was  
19    born. And she had held him up, apparently, while he served  
20    time. He had done, like, five years or something like that.  
21    That was before me. And he had come to my house to hang out  
22    or whatever because we had been friends for a long time, and  
23    one thing just led to another and we started hanging out  
24    more, and -- just was what it was.

25          Q.     When did you start hanging out with Mr. Mathis?



1           A.     I had been hanging out with him for, hell, five  
2 years prior to that. Five years, about -- about five years  
3 prior to us getting together.

4           Q.     When did you get together?

5           A.     Right after my son -- I'd say my son was  
6 probably -- that's when she quit talking to me. And that  
7 was -- that, maybe, the end of -- well, I'm not going to say  
8 the end. He was born in June. So almost 2006, maybe?  
9 Yeah. Because that's when I started working at -- I got my  
10 job at Walmart and was doing store setup. And right after  
11 we finished the setup is when he had moved in with me and  
12 started working with me there.

13                   So had to have been the end of '05, beginning  
14 the -- no, the end of -- ever since I got the job in  
15 December '06. So it may have been, hell, right there at the  
16 end of '06 or the beginning of '07, one or the other.

17           Q.     Who is the father of your son?

18           A.     Kenneth Smith, Jr.

19           Q.     When did you meet Mr. Smith?

20           A.     When I was 16.

21           Q.     Did you ever discuss the case with him?

22           A.     He come with me to some of the trials. That was  
23 the only person I let come.

24           Q.     Did you ever discuss the case with him?

25           A.     Not in detail. He didn't really ask me detailed



1 questions. It was -- it was about the same like it was with  
2 Liz. It was pretty much a summary of it, and he was just --  
3 he tried to be supportive through it, or with me through it.  
4 Other than that, he really didn't bring it up, because he  
5 had a sore damn subject with me, and it -- that those --  
6 those four years, like the last time I testified, I think I  
7 was about eight months pregnant with my son.

8 And from the time that shit went down until that  
9 last damn trial, that is the scariest, that -- that's the  
10 scariest part of my entire life. So, no. That was just  
11 a -- that was one of them -- you don't touch that subject.  
12 You don't ask about it. You don't talk about it. Don't  
13 even bring that shit up. I tried to put it in the back of  
14 my head, away, like it -- like it wasn't there.

15 Q. From the time that you gave your statements to the  
16 police on November 19th, 2002, through the trials, who were  
17 your friends during this time period?

18 A. Elizabeth.

19 Q. Elizabeth Fowler?

20 A. Uh-huh. I mean, I had acquaintances, but I didn't  
21 as far as friends, I really, really fucked with, I had  
22 people I hung out with and I got high with. That was not --  
23 that's not the same, that's not people that even know hardly  
24 shit about me. It's just we hang out and we'd smoke --  
25 people from school, stuff like that.



1           And Elizabeth was about the only person that I  
2 really, really hung out with.

3           And when I was with -- while I was dating his  
4 father, he had a whole like -- they had a little group of  
5 the -- they grew up together. So it was him and, like, five  
6 or six of his homeboys and their old ladies. And I was  
7 supposed to fit in with the -- with the girlfriends, and  
8 that's just what you do. But it wasn't ever like that. I  
9 can't even remember them girls' last names.

10          Q.     Other than Elizabeth Fowler and Kenneth Smith, did  
11 you talk to anyone about the facts in this case?

12          A.     Not that I can recall.

13          Q.     Who is Crystal?

14          A.     The only Crystal that I can even -- I even -- the  
15 only Crystal I know is a Crystal Johnson, and we went to  
16 high school together.

17          Q.     Did you talk to Crystal Johnson about the facts of  
18 this case?

19          A.     I want to say no because I don't remember, but --  
20 so I don't -- I don't remember.

21          Q.     Okay. All right.

22                 After November 19th, 2002, did you meet with any  
23 police officers again?

24          A.     After the 15th?

25          Q.     The 19th?



1           A.     The 19th.

2           Q.     November 19th.

3           A.     I think that main officer, I might have seen him a  
4     few times, but that -- it wasn't, like, with the  
5     interrogation and stuff like that.

6           Q.     Where did you see this officer?

7           A.     You know, I can't really remember if he had come  
8     out to the house or if it was at the courthouse. I ...

9           Q.     Why did you --

10          A.     Because where they had me at, I don't even -- I  
11     don't even know where the hell I was at. I didn't know  
12     until later -- like, I didn't even realize I was in the very  
13     top of the damn courthouse and shit. I'd never even been up  
14     there.

15                 So, I mean, I can't -- I'm telling you, I -- I  
16     really, really can't remember little shit like that. Like,  
17     when it comes to where I smoked, somebody or where I did,  
18     unless it -- something had to have happened that for that  
19     shit to stick in my head like that. And I don't --

20          Q.     Do you know how many times you met with this  
21     officer?

22          A.     No.

23          Q.     Was it just one officer or more than one?

24          A.     He was nice.

25                 Just -- there may have been another, but that main



1 officer is the one who, I guess, decided to do the speaking.  
2 He was nice. He was really, really nice. And he's the one  
3 that come when they come and took my car.

4 Griffin. Griffin, maybe. Is that his name? I  
5 think. He was the main detective on -- on the shit, or the  
6 lead, or however -- whatever -- however -- whatever it's  
7 called. But he was -- he was a really, really nice man.

8 Q. Why did you meet with this officer?

9 A. My -- like follow-up? Just touch up on some  
10 questions and shit.

11 Q. What did you discuss at your meetings with this  
12 officer?

13 A. It wasn't, like, anything in particular. It was  
14 just a touch-up on stuff that was said, like, throughout the  
15 interrogations and stuff. Just a, like, "Okay. Well, so  
16 are you sure -- you're sure about this statement right here?  
17 Because, you know, you changed it from this, this, this,  
18 this, this. And you're sure this is the way it happened?"

19 And everything that -- I didn't give a damn. It  
20 was, "Yeah, yeah. I'm absolutely sure of everything I've  
21 said."

22 Q. So you have specific memories of having  
23 conversations like that with this officer?

24 A. I remember talking to him away from all them damn  
25 officers for the interrogation. So I know it was outside of



1 that interrogation. I can't tell you nothing about them  
2 damn men in that room. I know the room was full -- like,  
3 absolutely full. I remember talking to him and him being  
4 extremely nice. And then I remember the other -- that other  
5 one detective that was an asshole. He was, like, in my face  
6 so close that when he was hollering at me, he was spitting.

7 Q. When you say "the room was full," what do you  
8 mean?

9 A. I mean full. I mean officers everywhere.

10 Q. How many officers?

11 A. Like, not even like officers -- not in, like, real  
12 police clothes either. It was, like -- I guess they were  
13 detectives. I mean, I don't know. But, I mean, like, it  
14 was just that -- it was just a lot of damn men. I didn't --

15 Q. How many?

16 A. You know, I didn't know how many. I didn't find  
17 out later till how many was in there. But, to me, at that  
18 age, like, going through that shit, I was scared to death,  
19 and it was just -- that was just a lot of damn men in there.  
20 The whole -- like, they were around the whole damn room.

21 So, I mean, if I had to have guessed then, I  
22 probably would've, like, overexaggerated and been like,  
23 "Look, there was probably 15, 20 people in there."

24 There wasn't, but it was a lot of people -- or a  
25 lot of men. And all of them didn't even talk. It's like



1 they -- they were listening, and, kind of, like, whispering  
2 amongst each other while whoever I was talking to was doing  
3 their thing.

4 Q. How many officers would you actually have  
5 conversations with?

6 A. I spoke to two -- more than two. And I -- I  
7 remember speaking to more than two. In -- you talking about  
8 during the interrogation; correct?

9 Q. Yes. On -- on November 19th, 2002.

10 A. I spoke to more than two. But the two I keep  
11 talking about are the two that -- that -- that just stuck  
12 with me.

13 Q. How many times did you meet with the district  
14 attorneys or anyone with the district attorney's office?

15 A. Oh, I -- you know, there's a lot of meetings with  
16 them. And I can't -- I don't even know how many times to  
17 guess. I met -- I met with them a lot. But more than --  
18 more than any, it was with Eric Saunders.

19 I didn't like Beirne. She was cold and -- and she  
20 seemed, she wasn't -- she seemed really fucking mean to me.  
21 Like, not personally to me, just come across that way. And  
22 I just didn't -- I didn't feel comfortable -- I didn't like  
23 sitting around talking to her, and she was just very short  
24 and stern. And she was all -- she was definitely all about  
25 business.



1 I mean, Eric Saunders was too, and out of both of  
2 them, I definitely wouldn't've expected him to be more  
3 personable, but he was. It's like he -- he sympathized with  
4 me. He was nice. And it -- not even so much sympathize, it  
5 was him being compassionate towards me being scared shitless  
6 and crying constantly. And him trying to, I guess, keep me  
7 comfortable or at ease, so that way they could do -- handle  
8 what needed to be handled.

9 Q. How many times did you meet with Mr. Saunders?

10 A. A lot. I don't know specific -- like a specific  
11 number.

12 Q. More than two times?

13 A. Oh, yeah. More than two.

14 Q. More than three?

15 A. Probably more than ten.

16 Q. Okay. What happened during those meetings?

17 A. We would just -- we would discuss how, like, how  
18 the trial went or what I needed to do to prepare for the  
19 trials and what to expect during the, like,  
20 cross-examinations and stuff like that.

21 They prepped me for how the defense attorneys were  
22 going to come at me and how they were going to try to make  
23 me look and -- because of my story changing and changing and  
24 changing, and just -- that was just, I didn't --

25 Q. How long were those meetings?



1           A.     Sometimes -- sometimes a few hours, depending on  
2 what we was going over.

3           Q.     Where were those meetings held?

4           A.     Primary -- you know what? All of them except for  
5 the one where I got in the van and rode around were at  
6 that -- at the courthouse, in the very -- up on one of them  
7 upper floors up there.

8           Q.     When you would meet with Mr. Saunders, would it be  
9 just Mr. Saunders or would other people be present?

10          A.     There'd be people walking around the office -- not  
11 his personal office, like, throughout the -- the office  
12 area. Beirne would be with him sometimes. But, no, there  
13 wasn't -- as far as sitting in the room with us, while we  
14 were doing all the talking, no.

15                 It was -- there may have been one person sat in,  
16 just so they could, I guess, verify a witness, what was  
17 being said or whatever. But, Beirne -- I remember Beirne  
18 being there a few times. But then when I went with him in  
19 the van, it was that -- the woman they said was one of  
20 Mr. Jones' daughters.

21          Q.     I do want to go back to the van but before I do  
22 that, I just want to talk to about the meetings with  
23 Mr. Saunders or other people at the DA's office at their  
24 office.

25                 When you were meeting with the district attorney's



1 office, did you review any documents?

2 A. I have -- you know what? If I can get through my  
3 shit in my house, that -- if I ever get it unpacked, I have  
4 the transcript they gave me. And he told -- he gave it to  
5 me and told me -- he had it in one of them big-old giant  
6 clips that hold huge stacks of paper together.

7 And I went through it. Some stuff in there was  
8 highlighted and some stuff was starred. And gave it to me,  
9 in so many words, so I could go pretty much go through there  
10 and read up and -- and keep my shit straight.

11 Because when -- every time, if they would ask me  
12 to go over the stuff -- like, because they would constantly  
13 question me on the shit they had questioned me over, I guess  
14 to see if I was going keep giving the same answer. And  
15 every time they'd asked me, I'd change something --  
16 something would change. So they finally just gave me a --  
17 that transcript.

18 Q. When did they give you that transcript?

19 A. I don't know exactly when they gave it to me.

20 Q. Okay.

21 A. I don't -- I'm not sure. I know I was at the DA's  
22 office when I got it.

23 Q. Did you ever review any police reports in this  
24 case?

25 A. No, I'm -- no. I -- the only thing I can remember



1    them putting in front of me was pictures of the boys to find  
2    out if it -- for me to point out who was who and how I knew  
3    them as far as their nicknames and stuff.

4                Because I didn't know their -- their actual -- I  
5    knew Rayshawn's name was Rayshawn. I knew Dorrell as  
6    Dorrell. But I knew Jermal -- or Jermal as Mel. And I knew  
7    Christopher as Bubba. And I knew Nathaniel as Stinky. I  
8    did not know their names.

9                So when they were calling these -- or saying names  
10   of these boys, I'm like, "Who are you talking about?" I  
11   didn't know. So they laid out pictures like that so that  
12   way I could point out who was who. And the -- there was  
13   pictures -- the pictures that was at Mr. Jones', but I -- I  
14   can't remember if that was at the DA's office or with the  
15   cops.

16           Q.    So other than the transcript, the photos of the  
17   defendants, and the photo of Mr. Jones, did you review any  
18   other sort of documents?

19           A.    Not that I -- I -- not that I remember.

20           Q.    Any diagrams?

21           A.    Oh, the maps, like I was telling you about, the --  
22   but not -- not maps like that. Like, it was the picture  
23   maps like the one that you had laying here with the --

24           Q.    Exhibit Number -- are you talking about Exhibit 7?

25           A.    Yeah, maps like this.



1 Q. Okay. So maps like Exhibit 7. All right.  
2 Anything else shown to you by the district  
3 attorney's office?

4 A. I don't think so.

5 Q. Did you ever have any conversations about whether  
6 or not you would be charged with the district attorneys?

7 A. With the district attorneys, it was -- they told  
8 me that, "Jessica, we just got to let you know that no  
9 matter what, they can come back 30 years down the road and  
10 charge you. If they decide -- the district attorneys decide  
11 that they want to -- to redo this case and go through all  
12 this shit again, then they can come back and they can charge  
13 you."

14 Q. Who told you that?

15 A. The district attorneys.

16 Q. Who specifically?

17 A. Both.

18 Q. Are you talking about Eric Saunders and Beirne  
19 Harding?

20 A. Yes.

21 Q. Did you ever have any conversations about whether  
22 or not you would, in fact, be charged?

23 A. You know what? They -- it was not come out and  
24 said in exact words, but it was a roundabout, pretty much,  
25 "Okay, look. If you play ball and just cooperate and do



1 what needs to be done, you're going to be" -- I'll be fine.

2 Q. Did anyone ever make you any deals, either  
3 verbally or in writing?

4 A. No. It was never -- it was never like that,  
5 "Look, I can ensure that you won't be" da, da, da, or "won't  
6 be charged," or "They're not going to come after you or  
7 whatever." But it was a, "Look. Pretty much, you're going  
8 to be clear as long as you do this."

9 Q. During the meetings with the district attorney's  
10 office, what did you discuss about your testimony at the  
11 upcoming trials?

12 A. I would be informed on which trial was coming up  
13 and they would just -- it was pretty much a run-through. It  
14 was always a run-through of, "Okay. So this is who you're  
15 going up against. Their attorneys are" so-and-so and  
16 so-and-so, or whoever was representing them, "and they're a  
17 real hardass, or this one's like this, and this is the angle  
18 they -- this one tries to go at."

19 And it was -- it was pretty much preparing me for  
20 who I was going up against and how they were going to come  
21 at me based on their -- their patterns in other shit and  
22 prepping me for all that.

23 And it's like, "Look. When it comes to this one  
24 right here, you need to remember all the details that you  
25 said about whatever, and they're probably gonna hit on this



1 topic right here more than this right here. So in your  
2 transcripts, make sure you go back and you look over this  
3 right here so you don't get caught up there on that stand  
4 and they" -- because they -- I broke down so easy up there.  
5 And as soon the -- the defense attorneys come at me, that  
6 was it. They broke me -- broke me. That was just -- that  
7 was all. I couldn't -- I couldn't stop crying. I didn't  
8 know what to do but cry.

9 It was so hard to try to keep your mind clear and  
10 keep all these damn stories straight and the timeline  
11 straight. And then I still -- because I never -- I never  
12 really -- I never went back, and that's a hell of a lot of  
13 reading. That was a thick transcript and I was not going  
14 back and reading through all that. I attempted a couple  
15 times to go through and look at the highlighted shit and the  
16 starred shit, and I was -- no. So I took it and I put it in  
17 a box and I put in my closet. And that -- that was it.

18 So I'd still get tripped up. They would trip me  
19 up. It wasn't nothing. It was so easy. They didn't have  
20 to do -- but say something, and I'd be so flustered, I  
21 couldn't -- I was upset and -- and nervous and scared. So  
22 it's like my mind just went "pfft." Everything was gone.

23 And I -- I didn't know what the hell. I didn't  
24 know what to say. I didn't know how to say it. So then  
25 when I started going back over the statements that they



1 wanted me to go over, like, the defense attorneys and stuff,  
2 when they were doing their cross-examination or whatever, it  
3 was -- I had forgot all kinds of shit and left all kinds of  
4 shit out. And it was like, "Okay. Well, why can't you  
5 remember this, Ms. Black?"

6 "Pfft."

7 And knowing -- I couldn't never say, I'm -- I was  
8 scared. I was upset. I was just -- no. When, in fact,  
9 like, it's not -- I felt like I couldn't just sit up  
10 there -- I couldn't sit up there and just be, like, "No, but  
11 well, no, because I'm saying this because it's what the fuck  
12 they want me to say."

13 Because they asked me, "Were you ever promised  
14 that you wouldn't be charged?" and, you know, everything  
15 along that line, and -- but I wasn't. I was never  
16 straight-out promised that. But at the same time, that was  
17 the only people I had in my corner and I wouldn't come out  
18 and be like, you know, "No, but I was kind of assured that I  
19 was not going to have to worry about it."

20 Just like when they talked about the DNA in my  
21 car, "Well, Jessica, you know, we found it everywhere in  
22 your car but your seat."

23 I said, "Okay. So that means I -- I wasn't there.  
24 I wasn't in that shit." So ...

25 Q. I want to go back to the van ride with



1 Mr. Saunders.

2 How did this van ride get arranged?

3 A. Eric called me one day and asked me if I would be  
4 willing to offer him to come and pick me up -- and he wasn't  
5 even driving. I don't remember who it was that was driving.  
6 But me, him, and her sat in the back -- because it was like  
7 a minivan.

8 Q. You sat in the back with -- with Eric Saunders and  
9 who else?

10 A. A woman he said was one of Mr. Jones' daughters.

11 Q. When did Mr. Saunders tell you that that woman was  
12 Mr. Jones' daughter?

13 A. On the phone. He -- he told me -- he asked if I  
14 would be willing to meet with him and one of his daughters,  
15 one of Mr. Jones' daughters, and -- somehow she did -- she  
16 had some questions for me, and they just wanted to ride  
17 around the area and get a feel for maybe the paths we took  
18 that day, that evening.

19 Q. When you were picked up, was this woman introduced  
20 to you?

21 A. Yeah.

22 Q. Who introduced her?

23 A. Eric.

24 Q. And what did he say?

25 A. He -- he said her name. I don't -- I don't



1 remember them women's names. Hell, I -- I don't know. But  
2 it was -- he said her name. And it was like this is -- this  
3 is his daughter. And she smiled really big and she was  
4 really nice and she shook my hand and she said she was  
5 really glad that I agreed to come and do the little  
6 ride-along. And we rode around, and she'd ask me questions  
7 about certain stuff. And it was -- and ...

8 Q. Who was driving the van?

9 A. I don't know.

10 Q. How long where you in the van?

11 A. We was probably gone a couple hours because, I  
12 mean, we -- we rode around the neighborhoods, like, the path  
13 around there, took him by the mill houses because he asked  
14 about, like a -- who stayed there, how I knew there's  
15 people -- people stayed there, and the park and by Creekside  
16 and by the mall and down the midway. I mean, we was -- it  
17 was probably two or three hours.

18 Q. When did you go on this van ride?

19 A. Sometime throughout -- throughout the trials. I  
20 don't know exactly when. All that is pretty much squished  
21 together for me. I don't -- I -- I can't separate the time.  
22 I don't know.

23 Q. And where did they pick you up in the van?

24 A. I think -- I'm pretty sure it was my mawmaw's,  
25 that -- the trailer they had on Gumtree.



1 Q. That was your grandmother's house?

2 A. It was hers first and then it was mine.

3 Q. Where did they drop you off?

4 A. I think they dropped me off back there -- pretty  
5 sure they dropped me off back there.

6 Q. Do you remember anything else about this van ride?

7 A. No, because -- I mean, because there was  
8 nothing -- there was nothing uncomfortable about it. There  
9 was -- I mean, it was -- I expected the worst, because when  
10 he told me that it was one of the daughters, I was like, "Oh  
11 God."

12 I just -- I just expected the worst. And the  
13 woman -- it was like she was so gracious that I was willing  
14 to ride around and -- and do this. And they made me super  
15 comfortable. I mean, it was just smiles and talking, and it  
16 was -- everything was fine.

17 Q. What evidence did you believe the district  
18 attorney had against the five defendants at the time the  
19 case went to trial?

20 A. A video of them trying to all -- all around the  
21 ATM at the mall, trying to use Mr. Jones' cards --

22 Q. I -- sorry to interrupt.

23 I just want to ask: Who gave you that  
24 information?

25 A. Some of that stuff was mentioned by the police and



1 some was brought up by the DAs. I can't remember who -- who  
2 said which, but it was -- it was given to me by just and --  
3 in separate situations.

4 But at the -- at the end -- before the trial  
5 started, it was pretty much that the evidence that was laid  
6 out is "We have -- we've got the DNA from your car. We have  
7 the video of them trying to use his cards at the mall. We  
8 have video and witness of the -- from the officer at  
9 Creekside." And then there was, they said, video from  
10 MaxWays or Family Dollar, whatever store that was.

11 And so that's -- as far as I knew, there was a  
12 shit-ton of evidence.

13 Q. Anything other than that?

14 A. Not right off. That's what sticks out.

15 Q. And what did they tell you about the DNA in the  
16 car?

17 A. They said it was skin DNA. They didn't find any  
18 blood DNA. They just found skin.

19 Q. And whose skin DNA was in the car?

20 A. They said it was Mr. Jones'.

21 Q. And who told you that?

22 A. The DAs or the officers, one. I -- I honestly  
23 cannot remember which one of them said that, which ones told  
24 me that. So I just knew it was going down as soon as I told  
25 him, I said -- I couldn't imagine. I said, "I'm with these



1 boys every day," and I was with them every day for damn near  
2 for two months straight because it hadn't been that long we  
3 was hanging out.

4 And it was like, "Okay. Well, how can -- how can  
5 you hang out with these boys every day and not realize what  
6 kind of people they are?"

7 Well, because every day we hung out, we shot the  
8 shit, rode around, and got high. You never saw nothing out  
9 of them. I mean, they were teenage boys. And at that time,  
10 as a matter fact, I didn't even know they were teenage boys.  
11 I thought they were all older than me.

12 So, I mean, but they -- guys are immature as shit,  
13 and that's -- they -- they were immature. And they picked  
14 and played and cut up and cut a damn fool, and that's  
15 just -- but we had a good time, but that's all it was.

16 It wasn't -- I never seen nothing out of them  
17 boys. That's, like, when -- so, like, when Hunter asked me,  
18 that was one of the first questions. "Jessica, I want you  
19 to name them off how you knew them and -- and tell me  
20 what -- how you know them, what you know of them."

21 So I went through and I gave him a description of  
22 every one of them.

23 And he said, "You know what?" He said, "It's  
24 funny," he said, because he went -- he -- I think Rayshawn  
25 he had talked to on the phone. He had -- he's talked to all



1 of them. And he had actually spent time with Dorrell and  
2 Christopher and Jermal. And he had talked to them and  
3 talked to their moms and their families and went ahead and  
4 had descriptions of how they were at that age.

5 So when I called off how they were, he was, like,  
6 "You just nailed that," he said, "because that's exactly how  
7 their families" -- because that's all I seen out of them.

8 I said, "And that's just what it was." I said, "I  
9 never seen nothing out of that." And I'd ...

10 So since all this has went on, like, when I tell  
11 you, everywhere I go and everything I do, my head stays on a  
12 spindle. I am constantly looking around. I'm constantly  
13 listening to everybody around me. And I don't care if it's  
14 four or five conversations. I'm chiming in and I am very  
15 aware of my surroundings. That -- this -- this whole thing  
16 right here really changed my outlook on a whole lot of shit.

17 Q. All right. I am going to move on to talking to  
18 you a little bit about the defense teams who represented the  
19 five defendants and ask you a few questions about that.

20 We have a few more topics to get through, but  
21 before we do that, do you want to take a break?

22 A. I'm going to smoke a cigarette. I got a text  
23 message, and it might be from Hunter. So do you want me to  
24 check it, like, on camera? And so we've got that about the  
25 audio and video?



1 Q. Sure. I mean --

2 A. Because it hit me, there was two -- wait a minute.

3 Oh, I lied. I'm sorry. It's CVS.

4 (Overlapping speakers.)

5 Q. Do you want to take a break?

6 A. I'll smoke a cigarette.

7 Q. Okay.

8 A. About five, ten minutes or so.

9 Q. Let's take ten minutes.

10 MS. BRIDENSTINE: We're going to go off the record  
11 now. It is 11:05.

12 (Audio #1 Concluded; begin Audio #2)

13 MS. BRIDENSTINE: All right. We are back on the  
14 record. It is approximately 11:18 a.m.

15 Q. Ms. Black, you are still under oath.

16 Going to your interactions with the defense  
17 attorneys, did you ever speak to any of the defense  
18 attorneys for the five defendants or anyone associated with  
19 the defense before their trials?

20 A. No -- no. No, not -- I don't -- I don't ever  
21 remember getting -- talk to them.

22 Q. Were you ever worried about retribution from any  
23 of the defendants or from anyone related to the defendants?

24 A. I don't even know that is.

25 Q. Revenge.



1           A.     Oh, their families. They had -- I was terrified.  
2 Throughout the trials, like I said, I didn't let none of my  
3 family come. My son's father is the only one that I would  
4 let come because I wasn't worried about him being  
5 disappointed in me. I didn't want to disappoint my family.

6                     And I knew that part of the stuff I was saying  
7 was -- I knew it was bullshit and I didn't want to see the  
8 look in my mama's eyes or my mawmaw's eyes or my pawpaw's  
9 eyes when I said the shit I said. And knowing that -- what  
10 they might think, because they didn't know it was bullshit.

11                    I just opened up to my mama about this case and I  
12 was like, "You know," I said, "this shit is eating me up,  
13 and I'm really glad I finally broke down and -- and talked  
14 to Hunter," because he has stayed very objective throughout  
15 the whole thing because he was, like, "Jessicah," he was  
16 like, "I'm not trying to persuade you one way or the other,"  
17 he said, "I'm out for the truth."

18                    He has tried to get me to get in touch with the  
19 people with the innocence thing. He had a friend that was  
20 with the -- it was something with innocence. And he was --  
21 he -- because I told him, I said I didn't want to have to go  
22 through a trial again. I said I didn't want to have to go  
23 through none of that. And then he told me it would be  
24 something like this right here and that he would make sure  
25 she was very nice and stuff.



1 But where he had talked to the boys, it really  
2 made me feel good because they all told him they didn't have  
3 any hard feelings towards me.

4 Throughout the trials, their families -- they  
5 yelled obscenities, they told me if they ever seen me  
6 outside of that courthouse, they were going to kill me. If  
7 I come in Southside, they were going to kill me. I wouldn't  
8 even go over there for years. And then finally, when I did  
9 start going back over there, it was -- I made sure it was  
10 always somebody with me because my face ain't changed. I --  
11 my face looks exactly the way I did when I was 16 years old.  
12 So I knew -- and it's not -- I know it's easy to recognize,  
13 and people I ain't seen in years still come up, "Oh, hey  
14 girl," and I can't remember for the life of me who they are,  
15 but they know my face.

16 And so I was terrified. And when the boys said  
17 they didn't have any kind of hard feelings, that really,  
18 really was a lot of relief. Because that shit has really  
19 ate me up over the years -- really, really ate me up. But  
20 I -- that -- not as bad as what it has since I talked to  
21 Hunter, because the whole time I thought that there was all  
22 of this proof, everything -- it was -- they knew -- it was a  
23 closed case. They already knew. They knew. It was -- they  
24 had proof beyond proof beyond proof, and if I can't trust  
25 nobody, I'll be able to trust the police. And at 16 years



1 old, I had no reason not to trust them.

2 And, you know, it -- but there was a whole lot of  
3 stuff brought to light. And that was through the interviews  
4 he has done with the defense attorneys. One of the  
5 interviews he did with them, the defense attorneys for the  
6 brothers, if I'm not mistaken, he said when he interviewed  
7 them, they laughed and said that they -- they weren't really  
8 even worried with it because they knew that the boys were  
9 guilty.

10 So -- and when he told me that, that that really  
11 made me look at the way shit was and I was, like, that is no  
12 so horrible, why -- you're not even fighting for the chance  
13 these boys might be innocent. You just know, you just  
14 automatically just assumed? That's --

15 Q. Mr. Atkins told you this about a conversation he  
16 had with a defense attorney?

17 A. He -- he was -- he had showed me some of the --  
18 every -- every interview he does is recorded. He keeps  
19 every bit of that and goes through and streams it. I mean,  
20 he sets up just like this with cameras. He's got an audio  
21 thing. He sits there with the long microphone, all kinds of  
22 stuff. I mean, he records every bit of it.

23 Q. What has he shared with you?

24 A. The fact that there was 11 officers in there with  
25 the interrogation. I thought I was the first to be



1   interrogated. I didn't know I wasn't the first. That they  
2   had talked to pretty much -- I think it was all the boys but  
3   one and I can't remember which one that was, but it was all  
4   the boys but one before they talked to me. And that -- I  
5   mean, like, you know, it -- he -- he never once pressured me  
6   to feel no type of way. Just like I told him, I said, you  
7   know, "When I sit here and I learn how they really -- really  
8   went about doing shit the way they did that's real" -- there  
9   was a lot of shit not right there. My conscience has really  
10  ate me up. Because unlike here, I got up there and I  
11  told -- I can't even remember no other witnesses getting up  
12  there. That one officer from Creekside. I remember him  
13  getting up there. And even when he went up there, he -- he  
14  kind of like stumbled in his -- in his recollection of what  
15  happened that night and as to why we got kicked -- or had to  
16  leave the bowling alley and stuff, you know?

17           And so I'm just like, that's -- it's crazy. And  
18  there wasn't video from Creekside. And -- all they had was  
19  the officer's thing. And just -- there was such the whole  
20  of bullshit that built up behind that whole case. And the  
21  fact that I said all that shit not knowing, regardless,  
22  because -- just like -- because I was scared. I didn't want  
23  to go to prison. I -- hell, I couldn't even go stay the  
24  night with my friends. My mama didn't allow me to go no  
25  damn where. I was sheltered. I was a girl. I was not



1 allowed to go. My brother could; I couldn't. Because she  
2 was so worried something was going to happen to me.

3 So I didn't do anything.

4 And -- and the one time I got that little taste of  
5 freedom, it was like (makes noise), it knocked me straight  
6 on my ass.

7 Q. Did anyone ever tell you, when the trials were  
8 pending still, not to speak to anyone about the case?

9 A. They said not to discuss the -- don't tell nobody  
10 about all the details and stuff that are discussed, pictures  
11 that are shown -- stuff like that, yeah.

12 Q. Who told you that?

13 A. DAs.

14 Q. Did Mr. Saunders ever tell you not to speak to  
15 anyone?

16 A. Yeah. They told -- yeah. Him and Beirne both  
17 told me not to -- not to tell nobody about that, which is  
18 part of the reason that it's been quiet for so many years.  
19 Like I said, just in -- just in this past year, since I have  
20 done all this talking with them have I sat down and actually  
21 talked to my mother about the stuff that I had went through  
22 throughout that.

23 Q. When you were testifying at the two trials in this  
24 case how, did you feel?

25 A. Scared, terrified.



1 Q. Why is that?

2 A. Because I was scared. I felt like -- it's like I  
3 knew -- I knew that a lot of the stuff I said, I lied. I  
4 didn't know for a fact -- like, I can't say they didn't,  
5 that none of them took part in it. I can't say that for a  
6 fact because I don't know. But I can't say they did -- that  
7 they did, either.

8 And, like I said, the -- I would -- just in the --  
9 now, granted, yes, it was only two months that I knew that I  
10 was really with them, hanging out with them. But it was two  
11 months. You didn't see -- the only one that ever really  
12 showed any kind of aggressive behavior was Rayshawn. But  
13 then, you can't just -- you can't just be like, "Okay, well,  
14 he was just aggressive and liked to start fights and he --  
15 he might have could have done that."

16 He was also, what? 14 -- 14, 15-year-old boy?  
17 Look at all that -- and having a child that age now and  
18 seeing the shit that he goes through and the aggression  
19 buildup and stuff that he has, it really opens your fucking  
20 eyes and you realize, look, maybe he was just going through  
21 shit because he was a teenager.

22 Q. Did you actually see Rayshawn Banner ever get  
23 physically aggressive with anyone?

24 A. I seen him get up and, like, when he'd bicker with  
25 the other boys, like, because he was -- he was mouthy. He



1 was so mouthy. And he would just fly off. Like, he would  
2 just get pissed off, and it was like zero to 100 --

3 Q. Did you see --

4 A. -- in no time.

5 Q. -- physical aggression?

6 A. Getting in faces and stuff like that, yes, but  
7 not -- not -- I never seen them fight.

8 Q. Did you ever see violence from Rayshawn Banner?

9 A. I -- nope.

10 Q. Did you ever see him hurt anyone?

11 A. No.

12 Q. Did you ever hear of him hurting anyone?

13 A. I knew that there were previous -- previous shit  
14 they had been into with the law and stuff and -- but that  
15 come from them. Like, that was them telling me that. But I  
16 didn't -- that did not change my judgment of them. Hell,  
17 everybody in my family has been to prison but me, okay, so  
18 it's not -- that was not going to cause me to change. I  
19 still hung out with them.

20 Q. Did you ever hear of any of the five defendants  
21 committing a similar crime to this one in the past before  
22 November 15, 2002?

23 A. Not a murder. I --

24 Q. A robbery?

25 A. Grand theft auto, wasn't it, or a larceny or



1 something -- Stinky stole his mom's -- took his mom's car.

2 Q. Anything other than that?

3 A. I think they said Rayshawn had -- Rayshawn had  
4 been in something, and I -- I don't even know what it was.  
5 To me, it was -- shit was done when they were young'uns,  
6 man. It's --

7 Q. Anything like a robbery of a person?

8 A. Uh-uh.

9 Q. Is that a "no"?

10 A. No, no.

11 Q. At the second trial involving Christopher Bryant,  
12 Nathaniel Cauthen, and Dorrell Brayboy, there came a moment  
13 when you started to cry during your testimony.

14 Do you remember that?

15 A. I cried through all of them, but I'm pretty sure  
16 the one you're referring to is when I was up there and I was  
17 pregnant. And they took me -- they had to take me off the  
18 stand and take me to the back.

19 Q. All right. So it was when you were being  
20 cross-examined and it was after you were being questioned  
21 about whether or not you expected to be charged in this  
22 case.

23 A. Yeah.

24 Q. Do you remember that?

25 A. Yeah. I remember that -- that attorney, they had



1 me -- I was scared.

2 Q. Why were you crying?

3 A. Because of the -- I got -- I was -- I was tripping  
4 up in the testimony, I was mixing everything up and  
5 forgetting shit, and -- and my nerves were getting to me and  
6 I was pregnant and it was -- everything was like -- it was  
7 like everything was caving in. And then I had -- I am so  
8 close with my family and I had nobody there because of my  
9 own doing, but I had nobody there. And Trynton's father  
10 don't count for shit.

11 So it was like all of Southside against me, and  
12 that's what it felt like. And then when they took me off  
13 the stand, that is the only time I ever seen any kind of  
14 aggression from Rayshawn towards me. And when they took me  
15 through the back and he was -- they were coming out the  
16 elevators, he was in his shackles and his handcuffs, and he  
17 jumped -- like, he lunged at me. And when he did, the  
18 officers shoved him back into the -- into the elevator and  
19 they took me on to the office.

20 Q. Now, Ms. Black, I am talking about during  
21 Christopher Bryant, Dorrell Brayboy, and Jermal Tolliver's  
22 trial.

23 A. Oh.

24 Q. Rayshawn Banner and Nathaniel's trial was the  
25 first that was held.



1           A.     All right.

2           Q.     So this was the second trial.

3           A.     Okay. Well, I -- shit. I --

4           Q.     Do you remember crying and taking a break during  
5 that trial?

6           A.     I -- I don't know because I didn't even know which  
7 one -- until you just said, I didn't know which trial was  
8 first.

9           Q.     The first trial was Rayshawn Banner and Nathaniel  
10 Cauthen's trial. And the question -- the questions that I  
11 was asking you were about a break during Christopher  
12 Bryant -- I'm sorry. I said Nathaniel Cauthen, but it was  
13 Christopher Bryant, Dorrell Brayboy, and Jermal Tolliver's  
14 trial.

15                   And I misspoke earlier.

16                   So those were the three defendants who went to  
17 trial after Rayshawn Banner and Nathaniel Cauthen.

18                   Do you remember the time period where you started  
19 crying when you were being cross-examined?

20           A.     No, because there was a few times like that. And  
21 there was a -- I mean, I don't -- I don't specifically know.  
22 And -- but I can tell you why I broke down and every time I  
23 broke down crying, it was the same shit. It was because I  
24 kept getting tripped up in my own shit.

25           Q.     And this trial with Christopher Bryant, Jermal



1 Tolliver, and Dorrell Brayboy was in May of 2005.

2 A. I still --

3 Q. Is that when you were eight months pregnant?

4 A. That's when I was pregnant.

5 Q. How do you feel today about talking about this  
6 case?

7 A. You know, I'm still -- it's just still -- it still  
8 makes me nervous. It's still a really, really scary  
9 situation, and -- but --

10 Q. What are you nervous about?

11 A. Just having -- just coming out and saying all --  
12 everything that went on and the repercussions of -- of my  
13 actions that they had to face. That shit eats you alive.  
14 It don't even matter. That shit bothers me so bad, my whole  
15 outlook on life since all of that happened has changed a  
16 lot. I am -- I'm so huge on not lying. Like, you don't --  
17 my son will tell you, you better -- don't you fucking lie.  
18 Don't lie to me. I can't stand it. I am a firm believer --  
19 I will hurt your feelings telling you the dead honest truth  
20 before I sit here and lie to you because you cannot -- you  
21 don't have to try and remember the fucking truth. It's a  
22 hell of a lot easier to come on out and just throw that  
23 truth out there than have to deal with trying to tell a lie  
24 to cover up this lie and cover up this lie and then cover up  
25 another one. It's nothing but a -- just -- it's just a



1 continuous ball that keeps going and keeps going and keeps  
2 going and eventually that shit's going to trip you up. So  
3 you don't do that.

4 My distrust for police is horrible. Now, granted,  
5 I have some officers that are friends and that I really get  
6 along with. But for the most part, I don't have any trust  
7 in them -- in the legal system period, none.

8 I exclude myself from everybody. That's why I  
9 moved out there where I am because I don't want to be around  
10 nobody. I don't want my son -- I won't even put my son in  
11 Forsyth County schools. I don't want him in Winston,  
12 period. I don't -- that has affected my life ever since  
13 that shit went on in little ways, big ways, and it not even  
14 realizing that that's where it stems from. But every action  
15 I do, especially when it comes to my young'un and how tight  
16 of a leash I keep on him stems from that right there because  
17 I see so much of the same shit in him that I seen in them  
18 and the way they act and the way he acts and how easy it was  
19 for them to get involved in some bullshit.

20 Q. Since you testified at the second trial and other  
21 than Hunter Atkins and your mother, have you talked to  
22 anyone else about this case?

23 A. No.

24 Q. Have you ever talked to any of the family members  
25 of any of the five defendants about this case?



1 A. Hell no. No.

2 Q. Have you ever --

3 A. No.

4 Q. -- talked to any friends of any of the five  
5 defendants about this case?

6 A. No.

7 Q. Have you talked to any of your friends about this  
8 case?

9 A. No. The last guy I was dating, I had to open up  
10 and tell him because his mama was one of the addresses that  
11 Hunter had found.

12 Q. Who was that?

13 A. Zach Daniels.

14 Q. D-a-n-i-e-l-s?

15 A. Yes.

16 Q. And what did you tell Mr. Daniels?

17 A. I told him why that -- why this -- he wanted to  
18 know why this reporter was coming to his mama's house  
19 looking for me. And he just gave Zach's mom, like a, little  
20 roundabout -- he was like, "Look, you know, I am doing  
21 research on an article that I'm in the midst of writing,"  
22 and -- and he brought stuff up about, like, the innocence  
23 people and just wanting to know the truth. He didn't really  
24 give details like that.

25 So she called Zach and Zach asked me about it and



1 so I was up there and I said, "Look," I said, "this is why  
2 he come to your mama." And I told him this stuff from then.  
3 At that point, I still hadn't spoke to Hunter. I was still  
4 avoiding him. And Zach was like, "I remember when that went  
5 on" -- because he's a year older than me and we from -- both  
6 from Southside. And I said, "Yeah." And the -- it's  
7 amazing that -- all the people around me who know about that  
8 case and remember when that case happened never put two and  
9 two together with my name.

10 Q. Did you tell Mr. Daniels what you told us and what  
11 you told Mr. Atkins?

12 A. He asked if I knew for a fact that they did it and  
13 I told him no. I said I didn't. I didn't know. I said --  
14 I said, "I told them what the fuck they wanted to hear,  
15 man," I said, "so they'd leave me alone." I said, "I was  
16 16." I said, "Zach, man, haven't had -- I had no experience  
17 in the world whatsoever, none." And I -- I swear to God I  
18 thought I was fucking crazy.

19 Q. All right. So other than Zach Daniels, your  
20 mother, and Hunter Atkins, have you talked to anyone else  
21 about this case?

22 A. No.

23 Q. Anyone else in the media? Any other reporters?

24 A. No.

25 Q. Have you talked to anyone who represented any of



1 the five defendants?

2 A. No.

3 Q. Have you talked to any innocence organizations?

4 A. No.

5 Q. Was there a reward offered in this case at the  
6 time it was being investigated?

7 A. No. I don't know.

8 Q. Were you ever aware of anyone receiving a reward  
9 in connection with this case?

10 A. No.

11 Q. All right. I want to move to the time period  
12 after the trials were over -- so after the second trial was  
13 over.

14 What happened after that second trial was over?

15 A. Just in life in general or what?

16 Q. Did you talk to anyone after the trials were over  
17 about this case?

18 A. When trials were over, it was -- it was over.

19 Q. Did you talk to anyone with the Winston-Salem  
20 Police Department after the trials were over?

21 A. I remember trying to get in touch with people to  
22 find out about my car.

23 Q. Other than that?

24 A. See how the -- not that -- not that I remember.

25 Q. Did you ever speak to anyone with the Forsyth



1 County District Attorney's Office after the trials were  
2 over?

3 A. Nope.

4 Q. Did you ever have a conversation with anyone about  
5 being charged after the trials were over?

6 A. No.

7 Q. Why do you think you were never charged with a  
8 crime in this case?

9 A. Because I told them what they wanted to hear and I  
10 played their game. And as long as I played ball, I was  
11 good.

12 Q. Have you talked to Hunter Atkins since the  
13 deposition began last Monday, October 21st?

14 A. No, I have not made contact with him. I text him  
15 and I have not received a text. I tried to call him but  
16 he's asleep so I have not actually spoke to him.

17 Q. If you had to estimate, how many times have you  
18 talked to him on -- on the phone in general?

19 A. On the -- just on the phone?

20 Q. Yes.

21 A. Probably -- I don't know. More than 10, I'm sure.

22 Q. And how on -- long did those conversations last on  
23 average?

24 A. He -- Hunter would -- it depended on what I had  
25 going on because sometimes I'd see his number pop up and I



1 wouldn't answer because I didn't feel like talking about it  
2 then. And -- and sometimes I would, and it would all be --  
3 there was times I was at a drive-through picking up food for  
4 my son and I'd answer the phone and he would sit there and  
5 talk to me while I was ordering food and getting my food  
6 and -- and -- but it would just be, like, to clarify certain  
7 stuff that was said or to ask if I remembered certain names  
8 or if -- if he would -- if he sent me a picture, just to see  
9 if -- if their face dawned on me.

10 Q. So how long would these conversations last --

11 A. Anywhere from --

12 Q. -- on average?

13 A. Anywhere from 30 minutes to, hell, 2, 2 1/2 hours.

14 Q. Have you ever received any e-mails from Hunter  
15 Atkins?

16 A. No. He had tried to -- he sent me a message on  
17 Facebook Messenger the first time he ever tried to make  
18 contact with me.

19 Q. Have you sent Mr. Atkins any e-mails?

20 A. No.

21 Q. Other than the Facebook Messenger messages and  
22 text messages, have you had any other sort of written  
23 communication with Hunter Atkins?

24 A. No.

25 Q. Any letters?



1           A.     No.

2           Q.     All right. Now, what did you know from Hunter  
3 Atkins about this case before you met with him at the IHOP?

4           A.     I didn't. I didn't know anything. He -- when he  
5 messaged me the very first time, I opened it up and I read  
6 what he -- read he put.

7                     He told -- he was introducing himself and  
8 explaining to me who he was and what kind of articles he  
9 wrote. He was a sportswriter. And he was doing an article  
10 in relation to Chris Paul. And something had been brought  
11 up about this case, and he said that he was trying to write  
12 about the positives, stuff that happened since the trials,  
13 how everybody was doing, which is why he got in touch with  
14 all of the boys.

15                    And like I said, he has spoke to every one of  
16 them, but the three that were out, like, he -- he wanted to  
17 report on, you know, even after going through this battle in  
18 their life and doing this time, you know, here they are,  
19 they come out, and they -- they got a job doing this and  
20 just had a new baby and, you know, were moving on with life  
21 and progressing in life and wanted to know what I had done  
22 since the trials and stuff like that. But no -- nothing  
23 ever really come out until he come up here and met me, and  
24 that was a spur-of-the-moment thing. Like, I didn't know he  
25 was coming. He just boom, boom, come on up from Texas and,



1 "Jessica, I'm here in Winston. Is there any way you can  
2 meet with me before I go home?" And I think he was up here  
3 for maybe -- maybe like three or four days, something like  
4 that. And --

5 Q. That's the time period where you met with him at  
6 the IHOP?

7 A. Yes.

8 But he -- he like -- before he gave any kind of  
9 information or anything, he had -- only thing he had told me  
10 was that he had -- he had spoken with the fellas and then  
11 just asked me -- he asked me about myself and my young'un  
12 and asked what I -- like, the general basis of who I am,  
13 what I do, and got a feel for me and then asked me about the  
14 trials and stuff. And it was me putting my 2 cents out  
15 there before he ever was like, "Well, look, you know, I  
16 talked to Christopher Bryant, and this is how he feels. And  
17 I talked to Dorrell, and this is how he feels." And, you  
18 know --

19 Q. Did he share with you any details that he had  
20 learned about the case, any facts about the case before your  
21 conversation with him at the IHOP?

22 A. No.

23 Q. When you were at the IHOP, was the entire  
24 conversation recorded?

25 A. Yes.



1           Q.     Before he turned on that recorder at the IHOP, did  
2 you have any sort of a conversation with Mr. Atkins about  
3 the facts of the case?

4           A.     No.

5           Q.     How many recorded conversations have you had with  
6 Hunter Atkins?

7           A.     I have no clue how many. Every conversation we  
8 had was recorded besides what was done through text message,  
9 and he's got the texts. So ...

10                  Oh, I'm lying. I'm lying. Okay.

11                  So when we got done eating at IHOP, my birthday  
12 had just passed, so he had -- he brought me a cake. And he  
13 walked me out to my car and we stood out there and we just  
14 BS'd because we -- we -- like, we clicked as far as  
15 personalities and joking and cutting up. And he asked -- he  
16 did ask me if I -- he said, "Did you ever wonder about how  
17 they knew to come to you? About why they come to you  
18 anyway?"

19                  No -- I had really never thought about that. And  
20 I told him, I said I had never thought about that. I was  
21 like, "But now that you bring it up" -- I didn't know.  
22 Because at that time, I still assumed I was the first one to  
23 be questioned. And I -- so, no, once he asked me that, I'm  
24 like, "Well, how did they know?" I'm like, "How did they  
25 know to get me?" Because I didn't even live over there.



1           And that's when he had informed me about the boys,  
2   about how many were done in front of me and said that it was  
3   kind of like -- his mom -- Jermal's mom -- all that stuff  
4   was going on with Mr. Jones and said that Jermal's mom  
5   had -- had called -- called the police department or  
6   whatever asking if they had found out anything else about  
7   Mr. Jones, just being -- in a small neighborhood, you know  
8   how they do, nosey, and wanted to know.

9           And so got to talking with the officers, and then  
10   she had said -- oh, the officers had asked her if she had  
11   seen -- he's got their conversation recorded. Said officers  
12   had asked her if she had seen any -- anything -- anybody  
13   acting different or anything and said that -- explained to  
14   them about how her son had been acting differently and about  
15   how he would lay on his bed in the fetal position and how he  
16   was just quiet and he didn't want to talk and stuff like  
17   that, and he was more than willing to go downtown and  
18   talk -- talk with them.

19           And somehow, all this snowballed and got into  
20   effect where he was involved in that, and it was --  
21   something about it was the first dead body he had ever  
22   really seen. I think he had only got a glimpse of it from  
23   when -- when we stopped. And said it just really freaked  
24   him the hell out, and that's why he had been acting  
25   different. But he went down there literally not thinking



1 anything about it, and that -- that right there was the gist  
2 of what was said off of the recorder -- that's because we  
3 were standing in between our cars, talking.

4 Q. Okay.

5 A. But -- yeah, because that was just -- this is how  
6 they knew -- this is how everything snowballed and, "This is  
7 how they got you and the boys involved" because they -- they  
8 didn't even have a reason to come to any of them.

9 Q. Throughout this deposition, you have discussed  
10 some of the information that you have learned from  
11 Mr. Atkins.

12 A. Right.

13 Q. Did any of that information come before your  
14 recorded conversation at the IHOP?

15 A. No.

16 Q. Did he ever show you any of the recorded  
17 interviews or conversations he has had in the course of his  
18 investigation?

19 A. He could not show me those unless they okayed them  
20 to do that because some kind of -- I don't know what the  
21 whole thing is with all of that, the privacy, something or  
22 confidentiality, something or other, I don't know. Because  
23 he said that I -- there was something I could sign that  
24 would make it okay if somebody wanted to see if I was  
25 willing to let him, like, turn over the stuff to the



1 innocence people and stuff like that. Because we had  
2 discussed the innocence people a lot because he has really  
3 pushed that issue. "Jessica, talk to them. Just -- just  
4 talk with them. If you know there are some things that you  
5 said that weren't true, just talk to them and get the  
6 stories straight."

7 Q. The innocence people -- is that our organization,  
8 the North Carolina Innocence Inquiry Commission? Or --

9 A. The ones that can exonerate them.

10 Q. Is it --

11 A. So I guess that's y'all.

12 Q. There's more than one innocence organization in  
13 this state.

14 A. There's two; right?

15 Q. There's more than two, actually.

16 A. Oh, no. No. I think what I'm talking -- thinking  
17 about is he said there was one that was actually for the  
18 State that could actually get them exonerated or get people  
19 who were falsely imprisoned exonerated, and then there was  
20 one that was like -- they couldn't do that, but they could  
21 take it to people that could do that. So it was like an  
22 innocence committee and then the innocence something else.

23 I don't know. He explained to me the difference.  
24 I didn't know there were several ones. But the woman he  
25 wanted me to talk to -- I can't remember her name, but she



1 was for the actual -- the actual can get them exonerated,  
2 like something you -- or not -- maybe not the same exact one  
3 or something but can do the same stuff that what you're  
4 working -- working on. So -- but I can't remember her name.

5 Q. Did he tell you why he wanted you to talk to her?

6 A. He didn't even bring her up until he asked me if I  
7 for a fact was telling the truth and stuff when we went  
8 through all of the little facts and the questions he was  
9 asking me and me telling him that some of that was just  
10 bullshit, and that's when he said something about -- he  
11 said, "Jessica, you know if" -- he said that the boys were  
12 wanting to get some people to try to look into the cases and  
13 that he had a friend that worked for them and for me just to  
14 at least think about it and think about sitting down with  
15 her and at least clarifying the wrongs that I had put out  
16 there, at least fixing that.

17 I mean, the rest was up to them and whatever they  
18 decided to do, but at least just fixing my part. So, I  
19 mean, he -- and he said he wouldn't -- he's like,  
20 "Jessica," he's like, "it's not that I can make you do it,"  
21 he said, and "I won't push the issue. He said, "I'm just  
22 going to throw it out there." And he knew how -- how bad I  
23 didn't want to talk to nobody because I was -- I thought I  
24 was going to be put back up on the stand and have to go  
25 through that shit all over again.



1                   And it's one part of my life that my son don't  
2 know shit about. He knows everything else about me but  
3 this. So ...

4           Q.     When did Hunter Atkins give you money for your car  
5 payment?

6           A.     I was -- okay. So if you look through them  
7 messages and those phone calls, and he recorded that one  
8 too, and I refused that and refused that ...

9                   What had happened was I was rooming -- I was  
10 living with a girl that I had let live with me for about  
11 two years. She was an old employee of mine. And my car  
12 blew up so I lost my job because I couldn't go back to  
13 work -- get back and forth to work, which in turn caused me  
14 to lose my house. So I had to find somewhere to go and keep  
15 my young'un stable because it wasn't like he was a baby and  
16 I could bounce him around. He's not but -- he's as big as a  
17 grown man. I can't just drag him everywhere.

18                   So she offered to let us come stay. Well, next  
19 thing I know, landlord's beating at the door and talking  
20 about, "Y'all got to get out, you're evicted." I couldn't  
21 understand why. Then I understood, because little did I  
22 know, her and her husband had went and smoked up every bit  
23 of fucking money I gave them. So --

24           Q.     Smoked up how?

25           A.     Smoking crack. And this girl had never even done



1 that shit. Her line to me was, "Well, I didn't want him to  
2 do it by himself." What the fuck is that? I don't  
3 understand that. So they just were going to smoke my money  
4 up and now I'm fucked. So that's when that was going on. I  
5 had to figure out -- it was, like, I didn't know what I was  
6 doing. I was like, I didn't know what I was doing. And he  
7 was trying to call me to add -- to rehash on some of this  
8 stuff with the boys.

9           When he called me, I was all the hell, I said,  
10 "Look. I don't feel like talking about this shit right now.  
11 I have got more on my plate than what the hell I can deal  
12 with. I've got to find a place for me to lay my head. I  
13 got to find a place for my young'un to lay his head. I've  
14 got to make sure I can get him back in school. I've got  
15 to -- I've got so much shit on my plate." I had never, ever  
16 been in that predicament. I've always held my own. And I  
17 have always had my shit straight. That's the first time I  
18 ever fell on my ass, and that really kicked -- that put a  
19 dent in me bad. So all I could do was sit around and cry.

20           He said, "Jessica. Jessica. Just chill, just  
21 chill." He knows -- he knew my Outlook on people in general  
22 is they fucking suck. I don't like people. I don't like  
23 dealing with people. Society is trash. Everybody is for  
24 themselves. There's so fucking selfish and -- and just mean  
25 and ugly. And every generation gets worse. So I don't have



1 no fam- -- people don't just do nice shit to be nice  
2 anymore. It's not like it was. And he knows that's where I  
3 stand on that.

4 And I said, "I don't know what the hell I'm going  
5 to do", I said, "so I don't have time to talk to you."

6 He said, "Jessica, just tell me what's going on."

7 I said, "I've got to come up with the money  
8 because they have smoked up all the money I gave them." I  
9 got to come up with the money to find somewhere to stay and  
10 the money for my car payment or they're going to take my  
11 car. I can't do shit without my car. And I've got find the  
12 money for this."

13 And he was, like, "Jessica, how much is your car  
14 payment?"

15 He said don't make me -- I argued with him back  
16 and forth for a minute over this. And he was like, "Look.  
17 Let me just -- you know, I have a friend come, and drop the  
18 money by there."

19 I said, "No. No, I don't want that shit held over  
20 my head."

21 He said, "Jessica, no. I want to show you people  
22 can fucking be nice just to be nice", he said, "and not  
23 expecting nothing in return, not holding it over your head."  
24 And that's exactly what he did.

25 Q. And how much money was that?



1 A. It was \$200, I think. Pretty sure because --

2 Q. Other than --

3 A. -- it was the -- it was 160 and 33 for the  
4 insurance that comes out the same time, \$200.

5 Q. Okay. Other than \$200, has he ever given you  
6 anything else?

7 A. No. And that was all after I had done all of that  
8 talking with him. So that was never, ever thrown up. He  
9 never asked me, he never bribed me with any kind of money.  
10 He didn't do none of that. He never once said anything  
11 about that.

12 He was just a genuinely -- he really is a nice  
13 person and just wants -- he's like, "Jessica, I just want  
14 the truth out there." He said, "If they did it, then they  
15 did it." He said, "If they didn't, they didn't." He was,  
16 like, and my -- why not just give it a chance?

17 He said, "The ones who are out," he said, you  
18 know, "they are out. And they'll wipe their records clean  
19 if they are proved not guilty." He said, "The ones that are  
20 in will be released immediately once they do all that shit."  
21 He was like, and -- and then that shit will be taken off  
22 their records.

23 And I said, "You know what? That -- if they  
24 didn't and they can figure -- and they can find out for a  
25 fact that they didn't, by all means, do what the fuck you



1 need to." And that is what made me decide to do the  
2 interviews and shit with him because I sat down and I just  
3 thought about it and thought about it and thought about it  
4 and I was like, you know, this shit ain't fair. It's not  
5 fair. Not -- not on my part, it's not fair. Just like I  
6 said, I don't know none of the other details of the shit or  
7 what -- what they were doing before I got there or what --  
8 even -- hell, even if they did anything, but I needed to fix  
9 mine, my part.

10 Q. Was this \$200 a gift or a loan?

11 A. He gave it to me. He told me to take it. He  
12 said, "Jessica, nothing -- there will never be another word  
13 spoke about it." And there hasn't been.

14 As a matter fact, he had just called and checked  
15 on me and wanted to make sure that I went by and got -- he  
16 was like, "And you made your car payment? Everything good?"

17 I said, "Yeah." I told him thank you.

18 He, "Jessica," he said, "don't thank me." He  
19 said, "Forget about it." He said, "Don't -- just leave it  
20 alone." And nothing else has been said and I ain't spoke to  
21 him no more. He -- that article is supposed to -- as a  
22 matter fact, it may have just come out. The deadline -- I  
23 think he said it had to be in -- or it was going to be  
24 printed October -- this month.

25 Q. In some of your Facebook messages with Mr. Atkins,



1 you had a conversation with him about how the police were  
2 called to your son's school because you "showed your ass" or  
3 "showed ass"?

4 A. They been called just about every damn time I go  
5 there. And --

6 Q. Why were the police called?

7 A. Because I showed my ass. Because --

8 Q. Why?

9 A. -- I get unruly. Because they piss me off.  
10 Because my son has dealt with much fucking bullying.

11 Q. What happened when that -- after the police were  
12 called?

13 A. They just told me I need to calm the fuck down  
14 before I fuck around and I get in trouble and shit and how I  
15 need to leave.

16 You know, I don't care. When it comes to that  
17 young'un, they can put me under the fucking jail. I don't  
18 care, not when it comes to people jumping on him, being mean  
19 to him. He just started fighting back. Because there was  
20 so much shit.

21 He even told his doctor that he had feelings about  
22 hurting himself. And when I heard that, that shit broke my  
23 fucking heart. So, yes, I snapped in full-fledged. When my  
24 young'un's coming home and his whole face is busted fucking  
25 open and he's coming home with black eyes and fucking hair



1 pulled out of his head, and he was so little -- he's big  
2 now. He just gained all the weight about 12 years old. He  
3 has always been so tiny and underweight and so little. And  
4 he's not a fighter. He's not one to fight back. And all he  
5 wants is for somebody to be his fucking friend. So he is  
6 going to do any and everything he can to -- to fit in with  
7 whoever so they will like him.

8           So, yeah. And when they -- when they come to him  
9 over him being the aggressor and him finally fighting the  
10 fuck back, I show out. You're damn right I do. Because I  
11 am fed up with them fucking with him. These kids are mean.  
12 They are so much meaner than when I went to school. At  
13 least when I went to school, if you had a problem with each  
14 other, you could fight it out and go on about your way and  
15 that's just what it was.

16           It's not -- these kids get to these -- they get to  
17 other kids mentally, okay. And my son, he -- he's so  
18 fucking gullible, I can't stand it. And they fuck with him  
19 so bad.

20           So yeah, I showed my ass. They threatened to give  
21 me a trespassing charge because I went up on the bus and  
22 threatened to whip this one young-un's ass because he beat  
23 the shit out of my young'un, and he was -- he was a middle  
24 school student, not -- like eighth-grade -- like, bigger  
25 than me. And my son was in fifth grade. He beat the shit



1 out of my young'un. So I went right up on that bus and then  
2 that woman told me I had to get off or they was going to  
3 call the law out there and get me for trespassing. And I  
4 said I didn't give a fuck because I was fixing to beat  
5 his -- beat his ass like his mama should. And if she wanted  
6 some, she could come get it too.

7 I don't -- I don't -- I cannot -- I can't -- not  
8 when it comes to that young'un. Now, mind you, my young'un  
9 is -- he's a fucking knucklehead, man. They all are. And  
10 he is not always in the right. So when he is wrong, I  
11 wholeheartedly will get him for being in the wrong. But  
12 when he's not -- when he's not fucking done anything and  
13 he's just fighting back, nothing pisses me off more than  
14 when they sit here and automatically -- well, they look at  
15 his files and they're like, "Well, we see right here he's  
16 been the aggressor on this point and this point and this  
17 point. So we" -- no, no, no, no, because you're not looking  
18 at the individual fucking situations. You are looking at  
19 all that shit together. And that's what y'all are doing.  
20 You fucking -- you put all of that up.

21 So going through looking at that shit I go through  
22 with my young'un -- he's going to be on probation, he's  
23 going to be on probation for simple assault when he was  
24 12 years old because a young'un -- I had got this young'un a  
25 white gold necklace set to match the one that I wore



1 perfect. And he wouldn't never take it off. He wouldn't  
2 take it off for shit. And this young'un got pissed off at  
3 him and grabbed him by the collar of his shirt and snapped  
4 his necklace off his neck. And when he did, Trynton broke  
5 his fucking nose. And just like I told him, that young'un  
6 shouldn't have put his hands on him. I don't -- I don't  
7 care. I don't.

8           So they charged him with simple assault because  
9 they said he hit too aggressively. So he was on probation.  
10 And they made him do in-home therapy, at-school therapy.  
11 It's a bunch of bullshit for him fighting back. And I --  
12 it's stupid.

13           So then I sit here, you know, after going through  
14 everything I went through with my young'un and knowing, yes,  
15 he's a knucklehead, he makes fucked-up decisions. There is  
16 not a fucking teenager out here, a child, whatever, that  
17 has -- that's fucking perfect. They -- all of us make some  
18 kind of stupid-ass decision one way or another, whether it's  
19 huge like this or fighting or some kind of just stupid  
20 little bullshit.

21           So, you know, the boys -- the brothers, you know,  
22 they're prejudged because they already have previous fucking  
23 records from when they were kids.

24           Q.    Has anything happened this school year with your  
25 son where police were called on you at the school?



1           A.     Not called on me. They fucking locked me in the  
2 room with one, me and my son. As a matter of fact, when I  
3 got to the school, they had my son locked in the room from  
4 the outside with the officer. Because it was his first --  
5 the first fucking day, man. And I thought the school -- I  
6 had heard good things. I thought it was as good school.  
7 They told me it was a AAA school. I didn't even know what  
8 the hell that meant. Davidson County, you don't hear AAA.  
9 It's all country-ass schools. Taking him there was the only  
10 time that young'un's ever been in Forsyth County Schools.  
11 He didn't last two weeks. He was suspended one of them  
12 fucking weeks.

13                   He got on that bus, and -- it was the afternoon.  
14 He was supposed to be put on his bus. He got on the wrong  
15 bus. He got flustered. When he gets flustered like that  
16 and gets confused, he cries. And he does just like me and  
17 he will squall. He got on that bus, and three kids and all  
18 the -- I'm gonna tell you, and I'm telling you on everything  
19 I fucking love, he was the only little white boy I seen  
20 anytime I went to that school.

21                   So I told Trynton, I said, "Dude," I said, "just  
22 do you." Because he embraces the hip-hop culture all the  
23 way around and always has -- in the way he dresses, not in  
24 the way he talks, but in his music, his mannerisms. That's  
25 just -- just what he likes. He loves -- he's all about his



1 music.

2 And I was like, "Dude" -- and he was so excited.  
3 He said, "Mom," he was like, "I'm going to make some black  
4 friends," da, da, da. He thought -- he's always been in  
5 country-ass schools where they hardly know black folk. So  
6 I'm like, cool. He was excited. So they called me. It's  
7 time for him to get off the bus. Trynton's not there. They  
8 called me. "Ms. Black, we need you to come to the school.  
9 An officer is here. There's been an incident."

10 I go. When Trynton got on that bus crying, these  
11 three kids just started harping on him, calling him a little  
12 bitch, a little pussy, and they just on and kept on and kept  
13 on, and Trynton started screaming at them and told them to  
14 stop, "Leave me alone, leave me alone, leave me alone."  
15 That shit really gets to him in his head. His self-esteem  
16 is so fucking --

17 Q. What happened --

18 A. -- horrible.

19 Q. -- as a result of that?

20 A. They ended up fighting. He got his -- he got spit  
21 on. That's where I started showing the fuck out because the  
22 teachers, the principals, everybody acted like, you know,  
23 "Well, he shouldn't have jumped up and," da, da -- you know,  
24 this, that, and the other. And I'm like, "What the fuck do  
25 you expect? He's sitting here and he's constantly being



1 badgered, called names" ...

2 Q. Ms. Black, I'm not trying to get into the specific  
3 details of that. But is that what you were talking with  
4 Mr. Atkins about on August 31st, 2019? Is this the  
5 situation around that time period with your son?

6 A. Well, no, I'm referring to --

7 Q. Being called to the -- police were called to the  
8 school because you showed your ass?

9 A. Yeah.

10 Q. Okay. As a result of that, were you arrested or  
11 cited for anything?

12 A. Nope.

13 Q. On April 3, 2019, Mr. Atkins texted you and told  
14 you that Rayshawn Banner's mother and brother told  
15 Mr. Atkins that Rayshawn was at home on the night of  
16 November 15, 2002.

17 Does -- does that make your memory any different  
18 about whether Mr. Banner, Rayshawn Banner, was with you and  
19 the others on November 15, 2002?

20 A. No. Because in the previous conversations him and  
21 I had had, he asked me could I name off everybody that was  
22 with me that night, and I couldn't. I knew that Nathaniel  
23 was with me. He was typically always with me. That -- and  
24 that one right there was the only one I knew for a fact I  
25 could say was with me that I can remember. I knew there was



1 more than -- obviously, there was more than one. I knew  
2 there was more than one, but that one I knew for a fact  
3 because he was always with me.

4 Q. On April 16, 2019, Mr. Atkins told you that he had  
5 thought he had discovered a clue about how the police came  
6 up with some of the details that were explained to you and  
7 the others during the interrogation.

8 What did Mr. Atkins tell you about this clue?  
9 What is the clue?

10 A. You know, I -- fuck if I remember. I don't even  
11 know. I don't. They -- that was -- that was a phone --  
12 that would've taken place in the phone conversation. And  
13 still, even though we had done got cool and shit,  
14 conversating back and forth, when he would text me and say  
15 shit like that, it would still -- it would be like a week or  
16 so before I'd even answer the phone to even get to that.

17 And most of what he told me about what he was able  
18 to find and what he found out in interviews is stuff that  
19 I've already told you. And I can't remember what that was  
20 or what he was referring to.

21 Q. On July 10, 2019, Mr. Atkins told you that he had  
22 spoken to his friend Jessica and that she could meet up with  
23 you and --

24 A. -- give me that money.

25 Q. -- leave an envelope.



1                   Was that the money for the car payment?

2           A.     That's the money he's referring to.   Jess -- I  
3     never met her because the times that she could meet as  
4     opposed to the times that was good for me, they clashed and  
5     we couldn't do it.   So then there was someone else, and  
6     that -- I can't remember if there was two or three.

7                   I ended up going to a doctor's office off  
8     Hawthorne Road.   And some woman -- the woman's husband he  
9     was talking about, that's who I went and met.   She had taken  
10    the money.   She had texted me that morning and dropped it  
11    with her husband, who was a doctor, and he was sitting there  
12    waiting, before they opened up, for me to meet him because  
13    he knew I got off work.   And as soon I got off work, I went  
14    by there.   And it was, "Are you Jessica Black?"   And I  
15    said, "Yeah."   He just handed me an envelope and said, "Have  
16    a nice day."   And that was it.

17           Q.     All right.   When did you talk to your mother about  
18    this case?

19           A.     Oh, when I was telling her about Hunter trying to  
20    get ahold of me.   See, and I -- the very initial text  
21    message he had sent me was, what, like a year prior,  
22    something like that -- or month.   It was -- I know it was  
23    fucking months.   But I told her there was a reporter trying  
24    to get ahold of me.   She asked what -- what for.   I told her  
25    about that case.   We dropped it there.



1           Once I finally decided to sit down and agreed to  
2 meet with him and we had -- yeah, we sat at IHOP, oh, God, I  
3 think it was like four hours, just talking on -- on video  
4 and recording. And once I sat there and talked to him and I  
5 got -- I loosened up about the subject, because I had held  
6 it in for so fucking long, I went and told my mom about the  
7 conversations we had had. And I was like, "Mom, he seems  
8 like he's -- you know, he's a fairly nice fellow and he's  
9 just trying to fucking" -- I said, "he's really trying to do  
10 some good is what is trying to do," I said, "and just make  
11 sure that they have the right people rather than having some  
12 people that shouldn't be there."

13           Because when he was trying to explain to me what  
14 y'all do, he had told me about a case they had about -- what  
15 was it, New York or something like that? It was some kids  
16 at a park or something. They was called -- the something  
17 five or something like that. It was some case they had went  
18 on and come to find out they were falsely accused, and  
19 that's how he explained to me what y'all do.

20           So I started telling her about the stuff, like a  
21 summary of what we had talked about. She never asked me  
22 questions or details about anything about the case.  
23 Anything I told her, it was just stuff that -- pretty much  
24 it was like, "Mom, you know, I didn't want to get locked up.  
25 I was scared I was going to jail, so I lied about some



1 shit." And she was like, "All right, J."

2 Q. Other than your mother, Hunter Atkins, have you  
3 ever told anyone else that what you initially told the  
4 police and testified to a trial was not true?

5 A. No. Because I didn't tell nobody.

6 Q. Did you ever write it down? Like a journal or  
7 anything?

8 A. Uh-uh.

9 Q. Is that a "no"?

10 A. No.

11 Q. Okay. Did you ever tell anyone before you  
12 testified at the trials that what you told the police was  
13 not true?

14 A. No.

15 Q. Did you ever tell anyone with the district  
16 attorney's office that what you told the police was not  
17 true?

18 A. No.

19 Q. Why are you coming forward now?

20 A. For one, because I was subpoenaed. For two, it  
21 was coming out in that article anyway and that shit is read  
22 everywhere, and there had -- I think I was more scared of --  
23 of -- I don't know. I think I was scared just to fucking  
24 admit this shit was going on because it felt like nobody is  
25 going to understand why I lied or why I did the things I



1 did.

2 Q. You have testified under oath twice at the trials  
3 before that these five defendants committed this crime, and  
4 now you are testifying under oath last Monday and today that  
5 what you previously said happened is not true.

6 How do we know that you are telling the truth now?

7 A. You don't. You don't know. Because I've already  
8 lied on the stand. But I have no -- no reason to -- to try  
9 and help and benefit the boys. I'm not -- it's not like  
10 I've kept in contact with them. We -- we quit -- it was an  
11 immediate stop, obviously. I haven't -- I done -- I stay  
12 away from Southside, I stay away from -- I definitely stayed  
13 away -- made sure the families didn't see me.

14 And so it's like -- I been scared for so long to  
15 go over there because of their families and the shit that  
16 was said. It's not like I have -- benefiting from trying to  
17 put that shit out there. There is no -- there is no -- the  
18 only fucking -- the only benefit I get from that is a  
19 fucking clear conscience, is what I get. That's what I get.  
20 And the fact that they might have a chance to -- to set the  
21 fucking record straight at least on who actually done the  
22 shit and who didn't on -- you know.

23 And -- but you don't. Because once you -- once  
24 you get up there and lied -- but at the same time, like I  
25 said, I was 16 and scared to fucking death and had never



1 been in any -- anything. And I didn't know what to do.

2 Q. All right. Other than what you've mentioned  
3 before about having a transcript, do you have any other  
4 documents related to this case?

5 A. Mom -- my mawmaw, I didn't even know until after  
6 she died like four years ago, she cut every newspaper  
7 clipping that was ever out about that trial.

8 Q. Anything else?

9 A. That's it.

10 Q. Have you ever written anything down about this  
11 case?

12 A. No.

13 Q. Have you talked -- excuse me.

14 Has anyone talked to you about what you have  
15 testified to at this deposition today and last Monday?

16 A. No.

17 Q. Has anyone told you what to say?

18 A. No.

19 Q. Has anyone made you any promises about your  
20 testimony?

21 A. No.

22 Q. Has anyone threatened you regarding your  
23 testimony?

24 A. No.

25 Q. Has anyone put any pressure on you regarding your



1 testimony?

2 A. No.

3 Q. Were you completely truthful in answering my  
4 questions today and last Monday, October 21st?

5 A. Absolutely.

6 Q. Is there any reason why you did not tell me the  
7 truth today and last Monday, October 21st?

8 A. No.

9 Q. Do you remember any additional information about  
10 any of the questions I have asked you?

11 A. No.

12 Q. One of the purposes of this deposition was to  
13 determine the extent of your knowledge of the facts involved  
14 in this case. So with that in mind and so that I won't be  
15 surprised later on when investigating this case, is there  
16 anything that you believe is significant in this case that  
17 you have not told me about?

18 A. No. Just -- when I picked them up and they said  
19 they had to change clothes and stuff, you know what, I  
20 didn't see nothing on them. They didn't look like they had  
21 been in any -- they didn't look like they had been -- you  
22 know, if -- if you -- I mean, surely to God Mr. Jones fought  
23 back whoever was doing what they did, and it's not like -- I  
24 mean, you didn't see any kind of scruffs, no yanks, no --  
25 like, you know when somebody is pulling your shirt and shit,



1 you can tell. Nothing -- you didn't see none of that.

2 And they didn't act out of normal. None. There  
3 was no personality changes, no weird movements, nothing, no  
4 weird actions. They acted completely normal. So, I mean,  
5 you had no reason to even think that something crazy had  
6 went on. And --

7 Q. Do you have any information about Mr. Jones  
8 approximate time of death?

9 A. Uh-uh.

10 Q. Is that a no?

11 A. No. But I do know -- oh, the van ride. I do know  
12 that nobody else knows about that van ride because people  
13 have been asked, and nobody knows what the hell I'm talking  
14 about.

15 Q. Where did you learn this information?

16 A. From Hunter. And -- because he asked -- once I  
17 said something to him on one of the calls that we had done,  
18 he got back in touch with the ones he had talked to during  
19 interviews and asked if they knew anything and nobody knew.

20 And when he -- he also talked to Mr. Jones'  
21 daughters, and they said they did not go on a van ride.  
22 They said that they would have been appalled had they been  
23 asked to participate in something like that.

24 So I don't know who was in that van with us. I  
25 don't know who she was. I don't who have a clue. But I



1 went on the van ride, and my grandparents know. My  
2 grandmother's dead, so she can't say anything; my grandpa --  
3 I ain't spoke to him in so long due to some bullshit, but  
4 they knew. They knew I went on that ride. But nobody else  
5 did, and I didn't -- I couldn't understand that. I can't  
6 understand why nobody would know.

7 Q. Is there any other topic we have not explored that  
8 you think would be important to my understanding of this  
9 case?

10 A. No.

11 Q. Do you have any additional information divide to  
12 me related to this case that you have not mentioned?

13 A. No.

14 Q. All right.

15 MS. BRIDENSTINE: I am going to conclude and end  
16 the deposition at this time.

17 It is approximately 12:22 p.m.

18 MS. MYERS: Ms. Black, pursuant to statute, you  
19 have the right to receive a copy of the sound and visual  
20 recording for this examination in review.

21 Do you wish to waive this right or would you like  
22 a copy of this deposition for your review?

23 THE WITNESS: I don't need it.

24 MS. MYERS: Okay. So you will waive it.

25 THE WITNESS: I will waive it.



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(Deposition concluded, 12:22 p.m.)



1 STATE OF NORTH CAROLINA )  
2 COUNTY OF WAKE )

3 CERTIFICATE

4 I, Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M,  
5 AOC-Approved Transcriber, the officer by whom the foregoing  
6 proceeding was requested to be transcribed, do hereby  
7 certify that said deposition, pages 1 through 295,  
8 inclusive, in two volumes, is a true, correct, and verbatim  
9 transcript of said proceeding, as transcribed from an  
10 electronic recording, to the best of my ability.

11 I further certify that I am neither counsel for,  
12 related to, nor employed by any of the parties to the action  
13 in which this proceeding was heard; and, further, that I am  
14 not a relative or employee of any attorney or counsel  
15 employed by the parties thereto, and am not financially or  
16 otherwise interested in the outcome of the action.

17 Dated at Wake Forest, North Carolina, the 9th day of  
18 December, 2019.

19  
20  
21 

22 \_\_\_\_\_  
23 Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M  
24 AOC-Approved Transcriber and Per Diem Reporter  
25



# Handout 5



16                   MS. MYERS: Okay. All right. So that  
17 kind of brings me to the -- to my next question  
18 then. Do you -- did the police ever come to your  
19 house looking for Jessicah?

20                   MR. HALEY: Yeah. They came out there  
21 looking for her, and at the time that they come  
22 she was in school and we told them then that she  
23 would be out of school at a, you know, a certain  
24 time or she would be home at a certain time. And  
25 they come back and she was there. And they said



1    they was going to -- well, they asked her some  
2    questions there, and they said that they was  
3    going to take her down and question her, you  
4    know, take her downtown and question her, and  
5    wanted to know if she would -- could come down  
6    there or drive with them down there or something  
7    or other. She said that she would rather, you  
8    know, her grandma bring her down there, so you  
9    know, me and Joann, we took her down there and  
10   they kept her there for about -- something like  
11   an hour or something like that, asking her all  
12   kinds of questions and everything. And then she  
13   come back out and told us what it was about.

14                    From what she said, you know, she  
15   didn't know anything about, you know, him -- the  
16   boy that -- or the boys, you know, killing the  
17   man or something of it. And they was over there  
18   at a park, but they -- Jessicah had went down by  
19   there, you know, down by the park tried to catch  
20   one of her girlfriends and they was all over at  
21   the park. And when she sat down and stopped  
22   there and said they was talking to her  
23   girlfriend, the boys were supposed to go out and  
24   left, just had left and was going down the road.  
25   So Jessicah left and she started home, and the



1 boys was down the road walking and she picked  
2 them up and carried them down to the store or  
3 something or other and dropped them off there.  
4 And that's the only thing she said she knew  
5 about, you know, what, you know, had happened,  
6 which they didn't say anything about it or  
7 anything, but she said "That's how I got involved  
8 in it by picking them damn idiots up and drove  
9 them down the road."

10 MS. MYERS: Gotcha.

11 MR. HALEY: They ended up taking her  
12 car and keeping it. Hell, they had the car for  
13 over a damn year. I like to never got the car  
14 back.

15 MS. MYERS: When the police -- sorry,  
16 go ahead.

17 MR. HALEY: When I got the car back,  
18 they had been calling around because the  
19 detectives, they told us that it would be the  
20 best if Jessicah didn't drive that car, that they  
21 was threatening her or some kind of junk like  
22 that, so I ended up taking the car and selling  
23 the car just to give up so they wouldn't know  
24 what she had.

25 MS. MYERS: Who was threatening



1     Jessica?

2                   MR. HALEY:  And I bought her another  
3     car, you know, later on.

4                   MS. MYERS:  Who was threatening  
5     Jessica?

6                   MR. HALEY:  I don't know if it was the  
7     boys or what it was, but somebody kept, you know,  
8     saying that they was going to kill her because  
9     she told on them or some kind of junk.

10                  MS. MYERS:  Okay.

11                  MR. HALEY:  And she said she didn't  
12     tell them a thing, you know, she just carried  
13     them down the road and let them out.  And she  
14     said she noticed that one of them looked like  
15     they had blood on, you know, his arm or on his  
16     shirt or something or other, but you know, she  
17     didn't think nothing about it, is what she said.

18                  And heck, when they went to court, you  
19     know, she -- I guess they called that she was,  
20     you know, for the State or something or other,  
21     and they didn't prosecute her, but they, you  
22     know, got the rest of them or something or other.  
23     I guess maybe she was in the wrong place at the  
24     wrong time or something like that.  I don't know  
25     how they do that stuff.



1 MS. MYERS: Okay. When the police  
2 first came to your house, Mr. Haley, what did  
3 they say -- I know they said that they were  
4 looking for Jessicah, but did they tell you  
5 anything else?

6 MR. HALEY: No. The only thing they  
7 said was that she had got involved with somebody  
8 that had done something. They didn't say what or  
9 anything, you know, about it.

10 MS. MYERS: Okay.

11 MR. HALEY: That's all, you know, all  
12 they said, that they told us, you know.

13 MS. MYERS: Okay.

14 MR. HALEY: And then after they, you  
15 know, took her down there and questioned her and  
16 everything, that's when we found out what it was  
17 because she didn't even know what it was.

18 MS. MYERS: Okay.

19 MR. HALEY: She was trying to figure  
20 out what it was and, damn, she was scared to  
21 death, crying and all kind of junk because she  
22 had never been involved with anything, you know,  
23 to do with the law before.

24 MS. MYERS: Right.

25 MR. HALEY: So she was scared to



1 death, you know. That's why, you know, me and  
2 Joann just told them, you know, we would bring  
3 her on down there because when they come out  
4 there, they wanted her to come on down there  
5 then, so you know, we just put her in the car and  
6 took her down there. Joann went in with her, and  
7 I parked outside and, you know, I just waited on  
8 them to come back out.

9 MS. MYERS: Okay. So you stayed in  
10 the car while Jessicah was being questioned  
11 inside?

12 MR. HALEY: Yeah.

13 MS. MYERS: And then --

14 MR. HALEY: She was sitting out in the  
15 waiting -- Joann was sitting out in the waiting  
16 area while they took her right back there and  
17 questioned her or something or other.

18 MS. MYERS: Okay.

19 MR. HALEY: And a few minutes later,  
20 you know, they got done and then I heard Joann  
21 come on out and got in the car. And then that's  
22 when they told her what it was about. And I  
23 said, "Well, hell, I knew that man," you know,  
24 like that because they told, you know, they told  
25 Joann all, you know, exactly who it was and



1 everything.

2 MS. MYERS: Okay. Do you remember  
3 what time you and Joann took Jessica to the  
4 police station?

5 MR. HALEY: Do I remember the time?

6 MS. MYERS: Yes, sir.

7 MR. HALEY: Oh, God, I don't know.  
8 Somewhere after 3 o'clock because I didn't  
9 usually get home, you know, around 3 o'clock  
10 every day.

11 MS. MYERS: Okay.

12 MR. HALEY: And she was the type that,  
13 you know, when she got out of school, she come  
14 straight home. She didn't get out and screw  
15 around or anything like that, but she would, you  
16 know, come straight home, you know, when she got  
17 out of school. You know, that's the way she done  
18 it. The detectives had just been there, then  
19 they come back, they was sitting there waiting on  
20 her to come.

21 MS. MYERS: Okay. Did you ever go to  
22 court or did you or Joann ever go to court when  
23 Jessica had to testify?

24 MR. HALEY: I think Joann did, but I'm  
25 not sure.



1 MS. MYERS: Okay.

2 MR. HALEY: I can't remember.

3 MS. MYERS: Did Jessica ever tell you  
4 anything else about this case at all?

5 MR. HALEY: No. That's all she said  
6 she knew, you know, about it was that she had  
7 picked two of the boys up and carried them down  
8 there to -- well, carried them to the Wilco on  
9 Spring Street and let them off there, and then  
10 she come on home because she usually come, you  
11 know, straight down Sprague Street, you know, and  
12 she went by the park there off Sprague Street and  
13 talked to her girlfriend because she was on her  
14 -- they was playing hockey or something. I don't  
15 know what they was playing, some kind of -- no,  
16 it was some kind of kickball or something. I  
17 don't know what you call it, but she talked to  
18 her. Then when she left, about two or three  
19 blocks down the road is where the boys was  
20 walking on the road, and that's where she picked  
21 them off, dropped them off at the Wilco.

22 MS. MYERS: Do you remember the name  
23 of Jessica's friend that she was hanging out  
24 with that day?

25 MR. HALEY: I don't have no idea.



1                   MS. MYERS: That's okay. When the  
2 police originally came to your home looking for  
3 Jessicah, do you remember how many policemen  
4 showed up?

5                   MR. HALEY: There was two in one car.

6                   MS. MYERS: Two in one car? Okay.

7                   MR. HALEY: Yeah. And then when they  
8 come back out there, when I told them she would  
9 be there at about 3 o'clock, when they come back,  
10 there was two damn carloads and there was four of  
11 them. And I thought, my God, why the hell so  
12 many damn cops coming out here just to talk to  
13 her about. And, you know, when they said they  
14 was going to carry her downtown and question her,  
15 and Joann spoke up and said, "Well, you're not  
16 carrying her down there -- downtown and have to  
17 worry about coming down there and get her. We'll  
18 bring her down there and we'll sit there and wait  
19 on her." That's the way Joann said it.

20                  MS. MYERS: Okay.

21                  MR. HALEY: They agreed on that, so --  
22 well, when we got ready to leave, hell, there was  
23 one car in front of us and then we was behind  
24 that car, and the other damn car was following  
25 us.



1 MS. MYERS: And that's the way --

2 MR. HALEY: My God.

3 MS. MYERS: -- you all drive down to  
4 the -- sorry, go ahead.

5 MR. HALEY: Yeah. We went downtown  
6 like that. I was following one car, the other  
7 was following us.

8 MS. MYERS: Hm. Did you feel like you  
9 could at any time just turn off and decide not to  
10 go talk to them?

11 MR. HALEY: Yeah. I thought about it  
12 two or three times, but I was scared, you know,  
13 because that sucker was behind me.

14 MS. MYERS: Right.

15 MR. HALEY: I don't have that much to  
16 do with the law myself now either. Well, I  
17 haven't had for the last 10, 15 years, but back  
18 years ago when I was young, you know, I had a lot  
19 to do with them because, well, you know, I hate  
20 to say it, I was an informant for, you know, CID  
21 at the sheriff's department there for a while.

22 MS. MYERS: Yeah. In Forsyth County?

23 MR. HALEY: Do what?

24 MS. MYERS: In Forsyth County?

25 MR. HALEY: In Forsyth.



1 MS. MYERS: Yeah.

2 MR. HALEY: Yeah.

3 MS. MYERS: Do you ever remember  
4 Jessica getting into a van and going with the DA  
5 for a ride or talking about that?

6 MR. HALEY: I don't know nothing about  
7 that.

8 MS. MYERS: Okay.

9 MR. HALEY: Well, wait a minute. I  
10 seem like I do know something about that. Seemed  
11 like she told us that they come to the school one  
12 day and somebody picked her up and had her carry,  
13 I mean, they carried her down there and she  
14 showed them where she picked them boys up and  
15 where she let them out at. I remember her saying  
16 something about that.

17 MS. MYERS: Do you remember any  
18 other --

19 MR. HALEY: And I said "What the hell  
20 did they do that for?" She said "I don't know,  
21 Papa." She said, "They just come at our  
22 schoolhouse and got me and carried me down there,  
23 and I had to show them where, you know, I picked  
24 the boys up and then where I let them off at,"  
25 and they carried her back to the schoolhouse.



1                   MS. MYERS: Did she tell you who  
2     picked her up?

3                   MR. HALEY: No. She didn't say who it  
4     was or nothing.

5                   MS. MYERS: Did she say how many  
6     people were there that picked her up?

7                   MR. HALEY: There was two of them. I  
8     remember her saying that.

9                   MS. MYERS: Did she say if one was a  
10    male or a female or if they were both males; do  
11    you remember anything about that?

12                  MR. HALEY: No.

13                  MS. MYERS: Okay.

14                  MR. HALEY: She didn't say anything  
15    about that. I don't remember.

16                  MS. MYERS: Okay. Is there anything  
17    else about -- that I haven't asked you regarding  
18    the case that you remember?

19                  MR. HALEY: No, not that I know of.

20                  MS. MYERS: Do you remember -- you had  
21    mentioned on the phone last week that you had  
22    talked to a reporter.

23                  MR. HALEY: Yeah. There was some man  
24    come out here. He -- my girlfriend got his --  
25    pulled his -- got his card, you know, and pulled



1 him up on the computer to find out who it was,  
2 what he'd done and all that. She done the same  
3 thing with the card you left out here.

4 MS. MYERS: Right.

5 MR. HALEY: Was it you that left the  
6 card?

7 MS. MYERS: Yes, sir, that was me.

8 MR. HALEY: All right. She done the  
9 same thing with that, and then that's how I knew  
10 about what was going on.

11 MS. MYERS: Gotcha.

12 MR. HALEY: She had checked his card  
13 and he was out of Raleigh or something or other,  
14 and come to find out he was working with another  
15 man, something to do with victim something, too,  
16 you know, the same way, but I don't remember what  
17 his name was. She does. She's got it all on the  
18 computer.

19 MS. MYERS: But you said he was from  
20 Raleigh?

21 MR. HALEY: Yeah. That's what the  
22 card said, and then when she checked it out, you  
23 know, that's where it ended up that he was from  
24 somewhere in Raleigh or something.

25 MS. MYERS: But you said he was



1 working with someone else as well?

2 MR. HALEY: Yeah, but she couldn't  
3 remember -- back after she got looking at it on  
4 the computer, she told me exactly who it was,  
5 where he come from, and everything.

6 MS. MYERS: Did that person come from  
7 a different state; do you remember?

8 MR. HALEY: I don't know if he did or  
9 not.

10 MS. MYERS: Okay.

11 MR. HALEY: No idea.

12 MS. MYERS: Do you remember -- when  
13 did this person come to your home? Was it this  
14 year?

15 MR. HALEY: No. It seemed like it was  
16 last summer. I'm not sure.

17 MS. MYERS: So summer of 2018, you  
18 think, or just a few months ago?

19 MR. HALEY: God, I don't -- I can't  
20 remember. It's been a pretty good while.

21 MS. MYERS: That's okay. Do you  
22 remember what he asked you about?

23 MR. HALEY: He was asking me all kinds  
24 of questions, about what kind of work I done and  
25 what, you know, all this junk, and had him come



1 in the damn trailer, and he took pictures of all  
2 the Hot Wheel cars because I collect Hot Wheels.  
3 I got over 5 or 6,000 of them things. You know,  
4 I started collecting them here years ago.

5 MS. MYERS: Right.

6 MR. HALEY: I got shadow boxes hanging  
7 on the walls in the living room, dining room, and  
8 all, you know. It's filled up with them in the  
9 bedroom halfway up the -- well, halfway up the  
10 wall plumb to the ceiling all the way around in  
11 the bedroom.

12 MS. MYERS: Did he --

13 MR. HALEY: I can lay right down on  
14 the bed and count out probably 2,500 cars hanging  
15 on the walls.

16 MS. MYERS: Wow. That's very  
17 impressive. Do you -- did he tell you why he was  
18 taking pictures of those cars?

19 MR. HALEY: Did what?

20 MS. MYERS: Did he tell you why he was  
21 taking pictures of the cars?

22 MR. HALEY: No, he didn't. He just  
23 said he was just interested in what kind of, you  
24 know, hobby I had or something or other like  
25 that. And I said, "Well, that's the only thing I



1 do is far as, you know, doing (indiscernible)  
2 cars and (indiscernible) junk, you know, junk  
3 anyway."

4 MS. MYERS: Right.

5 MR. HALEY: And I had a record and all  
6 at that time, and I used to buy junk cars and  
7 junk them out, you know, sell parts off of them  
8 and all of that, but now I'm into candles.

9 MS. MYERS: Yeah. I remember those on  
10 your front porch.

11 MR. HALEY: I like candles now. I  
12 probably got, God, I got a thousand of them  
13 things now.

14 MS. MYERS: Wow. That's impressive.

15 MR. HALEY: I got about three or four  
16 buildings out here and I got a couple buildings  
17 that's plumb full, couple more -- that got ain't  
18 no telling how many in. Plus, my front porch is  
19 lined up with shelves out there, and I got  
20 probably 2 or 3,000 on the front porch.

21 MS. MYERS: Well, it smells very good  
22 on your front porch. I can attest to that for  
23 certain.

24 MR. HALEY: Yeah. I love doing stuff  
25 like that. That's what I've been doing, you



1 know, for the last couple years now.

2 MS. MYERS: Did he --

3 MR. HALEY: (Indiscernible.)

4 MS. MYERS: Go ahead, sir. I'm sorry.

5 MR. HALEY: That's all right. What  
6 were you going to say?

7 MS. MYERS: I was just going to ask  
8 you if he had asked you any questions about  
9 Jessica or this case.

10 MR. HALEY: Jessica and what?

11 MS. MYERS: And this case that she had  
12 been involved in.

13 MR. HALEY: Well, he asked me, you  
14 know, a few questions about if I knew who the  
15 boys was or anything like that, and I told him I  
16 didn't know anything about the boys.

17 MS. MYERS: Okay.

18 MR. HALEY: I told him, I said "I do  
19 -- did know the man," you know, "because the  
20 service station" because, you know, I used to buy  
21 gas out there all the time coming back from  
22 Kernerville when I was junking cars.

23 MS. MYERS: Oh, okay. Okay. Did he  
24 -- do you remember him recording your statement  
25 or recording when he spoke to you?



1                   MR. HALEY: Well, me?

2                   MS. MYERS: Yes.

3                   MR. HALEY: Yeah. He recorded  
4 something. I don't know what the heck he was  
5 doing, but he was recording it on the phone or  
6 something or other.

7                   MS. MYERS: Okay. How many times --  
8 so did he come out to your house? Well, I guess  
9 he did come out to your house.

10                  MR. HALEY: Yeah.

11                  MS. MYERS: How many times did he come  
12 out there?

13                  MR. HALEY: That was the only time  
14 I've ever seen him.

15                  MS. MYERS: Okay. Has he called you  
16 since then?

17                  MR. HALEY: No. I ain't never heard  
18 nothing else, you know, from him or anything.

19                  MS. MYERS: Okay. All right. Oh,  
20 going back, do you remember when you and Joann  
21 took Jessica down to the police station, do you  
22 remember ever having any conversations with Joann  
23 about if she had ever gone into the room with  
24 Jessica when she was being questioned?

25                  MR. HALEY: No. They didn't -- she



1 didn't go into the room. I know because she said  
2 she sat out in the hall in a waiting area or  
3 something like that. And they took her, you  
4 know, back. They was in there, sounds like it's  
5 probably around 30, 35 minutes, something like  
6 that, then they come and brought her back out  
7 there. Her and Jessicah come on out to the car.  
8 And just as soon as, you know, they come out and  
9 got in the car, I asked her, I says, "Now what in  
10 the hell was all this shit about?"

11 MS. MYERS: Right.

12 MR. HALEY: And she told me, you know,  
13 what it was. And I said, "Well, I guess they're  
14 trying to get you involved in it, too, now." And  
15 she said, "Yeah. It's what they're trying to  
16 do." And I said, "Well, I don't know what the  
17 heck to tell you." And, you know, I said, "Do  
18 you know what happened?" I said, "I don't know,"  
19 and I said, "Good. You by God better be straight  
20 with them is all I can tell you." And she said,  
21 "I am. I told them exactly what I done and," you  
22 know, "and everything," and she said, "I can't  
23 tell them no more because I don't know no more."  
24 I said, "Well, stick to what the hell you say, by  
25 God, and you might not have nothing to worry



1     about."

2                   MS. MYERS: Did --

3                   MR. HALEY: But the next time we heard  
4     anything from them they wanted, you know, wanted  
5     her to be State's evidence or something or other,  
6     however you say that.

7                   MS. MYERS: Yeah.

8                   MR. HALEY: A victim for the State or  
9     something. Hell, I don't know how you say that.

10                  MS. MYERS: A witness?

11                  MR. HALEY: Yeah, a witness.

12                  MS. MYERS: Okay.

13                  MR. HALEY: There you go.

14                  MS. MYERS: Right. Did Jessica --

15                  MR. HALEY: (Indiscernible.)

16                  MS. MYERS: Did --

17                  MR. HALEY: Since I'm screwed my back  
18     up, been laying here just like I right now  
19     watching *Chicago P.D.* now.

20                  MS. MYERS: All right. There you go.

21                  MR. HALEY: I watch that show every  
22     day.

23                  MS. MYERS: Do you?

24                  MR. HALEY: Yeah. I love that show.

25                  MS. MYERS: Did Jessica ever say that



1 she was worried about being charged or was she --  
2 like was she worried about being charged?

3 MR. HALEY: Oh, yes. She was worried  
4 about it big time because that day that, you  
5 know, all that happened and everything, come back  
6 home that day, damn all she done was sit there  
7 and cry over it because she was scared to death  
8 they was going to, you know, try to do something  
9 to her. And I told her, "(indiscernible) you  
10 know, you don't have to worry about it."

11 MS. MYERS: What did she think that  
12 she was going to get in trouble for?

13 MR. HALEY: Having something to do,  
14 you know, just like, what do you call it,  
15 accessory after the fact or something like that.

16 MS. MYERS: Okay.

17 MR. HALEY: Is the way they said it.

18 MS. MYERS: Okay.

19 MR. HALEY: She said, "Hell, I wasn't  
20 no accessory to nothing. All I done was pick  
21 them up," you know, "going down the road and  
22 dropped them off about three blocks later."

23 MS. MYERS: Right. Do you remember if  
24 she -- who she said had blood on their shirt?

25 MR. HALEY: Did she what?



1                   MS. MYERS: You said earlier, I think,  
2 and I don't want to put words into your mouth,  
3 though, that she had seen one of the boys with  
4 blood on his shirt; is that right?

5                   MR. HALEY: Yeah. She said that she  
6 seen one of the boys looked like he had blood on  
7 his shirt, on the side of his shirt, but she  
8 didn't know if that's what it was or not.

9                   MS. MYERS: Okay. Do you know which  
10 boy she was --

11                  MR. HALEY: No. She didn't say  
12 anything about it. She just said when they got  
13 out of the car, it looked like one of them had  
14 blood on the side of his shirt.

15                  MS. MYERS: Okay.

16                  MR. HALEY: But she never asked him,  
17 you know, anything about what was going on or  
18 anything. She's the type she don't like getting  
19 involved in anything stupid anyway.

20                  MS. MYERS: Gotcha. Okay. And, Mr.  
21 Haley, you said earlier that Jessicah when she  
22 would get out of school she would come home  
23 immediately. She didn't mess around I think is  
24 what you had said.

25                  MR. HALEY: Yeah. She wouldn't go out



1     playing around or nothing.  If she -- just like  
2     she met her girlfriend down there at the park  
3     that day.

4                   MS. MYERS:  Uh-huh.

5                   MR. HALEY:  She called Joanna and told  
6     Joanna she might be a little late, said, "I'm  
7     going down by the park and talk to --" whoever  
8     the girl was, you know.

9                   MS. MYERS:  When Jessicah said she was  
10    going to go down to the park, what park was she  
11    talking about; do you know?

12                  MR. HALEY:  It's one down there right  
13    off of Aureole Street, the actual name of the  
14    street is.

15                  MS. MYERS:  Is it in Winston-  
16    Salem?

17                  MR. HALEY:  I don't know what the name  
18    of it is, but there's a big church right across  
19    the street from the park, and that's where, you  
20    know, a bunch of the kids go and play because  
21    they got all of these things out there, you know,  
22    that you can climb on, you know, all this junk.

23                  MS. MYERS:  Okay.

24                  MR. HALEY:  A bunch of them from the  
25    south side, they used to go out there and hang



1     around there at the park. And come to find out,  
2     the man that got killed lived across the street  
3     beside the road that goes down, you know, by the  
4     park.

5                 MS. MYERS: Okay.

6                 MR. HALEY: That's where he lived at.

7                 MS. MYERS: Did you --

8                 MR. HALEY: So them boys there done  
9     whatever they done and took off, you know, down  
10    the road.

11                MS. MYERS: Did you know any of the  
12    friends that Jessicah hung out with in the south  
13    side area?

14                MR. HALEY: Just a very few because  
15    she didn't hang around with, you know, with  
16    nobody hardly, just that one girl she used to,  
17    you know, talk to her all the time because it  
18    seemed like the girl was in her classroom or  
19    something or other.

20                MS. MYERS: Okay.

21                MR. HALEY: I don't -- I can't  
22    remember if she was or not.

23                MS. MYERS: How often do you remember  
24    Jessicah going down to hang out in that area?

25                MR. HALEY: I don't ever remember



1     going down but that one time, to tell you the  
2     truth about it, but you know, a lot of times kids  
3     that age, you know, they'll do a lot of stuff and  
4     won't say nothing to you about it.

5                 MS. MYERS:   Right.

6                 MR. HALEY:   Mostly, though, the only  
7     place she would ever go would be down to  
8     Creekside Lanes down there on -- right across  
9     from Parkland school.

10                MS. MYERS:   Okay.   Okay.

11                MR. HALEY:   She used to go down there  
12     and they used to bowl and stuff like that down  
13     there, a few of her friends.   Shoot pool and  
14     stuff, you know, like that down there.

15                MS. MYERS:   Gotcha.

16                MR. HALEY:   But anytime she was going  
17     to be late coming home or anything, she always  
18     called Joann and told her, said, "I'll be  
19     probably 30 minutes late," or something like  
20     that.

21                MS. MYERS:   Okay.   Okay.   So she  
22     stayed in contact with you and Joann about where  
23     she was?

24                MR. HALEY:   Yeah, because I was strict  
25     on her.   I mean, you know, I kept her strict



1     because of the car.

2                   MS. MYERS:   Okay.

3                   MR. HALEY:   Because I bought her the  
4     car to drive to go to school and back, and that  
5     was the only damn thing she was supposed to do,  
6     and that's, you know, that's what she done the  
7     whole time except that one day she went down  
8     there and talked to her girlfriend and that's the  
9     day that, you know, she picked them boys up and  
10    drove them down and dropped them off.

11                  MS. MYERS:   And you said earlier that  
12    -- did you know -- you didn't know these boys; is  
13    that correct?

14                  MR. HALEY:   No.   I ain't never seen  
15    none of them, don't know anything about them or  
16    anything.

17                  MS. MYERS:   Had Jessica ever talked  
18    to you and Joann about them before?

19                  MR. HALEY:   Not before, no, that  
20    happened.

21                  MS. MYERS:   Okay.

22                  MR. HALEY:   She did afterwards.   She  
23    said that she knew, you know, she did know the  
24    boys because a couple of them went to school down  
25    there, you know, where she did.   It seemed like



1 she was going to Hill High then.

2 MS. MYERS: Okay.

3 MR. HALEY: She had said something  
4 about them, you know, going to school where she  
5 did and all of that.

6 MS. MYERS: Okay. Did she ever tell  
7 you that she was hanging out with them and  
8 driving around with them?

9 MR. HALEY: No. She never said  
10 anything about none of that. She just knew the  
11 boys from, you know, school, stuff like that.  
12 And I don't know if that girl, you know, who used  
13 to be her girlfriend, I don't know if she knew  
14 the boys or, you know, I didn't know nothing  
15 about that. She never said nothing about it.



# Handout 6



# **TAMARA MICHELLE BLACK**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
HIT/RUN FAIL TO STOP PROP DAMAGE (M)	FORSYTH	01/28/2007	05/13/2008
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	08/12/2000	08/21/2000
SIMPLE WORTHLESS CHECK (M)	FORSYTH	12/24/1996	05/23/1997
DWI LEVEL 4 (M)	FORSYTH	07/27/1996	09/05/1996
WORTHLESS CHECK (M)	FORSYTH	04/02/1990	11/18/1991
WORTHLESS CHECK (M)	FORSYTH	03/04/1990	11/01/1990



# Handout 7



STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

FILE NO. 02 CRS 38886

02 CRS 38884

02 CRS 38882

STATE OF NORTH CAROLINA, ]  
Petitioner, ]  
vs. ]  
CHRISTOPHER BRYANT, ]  
Defendant, ]  
NATHANIEL CAUTHEN, ]  
Defendant, ]  
JERMAL TOLLIVER, ]  
Defendant. ]

T R A N S C R I P T

TAMARA MICHELLE BLACK  
Interview

Transcript of Interview conducted of Tamara Michelle Black by Julie Bridenstine, Staff Attorney and Catherine Matoian, Grant Staff Attorney, on December 18, 2019 as part of an investigation by the North Carolina Innocence Inquiry Commission.

**APPEARANCES:**

Catherine Matoian  
Grant Staff Attorney  
North Carolina Innocence Inquiry Commission  
Raleigh, North Carolina

Julie Bridenstine  
Staff Attorney  
North Carolina Innocence Inquiry Commission  
Raleigh, North Carolina

Tamara Michelle Black



State v. Jermal Tolliver  
State v. Nathaniel Cauthen  
State v. Jermal Tolliver

02 CRS 38886  
02 CRS 38884  
02 CRS 38882

December 18, 2019 2

**EXHIBITS**

**N/A**

**[END OF PAGE]**



1 [The interview commenced on December 18, 2019.]

2 MS. MATOIAN: Hello.

3 MS. BLACK: Hello.

4 MS. BRIDENSTINE: Hi, I'm looking for Tamara Black.

5 MS. BLACK: That's me.

6 MS. BRIDENSTINE: Hi. My name is Julie Bridenstine.

7 I'm attorney with the North Carolina Innocence Inquiry

8 Commission.

9 MS. BLACK: Yeah.

10 MS. BRIDENSTINE: We stopped by, I think, last week  
11 and left a card?

12 MS. BLACK: And I sent you a text.

13 MS. BRIDENSTINE: Oh, you did?

14 MS. BLACK: Uh-huh (yes).

15 MS. MATOIAN: Let me give you my card, too.

16 MS. BRIDENSTINE: The card that was left was for one  
17 of the investigators working on the case.

18 MS. BLACK: My daughter has done talked to the  
19 investigators working on this case.

20 MS. BRIDENSTINE: We had a couple of questions for  
21 you regarding that case.

22 MS. BLACK: Come on in. I wasn't there.

23 MS. MATOIAN: Thank you.

24 MS. BLACK: I think we'll take up too much of your  
25 time.



1 MS. MATOIAN: [Indecipherable].

2 MS. BRIDENSTINE: So, I'm an attorney with the North  
3 Carolina Innocence Inquiry Commission. We're a State Agency  
4 in Raleigh. We investigate [indecipherable] claims of  
5 innocence. We are neutral. We are truth seeking. That's all  
6 we're looking for is the truth. We don't represent  
7 defendant's claims of innocence with our Agency. We're not  
8 law enforcement or prosecutors.

9 Three boys have, well, they're adults now, but they have  
10 applied to our Agency regarding a case that happened back in  
11 November 15, 2002 involving the robbery and murder of  
12 Nathaniel Jones.

13 MS. BLACK: Didn't one just get out and get killed?

14 MS. BRIDENSTINE: Yeah. That's Dorrell Brayboy. He  
15 was one of the five who was convicted. The ones who have  
16 current applications with our Agency and are claiming  
17 innocence are Christopher Bryant, Jermal Tolliver and  
18 Nathaniel Cauthen. If we received a fourth application from  
19 Rashawn Banner that case would be also investigated.

20 MS. BLACK: And see, I know none of these names --

21 MS. BRIDENSTINE: Okay.

22 MS. BLACK: -- that you just mentioned. When all of  
23 this happened, they did not even come to me with this.

24 MS. BRIDENSTINE: Well, that's what I was gonna ask;  
25 what do you remember from back then? So, the - the case



1 happened on November 15<sup>th</sup>, 2002. Did you know Mr. Jones -  
2 Nathaniel --

3 MS. BLACK: No.

4 MS. BRIDENSTINE: -- Jones, the victim?

5 MS. BLACK: No.

6 MS. BRIDENSTINE: Did --

7 MS. BLACK: My mother called me and told me that  
8 they had my daughter downtown questioning her. She did not  
9 have an adult with her or anything.

10 MS. BRIDENSTINE: Okay. Had you talked to Jessicah  
11 before that phone call from your mother?

12 MS. BLACK: Uh-uh (no). I knew nothing about none  
13 of this until I got the phone call from my momma.

14 MS. BRIDENSTINE: What happened in that phone call;  
15 what was said?

16 MS. BLACK: She told me they had her downtown. I  
17 went down there. They would not even let me in.

18 MS. BRIDENSTINE: You went down to, where?

19 MS. BLACK: Down to where they had her.

20 MS. BRIDENSTINE: Okay. Was Jessicah there at the  
21 time when you went there?

22 MS. BLACK: Yeah. They had her back there  
23 questioning her.

24 MS. BRIDENSTINE: Did you talk to Jessicah at all  
25 that night?



1 MS. BLACK: They kept her down there for hours --

2 MS. BRIDENSTINE: And you --

3 MS. BLACK: -- and hours.

4 MS. BRIDENSTINE: You never talked to her?

5 MS. BLACK: [No audible response heard.]

6 MS. BRIDENSTINE: No? What happened when you went

7 down there; who told you?

8 MS. BLACK: They stopped me and told me right there

9 at the door that I could not go back there; she was in

10 interrogation, or whatever they called it.

11 MS. BRIDENSTINE: Do you remember who stopped you?

12 MS. BLACK: No, it was a guard is all I know.

13 MS. BRIDENSTINE: Where - what did you do when he

14 told you that?

15 MS. BLACK: I showed my ass, and they threatened to

16 lock me up and I left.

17 MS. BRIDENSTINE: Where did you go?

18 MS. BLACK: I went back home.

19 MS. BRIDENSTINE: Were you living with Jessicah at

20 that time?

21 MS. BLACK: [No audible response heard.]

22 MS. BRIDENSTINE: No?

23 MS. BLACK: Jessicah had went to stay at my mom's.

24 MS. BRIDENSTINE: When is the next --

25 MS. BLACK: She had just graduated high school. She



1 was pregnant.

2 MS. BRIDENSTINE: When is the next time you saw or  
3 talked to Jessica after you went to the police station --

4 MS. BLACK: The next day after --

5 MS. BRIDENSTINE: -- and got turned away?

6 MS. BLACK: -- I got off work.

7 MS. BRIDENSTINE: What - what happened? Tell me  
8 about that.

9 MS. BLACK: She was just all to hell.

10 MS. BRIDENSTINE: She was what?

11 MS. BLACK: She was just all to hell.

12 MS. BRIDENSTINE: What do you mean by that?

13 MS. BLACK: Said that she didn't know what was going  
14 on; that she didn't know why they had pulled her in there,  
15 because, she said, "Momma," she said, "I didn't see nothing."  
16 She said, "Me and them boys was at the park." She said, "But  
17 I didn't see anything go on."

18 And then, they fed her a line of shit talking about he  
19 come and picked her up -- talking about she needed to go meet  
20 with the victim's daughter or something. Come to find out, it  
21 wasn't even none of the family. It was somebody he had  
22 portraying to be that person.

23 MS. BRIDENSTINE: What happened there? Tell me  
24 about that.

25 MS. BLACK: I have no clue.



1 MS. BRIDENSTINE: When did you hear about that?

2 MS. BLACK: When she told me.

3 MS. BRIDENSTINE: When was that?

4 MS. BLACK: I -- honestly, I don't know. I can't  
5 tell you exactly the day.

6 MS. BRIDENSTINE: Was it recently?

7 MS. BLACK: No. She just found out recently that  
8 that was not even the people.

9 MS. BRIDENSTINE: When did you first hear that she  
10 was picked up by somebody and -

11 MS. BLACK: When she told me that they took her.

12 MS. MATOIAN: Like, at - around the time that it  
13 actually happened?

14 MS. BLACK: No, this was after.

15 MS. MATOIAN: Okay.

16 MS. BLACK: This was after it had happened. They  
17 had impounded her car, and then, he said that he needed her to  
18 go speak with the family. I can't remember if it was even  
19 before the boys was tried or after the boys was tried. But  
20 Jessica said that she didn't believe the boys did it. She  
21 said there was only one that she would even suspect to be that  
22 type of person. She said that there was no way that she would  
23 believe that them boys did that.

24 MS. BRIDENSTINE: When did she tell you that?

25 MS. BLACK: She told me that right after she talked



1 to that lady at the Innocence place.

2 But me and Jessicah have never discussed any of that  
3 because she has tried, with everything she's got, to put it  
4 all behind her 'cause she has a 14-year-old son that she does  
5 not want to find out about all of this. And Jessicah is  
6 scared to death of them boys because she said that she - she  
7 was scared that if they got out they would come after her.

8 She has also talked with a - what's his name? He's been  
9 chasing her - well, hell. I guess he got in touch with her,  
10 maybe two years ago. He's a - a writer or something for the  
11 newspaper.

12 MS. MATOIAN: Uh-huh (yes).

13 MS. BLACK: Hunter, maybe.

14 MS. MATOIAN: Hunter?

15 MS. BRIDENSTINE: Yeah.

16 MS. BLACK: Does that sound right?

17 MS. BRIDENSTINE: Hunter Atkins?

18 MS. BLACK: Yeah.

19 MS. BRIDENSTINE: Have you talked to Hunter Atkins?

20 MS. BLACK: I haven't talked to anybody.

21 MS. BRIDENSTINE: Has Hunter tried to talk to you?

22 MS. BLACK: Nobody has contacted me.

23 MS. BRIDENSTINE: Okay.

24 MS. BLACK: Until you come here and left that card  
25 on door, I have not spoke with anybody. Nobody has tried to



1 contact me or anything.

2 MS. BRIDENSTINE: Did you take Jessica to the  
3 deposition where she met with - with me back in October?

4 MS. BLACK: Through the Innocent thing?

5 MS. BRIDENSTINE: Yes.

6 MS. BLACK: Yes.

7 MS. BRIDENSTINE: Okay. Did you talk to her about  
8 the case then?

9 MS. BLACK: No.

10 MS. BRIDENSTINE: Before you took her to the  
11 deposition in October of this year, did you talk to Jessica  
12 about the case?

13 MS. BLACK: Me and Jessica have never talked about  
14 this case because she gets all to hell when you talk about it.

15 MS. MATOIAN: What do you mean?

16 MS. BLACK: She gets upset, and she's like, "Momma,"  
17 she said, "I have tried to forget that." And I'm gonna tell  
18 you, they put her through a nightmare.

19 MS. BRIDENSTINE: You mentioned --

20 MS. BLACK: She wouldn't even let me go to the court  
21 with her.

22 MS. BRIDENSTINE: You mentioned something - a - a  
23 recent conversation with her, though, about it?

24 MS. BLACK: Which one?

25 MS. BRIDENSTINE: You said you about her - talked



1 with her about - she said that she didn't believe any of them  
2 could've done it.

3 MS. BLACK: She said that there was only boy that  
4 she would even suspect of being able to do it, and I can't  
5 even remember what his name, 'cause I've never heard none of  
6 these boy's names.

7 MS. BRIDENSTINE: And when was - when was that  
8 conversation?

9 MS. BLACK: The day that we left from her doing that  
10 deposition or whatever the hell it was she did.

11 MS. BRIDENSTINE: Did she say anything --

12 MS. BLACK: She said she --

13 MS. BRIDENSTINE: -- else about it?

14 MS. BLACK: -- just did not want - no, because me  
15 and Jessica don't talk about that.

16 MS. BRIDENSTINE: Did she talk to you about what she  
17 had originally told the police or what she had testified to at  
18 trial?

19 MS. BLACK: No.

20 MS. BRIDENSTINE: No? You just said a little bit  
21 ago that Jessica didn't want you to go there to court; is  
22 that right?

23 MS. BLACK: Yeah, she wouldn't even let me go to the  
24 courthouse.

25 When I found out that Jessica had to go be a witness,



1     Jessica did not want nobody up there --

2                   MS. BRIDENSTINE:   When did you --

3                   MS. BLACK:   -- because she said that she was scared  
4     for our family.

5                   MS. BRIDENSTINE:   When did she - when did you find  
6     out she had to go to court for that?

7                   MS. BLACK:   When the court date come up.   My mom and  
8     everybody kept it from me.   Nobody wanted me involved in it.

9                   MS. BRIDENSTINE:   Did anyone else know about it; in  
10    your family?

11                  MS. BLACK:   My whole family is dead, so I can't tell  
12    you what they knew.   I've lost my whole family since '09.   My  
13    mom, my dad, two of my brothers.   I don't have anybody left  
14    but Jessica and Dustin.

15                  MS. BRIDENSTINE:   You found out that she had to go  
16    to court from your mother; is that correct?

17                  MS. BLACK:   Yeah, when it come time for her to go to  
18    court.

19                  MS. BRIDENSTINE:   What were you told about that?

20                  MS. BLACK:   Just that she had to go to court and  
21    testify.

22                  MS. BRIDENSTINE:   When you saw Jessica the day  
23    after she was questioned by the police, what did --

24                  MS. BLACK:   I talked to her.   I didn't see her.   I  
25    talked to her.



1 MS. BRIDENSTINE: You talked to her. All right.  
2 So, you talked to her on the phone?

3 MS. BLACK: Yeah.

4 MS. BRIDENSTINE: And what did she tell you?

5 MS. BLACK: She just said that she had - that - I  
6 asked her what had happened. She said they had kept her down  
7 there for so many hours, and that, they had asked her all  
8 this, and that she told them that she didn't know. They had  
9 impound her car, and she said, "Momma," she said, "I don't  
10 know what to tell them," she said, "because I did not see the  
11 boys do it." She's sitting there trying to say that they had  
12 them on video at the mall and all kinds of stuff. She said,  
13 "And I don't know what's going on."

14 MS. BRIDENSTINE: Did she tell you anything else?

15 MS. BLACK: I just said, "Jessicah, tell them what  
16 you know." I said, "Tell them what the fuck you know to get  
17 them off of you." I said, "If they asked you something, and  
18 you know an answer to it, you tell them." I said, "Before you  
19 get hemmed up in some shit with some fucking little niggers,"  
20 that's exactly what I told her. Because, yeah, I was pissed.

21 For one thing, she had no business around them. For  
22 another thing, she wasn't with me at the time, so there was  
23 nothing I could do about it. And just like I told her, I was  
24 born and raised in Southside. I know what Southside is.  
25 Jessicah don't know that life, and it pisses me off. That



1 child has never been into nothing.

2 MS. BRIDENSTINE: Did Jessica ever talk to you  
3 about any conversations she had with that reporter, Hunter  
4 Atkins?

5 MS. BLACK: No, she just said that it was all in  
6 text messages on her phone.

7 MS. BRIDENSTINE: Did she ever tell you that what  
8 she had said to the police and testified to at trial was not  
9 true?

10 MS. BLACK: Yeah, she told me that. She said,  
11 "Momma," she said, "They scared me." She said, "And they kept  
12 me in there drilling me," she said, "so, finally I just told  
13 them what they wanted me tell them." And I said, "Jessica, I  
14 understand that. For one, they should have never had you in  
15 there without somebody with you."

16 MS. BRIDENSTINE: When was that conversation with  
17 Jessica?

18 MS. BLACK: That was, the next day, I guess, when I  
19 talked to her.

20 MS. BRIDENSTINE: The next day after she was  
21 questioned by the police as a teenager?

22 MS. BLACK: Yeah. When she was pregnant with that  
23 baby up there at the damn courthouse. They put her through a  
24 living hell.

25 MS. BRIDENSTINE: Did you know that she was hanging



1 out with the defendants at the time?

2 MS. BLACK: No, 'cause she wouldn't have been.

3 MS. BRIDENSTINE: Why is that?

4 MS. BLACK: Because she wouldn't have been. Because  
5 I didn't allow Jessica to go nowhere. That's why she was at  
6 my momma's 'cause she got pissed off at me. Because I didn't  
7 even allow my kids to spend the night with nobody when they  
8 was growing up. If Jessica got in the car and went somewhere  
9 with somebody, I knew their parents, I knew the tag number, I  
10 knew the phone number. Yeah, I was hell on them.

11 MS. BRIDENSTINE: Do you --

12 MS. BLACK: No, she'd have never been with them  
13 little bastards; no she wouldn't have.

14 MS. BRIDENSTINE: Do you know if - if your parents  
15 knew that Jessica was hanging out with the defendants at that  
16 time?

17 MS. BLACK: I do not have a clue what momma and them  
18 knew. Momma and them kept a lot of shit from me.

19 MS. BRIDENSTINE: Your - [indecipherable] is this  
20 your father, Benny Hugh - Hailey - Bennie Haley.

21 MS. BLACK: No, that's not my dad.

22 MS. BRIDENSTINE: Is that your stepdad?

23 MS. BLACK: Yeah, he's a child molester, a  
24 pedophile.

25 MS. BRIDENSTINE: Oh. Was he the one who was with



1 your grandmother at the time in 2002 - I mean, sorry, your  
2 mother in 2002; that was her husband at the time?

3 MS. BLACK: Yeah.

4 MS. BRIDENSTINE: So, was Jessica living with Benny  
5 Hailey and your mother?

6 MS. BLACK: Yeah.

7 MS. BRIDENSTINE: How did Benny Hailey feel about  
8 Jessica having black friends?

9 MS. BLACK: I don't know. He didn't like it too  
10 good. He told her if she come home with a black guy he would  
11 blow her damn brains out.

12 MS. BRIDENSTINE: Do you know when he told Jessica  
13 that?

14 MS. BLACK: He told her that her whole life, when  
15 she was little, 'cause he's a real racist bastard.

16 MS. MATOIAN: I just want to clarify that we have  
17 all this right so that I'm - I don't get anything wrong, but  
18 the first conversation you had with Jessica about this was  
19 the day after she was questioned by police, and in that  
20 conversation she told you that she was scared and that, she  
21 eventually just told them what they wanted to hear; is that  
22 right?

23 MS. BLACK: Yeah, pretty much; that's what she said.

24 MS. MATOIAN: Okay; and, then, you didn't go to the  
25 courthouse to see her testify and you didn't have any other



1 conversations about it until she did the deposition with Julie  
2 the other month?

3 MS. BLACK: Yeah.

4 MS. MATOIAN: And in that conversation she said that  
5 what she had said at the trial was not the truth, and that,  
6 she didn't --

7 MS. BLACK: She said she told them, after they kept  
8 on and kept on telling her, she --

9 MS. MATOIAN: Okay.

10 MS. BLACK: -- was lying and badgering her --

11 MS. MATOIAN: Okay.

12 MS. BLACK: -- that she finally just told them what  
13 they wanted to hear because she was scared to death and she  
14 didn't never think that she was going to get out of there.

15 MS. MATOIAN: And in both of those conversations,  
16 she said that she didn't see the boys do anything?

17 MS. BLACK: She said she didn't see any of it.

18 MS. MATOIAN: Okay. I just wanted to make sure I  
19 had the details of what she said when right.

20 MS. BLACK: She said, "Momma," she said, "I swear to  
21 you" - Jessicah has never been an evil person. She ain't -  
22 she ain't never hurt nobody. And she said, "Momma," she said,  
23 "I swear to you," she said, "I did not see them boys do it."  
24 And I really and truly believe that if she'd have seen  
25 something go down, she would have told me. She would have



1 told me or her Mawmaw [sic] but at the time, yeah, she was  
2 pissed off at me.

3 MS. BRIDENSTINE: Did you ever have any  
4 conversations with police regarding this case?

5 MS. BLACK: No, you're the first one that have  
6 talked to me

7 MS. BRIDENSTINE: So, no one from the District  
8 Attorney's Office ever talked to you?

9 MS. BLACK: Nobody has ever contacted me, ever.

10 MS. BRIDENSTINE: Did you ever go with Jessica to  
11 any type of a court proceeding or meeting --

12 MS. BLACK: Never.

13 MS. BRIDENSTINE: -- with anyone?

14 MS. BLACK: Never went to none of it.

15 MS. BRIDENSTINE: Did you ever have anyone from the  
16 police department or the DA's Office come to your house when  
17 Jessica was - was with you?

18 MS. BLACK: No.

19 MS. BRIDENSTINE: Did Jessica talk to you about her  
20 relationship or - or her communications with the police or the  
21 District Attorney's Office while these cases were pending?

22 MS. BLACK: No. Jessica has not told me anything  
23 other than what I just told you, and I guess because she was  
24 scared.

25 MS. BRIDENSTINE: Do you know if Jessica has talked



1 to anyone else about this case, other than --

2 MS. BLACK: No.

3 MS. BRIDENSTINE: -- you?

4 MS. BLACK: Nobody else --

5 MS. BRIDENSTINE: -- you or us?

6 MS. BLACK: -- knows about this. Nobody other than  
7 her family knows that this ever even happened. Nobody knows.

8 MS. BRIDENSTINE: Did anyone from your family go to  
9 court with Jessica --

10 MS. BLACK: No.

11 MS. BRIDENSTINE: -- when she testified?

12 MS. BLACK: Nope, not one person. That's another  
13 thing that pissed me off because that youngin' shouldn't have  
14 been put in that situation by her damn self. Somebody  
15 should've been with her, but they wouldn't let me. They  
16 wouldn't - they kept all of this from me 'cause they know how  
17 I am.

18 MS. BRIDENSTINE: Who kept it from you?

19 MS. BLACK: All of them. The whole damn family did.

20 MS. BRIDENSTINE: Okay. So, you're talking about  
21 your mom?

22 MS. BLACK: Yeah, because they know.

23 MS. BRIDENSTINE: Did anyone go to court with  
24 Jessica from your family?

25 MS. BLACK: No. I just told you; nobody went.



1 MS. BRIDENSTINE: Okay.

2 MS. BLACK: She didn't have no support from the  
3 family with her at all. She was a pregnant teenager by  
4 herself.

5 MS. BRIDENSTINE: I think that's all the question I  
6 have, unless there's anything significant about this case or  
7 anything you know that we haven't talked about yet.

8 MS. BLACK: No. It's like I told you, I don't know  
9 anything. All this shit was kept from me.

10 MS. MATOIAN: Is there anyone else in your family  
11 that you - you think would know anything, that Jessicah was  
12 close to and may have talked to?

13 MS. BLACK: They're all dead. I had two brothers,  
14 my mom - we lost her five years ago. I've lost my father, my  
15 grandparents. One brother OD'd after we lost momma, and then,  
16 one they found hanging in a tree in Lexington.

17 MS. MATOIAN: I'm sorry.

18 MS. BRIDENSTINE: I'm sorry to hear that.

19 MS. BLACK: Shit.

20 MS. BRIDENSTINE: We appreciate your time. If you  
21 think of anything else, you have my card, please give me a  
22 call. If I think of anything else, could I give you a call?

23 MS. BLACK: Yeah, that's fine.

24 MS. BRIDENSTINE: What's your phone number?

25 MS. BLACK: 3-3-6 4-9-3 --



1 MS. BRIDENSTINE: 4-9-3 --

2 MS. BLACK: 0-0-1-1.

3 MS. BRIDENSTINE: All right. All right. Thank you  
4 so much, Ms. Black, we appreciate it.

5 MS. MATOIAN: [Indecipherable] nice to meet you.

6 MS. BLACK: Y'all have a good one.

7 MS. BRIDENSTINE: Thank you.

8 **[The recording stopped.]**

9 **[END OF TRANSCRIPT]**



State v. Jermal Tolliver  
State v. Nathaniel Cauthen  
State v. Jermal Tolliver

02 CRS 38886  
02 CRS 38884  
02 CRS 38882

December 18, 2019 22

STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 02 CRS 38886  
02 CRS 38884  
02 CRS 38882

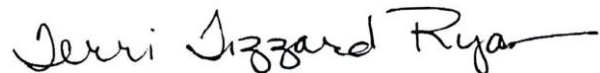
STATE OF NORTH CAROLINA, ]  
Petitioner, ]  
vs. ]  
CHRISTOPHER BRYANT, ]  
Defendant, ]  
NATHANIEL CAUTHEN, ]  
Defendant, ]  
JERMAL TOLLIVER, ]  
Defendant. ]

C E R T I F I C A T I O N

TAMARA MICHELLE BLACK  
Interview

I, Terri Tizzard Ryan, having been assigned to transcribe the above-captioned Interview from December 18, 2019 do hereby certify that said hearing, pages 1 through 22, inclusive, is a true, correct and verbatim transcript of said proceeding to the best of my ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of the action.



Terri Tizzard Ryan  
Transcriptionist



# Handout 8



# HOUSTON★CHRONICLE

HoustonChronicle.com | Chron.com

Dear Nelson,

This is Hunter Atkins, a reporter with the Houston Chronicle, a newspaper in Houston, TX.

I have spent two years investigating a 2002 murder that happened on the south side of Winston-Salem. It involved a group of teenagers that grew up near you: Nathaniel Cauthen ("Stinky"), Rayshawn Banner, Dorrell Brayboy, Christopher Bryant ("Bubba") and Jamel Tolliver ("Mel"). Stinky and Rayshawn are brothers.

Back then and in the years since, a lot of incorrect information snowballed. But I recently discovered new evidence that shows they did not commit the crime.

WSPD detectives interviewed you as part of the investigation because you hung out with those guys at Bubba's house on Nov. 15, 2002 – the day of the crime.

I'm unsure how much you remember, but I can jog your memory. I'm most interested in learning how the detectives approached you and questioned you.

My reporting likely will reveal the injustice that happened to those guys. Speaking with you is another important step toward that.

I am more than happy to explain more about myself and my reporting. Please call me as soon as you can: 917-774-5674.

Thanks so much,

Hunter

~~230 W. Alabama St. #1001~~  
4 Chelsea Blvd. #1504  
Houston, TX 77006

917-774-5674



# Handout 9





NC Center on Actual Innocence <admin@nccai.org>

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## Call

1 message

---

NC Center on Actual Innocence <admin@nccai.org>

Thu, Feb 21, 2019 at 4:14 PM

To: Chris Mumma <cmumma@nccai.org>

We received a call from reporter Hunter Atkins w Houston Chronicle. He would like to discuss Nathaniel Cauthen's case (#0849870, we reviewed and closed in 2009. No new evidence. Inmate raises issues w Miranda rights and threats of lethal injection-all issues raised on appeal. PLS filed MAR. we reviewed TT in 2011) COA opinion attached. He also wants to discuss how we decide which cases to take and what about Cauthen's case compelled us to review. He may be reached at (917) 774-5674 and hhatkins@gmail.com

---

Cauthen, Nathaniel - 2006.7.18 COA opinion.pdf  
138K



**Forms, numbers, emails**

Hunter Atkins <hhatkins@gmail.com>

Wed 3/6/2019 12:16 PM

To: Christine Mumma <c\_mumma@hotmail.com>

Good afternoon. I'm waiting to hear back from Bryant.

I've got emails and phone numbers for Tolliver and Brayboy to give you.

In terms of their consent forms to allow you and I to discuss their case, how can they receive those? Is it an email form or online or over the phone?

Brayboy asked me that, since he does not have a printer or a scanner or a fax machine, etc.

Please let me know what I may do to help. And thank you for yours.

--

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)



**Re: Waivers from Brayboy and Tolliver**

Hunter Atkins <hhatkins@gmail.com>

Thu 3/7/2019 4:32 PM

To: Christine Mumma <c\_mumma@hotmail.com>

 1 attachments (82 KB)

IMG\_1464.jpg;

And here is Bryant's. He sent me a photo of the document. It's blurry. The best he could do, it seems. Let me know if that works.

As for the Commission, Bryant said he did not hear anything about a formal inquiry and, he said, has not heard from a lawyer in probably 18 months.

On Thu, Mar 7, 2019 at 12:43 PM Hunter Atkins <hhatkins@gmail.com> wrote:

Waiting on Bryant.

Here is their contact info:

Dorrell Brayboy +1 (404) 423-5093  
Christopher Bryant +1 (336) 920-2869  
Jamel Tolliver +1 (336) 473-9640

--

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

--

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)



## **Waivers from Brayboy and Tolliver**

Hunter Atkins <hhatkins@gmail.com>

Thu 3/7/2019 12:43 PM

To: Christine Mumma <c\_mumma@hotmail.com>

 2 attachments (2 MB)

Brayboy.jpg; Tolliver.jpg;

Waiting on Bryant.

Here is their contact info:

Dorrell Brayboy +1 (404) 423-5093

Christopher Bryant +1 (336) 920-2869

Jamel Tolliver +1 (336) 473-9640

--

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)





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**Fw: intro to Houston reporter**

1 message

---

**Christine Mumma** <c\_mumma@hotmail.com>  
To: "admin@nccai.org" <admin@nccai.org>

Fri, Mar 8, 2019 at 9:53 AM

Please add this to the Bryant file

---

**From:** Hunter Atkins <hhatkins@gmail.com>  
**Sent:** Wednesday, February 27, 2019 3:50 PM  
**To:** Mandy Locke  
**Cc:** Christine Mumma  
**Subject:** Re: intro to Houston reporter

Thanks for the introduction Mandy.

And to Ms. Mumma, I would love to chat whenever you may have the time. Thanks so much,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Wed, Feb 27, 2019 at 3:18 PM Mandy Locke <mandylocke@gmail.com> wrote:  
Chris,

Knowing you, you are running crazy and fighting fires.

A Houston Chronicle reporter (copied here) has recently been in touch about an old case. I've attached a letter your center sent in 2012 inquiring about what evidence may exist in the case.

He is in NC this week and is working like crazy to lay hands on all materials that might still exist. I have no knowledge about the particulars of this case, so consider me just a conduit.

When I saw your center's name, I knew you could help steer him. As you know, not all lawyers have your level of graciousness with members of the media. I think he might have left a message before, but I wanted to try and put higher on your radar as a favor for a fellow journalist.

Hunter Askins works for The Houston Chronicle, which is the newspaper Steve Riley now runs. His cell is 917-774-5674

Best,  
Mandy





---

**Fw: Waivers from Brayboy and Tolliver**

1 message

---

**Christine Mumma** <c\_mumma@hotmail.com>  
To: "admin@nccai.org" <admin@nccai.org>

Fri, Mar 8, 2019 at 11:26 AM

---

**From:** Hunter Atkins <hhatkins@gmail.com>

**Sent:** Friday, March 8, 2019 10:59 AM

**To:** Christine Mumma

**Subject:** Re: Waivers from Brayboy and Tolliver

Good morning Chris. Might you be free to schedule an interview and discuss the case on Monday afternoon?

On Thu, Mar 7, 2019 at 4:31 PM Hunter Atkins <hhatkins@gmail.com> wrote:

And here is Bryant's. He sent me a photo of the document. It's blurry. The best he could do, it seems. Let me know if that works.

As for the Commission, Bryant said he did not hear anything about a formal inquiry and, he said, has not heard from a lawyer in probably 18 months.

On Thu, Mar 7, 2019 at 12:43 PM Hunter Atkins <hhatkins@gmail.com> wrote:

Waiting on Bryant.

Here is their contact info:

Dorrell Brayboy +1 (404) 423-5093  
Christopher Bryant +1 (336) 920-2869  
Jamel Tolliver +1 (336) 473-9640

—  
917-774-5674

www.HunterAtkins.com

—  
917-774-5674

www.HunterAtkins.com

—  
917-774-5674

www.HunterAtkins.com



**Re: Following up on the Chris Paul story**

Christine Mumma <c\_mumma@hotmail.com>

Mon 3/11/2019 11:44 PM

To: Hunter Atkins <hhatkins@gmail.com>

See below.....

---

**From:** Hunter Atkins <hhatkins@gmail.com>

**Sent:** Monday, March 11, 2019 11:09 PM

**To:** Christine Mumma

**Subject:** Following up on the Chris Paul story

Thank you again for taking so much time. Here are the items on the to-do list:

1) Please let me know which of the five co-defendants you had as clients, and thus determine which of them can get online access to their files. (Among Banner, Bryant, Brayboy Cauthen and Tolliver, it seems that only Bryant and Tolliver were clients, and that all the available information the Center gathered for this case will be their files specifically.) Then, you can email the guys their files digitally (which they can choose to share with me). Will those digital files be Dropbox or something like that? **I have files for Bryant, Cauthen, and Tolliver. Brayboy wrote but never filled out the paperwork. We don't have anything for Banner.**

To save a step, here are the **emails for Bryant ([Spacefresh0114@gmail.com](mailto:Spacefresh0114@gmail.com)) and Tolliver ([jamelT1225@gmail.com](mailto:jamelT1225@gmail.com))**. Please let me know if you require an email address from one of the others. Also please let me know if/when you email them their files.

2) Might you have Tom Keith's contact info? A cell number would be ideal. **Last number I have for him is 336-816-5777. Don't tell him it came from me.**


3) May you please share contact info for the defense attorneys the Commission appointed for Cauthen and for Bryant. **Bryant is represented by the Forsyth County Pubic Defenders Office and Cauthen is represented by Julie Boyer.**

4) May you please share contact info for David Bollinger? [davidb@pickupmytrash.com](mailto:davidb@pickupmytrash.com)  
**Here's the case info: <https://www.nccai.org/johnny-small/>**



Johnny Small, convicted at age 16, exonerated but still awaiting Pardon – North Carolina Center on Actual Innocence - North





## Carolina Center on Actual Innocence – Identify, Investigate and Advance Towards Justice

Case Background. On July 13, 1988, Pamela Dreher was shot and killed in the fish store she owned in Wilmington, North Carolina. At 5:38 p.m., Ms. Dreher was seen alive by her last known customer.

[www.nccai.org](http://www.nccai.org)

Lastly, please let me know if there is anything else I should look into. For example, I have had a difficult time getting the police to explain to me how they conducted their investigation of the crime scene and how they vetted other potential suspects. I've tried talking with retired officers, and they notified the current department. I know that's a lofty goal for me, but perhaps you have advice on how I can figure out that info. I'll also take any other suggestions you have for me in general. What more would you do in my shoes if you wanted to add (or test) the credibility of the boys' innocence? **polygraphs**

If I ever run into Michael Jordan, I promise I will tell him about the Center and the information Christine Mumma is eager to share with him.

Thanks so much and please let me know if there is anything else I may do.

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)



## Re: Follow up questions

Christine Mumma <c\_mumma@hotmail.com>

Sat 3/16/2019 10:11 PM

To: Hunter Atkins <hhatkins@gmail.com>

Wow. Not reading all of this right now, but all I needed was the first line. I wanted to know the deadline and why it's the deadline.

---

From: Hunter Atkins <hhatkins@gmail.com>

Sent: Saturday, March 16, 2019 9:51 PM

To: Christine Mumma

Subject: Re: Follow up questions

The goal is for me to hand in a story on April 4.

Three weeks may seem like a long time, but it will move very fast and be increasingly difficult for me to get everything done now that I have to do all of my reporting over the phone. (I left N.C. last week.)

My story, published and shared worldwide, might report that the five boys convicted of killing Chris Paul's grandfather were forced into false confessions. That is not something I can put out into the world without more vetting, verifying, deep understanding of the context of what, when and why people "said" things related to a case with little hard evidence I can point to as unquestionable.

I am certain I can get further to understanding if these men (boys at the time) did or did not do this.

But I cannot publish that as of right now. And I need to get closer to being able to publish that in the next three weeks.

I am focused on vetting the credibility of their claims of innocence. I know what the convicted men say and what everyone on their side of this has to say. What I need is to gain more information that might be considered objective or even counter to what they have told me.

For all the reporting I have done, I need more than what I currently have. That information is in transcripts that I do not have. It is in the memories of people I have yet to interview. It is in the statements of people I must re-interview and learn why exactly they said the things they said, especially if they appear to be wrong or lying or taken out of context.

It is significant when Christine Mumma tells me that Clark Fischer said his client admitted to guilt in a statement from 2012. But I cannot rely solely on her telling me this. I must do what I can to see how Fischer phrased that in his statement to the Center. I must try to understand the context. (As you may recall, you initially told me that when Fischer spoke with the Center about his client, Fischer "said he did it," but after reviewing his statement with me on the



phone, we realized Fischer actually said his client was with the boys before and after the crime. I would have mislead readers if I went with your initial statement to me, so I am glad I asked for Fischer's exact wording.) Then I must try to go back to Fischer to ask him if the information is accurate. Then I have to see how that fits with what I have been told by his former client, Jamel Tolliver (that he never did anything and the entire crime was fictitious) and likely ask Tolliver about how he can explain his lawyer contradicting a claim of innocence.

You ask why I am in a rush? Because all of this requires I work everyday to hustle for more information and each piece of information affects the others.

The more information I can gain today will help me each day forward to keep everyone in check, clarify what I have been told before or inform my next target for interviews. If someone -- the accused, a mom, a lawyer, a cop -- tells me something, I cannot take it as truth. The stakes are too high. Not enough information is agreed upon.

I am applying the highest standards and ethics of journalism for this story. Normally I could have Chris Paul tell me a detail about a basketball game and I can take his word for it, no vigilance required. But the combination of foggy memories and conflicting accounts (the boys' vs. the cops' being the biggest one) would not be so critical for me to vet were the stakes of this story not so enormous. This is about murder and, it seems, wrongful convictions, celebrity involvement, police incompetence, etc. I might wind up writing something that helps these men get exonerated. Or -- deep breath here -- I might find out information that reveals these boys have been bold-face lying for 17 years and tricked me. As much as my reporting currently suggests the boys were wronged, I have to continue to report and work hard to determine where the credibility leans.

I have such little hard evidence to work with that I am forced to exhaustively vet what everyone is telling me. There is a lot of he said, she said to this, but I have done a good job so far clearing the fog and getting a more truthful account of what happened in this case.

As for why I am in a rush and would be so grateful for your continued help (but also am fearful of upsetting you because I know you're busy)?

Your insight and, more importantly, your files might inform me of things I do not know. Or maybe it will give me an idea for where I will look next for more information.

My problem is that I still am limited because I do not have the following:

1)...all transcripts of the court testimony in the two trials (first was in Aug. 2004, the second was in May 2005), which would let me read specifics about evidence introduced and exactly what was said at trial, particularly on the side of the police and prosecution. When one of the moms says to me, "How come the police didn't find any fingerprints?" or "Why wasn't Mr. Jones' nephew, Terrance Jones, a suspect?" I do not know how to respond to that. I am not a cop or a lawyer, but there might be a reasonable explanation I'm unaware of;

2)...cooperation from the Winston-Salem Police Department to help me understand how they



investigated the crime, and perhaps put to rest lingering questions about overlooked suspects and seemingly sparse evidence. Why was there one forensic found (the shoe prints) at a bloody crime scene with five teenagers, who allegedly used sticks, touched the victim's body, did not wear gloves and went to two convenience stores that police discovered did not keep the electrical tape in their inventories or have surveillance footage to prove the boys shopped there? And how much did the Nike shoes found really match the gel lifts taken off the hood of the car? A trial might not have needed to vet these hard questions for police so thoroughly, but a journalist testing claims of innocence definitely does. I am open to being persuaded that all of these questions have rational answers, but I must do what I can to vet them in the absence of police cooperation. The transcripts might have the answers in them somewhere;

3)...former lawyers for the defense expressing confident memories of how pretty much anything at trial happened. All of them (except for the incarcerated Bob Leonard) told me they no longer have their notes. Hier told me she does not remember *anything*. Gerber, Fagerli and Fischer do not remember much about the alleged crime or the conversations they had with their clients, which makes me have to work *really* hard to understand the context of their interviews with the Center. If they were working off memory and their memory is not good, I need to prove that through reporting and better judge their statements. It is the only way to contextualize why the defense lawyers would say that their clients did this crime (when we know their clients for years have said they are innocence). I do not have much material on this exact issue. So I need to keep asking, keep reading and keep investigating. Reading the Centers files on the boys will allow me to know the exact language their lawyers used. I need to have an exact understanding of that. Then I can go back to the lawyers, and ask them to confirm or clarify (which they have been kind to do with me, at times). As of this moment, I do not think there is enough clear information to know if the lawyers for the defense are saying that their clients -- then and now -- are lying about their innocence. Conversely, if the lawyers are saying that, I need to investigate the circumstances in which their clients admitted to being involved. I get the sense that when the men were teens they did not comprehend how their lawyers were arguing their cases, that their lawyers years later would be interviewed and say the boys privately admitted to involvement in the crime. This is a complicated but critical part of the story I must vet. I have to know -- credibly -- if these men ever told anyone they did this crime because that would contradict my months of reporting. I am confident I can figure that part out, but I have to be proactive and try to gain ground every day. I have to be diligent. I cannot rely on second- or third-hand accounts alone;

Please forgive me for this long email, but I hope that my transparency will persuade you of my sincerity and ethics as a reporter. This story is a big deal. I cannot get it wrong. The files you have on these boys will help me get it right.

Thank you, as always,

Hunter

917-774-5674

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On Sat, Mar 16, 2019 at 8:16 PM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

Why is there a rush for the story?

Sent from my iPhone

On Mar 16, 2019, at 7:56 PM, Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

I am happy to answer those and any questions you have, but I do not quite know what you mean when you ask "why?"

Why am I writing this story? Or why do I hope to see their files?

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Sat, Mar 16, 2019 at 7:51 PM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

What is the timing of your story and why?

Sent from my iPhone

On Mar 16, 2019, at 5:02 PM, Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

I understand completely. I apologize for pestering.

You are an invaluable resource. In addition to Mark Carver, it is clear that you also can make an impact on the lives of the five guys in the case we have discussed. They are not your clients, of course, but journalism can be a means for correcting injustice, too.

I do not want to disrespect you, the Center, or any of your clients by occupying your time (you have given me several hours of it already). I only want to be a diligent reporter on a story that has the highest of stakes. I cannot afford any inaccuracies. I have to be extra thorough. I am doing my best.

One of the crappiest parts of being a reporter is that I have to rely on others for favors--to answer a call, to devote their personal time to talk, to connect me with others, etc. I hate burdening anyone, especially someone tirelessly devoted to others like yourself.

If you wind up having the chance to help me out again in the next week, I would be elated. I promise that it is only one more week that I would be relying on your help.



Their files are all I am hoping to see.

Those files can clarify many of the questions I have. You had said that you could share their files with them, so all I want to do is help facilitate that. I would be out of your hair at that point.

But if not, I understand, and please accept my apology for any inconvenience.

Thank you for everything,

Hunter

917-774-5674

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On Sat, Mar 16, 2019 at 4:48 PM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

Hi, Hunter. How I spend my time between now and April 12th will impact Mark Carver's life. I can't take any more time to go through the files right now, and there's no way for you to help. I'm sorry.

Sent from my iPhone

On Mar 16, 2019, at 4:38 PM, Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

Hey Chris, just circling back. I completely understand if there is not enough time right now for these questions, but I wanted to be diligent about checking in.

Please let me know if there is more I may do to help the guys receive their digital files.

Thanks as always for taking the time to help,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Thu, Mar 14, 2019 at 2:49 PM Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:  
My apologies. I did not intend to make it sound easy.



May I help expedite the process? If you are interested in talking with them, I would be happy to give you their phone numbers. They are easier to get hold of over the phone.

Please let me know if there anything I may do to make things easier.

On Thu, Mar 14, 2019 at 2:46 PM Christine Mumma

<[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

I can't email them until I go through them for work product, Hunter. Not as easy as it sounds.

---

**From:** Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)>

**Sent:** Thursday, March 14, 2019 10:03 AM

**To:** Christine Mumma

**Subject:** Re: Follow up questions

No worries about answering those longer questions later, but if you might have time today to email me or the guys their files, that would be extremely helpful.

Email addresses for Bryant ([Spacefresh0114@gmail.com](mailto:Spacefresh0114@gmail.com)) and Tolliver ([jamelT1225@gmail.com](mailto:jamelT1225@gmail.com)).

You had mentioned Cauthen has a file. If you might be generous enough to share his whole file directly with me, I would be so grateful.

Thanks so much, as always,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Wed, Mar 13, 2019 at 10:14 AM Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

No worries. I appreciate you taking the time.

On Wed, Mar 13, 2019 at 9:43 AM Christine Mumma

<[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

Got your email and will respond as soon as I have some time. It may not be until the weekend. I'm swamped.

Sent from my iPhone



On Mar 13, 2019, at 9:02 AM, Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

Hey Chris, I wanted to confirm if you have had a chance to email Bryant and Tolliver their files. Also, I have some more questions.

1) You had mentioned that Dorrell Brayboy wrote a handwritten response, saying he would serve the rest of his time. Might I see that letter or anything else you may have on him?

2) You had mentioned that because post-conviction law has a lot of limitations, a convict can't raise a claim that could've been raised at the time of trial. But what about a request for new technology to be used to conduct the same type of test (say, a DNA test, but one that might be more accurate with newer technology)?

Or what about the DNA samples be cross-checked again with an updated criminal database for a potential new match? (This idea came to me because of the Central Park Five. The exoneration required the real rapist come forth years later and admit to the crime, but it turned out that the NY criminal justice system had his DNA all long but never thought to re-check the DNA in the case with an updated database.)

3) Fischer and Gerber told the Center that, based off their memories and without their files on hand, their clients (Jermal Tolliver and Christopher Bryant) essentially were guilty because they were involved in the crime to some degree. This still vexes me.

What are your thoughts about this idea I have: I wonder if at the time, the 15-year-olds did not comprehend the differences in saying they were "not guilty" versus "completely innocent," that they did not realize they explicitly had to "claim innocence." This legal language seems very important in retrospect. Perhaps their ignorance came back to hurt them about a decade later, when their lawyers were interviewed.

With the exception of Rayshawn Banner, whom everyone I have spoken with says was *not* even with the group that day, the guys currently admit to being at the park around 6 pm that day. They admit to being together that day and night. They admit to Jessica Black driving them around. Those are of consensus. But each guy claims that any involvement and all details of the crime were fiction strung together by police and coerced out of them in confessions. Tolliver, for instance, might have instinctively answered questions



about being with his friends before and after the crime supposedly happened. But it would be an entirely different thing for him to say to his lawyer something like, "I hung back while the other guys killed this man, and when they were done, we all went to a bowling alley." That kind of specific acknowledgement is important for me to distinguish -- if it is even possible for me to distinguish.

I am still open to the idea that I was lied to, that they are guilty of this crime. But that is not the impression I have after my dozens of hours of interviews and quality time with the boys and their families this month. So, it is hard for me to fathom the boys honestly telling their lawyers that they took part in the crime (especially when their court-appointed lawyers were commenting off of memory a decade after the crime took place).

I am trying hard not to bias my opinions or commit to conclusions, but this exact conundrum has pushed me to conjecture and speculate in unusual ways.

Please tell me your thoughts about all of this, especially if I am overreaching.

Thanks so much, as always,

Hunter

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917-774-5674

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917-774-5674

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**Re: Links**

Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)>

Tue 3/19/2019 1:43 PM

To: Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)>

Definitely.

I'm still confused about what the exact rules in NC are for destroying documents/court records.

In my fruitless hunt for transcripts, you are the only person who has had any (even just a portion).

None of their public files have the transcripts, of course. The court reporters I contacted told me their copies had been destroyed.

What is this rule? And how many years must pass before they are destroyed? And why are they destroyed?

On Tue, Mar 19, 2019 at 12:40 PM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

Visual recording from start to finish so we would know where the facts come from - them or law enforcement

Sent from my iPhone

On Mar 19, 2019, at 1:10 PM, Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

How do you think that would have changed things?

On Tue, Mar 19, 2019 at 7:55 AM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

Just want to point out that if the case happened today, it would likely have been different because of recording of interrogations

Sent from my iPhone

On Mar 18, 2019, at 12:56 PM, Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

Fair enough. I appreciate it.

On Mon, Mar 18, 2019 at 12:55 PM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:



I haven't looked, but I also can't tell you.

Sent from my iPhone

On Mar 18, 2019, at 12:30 PM, Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

If I may ask, according to the docs in his file, what was the reason The Center stopped looking into Cauthen's case?

On Mon, Mar 18, 2019 at 12:06 PM Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

I understand. I appreciate everything you've given me and all the time you've taken to help me. Thank you so much.

On Mon, Mar 18, 2019 at 12:04 PM Christine Mumma

<[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

I can not give you access to anything in his file without a release from him. It would be an ethical violation.

Sent from my iPhone

On Mar 18, 2019, at 1:33 AM, Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

Thank you so much.

If there is anything else I may do to see Cauthen's full file, please let me know. His mother, Theresa Banner, would approve of me accessing it, if she would be allowed to have that authority. If not, I would be so grateful to read from Cauthen's file the interviews the center conducted, which might be in the "People" folder or at least are referenced in "Correspondence with Center" -- all of which would be extremely informative for me to read.

Thank you again, profusely,

Hunter

917-774-5674

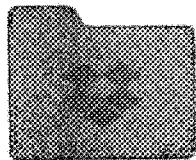
[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Mon, Mar 18, 2019 at 1:13 AM Christine Mumma

<[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:



Link to Bryant: <https://www.dropbox.com/sh/dczcip71wwxkkbd/AACXGmD5u1a9fXEbNB7OScVpa?dl=0>



Bryant, Christopher

Shared with Dropbox

[www.dropbox.com](https://www.dropbox.com)

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**From:** Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)>

**Sent:** Monday, March 18, 2019 12:47 AM

**To:** Christine Mumma

**Subject:** Re: Links

Thank you so incredibly much. Especially at this late hour.

If there is anything else I may do to 1) see any more transcripts in Bryant's file and 2) facilitate the approval from Bryant and Cauthen to let me see their full files, please let me know. (Admittedly, I do not expect I could facilitate things directly with Cauthen because of the sluggish prison communication.)

Thank you for everything,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Mon, Mar 18, 2019 at 12:43 AM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

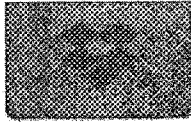
Brayboy: [https://www.dropbox.com/sh/kdubai2sc9ihfnt/AAAK65Ec69Cfb3\\_cXyC22G73a?dl=0](https://www.dropbox.com/sh/kdubai2sc9ihfnt/AAAK65Ec69Cfb3_cXyC22G73a?dl=0)



Brayboy, Dorrell

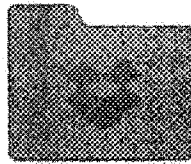
Shared with Dropbox





[www.dropbox.com](https://www.dropbox.com)

Tolliver: [https://www.dropbox.com/sh/j3l8i87b2ehp7sf/AAeZaaDbr3uQrVuQ\\_gsHxgYa?dl=0](https://www.dropbox.com/sh/j3l8i87b2ehp7sf/AAeZaaDbr3uQrVuQ_gsHxgYa?dl=0)



Tolliver, Jermal

Shared with Dropbox

[www.dropbox.com](https://www.dropbox.com)

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## Your guidance on this

Hunter Atkins <hhatkins@gmail.com>

Wed 3/27/2019 9:06 AM

To: Christine Mumma <c\_mumma@hotmail.com>

I could use your expertise as a lawyer.

Understandably, prosecutors in the Nathaniel Jones case, were not very transparent with the information that police gathered. I understand that the prosecution does not have to be because it wants to present only enough evidence to persuade the jury.

But I am wondering, was the defense allowed to request more evidence from police to present at trial? Evidence that the prosecution did not offer up on its own?

I wonder about the following:

1) In an effort to discredit the continuity of the confessions, why didn't one of the defense attorneys request that police provide the full statements from each of the five defendants, present them to the jury and try to show that the extraneous information made the confessions more inconsistent than the prosecution was letting on?

2) The break for police came when Arlene Tolliver, the mother of defendant Jermal Tolliver, called, allegedly mentioned her son was acting weird and said officers could come by to speak with him. But her exact statement was not presented at either trial. (Arlene has claimed the police manipulated and misrepresented her.) Why wouldn't a defense attorney ask the police/state for the mother's statement to show the jury exactly what was or was *not* said about Jermal?

Are these things that the defense is allowed to inquire about or outright request at trial?

Sure, the defense mentioned that their clients were claiming the police had coerced them, but it appears that no defense lawyer tried that hard to discredit the confessions or the police work. (The defense also might have been disjointed or obfuscated because the case was split into two trials, so, for example, a lawyer defending one of Cauthen or Banner in Trial 1 would not spend time worrying about how the police might have manipulated Arlene Tolliver, who's son was a defendant in Trial 2.)

Please let me know what the law allows and what you think of my theories whenever you may have the time. Thanks, as always,

Hunter

917-774-5674

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**Re: Your opinion on Cauthen's MAR**

Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)>

Sun 3/24/2019 6:03 PM

To: Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)>

Helpful to know. Thank you.

On Sun, Mar 24, 2019 at 4:53 PM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

It depends if they are able to identify physical evidence that would be strong enough to override any admissions of guilt. They've seen false confessions before.

---

**From:** Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)>

**Sent:** Sunday, March 24, 2019 4:48 PM

**To:** Christine Mumma

**Subject:** Re: Your opinion on Cauthen's MAR

Thank you for taking the time for such a thorough answer.

Do you have any idea how the Commission views a MAR? Would this typically close a Commission's review (if their standard is "complete innocence" and all...)?

On Sun, Mar 24, 2019 at 12:01 PM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

The admission can not ethically be made without the client's permission, but that's not to say that all attorneys get permission. Only Cauthen and his attorney can know. I will say that the MAR was one of the reasons we closed the cases. Once the MAR is filed, you've lost the chance to ever raise a claim that was or could have been available at the time the MAR was filed.

The admission can be used against him, just as showing remorse in an effort to get parole can be used against someone when they later try to prove innocence. Most people who are familiar with the justice system understand that trying to gain freedom can be highly motivating to give false admissions, but prosecutor and judges are likely to use those admissions against the person who made them.

---

**From:** Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)>

**Sent:** Saturday, March 23, 2019 4:24 PM

**To:** Christine Mumma

**Subject:** Your opinion on Cauthen's MAR

Nathaniel Cauthen filed a Motion For Appropriate Relief filed in Superior Court on May 11, 2011.

In it, it appears he admitted that he harmed Jones enough to cause Jones' death. It states: "There is no dispute that Nathaniel's actions proximately caused the death of Mr. Jones. And there is no dispute that Nathaniel should be held responsible for the conduct that



proceeded Mr. Jones' death."

This seems to be a damning statement for someone who -- now and for years -- has claimed complete innocence. Am I incorrect to think that?

Is a MAR viewed as a significant document? Are the statements in it viewed as significant and as coming directly from the voice of the convicted person (even though they were made on his behalf by an attorney)?

Trying to understand the degree to which a MAR might be considered an admission of guilt/involvement.

Thanks,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

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917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

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917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)



## Searching for sneaker analysis and police statements

Hunter Atkins <hhatkins@gmail.com>

Mon 4/15/2019 8:39 PM

To: Christine Mumma <c\_mumma@hotmail.com>

📎 4 attachments (1 MB)

Bryant, Christopher - Excerpt of PLS file.pdf; Bryant, Christopher - 2011.11.18 Memo for Further Review.doc; Bryant, Christopher - 2011.11.28 interview analysis worksheet.xlsx; Bryant, Christopher - 2011.11.28 timeline worksheet.xlsx;

No worries on the PISTOL inquiry.

I could use your guidance on another matter. My reporting is going very well. Here are two lingering areas in question:

1) The only piece of physical evidence implicating the five defendants in this case was SBI's shoe analysis of a pair of Nike sneakers. The pair was obtained from a closet shared by brothers Banner and Cauthen. It was linked to a set of shoe prints found on the hood of the victim's car.

I have yet to find info in any court docs that explain exactly how the shoes were linked to Banner, specifically. Repeatedly the shoes are stated to be his.

I also have not found anything on SBI's analysis of the sneakers, beyond one mention in a case file that they were size 9 and matched "general wear" of the prints on the hood. I couldn't figure out if the prosecution presented an expert witness to testify to the credibility of SBI's shoe print analysis. (The transcripts you generously shared with me do not list such a witness.)

I did, however, come across what appeared to be a very informative excerpt of a PLS file that the Center had in its folder on Christopher Bryant. It is attached. I actually wish the Center had been able to get its hands on PLS' entire file (or if the Center did, that you might consider sharing it with me). It begins with a page that looks like a portion of police notes about the crime. Then it includes SBI's blood analysis of the evidence seized in the crime. It mentions the Nike sneakers/prints, but it does not include the analysis/testing SBI did with them.

Might any other folders you have on Nathaniel Cauthen or Rayshawn Banner include any information specifically about the exact Nike shoes/prints introduced at trial?

2) Understandably, I have yet to find copies of all of their police statements/confessions. (Cauthen's and Tolliver's were in their Clerk's Office files by sheer luck.) In the portion of the trial 1 transcripts you shared with me, Teresa Hier references Cauthen's statement being 25 pages long. There also are other references to redacted and summarized versions of the statements, which prosecutors apparently introduced at the first trial.

Among the files you kept on Christopher Bryant, some word and excel docs seem to analyze



the five defendants' confessions for their potential consistency. (I have attached those specific files, if you wish to see.)

My question is: what original documents did the Center use to analyze the defendants' statements to police? Did you guys at one time have all of their full statements? (If so, they are not included in the files from Bryant, Brayboy or Tolliver that you kindly shared with me.)

There is a Center word doc with summaries of the statements in Bryant's file (attached), but I still am wondering what is the original source of the information on which this word doc was based.

Without the court transcripts it seems that everyone looking into the case years later was flying blind. But maybe y'all were able to see the original statements somehow.

Let me know what you think and thanks so much,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)



## Police statements/confessions

Hunter Atkins <hhatkins@gmail.com>

Sat 5/18/2019 9:01 AM

To: Christine Mumma <c\_mumma@hotmail.com>

 1 attachments (118 KB)

Bryant, Christopher - 2011.12.2 timeline memo.docx

Howdy from Houston.

You kindly shared with me this Excel file, which is in Christopher L. Bryant's folder. It is analysis of all the confessions/statements the five defendants gave police on Nov. 19-20, 2002. This suggests the Center had copies of their confessions.

Might you still have any or all five of their confessions? (None were in the files you generously gave me.) They might be in Nathaniel Cauthen's file.

Thank you so much, as always,

Hunter

917-774-5674

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**Re: IIC experience**

Hunter Atkins <hhatkins@gmail.com>

Mon 6/3/2019 5:10 PM

To: Christine Mumma <c\_mumma@hotmail.com>

Good point.

On Mon, Jun 3, 2019 at 8:26 AM Christine Mumma <c\_mumma@hotmail.com> wrote:

What would be the significance to you if your case was being heard?

If nothing else, the confidence of the defense bar is impacted.

Sent from my iPhone

On Jun 2, 2019, at 8:21 PM, Hunter Atkins <hhatkins@gmail.com> wrote:

I did not see that. What is the significance of that?

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Sun, Jun 2, 2019 at 7:15 PM Christine Mumma <c\_mumma@hotmail.com> wrote:

Could be because they haven't been able to coordinate the schedules for the three judges, could be that they are trying to figure out if they need time for a full hearing or the DA is going to consent, which only takes half a day.

Did you see that a career prosecutor was appointed as the "defense attorney" alternate?

---

From: Hunter Atkins <hhatkins@gmail.com>

Sent: Sunday, June 2, 2019 7:56 PM

To: Christine Mumma

Subject: Re: IIC experience

Got it. I'll reach out to him.

I finally got around to reading about some of the cases IIC posted on their site. I saw that the eight commissioners at the Nov. hearing referred Blackmon for judicial review, but a date for that hearing in front of the three judges has not yet been scheduled. Why would it take this long just to pick a date for that?

917-774-5674



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On Sun, Jun 2, 2019 at 6:51 PM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:  
There's very few people who understand how the commission works/does not work. If you want more info, you should talk to Rick Glazier off the record (he was co-founder and he's a commissioner).

The concept was for the IIC to investigate cases referred after screening by others, not for them to use resources to screen. It would more effective use of the resources. They waste resources on a 98% close rate.

---

**From:** Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)>

**Sent:** Sunday, June 2, 2019 7:36 PM

**To:** Christine Mumma

**Subject:** Re: IIC experience

The relevance is for my own clear-eyed view of how well the Commission investigates/reviews cases. The exoneration rate (11 out of 2,527 cases = 0.004%) is low. The IIC pie chart shows reasons why, which I understand.

Still, I was wondering, privately, how much of the low rate is because the small staff (seven attorney investigators, few of whom appear to have impressive amounts of experience) is as good as it could/should be at investigating the claims. Not saying it's easy -- not at all -- but just wondering.

If it were a wide-to-modestly-held criticism that IIC's staff or leadership does not have the right experience to investigate the claims, then that perception/reputation is something I might mention in my story.

Again this email exchange is not for me to quote, just background.

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Sun, Jun 2, 2019 at 6:21 PM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:  
Julie is new to the commission. Although my concern (not criticism) was before she was hired, she is not part of leadership. Beth has no criminal law experience.

My primary concerns re: the commission are lack of transparency, lack of cooperation with others or support for cooperation, and lack of support for exonerees.

Relevance?



---

**From:** Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)>

**Sent:** Sunday, June 2, 2019 9:00 AM

**To:** Christine Mumma

**Subject:** IIC experience

As a matter of background--not for quoting--I wanted to follow up on a criticism you had of the Innocence Inquiry Commission. You said the staff is not experienced enough. You mentioned that none have experience trying criminal cases in court.

It looks to me that at least two--Beth Tanner and Julie Bridenstine--have experience trying criminal cases, but please correct me if I am wrong about that. The rest of the attorney investigators are at the very least JDs, but perhaps that is far too low of a bar.

What are the criteria of experience you would like to see the Commission require for its staff?

Again, not for quoting, just background so I understand a shortcoming of the Commission.

Thanks,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

--

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)



**Re: Cauthen**

Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)>

Tue 6/18/2019 2:16 PM

To: Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)>

Makes sense. Thank you.

On Tue, Jun 18, 2019 at 10:49 AM Christine Mumma <[c\\_mumma@hotmail.com](mailto:c_mumma@hotmail.com)> wrote:

If they ask, I can't lie. If they don't ask, I have no reason to say anything. No promises that's there is anything in there that is material.

Sent from my iPhone

On Jun 18, 2019, at 9:00 AM, Hunter Atkins <[hhatkins@gmail.com](mailto:hhatkins@gmail.com)> wrote:

I should receive his signed NCCAA waiver form this week in the mail.

He expressed some worry about the Commission finding out about this waiver form. Under what circumstances would you inform the Commission that Cauthen signed this form? (I can't imagine one, but perhaps I am missing something.)

Thanks, as always,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

--

917-774-5674

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**Fwd: Cauthen waiver**

1 message

---

**Chris Mumma** <cmumma@nccai.org>  
To: NCCAI <admin@nccai.org>

Mon, Jul 8, 2019 at 7:22 PM

----- Forwarded message -----

From: **Hunter Atkins** <hhatkins@gmail.com>  
Date: Sun, Jul 7, 2019 at 5:26 PM  
Subject: Cauthen waiver  
To: Chris Mumma <cmumma@nccai.org>

Just got it in the mail. I photographed the envelope, front and back, and the form.

I would be grateful to see whatever is in his file.

Please let me know if there is anything else I may do,

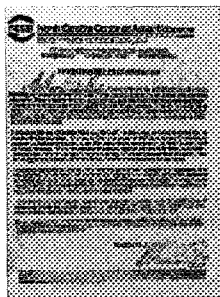
Hunter

—  
917-774-5674

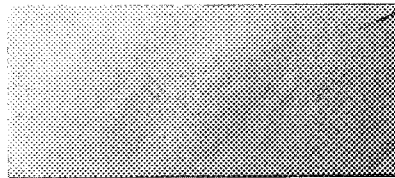
[www.HunterAtkins.com](http://www.HunterAtkins.com)

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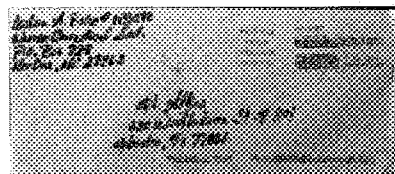
**3 attachments**



**IMG\_2031.jpg**  
2430K



**IMG\_2030.jpg**  
584K



**IMG\_2029.jpg**  
1126K





Chris Mumma <cmumma@nccai.org>

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**Re: Follow up Q**

1 message

---

Hunter Atkins <hhatkins@gmail.com>  
To: Chris Mumma <cmumma@nccai.org>

Thu, Jul 18, 2019 at 9:41 PM

Excellent about the new documents. Thank you so much for taking the time to help me.

On Thu, Jul 18, 2019 at 8:40 PM Chris Mumma <cmumma@nccai.org> wrote:

We did not get discovery. That county is not forthcoming with full discovery unless you have a filing pending.

I'm going to be sending you a link for new documents in each case.

On Wed, Jul 10, 2019 at 11:03 PM Hunter Atkins <hhatkins@gmail.com> wrote:

That is phenomenal news. You are endlessly invaluable. Thank you. Thank you. Thank you!

Eager to see what those documents are -- but on a separate note, did the Center ever get the discovery file in full? In Cauthen's folder, for instance, the PLS files are organized by police interviews -- they look like an investigator's trial files -- and include only portions and fragments of WSPD's supplemental reports.

Numbering on the pages suggests the full discovery file has more than 400 pages of WSPD supplemental reports. Cauthen's folder contains around 30 percent of those pages.

Thank you for your help and for the amazing work you do without my pestering emails,

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Wed, Jul 10, 2019 at 8:49 PM Chris Mumma <cmumma@nccai.org> wrote:

Yes. We are working on scanning them and pulling out duplicates.

Sent from my iPhone

On Jul 10, 2019, at 5:48 PM, Hunter Atkins <hhatkins@gmail.com> wrote:

May I please view them some way?

On Wed, Jul 10, 2019 at 4:47 PM Chris Mumma <cmumma@nccai.org> wrote:

Yes

Sent from my iPhone

On Jul 10, 2019, at 4:19 PM, Hunter Atkins <hhatkins@gmail.com> wrote:

Is that box in relation to the case I'm working on?

On Wed, Jul 10, 2019 at 12:48 PM Chris Mumma <cmumma@nccai.org> wrote:

If you've been contacting people, I'd imagine they got wind. I don't think it's just coincidence.

I mentioned to you that we didn't keep electronic copies of things previously. Just found another box of docs.....



Sent from my iPhone

On Jul 10, 2019, at 10:58 AM, Hunter Atkins <hhatkins@gmail.com> wrote:

If that question came off facetiously, I did not intend it to.

I'm curious to know if you think the Commission is hustling more because it knows I am working on a story.

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Tue, Jul 9, 2019 at 8:17 PM Hunter Atkins <hhatkins@gmail.com> wrote:

Do you think it has something to do with me working on this story/looking into their case?

On Tue, Jul 9, 2019 at 8:16 PM Chris Mumma <cmumma@nccai.org> wrote:  
Just coincidence, I guess, Hunter.

On Tue, Jul 9, 2019 at 9:13 PM Hunter Atkins <hhatkins@gmail.com> wrote:  
What do you think could be reasons for the timing last week?

On Tue, Jul 9, 2019 at 8:12 PM Chris Mumma <cmumma@nccai.org> wrote:  
It's interesting that they signed their releases for the Commission to get files from prior attorneys in January and May of 2018 and, for some reason, the Commission just asked for our files this week.

On Tue, Jul 9, 2019 at 9:06 PM Hunter Atkins <hhatkins@gmail.com> wrote:  
Apologies for sounding ignorant, but I don't follow. What about that is interesting? And which releases are you referring to?

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Tue, Jul 9, 2019 at 8:04 PM Chris Mumma <cmumma@nccai.org> wrote:  
By the way, it's interesting that Bryant's and Cauthen's releases were signed in 2018, but the IIC is just now asking for our files.

On Tue, Jul 9, 2019 at 9:03 PM Chris Mumma <cmumma@nccai.org> wrote:  
Not free tomorrow afternoon or evening at all.

On Tue, Jul 9, 2019 at 8:56 PM Hunter Atkins <hhatkins@gmail.com> wrote:  
I have some other questions, I'd be so grateful if I could call you tomorrow. Might you be free in the afternoon/early evening?

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Tue, Jul 9, 2019 at 7:56 PM Chris Mumma <cmumma@nccai.org> wrote:  
Just by the format

On Tue, Jul 9, 2019 at 8:52 PM Hunter Atkins <hhatkins@gmail.com> wrote:  
Thank you. As matter of educating me, how can you tell pgs 9-15 are law enforcement notes?



917-774-5674

www.HunterAtkins.com

On Tue, Jul 9, 2019 at 7:51 PM Chris Mumma <cmumma@nccai.org> wrote:  
9-15 are definitely law enforcement notes. I can't be sure about pages 1-8.

On Tue, Jul 9, 2019 at 8:08 PM Hunter Atkins <hhatkins@gmail.com>  
wrote:

The attached document mostly are notes on Jessica Black.

Pages 1-8 are annotated notes that refer to the 34-page recorded  
statement she gave police. Did the Center make these pages or were  
these pages created by PLS?

Pages 9-15 are handwritten notes. Might you know if these are the  
handwritten notes of one of the WSPD detectives?

Thanks,

Hunter

917-774-5674

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Chris Mumma <cmumma@nccai.org>

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## Re: Brayboy

---

Chris Mumma <cmumma@nccai.org>  
To: Hunter Atkins <hhatkins@gmail.com>

Thu, Jul 18, 2019 at 10:27 PM

Nope

On Thu, Jul 18, 2019 at 10:16 PM Hunter Atkins <hhatkins@gmail.com> wrote:  
Is there one more for Banner?

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Thu, Jul 18, 2019 at 9:02 PM Hunter Atkins <hhatkins@gmail.com> wrote:  
Bryant complete.

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Thu, Jul 18, 2019 at 9:01 PM Chris Mumma <cmumma@nccai.org> wrote:  
Bryant: [https://www.dropbox.com/sh/xngb2lguhvj43n4/AABormQ-kSq\\_WFmJVFLHJs2ka?dl=0](https://www.dropbox.com/sh/xngb2lguhvj43n4/AABormQ-kSq_WFmJVFLHJs2ka?dl=0)

On Thu, Jul 18, 2019 at 10:00 PM Hunter Atkins <hhatkins@gmail.com> wrote:  
Tolliver complete.  
917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Thu, Jul 18, 2019 at 8:54 PM Chris Mumma <cmumma@nccai.org> wrote:  
Tolliver: <https://www.dropbox.com/sh/tvenh9fjt21a7j2/AABYeOhIY4av3cskfKDSH5DDa?dl=0>

On Thu, Jul 18, 2019 at 9:53 PM Hunter Atkins <hhatkins@gmail.com> wrote:  
Got it. Download complete.  
917-774-5674

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On Thu, Jul 18, 2019 at 8:51 PM Chris Mumma <cmumma@nccai.org> wrote:  
Here is Cauthen: [https://www.dropbox.com/sh/yIt9700ygiz4gdf/AABl9cJseoTRKbpykhqd\\_a6la?dl=0](https://www.dropbox.com/sh/yIt9700ygiz4gdf/AABl9cJseoTRKbpykhqd_a6la?dl=0)

On Thu, Jul 18, 2019 at 9:49 PM Hunter Atkins <hhatkins@gmail.com> wrote:  
Just downloaded the five files scanned "July 10" on Brayboy  
917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Thu, Jul 18, 2019 at 8:48 PM Chris Mumma <cmumma@nccai.org> wrote:  
Once you've downloaded things from the link, let me know, so I can put the docs in the folders where they go.



On Thu, Jul 18, 2019 at 9:46 PM Chris Mumma <cmumma@nccai.org> wrote:  
Crap. Just realized I can't move things until after you download from the link. Hold on while I put some things back in that folder.

On Thu, Jul 18, 2019 at 9:41 PM Chris Mumma <cmumma@nccai.org> wrote:  
[https://www.dropbox.com/sh/wte1a8bqewjcx6z/AACzE6UwUEEIQjtfx\\_Ebi2fua?dl=0](https://www.dropbox.com/sh/wte1a8bqewjcx6z/AACzE6UwUEEIQjtfx_Ebi2fua?dl=0)





Chris Mumma <cmumma@nccai.org>

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**Re: Curious docs**

1 message

---

Hunter Atkins <hhatkins@gmail.com>  
To: Chris Mumma <cmumma@nccai.org>

Sat, Jul 27, 2019 at 11:45 AM

I'm glad you said that. The timeline more sense now.

The handwritten notes — in my opinion — do not seem like a detective would have written them. I think they are from an interview Cauthen gave years later (maybe 2009-2013, when there were innocence project efforts) of his account of what happened on Nov. 15, 2002. What do you think?

On Sat, Jul 27, 2019 at 10:40 AM Chris Mumma <cmumma@nccai.org> wrote:

The timeline is definitely not a law enforcement doc. They don't use that format. It's also included as a separate document in the PLS file, so I'm guessing it was prepared by the PLS attorney. Can't help on the handwritten notes. Sorry.

On Tue, Jul 23, 2019 at 5:47 PM Hunter Atkins <hhatkins@gmail.com> wrote:

I had assumed these docs were created by WSPD. I am not certain anymore. They are a timeline of WSPD's investigation and 7 pages of handwritten notes from an interview with Cauthen (which I've asked about before).

You, too, had thought the handwritten notes came from police, but I wanted to double-check your thoughts. There appears to be a date written in the top left-hand corner of Page 1: "8/15." If that in fact is to mean those notes were taken some year on Aug. 15, then they were not written by WSPD.

As for the timeline, it is a bit sloppy, with several errors and inaccuracies.

I'd be so grateful to know who you guess might have created these docs. Thank you so much, as always,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

--  
917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)





Chris Mumma <cmumma@nccai.org>

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## Clarification on "skin" and "touch" DNA

1 message

---

Hunter Atkins <hhatkins@gmail.com>  
To: Chris Mumma <cmumma@nccai.org>

Fri, Aug 16, 2019 at 9:00 AM

Howdy. You had told me that: "The first touch DNA case in North Carolina was in 2011... The first time law enforcement used touch DNA to convict someone of a murder, they got DNA from the person touching a car. The prints didn't match him, but they did DNA testing and said they found his DNA. He was convicted in 2011."

Are "touch" DNA and "skin" DNA synonymous terms?

And although the first conviction with it was in 2011, what year (or an estimated year) did NC law enforcement start testing for it?

(Full disclosure, I found out that WSPD told suspects in Nov. 2002 that they found the skin DNA of Nathaniel Jones inside the car of Jessica Black. Of course this information never came up in court...)

Thanks,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)





Chris Mumma <cmumma@nccai.org>

---

**Re: Might you have time in afternoon Wed, Thrs or Friday?**

1 message

---

Chris Mumma <cmumma@nccai.org>  
To: Hunter Atkins <hhatkins@gmail.com>

Tue, Aug 20, 2019 at 6:14 PM

That's fine. I don't think it will take us very long to talk about it.

On Tue, Aug 20, 2019 at 6:13 PM Hunter Atkins <hhatkins@gmail.com> wrote:

Any chance you can do 3 pm? If not, I will make 2 pm work. Thank you for taking the time to help.

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

On Tue, Aug 20, 2019 at 11:15 AM Chris Mumma <cmumma@nccai.org> wrote:  
Weds. at 2:00?

On Mon, Aug 19, 2019 at 11:38 AM Hunter Atkins <hhatkins@gmail.com> wrote:

I would be so grateful for your feedback on a developing theory. You are the best at this stuff and I could use your help.

Might you have 10-15 mins of time in the afternoon on those days for me to call?

I've attached one page that seems to be a clue to understanding exactly why WSPD (unethically) went all in during the span of one hour to pursue the five teenage boys in the Nathaniel Jones murder. The first paragraph is the important part, if you get a chance to read it.

Please let me know when you might be free. Thanks so much,

Hunter





Chris Mumma <cmumma@nccai.org>

---

**Re: Quick clarification**

1 message

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Chris Mumma <cmumma@nccai.org>  
To: Hunter Atkins <hhatkins@gmail.com>

Mon, Sep 16, 2019 at 6:34 PM

Whapham was with PLS and those are summaries of interviews he conducted.

On Mon, Sep 16, 2019 at 5:27 PM Hunter Atkins <hhatkins@gmail.com> wrote:

Attached is Cheryl Sullivan's review of PLS files on Cauthen's case. On pages 2-3 are bullet points on private investigator Ken Whapham's synopsis.

Was Whapham hired by PLS or by the Center?

Also, the bullet points regarding his synopsis reference interviews: "Interview with Tamara Branton"; "Interview with BJ Lowery"; "Interview with Lorie Douglas, BJ's mother"; and "Interview with Ava Williams".

Does this mean that Whapham conducted new interviews with them in his PI assignment?

Or is Cheryl summarizing the notes that Whapham took down in his own review of the interviews that WSPD originally had conducted with Branton, Lowery, Douglas and Williams?

Thanks, as always,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)





Chris Mumma <cmumma@nccai.org>

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**Re: Robbery/Felony assault**

1 message

---

Chris Mumma <cmumma@nccai.org>  
To: Hunter Atkins <hhatkins@gmail.com>

Tue, Sep 24, 2019 at 8:30 PM

No SOL

On Tue, Sep 24, 2019 at 7:29 PM Hunter Atkins <hhatkins@gmail.com> wrote:

Am I correct in that N.C. does not have a statute of limitations on felonies? (I read that, here, on FindLaw.com, which cited "15-1, et seq.")

Was curious if felony assault (being an accessory to a violent attack) would fall under that category. Looks like it does as a Class D felony. (Although probably not be worth DA's time, I was just curious about it.)

Please let me know what you think and thanks so much, as always,

Hunter

917-774-5674

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# Handout 10



1  
2  
3 Q. Have you been asked by anyone to withhold informen --  
4 information or misrepresent any facts during the deposition?

5 A. No.

6 Q. When did you first learn that the North Carolina Innocence  
7 Inquiry Commission was investigating this case?

8 A. Uh, that was from Hunter Atkins or -- is it Hunter Atkins  
9 or Atkins Hunter?

10 Q. Hunter Atkins is my understanding. Yeah.

11 A. Okay.

12 Q. And when did you learn that from Mr. Atkins?

13 A. Uh, that was several months ago.

14 Q. What did Mr. Atkins tell you?

15 A. About the case being reviewed by you all?

16 Q. Mm-hmm.

17 A. Just that it was. It was gonna be reviewed or is being  
18 reviewed.

19 Q. What else did Mr. Atkins tell you?

20 A. Uh, I can't remember. We had a number of conversations and  
21 it was about some article that he was writing in reference to Chris Paul.

22 Q. What was your understanding about this article that he was  
23 writing about Chris Paul?

24 A. That it had to do with Chris Paul and the Houston Rockets  
25 and, um, he was doing a profile of sorts that was just related to Mr. Jones's



1 part and the -- and what it played or how it played with, uh -- with Chris.  
2 I don't know what angle he was going at. I didn't ask him. He just said it  
3 had to do with, uh, the story on Chris Paul.

4 Q. Did you ever understand Mr. Atkins to be investigating, um,  
5 the case facts involving the death of Nathaniel Jones?

6 A. Repeat that question.

7 Q. Did you ever understand Mr. Atkins to be investigating the  
8 facts surrounding this case and the death of Mr. Jones?

9 A. No, not particularly, but it sure felt like that -- that  
10 was what he was doing.

11 Q. And wh -- why do you say that?

12 A. The questions that he asked in reference to some of the  
13 officers or the detectives and their actions and what I remembered and didn't  
14 remember about, uh, those actions taken from 11/18/02 until I think it was  
15 11/20/02.

16 Q. What kind of questions was he asking?

17 A. Probative questions.

18 Q. Do you remember any specific questions?

19 A. No.

20 Q. When did you first learn that the North Carolina Innocence  
21 Inquiry Commission wanted to take your deposition in this case?

22 A. Two weeks ago I think they sent, uh, a subpoena to my dad's  
23 residence and he's Charlie Byrom, Senior.

24 Q. Right. From the time that you first learned that until  
25 today, have you communicated with, um, anyone about the facts of the case or



1 about your deposition?

2 A. No, other than my wife.

3 Q. When is the last time you communicated with Mr. Atkins?

4 A. It may have been last week or two weeks ago.

5 Q. And what did you talk about?

6 A. Um, questions he had about me looking at reports at the  
7 police department. He had some questions.

8 Q. What kind of questions? (Long pause) Are these text  
9 messages?

10 A. Yep. (Long pause)

11 Q. All right. It looks like you have had some, uh, text --  
12 texting back and forth with Mr. Atkins. Can we obtain a copy of those texts?

13 A. Sure.

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19 Q. All right. Now, you have testified earlier that you spoke  
20 to Arlene Tolliver on November 18, 2002, the day before, correct?

21 A. Yes.

22 Q. She called you.

23 A. Yes.

24 Q. Uh --

25 A. She didn't -- she called into the police department, and



1 the call was referred to me at that time.

2 Q. Okay. Um, how long was your conversation with Ms.  
3 Tolliver?

4 A. Not long at all.

5 Q. If you had to estimate?

6 A. Five minutes or less.

7 Q. And you were not familiar with Ms. Tolliver. Is that  
8 right?

9 A. Correct. I was not.

10 Q. When you spoke to her on the phone, did you have any  
11 concerns about her credibility?

12 A. No.

13 Q. Do you have any concerns now about her credibility?

14 A. Yes.

15 Q. What are your concerns now?

16 A. My concerns are -- were initially raised when after  
17 speaking to Mr., uh, Hunter and, um, conversations that I've had with him  
18 that he indicated he had with her.

19 Q. And what did you learn from Mr. Atkins about Arlene  
20 Tolliver?

21 A. He had concerns about her credibility in terms of her  
22 motivation for calling into the police department, um, and some other actions  
23 that he said she or -- or other statements that he said she made.

24 Q. What information did Mr. Atkins give you about her possible  
25 motivation for calling into the police?



1           A.     He didn't.

2           Q.     Are you aware of what the concerns might be about her  
3 motivation for calling to the police?

4           A.     Other than the concern for her son and his possible  
5 involvement or knowledge of, um, what happened to Mr. Jones, no. Um, I  
6 wouldn't like to think that it was because of a reward or Crime Stoppers  
7 because I don't know if one had been issued yet.

8           Q.     You said something about, um, concerns raised about other  
9 actions or statements made by Ms. Tolliver. Um, what other actions or  
10 statements did Ms. Tolliver make that Mr. Atkins told you about?

11          A.     I really don't recall. A lot of that I think was  
12 speculation on his part.

13

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1           A.     Not that I'm aware of.

9           Q.     Did you ever have any contact with Jessica Black?

10          A.     No.    There was -- I'm reminded of a conversation that I had  
11 with, uh, Hunter when he said interviewed Jessica Black and he mentioned  
12 that she told him that she went, uh -- she went with Eric Saunders, another  
13 white male, and a black female to ride them around or ride her around to  
14 those areas that they all went to that night and said that she knew Eric  
15 Saunders and that she might have recognized the other white male, but there  
16 was a black female that she didn't recognize, and she was there with them and  
17 that Eric introduced the woman was being Mr. Jones's daughter.  Well, he only  
18 had two daughters, and that was Robin and Rhonda, and she rode them around  
19 and when asked or when he asked me who the black female was, because I said  
20 Rhonda and Robin wouldn't have done that.  They wouldn't have been in the  
21 same car with her because I know both, and he said well who do you think the  
22 black female was?  And I immediately said Jennifer Martin.  Now whether it  
23 was Jennifer or not, I know Eric and I know Jennifer and that's something  
24 that they would have pulled.

25          Q.     What makes you say that?



1           A.     Because I know Eric. Eric was all about the win. Um, and  
2 I know Jennifer. Jennifer was about, um, being a team player and basically,  
3 uh, doing what was asked of her in order to elevate herself in the District  
4 Attorney's Office. But, um, I think Hunter said he showed her, uh --  
5 Jessicah a picture of Jennifer Martin and I think he said that she said that  
6 it was 50/50 that it was her.

7           Q.     If it was not Jennifer Martin, can you think of anyone else  
8 it could have been?

9           A.     No.

10          Q.     Is this information you just got from Hunter Atkins or do  
11 you have any person knowledge --

12          A.     No.

13          Q.     -- about some sort of a car ride with Eric Saunders?

14          A.     No. This is something that I got from Eric because Eric --  
15 I mean not because Eric, but because Hunter has been in contact with, uh,  
16 Jessicah.

17          Q.     Did you know the victim's daughters, Robin Paul and Rhonda  
18 Richardson, prior to this case?

19          A.     I knew Robin and Charles. I didn't know Rhonda. I knew he  
20 had another daughter, but I -- I may have -- I'm sure I met Rhonda at, uh, a  
21 couple of basketball games because, uh, our sons played basketball together,  
22 high school, um, before Chris went to Wake Forest and later to the pros.

23          Q.     Earlier when you were talking about Eric Saunders and  
24 Jennifer Martin, you said something like this is something that they would  
25 have pulled. Um, are there any specific incidents that you're referring to



1 when you say that?

2 A. Well, Eric, um, was involved in the case with the Silk  
3 Plant Forest. There was an incident where a young lady was supposed to  
4 testify against Calvin Michael Smith. It was one of his girlfriend's name.  
5 I think her name was -- oh, I can't think of the girl's name. Anyway, she  
6 had a child custody case in New York and Mary Jane Behan and, uh, Eric  
7 promised her that they would help her out with her child custody case if she  
8 testified against Calvin. The only problem was is that her child custody  
9 case was on the same date as Calvin's, uh, trial. Um, we substantiated that  
10 when we did our review or did our investigation for the Review Committee, um,  
11 by calling up to New York and finding out that she did have a child custody  
12 case. Pamela -- Pam -- whatever her name was. She lost custody of her child  
13 because she testified against Calvin Michael Smith in that case.

14 Q. Are there any other instances?

15 A. I can't think of any right off the top of my head.

16 Q. Were you ever accused of any improper behavior related to  
17 your investigations?

18 A. To my investigations?

19 Q. Mm-hmm.

20 A. You mean in my tenure at the police department?

21 Q. Yes.

22 A. Oh. Yeah. Uh, 1983.

23 Q. What was that?

24 A. It was a falsifying a police report, I believe it was.

25 Q. What was the outcome of that investigation?



1           A.     It was a sustained violation. Um, I think that they tried  
2 to make it a truthfulness violation, but if it was a truthfulness violation  
3 than that would have ended my career in 1983. It was a false report, um,  
4 violation, which I think it -- that -- it shouldn't have been that either,  
5 but the circumstances were that, uh, an officer had hit a handcuffed prisoner  
6 in the jail and he sustained, uh, some facial injuries as a result. Um, I  
7 wrote a report stating that he fell, which he did fall. He fell when we  
8 initially arrested him --

9           Q.     Mm-hmm.

10          A.     -- and he fell when the officer hit him. Um, that came  
11 about as a result of me taking the injured arrestee to the hospital and as  
12 I'm taking him to the hospital, my sergeant calls me on the radio and says  
13 why are you going to the hospital? And I tell him and, um, after I get the  
14 arrestee situated at the hospital and at the jail, um, the officer who  
15 actually hit the individual, um, who told me prior to that that, you know,  
16 they note -- they knew that they were wrong and blah, blah, blah, and I'll  
17 take the hit on this and I walk into the lineup room and I see this officer  
18 go into the sergeant's cubicle and it was kind of like seeing him, you know,  
19 he might as well have did the thing and he walked in there and I said damn,  
20 and he told him and that's when I got written up for falsifying a police  
21 report, which I -- like I said, he fell. I didn't mention him falling as a  
22 result of getting hit. So I guess they wrote it up as, uh, falsifying a  
23 police report by omission.

24          Q.     What were the, um, consequences of that?

25          A.     I got, uh -- I got 45 days off without pay. Was it 30? I



1 don't know. Thirty or forty-five days off without pay, but here's the  
2 kicker. The police chief said, you guys can work hustles, which are extra  
3 duty assignments and I'm thinking that didn't make sense and when everybody  
4 else heard about us being able to work hustles basically to supplement the  
5 money that we would losing by not working for the police department, they  
6 said you guys came out ahead. No. No, the hell we didn't, you know, but  
7 anyway that -- that's what happened.

8 Q. What was the name of the prisoner?

9 A. Ronald Duncan.

10 Q. And what was the name of the other officer who hit him?

11 A. Tim Southern. A name that will live in infamy in my brain.  
12 We didn't speak for like 15 years and, uh, finally before he retired -- he  
13 retired a year or two before me and, uh, I finally forgave him.

14 Q. Were you aware of any allegations against other -- any  
15 other detectives or officers in this case?

16 A. It don't come to me at this point. It don't come to me at  
17 this point.

18 Q. Were there any internal investigations related to this  
19 case?

20 A. No.

21 Q. Um, other than your 1983 case, did you ever have any other,  
22 um, accusations of improper behavior?

23 A. No. Oh, accusations? Oh, yeah.

24 Q. What other accusations?

25 A. This may take a minute. Um, when I fir -- when I worked



1 Vice and Narcotics, um, I was part of a task force, federal task force with  
2 the FBI, uh, about a, uh, case involving, um, a man by the name of Barry  
3 Washington, and, um, it was a major drug case. We had wire taps and the  
4 whole nine yards and after he was arrested, um, I went to the jail to speak  
5 with him, trying to get him to roll over on his supplier who was basically  
6 supplying Florida, Jamaica, New York and when my supervisor found out about  
7 it, he called me into the office and he said he was going to have to write me  
8 up because I wasn't part of the -- that investigation any longer, but I was  
9 still sworn into the federal task force and that's why I went down there.  
10 There assumption was that I went down there to tell him to shut up and not  
11 say anything. Anyway, um, that allegation was later, um, I guess thrown out  
12 or dismissed from the Internal Affairs and I don't even know if they even  
13 took it up to Internal Affairs because I never was interviewed about it. In  
14 any event, um, I was due to be promoted at that time, but I didn't get the  
15 promotion. I asked the chief -- the police chief about it several times.  
16 This is hanging over my career. It was two years before he told me that the  
17 case was dismissed or that it was unfounded. It was unfounded. Then after  
18 that, still working in Vice and Narcotics, uh, we had an investigation that  
19 was going on where a young lady was selling marijuana and cocaine and one of  
20 the detectives that was involved, in fact, her name is on one of these  
21 reports, Connie Southern, I was a supervisor in Vice and Narcotics and her  
22 and another detective came back to the office and said we need to talk to  
23 you. We're upset and they were visibly shaken and I asked them why, and they  
24 said well, you know, that case that we were working on? I said yeah. They  
25 said well, um, we pull up in a handicap parking space and the suspect white



1 female, um, said that this is not a designated parking space. They said what  
2 do you mean? What are you talking about? What do you know about a  
3 designated parking space? She said well, I know that this is not a  
4 designated parking space so we are not in violation. Said well how do you  
5 know? She said because my dad's a cop. And they said well, what does your  
6 dad do? What does he -- who is he? And he was an assistant chief over my  
7 unit. So that was their concern. They had -- you know, their career is over  
8 this and that, yada, yada, yada. So, um, I go to my lieutenant -- well, no,  
9 I didn't go to my lieutenant. I went to my captain first and I talked to him  
10 about it and he says, as I'm telling the story like I'm telling it to you, he  
11 said, are we talking about my daughter? So here we have a captain over Vice  
12 and Narcotics who thinks that his daughter is involved in some illegal  
13 activity, but then I tell him that no, it's not your daughter, but it's your  
14 boss's daughter, the assistant chief, who we may to controlled buys of  
15 marijuana and cocaine from. So, my career, uh, just took another hit. Um,  
16 and the assistant chief had to come back -- well, he didn't have to, but as a  
17 result of that first incident I told you and this incident, um, he came over  
18 and we had a big fancy meeting room like this. All of the detectives from  
19 Vice and Narcotics were in there and he apologized to me and then I was a  
20 sergeant for the next almost 20 years.

21 Q. Oh, so was this in -- around 1990?

22 A. Yep.

23 Q. Okay.

24 A. Anything else, no. That was it. I think that's enough.

25



1  
2 Q. The emails that you exchanged with Hunter Atkins, you  
3 indicated that there was personal information in them. Is that personal  
4 information that relates to this case?

5 A. No.

6 Q. Other than Hunter Atkins, have you spoken to anyone else  
7 about -- any other reporters about this case?

8 A. No.

9 Q. What about anyone else in general? You mentioned your --

10 A. Wife.

11 Q. -- wife and Mike Poe when you ran into him and Hunter  
12 Atkins. Anyone else?

13 A. No.

14 Q. Did Hunter Ak -- Atkins ever indicate to you when he is  
15 planning or what he is planning to do with the information he is gathering  
16 regarding this case?

17 A. He was all over the place with it. One minute he was, um,  
18 writing this, uh, exposé on Chris, the next minute he was, um, trying to help  
19 or indicated that, um, he was just trying to get to the truth of the matter  
20 and, um, he was the one that told me about you all I think before I had a  
21 chance to, um, look what the police department had.

22 Q. When the five defendants were arrested on, um, November 19  
23 and November 20, 2002, how confident were you that you had gotten it right?

24 A. Repeat the question.

25 Q. When the five defendants were arrested in this case --



1 A. Mm-hmm.

2 Q. -- how confident were you that you had gotten it right?

3 A. Very.

4 Q. Did that feeling ever change?

5 A. Only after talking to Hunter.

6 Q. And what about talking to Hunter made you -- that feeling  
7 change?

8 A. It wasn't necessarily changed to the point where I didn't  
9 think that they were involved and we had the right people, it's just I had  
10 concerns about the process primarily why I didn't have a supplement report  
11 and made me question as to whether or not I actually wrote a supplementary  
12 report. Then I'm told by Lieutenant or Captain Tollie that I wasn't the only  
13 one. That there was only one other person who didn't write a supplement  
14 report and that was Randy Weavil and then I had to go back into my head and  
15 think, wait a minute now, hold it. We both should have written a report, why  
16 is it that we're the only two? Also why is it that the only thing that we  
17 talked about when I testified was my interview with, uh, Nathaniel and not  
18 about how the case basically was broken by my conversation with Miss  
19 Tolliver? So those are questions.

20 Q. Okay. Anything else?

21 A. That's it.  
22  
23  
24  
25



# Handout 11





+1 917-774-5674



Mar 6

Subject: NoSubject

Hey Jessica, this is Hunter Atkins, with the Houston Chronicle. Please accept my apologies for upsetting you.

Today is my last day here, which is why I spent it hoping to explain all of this to you in person. I swear I would not reach out to you again were it not my last resort and of extraordinary importance that I try to speak with you for this story, and out of the integrity for honest journalism.

I know you did not wish to talk when I called a year ago, but I have spent more than a year working on the 2002 case. I've gotten to know the boys

Enter message



Send





+1 917-774-5674



I know you did not wish to talk when I called a year ago, but I have spent more than a year working on the 2002 case. I've gotten to know the boys (now men) that were involved, by spending this week in Winston Salem.

They are good guys. They harbor no hard feelings and wish no ill will for what happened back then. That is not what this is about.

I am sincere and a hardworking journalist. I just want to report everything accurately.

I will be mentioning you in this story, so it is fairest that I make every effort possible to let you speak.

Enter message



Send







+1 917-774-5674



effort possible to let you speak.

This story is not something that will get anyone in trouble. It is the opposite. There is the potential to set the record straight.

The Inquiry Innocence Commission is reviewing the case right now. If it concludes they were wrongfully conflicted, there is not a retrial, and there are no extra legal proceedings of any kind. The men simply are exonerated. And Nathaniel and Rayshawn simply get released the next day.

Please let me know if there is even a 1% chance you might let me explain of this in conversation. I assumed that

Enter message



Send





78% 2:27 PM



+1 917-774-5674



Please let me know if there is even a 1% chance you might let me explain of this in conversation. I assumed that you might prefer to judge me in person. I'm here for one more night.

Feel free to Google me – Hunter Atkins – to learn more about the journalism that I do. Thank you.

5:53 PM

Mar 27

Hey it's Hunter.

In the event you might have blocked or deleted my number before, here it is again.

6:46 PM

Got it

6:46 PM

Thanks so much for taking the time.

Enter message



Send







78% 2:27 PM



+1 917-774-5674



Thanks so much for taking the time.  
I'll be in touch.

6:47 PM

No problem. Have a good evening

6:50 PM

And if it comes up at all with some of  
your family that I spoke with and  
alerted you to my nagging calls, please  
tell them that it's OK. That I am an OK  
guy for trying this hard and did not  
mean to upset anyone.

6:51 PM

Okay

6:52 PM

Mar 28

Howdy. Just checking in. Yesterday  
afternoon made for a bit of an  
emotional day, so I wanted to see if  
you're doing all right today.

6:19 PM

Enter message



Send





+1 917-774-5674



emotional day, so I wanted to see if  
you're doing all right today.

6:19 PM

Mar 29

Wanted to check in today, see how  
you're doing, and make a plan for me to  
come visit tomorrow.

6:18 PM

Were doing a lot of moving today and  
tomorrow then back to work. I assumed  
we that would be next week

6:29 PM

I definitely don't want to get in the  
way.

Tuesday is definitely a possibility, but  
it is probably the last day I could  
come. After it I have to be in Houston.

The reason tomorrow would be ideal is  
simply because my story deadline is

Enter message



Send





+1 917-774-5674



I definitely don't want to get in the way.

Tuesday is definitely a possibility, but it is probably the last day I could come. After it I have to be in Houston.

The reason tomorrow would be ideal is simply because my story deadline is coming up and I don't want to rush anything. I want to be able to treat this story with a lot of patience and respect. So it helps to have my ducks in a row sooner rather than later.

So, you're saying tomorrow definitely is not good? Or is there a chance?

(I know Monday is your birthday, so I won't be intruding on that. And on

Enter message



Send







+1 917-774-5674



(I know Monday is your birthday, so I won't be intruding on that. And an early happy birthday by the way!)

7:23 PM

I don't mean to be a bother. Just wanted to call and get a clear idea of your schedule to make a plan.

8:30 PM

Mar 30

Howdy. Called to make a plan for Monday or Tuesday.

5:25 PM

Mar 31

Just checking in. Hope all is well. Happy birthday tomorrow.

9:10 PM

Apr 1

I'll be in Winston-Salem tomorrow.

Forgive me for bugging you on your

Enter message



Send







+1 917-774-5674



I'll be in Winston-Salem tomorrow.

Forgive me for bugging you on your birthday, but I would be so grateful to pick a time tomorrow early evening when I could meet you.

2:38 PM

Please let me know when you can.

5:12 PM

Apr 2

I'm in Winston-Salem.

Hoping this reaches you. I'd be grateful for the chance to set something up for late afternoon or early evening.

Hope everything is all right.

6:18 AM

At work...I can meet you when I get off if you want that way we can talk one on one instead of everyone being

Enter message



Send





67°

78% 2:28 PM



+1 917-774-5674



At work...I can meet you when I get off if you want that way we can talk one on one instead of everyone being in my business

6:22 AM

If not then I'm not sure when cause I'm exhausted and need to sleep

6:23 AM

Happily. Name a time and a place, and I'll be there. I'll bringing birthday cake

6:23 AM

I'm\*

6:23 AM

Oh, you mean in the a.m.? As in closer to 8 am?

Shit. I can't swing that.

I can see you this evening before

Enter message



Send





67°

78% 2:28 PM



+1 917-774-5674



I can see you this evening before work.

Or I can meet you anytime tomorrow morning, if that would be better?

6:24 AM

Okay then tomorrow when I get off at 8. I don't wanna meet at the motel so are you wanting to do breakfast or something

6:25 AM

Sure that would be great. Whatever is your favorite breakfast place, hopefully somewhere quiet enough to have a relaxed conversation.

6:26 AM

I don't care for breakfast but we can do IHOP or something like that cause they have lunch for breakfast

6:27 AM

Enter message







+1 917-774-5674

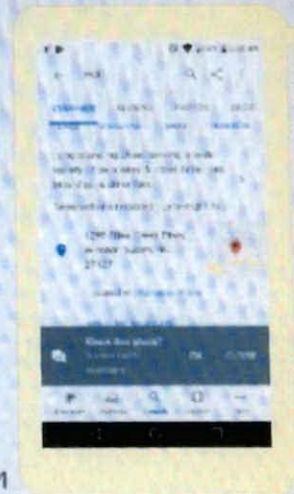


I don't care for breakfast but we can do IHOP or something like that cause they have lunch for breakfast

6:27 AM

Dope. I'm in. If you can send me the address of the exact IHOP, that would be helpful.

6:28 AM



6:33 AM

I can be there around 830 to 845 depending on traffic

6:34 AM

Excellent See you there tomorrow

Enter message



Send





67°

78% 2:28 PM



+1 917-774-5674



Excellent. See you there tomorrow.

8:23 AM

Apr 3

Good morning. Checking in.

Still good for ihop?

8:12 AM

Yes.. Be just a little late...52 is a cluster fuck

8:28 AM

All good. No worries. I'll be there

8:31 AM

K

8:32 AM

Just parked. I'm esrthe front entrance.

8:51 AM

I'm near the front\*

8:51 AM

Forgot to finish my story about

Dauchoun

Enter message



Send







78% 3:28 PM



+1 917-774-5674



Forgot to finish my story about Rayshawn.

In addition to the guys mostly agreeing he wasn't with the group that night, Rayshawn, his mother and his brother told me that he was at home that night.

His mother and brother told me they physically saw him at home.

They also told me that their attorney said they would not be credible witnesses for an alibi because they are direct family--his mother and his brother.

4:02 PM

Apr 16

Howdy. Sorry to bother you during

Enter message



Send







78% 2:28 PM



+1 917-774-5674



Apr 16

Howdy. Sorry to bother you during work. It's nothing urgent.

Just checking in to see how you're doing.

Also, if you're off Saturday, I wanted to ask a follow up question. i promise I would not bug you unless it was important.

I discovered what might be a clue about how the police came up with some of the details that they explained to you and the others during those interrogations. I am not certain I'm right about it yet, but I have a hunch, and I AM certain you'll want to hear it.

Enter message



Send







+1 917-774-5674



hear it.

May I call Saturday to explain it?

10:53 PM

Yes that would be fine

10:59 PM

Excellent. Thanks so much.

10:59 PM

No problem

11:00 PM

Did that smashed and lopsided birthday cake taste even better when it turned into a puddle of melted sugar?

11:00 PM

I took one bite...super sweet....Zack inhaled it with his fat ass

11:02 PM

Mission accomplished.

11:02 PM

Lol

11:02 PM

Enter message



Send





67°

78% 2:28 PM



+1 917-774-5674



Mission accomplished.

11:02 PM

Lol

11:02 PM

I'll send him an insulin care package  
when the diabetes kicks in.

11:03 PM

I swear

11:03 PM

Apr 20

Good afternoon. Just checking in when  
it would be a good time for me to call.  
Please let me know.

2:45 PM

Checking in. May I call?

7:51 PM

Apr 21

I know it's Easter, but I figured I  
would check in if you might be free.  
Hope all is well.

5:37 PM

Enter message



Send





67%

78% 2:28 PM



+1 917-774-5674



Hope all is well.

5:37 PM

Apr 25

If you might have time Saturday, I still would like to share with you some of the new information I found.

8:00 AM

Apr 27

Might you be around for me to call today?

3:05 PM

Apr 28

Good afternoon. Just checking in. May I call today?

1:05 PM

Hope everything is OK.

6:16 PM

Apr 29

I don't mean to bug you. But I have something important I'd like to run by you. Might there be a good time for

Enter message



Send







+1 917-774-5674



something important I'd like to run by you. Might there be a good time for me to call? I assume in the morning.

8:06 PM

I know you're at work, so please accept my apology for interrupting, but I have tried to get in touch with you for the last week. I'd be grateful to find time to chat. It is information you will want to hear.

11:06 PM

Apr 30

Wanted to try once more before I head to bed. Please let me know if I may call after you get off work in the morning.

7:56 AM

My bad for missing your call.

I usually sleep through those early morning hours, unless I have

Enter message



Send







+1 917-774-5674



I usually sleep through those early morning hours, unless I have something scheduled.

Please text me whenever you get this. I'll be sure to be up tomorrow morning if you're free then.

Thanks as always. Glad to hear you're doing ok.

12:08 PM

May 1

Hey, got your message. My bad missing your call.

Would you be free for me to call in the morning when you're done with work?

7:55 AM

I'm heading to sleep, but I'm seeing my alarm for 8:15 am ET.

Enter message



Send







+1 917-774-5674



I'm heading to sleep, but I'm seeing my alarm for 8:15 am ET.

I'd be very grateful if you can call me around then, when you get off work. Thanks so much.

7:55 AM

Subject: NoSubject



Enter message



Send







A portrait of a woman with short, curly grey hair, wearing glasses, a dark jacket, and a long necklace. She is smiling and looking towards the camera. The background is a textured, brownish wall.

They lived in the same large house  
until 1880. ~~Edward~~ ~~Edward~~ ~~Edward~~  
B. A. ~~Edward~~ ~~Edward~~ ~~Edward~~  
The man was living in the same  
house for 11 years. He was very  
old and blind. He was very old.

Enter message







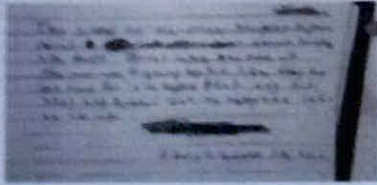




+1 917-774-5674



Subject: NoSubject



9:20 AM

Didn't mean to hang up on you lol

10:28 AM

Phew. I felt so bad!

10:28 AM

It's all good.

10:28 AM

I was saying my goodbyes anyway :)

10:28 AM

Tried to hit the speaker button

10:28 AM

Have a great day!!

10:28 AM

It's all good.

Enter message



Send







+1 917-774-5674



It's all good.

Keep me posted on the storage unit  
and the transcripts.

I played baseball, I'm an athlete,  
remember? I sure as fuck can handle  
lifting boxes and fragile furniture.  
You just have to give me the chance.

10:29 AM

And please keep an eye out for my  
texts. Even if you can't respond right  
away, texting me back can be very  
helpful for me and save time.

10:31 AM

Okay

10:32 AM

Do you watch Netflix?

If so, I recommend "Making a

Enter message



Send







+1 917-774-5674



If so, I recommend "Making a Murderer." (Season 1)

It's thrilling. Takes place in Wisconsin.

It is about a case that has some similarities to what happened with y'all in Winston-Salem.

10:39 AM

May 12

Happy Mother's Day.

6:32 PM

Thanks

9:19 PM

May 17

Sorry to bother you while you're at work. I know you're getting off soon, so if you can text back after that would be great.

Enter message



Send







+1 917-774-5674



6:32 PM

Thanks

9:19 PM

May 17

Sorry to bother you while you're at work. I know you're getting off soon, so if you can text back after that would be great.

I wanted to ask: what do you remember about how police reached out to you the day they wanted to bring you to the Public Safety Center for the interrogation?

Did cops pull up to your home and say come with us? Did they call and say come down to the station? Did they say why they needed to speak with you?

Enter message



Send







+1 917-774-5674



come down to the station? Did they say why they needed to speak with you?

I'm curious to know more about the initial interactions you had before you wound up at the station.

Thanks as always.

8:01 AM

May 19

Wanted to follow up on my previous question, and ask another.

When you were told that Mr. Jones' DNA was found in your car, do you remember when you were told that? During the interrogation? After, by a cop or by Saunders or Harding?

Please let me know, if you remember.

That's really important

Enter message



Send





+1 917-774-5674



Please let me know, if you remember.  
That's really important.

4:06 PM

Your car\*

4:06 PM

May 20

I don't mean to bug you, but it would  
be incredibly helpful if you can answer  
those very important questions above.

I'll narrowing in on how exactly the  
cops went after everyone.

7:12 PM

May 21

Wanted to see if I might be able to  
hear from you just before you went to  
sleep.

9:22 AM

May 22

If you might have the chance after

Enter message



Send







77% 2:30 PM



+1 917-774-5674



If you might have the chance after work, I'd be so grateful if you could answer the two questions above (4 texts up).

7:56 AM

May 23

Checking in again. Please answer those questions above if you can. It'd be a big help. Thank you.

7:58 AM

May 24

Please if you can today answer those two questions I texted before. Thank you.

7:56 AM

Let me know.

9:22 AM

May 25

Two questions:

Enter message



Send







+1 917-774-5674



May 25

Two questions:

What do you remember about how police reached out to you the day they wanted to bring you to the Public Safety Center for the interrogation? Did cops pull up to your home and say come with us? Did they call and say come down to the station? Did they say why they needed to speak with you?

When you were told that Mr. Jones' DNA was found in your car, do you remember when you were told that? During the interrogation? After, by a cop or by Saunders or Harding?

3:13 PM

May 26

Checking in.

7:50 PM

Enter message



Send







+1 917-774-5674



May 26

Checking in.

7:50 PM

Jun 3

Howdy. Checking in.

8:13 PM

Jun 27

Good morning. If you might be free after you get out of work today, I'd be grateful to call and catch up.

Might you have the time?

7:23 AM

Checking in.

9:00 AM

Jun 28

I'd like to catch up if you're around this weekend.

9:08 PM

Jun 29

Checking in.

Enter message



Send







+1 917-774-5674



9:08 PM

Jun 29

Checking in.

9:23 PM

Jun 30

The FB photo you posted with your son is very cute. You guys look great.

2:18 AM

Jul 1

Circling back

11:17 AM

Jul 4

Happy 4th of July.

3:31 PM

Jul 10

Might you know who is Keith Manns?

7:33 AM

I promise I do not mean to bug you, but I have not heard a word from you or a text reply in two months.

Enter message



Send







+1 917-774-5674



Jul 10

Might you know who is Keith Manns?

7:33 AM

I promise I do not mean to bug you,  
but I have not heard a word from you  
or a text reply in two months.

Please let me know you're at least alive  
and doing OK.

7:33 AM

I would be really grateful to call you  
after you get off work today. I'm  
awake bright and early.

7:33 AM

4850 Murray rd. Lot 40. Winston Salem  
NC 27106

8:59 AM

Spoke with my friend Jessica.

She has class every day from 9-12

Enter message



Send







+1 917-774-5674



Spoke with my friend Jessica.

She has class every day from 9-12 noon.

I know that is not ideal for you, because she would have to meet you before 9 am or after 12 noon.

What possibly would be the best time for her to come by?

Worst case scenario, she could leave an envelope for you, but I'd rather her hand it to you.

12:15 PM

I get off at 8 and I'm usually here by 8/5

7:38 PM

Enter message



Send





+1 917-774-5674



I get off at 8 and I'm usually here by 8/5

7:38 PM

Fantastic. I'll Confirm shortly

7:40 PM

My friend has not gotten back to me yet. But earlier she told me that it should not be a problem for her.

I'm going to give her the address and ask her to reach out to you tomorrow morning.

10:57 PM

Ok

10:58 PM

Jul 11

Turns out she cannot make it any morning until next week.

I am trying to see if she could meet

Enter message



Send







+1 917-774-5674



I am trying to see if she could meet you in the evening tomorrow before you go to work.

Or would it be easiest if she left an envelope with your name somewhere and you can pick it up whenever?

1:07 AM

If so then let me know a time. Maybe once she gets out of class. I can set my alarm to be up

1:08 AM

I assume she is asleep and I won't hear from her until tomorrow.

What time tomorrow evening could work for you?

1:10 AM

Whenever

1:10 AM

Enter message



Send





+1 917-774-5674



Whenever

1:10 AM

What time would be the latest tomorrow evening? 8 pm?

1:11 AM

9

1:11 AM

Cool.

I'll get a time commitment from her.  
Let's aim for 8-9 pm range tomorrow.  
Prepare for that.

And I'll text you as soon as she confirms that with me.

1:12 AM

Ok

1:13 AM

My friend Jessica said she CANNOT make it by 8 pm tonight.

Enter message



Send







+1 917-774-5674



My friend Jessica said she CANNOT make it by 8 pm tonight.

I just asked if she might be able to meet you at 9 pm.

If that does not work, would tomorrow still work for you?

I want to find a way to get this done as soon as possible. I am so sorry that you even have to wait another day. I am trying to find the quickest way to get it done.

I promise. You have my word.

7:19 PM

Ok

8:16 PM

Apparently my friend Jessica had a

Enter message



Send





+1 917-774-5674



I promise. You have my word.

7:19 PM

Ok

8:16 PM

Apparently my friend Jessica had a family emergency and actually has to travel outside the state tomorrow. She will be gone this weekend.

Time for us to get a bit more creative and think of a new way.

I'm happy to do things electronically or over an app. Do you use any online or on your phone?

8:59 PM

I am happy to try again with her Monday, however, I would prefer to get this done as soon as possible. I know that would be much more helpful than

Enter message



Send





+1 917-774-5674



I am happy to try again with her Monday, however, I would prefer to get this done as soon as possible. I know that would be much more helpful than waiting for days.

9:00 PM

I don't know anything about electronically.

9:05 PM

Ok. Lemme think of something more creative.

I can think of another wonderful person who you can pick it up from.

But it would require driving back toward where that IHOP is.

9:06 PM

I guess make arrangements with your other person

Enter message



Send





+1 917-774-5674



I guess make arrangements with your other person

9:53 PM

Ok. I'll circle back.

9:53 PM

Jul 12

Ok, got a new plan.

My other friend, her name is Sharonda, has to wait until tomorrow midday to confirm, but she should be able to meet you tomorrow evening.

Would tomorrow evening work for you?

12:51 AM

Thats fine

12:57 AM

Excellent.

I won't know you until midday

Enter message



Send





+1 917-774-5674



Excellent.

I won't know you until midday tomorrow. But I will text you as soon as I hear from her.

12:58 AM

Okay thanks

12:58 AM

Of course. No problem. I am going to find a way to make this happen. You have my word.

12:59 AM

Sharonda told me  
She is not able to come tonight.

She expects she can come tomorrow.

What window of time works best for you tomorrow? I assume the evening, but please let me know.

Enter message



Send





+1 917-774-5674



Sharonda told me  
She is not able to come tonight.

She expects she can come tomorrow.

What window of time works best for  
you tomorrow? I assume the evening,  
but please let me know.

7:56 PM

Whenever

8:09 PM

I assume you still sleep the same time  
on Saturday's. When do you usually  
wake up?

8:10 PM

I am up all day

8:27 PM

Fantastic. I promise to keep you  
updated on when she can come by.

8:28 PM

Tue 12

Enter message



Send



LG





+1 917-774-5674



Fantastic. I promise to keep you updated on when she can come by.

8:28 PM

Jul 13

Any word on whats up

1:57 PM

In order to get it to you, I transferred it first to Sharonda.

Apparently the transaction still is "pending."

My hope is that it goes through today. Although my assumption is that this will take until Monday.

Is Monday too late?

4:01 PM

Ill call them and see

4:03 PM

Enter message



Send





+1 917-774-5674



I'll call them and see

4:03 PM

In the meantime, I am going to try and think of another way. I'm on it.

4:04 PM

Ok

4:06 PM

I'm optimistic I can sort this out tomorrow.

Is there a window of time that works best for you tomorrow?

6:10 PM

Before 2. I have to lay down for work

6:39 PM

Meaning, in the morning or early afternoon? OK.

6:40 PM

Preferably but if it has to be later than so be it

Enter message



Send







+1 917-774-5674



Preferably but if it has to be later  
than so be it

6:44 PM

Im on it.

6:44 PM

Jul 14

My people have been disappointing me  
on this mission.

I may have to try a third person to help  
get this done.

If you had to pick it up from someone  
who lives near that IHOP, what are the  
best times today or tomorrow that work  
for you?

1:29 PM

Just whenever. Give me a time and ill  
make sure I'm there

1:29 PM

Enter message



Send







+1 917-774-5674



Just whenever. Give me a time and ill  
make sure I'm there

1:29 PM

I appreciate it. I'll get in touch with  
them.

1:30 PM

We are good.

My friend's name is Cindy. A lovely  
woman.

I am going to give her your phone  
number.

She said she would be happy to text or  
call you and arrange the best place/  
time to meet.

She can meet today, which is good.

1:43 PM

Enter message



Send







+1 917-774-5674



She can meet today, which is good.

1:43 PM

Thank god. I put the other money I had towards something else that needed to be handled so I was sweating

1:44 PM

Just tell her to call cause if I'm asleep then she will have to wake me up

1:44 PM

Oy I am so so sorry for stressing you.

I promise I will come through on this.

1:44 PM

Cindy is really lovely.

1:45 PM

Its all good

1:45 PM

Good :)

1:45 PM

Cindy told me she called you to work

Enter message



Send







+1 917-774-5674



7:42 PM

Cindy told me she called you to work out a plan for tomorrow.

I am so sorry you have to wait another day for that.

3:57 PM

Its okay. Thanks again

3:58 PM

You're very welcome. Please keep me posted. I want to make sure it all works out correctly.

And don't hesitate to reach out any time.

3:59 PM

Jul 15

Were you able to work out a plan with Cindy?

7:36 PM

Making sure everything is OK

Enter message



Send







+1 917-774-5674



Were you able to work out a plan with  
Cindy?

7:36 PM

Making sure everything is OK.

9:42 PM

No...I was completely out when she  
called after 5. The car lot is telling me  
I have to pay a 33.00 late fee since it  
wasn't there today. I'm over  
it....really. Ive got more than my share  
going on. But I need to meet her first  
thing in the morning so that maybe I  
can talk them out of this late fee

9:44 PM

Don't worry about the late fee. Don't  
even think another moment about it.  
It's ok.

Let's make sure you and Cindy can get

Enter message



Send



LG



59°

61% 9:19 AM



+1 917-774-5674



Don't worry about the late fee. Don't even think another moment about it. It's ok.

Let's make sure you and Cindy can get together tomorrow morning.

I'll circle back with Cindy right now.

What else may I do to help facilitate this?

9:45 PM

I don't know but I have to get ready for work

9:46 PM

No worries.

If you can text or call Cindy when you get off work in the morning, I am confident u'all can make a plan to

Enter message



Send





59°

61% 9:20 AM



+1 917-774-5674



No worries.

If you can text or call Cindy when you get off work in the morning, I am confident y'all can make a plan to meet and all will be sorted out.

9:47 PM

Jul 16

Okay just made the car payment.  
Thanks again

9:53 AM

Lol

10:03 AM

All good to hear

1:56 PM

Jul 22

Howdy. Just checking in. Please let me know if you're doing OK.

7:17 PM

Aug 16

Enter message



Send







+1 917-774-5674



Jul 22

Howdy. Just checking in. Please let me know if you're doing OK.

7:17 PM

Aug 16

Hey, just checking in. Hope you're doing all right.

9:07 PM

Aug 17

I'd like to catch up today if you're around.

I also was going over some parts of our discussion at the IHOP--you are a natural comedienne. So fucking funny.

4:33 PM

Aug 28

Just checking in to see that you're doing OK.

8:27 PM

Sep 8

Enter message



Send







+1 917-774-5674



Aug 28

Just checking in to see that you're doing OK.

8:27 PM

Sep 8

Hey it's Hunter. Checking in.

2:54 PM

Sep 10

I apologize for bugging you at work, but I would be so grateful to call you this week, please. Might there be a day and time that works best?

7:01 AM

Sep 12

I would not bug you if it was not important. I'd be so grateful to speak, even if it's just for 10 minutes. Please let me know when I may call.

1:39 AM

Sep 13

Enter message



Send







+1 917-774-5674



Sep 12

I would not bug you if it was not important. I'd be so grateful to speak, even if it's just for 10 minutes. Please let me know when I may call.

1:39 AM

Sep 13

Hey it's Hunter. Checking in.

8:06 PM

Sep 14

I'd be grateful to call.

5:51 PM

Subject: NoSubject



Enter message



Send







+1 417-774-5674



It is the pleasure to call.

5:51 PM

Subject: NoSubject



6:24 PM

Subject: NoSubject

Enter message







+1 917-774-5674



6:24 PM

Subject: NoSubject



6:28 PM

Subject: NoSubject



Enter message



Send







+1 917-774-5674



6:28 PM

Subject: NoSubject



6:29 PM

Sep 15

I found a photo of Ken Bishop. I'd like to call and text it to you

12:44 PM

Okay well give me a few mins cause I'm in the middle of something

12:45 PM

No problem. Lemme know a time that works best for you

12:45 PM

Enter message



Send







+1 917-774-5674



No problem. Lemme know a time that works best for you

12:45 PM

k

12:49 PM

Might you be free at 2?

1:52 PM

Subject: NoSubject



3:56 PM



Enter message

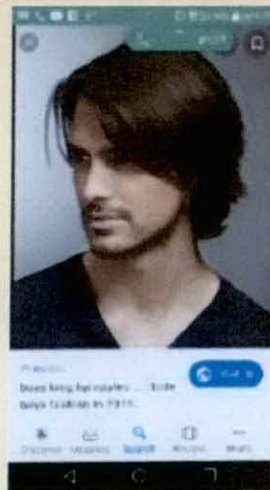


Send



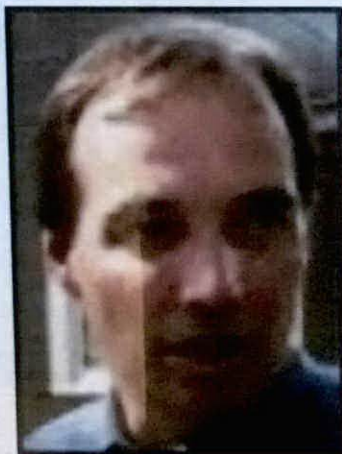


+1 917-774-5674



3:59 PM

Subject: NoSubject



4:02 PM

Today

Hì, ive been downtown for 2 weeks due to a sopoena by a lawyer named Juli

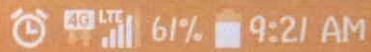
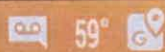
Enter message



Send







+1 917-774-5674



4:02 PM

Today

Hi, ive been downtown for 2 weeks due to a sopoena by a lawyer named Juli for the innocence thing. She would like to have a copy of the audio you recorded or the video either one. I told her last week that I would ask you and it slipped my mind with everything that has been going on. Could you possibly share those files with her? I don't know if you can do so by email or text messege so please hit me back and let me know where you stand with this.

8:55 AM

Enter message



Send



LG



# Handout 12





Hunter



JAN 29, 2018 AT 7:43 PM

Hey Jessica,

This is Hunter Atkins. I'm  
a reporter with the  
Houston Chronicle.

I am writing about the  
2002 case, involving the  
Jones family and some of  
the boys you knew from  
Winston-Salem.

I respect the nature of  
this sensitive topic and --  
as surprising as it may



Aa





36

3

1



Hunter



I respect the nature of this sensitive topic and -- as surprising as it may sound -- I have found something profoundly positive to report all these years later.

A conversation with you would be very helpful.

Please let me know when you might be available to talk, or call me whenever you would like.

Thanks so m







Hunter

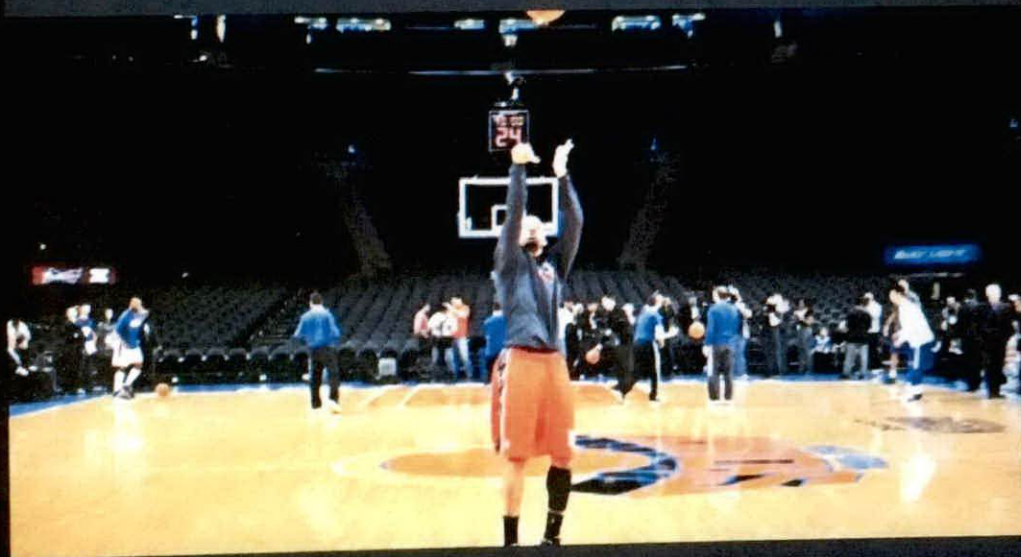


Thanks so much,

Hunter

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)



**Noteworthy**

Andre Emmett  hooting  
jumpers in an empty arena at the





Hunter



AUG 30 AT 1:20 AM


K

You can now call each other and see information like Active Status and when you've read messages.

AUG 30 AT 3:26 AM



Howdy. Did you mean to message me?

Lol...I was trying to show someone the messege. Did you see the article about rell?



Aa







Hunter



Lol...I was trying to show someone the messege. Did you see the article about Dorrell?

Oh and I'm at work so my responses will be here and there

AUG 30 AT 4:04 AM



Glad you responded -- it only had been 18 months in the waiting.

I saw it. I  ally learned about it directly from



Aa





36

3

1



Hunter



Glad you responded -- it only had been 18 months in the waiting.

I saw it. I actually learned about it directly from Jamel within 2 hours of it happening, and then I made several calls about it to learn more about what exactly happened. I know it might be hard for you to imagine how those boys matured into 31-year-old men, how different their personalities came, how sweet and kind and normal



Aa





36

3

1



Hunter



made several calls about it to learn more about what exactly happened. I know it might be hard for you to imagine how those boys matured into 31-year-old men, how different their personalities became, how sweet and kind and normal they turned out considering what they went through, but I promise you they are nice people. I have become close with them. Dorrell was a sweet, thoughtful guy, the most intelligent of the five, actually. He



Aa





f 67°

80% 2:21 PM

36

3

1



Hunter



was a sweet, thoughtful guy, the most intelligent of the five, actually. He just had a baby with his fiancée in January. The news about him is profoundly heartbreaking. Devastating. I spent most of Wednesday sitting at home in silence. Tragedy followed by tragedy.



Even as the victim of a brutal killing, with his blood staining the parking lot and seeped into the tar, Dorrell P. boy had his life story already written.



Aa





36

3

1



Hunter



Even as the victim of a brutal killing, with his blood staining the parking lot and seeped into the tar, Dorrell Brayboy had his life story already written. The Winston-Salem Journal's headline said it all: "Stabbing victim was convicted as a teen of killing Chris Paul's grandfather." The world has yet to find out he didn't do it. And he'll never get the satisfaction.



He spent 15 years



Aa





36

3

1



Hunter



He spent 15 years incarcerated and 16 free. When I think about it in those terms, it's hard for me to appreciate the little time he had to enjoy adulthood, fatherhood, and freedom. He barely got to experience life as he wanted to -- which is the real definition of being free.



AUG 30 AT 5:11 AM

I understand. I figure



Aa





f 67°

4G LTE 80% 2:21 PM

36

3

1



Hunter



AUG 30 AT 5:11 AM

I understand. I figure that whoever did it was probably on some revenge type shit over what had happened so long ago

AUG 30 AT 11:52 AM

No, not at all. Dorrell and a cousin had ongoing tension over a petty amount of money. Their anger with each other lasted days and led to the cousin running up on him and stabbing



Aa





67° 80% 2:21 PM



Hunter



AUG 30 AT 11:52 AM

No, not at all. Dorrell and a cousin had ongoing tension over a petty amount of money. Their anger with each other lasted days and led to the cousin running up on him and stabbing him. So incredibly senseless and stupid..



AUG 31 AT 3:27 AM

Absolutely

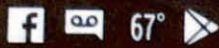
AUG 31 1:06 AM



Aa







80% 2:22 PM

36

3

1



Hunter



AUG 31 AT 3:27 AM

Absolutely

AUG 31 AT 4:06 AM

I have two more photos of Jennifer Martin, the woman who MIGHT (still uncertain) have been in the van posing as Mr. Jones' daughter with Eric Saunders. Don't force anything (I don't want to push your opinion in any direction), but please let me know if these photos



Aa





67°

80% 2:22 PM

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Hunter



uncertainly have been in the van posing as Mr. Jones' daughter with Eric Saunders. Don't force anything (I don't want to push your opinion in any direction), but please let me know if these photos change your opinion of whether it was here.



(You can click the images



Aa





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Hunter




(You can click the images and they will enlarge)

The face looks vaguely familiar. The picture you showed me of her with the bob haircut was the one that struck the memory

Noted. Thank you.



How are you? Everything going Ok with your living situation? And has Trenton (did I spell  right?) started the school year?



Aa





f 67°

4G LTE 80% 2:22 PM

36

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1



Hunter



(did I spell that right?)  
started the school year?

AUG 31 AT 8:40 AM

Its Trynton lol. And yes  
he started school. They  
bumped him to 8th  
grade. His first day was  
Thursday and by the end  
of the day he was  
suspended 3 days.  
Needless to say, I showed  
my ass and 5-0 was  
brought in. As far as our  
living situation, I have a  
friend who let us stay  
until I save enough



Aa







Hunter



Needless to say, I showed my ass and 5-0 was brought in. As far as our living situation, I have a friend who let us stay until I save enough money up to get us out

AUG 31 AT 2:37 PM

Always good to hear you still have that fight in you



Kidding aside, I am sorry that he keeps confronting bullying or ever other things irritate him and



Aa





36

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Hunter



Kidding aside, I am sorry that he keeps confronting bullying or whatever other things irritate him and drag him into these confrontations. I have no doubt he is a sweet kid. Hopefully it's just ironing out the kinks of newness that can happen at the start of school.



AUG 31 AT 3:35 PM

As much as I hate to say it...it's a primarily black



Aa





f 67°

80% 2:22 PM

36

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Hunter



AUG 31 AT 3:35 PM

As much as I hate to say it....its a primarily black school and so far he is the only white kid ive seen. And so point being is the stereo types are proving to be true so far

And obviously ive got quite a few black friends but this is bullshit

AUG 31 AT 11:12 PM



I'll maintain enough



Aa





f 67°

80% 2:23 PM

36

3

1



Hunter



AUG 31 AT 11:12 PM



I'll maintain enough positivity and pacifism on behalf of you both.

A piece of business to run by you: I was able to find photographs of the officers (on Facebook, naturally) who investigated the case, and I'd like to figure out which was the one who was meanest to you. I can send the images on here or through text,



Aa





36

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Hunter



figure out which was the one who was meanest to you. I can send the images on here or through text, but I'd be grateful to chat about it over the phone instead of messenger. Might there be a time (anytime) that you're free to chat over the phone about it? I'm around tonight (Saturday), tomorrow and Monday is a holiday.



I am pretty ↓ e the officer is a man named



Aa







Hunter



tomorrow and Monday is a holiday.



I am pretty sure the officer is a man named Sean P. Flynn.

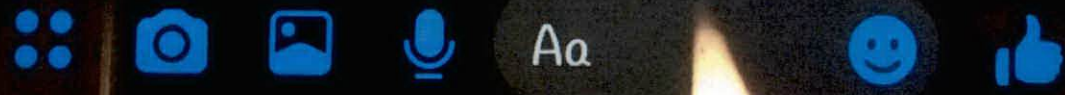


(He retired from the WSPD years ago)

Send me the pics



I'd like to be on the phone in real-time when you get a look at them





36

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1



Hunter



in real-time when you get  
a look at them

Well tonight's probably  
not the best for that. I've  
been drinking....and  
partaking a little soooo

Ohh but that would be fun!

I am entirely kidding.



By all means, enjoy  
yourself on a night off.

Yea for you to get your  
rocks



Aa





36

3

1



Hunter



Yea for you to get your rocks off



Let's aim for another day when you are free and clear-minded.

Yep



Might you have time tomorrow or Monday?

Probably

You can still send me the pics and I'll give you real



Aa





f 67° 36 3 1 80% 2:23 PM



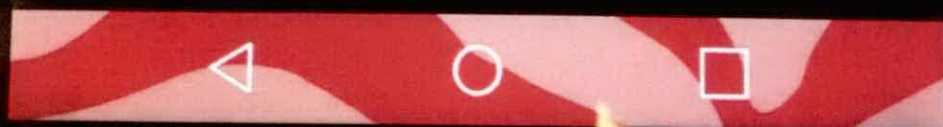
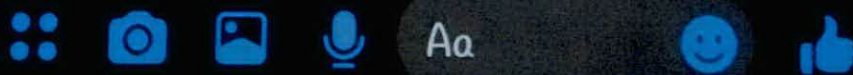
Hunter



Probably

You can still send me the  
pics and ill give you real  
time responses when I  
talk to you lol

I can appreciate your  
curiosity, but politely I  
would like to wait until I  
can hear your immediate  
first-look reactions.  
Because I cannot see how  
you react in person, I have  
to rely on everything with  
my ear over phone.  
Who knows how you might





36

3

1



Hunter



I can appreciate your curiosity, but politely I would like to wait until I can hear your immediate first-look reactions. Because I cannot see how you react in person, I have to rely on everything with my ear over the phone. Who knows how you might react? Those details can be important. It will be worth the wait.



Only because you wanna hear r uss



Aa







Hunter



Only because you wanna  
hear me cuss

As if there is any time or  
scenario when you would  
NOT?

The Jessicah Black that I  
know would not hold back  
from cussing off a nun --  
if you felt that nun had it  
coming to her



Lmao...you might have a  
point



Aa





f 67°

80% 2:24 PM

36

3

1



Hunter



Lmao...you might have a point

I made these drinks...one is pinnacle whipped vodka, sunny delight and maraschino cherries and juice. Taste like a dreamcicle. Sooo good. The other is crown royal, green Hawaiian Punch and fresh strawberries and lemons. Really tasty

You definitely need to try them



Aa







 Hunter   

You definitely need to try them



You have the taste of a 15-year-old.

Lmao...fuck off Hunter



I deserved that.



And happily, so.

I drink tequila like a champ nigga

Straight like water and a

    Aa  





f 67°

80% 2:24 PM

36

3

1



Hunter



I drink tequila like a  
champ nigga


Straight like water and a  
big smile on my face



All right, well, let's  
reconnect tomorrow.

Yep



I will leave you to enjoy  
your hard earned time off.  
You, and the whipped  
cream-flavo  booze.



Aa







Hunter



tea, and the whipped  
cream-flavored booze.

Yasssss



Tenor GIF Keyboard

INSTALL

Before the nights up



Talk tomorrow. Ciss



Aa





f 67°

79% 2:24 PM

36

3

1



Hunter



Before the nights up



Talk tomorrow. Ciao.

SEP 1 AT 8:23 PM



Might you be free this evening for me to call?

SEP 2 AT 3:38 PM



Checking in. Wanted to run some photos by you.

SEP 4 AT 1:14 PM



Aa





36

3

1



Hunter



Checking in. Wanted to run some photos by you.

SEP 4 AT 6:14 PM



Howdy. Just checking in if you may have a bit of free time.

SEP 8 AT 3:51 PM

I'd like to send you some of these detective photos whenever you might be free to chat. It will help me a lot to hear your feedback on which ones were nice, rude, outright



Aa





36

3

1



Hunter



whenever you might be free to chat. It will help me a lot to hear your feedback on which ones were nice, rude, outright antagonistic, etc.



SEP 9 AT 8:30 PM



Might you have time for me to call this week?

SEP 9 AT 11:59 PM



Howdy, checking in.

SEP 12 AT 1:35 AM



Aa







Hunter



Might you have time for me to call this week?

SEP 9 AT 11:59 PM



Howdy, checking in.

SEP 12 AT 1:35 AM



I promise I would not bug you if it was not important. I would be grateful to speak with you, even if it's just for 10 minutes.



Aa





# Handout 13



**IN THE DISTRICT COURT OF THE STATE OF TEXAS**  
**IN AND FOR HARRIS COUNTY**

IN THE MATTER OF THE APPLICATION OF  
THE STATE OF NORTH CAROLINA FOR AN  
ORDER REQUIRING HUNTER ATKINS TO  
APPEAR AS A WITNESS BEFORE THE  
NORTH CAROLINA INNOCENCE INQUIRY  
COMMISSION

Case No.:

APPEARANCE AND WAIVER OF  
HEARING AND TESTIFY IN WAKE  
COUNTY, STATE OF NORTH  
CAROLINA

I, HUNTER ATKINS, enter my appearance in the above entitled matter in the DISTRICT COURT OF THE STATE OF TEXAS, IN AND FOR HARRIS COUNTY, for the purpose of being ordered to testify before the North Carolina Innocence Inquiry Commission in the matter of State v. Christopher Bryant, et. al., Forsyth County, North Carolina, 02 CRS 3882, 3883, 3884, 3886, by video conference, at 9:00 AM March 10, 2020 – 5:00 PM March 12, 2020 at 901 Corporate Center Drive, Raleigh, North Carolina 27607. I HEREBY AGREE to testify as a witness in Commission Hearing in the matter of the State of North Carolina v. Cauthen, et. al. subject to the following limitations:

1. The Commissioners and the Commission's Executive Director shall only question Hunter Atkins as to the following:
  - a. Whether the Defendants in this case maintained their innocence.
  - b. Whether Atkins has ever received any information that someone had personal knowledge that the defendants were involved in any way with the murder of Nathaniel Jones
  - c. Whether Atkins has ever received any information that someone had personal knowledge that defendants told anyone following their original convictions that they committed this crime.
  - d. Whether Atkins has ever received any information that someone had personal knowledge of someone besides these defendants being involved in the murder of Nathaniel Jones.
  - e. Atkins' interviews and/or other interactions with Jessica Black
  - f. Atkins' communications and/or other interactions with the convicted persons in the underlying North Carolina action, including Atkins' calls on the prison phone system.
2. The Chair of the Commission, Honorable Thomas Lock will determine whether any question is appropriately within the scope as defined above.
3. Hunter Atkins testimony will be taken after the testimony of Jessica Black.



4. Hunter Atkins shall provide the Commission by Thursday March 5 a full copy of the recordings of any interviews with Jessicah Black.

That I, HUNTER ATKINS, further waive my right to a hearing on an Order to Show Cause and Agree and consent that my testimony as outlined above is essential to the Commission hearing in the above referred action of the State of North Carolina, and that said testimony will cause me no undue hardship, and hereby agree to testify before the Commission as specified above.

That I, HUNTER ATKINS further agree that the above-entitled Court may enter its order forthwith directing me to testify by video conference before the said North Carolina Innocence Inquiry Commission as outlined above, at 9:00 AM March 10, 2020 – 5:00 PM March 12, 2020, the specific time and video link to be provided to Mr. Atkins.

Hunter Atkins

WITNESS

STATE OF TEXAS  
COUNTY OF Harris

Sworn to and subscribed before me,  
this 4<sup>th</sup> day of March, 2020.

LeGia Russell (Seal)  
Notary Public  
My Commission Expires: 11-05-22





IN THE DISTRICT COURT OF THE STATE OF TEXAS  
IN AND FOR HARRIS COUNTY

IN THE MATTER OF THE APPLICATION OF  
THE STATE OF NORTH CAROLINA FOR AN  
ORDER REQUIRING HUNTER ATKINS TO  
APPEAR AS A WITNESS BEFORE THE  
NORTH CAROLINA INNOCENCE INQUIRY  
COMMISSION

Case No.: 1666683

SUMMONS AND ORDER  
DIRECTING WITNESS TO APPEAR  
AND TESTIFY IN WAKE COUNTY,  
NORTH CAROLINA

WHEREAS, IT APPEARING to the satisfaction of this Court that HUNTER ATKINS is a necessary and material witness for the North Carolina Innocence Inquiry Commission, in the criminal proceeding State v. Christopher Bryant, et. al., Forsyth County, North Carolina, 02 CRS 3882, 3883, 3884, 3886 and no undue hardship will be occasioned thereby;

That HUNTER ATKINS testimony will be taken subject to the restrictions and requirements as outlined in the Waiver of Appearance by agreement between HUNTER ATKINS and the North Carolina Innocence Inquiry Commission;

NOW THEREFORE, IT IS HEREBY ORDERED AND DIRECTED that the said HUNTER ATKINS testify before the North Carolina Innocence Inquiry Commission via videoconference subject to the restrictions and requirements as outlined in the Waiver of Appearance for the hearing in the matter of State v. Christopher Bryant, et. al., Forsyth County, North Carolina, 02 CRS 3882, 3883, 3884, 3886 being held at THE NORTH CAROLINA JUDICIAL CENTER, located at 901 CORPORATE CENTER DRIVE, RALEIGH, NORTH CAROLINA, 27607, ON MARCH 10-12 and tender his presence via video conference as a witness in the above-entitled matter.

DATED this 5th day of March, 2020.

Signed:  
3/5/2020

JUDGE OF THE DISTRICT COURT OF  
THE STATE OF TEXAS





# Handout 14



1 MR. ATKINS: When you say actually talk, can  
2 you define that?

3 MS. TANNER: Sure. How long did it take for  
4 you to have a conversation either on the phone or through  
5 text message or in person?

6 MR. ATKINS: It took until April of 2019.

7 MS. TANNER: Did you have any understanding of  
8 why -- before you talked to her -- of why she might not be  
9 wanting to talk to you?

10 MR. ATKINS: Yes.

11 MS. TANNER: Okay. What was your  
12 understanding?

13 MR. ATKINS: She hated being part of this  
14 entire experience.

15 MS. TANNER: Okay. Between your first contact  
16 early in 2018, and April 2019, when you finally caught up  
17 with her, did you provide Jessicah any money to talk to you?

18 MR. ATKINS: No.

19 MS. TANNER: Okay. Did you provide her any  
20 other type of benefit to encourage her to talk to you  
21 between your first contact in early 2018 and when you  
22 finally caught up with her in April 2019?

23 MR. ATKINS: No.

24 MS. TANNER: Okay. Did you -- in your mind,  
25 did you influence her in any way, between early 2018 and



1 April of 2019, to talk with you?

2 MR. ATKINS: No.

3 MS. TANNER: Okay. What was -- what did you  
4 do between early 2018 and April of 2019 as far as following  
5 up with her or trying to get her to talk to you?

6 MR. ATKINS: I'm pausing because it's like --  
7 I politely followed up, uh, multiple times.

8 MS. TANNER: Okay. Outside of politely  
9 following up, did you do anything else to get Ms. Black to  
10 talk to you between early 2018 and April of 2019?

11 MR. ATKINS: I made contact with other people  
12 in her life, uh, with the hope that they would forward my  
13 message to her that I was just interested in talking about  
14 this. Because she wasn't interested in talking for a long  
15 time.

16 MS. TANNER: Those other people in her life  
17 that you talked to, did you pay them?

18 MR. ATKINS: No.

19 MS. TANNER: Okay. Did you offer them  
20 anything to get back with you or to pass a message on to  
21 Jessicah?

22 MR. ATKINS: No.

23 MS. TANNER: Okay. Did you -- let me back up.  
24 In your understanding as a journalist, what would be  
25 inappropriate to do to get someone to talk to you?



1 MR. ATKINS: There a lot of things that could  
2 go into that. But the most basic one, which it seems like  
3 where you're headed, is, uh, that there be some kind of  
4 compensatory arrangement for an interview, which is not  
5 something I did.

6 MS. TANNER: Okay. If you gave compensatory  
7 arrangement for an interview, would that taint the interview  
8 in your mind?

9 MR. ATKINS: Depends on what the interview is.  
10 Depends on the situation.

11 MS. TANNER: In this case, would you have paid  
12 Jessicah Black to talk to you?

13 MR. ATKINS: No.

14 MS. TANNER: Okay. Why not?

15 MR. ATKINS: Because -- because it's wrong to  
16 pay someone to talk to you. It's wrong to use, uh -- it's,  
17 you know -- phrase it that way.

18 MS. TANNER: Okay. Okay. I want to talk to  
19 you a little bit about the information sharing between you  
20 and Jessicah. But let me back up and explain to you my  
21 understanding of the timeline. Okay?

22 My understanding of the timeline is that there  
23 was a period, early 2018 to April 2019 is kind of how we've  
24 defined that here, where Jessicah just wouldn't talk to you.  
25 Then I do understand that you caught up with some of her



1 family. Ultimately, she ends up really spending some time  
2 with you in person and talking to you.

3 And my understanding, based on what she has  
4 told us, is that it is at some point in that discussion that  
5 she tells you what she said to police, what she said at  
6 trial was not accurate. Is that correct so far?

7 MR. ATKINS: It is correct.

8 MS. TANNER: Okay. After that in-person  
9 interview in Winston-Salem, there is some continued  
10 communication between you and Jessica Black that, as I  
11 understand it, are questions that you might have related to  
12 this case. Is that correct?

13 MR. ATKINS: Yes.

14 MS. TANNER: Okay. And then there are also  
15 some conversations that appear to be sort of unrelated to  
16 this case, about her personal life, her son, her car, her  
17 house, after this interview in Winston-Salem. Is that also  
18 correct?

19 MR. ATKINS: It is.

20 MS. TANNER: Okay. So what I'm interested in  
21 is knowing, before the interview in Winston-Salem -- I'm  
22 going to define that as a comprehensive interview about this  
23 case. You and Jessica Black sit down and have a  
24 comprehensive discussion about the facts of this case. Is  
25 that a fair definition of what happened there?



1 MR. ATKINS: Yes.

2 MS. TANNER: Before that comprehensive  
3 interview, did you have any other type of comprehensive  
4 interview with her prior to that about this case?

5 MR. ATKINS: No.

6 MS. TANNER: Okay. Prior to that  
7 comprehensive interview, did you provide her any documents  
8 related to what you had found in this case?

9 MR. ATKINS: I don't think so.

10 MS. TANNER: Okay. Prior to that interview,  
11 did you provide her with any facts about what you had found  
12 as it related to this case?

13 MR. ATKINS: I explained to her who I am.

14 MS. TANNER: Uh-huh (yes).

15 MR. ATKINS: The purpose. Like my purpose as  
16 a reporter to look into truth and to find the truth of  
17 things. That I had been reporting the story for, at that  
18 point, more than a year. And -- and I explained that there  
19 were claims by the guys that were convicted of it that it  
20 didn't go the way that news reports basically reported that  
21 it went, and that, uh, they didn't do the crime.

22 MS. TANNER: Okay. What was your expectation  
23 of what Jessicah would say when you went to talk to her?

24 MR. ATKINS: You mean in person?

25 MS. TANNER: Uh-huh (yes).



1 MR. ATKINS: I had to do so much more  
2 corroborating and vetting of, like, the entire story that I  
3 was open to anything. You know, like, I mean, I didn't  
4 know -- I didn't know for sure what she might say and what  
5 she might not say. I just understood, as anybody common  
6 sensibly would, that she is critical to what happened.  
7 Whether she were to have commented or not, she is, in fact,  
8 a part of this case and any story about this case. Uh, but,  
9 you know, I could have said anything.

10 MS. TANNER: Okay. Did you have any  
11 expectation that Ms. Black was going to tell you that what  
12 she told police and what she told the court was not  
13 accurate?

14 MR. ATKINS: Did I have an expectation of  
15 that?

16 MS. TANNER: Yeah.

17 MR. ATKINS: I did not have an expectation of  
18 that.

19 MS. TANNER: Okay. Did you think that was a  
20 possibility?

21 MR. ATKINS: I did.

22 MS. TANNER: Why?

23 MR. ATKINS: She let me see her.

24 MS. TANNER: Okay.

25 MR. ATKINS: She's gone 17 years hoping this



1 would all go away. Uh, and, you know, she maturely took the  
2 time to sit down and have a substantive conversation for  
3 what seemed like the first time she had ever done such a  
4 thing.

5 MS. TANNER: Okay. Okay. So prior to that,  
6 you -- you hadn't been told by somebody -- I mean, I know  
7 you talked to the Defendants. But you hadn't been told by  
8 somebody outside of the Defendants, like, "Jessicah is going  
9 to recant; you should really go talk to her?"

10 MR. ATKINS: Correct.

11 MS. TANNER: Okay. Okay. Hang on just a  
12 second. Okay. So I'm going to read to you some portions of  
13 Jessicah Black's, uh, deposition. And what I'm trying to  
14 really understand is what information you may have provided  
15 to her, particularly prior to this more comprehensive  
16 interview about the case. Okay? So, uh --

17 MS. RUBIN: I'm sorry. Do you have a copy to  
18 give?

19 MS. TANNER: Yeah. Oh, I'm so sorry. Yeah,  
20 yeah, yeah.

21 MS. RUBIN: Thank you. And also, uh --

22 MR. ATKINS: Do I have time to review it?

23 MS. RUBIN: I was going to ask, he -- he  
24 may -- it may be easier for him to answer if he can see it.

25 MS. TANNER: Yeah. That's fine with me.



1

10 MS. TANNER: Okay. Are you familiar with the  
11 idea of -- of contamination?

12 MR. ATKINS: I am.

13 MS. TANNER: Okay. What does that mean to  
14 you?

15 MR. ATKINS: It's a form of, uh, planting  
16 information in someone's head, and having them, you know,  
17 incorporate it into their own version of events.

18 MS. TANNER: Is that something that impacts  
19 you in your work as a journalist?

20 MR. ATKINS: When you say "impacts," can you  
21 please elaborate on does it impact me in my work.

22 MS. TANNER: Sure. Is that something that you  
23 keep in mind, the possibility of contamination when you're  
24 working as a journalist?

25 MR. ATKINS: All the time.



1 MS. TANNER: How?

2 MR. ATKINS: Because -- for the exact reason  
3 you're asking. You want to make sure that you have a clear,  
4 credible understanding of someone's experience. And when  
5 you lead them too far, then they might either -- you know,  
6 they might say something that -- they might say something  
7 that is not true. Uh, however, introducing information in a  
8 conversation that someone did not know prior to that  
9 conversation is not in -- is not implicitly, inherently or  
10 immediately a form of contamination. It can be a way to  
11 inform them about things they simply knew most of, but not  
12 all of. And now when they look back upon an event,  
13 something is illuminated that had not been illuminated  
14 before. It is not the same as contaminating a memory. It  
15 can in fact suddenly make something seem significant that 20  
16 years ago seemed insignificant. That kind of thing.

17 Uh, it's also important -- when I say, as a  
18 reporter, I think about guarding against contamination all  
19 the time. That's why it's important to have many  
20 conversations. It's important to vet your own questioning.  
21 It's important to go over questions more than once. It's  
22 important to ask, with respect, something out loud, which I  
23 certainly have with Jessica. You know, don't let me, uh,  
24 suggest something that isn't true, you know. Am I -- you  
25 know, does this make sense. You know, there's sort of an



1 open dialogue about the common sense of a conversation, as  
2 well. You know, I invite -- when I interview people, I  
3 invite them to ask me questions back. I want them to feel  
4 like it is a -- it's a conversation. It can have moments of  
5 disagreements, it can have moments that don't make sense.  
6 Uh, you know, it's not a -- it's not an interrogation ever.  
7 And it's not with an angle or a goal in mind to have some  
8 kind of definitive outcome even. It has to be -- it has to  
9 feel like a real, honest conversation.

10 MS. TANNER: All that you've just described,  
11 did you apply all of that in your discussions with Jessica  
12 Black?

13 MR. ATKINS: I did.

14 MS. TANNER: Okay. So on page 59, when she  
15 says, "He was able to throw facts at me pertaining to the  
16 case and stuff that I -- I never knew," is your recollection  
17 that the facts that you may have, for lack of a better term,  
18 thrown at her, were innocuous? I think that was the word  
19 you used, "innocuous."

20 MR. ATKINS: Some were. Some were important  
21 to -- for her to get a better understanding of her own  
22 experience with, uh -- with this case, with law enforcement,  
23 with the legal proceedings of the case.

24 MS. TANNER: Can you explain that to me a  
25 little bit more? What would have been important for her to



1 have that understanding in your mind?

2 MR. ATKINS: If she were to have introduced  
3 misinformation that, uh, I knew was misinformation based off  
4 of my previous reporting, or the blatant, obvious  
5 information in any transcript that you could pick up and  
6 read at the courthouse, it made sense for me to correct her.  
7 That is not a form of contaminating somebody's memory or  
8 contamering [sic] some -- contaminating somebody's  
9 interview. It is in fact correcting a misunderstanding.  
10 And when their misunderstanding is corrected, it allows  
11 oftentimes, not always, but that person to take a step back,  
12 to take a breath, and to reconsider whether they had been  
13 incorrect about something, uh, and whether maybe something  
14 they overlooked now actually makes more sense or it's more  
15 important.

16 So she had -- she was either misinformed in  
17 some instances, or did not know some things, uh, that were  
18 pretty basic, uh, you know, and that might have contributed  
19 to -- to the information that I introduced to her.

20 MS. TANNER: Okay. Okay. Let's go -- that  
21 actually reads pretty good. So if you want to go to -- and  
22 I'm sorry, these are printed on both sides. Again, I had to  
23 bring it all here. Uh --

24 MS. RUBIN: It's easier if you open it up like  
25 this.



1 MS. TANNER: Okay. On 143 at line 20 -- well,  
2 start at 18. "He said" -- I understand this to be referring  
3 to you -- "And one of the officers told him, one of the  
4 tech -- detectives that was higher detective told him that  
5 he said, 'Yeah,' he said, 'Her testimony is what put them  
6 boys away.'"

7 Did any detective ever tell you that  
8 Ms. Black's testimony is what put the Defendants away?

9 MR. ATKINS: No. I believe that she is  
10 paraphrasing incorrectly.

11 MS. TANNER: Okay. That's my next question.  
12 Did you ever tell Ms. Black that during one of your  
13 interviews with the detectives that her testimony -- I'm  
14 sorry. Let me say that again. Did you ever tell Ms. Black  
15 that a detective told you her testimony is what "put them  
16 boys away?"

17 MR. ATKINS: No. Not that her testimony is  
18 what put them away. There's such specificity to using that  
19 term. I had had conversations with law enforcement. Law  
20 enforcement includes, by my definition, not just police  
21 officers, current informer. It also includes attorneys for  
22 the State.

23 MS. TANNER: Like the DA's office; right?

24 MR. ATKINS: Correct.

25 MS. TANNER: Okay.



1 MR. ATKINS: And I have had conversations in  
2 which she was described as the reason -- well, not the  
3 reason. I have to rephrase. That she is why the, uh -- the  
4 boys were put away to a strong degree. I can't remember the  
5 exact wording of how it was expressed to me right now. I do  
6 not believe that I would have said to her that someone told  
7 me, quote, her testimony is what put them boys away, as she  
8 is quoted as saying in her deposition to you.

9 MS. TANNER: Okay.

10 MR. ATKINS: I believe she's paraphrasing.

11 MS. TANNER: Okay. Did you ever express to  
12 Ms. Black that she was the primary reason these Defendants  
13 were convicted?

14 MR. ATKINS: Yes.

15 MS. TANNER: Okay. Did you express that to  
16 her before or after she told you that what she reported to  
17 police was false?

18 MR. ATKINS: I don't know. I don't remember.

19 MS. TANNER: Okay.

20 MR. ATKINS: I don't believe I would have  
21 phrased it in that way.

22 MS. TANNER: Would you have considered -- let  
23 me ask this. It appears to me, based on what she says on  
24 143 and 144 that we've just read, that, like, that was news  
25 to her. Like, that she didn't understand --



1 MR. ATKINS: Because --

2 MS. TANNER: -- prior to this that she was  
3 the -- the -- in your words, the primary reason this  
4 conviction -- these convictions happened. Okay. Is that  
5 fair? That she was surprised by that information?

6 MR. ATKINS: It's out of context.

7 MS. TANNER: Okay. Explain it to me then.  
8 What do you --

9 MR. ATKINS: It's related to a combination of  
10 the misinformation she had for so many years about, quote,  
11 unquote, evidence she believed to have been presented as  
12 part of this case. Again, she did not know what came out at  
13 this trial. She had gone on believing things about the  
14 trial, pieces of evidence that I informed her were in fact  
15 not so.

16 MS. TANNER: Got it. Okay.

17 MR. ATKINS: That's part one. That would be,  
18 let's say, you know, misinfo -- misunderstanding or  
19 misinformation. And then on top of that, it was, uh -- she  
20 was open about having, with determination, tried to distance  
21 herself so much from this event, that she was rather open  
22 about it being a way to deal with everything was to commit  
23 to the version that she felt she had to give at the time of  
24 the case and the time of the investigation 17 some-odd years  
25 ago. Uh, so the process of her becoming more comfortable



1 opening her mind up, listening, I think that's what she's  
2 capturing and what she's saying there.

3 MS. TANNER: In the testimony? Okay.

4 MR. ATKINS: Yeah. I don't -- I don't know  
5 if -- I disagree with the caricature -- the characterization  
6 that this line, this sentence, this paragraph is -- was a  
7 bombshell moment for her.

8 MS. TANNER: Okay.

9 MR. ATKINS: That's how I'm interpreting  
10 the -- what you're suggesting to me.

11 MS. TANNER: No. That's actually really  
12 helpful. So your perception was that you shared facts with  
13 her over time that cleared up her misperceptions about the  
14 case that led her to an understanding that her testimony was  
15 more significant than she had originally believed it to be?

16 MS. RUBIN: I'm not -- is that what you were  
17 saying?

18 MR. ATKINS: Yeah. A combination -- you used  
19 the word "misperception." I want to be clear that it's a  
20 combination of misperception and outright not -- like, not  
21 knowing. There were basic things she did not know that led  
22 to misunderstanding.

23 MS. TANNER: So in your mind, in talking to  
24 her, you said this wasn't a bombshell moment for her. But  
25 is it accurate to say that at some point in your discussion



1 with her, she recognized that her testimony was very  
2 important potentially in the conviction of these five  
3 Defendants?

4 MR. ATKINS: She understood it was important  
5 the entire time. I think the thing that was new to her was  
6 that her testimony might not have been accompanied with some  
7 tsunami of evidence she had pre -- previously misunderstood  
8 or believed to have been present at the trial.

9 MS. TANNER: Okay. Do you believe that that  
10 realization influenced her to be dishonest in any way with  
11 you?

12 MR. ATKINS: No.

13 MS. TANNER: Do you understand why I'm asking  
14 that? Do you understand that?

15 MR. ATKINS: About contamination.

16 MS. TANNER: Yeah. The idea -- I mean, my  
17 question is, once she kind of had this realization, which I  
18 do appreciate your understanding of that was that it wasn't  
19 like some bombshell thing to her, that she kind of came to  
20 understand this over time, that her testimony wasn't  
21 supported by other types of evidence necessarily. But upon  
22 realizing that in your mind, and talking to her, was there  
23 ever a time that you became concerned that she just wanted  
24 to recant so that she could walk away from it?

25 MR. ATKINS: No.



1 reaction sometimes between, you know, people trying to  
2 anticipate how a story might come out about them or other  
3 people. Uh --

4 MS. TANNER: Can we go off the record a  
5 minute?

6 MS. RUBIN: Sure.

7 (WHEREUPON, the interview was paused, and a  
8 discussion was held off the record.)

9 MS. TANNER: Okay. So we have looked at page  
10 107 that talked about the recorded video. I'm going to back  
11 you up, uh, to go to page 63. Uh, okay.

12 And -- and I'm sorry. I just want to be clear  
13 that I took a break on the record so that I could discuss  
14 with the attorneys based on our agreement. And so everybody  
15 understood that this was a factual basis for my discussion,  
16 and that's why we took a break. Okay. And that's what  
17 happened in that break.



1 thought I was going to have to be in a courtroom in front of  
2 the families and stuff, and I'd probably have a nervous  
3 breakdown. I can't do it."

4 Do you -- did you beg her to talk to friends  
5 of yours that were, quote, with the other innocence thing?

6 MR. ATKINS: No.

7 MS. TANNER: Okay. Do you have any  
8 recollection of a conversation about any of this that we  
9 have just read?

10 MR. ATKINS: Yes.

11 MS. TANNER: Tell me about that.

12 MR. ATKINS: Before the Commission, uh,  
13 escalated its involvement and investigation and with the  
14 subpoenas and depositions, interviewing the relevant people  
15 to this case, uh, I had discovered things relevant to this  
16 case. I assumed that I was going to be able to write and  
17 publish a story sooner than I have. And I had also assumed  
18 that were my story to go to publication, as part of the  
19 review of it by any lawyer by that publication, we would  
20 discuss the importance of getting an affidavit from Jessica  
21 to verify and corroborate the truth of the interview that  
22 she gave me.

23 I had brought up the fact with Jessica that  
24 she might have to speak with a lawyer of some kind. I  
25 brought that up multiple times. I did not bring it up in a



1 begging manner. But I brought it up with sensitivity,  
2 because I know how much she hates lawyers.

3 MS. TANNER: Got it. Okay.

4 MR. ATKINS: Her characterization of "talk to  
5 friends of his," uh, I would say it's a mis -- a  
6 misunderstanding.

7 MS. TANNER: Okay.

8 MR. ATKINS: It's that I promised her that it  
9 would be someone that I trusted to do a good job. If I  
10 were -- again, if I were to need a lawyer to get an  
11 affidavit, and so on and so forth, as part of any legal,  
12 like, review of my story by the publication.

13 MS. TANNER: I get it. So you were -- had an  
14 anticipation that you might need a lawyer in North Carolina  
15 to get some kind of affidavit from Jessicah to --

16 MR. ATKINS: I didn't -- I didn't --

17 MS. TANNER: -- basically corroborate what she  
18 had told you. And I'm just trying to -- is that correct?

19 MR. ATKINS: No.

20 MS. RUBIN: Can I say it as a law -- lawyer?

21 MS. TANNER: Yes.

22 MS. RUBIN: And you can correct me. Uh, as a  
23 reporter, I think he had explained before that there  
24 was -- there -- he expected that when -- when he went --  
25 before he went to go publish the article, the -- whatever



1 news agency --

2 MS. TANNER: Uh-huh (yes).

3 MS. RUBIN: -- was going to be publishing it  
4 would want to -- would likely have a lawyer need to vet  
5 certain facts and certain things --

6 MS. TANNER: Uh-huh.

7 MS. RUBIN: -- so that there wasn't going to  
8 be a libel or slander or other issues. And he had raised in  
9 anticipation that he might have to introduce a lawyer into  
10 this process with -- with Jessica, had raised with her that  
11 a lawyer -- he would -- he -- he may need to have a lawyer,  
12 or he -- she -- he may need her to speak to a lawyer, uh,  
13 and that he would -- that lawyer would be somebody who would  
14 be friendly and who would be solicitous.

15 MS. TANNER: Okay. So a lawyer based on the  
16 review for your article? Like a lawyer related to that  
17 review? Okay.

18 MR. ATKINS: [Inaudible or no response.]

19 MS. TANNER: Is that -- say it out loud.

20 MR. ATKINS: Yes.

21 MS. RUBIN: Say it in your -- in your --

22 MS. TANNER: Okay. Was there ever a time  
23 where you talked with Ms. Black about talking with the  
24 Center on Actual Innocence or Ms. Mumma?

25 MR. ATKINS: I don't recall.



1 MS. TANNER: Okay. Okay. Okay. Did what  
2 your lawyer just explain, is that accurate?

3 MR. ATKINS: Yeah.

4 MS. TANNER: Okay. Okay. I'm sorry.

5 MR. ATKINS: Why is it germane?

6 MS. TANNER: What?

7 MR. ATKINS: The question about -- I'm  
8 confused as to why -- I don't really -- I just don't really  
9 get the question. You're -- you're asking about --

10 MS. TANNER: About who? I'm sorry. What  
11 question? It's germane if your lawyer said that correctly  
12 in your mind.

13 MR. ATKINS: No, no, no, no. Your question  
14 about --

15 MS. TANNER: Oh.

16 MR. ATKINS: You asked me -- you asked me the  
17 question, like, a few moments ago about the Center.

18 MS. TANNER: Uh-huh (yes).

19 MR. ATKINS: Why is that germane?

20 MS. TANNER: Well, I mean, there's a statement  
21 here that Jessica Black makes that says that you were  
22 begging her to talk to other innocence groups, uh, and --  
23 and she wouldn't. And we'll go on to read some other things  
24 where you're saying to Jessica -- I'm going to get your  
25 testimony about it.



1 That this is what I was hearing. And the way I describe it  
2 in that paragraph is an over simplification of the  
3 Commission's process.

4 MS. TANNER: Oh, sure, yeah. That's -- that's  
5 fine.

6 MR. ATKINS: And that is not related to her  
7 references. She's -- she's using the term "innocence" or  
8 "innocence project." However, she's using it much more  
9 fluidly than, in my interpretation, as you've characterized  
10 it in the questioning to me and the way you've threaded  
11 these pieces together. She -- uh, she does not have an  
12 understanding of it.

13



1 MR. ATKINS: I don't recall.

2 MS. TANNER: Do you recall ever encouraging  
3 Ms. Black, after she recanted to you, to seek out an  
4 innocence organization to tell her story?

5 MR. ATKINS: I do not recall that.

6 MS. TANNER: Okay. In reading page 63, page  
7 90, and page 107 through 8 of her deposition, are there  
8 things in those pages -- and please take a minute to look at  
9 those -- that you absolutely remember not doing, such that  
10 what she is telling us is not accurate about those  
11 conversations?

12 MS. RUBIN: I think he's already gone through  
13 that and told you some things that he didn't think -- he  
14 didn't agree with.

15 MS. TANNER: Okay. In your -- when you went  
16 down to Winston-Salem and had that comprehensive interview  
17 with Ms. Black, in that interview, did you ever talk to her  
18 about talking to lawyers of any sort?

19 MR. ATKINS: Yes. In the -- in the same vein  
20 of what we're discussing now. That I said to her, you  
21 might -- you know, it might have to happen. I might need  
22 you to speak with a lawyer to -- to verify what we said on  
23 tape, because anybody could come out and question all kinds  
24 of things.

25 MS. TANNER: Okay. Okay. Looking at Exhibit



1 203, do you recall ever telling her that you would talk to  
2 us about your reasons that you wouldn't give the tape, or  
3 the audio?

4 MR. ATKINS: No. Not the way you just phrased  
5 that question.

6 MS. TANNER: Okay. Tell me what you do recall  
7 about that.

8 MR. ATKINS: She informed me that the  
9 Commission wanted audio. I told her, give my information,  
10 and it's like, I'll handle it, because it's now pertaining  
11 to me, not to her.

12 MS. TANNER: Okay. I think I have --- I do  
13 have some other questions related to Ms. Black potentially.  
14 Uh, but I'd like to take a minute to kind of regroup on  
15 that. And then I'd actually like to start talking to you  
16 about the communications that you had with the Claimants.  
17 So that's a separate topic. Uh, so I think this might be a  
18 good time to take, like, a two-second break if we need a  
19 break, uh, and kind of come back to that. Does that sound  
20 good to everybody?

21 MS. RUBIN: Uh-huh (yes).

22 MR. ATKINS: Yeah. That's great. Thank you.

23 (WHEREUPON, a break was taken, and a  
24 discussion was held off the record.)

25 MS. TANNER: Okay. We are back on the record



1 with this interview. Mr. Atkins, I understand that during  
2 the break you spoke with your attorneys, and that there are  
3 some items you'd like to clarify about your previous  
4 statements. Is that correct?

5 MR. ATKINS: Correct.

6 MS. TANNER: Okay.

7 MR. ATKINS: Uh, so the mentions in the  
8 material that I've been shown in reference to Jessicah Black  
9 and her mentions about, uh, innocence organizations can be  
10 separated to understand -- or to get a better -- a clearer  
11 idea of what I believe she misunderstood. I had brought up  
12 to her that, in all likelihood, I would have to seek a  
13 lawyer of some kind related to, uh, whatever publication I  
14 could get the story published at. Uh, and that lawyer would  
15 verify, uh, the story and probably require an affidavit from  
16 her, uh, to corroborate content of whatever story.

17 And separately, I had also said to her, after  
18 she and I spoke in April, uh, in person, I said that she  
19 might want to be open, because she was so compelled to, on  
20 her own. Uh, she might want to be open to talking with an  
21 innocence organization about it. Uh, I did not plead or beg  
22 or insist on any particular innocence organization.

23 When we revisited the topic of, you know, am I  
24 going to need to get a lawyer potentially to maybe get an  
25 affidavit, somebody who could be comfortable for her to



1 speak with, I don't remember or recall exactly how I phrased  
2 it or when I said it or how I mentioned it. But I did  
3 probably say, "There is this lawyer that I think is really  
4 good and nice named Chris." Uh, when you before asked me,  
5 did I introduce the Center. I didn't think of it as the  
6 Center coming into any involvement with Jessica Black. I  
7 thought of it simply just someone that I knew to be good,  
8 uh, could be sensitive if necessary, uh, somebody that I had  
9 a rapport with, which would be Christine Mumma.

10 I also, to be very clear, never acted on it.  
11 I never -- uh, from that point, like, I didn't connect the  
12 two of them. I didn't wind up, uh -- I never, like, hired  
13 Christine Mumma for anything or anything like that. I had  
14 Chris in mind just because I knew her, and it sort of came  
15 to me in the moment when Jessica and I were -- when we're  
16 talking about potentially, uh, me introducing a lawyer to  
17 potentially get an affidavit, uh, to verify conversations  
18 she and I had.

19 MS. TANNER: Okay. So I just want to make  
20 sure I'm clear. You did introduce Chris as a possibility of  
21 someone to collect the affidavit from her that you might use  
22 to verify her story?

23 MR. ATKINS: That's how I recall it. I do not  
24 know how I phrased it. That was my thinking at the time.

25 MS. TANNER: Okay. Did you ever talk to Chris



1 about that?

2 MR. ATKINS: I don't recall. I don't think I  
3 did.

4 MS. TANNER: Okay. Is there anything else?

5 MR. ATKINS: Uh, I don't think so.

6 MS. TANNER: Okay. Okay. I want to talk to  
7 you about, uh, paying Ms. Black's car payment. Do you  
8 remember that?

9 MR. ATKINS: Yes.

10 MS. TANNER: Tell me about it.

11 MR. ATKINS: Uh, after we met in person in  
12 April, uh, months go by in which I had some follow-up  
13 questions, but I'm unable to get in touch with her. Uh, in  
14 general, she's not so easy to get in touch with, whether it  
15 be by text or another mode of communication, uh. And  
16 after -- during those months where we weren't -- I didn't  
17 hear back from her, I continued to try to reach out via text  
18 message, uh, called. And then, I don't remember exactly  
19 when it was, but sometime around the summertime, uh, I  
20 finally was able to have a phone conversation with her. And  
21 she was, it sounded like, in dire straits, uh, in her life.  
22 And it had to do with, uh, an outstanding car payment that  
23 she said she couldn't afford.

24 Uh, she did not ask anything of me. I  
25 volunteered, uh, to help in that moment, what seemed like a



1 crisis for her. And I did it because I just -- I knew that  
2 that money would mean more to her than it -- it would mean  
3 to me, uh. So I just decided to do that.

4 MS. TANNER: Have you ever paid a bill on  
5 behalf of anyone else that was an interview subject for you  
6 as a journalist?

7 MR. ATKINS: No.

8 MS. TANNER: What made this different?

9 MR. ATKINS: I don't know.

10 MS. TANNER: Can you talk to me about how it  
11 unfolded that you were able to get her -- well, first of  
12 all, let me ask. Did you in fact give her money to make  
13 that payment?

14 MR. ATKINS: Yes.

15 MS. TANNER: Okay. Did you make the payment  
16 directly or did you give her the money?

17 MR. ATKINS: I relied on someone else to, uh,  
18 give cash to her.

19 MS. TANNER: Who?

20 MR. ATKINS: Uh, confidential.

21 MS. TANNER: Okay. And I'm not trying to hide  
22 this. I think there's some information about this in the  
23 texts. If -- so if you -- I think I gave you these, didn't  
24 I? No, maybe not. This might be the Facebook messages.  
25 But I'm on pa -- I'm on Exhibit -- what am I on, 20 -- hang



1 on. Make sure I get it right, and then I'm going to give it  
2 to you. 201, 202, 203. Okay. I'm going to mark these as  
3 204. Okay?

4 So 204 is what I understand to be Facebook  
5 messages between you and Jessicah. Uh, and I am giving you  
6 these, and you've already got the text messages over there  
7 on your side of the table. Uh, there is some information  
8 about the car payments in here. So let me double-check.  
9 It's either in here or it's in the other. Give me a second,  
10 because I want to make sure. It might be in your text  
11 messages. I want you to have that in front of you so we  
12 can -- so you see what I know about it. Okay. I think  
13 these start -- these aren't labeled, of course. But if you  
14 flip back -- like, with page numbers, that's super helpful.  
15 If you flip back from the back, it looks like, uh --

16 MR. ATKINS: Of the -- of the Facebook  
17 messages or the --

18 MS. TANNER: Of the texts.

19 MR. ATKINS: Okay.

20 MS. TANNER: It kind of starts -- let me get  
21 the date, because that'll help you. Thank you for your  
22 patience. We're talking about Keith Manns? It's like  
23 halfway through this packet. It probably would have been  
24 great if I had labeled that with page numbers. Uh, and then  
25 you're talking about Keith Manns. And then you start



1 talking about talking to her friends. I'm assuming the  
2 conversation happened earlier about the car payment.

3 I will represent to you, and I do want you to  
4 take time, and your attorney may want you to take time. But  
5 I will represent to you that there are pages of text  
6 messages about -- there's a friend, Cindy; there's a friend,  
7 Jessica; there's a friend, Sharhonda; that you represent to  
8 Jessicah, uh, that you're trying to work with to get her  
9 payment in these text messages. So those are the names I  
10 have. Uh, and it looks like Cindy was the last name I saw.  
11 But let me make sure. Do you see all that in here?

12 MR. ATKINS: I do.

13 MS. TANNER: Okay. If -- would it be accurate  
14 to say that these texts represent accurately the  
15 communications you had with her about the car payment?

16 MR. ATKINS: Yes.

17 MS. TANNER: Did you have phone calls with  
18 her, also, about the car payment?

19 MR. ATKINS: Yes.

20 MS. TANNER: Okay. Is there any fact -- and  
21 if you need to take a few minutes, please do. Or if we need  
22 to move on to something else and we can come back to this.  
23 Is there any fact that you talked about in the phone calls  
24 related to paying the car payment that is not also contained  
25 in these texts? For example, who ultimately gave her the



1 money for the car payment, or the reason for the car  
2 payment?

3 MR. ATKINS: And your -- sorry. Your question  
4 is, is there anything in the phone conversations?

5 MS. TANNER: Uh-huh, uh-huh (yes).

6 MR. ATKINS: I don't recall. Uh --

7 MS. TANNER: Okay. How many times did you  
8 talk to her on the phone about this?

9 MR. ATKINS: I don't -- I don't recall. Uh,  
10 at least once.

11 MS. TANNER: Okay.

12 MR. ATKINS: Uh, at least once we spoke about  
13 it on the phone. They're obviously -- the -- you know, the  
14 messaging that --- that's in here is further correspondence  
15 about that. And me trying to coordinate, uh, getting her  
16 cash. Uh, she didn't have any kind of digital way to  
17 receive the -- the money. So I had to find a way to, uh,  
18 literally, like have the bills put in her hand.

19 MS. TANNER: Got it. Was this car payment at  
20 all related to your need for information from her?

21 MR. ATKINS: It was not. And not only was it  
22 not, but I don't believe that it affected the quality or  
23 truthfulness of the information that Jessica and I ever  
24 shared.

25 MS. TANNER: Okay.



1 MR. ATKINS: You can see that we met  
2 substantially in that April -- for the April interview.  
3 This is months after that. So --

4 MS. TANNER: I hate to take a break so quickly  
5 after we finished. But can we take a break and I can talk  
6 to you guys just briefly?

7 MR. ATKINS: Sure.

8 MS. TANNER: Okay. Thank you.

9 (WHEREUPON, a break was taken, and a  
10 discussion was held off the record.)

11 MS. TANNER: Okay. So we're talking about the  
12 car payment. And I see the texts here. And it's unclear to  
13 me from reading the texts who was the person you ultimately  
14 connected with in the community to get the money to  
15 Jessicah. Who was that person?

16 MR. ATKINS: Cindy.

17 MS. TANNER: Okay. How is Cindy related to  
18 this case, if at all?

19 MR. ATKINS: She's not related. Neither of  
20 the, uh -- none of the three people that are mentioned in  
21 these text messages about me trying to give money to  
22 Jessicah. The name Jessica comes up, the name Sharhonda  
23 comes up, the name Cindy comes up. None of those three  
24 individuals are related to the case in any way. I had made  
25 an effort to try to find -- like, not find. I thought about



1 the few people I know in Winston-Salem that don't have  
2 anything to do with this case, and wound up with Cindy.  
3 Cindy, uh, I didn't want to say her name because of a matter  
4 of just privacy for her. Uh, but she's somebody who I met  
5 when I was in Winston-Salem who, uh, ultimately, I was able  
6 to give the money through -- I can't remember exactly how.  
7 Some digital transfer -- to Cindy. And then Cindy, uh, gave  
8 the money to Jessicah.

9 MS. TANNER: Okay. Am I correct in  
10 understanding that Cindy's total role in this case was to  
11 hand the money off to Jessicah to pay the car payment? Not  
12 in the case. I'm sorry.

13 MR. ATKINS: I would -- thank you. I  
14 appreciate you clarifying.

15 MS. TANNER: In this situation. That's right.

16 MR. ATKINS: Correct.

17 MS. TANNER: Yeah, that's -- because she  
18 wasn't involved in the case at all. Okay. Cool. I just  
19 want to check one thing before I ask this question. Hang  
20 on. I'm so sorry.

21 Okay. If the Forsyth County District  
22 Attorney's office has or had at any point an understanding  
23 that this car payment was somehow related to Jessicah  
24 talking to an innocence group, what would you say about  
25 that, as far as your understanding of the facts?



1 MR. ATKINS: That would be completely false.

2 MS. TANNER: Okay. Okay. Just to make sure  
3 I'm clear. Any of these ladies in here, did any of them  
4 have a relationship to some innocence group to your mind?  
5 Sharhonda, Cindy or Jessica?

6 MR. ATKINS: They do not.

7



# Handout 15



NORTH CAROLINA GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

\*\*\*\*\*

STATE OF NORTH CAROLINA,	)	
	)	
versus	)	FORSYTH COUNTY
	)	
CHRISTOPHER BRYANT,	)	02 CRS 38886
NATHANIEL CAUTHEN,	)	02 CRS 38884
JERMAL TOLLIVER, and	)	02 CRS 38882
RAYSHAWN BANNER.	)	02 CRS 38883

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RECORDED INTERVIEW OF JESSICAH BLACK

\*\*\*\*\*

This is the transcript of the recorded interview  
taken of Jessica Black, which was conducted by Hunter  
Atkins on an unknown date.

APPEARANCES

Hunter Atkins  
Reporter

Transcribed by: Kate Farrish, NCJT  
2141 Lightwater Lane  
Holly Springs, NC 27540



## Jessica Black - By Hunter Atkins

1 MS. BLACK: I don't -- I -- I don't inform on  
2 this shit because I don't want them knowing my business.  
3 But you just went around and informed all kinds of fucking  
4 people on my shit. And I do -- I -- I really, really wish  
5 you would respect the fact of not contacting me about it  
6 anymore.

7 MR. ATKINS: I -- I -- first of all, I want to  
8 apologize. I'm sorry. I really am. I -- I -- I'm sorry.  
9 I -- I can promise you that if you have a few moments now,  
10 this is the very last time I ever will bother anybody about  
11 this. And I don't -- and I -- and I -- and I want --

12 MS. BLACK: I don't want to be involved in this  
13 shit at all. I don't want to be involved in it. What  
14 happened happened and that's -- that's just it. I don't  
15 want to be involved in none of their shit. But I --  
16 everybody's going around and fucking talking about this  
17 goddamn shit when they ain't know nothing about it. It's  
18 fucking uncalled for.

19 MR. ATKINS: If it -- if it -- if it matters at  
20 all, I've spent -- I've spent a lot of the last year,  
21 most -- mostly the last few months, but I've spent a lot of  
22 the last year, you know, devoting my own time as a  
23 reporter, as a diligent, honest reporter, to just looking  
24 back at everything. And it was just very clear, even now,  
25 that, you know, you were really important to it.



## Jessica Black - By Hunter Atkins

1           And I don't want to upset anybody. I don't want  
2 to hurt anybody. I -- but the -- the case is in a place  
3 now where it was being reviewed again by the government in  
4 this very serious, like, earnest way. And it simply is an  
5 opportunity that if -- if, hypothetically, anybody were to  
6 change how they felt then or -- or say something different  
7 now, it -- it could correct some things that maybe were  
8 incorrect 17 years ago.

9           There's just -- there is that potential and --  
10 and for that reason, it's why I just wanted to do  
11 everything I could. And I'm sorry. I promise I'm sorry.  
12 I -- I didn't mean to hurt anybody. I'm not trying to do  
13 that, but there is a real sincere chance for -- for -- I  
14 don't know, you know, for you to in a way set the record  
15 straight, or -- or if there is something that you wanted to  
16 change, this is that opportunity. And I -- I -- I, you  
17 know, I get that it was --

18           MS. BLACK: Set what record straight? They were  
19 fucking knuckleheads. They fucked up. They did something  
20 (indiscernible) and -- and -- and it is what it is. It's  
21 just like I said -- I'm not -- I don't even know because I  
22 don't want to be involved in this shit. I don't want to be  
23 involved in it. I don't want to fucking be involved in it.  
24 I cannot tell you how many times I don't want to be fucking  
25 be involved in it. I have a 14-year-old child that don't



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1 even know shit about this, and I don't need him involved in  
2 this shit.

3 MR. ATKINS: Well, I -- I certainly don't want  
4 to -- you know, I don't -- there's not -- there's certainly  
5 no reason to -- to bring him in to any of this or -- or for  
6 any of this to ever effect him in any way. The -- the  
7 only -- the only thing I will say is that even without my  
8 efforts to speak with you, the matter itself is one that,  
9 you know, hell, we -- we all know it's already a Google  
10 hypothetically. You know, it's out there in the Internet  
11 from the past.

12 But also the new effort by the North Carolina  
13 Inquiry Innocence Commission, this -- this very good, like,  
14 agency that's part of the justice system and the North  
15 Carolina government. And it's very well resourced. It is  
16 taking a real sincere look at the claims of innocence in  
17 this case. And now the -- the Commission very well might  
18 conclude the opposite. It might conclude or it might  
19 confirm the convictions that were made years ago. That  
20 happens all the time.

21 MS. BLACK: And if they do, then that's great.  
22 That's -- that's fucking fantastic. But I don't care. I  
23 just want to be fucking left out of it.

24 MR. ATKINS: Well, I'm sorry to upset you about  
25 it. I -- can I -- can I explain a little more why it is --



## Jessica Black - By Hunter Atkins

1 I also had thought you might be really important for me to  
2 try to speak with, and I -- and I promise it's not because  
3 I'm trying to -- I don't know. I'm not trying to hurt  
4 anybody or tell some, like, dramatic story here. It --  
5 it -- but it seemed to me, and this is -- this is only from  
6 my -- I can -- I can tell you from -- I've taken the time  
7 to meet and in person for hours at a time the -- with those  
8 five guys; with Rayshawn; with Nathaniel; with Christopher,  
9 Bubba; with Dorrell; and with Jermal.

10 MS. BLACK: I'm sorry, but who you meet now is  
11 not who the hell they were then.

12 MR. ATKINS: What --

13 MS. BLACK: It is not who the hell -- that's  
14 not -- they don't even act the same.

15 MR. ATKINS: If -- if I can ask -- and I'm not  
16 trying to pry, but what do you -- what do you mean by that?

17 MS. BLACK: Just what I said. They've had all  
18 these years to sit here and -- and -- and do what they do,  
19 and -- and they're not fucking 14 anymore.

20 So when they were 14, they didn't do anything but  
21 fucking run the street and fucking get into goddamn trouble  
22 and -- and be fucking knuckleheads. And being locked up  
23 for so fucking long will change a person so...

24 MR. ATKINS: The -- I -- I think that's fair, and  
25 I think it's totally plausible. I -- the experiences just



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1 that I had in spending time with them, it certainly  
2 encouraged me to make this kind of an effort, to really  
3 listen intently and spend a lot of my own time confirming  
4 what -- you know, that what -- you know, what had happened  
5 in either direction. Whether it was that the conviction  
6 holds up. Whether it's that there were enough holes in  
7 this case to suggest that their claims of innocence were  
8 more valid than they were given credit at the time.

9 And one of the things that I had wondered is when  
10 the police spoke with you, and you were 16 at the time. I  
11 mean, basically the same age as them, that when -- when  
12 police interrogate and -- and interview and work with  
13 juveniles, teenagers, there is a much higher risk that the  
14 teenagers will after hours of essentially saying, like,  
15 "Hey, I don't know anything. I didn't do this," we know  
16 from studies, we know from all kinds of wrongful  
17 convictions that teenagers are much more likely to give a  
18 false confession or to essentially over time say what needs  
19 to be said so they can go the hell home.

20 And I had wondered -- and I -- and I mean this  
21 with sincerity and because we haven't had the chance to  
22 speak, I wondered if around that age when you were brought  
23 in -- of course, not at all expecting to be dragged into  
24 any of this shit, you know. Like, if when you were with  
25 the police that time, that much like those other boys, the



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1 same exact strategies and tactics and methodology the  
2 police used to interrogate them, they might have used when  
3 they interrogated you. I don't know.

4 MS. BLACK: That's the scariest shit I've seen in  
5 my life. I don't get in trouble. I keep to myself. I  
6 stay away from everybody. I stay away from all that shit.  
7 Anything that has to do with anything -- anybody to even  
8 remotely act like they're going to fucking get in trouble,  
9 I stay the fuck away from. I do not want to be involved in  
10 that shit like that.

11 And at 16, yes, that shit was scary as fuck. And  
12 they fucking interrogated me for eight hours.

13 MR. ATKINS: Can I -- can I ask then, and I  
14 promise I asked this with sincerity, that if they -- they  
15 interrogated you for eight fucking hours? Like, you know,  
16 I mean, this is not -- I promise this is not a situation in  
17 which, hypothetically, if you were to say something  
18 different or change things, it -- it rights -- it can have  
19 the potential to right some wrongs.

20 You don't get in trouble for any of this. There  
21 isn't police, like, reactions to any of this. You don't  
22 get in trouble. This is, like, the real chance to, you  
23 know, to -- to basically say what might really have  
24 happened if -- if, in fact, the doubts about what happened  
25 are true. I promise.



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1           And I'm not trying to manipulate anything. I'm  
2 not trying to put any words in your mouth. I promise.  
3 Please believe me. It is just that, obviously, that's  
4 taken this kind of an effort by me to even get to this  
5 place in a conversation with you. And I -- I don't want  
6 to -- it's -- it's unethical for me to even, like, say --  
7 the -- to, like, lead you in that direction. I don't want  
8 to. I just want to ask you what happened. But there are,  
9 you know, there are two guys still in prison for ten years.  
10 And there -- there is the chance that, like, justice can be  
11 served. And -- and it's okay, you know, like, these  
12 mistakes happen and then --

13           MS. BLACK: Every one of them boys during the  
14 trial -- every one of them shit. Every one of them tried  
15 to hit me up in that shit. So I -- I -- so I -- I -- I  
16 hate to say it, I don't even care. I don't. I don't. I  
17 just want to be left the fuck alone. I just want to be  
18 left alone.

19           MR. ATKINS: If it -- if it matters, I'm not  
20 saying it does, but if it matters, like, I'm just saying,  
21 hypothetically, if, you know, you felt like you were kind  
22 of pressured to say something that wasn't true in that  
23 confession, being honest about it now is the way to never  
24 be dragged into any of it. It is the way to close the door  
25 for good. It is the way to -- to really, truly end it. To



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1 have true resolution and true closure. Like, the reason  
2 why it occasionally in your life, in your adult life, has  
3 come back, whether it's someone like me or an innocence  
4 project or even the Innocence Commission, like, is because  
5 there are the continued efforts to look into some pretty  
6 credible claims of innocence. That's why.

7 And -- and -- and -- and those can all stop if,  
8 in fact, the truth is something else. You know, it --  
9 it -- and I promise I'm not trying to be a dick. I  
10 promise. Please believe me. I just -- I just know that  
11 this is the kind of effort it's taken to have an honest  
12 conversation with you in a way that it seems no one  
13 respectfully, comfortably, you know, even tried to do.

14 MS. BLACK: I don't care. I don't want to say  
15 anything about anything. Nothing about anything because  
16 I'm so (indiscernible) what -- they could 20 years down the  
17 road, they can always come back and charge me. I'm not  
18 saying anything about anything.

19 MR. ATKINS: But they won't -- I -- I'm telling  
20 you, Jessica. I promise that -- it's too much time has  
21 passed. It's not like that. The -- and also three --  
22 so -- so of the five, three -- three are free, and they're  
23 living their lives. And -- and I got to tell you, I know  
24 that it might be hard to believe me, I certainly have not  
25 done a lot to build any kind of trust between us, but



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1 the -- it was really, really fucking hard for me to speak  
2 with them. I promise you.

3           You know, it wasn't like when I reached out to  
4 them, when I found them, they were excited either. They  
5 thought that I was going to be anything different, anything  
6 special that I could do anything, and they were -- I  
7 couldn't get them on the phone. They wouldn't respond on  
8 Facebook. So as you know, like three weeks ago, I actually  
9 came to Winston-Salem to show them -- the only thing that I  
10 tried to show anybody, which is I'm just here to listen.  
11 I'm just here to give the kind of effort that I wish a  
12 reporter had given 17 years ago to this situation. That's  
13 all.

14           And, you know, it's only through that, that I was  
15 able to get to know them, to build some trust, to hear them  
16 out. They are not vengeful people. They don't run with  
17 the -- that kind of life anymore. You're right. Maybe in  
18 a way they have changed. You know, they're not those same  
19 knuckleheads anymore. They got jobs. They got families.  
20 They got girlfriends.

21           One of them, Dorrell, just started a family. He  
22 just had his first kid. And they don't want to fuck any of  
23 that up either. Maybe 17 years ago when they were less  
24 intelligent, less emotionally intelligent, less aware, they  
25 were dickheads. Maybe they were cruel. Maybe they



## Jessica Black - By Hunter Atkins

1 threatened you. Maybe they had people in the neighborhood  
2 threaten you. I get -- I fucking get that.

3 MS. BLACK: Their entire families fucking  
4 threatened me. And said if I come back over in that part  
5 of town, that they would make sure I was taken care of. I  
6 don't even go to that side of town anymore. My fucking  
7 face don't change. I look exactly the same as I did.

8 MR. ATKINS: Jessica, I promise you. I'm -- I  
9 promise you that right now -- I promise you --

10 MS. BLACK: I wouldn't even allow any of my  
11 family to come to that fucking trial. I had nobody there.  
12 I didn't want anybody there. Nobody. It was nobody but  
13 their fucking families there, and their friends, and --  
14 and -- and that was it. The DAs wouldn't even let me go  
15 outside to smoke. They made me smoke upstairs in the  
16 fucking courthouse because of them raising so much hell.

17 MR. ATKINS: But -- but I -- but I'm telling you  
18 I get it, and -- and -- and I think -- I would think if you  
19 can take a deep breath for a moment, we could -- we  
20 could -- we could understand how at that time there was  
21 this level of fear, and there was this level of, you know,  
22 anger and hate and -- and -- and threat. There was -- at  
23 that time there was. But -- but that -- I'm telling you  
24 all that is gone. It's long gone. It's long gone. I  
25 promise you. You know. I promise you.



## Jessica Black - By Hunter Atkins

1           That's not the way it is anymore. There is  
2 nothing that I think everybody involved in that community  
3 would love more than to have the truth come out.

4           MS. BLACK: I don't know. I tried to tell them  
5 what I could, okay? I tried to tell them what I --

6           MR. ATKINS: I'm sorry. When you say -- when you  
7 say -- when you say them -- I'm sorry -- you're say --  
8 who's them?

9           MS. BLACK: The cops. I tried to tell them  
10 exactly what the fuck I could and that was what the fuck it  
11 was.

12          MR. ATKINS: I'm sorry. I apologize. I just  
13 couldn't hear the last word. I'm so sorry.

14          MS. BLACK: That was just what it was.

15          MR. ATKINS: When you say "that was just what it  
16 was," I -- I still am not sure -- I don't want to -- I  
17 don't want to misunderstand what you mean. I want to know  
18 what you know when you say that.

19          MS. BLACK: I mean it don't matter what the hell  
20 you told me -- I could have told them that I didn't shit  
21 myself and they still would have said what the fuck they  
22 said.

23          MR. ATKINS: Who's they?

24          MS. BLACK: The cops.

25          MR. ATKINS: Jessica, I'm -- I -- please accept



## Jessica Black - By Hunter Atkins

1 my apology. I'm not trying -- I'm so sorry. I'm so sorry.  
2 Please accept my apology. I'm so sorry.

3 MS. BLACK: I did not hang out with them to get  
4 in fucking trouble. I hung out with them in the afternoons  
5 when I got out of the school, and we'd go up there, and  
6 we'd sit or ride around in my car, and we would smoke weed,  
7 and that's all the fuck that we ever did. That was it.  
8 Except where on occasion when they started to be fucking  
9 little assholes, and I wouldn't come around.

10 MR. ATKINS: When do you mean by, like, they  
11 would be assholes, you wouldn't come around? Meaning  
12 after --

13 MS. BLACK: Like they were fucking little  
14 dickheads. They were five little assholes.

15 MR. ATKINS: Jessica, I mean, with all due  
16 respect, I mean, like, yeah, they're teenage boys. You  
17 know, like, back then -- I don't know. Like any teenager,  
18 you know, it's, like, teenage bullshit. It seems to me  
19 unless I'm missing something.

20 MS. BLACK: Going to tell me that's just what it  
21 was. It was a bunch of fucking teenage bullshit and the  
22 next thing fuck I know, I'm sitting at home and fucking  
23 detectives just shows up at my house. They come and haul  
24 off my fucking car. And they do all that.

25 If they hadn't done something, they wouldn't have



## Jessica Black - By Hunter Atkins

1 found fucking skin DNA in the my car.

2 MR. ATKINS: But they didn't -- but that DNA --  
3 we -- we all know that DNA didn't link to any of boys.

4 MS. BLACK: Well, I don't have a clue because I  
5 don't -- I didn't keep up with that shit. Once that  
6 trial -- once that last trial was over, that was it. I  
7 didn't keep up with the shit. I didn't read the news  
8 articles. I didn't do any of that. I didn't care to. I  
9 didn't want to be -- I wanted to be as far away from all  
10 that as I could.

11 MR. ATKINS: Well, I'm telling you now, I know  
12 just about as much as anybody on Earth about this case, and  
13 the only piece of evidence, physical evidence, forensic  
14 evidence of any kind despite looking for fingerprints,  
15 looking for blood, looking for a murder weapon, looking for  
16 fibers, looking for anything you can imagine, the only  
17 thing that linked any of those guys to that crime was a set  
18 of shoeprints that they found on the hood of Mr. Jones's  
19 car. And those shoeprints matched up with Nike Air Force  
20 1s, and they found a pair of Nike Air Force 1s in the  
21 closet of Rayshawn and Nathaniel.

22 Now, anybody who's -- anybody, you know, in  
23 your -- like around age 30 -- I just turned 30 in  
24 December -- Air Force 1s are the highest selling shoe of  
25 all time. They sold millions more than any other shoe on



## Jessica Black - By Hunter Atkins

1 Earth.

2 And I think it's -- I don't want to put words in  
3 anybody's mouth, but it also seems really clear that  
4 Rayshawn was not with you guys this night. He in  
5 particular wasn't with this group that night.

6 MS. BLACK: I cannot even remember who all was  
7 with us that night.

8 MR. ATKINS: Which is fair. It was -- it was a  
9 long fucking time ago but...

10 MS. BLACK: I mean, like, when I tell you I have  
11 put this shit out of my fucking head. I put it out of my  
12 head. I have done everything I can to keep this away from  
13 me and not tell anybody about -- nobody knows because  
14 they've not gone digging for my shit. None of them. None  
15 of the people that you talked to knew anything about  
16 anything.

17 MR. ATKINS: And -- and -- and I hate --

18 MS. BLACK: Except for my brother. My brother is  
19 the only fucking one, but he's not the one who talked to  
20 anybody.

21 MR. ATKINS: I understand. The only consolation  
22 I could say is that, you know, I spent -- I spent more than  
23 a year, and obviously I'm going to write a story anyway.  
24 The story is going to come out. The Commission -- that  
25 innocence inquiry commission that I mention, that



## Jessica Black - By Hunter Atkins

1 government run agency, you know, they are doing that --  
2 that -- that investigation independent of me anyway. You  
3 know, like, my story is going to come out anyway. It will,  
4 of course, because you were such an important part of the  
5 trial, mention you, and it was only right that I tried  
6 respectfully, sensitively, comfortably, with compassion to  
7 express all that to you.

8 But -- but also I -- you know, I don't want to  
9 stir up any of that shit either. I just -- I just need  
10 to -- I just need to know if -- I guess, if I'm correct  
11 that they did not do it and that the same way that they got  
12 coerced into a confession was the same exact way you were.

13 MS. BLACK: I cannot tell you if they did or if  
14 it didn't 'cause I don't know. I don't know what they did  
15 or didn't do. I don't have a fucking clue. I don't know.

16 They were walking down the street by the park at  
17 his house, and I saw them walking down the street, and I  
18 stopped and picked them up because if I went by their  
19 houses and they weren't there, or they weren't out on the  
20 porch waiting for me, that's what I did. I circled the  
21 neighborhood, and if they were walking, I'd stop and pick  
22 them up -- pick them up because I didn't even know that  
23 they were fucking 14.

24 MR. ATKINS: How is that --

25 MS. BLACK: I thought they were my age or older



## Jessica Black - By Hunter Atkins

1 because that's what they told me.

2 MR. ATKINS: Oh.

3 MS. BLACK: I didn't find out they were fucking  
4 14 until we went to trial.

5 MR. ATKINS: Oh, yeah. Well, I know that -- I  
6 know that it was, like -- and it was only recently that you  
7 even started kind of hanging out in that neighborhood I  
8 know. So I know you didn't know them that well.

9 MS. BLACK: And -- and the only reason was  
10 because the neighbor of -- I can't -- I don't even know.

11 MR. ATKINS: It -- was it --

12 MS. BLACK: The only reason I know --

13 MR. ATKINS: It was a --

14 MS. BLACK: -- know their real names --

15 MR. ATKINS: Yeah, it was like a --

16 MS. BLACK: -- is because of the brothers, okay?  
17 The rest of them, I don't even know their names. All I've  
18 known are their nicknames.

19 MR. ATKINS: But that's fine. That's fine.  
20 Like, I get it. I get that. And -- and even --

21 MS. BLACK: Well, the one who just got out,  
22 the -- what's the one that just got out?

23 MR. ATKINS: So, well, I mean, three of them got  
24 out around the same time, but the most recent would have  
25 been Dorrell.



Jessicah Black - By Hunter Atkins

1 MS. BLACK: No, that was the little mouthy one.

2 MR. ATKINS: I'm sorry.

3 MS. BLACK: He was mouthy as fuck.

4 MR. ATKINS: Dorrell?

5 MS. BLACK: Yes.

6 MR. ATKINS: I promise you. I promise you on --  
7 I swear on everything holy ever and everybody that's ever  
8 died in my family lineage, I swear to God to you, he is the  
9 most like genteel, thoughtful, sweet hearted, kind, soft  
10 spoken guy --

11 MS. BLACK: Let me -- let me make sure I'm  
12 talking about the right one. The one that looks like he's  
13 got some fucked up shit with his eyes.

14 MR. ATKINS: That would be -- I'm sorry --

15 MS. BLACK: Okay. No, he was the nice one. He's  
16 the nice one.

17 MR. ATKINS: That -- that would be Jermal.  
18 Jermal was --

19 MS. BLACK: Okay. Jermal. That's the one --  
20 that's the nice one.

21 MR. ATKINS: But they're -- but I promise you --  
22 I know this sounds crazy now. They're -- they're nice,  
23 Jessicah. They are nice. I spent -- I'm telling you. I  
24 spent so much time with these guys and their families.  
25 They're nice.



## Jessica Black - By Hunter Atkins

1                   And -- and I bet -- and I bet when Jermal was 14,  
2 he was mouthy as fuck.

3                   MS. BLACK: He was really fucking mouthy.

4                   MR. ATKINS: And I guarantee --

5                   MS. BLACK: He was the one who didn't stay in the  
6 neighborhood. He was the one that stayed on the other side  
7 of Devonshire.

8                   MR. ATKINS: Yeah. Yeah. Exactly, yes.

9                   MS. BLACK: Yeah, that was the little mouthy one.  
10 That was the one who always started shit.

11                  MR. ATKINS: And I guarantee you, he would admit  
12 it to this day. He would admit it now. And I bet -- and I  
13 bet Bubba would say the same thing.

14                  MS. BLACK: Bubba was -- he was -- that was the  
15 one that used his size to his fucking advantage.

16                  MR. ATKINS: Yeah.

17                  MS. BLACK: That was the thing. That was -- he  
18 was big ass damn bully. And then you had the two brothers,  
19 and Rayshawn was mouthy as hell and his brother was --  
20 thought he was a fucking ladies man, and Jermal, that -- he  
21 was the nicest, laid back, sweetest boy ever.

22                  MR. ATKINS: Jermal or Dorrell you mean?

23                  MS. BLACK: Dorrell.

24                  MR. ATKINS: Dorrell, yeah, he was a sweet guy.

25                  MS. BLACK: The one with the fucked up eyes.



Jessicah Black - By Hunter Atkins

1 MR. ATKINS: No, no, that's Jermal. I'm sorry.  
2 Jermal.

3 MS. BLACK: No, Jermal, yes.

4 MR. ATKINS: He was the -- he was -- he was sweet  
5 you're saying.

6 MS. BLACK: He was the -- he was always nice one.

7 MR. ATKINS: I thought he was mouthy. I thought  
8 you were just saying he was one of the mouthy ones.

9 MS. BLACK: No. Dorrell.

10 MR. ATKINS: Oh, Dorrell was mouthy. All right.  
11 Yeah, he -- he had moved from South Carolina to that  
12 neighborhood only a few years before that. He didn't  
13 really grow up with those guys, but -- but yeah. No, and  
14 look --

15 MS. BLACK: (Indiscernible) I remember their  
16 personalities.

17 MR. ATKINS: Can I -- can I --

18 MS. BLACK: I mean, like --

19 MR. ATKINS: Can I -- can I -- hold it. Can I  
20 ask something as somebody who is both now 30 years old but  
21 also ignorant of this entire social circle?

22 Can't we -- is it wrong for me to think that,  
23 hell, when everybody was in their mid-teens, like,  
24 everybody's going to be immature and weird and -- because  
25 that's how fucking teenagers are and -- you know what I



## Jessica Black - By Hunter Atkins

1 mean? Like, I don't know.

2 MS. BLACK: I mean, we were always just chilled  
3 and laid back. I mean, it was -- it's literally we were  
4 always sitting in my car smoking weed, or we'd ride around  
5 and smoke weed, or we were sitting out in the driveway just  
6 sitting on Bubba's porch or something like that. That's  
7 just all it ever was. All we ever did. It wasn't ever any  
8 more than that.

9 And, I mean, you had -- and just like I said,  
10 Stinky, which is Rayshawn's or -- yeah, Rayshawn's brother.

11 MR. ATKINS: Yeah, his name is Nathaniel, but  
12 yeah, everybody calls him Stinky.

13 MS. BLACK: Yeah. So I don't even know where  
14 that come from.

15 MR. ATKINS: He -- I'll tell you. I can tell  
16 you. I can tell you where it came from. So when he was  
17 first born, his -- his birth father, who maybe -- you know,  
18 shocker here, he wasn't around that long, but his birth  
19 father kept saying what a stinky diaper he had, and it just  
20 stuck. His mom kept calling him Stinky forever. It just  
21 kind of stuck. Not the most flattering nickname, but that  
22 is -- it -- he got it from birth just being a stinky baby.

23 MS. BLACK: Well, he, like, me and him were  
24 always clicked -- when none of us were hanging out, me and  
25 him were hanging out.



Jessicah Black - By Hunter Atkins

1 MR. ATKINS: Why is that?

2 MS. BLACK: And just, I mean, 'cause we just  
3 clicked. Like he was just -- we just clicked. I mean, we  
4 just got along a lot better.

5 MR. ATKINS: Was he -- was he -- I mean,  
6 'cause -- I mean, was he a nice guy?

7 MS. BLACK: I mean, he was just cool to hang out  
8 with. We talked shit and that was -- and -- and he was  
9 just cool to hang out with.

10 MR. ATKINS: Yeah.

11 MS. BLACK: Bubba was kind of like a big,  
12 arrogant ass. Like, he was bigger than everybody and he  
13 made sure you knew it.

14 MR. ATKINS: I promise --

15 MS. BLACK: And --

16 MR. ATKINS: I promise you that you are not the  
17 only one who -- who had the characterization of him.

18 MS. BLACK: Okay. And then Dorrell, he was  
19 little as hell. The tiniest, little scrawniest something,  
20 and he was, like, that little barking ass chihuahua that  
21 just never shuts the hell up.

22 MR. ATKINS: I could see why they must have --

23 MS. BLACK: And then --

24 MR. ATKINS: I could see why they must have liked  
25 you. You -- you know, you were -- you told it like it was,



## Jessica Black - By Hunter Atkins

1 or you tell it like it is.

2 MS. BLACK: Well, I mean, that's just -- that's  
3 just what they were, and -- but I don't know. I would sit  
4 at the house and next thing I know detectives show up  
5 and -- and they come and tell me that they have to take my  
6 car, and I have to come downtown.

7 And I thought that you were a juvenile, you were  
8 supposed to have a parent involved if you were getting  
9 interrogated by anything. Getting questioned or anything,  
10 and I guess that since I was 16, I didn't have to. I don't  
11 know. They kept me in that fucking room for eight hours  
12 hollering and screaming and fucking spitting and just  
13 fucking had me scared to fucking death.

14 MR. ATKINS: Now and -- and -- and hold on.  
15 Before -- let's take a deep breathe because obviously I  
16 promise I'm not trying to -- to make you more emotional.  
17 I'm not trying to get you to cry. Like, I'm not trying to  
18 do any of that. All right. I promise I'm just -- I just  
19 want to -- let's take a deep breath here for a moment.

20 The things that you were describing, you're  
21 saying that was how the police approached you in this  
22 interrogation room and at the -- at the Public Safety  
23 Center?

24 MS. BLACK: Yes.

25 MR. ATKINS: Yeah. Well, I'm telling you that is



## Jessica Black - By Hunter Atkins

1     how they operated with the other boys too. Now --

2                 MS. BLACK: Well, I'm serious, like, when you're  
3     so close to my face and all (indiscernible) and you're  
4     spitting on me. That is a fucking problem.

5                 MR. ATKINS: Now, and -- and I ask this with  
6     sincerity, why is it that you think that was the way they  
7     went about -- the cops? Why is it that you think that was  
8     their approach?

9                 MS. BLACK: I don't know because I thought maybe  
10    I was forgetting shit. I don't have a clue because I told  
11    them exactly what I remember, and they kept telling me  
12    knew -- no, knew otherwise. They knew otherwise. They  
13    knew otherwise. (Indiscernible) as to how they knew  
14    otherwise. So I felt like I was forgetting shit. Like,  
15    maybe I was -- fuck, I don't know. Maybe I got high and  
16    fucking forgot. I don't know.

17                MR. ATKINS: So remember there was this very  
18    famous case in New York. The Central Park Five.

19                MS. BLACK: Yeah.

20                MR. ATKINS: All right. Same thing basically  
21    happened there. I mean, that -- in that case it was like a  
22    really high profile savage rape case where this white  
23    jogger in Central Park was, like, pulled into the bushes  
24    and raped. And you had these 14, 15, and 16-year-old boys  
25    on -- on video. Like, they were -- their actually -- their



## Jessica Black - By Hunter Atkins

1 whole interrogations were actually videotaped unlike in  
2 this instance, of course, with you guys. But -- and on the  
3 videotape you have these boys saying really, like, graphic,  
4 heinous details about the rape, and they never did any of  
5 it. But the process itself, because they were so young and  
6 impressionable and scared as shit, they, you know, they  
7 questioned themselves, and they started saying things that  
8 weren't true, but it was too late at that point.

9 And the way that that case got resolved is 'cause  
10 like I said, like 15 years later, I think, they'd all  
11 served their terms except for this one guy, who was older,  
12 and he -- as a result he got a longer sentence. And that  
13 guy runs into another guy in prison, and that other guy  
14 hears his story, and that other guy actually turns himself  
15 in because he already was in prison as a serial rapist.  
16 And he says I'm the one that actually did that crime 15  
17 years ago. And the New York State -- they ran his DNA, and  
18 it came up as a match, and they exonerated all those guys.

19 But it took a crazy fucking miracle for that to  
20 happen basically. You know what I mean? Like, it just  
21 took this crazy set of circumstances to kind of sort it all  
22 out, but --

23 MS. BLACK: Well, like I said, I can't tell you  
24 if they did or if they didn't because I don't know. All I  
25 know is they were walking down by the park. They were



## Jessica Black - By Hunter Atkins

1 walking down the park, and it was dark, and I come around  
2 the corner, see them walking. They -- and I picked them  
3 up, say -- I say if I can take them to their house, so --  
4 or take them to their houses, so they could change clothes  
5 because they were going to a party. So --

6 MR. ATKINS: But I thought -- but what about --  
7 but you guys and -- and please correct me if I'm wrong, and  
8 if you don't remember, just say -- it's fine, like, I --  
9 you know, I don't -- I don't want to put -- I don't --  
10 listen, I don't want to do what it seems to me the cops  
11 did, which was I don't want to put something out there that  
12 anybody's supposed to agree with.

13 But just the experience that I've had in my  
14 reporting, the way that I had -- I understand that night  
15 seemed to have gone was that you guys were chilling at --  
16 like in Bubba's -- at Bubba's place. Maybe it -- like,  
17 sometime in the afternoon that day. Maybe, like, 3:00,  
18 4:00, 5:00 in the afternoon. School had let out. You guys  
19 were just chilling there. And it was a big group. It  
20 wasn't just the five of you. You've got -- there's Jed,  
21 there's Obee, there's Rayshawn, there's another friend of  
22 Rayshawn's, a guy named Marcus Scrivens -- I think his name  
23 was, whatever.

24 Like this was, like, a big group of, like, the  
25 neighbor kids were just hanging out at Bubba's place.



## Jessica Black - By Hunter Atkins

1 Bubba, Jermal, and Dorrell, maybe somebody else, they go to  
2 a gas station. They go get some ice cream. They come  
3 back. It was this very kind of fluid thing of hanging out.  
4 And eventually you guys drive back to the neighborhood to  
5 drop off -- I think Jed at his grandma's house or his  
6 aunt's house, something like that.

7 At least -- again, this is what -- what seems to  
8 me to have happened and seems from, like, the reporting  
9 I've done. I could be wrong, but that -- that's just the  
10 way it seems. And that you guys dropped Jed off and you --  
11 you guys actually end up going on a drive at some point to  
12 Midway. Out where it, like, maybe around where you had  
13 lived because you had a friend out there or you guys  
14 just -- listen, you know, you were teenagers. You didn't  
15 have anything else to do. You drove around.

16 But you guys end up going to Midway at some  
17 point. You end up going to the bowling alley at some  
18 point, which we know about 'cause -- 'cause Nathaniel gets  
19 kicked out by that security guard, which everybody says,  
20 like, happened. And then when you guys drove back to  
21 neighborhood later that night, you actually saw the crime  
22 scene but as, like, earnest bystanders, that you guys were  
23 driving by that crime scene, and you were like, oh, what's  
24 going on.

25 And that's when, you know, this was at maybe



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1 9:00, 10:00 at night at this point. You guys see holy  
2 shit, like, you know, like, a murder had occurred, and you  
3 guys kind of checked it out, but then you dropped everybody  
4 back off.

5 That -- that at least is a version that -- that  
6 seems like it might have happened. And -- and if you don't  
7 remember, fine. Don't, you know, like, don't force  
8 anything here, but I'm -- I'm, like, when I mentioned the  
9 trip to Midway, the drive to Midway, to -- it was like a  
10 burned down house or a burned down trailer or something  
11 that you guys saw that day.

12 Does any of that ring a bell?

13 MS. BLACK: Uh-uh.

14 MR. ATKINS: Okay. What about, like, if -- I get  
15 that, you know, you say, hey, you know, you saw them  
16 walking by the park whatever, but one of the obviously very  
17 powerful pieces of information that you -- you testified to  
18 was this idea that Bubba and Nathaniel, they grabbed  
19 sticks -- right? -- which were at least portrayed in the  
20 trial as -- the things that would become murder weapons.

21 And that -- that piece of information itself, I  
22 have to ask, you know, just straight forwardly, if I may,  
23 like, are you -- do you still remember that? You say that  
24 they grabbed sticks to go hurt this man?

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



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1 don't have a clue. I literally have a fucking transcript  
2 that was typed up for me. And, I mean, a thick ass  
3 transcript, and it's still packed up in my shit somewhere  
4 that I have kept all these years. That I was told I needed  
5 to stay going over all the time.

6 MR. ATKINS: Well, I apologize. What do you mean  
7 by that?

8 MS. BLACK: Like, it -- it was just, like, a big  
9 ass transcript. I mean, it's -- it was super thick like a  
10 damn encyclopedia.

11 MR. ATKINS: But wait -- but I'm -- I'm confused  
12 as to -- I apologize. I'm confused as to where it came  
13 from.

14 MS. BLACK: The DAs.

15 MR. ATKINS: So you're saying -- and -- and do  
16 not let me -- please do not let me say anything by putting  
17 words in your mouth or anything. I just want to make sure  
18 I understand, okay?

19 Basically you -- they -- they probably informed  
20 you that, hey, we're going to need you to testify at trial.  
21 Like you're going to have to talk at this trial. And it  
22 sounds like they might have given you this to prepare for  
23 it?

24 MS. BLACK: Something -- I guess something like  
25 that. I mean -- okay. So the day all that went down,



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1     like, I don't -- every day when I got out of school that  
2     was the first thing -- if I didn't have anything to do at  
3     my grandparents, the first thing I did was took my ass up  
4     there at that place or to their -- their little  
5     neighborhood.

6             MR. ATKINS:   Mm-hmm.

7             MS. BLACK:   And that day I don't remember going  
8     there as soon as I got out of school. I remember coming up  
9     there and riding around, not seeing them anywhere, and then  
10    circling around that back corner going around that park,  
11    and as I was coming around that park, I seen them walking.  
12    I stopped and pick them up. They tell me they need to go  
13    change their clothes because they were going to a party.

14            Well, I took them. They changed clothes. They  
15    said that they weren't going to go to the party. So I  
16    remember us going to the bowling alley except the officer  
17    kicked them out was -- I used to go Creekside every weekend  
18    and -- 'cause they had karaoke and pool tables and shit  
19    like that. So I used to go up there and hang out with my  
20    friends and shit, and the officer I had gotten real  
21    friendly with. And it wasn't just Nathaniel showing his  
22    ass. They we were all acting like fools.

23            MR. ATKINS:   Hold on. Hold on. Hold on. Time  
24    out. Time out. Time out. Time out. Nathaniel got in  
25    trouble because he mooned somebody?



## Jessica Black - By Hunter Atkins

1 MS. BLACK: I don't know. No.

2 MR. ATKINS: Okay.

3 MS. BLACK: I said they were all acting like  
4 fools.

5 MR. ATKINS: Oh, I'm sorry.

6 MS. BLACK: Like they were all cutting up.

7 MR. ATKINS: When you -- when you -- when you  
8 said showing his ass, I thought you were literally saying  
9 he showed his ass.

10 MS. BLACK: No, no, no. I mean, like, he wasn't  
11 the only one showing his ass. They were -- they were all  
12 showing their ass and acting foolish. And once again now  
13 that I look at them being 14, I can understand that. I can  
14 understand why they were showing their ass because I  
15 couldn't figure out why they were acting so damn stupid.

16 And so that officer's like, you need to get them  
17 calmed down, you know. Tell your friends to calm down  
18 because he knew me as a regular up there. And I couldn't  
19 get them chilled the hell out so that's when he told me I  
20 had to get them out of there.

21 So we left from there and we went to the mall.  
22 And when we got into mall, we separated because I had a  
23 home girl worked at Hot Topic at the time, so I went to go  
24 see her. They took off and went another way. We went back  
25 at, like, a certain time or whatever, and then we took off



## Jessica Black - By Hunter Atkins

1 out of there.

2 And I know we walked around for a little bit and  
3 then when we come back through there was all the blue  
4 lights, the tape that was marked off. There was -- there  
5 was just a whole lot of fucking commotion going on. And as  
6 we rode by, I was like, what in the hell is going on? And,  
7 you know, I don't even remember which one said it but one  
8 of them was like, oh, shit, somebody must have got killed.  
9 And I was like, the hell? 'Cause I had never seen all  
10 those little forensic trucks. No, I had never even seen  
11 those except for on TV. I didn't even -- I had never seen  
12 it.

13 MR. ATKINS: Yeah. Yeah.

14 MS. BLACK: And I'm like -- yeah, so I was like,  
15 okay. But other than that, that was it, but then the next  
16 thing I know, just like I said, they come and they haul my  
17 car off. And they tell me that they find skin DNA all in  
18 the backseat of my car and the passenger seat of my car.  
19 And I'm like, okay, well, they were the only ones in my  
20 car. And then they had them on video using his cards as --  
21 or trying to use cards at that ATM in the mall. And, I  
22 mean, and they had that video, so I'm like okay. I didn't  
23 know anything about that. I don't --

24 MR. ATKINS: No, I got you.

25 MS. BLACK: Like that's --



## Jessica Black - By Hunter Atkins

1           MR. ATKINS: Meaning -- meaning like earlier in  
2 the day, like, there was this footage of them at the ATM or  
3 whatever, you're saying.

4           MS. BLACK: Sometime while we was at the mall.

5           MR. ATKINS: Yeah. Oh, you mean, meaning at the  
6 nighttime.

7           MS. BLACK: I mean, I -- I can't -- I don't even  
8 know what time we were at the mall. I don't know what time  
9 we were at the bowling alley. I just remember us going in  
10 places because there's where I dropped them off. I left  
11 them there and went to a home girl of mine's and went and  
12 hung out at her house, which was down -- down through  
13 Welcome. And then when I went from there, I went home.

14          MR. ATKINS: Yeah. Well, and -- and -- and  
15 obviously -- like to back up just a little bit, I mean, all  
16 of that sounds very much like the same stuff that -- that  
17 I -- that I've been hearing, that I heard, that I, like,  
18 the -- basically I kind of heard when I talked to everybody  
19 again.

20               The biggest thing still obviously is, you know,  
21 whatever the hell happened at the park or perhaps whatever  
22 didn't happen at the park. And then I -- I have a very  
23 dumb question to ask, and I do not mean it to sound  
24 offensive. I mean it to sound very earnest, which is the  
25 details we just went over, you know, I'd say you sound



## Jessica Black - By Hunter Atkins

1 comfortable and kind of confident like in those details.

2 When it comes to the park shit and the stuff  
3 that -- let's be honest -- like, the prosecution needed and  
4 used at trial to explain how this murder happened, what is  
5 the reason why you don't remember that so well or can't  
6 speak about it so confidently what did or did not happen?  
7 I mean, I asked that sincerely. What is it about that kind  
8 of stuff that, you know, that you're not able to speak so  
9 confidently and say no, no, no, this is what happened, or  
10 no, no, no, this shit did not happen? You know what I  
11 mean? Like...

12 MS. BLACK: I tried -- I don't know and when I  
13 told them exactly what I remembered, which is what I told  
14 you, when I told them, and they was like, well, what time  
15 did you do this? What time did you this? I'm, like, look,  
16 I don't know. They kept telling me I was lying and I was  
17 lying and I was lying and I was lying.

18 MR. ATKINS: Well, hey --

19 MS. BLACK: I'm like, look, I don't know.

20 MR. ATKINS: -- I'm not -- I don't -- I don't  
21 mean to cut you off, but I promise that I'm not here to do  
22 any of that, and that's not, like, you know, like, that's  
23 not what this is about at all.

24 MS. BLACK: No. But I kept telling them that I  
25 couldn't remember. I couldn't remember shit at the time.



## Jessica Black - By Hunter Atkins

1 They just sit there and look at my car every time when I  
2 picked them up or every time we -- we stopped at a  
3 destination. Hell, I couldn't even remember if it was  
4 daylight or dark, and they were, like, well, it was after  
5 you got out of the school, and it was this time of year, so  
6 it was probably dark.

7 MR. ATKINS: I -- I'm going to be honest with  
8 you, I don't give a shit if it was light or dark. Like, it  
9 doesn't matter to me.

10 MS. BLACK: So, I mean --

11 MR. ATKINS: You now, like --

12 MS. BLACK: When it comes down to it --

13 MR. ATKINS: -- but my main question is -- is  
14 like when you say -- so -- so you say, you know, I don't  
15 know when it comes to the -- the -- the stuff at the park.  
16 Can I -- this is another dumb question, but, like, is it --  
17 how come, like, to yourself when you say "I don't know," it  
18 doesn't make you think maybe more strongly that it's not  
19 true and that you kind of, like, maybe went along and said  
20 it because you felt you had to. You know what I mean?

21 Like when you say -- again, wouldn't you remember  
22 the details about Bubba and Nathaniel grabbing sticks to go  
23 kill somebody?

24 MS. BLACK: I mean, yeah. That was -- that would  
25 probably stick.



## Jessica Black - By Hunter Atkins

1 MR. ATKINS: Say one more time. I'm sorry.

2 MS. BLACK: I mean, that would probably stick in  
3 there but, I mean...

4 MR. ATKINS: Is that what you're staying, that  
5 would probably --

6 MS. BLACK: I don't even know --

7 MR. ATKINS -- stick in there, right?

8 MS. BLACK: Yeah. But I mean, sitting there with  
9 him in them fucking eight hours, that was the longest  
10 period of anything in my damn life. Hell, my labor was  
11 28 hours long, and it wasn't as long as that fucking  
12 interrogation. So, I mean, I --

13 MR. ATKINS: Well, we -- at least we know you can  
14 go through 28 hours of pain.

15 MS. BLACK: I'm telling you and I can't -- I  
16 don't -- I don't even know. And then the very last trial  
17 was in -- I was pregnant with my son, and I was all through  
18 hell. And after that is when I say I'm just going to  
19 separate myself from that shit. I had to get away from  
20 that shit.

21 MR. ATKINS: Is it -- is it -- is it wrong for me  
22 and please again tell me your honest opinion on this.  
23 If -- if you agree with it, if you disagree with it, or if  
24 you say I don't know, Hunter. I don't know.

25 Like, is it possible that, hell, this -- the --



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1 the -- the -- the trauma and scariness of the experience  
2 with police that it -- it made you, I guess, like either  
3 suppress or kind of erase part of your memory from what  
4 might have happened that day? Like the experience itself  
5 basically made you, like, kind of scramble your memory in a  
6 way for that period of time because it was just so scary.  
7 Like, you know, I'm just trying to understand is all, you  
8 know.

9 MS. BLACK: I think that's completely possible.

10 MR. ATKINS: 'Cause it seems -- it just seems to  
11 me like, hell, if you remember -- I don't know. 'Cause the  
12 stuff you said at the trial is pretty distinct. Things  
13 like, you know, they grabbed sticks and went to go --

14 MS. BLACK: I was pretty distinct and pretty  
15 detailed. I know, like, I know. 'Cause I have read over  
16 the years -- I have went through and I've read through that  
17 damn -- that transcript about that.

18 MR. ATKINS: So --

19 MS. BLACK: And I know it's -- it's super fucking  
20 detailed. And I can't tell you what all I did yesterday.  
21 And that -- that's in all honestly.

22 MR. ATKINS: No, but hold on -- hold on --

23 MS. BLACK: I don't pay attention to all --

24 MR. ATKINS: Let me stop.

25 MS. BLACK: -- shit like that.



## Jessica Black - By Hunter Atkins

1 MR. ATKINS: No, but that's not true though.  
2 Like -- like I'm saying in a hypothetical situation where  
3 somebody really, like, sat you down and was, like, we need  
4 to go over yesterday, I think you could. You'd like --  
5 'cause I'm telling you, you just did a few minutes ago  
6 explain what you remember from the night where you guys  
7 went to the bowling alley and, you know, you saw your home  
8 girl. Like all that shit or the party and --

9 MS. BLACK: No, but I mean like little bitty ass  
10 details like that -- no, they were big to the case, but I  
11 mean little details --

12 MR. ATKINS: Sure. But right now --

13 MS. BLACK: -- that they very intricate about.

14 MR. ATKINS: But, hell, right now, we're also  
15 talking about some big details, you know, like, you know,  
16 shit about like -- I mean, to me the thing that -- if I can  
17 candid about it, the thing that was the very most  
18 persuasive thing that you said in the trial is the thing  
19 about Stinky and Bubba picking up sticks to go beat this  
20 man. That is a pretty serious image to depict. You know  
21 what I mean? So --

22 MS. BLACK: It is and I don't --

23 MR. ATKINS: -- that's why I've got to ask -- I  
24 got to ask you, like, what are the chances that -- that  
25 that's true or that's false? That -- that -- like about



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1 what happened.

2 MS. BLACK: I don't know. I don't know because  
3 as of right now, no, I don't remember that. I don't  
4 remember -- I don't.

5 MR. ATKINS: Is it -- could you then -- I mean,  
6 then what might you remember about the way -- let's say  
7 hypothetically -- let's say hypothetically that in these  
8 hours that the police are being so aggressive, do you  
9 remember them being the ones to bring up those details  
10 first?

11 MS. BLACK: I (indiscernible) bringing up a lot  
12 of damn details. 'Cause when I told them the shit that  
13 went on, like, I -- I told them what I told you. Like what  
14 I just told you about I couldn't remember the time of day  
15 it was. I remember going around, picking them up, taking  
16 them to change clothes, and leaving. I didn't see anything  
17 on their clothes, but hell, I wasn't looking either. So, I  
18 mean, it's not like I was sitting there paying attention to  
19 every little damn thing they were wearing. Wasn't like --

20 MR. ATKINS: No, I know and I get that.

21 MS. BLACK: -- like, okay, we're here to hang out  
22 and --

23 MR. ATKINS: I get that. I get that. And  
24 also -- also look, it would have -- the truth is it would  
25 have stood out to you if they were covered in blood or



## Jessica Black - By Hunter Atkins

1 something. Like, I get it. Like, that definitely would  
2 have stuck in your memory. But there are -- obviously  
3 there are these -- and I -- and I ask this only because I'm  
4 just trying, you know, really understand everything at its  
5 truest level. There were some -- still some major details  
6 that you said at the trial that I'm -- I'm still trying to,  
7 you know, get an understanding of just how it is or why it  
8 is you might have said those things in particular.

9 So, like, I'm wondering if, you know, like, you  
10 mention the encyclopedia, that transcript -- right? --  
11 you're saying that -- that you had that before you ever  
12 appeared in court?

13 MS. BLACK: After -- it was after, like, one or  
14 two times of appearing in court. And it was -- they said  
15 it was like stuff that had been -- it was the trial and  
16 stuff that we had said. And, I mean, I don't -- I don't  
17 even know -- I don't even remember what the purpose of it  
18 was.

19 MR. ATKINS: Right. But -- but -- but -- but it  
20 was -- but it was stuff that -- my point is that that was  
21 material that was about the trial. Like, it was after the  
22 trial had happened as opposed to like a script that they  
23 gave you before the trial had happened. Those would be,  
24 you know, like, kind of a big difference there.

25 MS. BLACK: It was -- no, it was stuff that after



## Jessica Black - By Hunter Atkins

1 trial because it had -- it had stuff that the lawyers had  
2 said in there, and -- so, yeah, it was after -- it wasn't,  
3 like, after all the trials. It was, like, after one or two  
4 trials or one or two times of being on the stand.

5 MR. ATKINS: But it speaks to how much the State  
6 valued your contribution and -- and the details like "the  
7 grab sticks" or you -- you know, obviously there's this  
8 other part where in court you say that you heard in the  
9 distance voices that you recognize and you also heard  
10 the -- a voice that you didn't recognize saying, "Please  
11 stop." Like, "Don't hit me." You know, like those are  
12 pretty persuasive details that were said at trial.

13 I -- I -- I promise I'm not trying to get you to  
14 say anything or whatever, but I just have to ask. Like, if  
15 I ask you now, like, wouldn't -- do you remember being  
16 there and hearing, like, a victim calling out from however  
17 many feet away, like, please stop hitting me or stop? You  
18 know what I mean? Like that kind of detail?

19 MS. BLACK: Nope.

20 MR. ATKINS: Is it -- what do you think -- why do  
21 you think you -- you -- you said it in court?

22 MS. BLACK: Because I was told that they knew I  
23 was there. They knew I was here. That -- that if I didn't  
24 go ahead and tell them this or tell them that, that they  
25 were going to charge me with fucking -- with accessory to



## Jessica Black - By Hunter Atkins

1 murder.

2 MR. ATKINS: Yeah. Yeah. They were -- like,  
3 so -- so it also -- it came up obviously at the trial and  
4 around that time that there was another reason why, and  
5 I -- and I totally get it. You know, the terror that you  
6 must have felt, but there was a lot of anger toward you  
7 from this community was because in their eyes, like, you  
8 were getting off scot-free. That you weren't charged for  
9 anything but their sons, their brothers, their friends were  
10 getting screwed over. Like that kind of thing, you know.  
11 But it's clear to me that you were scared shitless the  
12 whole time that they were going to charge you with  
13 something.

14 MS. BLACK: Yeah, because that's what they told  
15 me. And they told me that -- that just like I told you,  
16 that it's never -- if it was 30 years down the road, they'd  
17 come back and charge me.

18 MR. ATKINS: Anyway --

19 MS. BLACK: Well, I'm going to tell you so -- in  
20 the trial where it says, I was sitting on the park bench  
21 and hearing all that, I wasn't never sitting on that park  
22 bench. We never went to that park and hung out one, two  
23 times, but I was -- I don't remember ever hearing him say  
24 none of that. I don't remember ever hearing no screams,  
25 none of that.



## Jessica Black - By Hunter Atkins

1 MR. ATKINS: When you say, they say none of that,  
2 meaning -- I'm sorry. Who's saying --

3 MS. BLACK: The boys.

4 MR. ATKINS: The boys saying --

5 MS. BLACK: The boys and...

6 MR. ATKINS: Mr. Jones?

7 MS. BLACK: Yes. And then they come and pick me  
8 up one day with his daughter in the van -- in the van. And  
9 make me drive around with her, and I did nothing but cry.  
10 That shit broke my heart.

11 MR. ATKINS: Well, hold -- hold on, Jessica,  
12 hold on --

13 MS. BLACK: I felt so bad.

14 MR. ATKINS: -- Jessica, hold on. Take a deep  
15 breathe. Hold on. Hold on. Wait -- what is -- I'm so  
16 sorry.

17 What is this story? Who picked you up?

18 MS. BLACK: The DAs.

19 MR. ATKINS: Keep -- keep going. I'm sorry.

20 MS. BLACK: They picked me up with Mr. Jones's  
21 daughter.

22 MR. ATKINS: So Mr. Jones had -- had a few  
23 daughters. One was named Robin. One was named Rhonda.  
24 I'm not expecting you to necessarily remember which one,  
25 but I -- but I feel like asking, do you -- any name --



## Jessica Black - By Hunter Atkins

1 MS. BLACK: I don't -- I don't remember which  
2 one. I just know she was like a -- she was a heavier set  
3 woman. She had short hair at the time, like a -- like a  
4 bob or something and -- and like that -- I don't remember  
5 which one she was.

6 But, I mean, she was nice as could be. She was  
7 so nice, and she -- she was so nice to me. And they made  
8 me ride around with her.

9 MR. ATKINS: When you say -- hold on -- hold  
10 on -- when you say -- when you say she was so nice, like,  
11 what about that memory -- what about -- like, what  
12 represented her being so nice to you?

13 MS. BLACK: Because she was really compassionate,  
14 and she didn't harbor any kind of anger that I personally  
15 would have felt towards somebody in that same situation.  
16 But, I mean, she was so nice, and she -- she was just nice  
17 when she spoke to me, and she smiled and she was so nice.  
18 And I felt so bad for her what happened to her daddy. And  
19 they drove me around the park area and stuff like that, and  
20 she just talked to me and asked me questions. And, I mean,  
21 she -- I felt so bad for her.

22 MR. ATKINS: Yeah, I can -- obviously I can hear  
23 it in your voice too. Like, the -- it -- it -- and --  
24 and -- like, you know, I'm asking you to be sort of  
25 introspective, to think about yourself at that time,



## Jessica Black - By Hunter Atkins

1     yourself at that age.

2                 What effect do you think that experience of being  
3     in the car with her, of her showing that compassion -- I  
4     mean, it still sticks with you now clearly. It has --  
5     it -- it brings you to tears now to think about that level  
6     of compassion that she had. But, like, at that age, what  
7     effect do you think that had on you and, I guess, the  
8     cooperation they wanted from you in -- in --

9                 MS. BLACK: I wanted to tell her anything she  
10    wanted to hear. I want to -- I wanted her to have some  
11    kind of closure to her daddy.

12                MR. ATKINS: To the -- but to the extent where  
13    you -- you said things that were -- were false or not true?

14                MS. BLACK: No. Just everything that I said or  
15    things that had I said to them cops in that interrogation  
16    room after hours and hours and hours because the story in  
17    the interrogation room, it changed, what, three or four  
18    times?

19                MR. ATKINS: Something like --

20                MS. BLACK: I mean, even -- even the defense  
21    lawyers -- even they -- even they called that out on the  
22    stand. I mean, they made sure -- they were, like, okay,  
23    Ms. Black, so why does -- why was it your story was  
24    different one time, but now you're changing it. You're  
25    saying this right here. So, I mean -- I don't even -- I



## Jessica Black - By Hunter Atkins

1 don't know.

2 MR. ATKINS: Well, but -- but -- you're saying  
3 that -- in either -- in any instance, that the heartfelt  
4 experience you had with Mr. Jones's daughter, it clearly, I  
5 mean, it really meant something to you in a certain way.  
6 It had -- it did -- I don't know. It felt meaningful. It  
7 seems that even for all these years later, for you to  
8 remember that in this heartfelt way, that -- that you  
9 feel -- that you say feel compassion or pain for what  
10 happened to this woman, her dad -- right? -- like -- it  
11 clearly had an effect.

12 MS. BLACK: Yeah.

13 MR. ATKINS: And -- and do you -- yeah, I mean,  
14 so you -- when you said -- when you told -- when you were  
15 talking with her and you were talking with the -- the  
16 district attorneys in that car, how did that experience end  
17 exactly? They bring you home? Or, like, what exactly  
18 happened?

19 MS. BLACK: Yeah. They took me back to home and  
20 that was it. I mean it was literally, bye, have a good  
21 day. Thanks for coming with us.

22 MR. ATKINS: I wonder why -- I mean, I don't  
23 know, but I wonder why they wanted to do that with you.

24 MS. BLACK: I don't know because I didn't even  
25 know they did stuff like that. Which, I mean, I had never



## Jessica Black - By Hunter Atkins

1     been involved in anything. I didn't know anything about  
2     anything.

3             MR. ATKINS: Yeah. Like, yeah. Yeah. Yeah.  
4     I -- yeah, that's a really -- that's -- I don't know. I  
5     wonder what it was about -- yeah, I mean, I really don't  
6     know, but what it was about Mr. Jones's daughter -- who --  
7     I guess why she even wanted to -- to do something like that  
8     but -- did it -- do you -- did it sound like she was  
9     looking for closure?

10            MS. BLACK: I mean, she -- she didn't -- I mean,  
11     she asked a couple questions, but she didn't ask a whole  
12     lot of questions. Like, they took me by, and she pointed  
13     and showed me where her dad was, where he was laying.  
14     And -- and this, that, and that shit. That broke me down  
15     like a shotgun so quick.

16            MR. ATKINS: When you say -- when you say "that  
17     shit broke you down" meaning you became emotional or at  
18     that age, you know, cried?

19            MS. BLACK: Well, hell, yeah, I was -- hell, I  
20     was crying when they picked me up and I had to meet her, I  
21     was crying.

22            MR. ATKINS: Yeah. Yeah.

23            MS. BLACK: I spent more time crying than I did  
24     anything. I was crying when they told me I had to come  
25     down there and talk to the detectives and said I wasn't



## Jessica Black - By Hunter Atkins

1 trouble. I just had come talk to them. I was crying  
2 'cause I was scared to death. I didn't know what the hell  
3 was going on. They wouldn't tell me what was going on.  
4 All I knew is they come and yanked my car and told me to  
5 come down to the station. Or to the area -- the  
6 building -- whatever.

7 MR. ATKINS: Yeah.

8 MS. BLACK: I didn't know what was going on.

9 (End of recording.)  
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CERTIFICATION OF TRANSCRIPT

I, Kate Farrish, NCJT, the officer by whom the foregoing telephone interview was requested to be transcribed, do hereby certify that said hearing, pages 1 through 49, inclusive, is a true, correct, and verbatim transcript of said telephone interview, as transcribed from an electronic recording, to the best of my ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of this ation.

Dated at Holly Springs, North Carolina, the 8th day of March, 2020.

  
\_\_\_\_\_  
Kate Farrish, NCJT  
Notary No. 201821400046  
Notary Expires: 07/31/23



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Telephonic Interview of Jessicah Black

Interview conducted by: Hunter Atkins

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## PROCEEDINGS

BY MR. HUNTER:

A. I was that's held to high expectations. I was the one that was not supposed to fuck up. I was the one that was supposed to do everything right. So I didn't get in trouble. And that was a big, damn wad of trouble for it to be my first one.

Q. That to be the first one for sure. I'm so sorry. I'm so sorry.

A. So, I mean, I did not know -- I didn't know what the hell. But as far as what I can remember with them boys just, like I said, I can remember -- I can remember the first (indiscernible) down to a T. I can remember the characteristics of them fellas. I can -- I can remember all that and I can remember what I told you.

Q. Mm-hmm.

A. As far as the rest of that, I don't have a clue. If they were to call me on (indiscernible) right now, I don't know what I'd tell 'em because I don't know. I don't -- I can't -- I can't even remember everything that was said.

Q. No. That -- that -- that's for sure. And I think that as we -- as we kind of talked through it before, the sheer intimidation that you experienced, that you felt, it



1 sounds like that, you know -- I can't be for sure, but it  
2 sounds like that might have motivated you, you know, to  
3 kind of decompartmentalize those very painful memories.  
4 And obviously the toughest part to -- to know, to really  
5 understand clearly is does that, you know, does that mean  
6 that the things that you said about the crime itself, you  
7 know, does it mean that still that things you said were  
8 true or does it make them, in retrospect, these kind of  
9 like forced false things that you felt you had to say? And  
10 I -- I don't want to be the one to ever say which way that  
11 is. But obviously it's an important question I still have  
12 to ask is like now that we kind of reviewed some of that,  
13 do you think that you witnessed these boys go and commit a  
14 murder?

15 A. I didn't witness them do shit.

16 Q. Well, I guess what I mean is obviously you didn't  
17 see them literally do anything like that, but there were  
18 these like details that essentially led up to and around a  
19 murder that were depicted in court obviously as part of a  
20 murder. Like even those moments before and after they  
21 allegedly went to Mr. Jones's house. Like do you remember  
22 them even walking, like watching them from a picnic table?  
23 I shouldn't say --

24 A. No.

25 Q. -- yeah.



1 A. -- no.

2 Q. Do you --

3 A. No, no.

4 Q. -- let me ask --

5 A. No.

6 Q. Well, then let me ask this. Like do you think  
7 that that you made it up because you felt like you had to,  
8 that you were at that picnic table watching them go to Mr.  
9 Jones's house?

10 A. I don't have a clue. I think at 16 years old that  
11 those damn detectives -- that everything I told them wasn't  
12 good enough. None of it was good enough. And it was,  
13 okay, well, you may have done this, but we know for a fact  
14 this right here happened. And we've got someone -- we've  
15 got someone that has seen this and we dah, dah, dah, and we  
16 can prove this. And we can prove that. And we can prove  
17 this.

18 And being 16, never have been in no trouble.  
19 Didn't know shit about none of that. But, of course, I'm  
20 going to believe these fucking grownups who are telling me,  
21 okay, well, we've got proof to this. And maybe it's shit I  
22 forgot. Maybe I forgot that we did this. Maybe I forgot  
23 that I did that. I mean I don't -- I don't know.

24 Q. Well, can I -- can I -- can I then -- can I then  
25 just sort of add a layer to that?



1           That analysis that you just gave of all that,  
2           you're being heartfelt and truthful and candid and honest  
3           with me right now when you say that?

4           A.           Yeah.

5           Q.           If -- if -- sorry. I'm trying to think. I'm try  
6           to articulate myself here my own thoughts.

7           A.           I'm sorry if like, you know, if they weren't  
8           involved, I am so sorry. I am so, so, so sorry. If they  
9           were not involved I am so fucking sorry. And if they were,  
10          then it just is what it is. And, yes, I got to south here  
11          and live my life. But, goddamn, trust and believe it's not  
12          been fucking easy. I have been a single fuckin' parent my  
13          son's whole fuckin' life. I am -- I mean, fuck. It is  
14          just -- it's not just that. There's been so much shit  
15          fuckin' goin' on. So, I mean, it's not fuckin' been easy.  
16          But if -- if they -- if they didn't do it, then they didn't  
17          do it.

18          Q.           Well, then why --

19          A.           And those --

20          Q.           -- but why now, and I don't want to -- I don't  
21          want to push anybody in a direction or suggest I have a  
22          bias here.

23                 My question is I guess I'm still a little confused  
24          as to why, after all that we talked about, you still are  
25          not sure if they did or did not do it.



1 A. -- because I don't know, wasn't there. So I  
2 can't say if they did or if they didn't. I wasn't there.  
3 And --

4 Q. Right, right, right. No, no. That part I get. I  
5 get. But what I also mean is like if we are to feel  
6 confident that, hell, I wasn't fuckin' there. I didn't see  
7 this. I didn't see that. You know, how does it make you  
8 feel about the validity, the credibility, the reasons why,  
9 at that time, of course, you had said those very important  
10 details that did depict you being there, being a witness,  
11 hearing them commit a murder, seeing what looked like a  
12 wallet in the back of Stinky's pocket? And I'm not -- I'm  
13 not bringing these up -- I promise I'm not bringing these  
14 up to hurt anybody. I'm bringing these up because these  
15 are the serious pieces of information that are in question.

16 A. Just because as far as I knew I was going to jail.  
17 I was going to fuckin' prison. So that was steadily held  
18 over my fuckin' head. We're going to do what we can to  
19 keep you out of trouble. You know, we can't guarantee  
20 anything. We're going to do what we can. But at the end  
21 of the day you can still be charged, so it's best that you  
22 just cooperate with us right now.

23 Q. You're saying that you remember -- who exactly, I  
24 guess, said that message to you?

25 A. The DAs.



1 Q. The lawyers, not the cops?

2 A. Yeah.

3 Q. You know --

4 A. Well, the lawyers kept threatened me, telling me I  
5 was going to fuckin' jail and I was going -- I was being  
6 charged with this. I was going to be charged with this as  
7 the interrogation went on. Because when the interrogation  
8 first started it was everything's okay, you're not in any  
9 trouble. But as it kept going, then it was just fuckin' --  
10 it -- their whole personalities changed. They just fuckin'  
11 become big assholes as far as screaming at me and hollering  
12 at me and fuckin' getting in my face and wouldn't allow me  
13 to get up and leave. They wouldn't allow me to fuckin'  
14 move and I couldn't do anything.

15 Q. -- it's still -- it still --

16 A. But --

17 Q. -- and it was the kind of experience clearly  
18 where it affected you so deeply, so profoundly that even  
19 these years later it sounds like -- I don't know. Like how  
20 does it -- I don't know. What are your emotions now? How  
21 do you feel now when you think about that stuff?

22 A. -- it still scares the fuck out of me. I feel  
23 scared to death that one day something's going to go on and  
24 they'll come back and they'll all charge me and then my  
25 son's going to lose his mom.



1 Q. You know --

2 A. That shit --

3 Q. -- you know there was this --

4 A. -- terrifies me.

5 Q. -- and there was this really provocative moment  
6 in the second trial, and I know you're going to remember  
7 it, when one of the defense attorneys -- you were pregnant  
8 at the time -- and one of those defense attorneys -- it, in  
9 retrospect it seems cruel as hell, but he leaned in,  
10 pointed a finger at you and he -- and he -- I think, and he  
11 said something about the baby in prison. Do you remember  
12 what I'm talking about?

13 A. Yeah, and that's where I broke down and started  
14 crying. I couldn't even testify anymore. They had to take  
15 me in the back because I couldn't catch my breath. I  
16 couldn't talk. I couldn't do nothing.

17 Q. Yeah. And, you know, so I spoke to that lawyer  
18 recently and I told him, I said, you know, I think that  
19 wasn't a good strategy in the end. Like I think that  
20 probably didn't help you out with the jury at all. I got  
21 to be honest, you know. Yeah. It's been --

22 A. I mean it was just all-around fucked up situation.  
23 And I don't know what they went through and I don't know  
24 all this. But they kept telling me that the boys put me  
25 here and put me there and took my --



1 (Extraneous conversation not related to the interview.)

2

3 Q. -- I'm sorry. I'm sorry. What -- I'm sorry.  
4 I'm sorry. What were you saying about? I apol- -- I was  
5 trying to kind of keep up with the pace of what you were  
6 saying, but --

7 A. I'm sorry. I was trying to tell my son "Come on."

8 Q. -- no, no. That's okay. That's okay. I'm  
9 grateful that we can talk.

10 A. It was -- because they were just -- because they  
11 were tell me but, you know, they said this and they said  
12 this, and we know this and we know that. And, you know,  
13 and the whole way there --

14 Q. Just make sure I understand, because we're using a  
15 lot of pronouns here. You're saying the police told you?

16 A. -- no. The -- the -- oh, yeah. When they had --  
17 the cops were talking to me. And when I was going through,  
18 doing all this questioning shit, and it was like we've been  
19 talking to the boys, and we know such and such and we know  
20 blah, blah, and you weren't -- I mean it was just all a  
21 bunch of bullshit. I don't even know. That, I look back  
22 on it as an adult, it was a whole fucked up situation and  
23 they were really fucked up for going about shit the way  
24 they did.

25 Q. Meaning the police?



1 A. Yeah.

2 Q. Yeah.

3 A. And I'm not -- I am not going to deny that there  
4 is probably some most fucked up shit that should have never  
5 even fuckin' been said put on them boys. I will not deny  
6 that.

7 Q. Like what -- what do you mean? I'm sorry. What  
8 do you mean?

9 A. Because I've got -- I mean just like little --  
10 those little ass fuckin' details that you asked me about,  
11 some of the shit is probably -- it's so fuckin' full of  
12 shit, man. And, I mean, I just -- I don't -- I don't even  
13 -- I don't even know where to begin. I mean because it's  
14 not like I don't have a fuckin' conscience. That shit does  
15 eat me up. And I do think about it as much as I try to not  
16 think about it.

17 Q. Think about what exactly?

18 A. About the shit that I've said and the shit that --  
19 that has been done and shit that I can't -- if I can't  
20 clearly remember it, the fact that it wasn't clearly  
21 remembered, the shit never fuckin' been said ever. But at  
22 the time I thought I was going to jail and didn't -- that  
23 was it.

24 Q. Well, let me ask you this --

25 A. So --



1 Q. -- let me ask you this then. If there was an  
2 opportunity -- and, hey, trust me, other than you, no one  
3 on earth knows how badly you do not want to talk about any  
4 of this shit more than me. I promise you. Other than you,  
5 no one knows how much you fuckin' hate talking about this  
6 shit more than me. But I have to ask like, hell, if you  
7 had -- if you had the chance to -- to talk with like an  
8 official source, you know, like so there's this innocence  
9 commission and they're not affiliated with the district --

10 A. -- they reached out to me.

11 Q. -- say -- I'm so sorry. What did you say?

12 A. They reached out to me when I lived in Burlington  
13 and --

14 Q. So hold on, hold on, hold on. Just time out.  
15 Just time out. Just time out.

16 So there is a difference. And so this has to be  
17 made clear. However, I promise I have to make this clear.  
18 There is something called the North Carolina Innocence --  
19 actual -- center for actual innocence, the North Carolina  
20 Center for Actual Innocence. Now that is a non-profit  
21 independent thing that's like an innocence project.

22 This other thing I'm talking about is called the  
23 North Carolina Innocence Inquiry Commission. Now the names  
24 are similar but there's a really, really fucking important  
25 difference. The commission, the second thing I mentioned,



1 is actually funded and run by the government. In fact, by  
2 complete crazy fucking coincidence, as I was trying to  
3 begin reporting this story, I discovered that North  
4 Carolina is the only state in the country with anything  
5 like this. There's no other state that has this. Meaning  
6 an innocence project that actually -- like taxpayers and  
7 funding fund. This is very -- this is really radical. And  
8 why is it radical?

9 Because this commission operates very differently.  
10 It can -- it has resources to use, like the highest  
11 technology and lab work to look at DNA that's 20 and 30  
12 years old. It can subpoena. Meaning like, by law, you  
13 know, like force somebody to come in and give like a  
14 deposition under oath. Which an innocence center, an  
15 innocence project, cannot do it all. And it can -- and,  
16 how about this?

17 So when it comes to exoneration, the commission  
18 works this way, Jessica, it's very vigilant, it's very  
19 thorough, which is why it's extremely rare instances a  
20 commission actually exonerates anybody. It's only happened  
21 out of -- out of 2,500 cases the commission has looked at,  
22 only 11 men have been exonerated because they have this  
23 very high standard and they're very thorough. But, for the  
24 guys that are exonerated, when this commission, what it  
25 does is it, like they have lawyers gather information, then



1 they give that to a panel, then that panel, if it approves,  
2 gives it to these three judges. If those three judges  
3 agree and approve unanimously, those -- the three have to,  
4 that this person is, you know, like he should be exonerated  
5 for the crime based on the evidence, whatever. The guy  
6 goes free the next day. There's no -- there's no --  
7 there's no trial. There's no court hearing. There's no  
8 anything. The guy's just free which is really radical, you  
9 know, like. So -- so anyway, I know for a fact that the  
10 North Carolina Center for Actual Innocence, that's the  
11 project, that's the innocence project, right. I know they  
12 tried to reach out to you. I do not know if the commission  
13 reached out to you.

14 So now that I laid out these differences, what do  
15 you think? Which do you think or both like reached out to  
16 you? What do you think?

17 A. I -- I don't know. I -- I got a certified letter  
18 in the mail, a certified letter. My momma always told me  
19 never go fuckin' pick up a certified letter ever. And I  
20 was in Burlington and I was like oh, certified letter. So  
21 I go to the post office and I pick it up and I open -- like  
22 I opened it and started reading it and it was -- all I  
23 remember seeing something about "innocence" on -- on one of  
24 them had it. I can't remember which ones it was, and I was  
25 just like oh, yeah. And that's where I (indiscernible) and



1 throw it in the trash.

2 Q. Yeah.

3 A. So I don't -- I don't -- I'm not sure which --  
4 which one it was.

5 Q. How long --

6 A. All I know is that --

7 Q. -- how long do you think it was?

8 A. -- oh, hell. 2014 he -- hell, my son was like in  
9 kindergarten.

10 Q. All right. So --

11 A. So --

12 Q. -- so it was like six or seven years?

13 A. -- about nine.

14 Q. Nine?

15 A. No. About nine years ago.

16 Q. Okay. Okay. Okay. Okay. I'm promising you, I'm  
17 99 percent certain that is the Center for Actual Innocence.  
18 The innocence project, this is not the government-run body.  
19 The commission.

20 Now the reason why I bring that up at all is  
21 'cause -- and like I feel we earned the right to talk about  
22 this in this way. Again, I don't think you should have to  
23 go through anything more than you have. But if that  
24 commission were to reach out to you and ask for your  
25 thoughts, because the way they work is, again, no trial.



1 No nothing. They have the power to just let those guys  
2 free, the two brothers, Rayshawn, Nathaniel. They have the  
3 power to exonerate all five guys. They can just do it.  
4 They don't even need -- there's no police involvement.  
5 It's its own thing.

6 If that commission were to approach, you how would  
7 you feel?

8 A. I don't have a clue. See how hard it was for me  
9 just talk to you. I don't --

10 Q. I know, but -- and I'm not trying to, you know,  
11 blow smoke up my own ass here, but I feel like, you know,  
12 we've had a real fuckin' talk. It was worth it. This is  
13 an okay thing, you know. I don't know. Seems okay.

14 A. I don't know what's coming up. None of this  
15 because I am -- I have told you everything I know, which  
16 ain't hardly shit. I mean it's literally to  
17 (indiscernible) fuckin' details of that night which is the  
18 same shit I told the fuckin' -- the police. And --

19 Q. Sure, sure.

20 A. -- it didn't --

21 Q. But -- but --

22 A. -- it --

23 Q. -- but -- but -- but the --

24 A. -- but it wasn't good enough.

25 Q. No. But the other thing that we -- and -- and do



1 not let me speak for you on this, you know. Go against me.  
2 Contradict me. Say "No, Hunter. That's not true," like if  
3 I'm wrong. But one of the things it seems, like we kind of  
4 established in this conversation, is that the things you  
5 said at trial that were so significant, those were things  
6 that it seems, hell, if you remembered the other stuff that  
7 night, it see -- again, don't let me talk on your behalf,  
8 but that you would have remembered something like Stinky  
9 and being -- being -- sitting on the picnic table and  
10 watching Stinky and Bubba grab sticks because they planned  
11 to do a robbery and -- and that you would have heard in the  
12 distance, as you said in court, you know, them saying "Shut  
13 the fuck up" and then you -- and Mr. Jones or a voice you  
14 didn't recognize saying "Please stop. Don't hurt me."  
15 Like it seems like we established this conversation --

16 A. I will say with all confidence, all confidence in  
17 my body that I never was sitting on a table and that I  
18 never ever heard any of that.

19 Q. And -- and let me ask a really stupid question  
20 that a lawyer might ask: "Well, Jessica, how do you know  
21 you be so sure now?"

22 A. Because I was sure then.

23 Q. But?

24 A. As in but, I was sure then that they didn't -- it  
25 didn't matter because I wasn't sure enough for them. I



1 wasn't sure enough for the cops and they knew better than I  
2 did.

3 Q. 'Cause -- 'cause -- well, I guess, 'cause part of  
4 you was scared. Maybe another part of you was like, I  
5 mean, shit. They're the fucking cops?

6 A. That's right. Like I said, you guys -- all these  
7 grown-ass men coming at you and you're still a fuckin'  
8 child. They know better than you. They're cops. They're  
9 not supposed to be fuckin' be -- fuckin' -- or do shit,  
10 fuckin' ways. They're not supposed to do shit like that.  
11 And ever since then, ever since that fuckin' child, I do  
12 whatever I can to stay away from -- I, man, we had friends  
13 that were cops that were friends of the family and all  
14 them. I quit contacting all of them. I cannot -- I know  
15 all -- all -- I have no kind of trust in the motherfuckers  
16 all, none.

17 Q. Me and the police?

18 A. Yeah.

19 Q. Yeah. Well, and after what you went through?

20 A. Exactly. Because, like I said, at the bowling  
21 alley, the officers that used to work there on the  
22 weekends, I mean there were actual Winston-Salem PD. And  
23 the officers (audio fades out) friendly with, loved to  
24 death, talked to them all the time, cut up. After that I  
25 quit going to that bowling alley. I quit associating. If



1 I see an officer, I don't speak. I quit doing all that. I  
2 -- I just stopped. Like I just -- I can't. No, not all  
3 officers and detectives and shit are like that. But the  
4 ones that are, the ones that use intimidation tactics and  
5 shit are the -- they're not right. They're not right in  
6 anything they do, whether it's towards me or whether it's  
7 towards the boys, or whoever it's towards. That shit is  
8 completely unnecessary.

9 And if somebody tells you "Look, this is what  
10 happened. This is what I remember," the, you know,  
11 sometimes it's exactly what the fuck they remember.

12 Q. Yeah, yeah. I was saying to -- I was saying to  
13 somebody recently, I said, you know, because I was just  
14 talking with them about the process of police  
15 interrogations and how false confessions happen. And I  
16 said, you know, the same exact process that gets a  
17 confession that we think is true --

18 (Beep sound.)

19 Q. -- oh, sorry. Is everything all right?

20 A. Go ahead. I'm sorry. The fuckin' idiot in front  
21 of me can't drive.

22 Q. That's all right.

23 I was just saying that the same process -- what  
24 sucks about interrogations in general is that the same  
25 process that a police officer might go to that gets a false



1 confession, you know, it's the exact same process that gets  
2 a true confession. It's the same shit, you know. There  
3 are people that deny, deny, deny for hours and they confess  
4 and then DNA evidence confirms that they were the real  
5 perpetrator of the crime. You know what I mean?

6 Like so this process in general is just  
7 infallible. It's just flawed. And they way that they have  
8 -- that the state has changed it is that now, Jessica, all  
9 interactions in all interview rooms in the state of North  
10 Carolina between a police officer and anybody they  
11 interview, all of them, by law, have to be videotaped.

12 A. Well, what the fuck was going on 17 fuckin' years  
13 ago?

14 Q. What do you think?

15 A. See, that's some -- that's some bullshit, exactly  
16 what that is. I didn't know. Like I thought all of them  
17 were recorded.

18 Q. Meaning -- meaning --

19 A. Maybe not by camera but like at least voice  
20 recorded.

21 Q. -- meaning -- meaning -- when you say "all of  
22 it," meaning?

23 A. I mean like interrogations, period. Any kind of  
24 interrogations, anything along that line that has to do  
25 with anything, I thought all of them were recorded. I



1 didn't know that they could interrogate you and not record  
2 shit.

3 Q. That was the law back then. They didn't have to.

4 A. That was the law that was in play when they  
5 interrogated us?

6 Q. Yeah. Meaning -- meaning they did not have to  
7 record anything but the statements at the end.

8 A. See, that's -- no. That's bullshit. So they  
9 don't record any of the bullshit that they fuckin' say or  
10 the stuff that they fuckin' hold over your head or try to  
11 sling at you?

12 Q. Correct. So -- so to add to that -- see, and,  
13 hey, this experience clearly was so awful that you didn't  
14 pay attention to the trial, right?

15 A. No. I didn't -- my grandma -- I'm going to tell  
16 you what my grandmother -- I -- after she passed away I was  
17 going through her photo albums and shit and I found one  
18 where she had every newspaper clipping that was ever  
19 printed about this shit, anything that ever involved me or  
20 them boys, and she had it all in a fuckin' photo album.

21 Q. Woah.

22 A. And I started to sit down and start to read them.  
23 And as I started to, I started crying, and I was like fuck  
24 this. I can't. I can't do that. I can't. I can't go  
25 back and rehash the shit. It's like -- it's just like that



1     damn -- that transcript I've got. Like it's -- some of  
2     it's just packed up. It's been packed up for years.

3     Q.           That -- that --

4     A           And I don't even know --

5     Q.           -- that memory about that photo album, when was  
6     that?

7     A.           -- she passed away -- she's been gone about four  
8     years now. So sometime -- sometime within the last four  
9     years, right after I started going through her shit.

10    Q.           So -- and you --

11    A.           Yeah.

12    Q.           -- yeah. What a powerful fuckin' moment. You  
13    see this thing, you sit down, and you start reading it?

14    A.           Yeah, because I mean that -- that -- I didn't even  
15    know she kept all that.

16    Q.           Why do you think --

17    A.           Like I didn't even have a clue.

18    Q.           -- why do you think she kept it?

19    A.           Oh, because I was her pride and joy. I was the  
20    first-born grandchild, the first child for five years, and  
21    that's just what it was. And so they just -- anything that  
22    had anything to do with me, whether it was ballet, dance,  
23    any -- anything, the littlest bitty shit, my grandmother  
24    kept.

25    Q.           Well, I --



1 A. So that --

2 Q. -- I'm just saying --

3 A. -- being --

4 Q. -- I wouldn't --

5 A. -- as big as it was -- that being as big as it  
6 was, that would be why she kept that.

7 Q. -- well, I was going to say it's not exactly  
8 like, you know, you were the school valedictorian in the  
9 newspaper. They were listing you as part of a crime.

10 A. No, no. I mean it did -- see, it's not just like  
11 that. Like -- hold on a minute. Hold on just a second,  
12 okay?

13 Q. Sure, sure.

14 (Pause.)

15 (Extraneous conversation not related to the interview.)

16

17 A. All right. You there?

18 Q. I am. Yeah. Who were you just saying "Hello" to?

19 A. Okay. Okay. I had to -- my uncle. I had to ride  
20 over here at his house real quick to give him some money.  
21 I owed him.

22 But like my grandmother, she just keep shit like  
23 that.

24 Like that uncle that I was just speaking to, he  
25 was in a wreck. Him and a friend of his was in a wreck



1 back years and years ago. And the wreck, they were like in  
2 a Nova, something like that. And there was an older couple  
3 in the pickup truck and they hit head on and it tore the  
4 pickup truck cracked in half. And when it did, it killed  
5 the wife immediately and the husband lived for a year and  
6 then died. And he got -- and then his friend who was  
7 driving got flung out the car, got flung out the windshield  
8 and he got killed instantly. But since he the only one  
9 living, he got charged with manslaughter and had to do 10  
10 years over it.

11 Q. Jesus.

12 A. And every bit of that trial and shit, I mean, she  
13 just -- that's just shit she did. She kept every  
14 newspapers clipping from it. I don't -- I don't know why  
15 she keeps shit like that, but her momma was the same way.  
16 My great grandmother used to do shit like it too.

17 Q. And but what's even --

18 A. And --

19 Q. -- what's even more kind of like powerful about  
20 that story too is that, as you said, you know, like you did  
21 what you could to -- to, you know, have your family like  
22 not know about this trial, not know about any of this shit.  
23 But still like, I guess, unbeknownst to you, they very  
24 privately they were following the news of this.

25 A. -- I mean I lived with my grandparents, so they



1 knew about what was going on but I didn't tell them about  
2 everything that went on in the interrogation. I didn't  
3 tell them about shit like that. I didn't want th- -- I was  
4 so ashamed of myself because I took myself in this  
5 predicament and like when I tell you -- when I tell you  
6 that they held me like -- I mean we are -- I come from a  
7 broke-ass, full-white-ass family. Okay. And that's just  
8 what it is. We all come from Southside, same place the  
9 boys come from. So, I mean, and we were all from the  
10 fuckin' hood. It just is what it is. But I was the one --  
11 I had to stay in school. I had to graduate. I had to make  
12 somethin' of myself. I had to do what they couldn't do or  
13 what they didn't do.

14 Out of all of my cousins, everybody, I am the only  
15 one who has ever graduated. I'm the only one that went on  
16 to do any other schooling. I'm the only one who has ever  
17 halfway kept my shit together and that's just what it was.  
18 And if I fucked up all hell, all hell broke loose in this  
19 fuckin' family which is why I tried to keep everybody out  
20 my shit. So this shit -- I'm the eldest. I'm not the one  
21 that fucked up.

22 Q. Let me -- let me ask you this. How do you think  
23 your family would feel if, in a way, you kind of reversed  
24 all this; you did the opposite, that you contributed  
25 hypothetically to righting a wrong?



1       A.           I mean, I don't know. My momma -- my momma is not  
2       -- she's not keen on that shit period. My momma did not  
3       want me speaking to you, period, because she knows how much  
4       I've tried to keep this shit out of -- away from me,  
5       period.

6       Q.           Well, because --

7       A.           And --

8       Q.           -- that's because she understands the horror and  
9       pain that it makes you feel. I mean, that I get.

10               But what about -- hell, if -- if the people around  
11       you, you know, they think in this respectful reverend way  
12       about you, how -- I don't know. Like don't you think  
13       they'd feel, again don't let me put words in your mouth,  
14       but don't -- wouldn't they feel a positive way about you  
15       taking it under your own to do -- to right a wrong?

16       A.           I mean, they could. At the same time, they're  
17       also stuck, ole pricks who can like okay, well, uh, you  
18       don't even know what you said. You were 16 and dah, dah,  
19       dah, dah, dah. I mean 'cause that -- because that is the  
20       way they are. And, I mean, frankly, I can give a fuck what  
21       my family thinks now. I mean I'm going to be 33 years old.  
22       I really don't give two shits. Hell, my mother is not even  
23       speaking to me at the moment. I mean -- I ain't went a day  
24       without talking to my momma in years. So I mean it's just  
25       I can give a damn about what anybody thinks. I mean the



1 personalities that I have -- I've gotten over the years,  
2 the attitudes I've gotten about that shit over the years,  
3 it's -- it's to where I was such a fuckin' people-person  
4 being, and now I'm just like, you know, fuck y'all. I've  
5 got to worry about my damn self. I can't do this.

6 Q. Well, then -- then let me ask, and I ask this like  
7 for like your honest take, you know, your sincere -- or I  
8 ask this for your sincerity and honest take on this. What  
9 -- what might make you feel comfortable about -- like, you  
10 know, participating in and contributing to this new  
11 investigation, this new look at their case, that has the  
12 potential --

13 A. I'm going to tell you what, if -- if -- I don't  
14 know. I don't -- I don't even know what it would take for  
15 that because I don't want to go and speak on people's  
16 behalf and then end of the day, nobody knows what really  
17 happened except them and -- and fucking God, I guess, if  
18 that's your -- if that's your shit. So, I mean, I don't --  
19 I don't -- I -- I need to -- I need to see it to believe  
20 it, I guess.

21 Q. When you say -- when you say "See it to believe  
22 it," what might represent "it?"

23 A. Like I would need them to lay out all fucking  
24 evidence to know that -- like they can prove to me that  
25 they -- they didn't do this shit, I would gladly speak on



1     their behalf and be like look, this is the fucked up shit  
2     that happened, and it was just a fucked up predicament.  
3     And -- and I want to personally apologize and do what needs  
4     to be done. But I don't want to get up and -- and speak  
5     and then it turns out that -- I mean if it helps.

6             Nobody ever really know that shit really did go  
7     off. And it may not have been all of them participating.  
8     Hell, it may have just been one. It may have not been  
9     none. But, I mean -- I mean, granted at the end of the day  
10    they have all -- they served time and there's a good  
11    fucking part of their life missing.

12    Q.           How does that make you feel?

13    A.           And that makes me feel fuckin' like shit,  
14    especially if they didn't do it. I feel bad. But I don't  
15    give a fuck if they did murder somebody, it still makes me  
16    feel bad. I still feel bad about that.

17    Q.           Yeah.

18    A.           Because it was my fuckin' words that fucking got  
19    them in there. Whether -- even if I seen them commit the  
20    fuckin' murder. I don't care if I watched somebody sit  
21    there and slight someone's throat. Regardless, I'm still  
22    going to feel like shit because that's the way I fuckin' am  
23    and then I get -- my conscience weighs on my fucking hard.  
24    So I still feel like ass because it was me that had to  
25    fuckin' say something to get someone in trouble and I hate



1     that shit.

2     Q.           Yeah.

3     A.           I hate the fact that I was the fuckin' key witness  
4     in that shit.

5     Q.           Well, that -- that we established very clearly.

6                 Do you remember -- so you remember a few moments  
7     where you were saying, hell, I grew up in the hood, you  
8     know, white, poor family. Do you know that I went to those  
9     neighbors?

10    A.           Oh, you went over on Southside?

11    Q.           Say it one more time.

12    A.           I said you went over on Southside?

13    Q.           Not just that. I went over to where you used to  
14    live and all your old spots.

15    A.           All my old spots?

16    Q.           Yes. I went over to -- I'd have to look up the  
17    address but I had -- so I went and I met with Mr. Haley  
18    (ph).

19    A.           You met my grandfather?

20    Q.           You bet I did.

21    A.           Oh, goddamn.

22    Q.           Exactly. And I don't even need to say more than  
23    that, do I?

24    A.           No, but he's a worthless fuck.

25    Q.           My point is just that -- why do I bring that up?



1 A. That's a sick fucking individual right there.

2 Q. I understand what you mean when you say that. I  
3 promise you.

4 So then the reason why I bring it up though is  
5 'cause I wanted to -- I want it to be another thing that  
6 shows you just how far I went to work for the truth,  
7 whatever the truth might be, wherever the truth might be.

8 A. I -- I promise you the truth is not with that  
9 fucking man right there.

10 Q. I know. I know but --

11 A. That -- that --

12 Q. -- I know. I know.

13 A. -- oh, my God.

14 Q. But my point is that I'm just trying to show you  
15 that like, hell, I was willing to go there. You know what  
16 I mean? I was -- I was looking. I was looking and I have  
17 to tell you he was rather hospitable to me. He was very  
18 nice to me. But I also understand exactly what --

19 A. Oh, he's a very hospital for every fucking body,  
20 unless you're a female and he wants to grab on your ass and  
21 shit. Old nasty fuck.

22 Q. -- yeah. I don't -- I don't expect him, you  
23 know, be on -- how should I put this -- to be, you know,  
24 celebrated on American Idol anytime soon.

25 A. Oh, no. He and my mother had to take -- after my



1 grandmother passed away, he's not my motherfucking  
2 grandfather. He was -- he's my step-grandfather. He  
3 raised my mom from the time she's 18 months old, up. But  
4 he's like -- when I tell you an obsessive love for her, and  
5 I mean super fucking dis- --

6 Q. I -- I --

7 A. (indiscernible) --

8 Q. -- I --

9 A. -- like --

10 Q. I would say you don't have to go any further than  
11 that. I understand, and I'm sorry about that.

12 A. -- yeah. So, I mean, it's like -- and then it's  
13 been -- like he has never ever made me feel nothing like  
14 that up until a couple years ago, and that motherfu- -- I  
15 was like no, hmm-mm. So (indiscernible) to take out a  
16 restraining order on his ass.

17 Q. Yeah. Well, let me -- let me --

18 A. So I did.

19 Q. So he said that he was the one that drove you to  
20 the police station originally. Do you remember that? Is  
21 that correct?

22 A. That might -- it might be. I don't remember who  
23 took me.

24 Q. Okay.

25 A. I just know that nobody fucking go in there with



1 me.

2 Q. Do you wish someone had?

3 A. He may have drove me to the -- I mean I didn't --  
4 yeah, I wish somebody had. I wish my my mom or somebody  
5 had've been there because I didn't know what the fuck I was  
6 in store for.

7 Q. What do you -- let me ask you this. What do you  
8 think about, you know -- you know I also paid a visit to  
9 Ms. -- to Ms. Karen?

10 A. Yeah, Zach's momma.

11 Q. Now I know that -- now I know that you guys aren't  
12 exactly --

13 A. She didn't know a fuckin' thing about nothing.

14 Q. -- I know. And I know that that was kind -- let  
15 me just -- again, I'm opening my heart up to you. And I'm  
16 being totally honest and candid and transparent about my  
17 process.

18 You know, I got to tell you, you know, she wasn't  
19 exactly happy to see me either. I will tell you. One of  
20 the first things she says to me as I am, you know, I'm not  
21 allowed in the trailer of course. I'm standing outside.  
22 It's about 49 to 50 degrees and Bella, her dog, is barking  
23 at me. And she goes, I swear to God, this is one of the  
24 first things she said to me. She goes, "You better start  
25 talkin' or I'mma start shootin'."



1 A. And that's how she is. That bitch would shoot me  
2 too. She don't like me.

3 Q. Hey, but -- but get this. Get this. Get fuckin'  
4 this, I promise you, that is how our interaction began, she  
5 and I. And do you know how it finished 90 minutes later?  
6 It finished with her showing compassion, understanding,  
7 listening exactly as you and I have in this conversation,  
8 and saying that despite the differences you guys felt, she  
9 said she might give an effort to try to relay the message  
10 to you.

11 Then why do I bring all this up?

12 I bring it up because of two things; one, I'd like  
13 to think it shows just how much shit I put up with to try  
14 to get -- to really try hard. The number two thing is a  
15 few minutes ago you said the only pe- -- the only people  
16 that know --

17 (Extraneous conversation not related to the interview.)

18

19 Q. -- oh, sorry.

20 A. Hold on a minute, Baby. Hold on, Honey.

21 (Extraneous conversation not related to the interview.)

22

23 A. Okay. Go ahead.

24 Q. That's okay. Where you guys eating?

25 A. I'm stopping at Taco Bell.



1 Q. Classic. A timeless classic for across this  
2 country. The best fake Mexican --

3 A. I swear.

4 Q. -- food we have.

5 A. I know. When I seen that I was like are you  
6 serious? It's so good.

7 Q. Have you ever been to Texas?

8 A. No. I ain't never been out of North Carolina.

9 Q. Oh, well, some day if you ever get to Texas and  
10 you ever get to Houston --

11 (Extraneous conversation not related to the interview.)

12

13 A. Go ahead, Honey.

14 Q. -- it's okay. You are -- by the way, you're  
15 fuckin' hilarious. You're making fun of the manager's  
16 hair?

17 A. Yeah, because she's a ghetto-ass lookin' woman  
18 whose hair is never fucking brushed, always nappy, and got  
19 this big ole potbelly like she gets drunk every damn night.  
20 It's like.

21 Q. Listen, all I'm going to say is if you're going to  
22 talk like that, you better have some fine-ass hair and be  
23 in good shape. You know, you can't be throwing stones  
24 at --

25 A. Ha.



1 Q. -- glass houses now.

2 A. First off, my hair's down to my ass and it is long  
3 and curly and pretty.

4 Q. Yes, ma'am.

5 Anyway, hold on. This is what I was trying to  
6 say, this big crescendo I was leading up to. I was saying  
7 not only one, does it show how far I fucking worked. This  
8 is the second thing that I really -- I'm hoping to express  
9 to you. You said a few minutes ago or several minutes ago  
10 that the only people that know what really happened were  
11 those boys and God, right?

12 Well, the whole process of good, honest hard-  
13 working journalism, which we're losing more and more  
14 nowadays but, is to in fact reveal the truth. It is to  
15 inspect the truth. It is to bring the truth to light. The  
16 truth that has been suppressed, that has been kept in  
17 darkness.

18 A. That's fine. But you never fully know the whole  
19 damn truth.

20 Q. But you start --

21 A. -- because --

22 Q. -- no --

23 A. -- you're never going to know every single --

24 Q. -- that's not --

25 A. -- fact.



1 Q. -- that's not true though. You don't -- and we  
2 don't have to know every single fact, but we do have to try  
3 to get closer and this -- this entire circumstance, I want  
4 to show you -- I want to show it to you, is much more  
5 involved than just you.

6 You know, look, I have probably made the greatest  
7 attempt and the greatest efforts to have a conversation  
8 with you. But you cannot imagine the amount of hours, the  
9 amount of notes, the amount of conversations, the amount of  
10 work that I've put into everything. And what I'm trying to  
11 get as is that real journalism can, in fact, be a positive  
12 form of change when done right and, of course, when it  
13 really does find the truth, you know, when it's verified  
14 and --

15 A. And you're absolutely right. It can. It can  
16 absolutely be a positive thing. How often is it a positive  
17 thing though?

18 Q. -- well, what if this is one of those times?

19 A. And it could be one of those times. I don't -- I  
20 don't want any kind of repercussions.

21 Q. There are no repercussions. There are no  
22 repercussions. Here, this is what I was going to ask you.  
23 This is the final thing 'cause I'm guessing to let you go.  
24 I promise. We've done a really good job on this  
25 conversation, but you still only know me as a voice. What



1 -- I feel obligated, at least, to offer to shake your hand  
2 and meet you in person so you, you know, now you feel even  
3 more secure and trustful of where -- of how far --

4 A. hold on. Your phone is breaking up.

5 Q. -- sorry.

6 A. Your phone is breaking up. Mine's got full  
7 signal. It's got to be you.

8 Q. I'm -- I'm at two-and-a-half bars, something like  
9 that.

10 Can you -- can you hear me okay?

11 A. I can now. It was like going in and out, but go  
12 ahead.

13 Q. What I was saying is that we've done a really good  
14 job in this conversation of getting to a better place. But  
15 I feel obligated, not only as a reporter, but also as like  
16 a nice human being, that you should meet me, that you  
17 should know me, that it shouldn't just be my voice over a  
18 phone. Is there -- would you be comfortable with me  
19 introducing myself in person to you sometime?

20 A. I mean that would be fine, but that's a whole lot  
21 of damn -- that's a whole lot of money spent --

22 Q. Don't worry --

23 A. -- traveling.

24 Q. -- don't worry. Don't worry about -- don't worry  
25 about that. I'm just asking you. Let's say hypothetically



1 I was in Winston-Salem on a day when you had time? Hey, I  
2 don't -- you don't even need to let me inside. You don't.  
3 You really don't have to let me inside. But I just want  
4 the opportunity, because it's important to me as a  
5 reporter, to show people that we're not all scumbags  
6 looking for a scoop, calling people nonstop. It would feel  
7 better to be able look me in the eyes and here me and like  
8 see me say to you, I'm sorry, and that I'm working hard out  
9 of honesty. I promise. I just -- I kind of want that  
10 opportunity.

11 A. I mean that's -- if that's what you want to do,  
12 that's fine.

13 Q. Well, I also would need to know. Like let's say I  
14 -- we started this conversation also, if you remember, by  
15 me saying I would never ever speak to you again, I promise.  
16 But now I have to go back on that promise and ask if we can  
17 undue that promise and I would have the opportunity to be  
18 in touch with you.

19 A. Okay.

20 Q. And if I made a visit to Winston-Salem,  
21 hypothetically in let's say -- let's say the next five to  
22 seven days, what would be a day that would work best for  
23 you, for me to just -- just come to shake your hand and say  
24 hello and just meet you?

25 A. It would probably work better on a -- I work third



1 shift so I'm usually asleep all day.

2 Q. At -- you're talking about at -- at the tobacco  
3 factory or whatever?

4 A. Yeah.

5 Q. So --

6 A. R.J. Reynolds.

7 Q. -- third shift is like the graveyard shift?

8 A. Yeah.

9 Q. Which are -- like what are those hours? It sounds  
10 like they are --

11 A. They're from 10:30 at night until 8:00 in the  
12 morning.

13 Q. -- oh, good God. Oh, my God.

14 A. Yeah.

15 Q. That's a pain in the ass.

16 A. So then I get home or -- not even home because  
17 right now we're staying at a motel so --

18 Q. I'm sorry. Why is that?

19 A. -- because the place that I'd gotten in like --  
20 well, me and Zach stay together and the place I had went to  
21 go get, his probation officer or parole -- he's on post --  
22 post-release, so parole officer, probation officer,  
23 whatever, anyway, so he needs to -- landlord -- landlord  
24 did not want him on the premises which means I had to roll.  
25 So now I'm in the process of getting all my shit out of



1     that place and getting it into storage, and he's keeping my  
2     deposit and everything else.

3     Q.           Oh.

4     A.           So I have to save up my money again.

5     Q.           Oh, boy.

6     A.           And look for another place.

7     Q.           Well --

8     A.           Just a bunch of bullshit. That's why I say it's  
9     not -- it's like it's not like fucking being out here --  
10    and not to sound fuckin' pitiful or anything but, fuck,  
11    three hots and a cot sounds real goddamn nice.

12    Q.           -- well, how about -- how about the idea that  
13    just maybe you and Zach and your son can get treated at  
14    dinner one of these nights? And, hey, if it has to be Taco  
15    Bell, I'll give you guys Taco Bell. Whatever you want.

16    A.           I think they're all burnt out on Taco Bell,  
17    especially Zach gets upset, it's all I want. Give me Taco  
18    Bell and I'm good.

19    Q.           Any -- my -- my point is I want the opportunity to  
20    create an honest, good relationship that's beyond the phone  
21    call bullshit. You know what I mean?

22    A.           Mm-hmm.

23    Q.           'cause -- 'cause if -- if in theory, all this  
24    effort leads to a real possible change, I just think it's  
25    important that, you know, I don't know, that you be in me,



1 that -- that you feel you know me more than just a voice on  
2 the other end of the phone, you know. Like this could be  
3 something really big and positive and wonderful. It could  
4 be, you know. I -- I haven't gone this far because, you  
5 know, I didn't think it was a possibility. I have gone  
6 this far because I do think it can happen.

7 A. Right.

8 Q. So if I were to -- so -- so you work the nights or  
9 whatever. What would be in theory like an afternoon or an  
10 early afternoon? Whatever it is. Like today is --

11 A. Is this on a weeknight?

12 Q. -- girl, girl, girl, you picture the day. I'll  
13 be there. Like that's my point, is you say -- you say  
14 the --

15 A. Saturday's the best day works, for me at least.

16 Q. -- what -- so Saturday. What about Sunday?

17 A. Friday nights, Friday evenings.

18 Q. Okay.

19 A. And Saturdays are the best. Sundays fuckin' -- I  
20 have to try to bring my damn sleep schedule back into  
21 whack.

22 Q. Okay. What about -- and what about Mondays and  
23 Tuesdays just in case?

24 A. If it's Mondays -- I mean, like I said, I'm asleep  
25 during the day so I'll just have to get up sometime at



1 night, in the evening.

2 Q. And you'd be -- and again, you would be open to --  
3 you'd be okay with that? 'cause -- 'cause -- 'cause --

4 A. Yeah.

5 Q. It was only two hours ago that, you know, we  
6 didn't feel this way.

7 A. Well --

8 Q. Which is okay. Which is understandable. I just  
9 want to make sure that we have honestly gotten to a place  
10 that is good.

11 A. -- yeah. We're in a better place than where we  
12 were.

13 Q. I will be honest with you and tell you my other  
14 biggest fear, Jessica, is that in a day or two you talk to  
15 people around you who don't listen so well, who aren't so  
16 patient, who are upset with you for whatever reasons, and  
17 they make you feel differently and they make you think that  
18 I don't have good intentions. They make you think that  
19 this wasn't a good idea. That's my biggest fear.

20 A. I don't talk to anybody. Like when I tell you I'm  
21 -- I keep to my damn self --

22 Q. Well --

23 A. -- I certainly don't --

24 Q. -- what about -- I --

25 A. -- talk to anybody.



1 Q. -- well, what about Zach? Is -- do you think  
2 he's going to be okay with all this?

3 A. Zach don't have a say so in this.

4 Q. Yes, ma'am. Yes, ma'am.

5 A. He's just along for the ride.

6 Q. Yes, ma'am.

7 A. Yeah, because he didn't even know about all this  
8 and then once --

9 Q. I know. Once his momma --

10 A. -- once --

11 Q. -- once his momma --

12 A. -- you went to --

13 Q. -- and Ms. Karen.

14 A. -- once you went to Loretta's.

15 Q. Oh, yeah. That's --

16 A. When you --

17 Q. -- yeah. See --

18 A. -- yeah.

19 Q. -- that's what I'm telling you.

20 A. When you went to Loretta's --

21 Q. Yeah.

22 A. -- her son and my -- that's when I had to tell  
23 him about everything.

24 Q. Yeah.

25 A. Because he didn't know about none of that, and I



1 was like goddamn.

2 Q. I know and I --

3 A. He was like why's this motherfucker looking for  
4 you. What is going on. Dah, dah, dah, dah, dah.

5 I'm like okay, so look. Here's what fucking  
6 happen and --

7 Q. Well --

8 A. -- you know.

9 Q. -- anyway --

10 A. It just is what it is --

11 Q. I -- I get --

12 A. -- but, hell, he's a convict so he's like you  
13 don't care.

14 Q. -- well, I get it. And -- and it would also make  
15 me feel better to show my face, again, to some people that  
16 might think, you know, might have a misrepresentation of me  
17 or might not have a good impression of me, you know. I  
18 want to be able to shake Zach's hand and say thank you and  
19 I'm sorry. I want to be able to shake Ms. Karen's hand and  
20 say thank you and I'm sorry. Like I want, you know, I kind  
21 of want those opportunities as I don't --

22 A. Well, you can take Karen on yourself because I  
23 don't talk --

24 Q. I know.

25 A. -- to his mom.



1 Q. I know. I'm going to have to contend with her and  
2 Bella and the cold again, and that's fine. That's fine. I  
3 don't know mind it. But anyway, all right.

4 So it's okay for me to text and stay in and stay  
5 in touch with you?

6 A. Yes.

7 Q. And do you accept my apology for, you know,  
8 stirring up shit?

9 A. I do.

10 Q. And do you believe me when I say that I'm  
11 motivated to just, you know, report the truth and maybe  
12 something really good could happen from this?

13 A. Maybe.

14 Q. I'll take it. I'll take a maybe. All right.  
15 Well, thank you.

16 A. Yeah, I guess.

17 Q. Thank you so, so much.

18 Is there anything else, I can't imagine, but is  
19 there anything else you want to know or anything else I can  
20 do? Anything else? Ask me anything. I'm an open book.

21 A. No. I'm good.

22 Q. Thank you. I know this took a lot. If there's  
23 anything else I can do at all or whatever, just call or  
24 text me anytime. And I plan on trying to come to Winston-  
25 Salem soon. I will let you know. And I just want to make



1     sure I hear back that it's okay whenever I get back in  
2     touch with you.

3     A.           Okay.

4     Q.           Thank you for everything.

5     A.           All right.

6     Q.           All right.

7     A.           You're welcome.

8     Q.           Thank you.   Enjoy your dinner.

9     A.           Thank you.

10    Q.           You got it.   Bye.

11    A.           Bye.

12

13                               (Interview concluded.)

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## CERTIFICATION OF TRANSCRIPT

I, Carrie Given, certify that the foregoing is a true and correct transcript to the best of my ability of the above electronic sound recording taken in the above matter. I further certify that I am neither counsel for, related to, and further that I am not financially nor otherwise interested in the outcome of the action.

Carrie Given, NCJT  
Court Transcriber



# Handout 16



**INTERVIEW  
OF  
JESSICAH BLACK**

**CONDUCTED BY  
HUNTER ATKINS**

**RECORDING 3**

This is the transcript of an audio recording designated as *Jessica Black 3*, the interview of Jessica Black. The interview was conducted by Hunter Atkins, a freelance journalist. The interview took place at an IHOP in Winston-Salem, North Carolina, date unknown.



1

15                   When I tell you I have a timeout room at work,  
16 and it's one of the break rooms. And he will go in there  
17 and make everybody leave out of that room. Nobody is  
18 allowed to come in that break room. And he will sit me in  
19 there by myself. He tell me to sit in there and smoke  
20 cigarettes and calm my ass down. And there is no -

21                   MR. ATKINS: That's -- that's not the worst  
22 approach for the boss, by the way.

23                   MS. BLACK: It's not.

24                   MR. ATKINS: He could have said -- he could  
25 have sent your ass home.



1 MS. BLACK: So he don't do nobody else like  
2 that. Nobody.

3 MR. ATKINS: Well -- oh. So you think that  
4 that was a bad move?

5 MS. BLACK: No. I'm just the only one that's  
6 put in time out. Which I don't care. Because I'm going to  
7 sit in there and get paid regardless. But, huh, all that  
8 shit gets talked, and I'm like, hold up. [Laughs.]

9 MR. ATKINS: Now, what if somebody's advice to  
10 you was like, you know, Jessica, you know, turning 33,  
11 maybe it -- you know, maybe you just, you know, be a little  
12 more accommodating to, uh, the working environment.

13 MS. BLACK: Pfft. Maybe he should have moved  
14 his big ass.

15 MR. ATKINS: Yeah. I think that's going to be  
16 the working title of your memoir -

17 MS. BLACK: I'm going to tell you what.

18 MR. ATKINS: -- "Maybe He Should Have Moved  
19 His Big Ass."

20 MS. BLACK: I can't handle it. Now, he should  
21 have just moved. Now, he shouldn't have made it to where we  
22 had to rub up against him, be nasty.

23 MR. ATKINS: Well, have you -- have you always  
24 been this, sort of like, honest, straight shooter?

25 MS. BLACK: I -- always.



1                   MR. ATKINS: Like say it like it is, say  
2 what's on my mind. Don't give me attitude, or if you give  
3 me attitude, I'm going to give it right back. Have you  
4 always been that way? Even -- even when you were like --

5                   MS. BLACK: Me - my mama -

6                   MR. ATKINS: -- even when you were growing up?  
7 Like, a kid?

8                   MS. BLACK: Always.

9                   MR. ATKINS: Did you get it from her?

10                  MS. BLACK: Uh, my mother, uh, used to be.  
11 Well, she gotten soft in her old age. She ain't even old.  
12 So she's gotten soft.

13                  MR. ATKINS: Can't you call it nice? You call  
14 it getting soft.

15                  MS. BLACK: But, uh, -- no, no. She's gotten  
16 soft. The only time she can be an asshole now is, like,  
17 towards me or my brother.

18                  MR. ATKINS: Huh.

19                  MS. BLACK: Used to, it was like this towards  
20 everybody times, like, five. My grandmother was about times  
21 twenty. And if she wasn't cussing you, then you knew she  
22 didn't like you. So as long as she was cussing you and  
23 calling you some kind of name or something, you knew you  
24 were liked in her book. I have operators that come up to  
25 me, and if I'm quiet one night, like if I come in and I



1 haven't had enough sleep, and I'm exhausted, I'll be quiet  
2 and I won't speak. I'd either sit there and drink some  
3 coffee, wake up, chill. I'm at work an hour and a half  
4 early every night, because I sit there and I wake up and get  
5 motivation.

6 MR. ATKINS: Can you [indecipherable] that  
7 way. Just to be a little closer. Want to make sure I get  
8 this turned on. Sorry. You were saying.

9



1 MS. BLACK: Okay, he wasn't. He was 24, so -

2 MR. ATKINS: He was 24 and you were 16?

3 MS. BLACK: Yes.

4 MR. ATKINS: I think that he might, at our age  
5 now, tend not to be -

6 MS. BLACK: [Laughs.]

7 MR. ATKINS: -- not great.

8 MS. BLACK: So I mean, you know, he was a  
9 grown-ass man. And it just was what it was. But I never,  
10 ever spoke bad of him in front of my young'un. I didn't  
11 tell him anything bad. He was able to come in every once in  
12 a blue moon when he'd decide to, and play hero. And I  
13 allowed it to happen. I was like, you know, I'm not -- I'm  
14 not going to sit here and talk bad about him.

15 Because in the -- at the end of the day, when  
16 Trenton gets old enough, and he is curious about what  
17 happened, and he wants to ask me, then I will tell him. Or  
18 when he gets old enough to make his own decision about his  
19 father, it's -- it's -- it's him. Because at the end of the  
20 day, he's going to see that his father didn't make the  
21 effort to have anything to do with him. His father  
22 didn't -- I mean, his -- he's up and jumped state now. But  
23 I mean, I would tell him.

24 MR. ATKINS: It sounds like some -- there were  
25 assumptions made. Even in the conversation we had the first



1 time, you know, when we began, is that you don't make your  
2 age an excuse for really anything. It takes -- it almost  
3 took me -- and as a reporter, I'm usually great on this.  
4 But it almost took me like -- kind of like talking you into  
5 the idea that, hey, Jessica, at that time, you were 16.  
6 Like -- you know, like, you -- you appear to, even, like,  
7 when you look back on that, judge yourself at that age by a  
8 standard you might hold an adult to. Does that make sense?

9               Like, it seems like you -- I mean, you're not  
10 quick to use -- to look back at that age or you and your  
11 life around that time and blame certain things being  
12 difficult on the fact that you were young.

13               MS. BLACK: I know. Because I don't want to  
14 be like, okay, I was 16, I made a stupid decision. No.  
15 Because at 16, you still know what the hell you're doing.  
16 You're still -- and I was a lot more mature at that age than  
17 what -- and I mean, my mother can tell you this. My family  
18 can tell you this. I was -- the -- and when I tell you -  
19 like I was telling you on the phone, the standards they held  
20 me to were a whole lot higher. I wasn't allowed -- I was  
21 very sheltered. I was not allowed to go out and be a kid.  
22 I was not allowed to go and stay the night with my friends,  
23 shit like 'at. My mama was like, no, you're a little girl.  
24 There's pedophiles, their -- you know, their daddy could be,  
25 dah, dah, dah.



1                   If I went to the movies with a group of  
2 friends, she had to know tag number, what movie theater we  
3 were going, the phone number, what time were we going to be  
4 there, what time we're going -- like, my brother could roam  
5 freely. Me, I couldn't.

6                   MR. ATKINS: Typical story. [Indecipherable.]

7                   MS. BLACK: I couldn't do shit. So I'm like,  
8 okay. And I was the one my mom always relied on. It's "J,  
9 I need you to do this. J, I need you to do this. Watch  
10 your brother. Do this, do this, do this." And I'm like,  
11 all right. So I -- that's what I did. I did as I was told.  
12 And that's just what it was. And then I just -- I mean -  
13 and I was the only child for -- hell, forever. So I mean,  
14 it wasn't -

15                  MR. ATKINS: Now, when you say your brother,  
16 I -- I -- like, I want to try to get this dynamic down. It  
17 sounds like it's a brother that doesn't live with you  
18 currently.

19                  MS. BLACK: No. My brother is -- he's 20. My  
20 mom had him five years after me. And, yes, he lived with  
21 us. But I moved out of my mom's because me and my mom -  
22 okay. His and her relationship is the mother-son thing.  
23 That's my baby boy, blah, blah, blah. My and her  
24 relationship was more like best friends. She had me when  
25 she -- right after she turned 17. So pretty -- I mean,



1 she'll tell you. She's like, okay, I grew up with her.

2 This is -- this is what it is.

3 I mean, at -- at 13, I was like a grown woman.  
4 I was able to go into the clubs with her. And I mean,  
5 that's what we -- that's what we did. She went to the bar,  
6 I went to the bar with her. I mean, I wasn't drinking. But  
7 it was, like, you're going to come with me; you're my best  
8 friend. This is what we do. So she didn't -- and when she  
9 talked to me, she talked to me as an adult. She did not  
10 talk to me as a child. It wasn't -- it was never any of  
11 that. Now, she did that with my brother.

12 But no, I don't -- I don't -- knowing the way  
13 that I acted at that age and stuff, no, I don't -- I don't  
14 use age as an excuse. Just because, you know, at -- I was  
15 oblivious -- I would say naive to some shit. Okay? Because  
16 I hadn't experienced anything, and didn't know anything  
17 about anything.

18 But at [laughs] -- at the back of my mind,  
19 like, I know -- and you know what's right and wrong, and you  
20 know what the hell you're supposed to be doing, and it's --  
21 and -- but I was hanging out with friends, and I didn't give  
22 a damn. It was that -- that give a damn went right on out  
23 the window. So -- but I'm not the -- because I'm still like  
24 'at. So I'm not blaming that on age. I carry a lot of that  
25 on now.



1

7 MR. ATKINS: You know what's also clear to me  
8 is that you really hate the idea of anyone pitying or  
9 sympathizing with you.

10 MS. BLACK: I do.

11 MR. ATKINS: Why is that? Like -- and  
12 because -- is it because -- this is a stereotypical  
13 assumption, but, like, because you just don't want anybody  
14 to see you as weak, or -- you know what I mean? Like, what  
15 is it about the idea that somebody might pity or sympathize  
16 with you about anything? That is a turn off. That is like,  
17 it's understood.

18 MS. BLACK: I think growing up, watching my  
19 mom. My mom has always been independent. She has always  
20 been able -- she, like, even when her and my stepdad  
21 divorced, which is my brother's daddy. So even when her --  
22 they -- they divor - or first, they separated. So when they  
23 separated, I mean, she worked 16 hours a day, damn near  
24 seven days a week, to make sure me and my brother had. And  
25 we had the best of everything. She took us anywhere we



1 wanted to go. Everything. She busted her ass. So -- and  
2 she didn't ask for help from no man. None. And -- and  
3 like, uh -- it -- she wasn't -- she wasn't going for it.

4 And that's what she expected of me.

5 "Jessica, you are a strong woman, you are my daughter.  
6 That's what you are." So that's just -- I mean, that's just  
7 what it is. Zack fusses all the time. He's like,  
8 "Jessica" -- he's like, "You don't ask me for no help."  
9 I'm like, "I'm not going to. I can do it my damn self." So  
10 okay.

11 And like, I -- I mean, I will -- I've gotten now  
12 to where, like, I struggle opening fucking jars and shit  
13 because of my hands. And he's like, "I got it." And I'm  
14 like, "Fuck no, you don't." And I'll beat that son of  
15 bitch, and like -- [laughs].

16 MR. ATKINS: [Laughs.] You're going to crush  
17 that can until it opens.

18 MS. BLACK: I can't stand it. Like, I'm like,  
19 no.

20 MR. ATKINS: Yeah. Not a can, a jar. You're  
21 going, like, hit that jar lid until it opens.

22



1

8                   And my mom had been on my ass about,  
9       "Jessica, you need to find somebody to love you." I said,  
10      "I got plenty of love."

11                   MR. ATKINS: That's not the worst -- that's  
12      not the worst advice. Not the worst advice.

13                   MS. BLACK: It is when I'm content in my life.  
14      I was super content. And I'm like, "Mom, I have all the  
15      love I need. Between you, my family and my son, I'm good."

16                   "No, no. You don't need that kind of love.  
17      You know what kind of love you need."

18                   MR. ATKINS: [Laughs.]

19                   MS. BLACK: I'm like, "Mom, really?"

20                   MR. ATKINS: You guys are close.

21                   MS. BLACK: Like, that -- yes. And that's  
22      how -- dude, when I tell you the shit we talk about, like,  
23      when it gets super intimate. Like, I could tell you what  
24      her husband's dick looks like, and I never seen it. That's  
25      how intimate we get in our conversations. Okay? Super



1 intimate.

2 MR. ATKINS: That's going to be the first line  
3 of the interview.

4 MS. BLACK: We talk about everything. So  
5 she's like, you need some love. And I'm like, okay, okay.  
6 So I told her who it was, and she was like, "Okay, go out on  
7 a date, do whatever."

8 This dude had all the fucking money in the  
9 world, because he also worked. And I mean, worked his ass  
10 off. And just hustled on the side every now and then. So I  
11 mean, he worked and had beaucoups of money. Never -- never  
12 let me pay for shit. Because I'm like, "Look, dude, we can  
13 take turns, do something." But he never let me pay for  
14 anything. He always wanted to go to concerts and  
15 everything. But his personality was so fucking dry. And  
16 I'm like this. I can't be like, shit -

17 MR. ATKINS: You're a big personality. You're  
18 a big personality.

19



16 MS. BLACK: And the whole situation was the  
17 same kind of shit as with my son's father and me. Because  
18 he was fucking with a girl that was underage. Parents got  
19 pissed off, and boom. So he got charged with statutory  
20 rape. And that was the rap.

21 MR. ATKINS: You think he deserved that or  
22 not?

23 MS. BLACK: Not when the little girl was  
24 willing. I think that the parents should -

25 MR. ATKINS: How old was she?



1 MS. BLACK: Shit. 14, 15? Somewhere right  
2 there. Him and the girl was dating.

3 MR. ATKINS: How old was -- how old was he at  
4 that time?

5 MS. BLACK: 20. Him and the girl was dating,  
6 and they broke up. And the parents -- the parents didn't  
7 like Zack. Well, she -

8 MR. ATKINS: Well, no, my question is just -  
9 or my question is just like -- I mean, like, yeah. Right?  
10 That's what every set of parents -- not every parent.  
11 Almost every set of parents is going to feel that -

12 MS. BLACK: But they knew about it. But they  
13 knew about it. Everything was okay. They knew about it.

14 MR. ATKINS: So it was driven by spite?

15 MS. BLACK: It was driven by spite. They knew  
16 about it. And she started seeing another guy. But in the  
17 midst of seeing that guy, she was still sleeping with him.  
18 And they got pissed off over that shit, and boom, there it  
19 went. And I'm like, dude -- and they really threw him under  
20 the fucking jail. And my mama, like, the guy she's with  
21 now, her husband, that was the guy -- the first guy she had  
22 ever slept with back in the day. Because she was 13, he was  
23 fucking 19. And I'm like, okay. So back in the day, that  
24 shit happened. My grand -- like, he -- because he -- he  
25 couldn't understand why Zack was in the predicament he's in.



1 He's another one of the dry fucking personality mother  
2 fuckers.

3 MR. ATKINS: Can I ask -- can I ask, like,  
4 maybe -- kind of like an invasive, critical question? I  
5 think that -- let's say for the common person out there, or  
6 somebody that didn't come from a background similar to  
7 yours, you know, might immediately say, Jessica like, you  
8 know, not only is that shit, like, actually against the law,  
9 but it's also -- you know, the reason that law exists is  
10 because girls that age are too young. Girls that age, you  
11 know, need to be protected. You know what I'm saying?

12 MS. BLACK: Okay. But they might be. But  
13 when you have little girls out here that look like they're  
14 fucking 25, and they put their asses out there for shit like  
15 'at, like, you -- huh. There's nothing you're going to do.  
16 Like -- like -- like that little racetrack that's over here,  
17 Bowman Gray. There are so many little fucking chicken heads  
18 that go over there that are literally 12 and 13 years old,  
19 and look like they're fucking 30, and go over there. And  
20 their parents let them fucking go over there and just walk  
21 the track. And they have on low-cut shirts and little  
22 fucking tiny shorts.

23 MR. ATKINS: But it doesn't -- like, a part of  
24 you -- like your principles are in a way though, they --  
25 although -- although, maybe you're criticizing the parents.



1 In a way, you also are saying, in a way, that those  
2 young'uns be taking responsibility, that should be held  
3 accountable, or it seems like that.

4 MS. BLACK: I absolutely think they should.  
5 Like, if you're going to put yourself out there like 'at.  
6 Now, it's one thing if -- you know, if you -- if something  
7 comes up, and you -- and it's -- it's a for real right. You  
8 know what I'm saying? It's one think like 'at. But if you  
9 put yourself out there because you want that attention, and  
10 shit goes farther than what you thought, and like, not  
11 saying that they're forcing. Just saying that, you know,  
12 you end up sleeping with this dude. You're like, oh, my  
13 god, I shouldn't have done that, or, you know, whatever.

14 I didn't lose my virginity til I was 18.  
15 Because I was scared to death to have sex. Like, my mama  
16 told me it hurt and shit. And I'm not -- I wasn't all about  
17 pain. And I was, like, fuck that, I don't want this, never,  
18 ever. Fuck that. So, huh, I didn't even want to do it.  
19 And I think that a lot -- I think a lot more parents should  
20 be very open about sex and shit with their kids. I think  
21 they should be very open.

22 MR. ATKINS: Also -- also -- also, sort of  
23 like [indecipherable] that. Yet, you were seeing somebody  
24 for two years before that.

25 MS. BLACK: And he never pressured me about



1 sex, ever. My mom was like, "Jessica, the one that you  
2 want to sleep with is the one who don't pressure you. The  
3 ones who pressure you, fuck that, you don't -- that's all  
4 they want." So he never, ever pressured me. And he was so  
5 far up my fucking ass that I didn't have to worry about him  
6 doing nothing. But I mean, it wasn't like 'at. When you  
7 involve the sex, and I got pregnant, then it was, like,  
8 pfft. It -- you're mine. And it was like property.

9 MR. ATKINS: An interesting question. If you  
10 and your mom, you know, were so open about things like that,  
11 you know, is it stupid for me to attach, like, well, in that  
12 kind of situation, [indecipherable] and you weren't prepared  
13 for, you know, whether it was, like, protection or whether  
14 it was -

15 MS. BLACK: Oh, I know about protection. I  
16 knew about the birth control. But, look, I was on birth  
17 control pill.

18 MR. ATKINS: Did you -

19 MS. BLACK: And I'm forgetful as shit. So I  
20 just didn't take it when I was --

21 MR. ATKINS: But maybe at that age?

22 MS. BLACK: No. I'm still forgetful as hell.  
23 Like, I can't take any medicines. It fucking sucks.  
24 Because I don't remember 'em. I -- I -- my mind is  
25 everywhere. So I just was careless with that.



1                   And I wouldn't worry with a condom. I was  
2 like, it's okay. I heard from my home girls. I was like,  
3 you can just pull out. [Laughs.] And I was like, that's  
4 just what it's going be. And no, that shit ain't worth a  
5 fuck. [Laughs.] So -- because I never, ever wanted kids,  
6 ever. Like, when I tell you I hate kids, I hate kids.

7                   MR. ATKINS: You need -- you need -- see, you  
8 know what we need to do to get you some auxiliary income?  
9 We need to have you go in schools, give [indecipherable],  
10 and say, "I want to tell you something, girl. I know your  
11 home girls told you he can pull out, but that shit don't  
12 work." Like, you need to -

13                  MS. BLACK: [Laughs.]

14                  MR. ATKINS: We need you to give, like, the  
15 real scared straight talk --

16                  MS. BLACK: That shit -

17                  MR. ATKINS: -- to kids that are, like, 12,  
18 13, 14, the kids in school.

19                  MS. BLACK: I'm telling you. It didn't -- it  
20 don't work like 'at. Like, Trenton got a little girlfriend,  
21 his first little girlfriend. He brought her to the house.  
22 And he was like -

23                  MR. ATKINS: Be careful.

24                  MS. BLACK: No. Let me tell you. This little  
25 girl, she's a little fast-assed girl. And I was, like, uh,



1 Trenton -- my son still cringes --

2 MR. ATKINS: I'm also -- I can imagine -- I  
3 can only imagine what it -

4 MS. BLACK: Yo, my son -

5 MR. ATKINS: Hold on [indecipherable]. I can  
6 only imagine what it must be like, even as he get -- gets  
7 older, whoever these girls are, to have to, uh, win you  
8 over.

9 MS. BLACK: Yeah. That's what my mama said,  
10 too. She said, "Trenton, you might want to bring them to me  
11 first." And I'm like, I'm going to tell you something. I  
12 was like, I don't give a damn.

13 There was a time when my son didn't look at --  
14 if you were a white girl, he didn't look -- look twice at  
15 you. He didn't give a fuck. He didn't -- like, because I  
16 brought him -- I have friends of all colors, so -- but I  
17 hung out with a lot of black people. And he was like, "Mom,  
18 look at that little black girl, ain't she cute," dah, dah,  
19 dah.

20 I'm like, "Well, let me tell you something. I  
21 don't care what you bring home. But if you bring home one  
22 of these little ratchet ghetto head mother fuckers, I'm  
23 telling you, we're fixing to have it out. Don't bring home  
24 no little ratchet bitch." I can't handle it. "We're going  
25 to go -- we're going to battle."

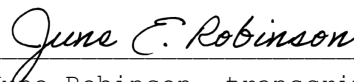


**CERTIFICATE**

I, June Robinson, having been assigned to transcribe the *Jessica Black 3* recorded interview, do hereby certify that said interview, pages 1 through 71, is a true, correct and verbatim transcript of said proceeding to the best of my ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties for which this interview was conducted; and further, that I am not a relative or employee of anyone participating in this interview, and am not financially or otherwise interested in the outcome of any action associated with this interview.

This the 8th day of March, 2020.



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**INTERVIEW  
OF  
JESSICAH BLACK**

**CONDUCTED BY  
HUNTER ATKINS**

**RECORDING 4**

This is the transcript of an audio recording designated as *Jessica Black 4*, the interview of Jessica Black. The interview was conducted by Hunter Atkins, a freelance journalist. The interview took place at an IHOP in Winston-Salem, North Carolina, date unknown.



1                   **[Recording of Jessica Black 4 begins.]**

2                   MS. BLACK: It's -- if you come to my house  
3 and you are thirsty, hungry, if you need a place to sleep,  
4 you need to take a shower, whatever you need, bring your ass  
5 to my house. Because that's the way I would want somebody  
6 to treat me. I wouldn't want nobody doing like 'at. Like,  
7 I don't want to -- if I can't come to your place and feel at  
8 home, I ain't got nary fucking business there. None. I  
9 don't need to be there. I want to be able to feel at home  
10 anywhere I'm at. So -- I mean, and that -- that's how I try  
11 to -- I'm like, "Dude, take your ass over there in that  
12 kitchen. Look in the refrigerator. What you want? Go.  
13 I'm not going to fix it for you. You've got two legs, get  
14 your ass in there." [Laughs.] That's just what it's going  
15 to be.

16                  MR. ATKINS: No. I mean, you really are all  
17 about self-sufficiency.

18                  MS. BLACK: That's it. But I mean, I'm - I -  
19 - but I do. Like, when you were talking about me doing for  
20 people, like, I love doing that. That was back to me and  
21 Zack. Like --

22                  MR. ATKINS: You mean caring for people, or  
23 what do you mean?

24                  MS. BLACK: Like just doing for people, caring  
25 for people. Either way.



1                   MR. ATKINS: Yeah. I think that's -- that  
2 seems to me to be, if not your only source of happiness,  
3 your most -- your most tremendous source of happiness.

4                   MS. BLACK: Well, that's what I try tell Zack.  
5 I'm like, dude. I'm like, you know, instead of you having  
6 to work these hours, we have two incomes. Let me -- let me  
7 help you buy whatever else you need to buy.

8                   MR. ATKINS: So right now, what are the hours  
9 in which you guys overlap in, like, a social way? When is  
10 that? Right now, he works --

11                  MS. BLACK: He gets off at 3:30. So, uh,  
12 between 3:30 and about 6:30, 7:00, when I lay back down. So  
13 it's not --

14                  MR. ATKINS: Well [indecipherable].

15                  MS. BLACK: I mean, it's not much.

16                  MR. ATKINS: Because I'm wondering --

17                  MS. BLACK: And then on the weekends. Because  
18 we both have weekends off.

19                  MR. ATKINS: Well, that's -- all right. Well,  
20 that's good. So -- so we're talking -- we're talking about  
21 three hours.

22                  MS. BLACK: That's it. That's all I ask for.

23                  MR. ATKINS: And then -- but then -- and also,  
24 you know, you're being really generous to spend time with me  
25 now. Like, when do you sleep? What are -- what are -- what



1 are your periods?

2 MS. BLACK: Okay. Normally, if I come home,  
3 like -- if I went straight home when I got off work, I have  
4 a really, really hard time sleeping. So I would take my  
5 ass --

6 MR. ATKINS: Yeah. You mentioned you were a  
7 light sleeper. And the idea that, also, this is such an  
8 awkward sleep schedule. It's like, how -- what are you  
9 trying to -- you know?

10 MS. BLACK: I take my ass to that room, and I  
11 will sit there, and I go ahead and jump in the shower,  
12 change my clothes, put on my pajamas. And I'll sit in the  
13 bed. And I've got Yahtzee on my phone, so I play Yahtzee  
14 all the time. I love Yahtzee. So I'll play Yahtzee. And I  
15 have a bottle of ZzzQuil sitting beside the bed. And I take  
16 about two big mouthfuls of that shit. And then I will hit a  
17 bowl or hit a joint couple times, and knock my ass on out.

18 And then, uh, so that's usually -- I am out  
19 and asleep by no later than about 10:00. And then I'm back  
20 up at 3:00 so I can go get him from work.

21 MR. ATKINS: Not ideal, but not terrible.

22 MS. BLACK: No. And that's why I lay back  
23 down about --

24 MR. ATKINS: That's, like, four or five hours.

25 MS. BLACK: That's why I lay back down about



1 6:00. Because I -- where I go to work -- go in to work so  
2 early, because my shift don't start til 12:00. But I'm  
3 there by 10:30 every night. So I lay down about 6:00, 7:00,  
4 and catch me another, like, two hours of sleep. And it  
5 rounds me off, and I'm good. But like I tell you, I'm like,  
6 "Dude, we've got two incomes, you know. And let me -- let  
7 me do what I can."

8 And he's like, "Jessica, why should you have  
9 to use your money to do something for me when I can go and  
10 make it myself?"

11 I was like, "Because we're supposed to be a  
12 team, dude. We're a team. That's -- that's the point in  
13 you being together. If I need something, you're supposed to  
14 be there for me." And saying -- he's like, "Jessicah, you  
15 know I am."

16 And I said, "Right. But you won't let me do  
17 that for you." I was like, "Well, you know that's" -- I  
18 mean, he knows. I -- my -- every bit of money I get, if I  
19 have any extra money, it goes towards either my mother, my  
20 son, him, my brother. It's towards everybody. Like, I  
21 mean, that's just -- it's just what it is.

22 MR. ATKINS: Just -- so -- so then, what  
23 about, like, on weekends, like, what are the things that you  
24 and Zack kind of [indecipherable] each other. So what are,  
25 like, the fun, kind of happy things that you guys do on the



1 weekends?

2 MS. BLACK: Look, dude, I'm content laying my  
3 ass in the bed, watching TV all weekend. I am so content,  
4 like, super happy. That's me. Like, I am super content  
5 like 'at. Zack is a roadrunner. So he's like, Jessica,  
6 let's go here, let's go do this, let's go, dah, dah, dah.  
7 Let's go see these people. Let's go, dah, dah, dah. I'm  
8 like, dude, can I just lay -- can I just lay the fuck in the  
9 bed? I just want to lay in the bed. Can we lay in the bed  
10 and watch some movies?

11 MR. ATKINS: Listen. You know, as the years  
12 go by, the more you lay in the bed, the more you're just  
13 getting closer to death.

14 MS. BLACK: Well, hell. I don't give a damn.  
15 My body hurts by the end of the week. I just want to lay  
16 down and relax that shit.

17 MR. ATKINS: That's true, too.

18 MS. BLACK: Even my feet hurt.

19 MR. ATKINS: What about Epsom salt baths. No?  
20 Not [indecipherable].

21 MS. BLACK: I'm not getting down in the damn  
22 bathtub. For one, that is -- you're sitting in your own  
23 damn filth. That is disgusting. I'm not sitting in no  
24 bathtub.

25 MR. ATKINS: Maybe your own filth.



1 MS. BLACK: I don't give a damn. It's  
2 disgusting. I'm not sitting in no bathtub, by no means.

3 MR. ATKINS: [Laughs.]

4 MS. BLACK: And after the hip replacements,  
5 it's just -- it's a hard time getting out of there.

6 MR. ATKINS: What if -- what if, like -- what  
7 if you just, like, took a shower first, then took a bath?  
8 And then you wouldn't be in your own filth.

9 MS. BLACK: You shed skin cells all day, every  
10 day.

11 MR. ATKINS: I don't take you for much of a  
12 germophobe though.

13 MS. BLACK: I'm not a germophobe. But I'm not  
14 sitting in no dirty-ass bathtub either.

15 MR. ATKINS: What's wrong with, like, skin  
16 cells that you're shedding?

17 MS. BLACK: Because it's -- because.

18 MR. ATKINS: It's happening.

19 MS. BLACK: That's the whole point you get in  
20 the shower.

21 MR. ATKINS: What -- what -- what kind of,  
22 like, soup do you think you're making in there?

23 MS. BLACK: I don't care. It's just  
24 disgusting. It's not happening. I'm not -- I'm not a bad  
25 person. I can't do it. I don't mind getting dirty and



1 shit. Like, I'm filthy. I have tobacco all in my hair. I  
2 had to go and buy a -- because my hair is so long and thick.  
3 I had to go and buy a metal-tooth lice comb so I can go  
4 through my hair in the shower and get the tobacco out from  
5 my damn head. Okay? Because it is -- it embeds in it. And  
6 I mean, seriously. But, like, when I get out the shower,  
7 the bottom of the shower, the water is brown. It's  
8 disgusting. It's nasty. So I'm like, dude, it's just --  
9 ain't no -- ain't no damn way. You got tobacco dust and  
10 shit all over you.

11 MR. ATKINS: Yeah. Is this -- I don't know  
12 enough about, like, a tobacco plant. Is it -- it's not the  
13 smoke, it's -- like what is -- where does the -- where does  
14 the grease come -- or the oil come from? How does it --

15 MS. BLACK: In the machines.

16 MR. ATKINS: The machines?

17 MS. BLACK: Yeah. It's, like, when I -

18 MR. ATKINS: So like an extraction process?  
19 Or processing whatever, like --

20 MS. BLACK: Uh, no. Like, half my body gets  
21 put in that damn machine. Like, I'm crawling in them  
22 machines and going up in there, doing that shit. And taking  
23 parts off and putting parts on, and changing the grease,  
24 and -- I mean, it's just -- it's a really, really nasty job.  
25 And you don't find a lot of women to do it.



1                   MR. ATKINS: Well, how did you -- you know,  
2 like, of all the jobs you could have picked, how did you  
3 even get -- [indecipherable] attracted to [indecipherable].

4                   MS. BLACK: I like shit -- because I like shit  
5 like 'at. Like, I've -- I've done landscaping. I've helped  
6 do carpentry. I've done -- and I'm -- I'm -- I like man  
7 jobs.

8                   MR. ATKINS: Yes.

9                   MS. BLACK: Man jobs are more hands-on. They  
10 are -- your time goes by faster. You look at your typical  
11 job that is ideal for a woman, and it would be sitting  
12 behind a desk, playing on a damn computer or something.  
13 That's not for me. I'm antsy. I can't stand it. I need to  
14 be up, moving, going, doing my thing. I need to be going.  
15 The more I sit, the more still I am, the worse my body  
16 hurts. I need to be moving.

17                   And I mean, we do a hell of a lot of walking  
18 in that place. Like, the building is 2.5 million square  
19 feet. Okay? The building is huge, absolutely huge. And  
20 before you go in there -- like, I know this for a fact,  
21 because, before you go in there, you have to get the  
22 background on the damn building. They make you get the  
23 background on it.

24                   I put on a -- a step counter, okay? And, you  
25 know, a mile is roughly 2,000 feet. Okay? 2,000 steps. So



1 I go through here, and before only six hours into my shift,  
2 I have done walked eight miles. That's -- I mean, so on  
3 average --

4 MR. ATKINS: Is it -- you said you took one of  
5 those, like, Fitbit, or, like, one of the step counters,  
6 whatever?

7 MS. BLACK: Uh-huh (yes). So --

8 MR. ATKINS: Okay. Wow. So six hours into  
9 your shift, eight miles.

10 MS. BLACK: It had done been eight miles. So  
11 I mean, on average, we walk 8 to 10 miles a fucking night.  
12 That's a lot of fucking walking. And especially, like,  
13 huh -- and my feet and shit, they hurt all the time, because  
14 my arches are collapsing. But, I mean, it's -- I don't  
15 care. I just -- I've got to do something. I have to go. I  
16 have to stay going. And I didn't even know that, like, the  
17 arthritis could attack your feet. But it can. And it can  
18 make it to where you end up not walking. But until it comes  
19 to that point, I'm going to fucking walk as much as I can.  
20 Just going to be what it is.

21 MR. ATKINS: How about reiki? I know I've  
22 ruined everyone's life over here.

23 MS. BLACK: You didn't ruin their life. Like,  
24 they just got -- they just got plopped over here is what  
25 they did.



1 MR. ATKINS: So this -- and then, if your  
2 shift is six hours --

3 MS. BLACK: No. My shift is, uh, anywhere  
4 from 8 to 12.

5 MR. ATKINS: Eight to 12 hours? How about -  
6 what was -- what was last night?

7 MS. BLACK: Last night was just eight.

8 MR. ATKINS: Okay. And again, the reason why  
9 you go in -- you go in so early is -- is to be conscientious  
10 to this other person then?

11 MS. BLACK: The girl -- I pick Brandi up.

12 MR. ATKINS: Like, is that the reason why? I  
13 just can't remember the reason.

14 MS. BLACK: No. I pick her up. And, like,  
15 since she lives in King and I live all the way here, we  
16 don't see each other like 'at.

17 MR. ATKINS: But I'm saying, is that the  
18 reason why you go early or no?

19 MS. BLACK: No. I go early because I -- and,  
20 like, when my alarm goes off, I immediately jump out the  
21 bed, get dressed, and haul ass out the door. There is no  
22 wake-up time for me. Like, I need -- I can't hit snooze. I  
23 hate -- I hate when people -- fucking people do that.

24 MR. ATKINS: Yeah, but then, why go in early?  
25 Why not just [indecipherable]?



1 MS. BLACK: Because I sit there and wake up.  
2 I go to sit there, and -- so I don't have to rush down the  
3 road. I go and sit there and I drink my coffee and smoke my  
4 cigarettes. And me and Brandi sit there, and we just talk  
5 and cut up. And that's just what we do. And then when it's  
6 time to clock in, we go and clock in. Then we take our ass  
7 across the floor to the, uh, to the lockers. I mean, it  
8 just -- I've always been like 'at --

9 MR. ATKINS: Yeah. And --

10 MS. BLACK: -- everywhere I've worked though.  
11 I mean, when I tell you I show up no -- no earlier than,  
12 like, 45 minutes early. I mean, everywhere I've ever  
13 worked.

14 MR. ATKINS: What about the -- what's the  
15 drive time from the moment you leave your house until when  
16 you arrive at your job, and picking somebody up? What I'm  
17 saying, how long does that drive take?

18 MS. BLACK: If I do the speed limit?

19 MR. ATKINS: Yeah.

20 MS. BLACK: No, no. I'll tell you my time.  
21 My time is, like, maybe 18 minutes max.

22 MR. ATKINS: That's not bad. That's not bad

23 MS. BLACK: And that's me coming up Peters  
24 Creek, stopping right here at the Speedway to get my Red  
25 Bull every night and my Stackers, and my 5-Hour Energy, and



1 then going right there, hitting 40, and booking my ass to  
2 King. Because she lives past [indecipherable].

3 MR. ATKINS: What's that -- wait. What's that  
4 cocktail? You've got a Red Bull, 5-Hour Energy.

5 MS. BLACK: And Stackers.

6 MR. ATKINS: And what?

7 MS. BLACK: Stacker 2s.

8 MR. ATKINS: What is a Stacker 2? I don't  
9 know what [indecipherable].

10 MS. BLACK: A energy pill.

11 MR. ATKINS: I didn't understand you.

12 MS. BLACK: Energy pill.

13 MR. ATKINS: What? Oh, an energy pill. Do  
14 they work?

15 MS. BLACK: You know, I think I've taken it  
16 for so long now that, they don't do shit for me. But it's a  
17 habit.

18 MR. ATKINS: Is it -- is it a caffeine pill?  
19 Or do you think it's like --

20 MS. BLACK: It is.

21 MR. ATKINS: Okay. Sometimes that shit is,  
22 like, a placebo. You know, they make you think that it's  
23 going to do something.

24 MS. BLACK: No. When I first started taking  
25 it -- I've been taking them forever though. Like, I mean,



1     when I tell you -- hell, when I was doing hair, I was  
2     drinking eight Red Bulls a day.

3                     MR. ATKINS:   When you were doing hair?

4                     MS. BLACK:   When I was doing hair, yes.

5                     MR. ATKINS:   Why would doing hair require  
6     eight --

7                     MS. BLACK:   Because I was partying all night.  
8     And then -- [laughs].

9                     MR. ATKINS:   [Laughs.]

10                    MS. BLACK:   So I needed something to stay the  
11    fuck awake.   So --

12                    MR. ATKINS:   Do you -- do you ever have a  
13    period in which -- like, it doesn't seem to me that you  
14    would have.   Because you stay -- I don't know.   Like, you're  
15    so -- you seem very regimented.   But did you ever have a  
16    period, like, where you struggled with drugs or alcohol or  
17    anything like that?   I mean, it's kind of like the only  
18    subject matter that we haven't touched on is if there's  
19    been, like, substance abuse or anything.

20                    MS. BLACK:   Not as far as really -- not as far  
21    as, like, being strung out or anything.   No.   When I was --  
22    when I --

23                    MR. ATKINS:   Well -- no.   I just mean, like  
24    anything that you would -- that in your opinion was, like,  
25    that was not -- or I shouldn't -- you know, like, I let it



1 go too far.

2 MS. BLACK: When I met Trenton's father, like,  
3 back -- I didn't have no kid, none of that. I was still  
4 young as shit. And --

5 MR. ATKINS: Yes, you were -- you were a -- I  
6 mean, you were very young then.

7 MS. BLACK: Yeah. So when I finished school,  
8 I fucking partied my ass off over there. And I mean, uh, we  
9 drank all the time, and we smoked weed all the time, and ate  
10 pain pills. I didn't even -- hell, I didn't even know what  
11 the fuck I was eating. They was like, here, take this. I  
12 was, like, okay. And I was tore up. But I still -- I  
13 functioned. Huh. And I went to work fucked up. Come home  
14 and got fucked up. And it was just a party all the time.

15 But soon as I got pregnant, as soon as I found  
16 out I was pregnant, I mean, everything was cold turkey,  
17 like, immediate. Smoking cigarettes, everything was cut the  
18 fuck off. Every bit of it. So -- and I think I hit a joint  
19 twice while pregnant with him. And that was when them  
20 Braxton Hicks contractions started kicking my ass. And I  
21 was like, dude, I need you to calm the fuck down, because  
22 you're killing me. That was some bullshit. But other than  
23 that, I quit everything cold turkey.

24 And I have never found anything -- as a matter  
25 of fact, I ain't even, ever even start trying different shit



1 up until the last, like, maybe two years. Before then, I  
2 had never done --

3 MR. ATKINS: Describe taking different shit.

4 MS. BLACK: Like powder or -- or anything  
5 harder than that. Like, I've never smoked crack. I've  
6 never done heroin, anything like 'at. But as far as trying  
7 little shit, like, I'm like, dude, what's this do?

8 MR. ATKINS: When you say powder, are you  
9 talking about cocaine?

10 MS. BLACK: Yeah.

11 MR. ATKINS: Or you're talking about something  
12 else?

13 MS. BLACK: Yeah.

14 MR. ATKINS: Okay.

15 MS. BLACK: So I mean, like, I didn't get  
16 the --

17 MR. ATKINS: Now, that would not be conducive  
18 for laying down all weekend, watching TV.

19 MS. BLACK: You know, that shit don't give me  
20 a boost like 'at. When people talk about they get jacked  
21 the hell up off of it, I have --

22 MR. ATKINS: So it's [indecipherable].

23 MS. BLACK: I think it's because of the pain  
24 in my body, that's what it does. It pretty much, like,  
25 numbs that pain out. So I think that because it does that,



1     like, I don't get that same -- that same get up and go.  
2     Because I can go to sleep on that shit. Like, I can do it  
3     and take my ass to bed. So it's like -- like, when I told  
4     you I was staying with the Hoop Man, he was like, "I have  
5     never fucking seen nobody do that." I'm like, uh, "Well,  
6     that's a sign. Like, that shit just not for me." So I  
7     mean, I never --

8                     MR. ATKINS: [Indecipherable] tolerance, too.

9                     MS. BLACK: You get -- well, I mean --

10                    MR. ATKINS: Because of all -- because of all  
11     the, like, all of the ailments, or, like, with the hips and  
12     all.

13                    MS. BLACK: That's it. Well, I've never -  
14     I've never found anything that -- like, I'd try it, and if I  
15     didn't like it, then that was just it. And I wouldn't try  
16     it again.

17                    MR. ATKINS: Right.

18                    MS. BLACK: But I was always so skeptical to  
19     try anything, because I'd -- I would go to parties, and I  
20     would -- hell, I'd -- fuck. We'd be partying.

21                    MR. ATKINS: Huh.

22                    MS. BLACK: But I would stick to what I knew,  
23     which would be, like, drinking or something. And I'm like,  
24     okay, well, we got -- we got this. You know, everybody do  
25     some. And I'm, like, oh fuck, no. Because I'm sitting here



1 watching how y'all idiots act. And when I see how y'all  
2 act, I'm not doing that shit. Ain't no fucking way. So,  
3 you know, Ecstasy was real popular growing up.

4 MR. ATKINS: Huh.

5 MS. BLACK: Like, when we were growing up.

6 MR. ATKINS: Uh-huh (yes).

7 MS. BLACK: It was super fucking popular. I  
8 never tried that. I don't even know what the hell that shit  
9 does to you anyway. So I mean, all that shit, acid, any of  
10 that, I've never done none of that. Because I have watched  
11 mother fuckers do it, and they act plumb fucking retarded.  
12 And I'm like, ain't no fucking way y'all fixing to get me  
13 acting like 'at. It'd be my luck some crazy shit happen,  
14 and I have a bad trip, and I'm, dude, running down the  
15 fucking road naked or something. I'm not doing no shit like  
16 'at. That's not happening.

17 MR. ATKINS: That's not the worst thing that  
18 could happen.

19 MS. BLACK: Bullshit.

20 MR. ATKINS: [Laughs.]

21 MS. BLACK: No.

22 MR. ATKINS: I'm just saying, out of the  
23 things that could have happened. At least that's a funny  
24 story.

25 MS. BLACK: I can't do none of that. I've



1 always been real leery of what goes on around me. If there  
2 is a whole crew getting fucked up, I like to be the more  
3 sober one, because I like to watch what goes on around me.  
4 I'm very aware of my surroundings. Which is why -- I mean,  
5 like, I know you've noticed it. I stay looking around at  
6 all times. And I do it -- I've done it ever since I was  
7 younger.

8 MR. ATKINS: You chose -- you chose the --  
9 what's called the, uh -- the Godfather seat, which is  
10 always --

11 MS. BLACK: So I can see everything. I hate  
12 that shit. When I go out to eat with Zack --

13 MR. ATKINS: Did you watch -- did you watch  
14 *Goodfellas* [indecipherable]?

15 MS. BLACK: Uh-huh (yes).

16 MR. ATKINS: There's this great scene, uh,  
17 where -- it's toward the end, and it's when, you know,  
18 really everybody started turning on each other. And, uh,  
19 you know. So Henry Hill, right? Ray Liotta played Henry  
20 Hill. Henry Hill, he's -- Robert De Niro calls him for a  
21 meeting at a diner. They sit by the window. But he makes  
22 sure to sit in a certain seat. Like, De Niro sat there  
23 first, because -- it's very funny. It was, like, comedic.  
24 There were these huge glasses. And he goes, uh, "Jimmy had  
25 never asked me to do a job before. No one wants me to go



1 down in Tampa with Anthony. And I knew right then, if I  
2 went, I was never coming back."

3 MS. BLACK: I remember that scene.

4 MR. ATKINS: It's such a good scene. Because,  
5 you know, it's because he's so good at -- I would say  
6 there's almost a very heightened, like, worlds of violence.  
7 But it's so funny. That's -- and that's the art of *The*  
8 *Sopranos*, that's the art of Scorsese. But that's the art of  
9 that whole culture is that in the most, like, gruesome,  
10 savage group of people, there's so fucking funny. Like  
11 that's the brilliant part of it.

12 MS. BLACK: You know, my son loves *Godfather*.  
13 All -- all of them.

14 MR. ATKINS: Has he ever [indecipherable]  
15 *Godfather*?

16 MS. BLACK: Oh, he's seen them all.

17 MR. ATKINS: Man, he's young. He's young to  
18 have that kind of taste.

19 MS. BLACK: He has seen all of them.

20 MR. ATKINS: Because -- because if you're  
21 growing up now in the generation where -- whether it's like  
22 [indecipherable], or whatever everybody is watching, right,  
23 where there's so much kind of like action beats every few  
24 seconds and everybody starts screaming wildly. *Godfather* is  
25 a slow movie.



1 MS. BLACK: Let me explain to you why he likes  
2 it. Okay. So when he had his -- like, when I tell you this  
3 young'un has all the game systems, like -- because I kept  
4 all mine when I was growing up. So your regular Nintendo,  
5 your Super Nintendo, your Gamecube, SEGA, 64, all that I  
6 had. Okay? So Trenton is like, oh, he would rather play  
7 those than he would -- than play the new ones. He's like --

8 MR. ATKINS: They still work?

9 MS. BLACK: Oh, they all -- yes. I have two,  
10 uh, Number 1 edition regular Nintendos. So I'm like --

11 MR. ATKINS: I remember they had the purple  
12 and gray. Uh, the purple and gray Super Nintendo, or the  
13 one that's like -- you mean 64 or no?

14 MS. BLACK: No. I'm talking about regular  
15 Nintendo.

16 MR. ATKINS: I'm trying to remember.

17 MS. BLACK: Your old gray one with the little  
18 raised up --

19 MR. ATKINS: Because, like, gray and purple.  
20 But it's, like, purple. Isn't there, like a purple band  
21 around -- I think we're talking about the same thing.

22 MS. BLACK: It's black.

23 MR. ATKINS: And there -- okay. It's black.  
24 But there are cartridges that --

25 MS. BLACK: And you have to load them mother



1 fuckers [indecipherable].

2 MR. ATKINS: Yeah, yeah, yeah.

3 MS. BLACK: Yes. Okay. So when he finally --  
4 when I got -- let him play my, like -- what was it? PS1 or  
5 PS2? One of them. They come out with a Godfather game.  
6 Okay. And Trenton was like, "I want that." And he just  
7 went off what the cover looked like. And was like, "I want  
8 this one, Mom." I'm like, okay. Because I've never been  
9 one to hide anything that cusses, has violence, any of that  
10 from my young'un. I'm like, fuck it, you're going to  
11 experience it --

12 MR. ATKINS: You experiencing it yourself.

13 MS. BLACK: Right. So I'm like, you're going  
14 to experience it anyway, so, boom, here you go. And he  
15 really got into that game. I'm like, Trenton, you know this  
16 is a movie. I was like, you know, it's -- it's -- like,  
17 this whole thing, dude. And was, like, really? And I'm,  
18 like, yeah.

19 Well, I happen to have all that. So I pull it  
20 out, and he gets to watching. And when that shit comes on  
21 TV, he's like -- like, he'll watch *Goodfellas*. He's like  
22 the fucking -- and Al Pacino, he is all for -- like, dude,  
23 pfft. Trenton is all about that shit. And it's -- it's  
24 just -- it's so funny.

25 MR. ATKINS: It's just so boring though. It's



1 cool that he [indecipherable].

2 MS. BLACK: It is. But he will sit there, and  
3 he will just watch it. And he'll be, like, "Mom, mom, you  
4 see that?" And I'm like, "Dude, I've seen it a thousand  
5 times." "Look."

6 MR. ATKINS: [Indecipherable.]

7 MS. BLACK: He acts like it's brand new. And  
8 when he sees old shit like that, he's like, "Oh, is this  
9 movie new?" He really thinks it's new. And I'm like, "Son,  
10 this shit come out back when I was like" --

11 MR. ATKINS: Back in '70s.

12 MS. BLACK: Uh-huh (yes). You know what I'm  
13 saying? I mean, we wasn't even thought of.

14 MR. ATKINS: You weren't born.

15 MS. BLACK: Right.

16 MR. ATKINS: Or thought of. Yeah.

17 MS. BLACK: I'm like, come on now. And then,  
18 he'll be like -- he'll hear something like, let me throw out  
19 some, like, Biggie or some Tupac or some fuck, go older than  
20 that. You know what I'm saying?

21 MR. ATKINS: Biggie or Tupac.

22 MS. BLACK: If I throw that shit out, Trenton  
23 is like, "Oh." Because he embraces the Hip Hop culture all  
24 around. Okay. So he's like, "Mom, when did that song come  
25 out? It's new, huh?" I'm like, "Yo, when I was your age, I



1 was, like" -- "What?"

2 MR. ATKINS: It was old -- it was old even  
3 back when you were his age.

4 MS. BLACK: You know what I'm saying? I'm  
5 like, dude. I'm like, it's good shit. So he hears all  
6 these old songs. Like I got -- he'll listen to classic rock  
7 with me. He listens -- I mean, back to shit.

8 MR. ATKINS: Who were the -- who were the  
9 most -- when you were, like, growing up, who were the most  
10 influential Hip Hop artists for you? Like, I remember  
11 [indecipherable].

12 MS. BLACK: You know, when I was a teenager, I  
13 was more into the Grunge shit.

14 MR. ATKINS: In the Grunge shit?

15 MS. BLACK: Like -- like Nirvana. And Foo  
16 Fighters, shit like 'at.

17 MR. ATKINS: No, but that's cool. Like, I  
18 think that was cool.

19 MS. BLACK: That was -- that was more what I  
20 was into. Like, now, I did listen to Hip Hop.

21 MR. ATKINS: But yet you -- yet you hung out  
22 with a crowd that never would have listened to that, ever.

23 MS. BLACK: Oh, they listened to everything.  
24 Them boys? They listened to everything in my car. They  
25 listened to everything.



1 MR. ATKINS: Oh, in your car. Yeah.

2 MS. BLACK: Oh, dude, we were always --

3 MR. ATKINS: Because I know they would never  
4 choose to listen to Nirvana.

5 MS. BLACK: Them mother fuckers knew it.  
6 Like, they could tell -- they could sing the lyrics. Like,  
7 they knew it. They would -- they were the black boys trying  
8 to make the white boys -- like, you know what I'm saying?  
9 You know when -- when they -- when, say, you got, like, this  
10 real, real -- I'm going to say hood-ass mother fucker.  
11 Okay. And that, "Yo, know what I'm saying," dah, dah, dah,  
12 dah, dah, dah. But then they hear, like, this old rock  
13 shit, and they get that -- that fake-ass white voice about  
14 them. Okay. That's the shit they would do. And they --  
15 [laughs]. So it was -- it was really, really funny. And it  
16 was -- it was really fun. But now, like, Three 6 Mafia, I  
17 was all about fucking Three 6; I loved Three 6. I still --  
18 I blast Three 6 in my car, like, all the time.

19 MR. ATKINS: [Indecipherable.]

20 MS. BLACK: And I'll be like -- and Trenton is  
21 like -- like, new songs. He'll be like, "Mom, that's Juicy  
22 J." I'm like, "Do you know where he's from, dude? Do you  
23 know where he's from?"

24 MR. ATKINS: Oh, yeah.

25 MS. BLACK: I'm like, come on. And then, I



1 mean, like Grandmaster Flash. I -- like, I play --

2 MR. ATKINS: That's [indecipherable].

3 MS. BLACK: Yo, I play all kinds of shit for  
4 this child. Like, he listens to everything.

5 MR. ATKINS: That's good.

6 MS. BLACK: Everything. Now, except for,  
7 like, new County. 'Cause I can't stand that shit. You give  
8 me, like, 90s Country or older, I can do that. I can't do  
9 anything past 90s. I don't like this new shit. It's  
10 horrible. It's -- it's -- it's fucking too -- I don't  
11 like -- I'm not a big fan of Pop music even. So it's like  
12 too Poppy for me, and it -- it's just aggra -- fucking  
13 aggravating. I just don't like it. And it's all the same  
14 kind of shit. I mean, like 90s was, "Oh, I lost my wife and  
15 she took my dog," and dah, dah, dah, dah, dah, dah. I  
16 mean, it's all the same kind of shit, too.

17 MR. ATKINS: [Laughs.]

18 MS. BLACK: But there's something about 90s  
19 Country as opposed to this day and age. There's not but a  
20 few songs I can -- I can get into.

21 MR. ATKINS: Well, there is -- there is --  
22 you know, look, there is a very -- understandably so,  
23 because it's -- it's pretty rich. Like, there's a real  
24 understanding now of how to make a hit. Like how to just  
25 have, like, the Pop hit. Have it be -- you know, Country



1     never was --

2                   MS. BLACK: That's it. Because it's, like,  
3     three concepts, dude. You know, do this, do this, do this,  
4     and boom, you're good.

5                   MR. ATKINS: But also, it's -- it has  
6     it's clear that County has figured out now how to have this,  
7     like, [indecipherable] diagram with people that, like, Hip  
8     Hop or people that are Pop. Because Country songs have more  
9     of a Poppy or Hip Hop [indecipherable].

10                  MS. BLACK: So that's just like all this damn  
11     Hip Hop now. These little -- like these fucking little  
12     mumble rappers. I can't stand it. As long as you can make  
13     shit rhyme, they don't give a damn. [Laughs.]

14                  MR. ATKINS: [Laughs.]

15                  MS. BLACK: And, like, it don't even have to  
16     make sense.

17                  MR. ATKINS: I'm sure -- I'm sure that our  
18     parents have thought that the music that we were listening  
19     to was just garbage.

20                  MS. BLACK: But if you look at the shit that  
21     we listen to, you know, at least with them it was about the  
22     lyrics. It was about the words. Like the shit they said  
23     had meaning, and it had -- you know what I'm saying? It  
24     went into depth.

25                  MR. ATKINS: Sometimes. Sometimes those



1 words -- like, so, one of my -- and it's -- it's going to  
2 seem like at some point I'm happy that we shared. But one  
3 of the -- like, my favorite still to this day, uh, artists,  
4 DMX. I was [indecipherable].

5 MS. BLACK: Oh, ruff, ruff. That's my shit.

6 MR. ATKINS: And -- and I know every word to  
7 every single DMX song. I loved DMX. Right. That's another  
8 New York guy. Right? Like --

9 MS. BLACK: [Laughs.]

10 MR. ATKINS: So -- and now, yes, he was all  
11 about the lyrics. Those lyrics were also not lyrics I  
12 should have ever been signing, of course, and, like, loving  
13 it [indecipherable].

14 MS. BLACK: I mean, but whether --

15 MR. ATKINS: And that my parents would  
16 definitely would have been, like, aghast.

17 MS. BLACK: Whether they were appropriate or  
18 not. But when you sit there -- and regardless. Most of  
19 them were not appropriate. But when you look at -- at the  
20 meaning behind those lyrics and what they were trying to  
21 say, and the message they're trying to come across with, and  
22 shit like that. I mean, even if it's pertaining to some  
23 crazy-ass hood shit.

24 MR. ATKINS: Uh-huh (yes).

25 MS. BLACK: I mean, regardless. It's like you



1     felt -- *Arm You* -- you felt that shit. You felt it. You  
2     felt like a thug when you heard that shit. You was like,  
3     what? What? [Laughs.]

4                     MR. ATKINS: Yes. Even today. Let's paint  
5     the picture, like, me. I'm like, white, by comparison, very  
6     privileged friends --

7                     MS. BLACK: [Laughs.]

8                     MR. ATKINS: -- growing up in New York City.  
9     And all this, just loving DMX. And I try to think, what  
10    were -- I mean, 50 Cent was huge, huge. Right? And  
11    everything in New York was around *The Massacre*, right, with  
12    that album.

13                    MS. BLACK: So y'all would be, like, the  
14    equivalent to, like, the boys you see now in the little  
15    skinny pants and the big sunglasses and the man buns that  
16    were, like -- you know what I'm saying? The big man buns.

17                    MR. ATKINS: No.

18                    MS. BLACK: That would be y'all. That would  
19    be the equivalent.

20                    MR. ATKINS: I guess. I wish. We weren't  
21    even that stylish or cool.

22                    MS. BLACK: [Laughs.]

23                    MR. ATKINS: You know, [indecipherable], like,  
24    you know, much dorkier, kind of wide-eyed, uh. Mostly, you  
25    think -- you know, like the fashion with our group -- I



1 guess it was around that age. So, like, 10 to 15, we were  
2 wearing Jordan's stuff. We were wearing -- like, you know,  
3 like you were much more influenced -- as crazy as it sounds,  
4 but, like -- you know, like, basically, more urban attire.  
5 Like, I wore Phat Farm, like, I wore [indecipherable].

6 MS. BLACK: I loved Phat Farm.

7 MR. ATKINS: I did, too. Right there is Phat  
8 Farm, [indecipherable].

9 MS. BLACK: Yo, this door right here, in this  
10 little cut-through in the shopping center, they still sell  
11 Phat Farm.

12 MR. ATKINS: Uh-huh, uh-huh. That's great.

13 MS. BLACK: They do.

14 MR. ATKINS: But what about -- there was --  
15 there was, also, there was, like, was it [indecipherable]?  
16 Had like -- what was the thing that had, like, the huge, uh,  
17 Looney Tunes?

18 MS. BLACK: I know what you're talking about.

19 MR. ATKINS: Right? It was just such a  
20 popular look. But there was, like, you know, there was,  
21 like, a big-ass sweatshirt, but with Tweety Bird or with,  
22 like, you know --

23 MS. BLACK: I had shirts like 'at, because --  
24 well, hell, I shopped in the men's section.

25 MR. ATKINS: [Laughs.]



1 MS. BLACK: All my tennis shoes. Like, I hate  
2 shoes with a passion. I wear flip-flops all the time. In,  
3 like, 10-foot of snow, I'm in flip-flops.

4 MR. ATKINS: Yeah.

5 MS. BLACK: I can't stand it. But when I went  
6 and got shoes, like, growing up as a teenager, my shoes were  
7 super fucking fresh. They were like solid white. Had to be  
8 solid white. I couldn't do no color. Had to be solid  
9 white. Because they looked clean.

10 MR. ATKINS: But see, like, even --

11 MS. BLACK: Looked clean.

12 MR. ATKINS: Even we, as weird as it sounds,  
13 like, you know, for a kid who went to, like, private school  
14 in New York City. But it was very -- I went to, like, a  
15 really groovy kind of like, progressive -- you know, it  
16 wasn't, like -- everybody was, like, free to express  
17 themselves. Kind of like one of those places. Right. And,  
18 uh -- but the thing -- like, I mean, you know, we were  
19 obsessed with sports and Hip Hop. We loved -- so we -- we  
20 dressed that way. You know, we didn't dress like over the  
21 top, because we definitely would have chewed each other or,  
22 you know, like, make fun of each other. You're dressing  
23 like a wankster or whatever if you went way overboard.

24 MS. BLACK: Yeah.

25 MR. ATKINS: But still, like, our



1 sensibilities were totally influenced by, like, basically,  
2 that was the Pop Culture for us at the time, you know.

3 MS. BLACK: Do you remember JNCOs and shit?  
4 JNCOs, Kikwear, the -- the jeans with the huge fucking  
5 bottoms.

6 MR. ATKINS: No, no.

7 MS. BLACK: You don't remember them?

8 MR. ATKINS: No, I don't. I don't at all. I  
9 don't remember that at all.

10 MS. BLACK: Ha.

11 MR. ATKINS: I don't. Say it. I honestly  
12 [indecipherable].

13 MS. BLACK: Okay. So when that whole Goth  
14 shit was coming out, like Skaters.

15 MR. ATKINS: Okay.

16 MS. BLACK: Skaters wore shit like that.

17 MR. ATKINS: Yeah, yeah. I didn't --

18 MS. BLACK: Oh, hell no. I got a full -- I  
19 can't handle it.

20 MR. ATKINS: But see, I didn't interact with a  
21 lot of them. But you remember how you said -- remember the  
22 part of the story is, you ended up going to see a friend at  
23 Hot Topic, like, at the mall that time. Right?

24 MS. BLACK: Right.

25 MR. ATKINS: So that Hot Topic --



1 MS. BLACK: Come on.

2 MR. ATKINS: I'm saying, that Hot Topic  
3 Culture was not something that I knew of. But I used to,  
4 like, [indecipherable].

5 MS. BLACK: Y'all didn't have Hot Topic? What  
6 is that, a Southern thing?

7 MR. ATKINS: We didn't have a mall. We didn't  
8 have a mall culture. There was no malls.

9 MS. BLACK: Well, we don't have nothing to do,  
10 that's why we do malls. [Laughs.]

11 WAITRESS: Do you work at Debbie's?

12 MS. BLACK: I work at RJR.

13 WAITRESS: You do?

14 MS. BLACK: Well, good for you. How about  
15 you?

16 MR. ATKINS: Just visiting. [Laughs.]

17 WAITRESS: Visiting. Oh.

18 MR. ATKINS: Just passing through.

19 MS. BLACK: Let me get the -- the tips with  
20 the shrimp.

21 WAITRESS: Okay.

22 MS. BLACK: I don't want no onions though.

23 And --

24 WAITRESS: Okay. Tips and shrimp. How do you  
25 want your tips cooked?



1 MS. BLACK: Medium.

2 WAITRESS: All right. And what two vegetables  
3 do you want?

4 MS. BLACK: Oh, hell. Oh, I want broccoli,  
5 but I want cheese on it. And --

6 WAITRESS: Okay.

7 MR. ATKINS: Go overboard. This is the day to  
8 get whatever how you want it.

9 MS. BLACK: No.

10 MR. ATKINS: Can you break the bank I have at  
11 IHOP? [Indecipherable.]

12 MS. BLACK: Oh, bullshit. No.

13 WAITRESS: Sure. [Laughs.]

14 MR. ATKINS: [Laughs.]

15 MS. BLACK: Like, I really want, like, a lot  
16 of cheese on there. I like a lot of cheese on there.

17 WAITRESS: You bet. All right. We can do  
18 double.

19 MS. BLACK: And then -- yeah.

20 WAITRESS: Okay. Got it.

21 MR. ATKINS: Or quadruple. I mean, how --

22 MS. BLACK: No, I'm good with the double.

23 WAITRESS: That might be a little much.

24 MS. BLACK: I'm good with the double.

25 MR. ATKINS: Maybe you can just take, you



1 know, like that packet of American cheese, like, stick the  
2 whole thing on this. Use a blow torch.

3 WAITRESS: Ugh. American, yuk.

4 MS. BLACK: Uh, I guess mashed potatoes.

5 WAITRESS: Okay. You want gravy?

6 MS. BLACK: Is it brown or white?

7 WAITRESS: Brown. We have white.

8 MS. BLACK: No. Hell, no.

9 WAITRESS: Okay.

10 MS. BLACK: Just give me a little bit of brown  
11 gravy.

12 MR. ATKINS: [Laughs.]

13 WAITRESS: You got it. [Laughs.] Okay.

14 MR. ATKINS: I'm not going [indecipherable],  
15 but -- so I don't if this is an option. I assume it is.

16 WAITRESS: Okay.

17 MR. ATKINS: I just would love, like, two  
18 sunny-side-up eggs

19 WAITRESS: Two eggs, sunny-side up.

20 MR. ATKINS: Yeah, sunny-side up.

21 WAITRESS: You got it.

22 MR. ATKINS: Hash browns.

23 WAITRESS: Okay.

24 MR. ATKINS: Hash browns, well done, crispy.

25 WAITRESS: Any bacon or sausage?



1 MR. ATKINS: Sausage, for sure.

2 WAITRESS: Okay. And then, they come with  
3 pancakes.

4 MR. ATKINS: I was going to say -- I was --

5 MS. BLACK: I was about to say, that's that  
6 damn big breakfast thing.

7 MR. ATKINS: Well, you want to get -- you want  
8 to -- you want to --

9 MS. BLACK: I don't eat pancakes.

10 MR. ATKINS: What?

11 WAITRESS: Oh, my goodness. There's something  
12 wrong with that. I'm sorry.

13 MS. BLACK: I don't like waffles. I don't  
14 like -- pancakes get soggy.

15 MR. ATKINS: Waffles are great, too. Waffles  
16 are great.

17 WAITRESS: Yeah. We have the Belgian ones  
18 here. They're really good.

19 MS. BLACK: That's 'cause pancakes get soggy  
20 too quick. I can't fuck with that.

21 MR. ATKINS: Meaning -- are they -- you mean  
22 they're crispy?

23 WAITRESS: The Belgian ones.

24 MR. ATKINS: The Belgian ones are the crispy  
25 ones? Because sometimes you get them and they're real



1 floppy and the steam kind of softens them.

2 WAITRESS: Oh, we can do that.

3 MR. ATKINS: No, no, no, no. I just didn't  
4 want, like, [indecipherable].

5 WAITRESS: You want pancakes? Okay.

6 MR. ATKINS: Anyway.

7 WAITRESS: I agree. That's how I like mine.  
8 I like mine soft.

9 MR. ATKINS: No. But I'm saying, I love a  
10 crispy one.

11 WAITRESS: Oh, you do?

12 MR. ATKINS: Oh, yeah.

13 WAITRESS: Okay. Well, the Belgian ones are  
14 typically.

15 MR. ATKINS: Maybe later.

16 WAITRESS: Okay.

17 MR. ATKINS: I will --

18 WAITRESS: We're breaking the bank, I thought.

19 MR. ATKINS: Yeah. Well, I'll say --

20 WAITRESS: [Laughs.]

21 MR. ATKINS: Once at a time. I mean, like, my  
22 belt [indecipherable].

23 WAITRESS: [Laughs.]

24 MS. BLACK: [Laughs.] Well, you could.

25 WAITRESS: But it might not [indecipherable].



1 MR. ATKINS: I'm already close to it. So -

2 WAITRESS: Oh no.

3 MR. ATKINS: Can I get two chocolate-chip  
4 pancakes?

5 WAITRESS: Got it.

6 MR. ATKINS: But that's it. Plain. I've got  
7 to -- you know, no -- just two chocolate pancakes would be  
8 great. That's it.

9 WAITRESS: All right. Do you want chocolate,  
10 chocolate chip, or buttermilk chocolate chip?

11 MR. ATKINS: Blowing my mind. Uh, buttermilk  
12 will be great. Thank you. I appreciate it. And is it,  
13 like -- and a weird request. Is it possible to have those  
14 pancakes come out, like, 20 minutes or whatever?

15 WAITRESS: Sure.

16 MR. ATKINS: Just because I figure -- I mean,  
17 we're [indecipherable]. And we will get [indecipherable].

18 WAITRESS: Just let me know when you're ready.

19 MR. ATKINS: Yeah.

20 WAITRESS: So they'll be nice and hot.

21 MR. ATKINS: Thank you.

22 WAITRESS: You're very welcome.

23 MR. ATKINS: Great. Perfect. That's what I  
24 want.

25 WAITRESS: I -- I try to be a good server.



1                   MR. ATKINS: You're awesome. Thank you so  
2 much. I appreciate it.

3                   WAITRESS: [Laughs.] Not a problem. Hey, I  
4 figure if you're not going to be good at what you do, what's  
5 the point. Right?

6                   MS. BLACK: Right.

7                   WAITRESS: [Laughs.] Thanks, guys.

8                   MS. BLACK: Chicos. You don't remember  
9 [indecipherable].

10                  MR. ATKINS: That's low down.

11                  MS. BLACK: [Laughs.]

12                  MR. ATKINS: Also, I loved -- also, how about  
13 the models? I loved, like, the, uh -- the positions. Like,  
14 these -- I wonder if it's like [indecipherable].

15                  MS. BLACK: No.

16                  MR. ATKINS: I barely remember -- I really  
17 don't, like --

18                  MS. BLACK: How do you --

19                  MR. ATKINS: So -- but I'm talking --

20                  MS. BLACK: So, like, her's the girls. I had  
21 a pair that looked just like them.

22                  MR. ATKINS: Gwen Stefani. It's got a Gwen  
23 Stefani kind of thing.

24                  MS. BLACK: Yes.

25                  MR. ATKINS: Okay. So I'm telling you, that



1 kind of -- the world's ugliest jeans. The -- that kind --

2 MS. BLACK: No. [Laughs.] Those were the  
3 best jeans ever.

4 MR. ATKINS: Was that what you were wearing  
5 around the time when you were, like, 15 or no? Like, I  
6 don't -- I'm trying to figure out [indecipherable].

7 MS. BLACK: Okay. My shit swapped. Like, it  
8 was like -- like, one day, I would wear them. Kind of,  
9 like, I'd wear shit like that, and it'd be all Grunged out.  
10 And then, the next day it could be Hip Hop.

11 MR. ATKINS: Okay.

12 MS. BLACK: And then, it would be, like,  
13 redneck. And it would be, like -- I just -- I just -- I was  
14 all over the place. I didn't have one set style. Now,  
15 I'm -- I'm set. Now, it's literally jeans.

16 MR. ATKINS: It's different. You're like a  
17 working woman [indecipherable].

18 MS. BLACK: It's jeans and wifebeaters is what  
19 you see me in. Jeans and wifebeaters.

20 MR. ATKINS: Well --

21 MS. BLACK: All -- all year round.

22 MR. ATKINS: You and Gc Jay, [indecipherable].

23 MS. BLACK: That's all the hell I wear.

24 That's all I like. Like, that's -- the majority of my  
25 fucking clothes.



1 MR. ATKINS: Why?

2 MS. BLACK: I have so many damn wifebeaters,  
3 it's unreal.

4 MR. ATKINS: You've got [indecipherable]  
5 intent of the story. So I wanted to know -- it's hard for  
6 me to even know what you do know or you don't know. So,  
7 like, there were times -- remember how you mentioned how,  
8 you know, the police said, uh -- uh, that we have footage of  
9 them using the credit cards at the ATM. And I had to tell  
10 you. I mean, it seemed like you knew that that wasn't true.  
11 But --

12 MS. BLACK: No. Because I didn't know if that  
13 was true or not. I just know what they told me. And that's  
14 it. And that was what he said. They said they had them on  
15 camera at the ATM in the mall, trying to use those cards.  
16 Trying to withdraw money off the cards.

17 MR. ATKINS: And that was a convincing thing?

18 MS. BLACK: Uh, yeah. Because we wasn't  
19 together. We weren't around each other that -- we had  
20 separated at the mall. So I mean, with us not being around  
21 each other -- I mean --

22 MR. ATKINS: It was plausible? It seems like  
23 it -- it seemed -- it seemed almost logical in a way. But  
24 it could have been a trick? It was a trick?

25 MS. BLACK: Uh, yeah.



1                   MR. ATKINS: So -- okay. So that's what I'm  
2 saying. Like, I think -- I'll use the word, like,  
3 confusion. Like, there still to this day, when we talk  
4 about it, like, things that happened or things that might  
5 have happened, or -- you know, there's all kinds of  
6 confusion. Because you don't have a validation of what was  
7 said in court, or what was proven or what wasn't proven.  
8 Right? So I've got to know, like, what are the things that  
9 would -- it would be helpful for you to know, like a basic  
10 level? Because I imagine, like, having the conversation we  
11 have. But there's more things you wanted to know to a  
12 degree.

13                   MS. BLACK: I mean -- I don't know. Because I  
14 really, really don't want to dig into that no more than what  
15 I have to dig into it, or what's needed.

16                   MR. ATKINS: Okay.

17                   MS. BLACK: Because that's -- it's -- I have  
18 worked so hard to separate myself from all that. And I mean  
19 super hard --

20                   MR. ATKINS: No. Hey, I know.

21                   MS. BLACK: -- to keep myself separated from  
22 it.

23                   MR. ATKINS: I know. I do think, however,  
24 that there are things I want to re-go over, just so I make  
25 sure I understand what we could possibly identify as this is



1 something confidently you can say, No, that did not happen.  
2 Yes, this did happen. Or generally, I don't know. You  
3 know? But I also realize, but in retrospect. And I  
4 realize, like, you know, there -- there appeared to be this  
5 distinct, uh, like, information that you felt confident  
6 about. Like, no, that didn't happen.

7                   Like, sitting at the picnic tables, for  
8 example. Right. Something like that. You're like, no, I  
9 can tell you, it didn't happen. Right? Okay. Good. So  
10 you're saying now, like 17 years later, you know, I have a  
11 clear memory of that. You know, clear enough that it's  
12 like, it didn't happen. Then there is other stuff that's  
13 like, I don't know. It could have happened. Right?  
14 Whether it's the boys at the mall using credit cards at an  
15 ATM.

16                   But what's -- what's really hard, I think  
17 for -- and I want to help with it -- for you to kind of  
18 comprehend. Because you spent so much time, you know, total  
19 vision about it, slash, like, putting it in a lockbox.  
20 Right? I'm not quite sure it ever has sunk into you that --  
21 that all these pieces of information are sort of dependent  
22 on each other. And anything that ever in court -- I  
23 shouldn't say everything or anything. Might be 90 percent,  
24 or 95 percent, anything that in court, the prosecution said  
25 about these guys and the things they did, it always was



1    routed and anchored and attributed to things that you said.  
2    That's how it worked, was that, to add credibility to what  
3    the prosecution said about them, they attributed it to  
4    things that you said.

5                   Because you were considered to not only to be  
6    a witness, but in a way, you were presented as an objective  
7    person involved. Right? Because you had felt the pressure  
8    that you could be charged. Right? So, like, why lie about  
9    it, like, for things like that. The idea that, you know -  
10   you know, in a way, you were sort of separated, sort of like  
11   in spirit from them, you know. I mean, you were presented  
12   that way. So it's like you offered verbal confirmation of  
13   things that the State then put on them. That's how that  
14   worked.

15                  So -- well, like the grand thing I'm trying to  
16   depict is that there's moments when you say, I don't know if  
17   they did or didn't do it, because I didn't literally have  
18   eyeballs on them that whole time. There is almost nothing  
19   that was presented in the case that wasn't routed back to  
20   something that prosecution routed in something you did see.  
21   So what I'm saying is like -- like, essentially, if you  
22   didn't see it, there is less of a likelihood that it  
23   happened, that it was even brought up at trial.

24                  So in a way, like, it's -- it's -- I think  
25   there's actually a real incredible honesty to you to even be



1 open-minded enough to say, like, hell, I don't know what  
2 they did or didn't do. That's a very honest thing to say.  
3 But also, in terms of critical thinking, I would just draw,  
4 like, the next step. Which is, you know, what -- what makes  
5 sense? What could have happened? What couldn't -- like,  
6 couldn't have happened? That's a different thing, as  
7 opposed to what might have or would have.

8                   Now, let's really think of what could have or  
9 couldn't have. Right? What did you see, what didn't you  
10 see? What do you still -- maybe not now, because, you know,  
11 it's fuzzy or -- all those things are fine. But I do think  
12 that, like, almost the kind of, I'll call it  
13 open-mindedness, to me, like I know. I think it's probably  
14 not so productive or even healthy to let that, like, kind of  
15 almost put you into a -- a tizzy about, like, fuck, I don't  
16 know, because I wasn't there. It's like, that stuff's  
17 [indecipherable]. You've got to realize that the things  
18 that the crime was pinned on them by the prosecution, as any  
19 prosecution would, based off of information almost  
20 exclusively, that we could draw a line to, something that  
21 you said.

22                   Now, now, now -- and I'm saying, like,  
23 obviously, this is not something you would have know,  
24 because you worked so hard to keep your sanity and pull  
25 yourself together by not engaging that in depth with any of



1 this stuff. But I do think it's helpful for me to lay it  
2 out that way.

3                   Like, I made -- so I made a list, and I want  
4 to go over it, of just things. These are things that  
5 exclusively were tied to things you said either to police or  
6 to, uh -- or in court. And I think that if you, like, have  
7 an idea of just this list, it's -- I would think, would be  
8 easier for you to say, huh, yes, that happened. Because,  
9 like, either you saw it or heard it or whatever. Or, no,  
10 that did not. That's it. And that's kind of, like, that's  
11 a really important thing for me to understand. Because, you  
12 know, if we're going to -- if I'm going to hopefully try to  
13 understand what really happened, what the truth, it helps to  
14 know, as best as we can, as best of your memory, what you  
15 did in fact witness and what you did not in fact witness.  
16 That's it.

17                   And one of the great traumas that it seems you  
18 experienced was this whole experience, because you were  
19 surrounded by adults, angry adults, in every single  
20 situation involving this, that did not listen to you, that  
21 did not do anything you said, essentially. And this  
22 experience now is not that. I'm not going to do that. I  
23 want this to be one where you realize I'm here to listen.  
24 I'm here to critically think, but I'm mostly here to listen.  
25 And I treat what you tell as, well, basically, like, you



1 know, I guess, the truth, you know. Obviously if something  
2 stands out, is like, well, I'm not sure about that, I'll say  
3 it. But essentially, what you tell me, like, I'm listening,  
4 you know.

5                   So anyway, like, I think it's kind of, like,  
6 important for me to lay it out like that. And also -- and I  
7 think now that we have a more clear-headed, calmer beginning  
8 to to conversation like this, I also think it's important to  
9 kind of, like, really help me confirm the facts. This is  
10 what happened, this is what didn't happen. Am I correctly  
11 thinking that it went like this, or something like, can I  
12 even be so strong as to say that this is correct. Something  
13 like that. You know, I want to make sure I'm not stretching  
14 anything, speculating, or even mischaracterizing or  
15 misrepresenting things.

16                   Because in addition to literally mapping out,  
17 like, this happened, this happened, this happened. I'm also  
18 trying to kind of characterize the nature of things. So I  
19 think I -- I want to make sure, like, I wrote it down. I  
20 spent last night trying to formulate my own thoughts to make  
21 sure I understood it. Uh, uh, uh -- okay. Okay.

22                   So you know. I want to make sure I understand  
23 something clearly, which is -- and I need you -- okay, these  
24 are my notes. I need you to disagree with me or tell me if  
25 this is incorrect or too strong of a characterization.



1 And -- and, you know, like, I don't want my questions that I  
2 ask to be, like, leading. Like, that's bad, too. But the  
3 whole thing is, I just want to know how you feel. So if at  
4 any point there's -- you can push back with, no, it wasn't  
5 like that, or no, that's not a correct way of frame -- to  
6 frame it. Tell it. Tell it. Because I don't want shape  
7 anything.

8                   So it seems that -- and I'm trying to kind of  
9 summarize the experience you had basically, and how certain  
10 information seems, that might not have been true. Was  
11 information even the same in instances as true. Is that  
12 what happened?

13                   MS. BLACK: Looking at it now, I would  
14 probably say that's probably what happened. Because, like,  
15 when I told you, like, strictly what I could remember. And  
16 it was -- and that was exactly what I told them in -- in the  
17 beginning. That's ex -- like, this is what happened. And  
18 no, no, no, no, it's not. No, it's not. [Laughs.] Like,  
19 you're leaving this out, or your leaving something else out.  
20 You need to go ahead and tell us everything, because you're  
21 leaving stuff out. And things just went on from there.

22                   And, like, so much was said in the eight hours  
23 that I was there, that I don't -- I don't know what all was  
24 said.

25                   MR. ATKINS: So -- so let's take a step back.



1 When you think about just that, like, you know, they -- this  
2 is more psychological in a way, but also, probably a true  
3 way to think about things. Let's literally try to take a  
4 step back and look at that experience you had. Just the  
5 notion that -- you said it was eight hours. This is how  
6 they treated you. When you think about the psychology of  
7 all that, of that process, like -- again, I don't want to  
8 lead anything or even use adjectives to, like, I don't want  
9 to put any adjectives in your [indecipherable].

10 How would you describe the way that police  
11 made you -- see I don't want to use this -- like, the police  
12 that might have influenced the way you thought, how would  
13 you describe it?

14 MS. BLACK: They had -- they had me scared as  
15 hell.

16 MR. ATKINS: [Indecipherable.]

17 MS. BLACK: I was -- I was terrified, like,  
18 absolutely terrified.

19 MR. ATKINS: Well, that I get. But I also  
20 mean -- but I also mean, like -- I guess, like, this is a  
21 really strong word. That's why I want to know if it's a  
22 misrepresentation or mischaracterization or it's  
23 appropriate. Would you say that they manipulated you?

24 MS. BLACK: I would.

25 MR. ATKINS: You would? You would agree that



1     they manipulated you?

2                     MS. BLACK:   I would.

3                     MR. ATKINS:   Meaning literally, there was,  
4     like, you know, information that you didn't know that they  
5     then --

6                     MS. BLACK:   I would say that they probably  
7     helped influence -- influence things to be said.  Because  
8     they -- huh -- they, uh, literally had me thinking I was  
9     fucking crazy, that I was crazy.  Like I didn't -- I forgot  
10    shit.  I don't know.  And -- I mean, and it's like once  
11    they -- they heard what satisfied them, then they would move  
12    on to something else.  So --

13                    MR. ATKINS:   And -- and were you in fact  
14    crazy?  Were you certifiably a crazy person before?

15                    MS. BLACK:   Uh, no.  I don't have dealings  
16    with the police at all.

17                    MR. ATKINS:   Yeah.

18                    MS. BLACK:   I have never been in another  
19    interrogation.  And that was the one and only.  And that was  
20    horrible.  It was just horrible.

21                    MR. ATKINS:   See, it's -- one of the, also,  
22    the thing that has been tough for me is, you know, I'm not a  
23    cop, I'm not lawyer.  And I [indecipherable] reporting  
24    anything like this.  So what's also tough for me is to get a  
25    better understanding from the police side when they do these



1 kind of interrogations. I personally, I don't really know  
2 how it goes differently, let's say, in an instance where,  
3 let's say, hypothetically, these are -- you were 16 years,  
4 exact same [indecipherable]. Right? And let's say, yeah,  
5 all of them participated in a murder of some kind. Like,  
6 let's say -- let's say for the hypothetical, that is true.  
7 That's what I mean. How would interrogation differ? Like,  
8 right? Like, presumably, the cops would do the same things,  
9 and maybe get the same exact outcome as any instance in  
10 which it becomes a false confession.

11 MS. BLACK: I don't know. Because, like, when  
12 you sit there, and you inform me that, like, now you have --  
13 they have to record both visually and in voice, and then  
14 they didn't. I think that a lot of that would have changed.

15 MR. ATKINS: Yeah.

16 MS. BLACK: Because there are tactics and  
17 things that were used, like -- like I said, like, I was --  
18 they -- there was one detective in particular, and -- and  
19 this man was so in my face. I can't remember his name. And  
20 I remember, I can tell you he was tall, and he was -- you  
21 know, he looked like he might have been kind of, maybe --  
22 he was little bit smaller than you. And he had this brown  
23 hair, and it was cut longer, like, uh -- like Michael J.  
24 Fox. You remember how his hair used to be? Okay. That's  
25 what it reminded me of. Okay. Like, sitting here thinking



1 about this now. But I mean, that's how his hair was. And  
2 he had, like, the side part to it. And he was just, like,  
3 super damn angry, super, super angry. And hollering and  
4 screaming. And then he was in my face. And as he was  
5 hollering and screaming, he was spitting on me. And it was  
6 fucking, ugh.

7 MR. ATKINS: What was the worst thing he said  
8 to you? Because -- because in our conversation before, you  
9 alluded to something that was like things that you never had  
10 been said to, maybe like a girl of your age. Like, what  
11 would -- you know what I'm saying? What stands out as the  
12 worst thing?

13 MS. BLACK: I don't even know. I remember  
14 them cussing, or him -- him, in particular, cussing. Just  
15 like -- and I mean, and being told I was a fucking liar over  
16 and over and over and over. Like, growing up, you didn't --  
17 with my mom, you didn't fucking lie. I told my babysitter  
18 that I was allowed to play in my room with her daughter  
19 after -- after my mom made me clean it. Okay. I told her I  
20 was allowed to play in my room. My mama said I could. And  
21 I lied. So because I lied, my mama made me -- huh. She  
22 squirted my whole full of dish detergent, as thick as that  
23 shit is, and made me swallow it. That shit clogged up my  
24 whole fucking esophagus. And then made me take a glass of  
25 water to drink it down, which made it foam up, which filled



1 my whole throat, where I couldn't breathe. She literally  
2 had to sit there and beat on my back, uh, what seemed like  
3 forever, before I could catch my breath. Like, you didn't  
4 do shit like that. My mawmaw would backhand the shit out of  
5 you. If she knew you lied, you were liable to to lose  
6 teeth. Like that shit didn't go down in my family. You  
7 don't do that. So --

8 MR. ATKINS: It also -- I was going to say,  
9 you know, one of the things I -- that it appeared to me --  
10 okay, correct me if I'm wrong. One of the things that also,  
11 I think, encouraged you to commit heart to information that  
12 either definitely wasn't true or might not have been true  
13 was also because it seemed that nothing upset you more than  
14 being called a liar. That literally the words, "lie, lying,  
15 she's lying to me, she's a liar." That that phraseology had  
16 [indecipherable]. And I'm -- not that I saw anything or  
17 heard anything, but it's just from I'm reading. But it  
18 seemed to me that literally the phrase of like any kind of  
19 liar on the stand from the defense attorneys, it seemed to  
20 me that that in particular was like the most sensitive,  
21 upsetting, frankly, thing you could have been called.

22 MS. BLACK: It actually pisses me off now. I  
23 can't stand for somebody to call me a liar. I hate it with  
24 a fucking passion. Like, I really hate -- I hate being  
25 called a fucking liar. That's why I am so blunt and honest



1    like I am. I make a point, if I've got something on my  
2    mind, I say it. If I feel a certain way, I say it. Whether  
3    it's going to hurt your feelings, whether it's not, it's  
4    said. Because at the end of the day, you're going to know  
5    how I feel about it or what I think about it, or what was  
6    said, one way or the other. I hate being called a fucking  
7    liar. I hate for somebody to even accuse me of lying.

8                   MR. ATKINS: And even -- even as we're  
9    analyzing, so psychologically analyzing this notion, I'm  
10   seeing -- it's the first time in the conversation today --  
11   look at me for a second. I'm telling you, it's the first  
12   time in the conversation today --

13                  MS. BLACK: Huh.

14                  MR. ATKINS: -- that I would say you've been  
15   emotionally upset. Right?

16                  MS. BLACK: Uh-huh (yes).

17                  MR. ATKINS: By the way, which I don't want to  
18   do. And I don't want to -- I know that it can get --

19                  MS. BLACK: It gets to your head.

20                  MR. ATKINS: Uh --

21                  WAITRESS: Looks good. Do you need any steak  
22   sauce, ketchup, anything?

23                  MS. BLACK: A-1. Why did they put onions in  
24   my shit.

25                  WAITRESS: Oh, my goodness. You want me to



1 get them? I'll do it if you want me to. I'll get it taken  
2 care of. It gives them good flavor.

3 MS. BLACK: Huh-uh (no).

4 WAITRESS: No?

5 MS. BLACK: Huh-uh (no).

6 WAITRESS: [Laughs.] You want me to get rid  
7 of them? Yep. I got you. No problem. [Laughs.]

8 MS. BLACK: It's that same shitty --

9 MR. ATKINS: You like to be so surly, you  
10 know. Clearly, truly, by the way, you taught her a lesson.  
11 Because she has been, I'd say, extra today.

12 MS. BLACK: Uh.

13 MR. ATKINS: Anyway. Anyway. My point is,  
14 there seem to be kind of, like, these trigger words, these  
15 trigger topics. And I don't want -- I certainly just don't  
16 want you to think that I'm using them to make you feel  
17 emotional or to upset you. You know, I want to be able, as  
18 best as we can, to have a clear-minded discussion of all  
19 this stuff. But if there's something that upsets you, like,  
20 immediately upsets you, you don't have to -- you know, I  
21 don't want to be that person. I don't have to be that  
22 person. So I don't want to ask you things that, you know,  
23 you can talk about, and I want you to be comfortable.

24 But [indecipherable] just the notion of lying.  
25 But it seemed to me, literally, that that was something that



1   upset that upset you. So let me ask you this. Let me ask  
2   you this. When we identify things that you said in court,  
3   and you said under oath, that we say now were not true, if I  
4   don't -- if we don't call those things like a lie, what is  
5   the fairest, most respectful way for me to describe or call  
6   those items?

7                   MS. BLACK: There's not a fair way. It's a  
8   fucking lie. It was a flat-out lie. And that's just what  
9   the fuck it is. Like, uh, you can't -- you can't -- you  
10   can't sugar coat it and it's going to sound better. Because  
11   I lie is a lie.

12                  MR. ATKINS: So then -- well, maybe it's a  
13   different kind of lie than a lie that you might tell your  
14   mom that she shoves dish detergent down your throat. So,  
15   like, what -- [laughs]. Like, in terms of these --

16                  MS. BLACK: To me, it was -- it was -- it  
17   was -- I'm either spending my life in prison or I'm saying  
18   fuck I've got to say.

19                  MR. ATKINS: And then this -- and I'm saying,  
20   also, to take it another step further. Those lies appear to  
21   be -- this is kind of leading question, but I'm also trying  
22   to describe what I think I've read. Those lies appear to  
23   be, obviously routed in, like, survival, self-preservation.  
24   But they also appear to be on behalf, exclusively, on one  
25   side of the court arguments.



1 MS. BLACK: Now, see, that's what I said.  
2 Because when I said exactly what happened, look, we went  
3 here. I picked them -- or I went here, I picked them up. I  
4 saw them walking. We went here.

5 MR. ATKINS: Well, I get that. I get that.  
6 So my question --

7 MS. BLACK: No, I'm not -- an example with the  
8 police. Like, you know, and then it's like, well, hold up,  
9 hold up. No. Because there was this -- this empty time.  
10 You know, where were you between these hours? I don't -- I  
11 don't -- I don't know. I don't know where I was between  
12 this time. Hell, I got home from school, and now, I  
13 can't -- I can't tell you. I remember picking them up,  
14 because they were walking down the road. Well, no, you had  
15 this empty time right here. So in this time right here, you  
16 were doing something. What were you doing? And -- and --  
17 do you know what I'm saying? And that's just where it went.

18 And then, okay, so y'all went to the mall,  
19 but -- and then y'all separated. So where were at then,  
20 dude. Were you aware that while you were doing this, they  
21 were doing this? We've got the footage of this. We've got  
22 the footage where y'all go into the mall. And you can --  
23 you can see y'all separate. And what time did y'all meet  
24 back? I don't know what time we met back. The mall closes  
25 at, like, 9:00. I mean, I don't know. Well --



1 MR. ATKINS: Take a -- so take a step back. Also -- would  
2 it also, say, that I'm trying to do my best to not speak on  
3 your behalf or put words in your mouth or, like, trying my  
4 best not to describe it myself. Because I think there's  
5 less objectivity in me saying it. The way I described it  
6 was, when we are calling, like, any of the lies that you  
7 felt you had to say in court, they seem to be on behalf,  
8 exclusively, of one side. But I would be grateful if -- if  
9 you agree with that, to say, to kind of describe your side.

10 MS. BLACK: I mean --

11 WAITRESS: How's that look? Better?

12 MS. BLACK: No.

13 WAITRESS: No? What's the matter?

14 MS. BLACK: I don't eat mushrooms.

15 WAITRESS: Oh, you didn't say mushrooms. You  
16 just said no onions.

17 MS. BLACK: I didn't even know mushrooms were  
18 in it. You know what?

19 WAITRESS: [Laughs.]

20 MR. ATKINS: To be fair --

21 MS. BLACK: We going to pull this out.

22 Because I didn't even know mushrooms were in it.

23 WAITRESS: Yeah.

24 MS. BLACK: Huh-un (no). I can't, I can't --

25 WAITRESS: Think it would be good though?



1 MS. BLACK: Yes. I just need some A-1.

2 WAITRESS: You got it.

3 MS. BLACK: Uh, oh, I can't handle it.

4 MR. ATKINS: To be fair --

5 MS. BLACK: I can't handle it.

6 MR. ATKINS: To be fair, I had distracted you  
7 for like an hour and a half from looking at the menu. You  
8 probably overlooked the mushroom component.

9 MS. BLACK: Huh-uh (no). I can't.

10 MR. ATKINS: Why don't you let her take it  
11 off?

12 MS. BLACK: Because I'm just going to take it  
13 off. Because I don't want to take my food back in there.  
14 They're going to spit in my shit.

15 MR. ATKINS: By the way, I like mushrooms.  
16 Put them on here.

17 MS. BLACK: Do you see all that shit right  
18 there.

19 MR. ATKINS: Okay. If you don't take it, I'm  
20 taking it.

21 MS. BLACK: Well, that shit right there.  
22 They're going to spit in my food. I can't do it.

23 WAITRESS: Ah. He says, I want to do it.  
24 That works.

25 MR. ATKINS: Thank you so much.



1                   WAITRESS:    You're very welcome.

2                   MR. ATKINS:   Could we get extra napkins?

3                   WAITRESS:    Sure.

4                   MR. ATKINS:   Thank you so much.  Appreciate  
5 it.  Anyway.  Before we dive in, I think you wanted to --

6                   MS. BLACK:   Well, I mean, considering I never  
7 really had any kind of contact with anybody else besides the  
8 cops, and, you know, the prosecutors, uh, it would  
9 definitely be on their behalf.  But on these empty spots, in  
10 between where we went and what we were doing.  You know,  
11 it's like, okay, well, what were you doing here?  And which  
12 is why, made me think, like, fuck, I'm forgetting something.  
13 Maybe there's something I did that maybe I didn't do.  You  
14 know what I'm saying?  And --

15                  MR. ATKINS:   But the -- but the reason why  
16 they also -- and we're saying that the reason why you even  
17 went to a place mentally, where you accepted, it seems, that  
18 you could have forgotten enormous details, these very  
19 impactful details.  Like, grabbing what would be a murder  
20 weapon.  Going to attack an old man.  The reason why you  
21 even, like, were able, like, to accept something like that  
22 is because of, it seems, you know, the way that they  
23 approached you.  The cops, the approach they took.

24                  MS. BLACK:   Uh, I would say so.

25                  MR. ATKINS:   I don't want to describe what



1     you --

2                   MS. BLACK:  Because, I mean, it was literally,  
3     uh, you know, you need to go ahead and tell us everything.  
4     You're leaving stuff out.  You're not telling us everything  
5     that you know.

6                   MR. ATKINS:  Wait a minute.  I took your  
7     silverware. [Indecipherable.] Here.

8                   MS. BLACK:  Shit.  Hell, no.  I'll take this  
9     one right here.

10                  MR. ATKINS:  Also --

11                  MS. BLACK:  So I mean, like, fuck.  I didn't  
12     know if maybe -- maybe -- I mean -- [laughs].  Fuck.  I  
13     don't know.  I mean, I don't know if --

14                  MR. ATKINS:  No.  And that's -- that's --

15                  MS. BLACK:  -- maybe I was just that stressed  
16     out, to where it was, like, that sounds possible.  Like, we  
17     could have done that.  Maybe we did do that.  Maybe I'm  
18     stressed the fuck out because I've in here getting hollered  
19     and screamed at.  Then again, huh, uh, maybe you're just  
20     going to say what the fuck is going to be said so you can  
21     get the hell home, so you're not going to prison, so you're  
22     not going to jail.  Because that was the constant thing held  
23     over my head.

24                  MR. ATKINS:  But still -- but we're also  
25     saying is, like, the things that you become open to thinking



1 could have happened, they -- they were, it seems to me,  
2 exclusively things that you also could, like --

3 MS. BLACK: Say it.

4 MR. ATKINS: Those things exclusively were  
5 things you didn't remember happening. They were things  
6 that -- that when asked honestly, for hours, you said, no,  
7 like, that didn't happen. And you then -- you said --

8 MS. BLACK: That's right. Because I stuck to  
9 that same shit for a minute. I mean, for --

10 MR. ATKINS: Well, more than a minute. Let's  
11 be literal.

12 MS. BLACK: I mean -- well, I mean, it was a  
13 while. It was hours, like -- and I told him, like, it was a  
14 constant thing. It was, no, this is what we did. This is  
15 what we did. This is what we did. Huh. And no, no, it's  
16 not. No, it's not. You're lying.

17 MR. ATKINS: So, like, that night -- I think I  
18 brought this up even the last time we were talking, as well.  
19 You know, a critic, a skeptic of a conversation that you and  
20 I are having now might say, "Well, you know, Jessica is" --  
21 and I'm going to say this, but I know it will piss you off.  
22 Like, where I'm -- I know that this kind of language would  
23 piss you off when you would hear it. "Jessica is a liar,  
24 she's been proven to be a liar. This conversation you're  
25 having with her now, Hunter, she still is lying to you. Why



1 would you believe her now, Hunter?"

2           So, you know, to answer that, you know, the  
3 conversation we're having now. This is the truth. This is  
4 being honest. This is not something that you should be --  
5 I'm asking you, I guess. You know, the conversation we're  
6 having now, is this a conversation that anyone should  
7 question, or do you --

8           MS. BLACK: I don't -- no. Because I have a  
9 reason to lie. It's not like I'm sitting here, or having  
10 shit held over my head, or being told, you know, that my ass  
11 is going to jail. Just like I said, I was told that no  
12 matter, 30 years down the road, they can bring this shit up,  
13 and they can charge me if they want to. But then, you  
14 inform me that's only on first degree murder and there's a  
15 that there was a statute of limitations that was up.

16           MR. ATKINS: I have a correction to that. But  
17 it still satisfies, I think, the same purpose. I have a  
18 much more technical way to answer all that. I'll tell you,  
19 like, when we're finishing up here. Because it will be  
20 easier. But I was incorrect in describing it that way.  
21 It's not about, like, first degree murder, second degree  
22 murder. But I do have interesting information to explain  
23 about how it is not the way they told you.

24           MS. BLACK: Okay. So, uh --

25           MR. ATKINS: I know. And it's something



1     you're nervous about, obviously. Like, you still --

2                     MS. BLACK: Yeah.

3                     MR. ATKINS: I feel like that -- the reason  
4     why I don't want to tell you right away now, because in a  
5     way, even -- it can be a leading question for me to even say  
6     something like, uh, oh, like, I don't know. Basically, I --  
7     my concern is that, even if I tell you something that's  
8     really, really, really comforting and really supportive, it  
9     will change the answers to other questions. Because it will  
10    make you -- like, in a way, somebody would say, "Well,  
11    Hunter, you just told her that, you know, she has nothing to  
12    worry about. So that obviously that might make her even  
13    more prone to lie to you." And it's like, uh.

14                    MS. BLACK: If you have nothing to worry  
15    about, then you wouldn't have a reason for lying. That's  
16    when everything should come the fuck out. See, I don't even  
17    make fucking sense.

18                    MR. ATKINS: Then you know what? I'll tell  
19    you now. I was going to save this for the very last thing.  
20    Because again, I wanted -- I was just -- I wanted -- my -- I  
21    just wanted, you know, like a perfect world. But let's say  
22    in theory, like, every single thing you would talk to me  
23    about, you and I are both going to have to stand behind the  
24    rest of our lives. I wanted to be able to say, look, I  
25    didn't lead her, I didn't -- I didn't do anything. I asked



1 all my questions, and then this thing I would tell her at  
2 the end that might not seem really comfortable.

3 WAITRESS: This comes with yours. It's good,  
4 too.

5 MS. BLACK: Oh.

6 MR. ATKINS: This is good.

7 WAITRESS: Yeah. You want some more tea?

8 MS. BLACK: Please.

9 MR. ATKINS: I would say -- and I'll take some  
10 more water.

11 WAITRESS: Sure.

12 MR. ATKINS: Thank you so much. Appreciate  
13 it.

14 WAITRESS: Sure. No problem.

15 MR. ATKINS: Because my thought is, once I  
16 tell you this, my assumption is actually that you would be,  
17 like, really, really comforted by it. And I didn't want  
18 somebody to think that I in a way almost used that  
19 information to get more information out of you. Because I  
20 think, even under a state mentally in which you think, you  
21 could get in trouble with this. Actually, I had thought  
22 that that would make you even more honest then. Because, in  
23 a way, you would think you would have less incentive to,  
24 like, you know, be forthright with me about the things you  
25 lied about in the past because you were nervous about it,



1 you know. So as a result, it's like -- I know it's kind of  
2 complicated. But, uh, I'm just saying -- it's too late now.  
3 Okay. [Laughs.]

4 Things are very different. Uh, these are,  
5 like -- so I brought -- I'll put it all together here. Uh,  
6 things are very different. There are no more trials, no  
7 more feuds in the neighborhood. Everyone is grown up.  
8 Rayshawn, Stinky. You know, like from their perspective,  
9 right now -- I mean, especially Stinky, because he's under  
10 this review by this Commission I mentioned. They just want  
11 a fair review of, like, their claims of innocence. And --

12 MS. BLACK: Don't they have infractions?  
13 Ain't that why their ass is still in there?

14 MR. ATKINS: I mean, even so --

15 MS. BLACK: Haven't they gotten in trouble?  
16 I'm pretty sure. Because I think I looked them up.

17 MR. ATKINS: Which is to -- which is to  
18 suggest what exactly about in terms of -- what does it  
19 suggest what about the claims of innocence related to the  
20 crime.

21 MS. BLACK: Oh, no, no, no. Not related to  
22 the crime. I was just asking, you know. 'Cause I'm pretty  
23 sure that those two --

24 MR. ATKINS: [Indecipherable] Stinky -- I  
25 mean, like --



1 MS. BLACK: When I looked them up, like --

2 MR. ATKINS: When did you do this?

3 MS. BLACK: It's probably been a few years  
4 ago, couple years ago.

5 MR. ATKINS: What motivated it? What inspired  
6 it? Because obviously, this is not something --

7 MS. BLACK: Because I was curious.

8 MR. ATKINS: What makes you curious about  
9 them? I know you [indecipherable].

10 MS. BLACK: And it was -- I'd say, it was a  
11 few years ago. It was when I -- when I told you I was going  
12 through the newspaper art -- or found the newspaper -- or  
13 the news articles that my grandmother had. When I found  
14 them. And then, uh, a few of them, I skimmed through, and  
15 saw the names. And I was, like, oh, throw them in the  
16 trash. I wanted to see what they looked like now. And how  
17 much their faces have changed.

18 MR. ATKINS: I'm going to show you.

19 MS. BLACK: The only two that I looked up were  
20 the brothers. And, uh, because I wanted to see what they  
21 look like, and how long since -- because I didn't know all  
22 that. I didn't know how long they got. I didn't know none  
23 of that. My focus was that I was getting the hell up out of  
24 that courtroom, and I wouldn't never have to worry about it.  
25 So -- and then I saw on there -- I thought -- I'm pretty



1     sure I saw that they had infractions, that their little  
2     knucklehead asses had got in trouble.

3                   MR. ATKINS:  If I may say this respectfully  
4     and objectively, let's not forget where they are.

5                   MS. BLACK:  No.  I mean, you can get in  
6     trouble for anything in there.  I mean, I know that.  Uh, I  
7     got -- I got one there.  I know.  And I get that.  I totally  
8     get that.

9                   MR. ATKINS:  You're saying you've got one,  
10    that you were arrested?

11                  MS. BLACK:  Uh, no.  I'm talking about Zack.

12                  MR. ATKINS:  Oh.

13                  MS. BLACK:  I have never been with a guy who  
14    has not been in prison.  So I mean, I've dealt with --

15                  MR. ATKINS:  [Indecipherable.]

16                  MS. BLACK:  Like, I'm serious.  They all  
17    fucking convicts.  I'm the only one in my whole family  
18    that's not been in prison, including my mother.  Okay?  So I  
19    mean, huh.

20                  MR. ATKINS:  Anyway, my point is, about  
21    infractions.  All this stuff requires context.  I think it's  
22    a bit unfair.  So again, like, when I'm kind of, like --  
23    what was interesting was that I bring up, you know, these  
24    guys are looking for sort of like their shot at the review,  
25    the review of their claims of innocence.  Your first thing



1 was, "Oh, didn't they have infractions?" As if that  
2 somehow, you know, has some commentary --

3 MS. BLACK: No, no. No, it doesn't.

4 MR. ATKINS: What was the immediate impulse  
5 though? You wouldn't be the only one.

6 MS. BLACK: 'Cause they're still fucking being  
7 knuckleheads.

8 MR. ATKINS: I think that the context is  
9 important. These are men who went to prison at age 17 and  
10 18, when they went to prison --

11 MS. BLACK: 14 -- 17? Was it 17?

12 MR. ATKINS: -- at 17. They were --

13 MS. BLACK: So they was in County at --

14 MR. ATKINS: But they went to --

15 MS. BLACK: Or juvie.

16 MR. ATKINS: I mean, that's [indecipherable].  
17 I'm just saying. Like, what is that? They were  
18 incarcerated as teenagers.

19 MS. BLACK: Uh-huh (yes).

20 MR. ATKINS: They have been in there for  
21 almost 17 years. Uh, there could be infractions at this  
22 point, and it could be the result of being someone who grew  
23 up as an adult at this point.

24 MS. BLACK: Right. But then you look at it,  
25 after being in there 17 years, and you know what the hell



1 the rules are, you know what the hell not to do so you don't  
2 get the infractions. That way they don't try to add more  
3 time onto your shit. And then you still turn right around  
4 and act like a knucklehead.

5 MR. ATKINS: Hold on. Hold on. So then,  
6 still, the concept that -- all they're asking for --

7 MS. BLACK: Is a fair -- a fair

8 MR. ATKINS: A fair -- a fair look at their  
9 claims of innocence.

10 MS. BLACK: Right.

11 MR. ATKINS: Let's just keep it to that;  
12 right?

13 MS. BLACK: Right.

14 MR. ATKINS: That's all it is.

15 MS. BLACK: Uh-huh (yes).

16 MR. ATKINS: Right?

17 MS. BLACK: Uh-huh (yes).

18 MR. ATKINS: And when I asked you -- I think I  
19 asked you this last time. And maybe you -- and maybe your  
20 answer will change by even the end of our conversation  
21 today, even like, you know, where we are now in the  
22 conversation, maybe it will change again. But I wanted to  
23 know it. You know, would you be open to helping them if you  
24 were asked, you know? Because, obviously, you are in a  
25 different place with the information overall than you ever



1 have been. Would you even be open to that?

2 MS. BLACK: I don't know. I don't know.  
3 There's a whole lot of factors there. Like, would I have to  
4 see them? Would I have to --

5 MR. ATKINS: These are -- keep going.

6 MS. BLACK: I don't want to -- I don't know.  
7 I wouldn't want to have to see them. I wouldn't -- I don't  
8 want to have to look them in their face.

9 MR. ATKINS: And what if you did not?

10 MS. BLACK: I don't know. I don't want to sit  
11 in front of a whole damn thing of people either, with them  
12 sitting there judging me and being like, okay, well, you  
13 were fucking 16, and you just told a bunch of bullshit.  
14 And, you know -- and I don't -- I don't want to go through  
15 all that. I don't want to talk to no lawyers at all.

16 MR. ATKINS: Just because they're lawyers?

17 MS. BLACK: I don't want to talk to no  
18 lawyers. None.

19 MR. ATKINS: Okay. So then, the thing that  
20 they -- okay. Do you remember -- I doubt you do. But,  
21 like, the lawyers that were representing -- the prosecution  
22 that were representing the State before were named Bernie  
23 [sic] Harding, Beirne Harding --

24 MS. BLACK: And Eric Saunders.

25 MR. ATKINS: Eric Saunders. Right. Now, they



1 had a boss. So they -- we would describe them not as  
2 District Attorneys. They are the Assistant District  
3 Attorneys, ADAs. Their boss, the DA, District Attorney, was  
4 a guy named Tom Keith.

5 MS. BLACK: I know. Because, see, I couldn't  
6 even remember her name. Eric Saunders is the only name that  
7 stuck in my head.

8 MR. ATKINS: No. That's fine. That's fine.  
9 I'm -- I'm -- but I'm telling you, this is -- and this is  
10 going to lead to -- this is going to be the explanation that  
11 I think you need to hear. So at the time of the trial, he  
12 declined to comment on why they never charged you. And he  
13 would not speculate on -- on if they would charge you. I  
14 spoke with Tom Sunday.

15 MS. BLACK: With the -- the main DA?

16 MR. ATKINS: Well, he's retired now. You  
17 know, he's 72.

18 MS. BLACK: Okay. You spoke with him when?

19 MR. ATKINS: Sunday.

20 MS. BLACK: Oh god. And what did he say?

21 MR. ATKINS: He practiced law for nearly 40  
22 years. He's a long-time DA.

23 (An incoming phone call interrupted the  
24 conversation briefly.)

25 MS. BLACK: It rejects private number.



1                   MR. ATKINS: He was a long-time DA. And he  
2 explained to me, essentially, that they were bluffing. They  
3 never were going to charge you because they knew they never  
4 would win the argument. In order to prove that you were an  
5 accessory of murder, they would have had to have proven that  
6 you knew Mr. Jones had been killed when the robbery  
7 occurred. So even in instances in which the testimonies you  
8 gave showed that you did not -- like -- oh. So even the  
9 testimonies that you gave, that occurred, they show that you  
10 did not know Mr. Jones would be killed by the things you've  
11 said you witnessed [indecipherable].

12                   MS. BLACK: So even in the bullshit that they  
13 had me say --

14                   MR. ATKINS: So -- so -- so -- so they --

15                   MS. BLACK: -- it still pull it around to  
16 where I wouldn't even been there.

17                   MR. ATKINS: Sorry. [Indecipherable] talking.  
18 I talked over you.

19                   MS. BLACK: So even in the bullshit that they  
20 had me say, there was still no damn way, with me putting  
21 myself at the fucking park, and shit like that, that -- even  
22 saying that -- that I had heard them say shit like that?

23                   MR. ATKINS: I would -- do me a favor.  
24 Replace the word "saying" with a word that might describe  
25 those statements more accurately.



1 MS. BLACK: Wait. Replace the word what?

2 MR. ATKINS: The word "saying." Like with a  
3 word that -- a verb that might more accurately depict what  
4 you were doing when you -- that information you were  
5 offering, if it was untrue, how might else could you  
6 describe it?

7 MS. BLACK: It's bullshit.

8 MR. ATKINS: Lying.

9 MS. BLACK: Just bullshit. No.

10 MR. ATKINS: All I'm saying is that -- I guess  
11 what I'm trying -- I'm trying to lead you too much. But you  
12 went to the extent to do something you hated so much, lying,  
13 for what? Even though that whole time they were bluffing,  
14 that they couldn't do this. They -- they essentially  
15 encouraged you to lie.

16 MS. BLACK: No. They told me the shit in my  
17 fucking car and shit. I mean, I finally got my car back  
18 after, what, three -- two to three years? Hell, it's  
19 probably longer than that. And they had tore my shit all to  
20 hell. And swore up and down that they found DNA in my car  
21 that belonged to Mr. Jones.

22 MR. ATKINS: Or the boys.

23 MS. BLACK: No. It was skin DNA from him.  
24 That's what it was -- that's what I was told. That it was  
25 skin DNA from Mr. Jones. No blood, no none of that, but it



1 was skin DNA.

2 MR. ATKINS: In your car?

3 MS. BLACK: Yes. And see, I asked my mama and  
4 them about that. I was, like, how the fuck did they find  
5 skin DNA and not find blood?

6 MR. ATKINS: Now, to pause for a moment. If  
7 you can remember -- I'm not going to expect you to remember  
8 the names. But, like, who explained that? So, like, who  
9 told you that? Was it police, was it lawyers? There would  
10 be a difference between those two things.

11 MS. BLACK: The police, I only talked to them  
12 that one time in interrogation. And they had just picked up  
13 my car. So they didn't have time to do all that analyzing  
14 shit. So it would have -- it would have had to have been  
15 the DAs. Because I only talked with them cops for that one  
16 eight-hour session.

17 MR. ATKINS: Do you think that, like, when you  
18 were dealing with the Assistant District Attorneys, like  
19 Eric and Beirne, do you think there also ever might have  
20 been times in which you dealt with other people that either  
21 they worked with or that were like on behalf of them in that  
22 office. Do you know what I mean? Or was it only --

23 MS. BLACK: I remember dealing with -- that's  
24 why Eric Saunders sticks in my head so much. Because I  
25 dealt with him more than I dealt with anybody. I was always



1 in his office or, just like on the -- on the -- the ride  
2 around with the daughter. Like, I remember for a fact him  
3 being there. He was there. I can't remember if she was  
4 there. But --

5 MR. ATKINS: You mean Beirne Harding?

6 MS. BLACK: Yeah. But he was there. And he  
7 was always super, super nice. And he was super -- she was  
8 more of a hard ass. And when I first met Eric Saunders, he  
9 was a hard ass. But he was more compassionate with me. He  
10 was more -- I don't know, uh. I guess sensitive to the fact  
11 that I stayed a fucking wreck constantly.

12 MR. ATKINS: You believed he was being sincere  
13 with you?

14 MS. BLACK: Yeah.

15 MR. ATKINS: Now, do you think he was being  
16 honest with you?

17 MS. BLACK: Uh, after I hear all this shit,  
18 and I sit here and rethink all this shit, no. I don't  
19 think, uh -- no. No. I think that they're fucking awful  
20 shit.

21 MR. ATKINS: So to add to it, on top of that,  
22 Tom told me -- this is Tom Keith, the District Attorney I  
23 spoke with. That in 40 years, he never saw anyone be  
24 charged as an accessory to murder in years after a trial.  
25 He's never seen it.



1 MS. BLACK: See? Huh-uh (no). That's some  
2 sorry-ass shit right there.

3 MR. ATKINS: Why?

4 MS. BLACK: Because it's fucking dirty as  
5 fuck. They don't fucking -- that shit had to stay on my god  
6 damn conscience. That had to stay on -- and in my fucking  
7 heart.

8 MR. ATKINS: Until when?

9 MS. BLACK: For the rest of my fucking life.

10 MR. ATKINS: The kind of fear that -- and the  
11 intimidation -- with the kind of intimidation you felt, and  
12 the kind of fear that was instilled in you because of all  
13 this, what are the ways in which --

14 MS. BLACK: Those mother fuckers knew. They  
15 knew I didn't do anything. They knew I was sheltered. They  
16 knew I didn't get in trouble. They were able to look at all  
17 that. They were able to talk to people and find that out.  
18 They knew I was not a kid who -- who has experienced  
19 anything, anything. I mean, fuck, I made good grades in  
20 school. I was in chorus, song competition, and -- and -- I  
21 mean, shit like that. Like that's -- fuck. And with my  
22 family, like, I was a fucking [indecipherable], a fucking  
23 [indecipherable], over achiever, a people pleaser. And  
24 that's just what I did.

25 MR. ATKINS: You're talking about you



1 [indecipherable].

2 MS. BLACK: That's all I wanted to do was, I  
3 just wanted to please them. Just -- just make them happy.  
4 Give them what the fuck they want and let it roll.

5 MR. ATKINS: Now, with the explanation I just  
6 gave you, I just want to be clear. You're being honest with  
7 me. You don't feel like now that you have to tell me that,  
8 and you have to -- like, this is the truth.

9 MS. BLACK: Yeah. And I think the way they  
10 went about shit was really fucking dirty.

11 MR. ATKINS: The car ride that we mentioned  
12 before that seemed to me like a very big deal.

13 MS. BLACK: Riding around with Ms. Jones, or  
14 Mr. Jones' daughter?

15 MR. ATKINS: Seems to me that -- yeah. It  
16 seemed to me like a really big deal, because the way you  
17 phrased it was -- this is exactly your phrasing. "I would  
18 have told her anything she wanted to hear. I wanted to her  
19 to have closure for what happened to her dad."

20 It seemed to me to be another experience  
21 that -- and this is, again, my characterization. Tell me if  
22 it is incorrect or maybe too strong of it. It seemed to be  
23 maybe a strategy that -- to get you to commit even harder.  
24 Now, that is my characterization. I don't know if that's --  
25 you know.



1 MS. BLACK: They had already gotten me to --  
2 to satisfy them with what the hell they wanted to hear by  
3 the end of that. So throughout the trials, there was,  
4 like -- like, obviously, you know, I was called out on the  
5 stand for the story changes. And it was like, you know, you  
6 said this one time, then you turned around -- turn around  
7 and said this. Now, you turned around and said this right  
8 here, you know, your story changed two to three times, and  
9 dah, dah, dah, dah. And why was that? Why was that?

10 I mean, and that's what I was -- I mean, fuck,  
11 I didn't even -- I didn't know what to tell them. I didn't  
12 know what to tell the defense attorneys as to why my story  
13 changed.

14 MR. ATKINS: What's the truth of why it  
15 changed?

16 MS. BLACK: Fuck, because, like, I -- because  
17 I felt like I couldn't remember what the fuck I was supposed  
18 to be saying. And then it was, like, uh --

19 MR. ATKINS: Can you back up for a moment to  
20 that -- that last thing you said, "What I was supposed to be  
21 saying." Like, that in itself is a really -- like, let's  
22 pause a minute.

23 In theory, in the criminal justice system, we  
24 don't want anybody to feel like there are things that  
25 they're supposed to say. Right. Like, I'm saying, like, in



1 a perfect world, all of us as a collective society, we don't  
2 want people to be part of the criminal justice system and  
3 feel like there are things they're supposed to be saying.  
4 Right? It seems to be not something that is true. Not a  
5 truth. It seems to be something that needs to be called  
6 lying. Even under oath.

7 So when you say, like, things you were  
8 supposed to be saying, according to who were those the  
9 things you were supposed to be saying?

10 MS. BLACK: To the cops and to the lawyers and  
11 shit. To -- I don't know. Just -- fucking, it was like --  
12 it was so hard for me to remember that shit, because they  
13 were so specific about that shit in trials. And, like, I  
14 mean, at this time, you were here, you were doing this. You  
15 were -- you know, everything was so fucking specific on the  
16 damn time.

17 MR. ATKINS: And you are -- I'm sorry. Are  
18 you talking about when you were literally sitting on the  
19 stand and testifying?

20 MS. BLACK: Whether it -- whether it was on  
21 the stand --

22 MR. ATKINS: Or are you talking about some  
23 kind of preparation?

24 MS. BLACK: Whether it was on the stand, or  
25 whether it was sitting in the offices, talking to the DAs.



1 I mean, either way, it was -- it was, Jessica, you need to  
2 make sure that you -- you know what time this happened, and  
3 you know when [sic] you at at this time, dah, dah, because  
4 these defense attorneys are going to ask you this. These  
5 defense attorneys are gonna wanna to know exactly, you know,  
6 this, this, that. I mean, there was a lot prepping for  
7 that.

8 MR. ATKINS: Yeah. So -- so -- so it's  
9 called, uh -- yeah. It's called, like, witness prepping,  
10 witness preparation. And this is, by the way, standard in  
11 across all lawyering, attorneying. But I think what might  
12 not be standard -- and I want to make sure I have a clear  
13 understanding of this. When that preparation happened, and  
14 they were preparing you, were they in some way explicit,  
15 meaning, whatever. Were they kind of open about it being  
16 something that they didn't think was true either? That,  
17 like, you know what I mean? Like, was there an openness  
18 about, like, basically, you know, Jessica, we need you to  
19 lie, you know?

20 MS. BLACK: No.

21 MR. ATKINS: No. So how would you describe  
22 the way that --

23 MS. BLACK: No. It ain't -- like that -- that  
24 transcript I was telling you, or manuscript, or whatever the  
25 hell it is. Like, when I tell you it's that fucking thick,



1 I mean, it's that thick.

2 MR. ATKINS: An encyclopedia, you described  
3 it.

4 MS. BLACK: Yes. Like, it's huge. But when I  
5 tell you, like, that -- that is when I was given that thing.  
6 Because it was like, look, you know, this right here, this  
7 is your timeline. This is what you said happened, dah, dah,  
8 dah, dah, dah, dah, you know. And it -- it literally -- it  
9 had what had been said from the attorneys. Like, from the  
10 first time I was on the stand. You know, Jessica, you said  
11 that -- just take this home. That way you can continue to  
12 prep yourself before these trials.

13 And it already had -- it had everything mapped  
14 out. The timeline, everything. But everything was  
15 word-for-word. Like, I mean, it really looked like a  
16 script. And it was like, DA -- or Defense Attorney, dah,  
17 dah, dah, dah. And DA Saunders, dah, dah, dah, dah. And  
18 Jessica Black, dah, dah, dah, dah. You know what I'm  
19 saying? It was --

20 MR. ATKINS: So --

21 MS. BLACK: I mean, it looked like a -- it  
22 looked like you -- like if you saw an actual script, it  
23 looked like a script. Because it had that.

24 MR. ATKINS: I think it is an important  
25 difference though to know about something [indecipherable].



1 Because you had to testify at two trials --

2 MS. BLACK: That's the first trial.

3 MR. ATKINS: Well, but -- well, there -- hold  
4 on. I still want to make sure I'm not confused about this.  
5 That information they wanted you to use to prep that looked  
6 like a script. Had the first trial occurred yet when they  
7 gave that to you?

8 MS. BLACK: Yeah. Because they had lawyer --

9 MR. ATKINS: Right. But that's my point.

10 MS. BLACK: -- what the lawyers were saying.

11 MR. ATKINS: It's not unusual. They did want  
12 to make sure that you were consistent. Which is, I think,  
13 standard actually. Because you had been -- because it's  
14 just -- it's an unusual circumstance to have to testify at  
15 two trials. But obviously, you know, they wanted it to be  
16 consistent. I don't think -- like, even -- I'm saying, in  
17 my objective, uh, assessment of all this, it's -- I  
18 couldn't -- I would not or couldn't describe that as, like,  
19 you know, some form of deception or unfairness or getting  
20 you, you know, to lie more. Because they actually just  
21 wanted to make sure that -- that you were consistent in the  
22 second trial. Now, you couldn't remember. But the reason  
23 you couldn't remember --

24 MS. BLACK: No. And I couldn't remember it.  
25 And that was the fucking problem.



1                   MR. ATKINS: However, I still feel like --  
2 again, I don't want to say anything --

3                   WAITRESS: We good, guys? Y'all good?

4                   MR. ATKINS: Yeah, we're very good. Thank you  
5 so much.

6                   WAITRESS: Sure. You ready for your pancakes  
7 yet?

8                   MR. ATKINS: Not yet. I appreciate it.

9                   WAITRESS: Okay. Thank you.

10                  MS. BLACK: I mean, I remember --

11                  MR. ATKINS: Well, but -- no. Hold on. You  
12 haven't yet heard -- I just want to say this. You haven't  
13 yet, like, I think, explained in the right way, uh, why it  
14 is that you couldn't remember. And when I ask that, your  
15 impulse is to examine, like, how difficult it is to  
16 remember. But you're kind of missing the other part of the  
17 explanation. Why might this be information that was  
18 difficult to remember, not only because it was in this big  
19 thing? Why at the most foundational level this information  
20 would be hard for you to remember?

21                  MS. BLACK: Probably because it -- it --  
22 like, it wasn't true. And I don't -- I mean, fuck. I don't  
23 know. I don't know. I mean, I could tell them -- I told  
24 them exactly what I remembered, I couldn't give them a  
25 timeline. I couldn't remember what fucking times I was



1 nowhere, and what times I picked them up, and what times --  
2 I couldn't remember all that.

3 MR. ATKINS: Forget the times.

4 MS. BLACK: And --

5 MR. ATKINS: Or forget -- hold on. Doing the  
6 timeline.

7 MS. BLACK: -- that it was -- you know, you've  
8 got to make sure that you know all these times and lineup.  
9 And you've got to know if it was dark, if it was daylight,  
10 if it -- if the streetlights were on, if --

11 MR. ATKINS: But were they asking -- hold on.  
12 Hold on. I still -- I still want to make sure I understand  
13 this clearly. How much of that information that they wanted  
14 you to prep, or they wanted you to just try to memorize.  
15 How much of those things were based off, originally, of  
16 things that you knew you did not see or hear or experience  
17 in person?

18 MS. BLACK: Uh, me sitting at that park was  
19 not true. And riding down in front of the barber shop. Do  
20 you remember seeing that?

21 MR. ATKINS: [Inaudible or no response.]

22 MS. BLACK: Okay. Something was said, riding  
23 down the front of the barber shop, that whoever was in the  
24 back seat had mentioned something about, like, wouldn't it  
25 be fun to rob somebody, or some shit like that. I can't



1 remember if I -- now, they talked a whole lot of shit all  
2 the fucking time. So I mean, that was plausible. Because  
3 that's -- that's -- they said shit like that. But I can't  
4 say for a fact -- I don't -- I don't ever remember riding by  
5 and seeing Mr. Jones -- fuck, I couldn't even tell you what  
6 Mr. Jones looked like. I mean, I didn't know what he -- I  
7 don't know what he looks like.

8 MR. ATKINS: Don't know -- okay. Well, all  
9 right. Let's do this --

10 MS. BLACK: And --

11 MR. ATKINS: Hold on. I have another idea. I  
12 have another idea. Another idea. Like narrow it down,  
13 rearrange my process here. And that's fine. But I made  
14 this list. Okay. Uh, I made a list, and this list -- so  
15 all right. So I made it -- let me read to you what I wrote  
16 in my notes, and then it makes sense.

17 Uh, we went over some things last time that  
18 were -- we were -- that you were confident saying didn't  
19 happen. Like the picnic table. You also went over some  
20 bigger details that you thought probably would stick in your  
21 memory all these years later, you honestly witnessed them.  
22 Such as, Stinky and Bubba picking up sticks --

23 MS. BLACK: No.

24 MR. ATKINS: -- to go beat up an old man and  
25 rob him. Give me a second. Give me a second. I promise,



1 I'll make it -- I'm going to make it real easy. Right.  
2 It's the only thing I have.

3 So I made a list of the things that you  
4 directly said to police or in court. This -- this is  
5 information that was publicly available, that anybody, I  
6 don't -- not just as a reporter. Like, you could go and  
7 find the same, you know, trans -- some transcripts from the  
8 trial, uh, in newspaper articles, it was, like, things --  
9 things of that nature. Right.

10 Uh, things that you -- uh, things that you had  
11 said you experienced, that you had said you experienced.  
12 Things that the prosecution attributed to your words.  
13 Remember how I explained that? Anything -- almost anything  
14 in this trial that was described as the boys doing  
15 something, uh --

16 MS. BLACK: It come from me. I seen it, I  
17 heard it.

18 MR. ATKINS: Well, there are very, very few  
19 things that were presented at either trial that could not be  
20 directly -- but I mean, this is the way of, like -- in a  
21 way, like, let's say that agree -- every single thing that  
22 you said was true. This is a good effect. Because you want  
23 to be able to show the jury, show the public, that  
24 everything is routed in objective information. Right?

25 MS. BLACK: Uh-huh (yes).



1                   MR. ATKINS: So they want to route it back to  
2 an objective source. Be it caught on camera, be it, this  
3 person who we think is objective, you know, seeing it. You  
4 know, if in theory, they did have the footage at the mall of  
5 them using Mr. Jones's credit card, that would have been  
6 very damning evidence. But as I explained to you -- and I'm  
7 more than happy to reiterate. That's why I asked like an  
8 hour or two ago, I think, are there more things you want to  
9 know.

10                   What's -- what's, I think, is unfortunate for  
11 your own clarity on all this is, you actually don't know  
12 what evidence was introduced at trial. And it took me last  
13 time -- and I'm happy to reiterate. These are the things --  
14 what did I tell you? These are the things --

15                   MS. BLACK: You told me the Air Force 1s and  
16 the only one that had the pair of them was Rayshawn. And  
17 you know, I sat here and I was talking to Brandi, the girl I  
18 work with. Because like I said, nobody in my life besides  
19 my mom and my grandparents and my brother knew about any of  
20 that. Okay. It's not something I put out there. I do not  
21 put it out there.

22                   MR. ATKINS: I understand.

23                   MS. BLACK: So when you were going around and  
24 finding whoever the fuck you could find, I hit Brandi up.  
25 So, I'm like, "Look. I don't know how the fuck he's finding



1 everybody. He's finding all these people, I was like --  
2 that are around me. I was like, and I talk to you every  
3 fucking day." So I was like, "Just in case this man hits  
4 you up, let me inform you on why they fuck he's hitting you  
5 up." So I sat down and I spoke with her about it. And --

6 MR. ATKINS: This was before you and I had  
7 spoken last week to do this recording?

8 MS. BLACK: Yeah. This is after you talked to  
9 Zack's mama.

10 MR. ATKINS: Right, right. Which was, I would  
11 say, still a very sensitive topic for you. Understandably  
12 so.

13 MS. BLACK: So I broke it down and told her.  
14 I was like, "Look, you know, back when I was 16," dah, dah,  
15 dah, dah. And I went on about to tell her all this. And I  
16 told her about the trials and all that. And I was, like,  
17 "Look." And she was. like, "Well, do" -- and then she went  
18 on to ask me. She's like, "Well, do you think they did it?  
19 Do you think" -- you know.

20 And I was telling her, also, you know, I  
21 said -- I brought up the fact of they was talking about the  
22 bank cards. And then you talking about the footprint on top  
23 of Mr. Jones' hood, and the shoes, and the shoes matching  
24 Rayshawn's shoes.

25 And, you know, nothing I can say is -- can be



1 even more than speculation. And knowing their  
2 personalities, of what they were then, and I mean, we were  
3 hanging out every day on a -- like, every fucking day, damn  
4 near. From the time I get out of school til the time my  
5 mawmaw paged my damn beeper and told me to get my ass the  
6 fuck home. Huh.

7                   So, uh, the -- once you said the shit, like,  
8 about the shoes and shit like that. It's like I told her.  
9 I said, you know, I said, "Would not" -- "It would not  
10 surprise me, the attitude and -- and the whole way he  
11 carried hisself, if Rayshawn didn't take part in some shit  
12 like 'at." And that wouldn't surprise me. So the fact --

13                   MR. ATKINS: Based on reputation?

14                   MS. BLACK: No. Based off his aggressiveness  
15 and his -- his fucking attitude. And like, uh -- okay.  
16 They would bring me --

17                   MR. ATKINS: You're talking about Stinky's  
18 older brother?

19                   MS. BLACK: Yes. They were bringing me --  
20 like, they were constantly have to -- the boys would have to  
21 constantly put him in check, because of his mouth or the  
22 shit he would say or he would do. Super fucking uncalled  
23 for, super aggressive, with everything. And angry, loud.  
24 Rest of them pretty chill. Not him so much. Me and him, we  
25 just -- we wasn't like 'at. We wasn't --



1                   MR. ATKINS: If I -- if I ask, like a  
2 fundamental question, like, [indecipherable].

3                   MS. BLACK: Huh-uh (no). But --

4                   MR. ATKINS: Hold on. Hold on. I have just  
5 want to check. You're positive y'all are talking about the  
6 same person? Like, you're positive this is Rayshawn?

7                   MS. BLACK: Yes. Because Rayshawn -- let me  
8 tell you why. Because when I talk about all of the  
9 aggressiveness and all the -- all the bullshit that he used  
10 to do. I was, like, you know -- and I told Brandi, I said,  
11 "You know, hell, that would fucking make sense." I was,  
12 like, "His -- his whole attitude, his -- his fucking  
13 personality, everything about that." I said, "I can see" --  
14 "I could see that shit." I was like, just because, he was  
15 mischievous, devious in a way, you know.

16                   I was like, and then I told her about when I  
17 was pregnant, and they would bring me to the stand. I'm  
18 pretty sure that's when I was pregnant. May have not been  
19 when I was pregnant. They was bringing me to the stand --

20                   MR. ATKINS: Uh-huh (yes). You were a month  
21 away from, I think --

22                   MS. BLACK: Rayshawn, they were bringing him  
23 up the elevator to bring him out into the courtroom. And I  
24 didn't think you were ever supposed to cross paths like  
25 that. While they were bringing me through, the elevator



1 opened. Rayshawn saw me, and he -- he dove, like, he jumped  
2 at me, and was just a cussin' and going -- and talking about  
3 he was going to whoop my ass and all kinds. And the -- the  
4 officers knocked him back into the elevator, and then they  
5 shut the elevator, and that was a fucking wrap. But that  
6 scared the fuck out of me. And -- but it was -- it was him  
7 that did shit like 'at. But that's the shit that he did.  
8 He was very aggressive and shit. So --

9 MR. ATKINS: Hold on. Wait. Hold on. Hold  
10 on. We're also -- there's still another step that you  
11 really stepped over, and not only in this conversation, but  
12 I'm guessing with Brandi, too. And take -- and really take  
13 a moment to explain if you're confident of this answer or  
14 not. That day, the day that we're talking about, when you  
15 went to the mall, uh, you went to visit a friend named  
16 Jordan Sellers. Right?

17 MS. BLACK: Uh-huh (yes).

18 MR. ATKINS: Wasn't there. [Indecipherable].  
19 You guys end up going -- I think, at least according to what  
20 I read, that there was, like, a jewelry store that you guys  
21 walked around. You guys go to the bowling alley, you  
22 remember showing your ass. I'm trying to think of the other  
23 details that day. Was Rayshawn with you at that time?

24 MS. BLACK: I don't know. Because I can't  
25 remember. I can't remember who was with me. But the only



1 one I can about guarantee was with me would be Stinky.  
2 Because he was damn near with me all the time.

3 MR. ATKINS: Well, but, also, we know that  
4 from the bowling alley, the obvious -- because he gets  
5 picked out by Vincent Stephens, Officer Stephens.

6 MS. BLACK: Yeah. And he was such a nice  
7 officer.

8 MR. ATKINS: Okay. Yeah. So -- so -- right?  
9 But -- but -- but I'm saying -- I'm saying, like, remember  
10 what I said before about, like, oh, there was video footage  
11 of them using the credit cards, which was used at trial.  
12 That would be really hard to dispute. That would be -- I  
13 mean, because we know that to be a fact. Right? It was a  
14 fact that we know that a security guard officer at the  
15 bowling alley identified Stinky. Right? And that security  
16 guard officer named he was there. Right? I know the  
17 [indecipherable]. Okay.

18 But it explains that, like -- so actually, on  
19 the exact same last day that you spoke at the second trial,  
20 so your final time up. He was the next witness that came in  
21 after you. And when he was asked, you know, who was at the  
22 bowling alley. And he stated, Jessica Black, he names  
23 Jermal. Because, uh, basically, like, he -- he -- uh, after  
24 he kicked you guys out, like, he got up and walked outside  
25 and, like, looked at the car, like to make sure you guys



1 were leaving essentially. Right. And he knew -- he knew it  
2 was your car. Right. So he sees you, sees Jermal,  
3 obviously saw Stinky. Uh, sees Dorrell. And then, he kind  
4 of, like, kind of stumbles in explaining himself on the  
5 stand in terms of how many people were in there. I mean,  
6 like, he has to kind of do it, like, all over again.

7                   When we have described in the past, like, this  
8 group, of you being with, like, a group of -- **the five of**  
9 them and you. That's six people total. Right? In your  
10 car.

11 MS. BLACK: Usually, when everybody was in my  
12 car, there was usually -- at a time, there would usually be  
13 three in the back and one up front. Because I had a Mercury  
14 Cougar, '86 Mercury Cougar. I loved that fucking car.

15 MR. ATKINS: But that would total up -- so a  
16 total of five?

17 MS. BLACK: That's right. But there were  
18 times when Dorrell's little scrawny ass would sit on their  
19 lap.

20 MR. ATKINS: What about -- well, what about  
21 Bubba's big ass?

22 MS. BLACK: When Bubba rode in the car, he had  
23 to sit up front. 'Cause there wasn't no way that big ass is  
24 getting in the back.

25 MR. ATKINS: Okay. So -- and so Dorrell's



1 skinny ass would sit where? Was it like a -- does it have,  
2 like, a -- like a -

3 MS. BLACK: It sometimes -- like, there would  
4 be times when they -- he would be sitting on their laps in  
5 the back.

6 MR. ATKINS: On laps. Okay. So --

7 MS. BLACK: Yeah. But he would -- there  
8 wasn't a lot -- it wasn't very often that he was always --  
9 that he would be with us, hanging out. But I couldn't deal  
10 with his mouth. I'm telling you.

11 MR. ATKINS: That's fine. That's fine.  
12 That's fine. Anyway. Anyway.

13 MS. BLACK: I couldn't deal with his mouth.

14 MR. ATKINS: The point is -- the point is,  
15 having six people in the car maybe not an every day  
16 occurrence?

17 MS. BLACK: No.

18 MR. ATKINS: Now -- and -- and maybe you don't  
19 remember. That's fine.

20 MS. BLACK: The reason I say something about  
21 Rayshawn is, while we were gone doing all that, him not  
22 being with us, could that not have taken place while we were  
23 gone? I mean, because I don't know. Because I don't know  
24 what time the shit happened, or what the time frame was of  
25 when they had it happen.



1 MR. ATKINS: I don't now. I feel like --

2 MS. BLACK: I don't know when it happened at.

3 MR. ATKINS: I mean, I think I'm just -- I'm  
4 taking -- I'm wasting your time by doing too much of this.  
5 This is what I'm going to do. This is a list of things,  
6 again, attributed to things that you said -- uh, I want  
7 to -- I want to make sure I phrase it right -- that you had  
8 said you told the prosecution, truly they were your words.  
9 I mean, I'd be grateful to know -- this is all I want to  
10 know. Which ones really happened.

11 MS. BLACK: Okay.

12 MR. ATKINS: That's all I want to know. It  
13 would probably be easiest if you just answered yes or no.  
14 But by all means, elaborate whenever you want, whenever you  
15 fell compelled to. Okay. So this is it. I'm going to  
16 start -- I also -- I want to start a new recording, just  
17 because the files are easier are run.

18 **[END OF JESSICAH BLACK 4 RECORDING]**

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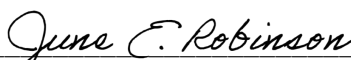


**CERTIFICATE**

I, June Robinson, having been assigned to transcribe the *Jessica Black 4* recorded interview, do hereby certify that said interview, pages 1 through 96, is a true, correct and verbatim transcript of said proceeding to the best of my ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties for which this interview was conducted; and further, that I am not a relative or employee of anyone participating in this interview, and am not financially or otherwise interested in the outcome of any action associated with this interview.

This the 8th day of March, 2020.

  
\_\_\_\_\_  
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**INTERVIEW  
OF  
JESSICAH BLACK**

**CONDUCTED BY  
HUNTER ATKINS**

**RECORDING 5**

This is the transcript of an audio recording designated as *Jessica Black 5*, the interview of Jessica Black. The interview was conducted by Hunter Atkins, a freelance journalist. The interview took place at an IHOP in Winston-Salem, North Carolina, date unknown.



1                   **[Recording of Jessica Black 5 begins.]**

2                   MR. ATKINS: [Indecipherable] honesty. Like,  
3 my whole thing is, do -- I always have a source. I'm always  
4 going to show you, right? I don't do things like -- I don't  
5 know. I -- I can't -- I can't really think of another way.  
6 You know, the way that I went about trying to even, like,  
7 connect with you, you know, I didn't want to just show up at  
8 your door, be like, you know, what's up. I wanted to try to  
9 develop some kind of trust, like somebody you already might  
10 have known or had trust in, so that they could say, hey,  
11 [indecipherable].

12                  MS. BLACK: Well, it wasn't. Because I don't  
13 fuck with Haley. And I don't fuck with his mama.

14                  MR. ATKINS: I know. Hey, listen. Listen,  
15 listen. I also -- you've got to realize, I don't  
16 [indecipherable], you know.

17                  MS. BLACK: I would have rather you showed up  
18 at my door.

19                  MR. ATKINS: It wasn't quite so easy as you  
20 might make that sound; right? But anyway, it isn't -- my  
21 point is that I never -- you know, I never -- I never, ever  
22 presented myself or my objectives in a deceptive way of any  
23 kind. I always explained right away who I was. I always  
24 explained why it is that I'm doing this. Because I don't  
25 ever want anybody to think --



1                   WAITRESS: You okay?

2                   MR. ATKINS: Yeah. Doing great. I still  
3 think I'm going to -- I'm going to hold up a little on the  
4 pancakes.

5                   WAITRESS: You're fine. Let me know.

6                   MR. ATKINS: Thank you. I appreciate it.

7                   WAITRESS: Sure. No problem. Thank you, sir.

8                   MR. ATKINS: Because I never -- you know,  
9 like, I never want anybody to ever feel like Hunter is  
10 anything other than, like, a professional, transparent  
11 person. Like, he -- I don't want anybody to think that I'm  
12 deceptive. Because that's -- that's -- it's like -- it's  
13 an -- it like, it goes against the whole purpose of what we  
14 do, all of us, which is, you know, we express information.  
15 We -- we reveal truth. We present truth, all this stuff is.  
16 Even if it's as simple as, like, you know, the Rockets won  
17 100 to 99. It doesn't matter where our information comes  
18 out or what it's about. It's that, you know, we have to be  
19 trustworthy. We have to show our integrity. And we have to  
20 show it a lot and often. And this one way I try to do it.

21                   MS. BLACK: So why are you doing this article?

22                   MR. ATKINS: More we call it --

23                   MS. BLACK: Is it because of Chris Paul?

24                   MR. ATKINS: Hold on. It isn't him. We still  
25 keep missing this list. I can tell you, but we've got to go



1 over this list. Uh, yeah. And so many -- every single  
2 person that I've interviewed for this story that like lives  
3 around here, whatever, their immediate assumption, certainly  
4 soon as I kind of like -- like, bring up Chris Paul's name,  
5 it's like that I work on behalf of him or I work for him or  
6 I work with him.

7 And it's always hard for me to explain, no  
8 offense. This is not a community, these are not people in  
9 this story piece that are huge news readers. Like, this is  
10 not a group that subscribes to the *New York Times* or the  
11 *Wall Street Journal*. Right? So when I have to explain,  
12 like, the entire notion that a reporter would be, like,  
13 looking into these things, how it happened, a player is,  
14 like --

15 MS. BLACK: You know, I didn't even know --  
16 huh. I didn't even know that he was related to him up until  
17 like --

18 MR. ATKINS: You're saying -- I'm sorry, I  
19 just couldn't hear.

20 MS. BLACK: -- a year ago.

21 MR. ATKINS: So what? I just couldn't hear  
22 you.

23 MS. BLACK: I said I didn't even know that he  
24 was related to him.

25 MR. ATKINS: That who was related to who?



1 MS. BLACK: That Chris Paul was related to  
2 him.

3 MR. ATKINS: Mr. Jones?

4 MS. BLACK: I didn't know that until about a  
5 year ago. Somebody happened to inform me. And I was  
6 like -- as a matter of fact, that's when I found out that my  
7 brother had told my business to somebody, and I cussed him  
8 slap the hell out. Because I was like -- he was like, you  
9 know that was Chris Paul's, dah, dah, dah, dah, dah. And  
10 I'm like, hold up. What?

11 MR. ATKINS: When did that -- yeah. When did  
12 that come out? A year ago. Why did you guys get into that  
13 kind of discussion?

14 MS. BLACK: Because the guy approached me and  
15 decided to tell me about my business.

16 MR. ATKINS: Your brother, you mean?

17 MS. BLACK: No. A friend of his.

18 MR. ATKINS: A friend of your brother's?

19 MS. BLACK: Yeah. Because my brother got a  
20 big-ass mouth.

21 MR. ATKINS: Okay. So that's how that brother  
22 knew? Who was his friend?

23 MS. BLACK: Yeah. So he told me -- the  
24 friend, his friend approached me about it. And I'm like,  
25 you know this how?



1 MR. ATKINS: Let's back up another step before  
2 that. Do you know who Chris Paul is?

3 MS. BLACK: A basketball player.

4 MR. ATKINS: How? How do you know?

5 MS. BLACK: Because he's fucking all over TV  
6 and everything else. And then, of course, we're in Winston.  
7 All the fuck you hear is Chris Paul, Chris Paul, Chris Paul,  
8 Chris Paul. But I didn't know that -- that he was related.  
9 I was like, oh, great. So, you know, not only is it the  
10 grandfather -- or the -- just an old man in general  
11 murdered, it has to be the grandfather of a fucking  
12 basketball player. Right? What the fuck is that?

13 MR. ATKINS: Life.

14 MS. BLACK: Pfft. You know, because the dude  
15 that said something to me about it, he was like, "Well, you  
16 know, we used to run with Chris Paul back in the day," and,  
17 dah, dah, dah, dah, dah.

18 I was like, "Hold up. I don't know what the  
19 fuck y'all used to do. But what I'm going to tell you is,  
20 you're going to not worry about what the fuck I'm doing."

21 So needless to say, I moved from that  
22 neighborhood, just because. I was like, see. And then  
23 went the hell off on my brother, and told my mama. And she  
24 went off on my brother. And --

25 MR. ATKINS: You didn't -- but you didn't



1     literally leave the neighborhood you were in because --

2                     MS. BLACK:   Yes, I did.

3                     MR. ATKINS:   I just want to make sure I  
4     understand this.   Simply because this person, this friend of  
5     his says -- or essentially expresses to you that he knows  
6     this part about your past, and he says to you that, like,  
7     oh, it had to do with Chris Paul.   Simply because of that  
8     [indecipherable]?

9                     MS. BLACK:   Uh, no.   No.   Simply because he  
10    was, like, "Yeah, we used to run with Chris Paul," and dah,  
11    dah, dah, dah, dah.   It was just a whole bunch of shit to  
12    it.   And, "You know, that was our home boy back in the day.  
13    And that's some fucked-up shit right there."   And dah,  
14    dah -- you know --

15                    MR. ATKINS:   So based on this conversation --

16                    MS. BLACK:   It was all bullshit is what it  
17    was.

18                    MR. ATKINS:   But you're saying because of this  
19    conversation you moved?

20                    MS. BLACK:   I did say that I --

21                    MR. ATKINS:   Explicitly because of that  
22    conversation?

23                    MS. BLACK:   Explicitly because of that  
24    conversation.   Because I don't want nothing -- anything that  
25    has to do with any part of that shit right there, I want



1 away from it. Whether it's because of conversations about  
2 it, whether it's because I find out that one of their family  
3 members lives on the same street I live on. It's -- I'm  
4 moving. I'm leaving that area. I am leaving that  
5 neighborhood.

6 MR. ATKINS: What -- what part of town is the  
7 neighborhood in?

8 MS. BLACK: Fuck. That was in Davidson  
9 County. That was right over the line in Win -- it was  
10 Winston, but it's Davidson County. But the boys were from  
11 Southside.

12 MR. ATKINS: Which is fine. It's more like,  
13 I'm trying to figure out, like, just geographically, the  
14 idea that you left --

15 MS. BLACK: Straight that way, straight up  
16 150.

17 MR. ATKINS: Did you have, like -- did you  
18 have your own apartment, and you had to move -- had to get  
19 [indecipherable]?

20 MS. BLACK: No. I had a trailer.

21 MR. ATKINS: You had a -- but was -- this was,  
22 or this wasn't the time that you were on Dover Road, like,  
23 living with -- you were living with your grandparents. I'm  
24 trying to get a timeline.

25 MS. BLACK: I never lived on Dover Road.



1 MR. ATKINS: Okay.

2 MS. BLACK: My grandparents had lived on Dover  
3 Road. This was off of Ivy Oakley.

4 MR. ATKINS: Got you. Okay. And you said it  
5 was like more than a year ago, or like a year ago?

6 MS. BLACK: I ain't lived at -- I --

7 MR. ATKINS: No, no, no, no, no. I was saying  
8 the part where you moved because of this interaction.  
9 Because of, like, hearing that -- like, this guy say, oh, he  
10 ran with Chris Paul, that was a year ago?

11 MS. BLACK: It may have been more like two  
12 years.

13 MR. ATKINS: Two years. Okay. Okay.

14 MS. BLACK: Yeah.

15 MR. ATKINS: But were you -- at that time, who  
16 were you staying with?

17 MS. BLACK: That was mine.

18 MR. ATKINS: Just yours. Okay.

19 MS. BLACK: That was mine.

20 MR. ATKINS: Like, your trailer? And -

21 MS. BLACK: Yeah. That was mine. And it was  
22 me and my son. And then my mom and her husband had moved in  
23 with me. Because my work schedule was jacked up, and she  
24 wanted to be there with my young'un.

25 MR. ATKINS: And these are [indecipherable].



1 That's why I can't understand it. Did you ever -- did  
2 you -- you did live with, obviously, your grandmother and  
3 Mr. Haley? I got -- my notes --

4 MS. BLACK: I did off and on. But it was  
5 never -- it was never down there in Davidson County. It  
6 was -- uh --

7 MR. ATKINS: Well, that -- this is in -- like,  
8 that trailer, like that type -- kind of compound in the  
9 trailer?

10 MS. BLACK: I'll tell you, that  
11 mother-fucking -- that water village he's got in the woods.  
12 It didn't used to look like 'at. My Mawmaw was alive, he  
13 wouldn't have gotten away with it like that.

14 MR. ATKINS: My question is just like, was  
15 that a place where you lived at any period of time?

16 MS. BLACK: No. That's where they lived.

17 MR. ATKINS: You never stayed with them?

18 MS. BLACK: No.

19 MR. ATKINS: I mean, like, in like a long term  
20 like? Okay. Okay.

21 MS. BLACK: No. I've received mail and shit  
22 there. Like, I had them send mail there and stuff. But  
23 other than that, no.

24 MR. ATKINS: I get it.

25 MS. BLACK: I never lived there.



1                   MR. ATKINS: Anyway. So because of, like, you  
2 find out that Chris Paul is somehow related to this part of  
3 your past --

4                   MS. BLACK: It ain't -- it wasn't about that.

5                   MR. ATKINS: And this guy is --

6                   MS. BLACK: It was about these mother-fuckers  
7 acting stupid because me being a part of something that  
8 happened to his grandfather, and them acting like they was  
9 fucking getting on up in the air over that shit. And then  
10 I -- here, I have my young'un there, and -- no. No, no, no.

11                  MR. ATKINS: That's powerful. You know, it's  
12 like -- because it -- what it does is, to me at least. And  
13 feel free to agree or disagree with me. It is a really  
14 powerful illustration of the kind of fear you -- that 15  
15 years later, you still fled from all of this. Am I correct  
16 in sort of characterizing it that way?

17                  MS. BLACK: Yeah. Because I do -- I still,  
18 like, I -- I don't give a damn what you tell me about being  
19 able to be charged or whatever. It don't make a damn.  
20 Because regardless, the families are still out there --

21                  MR. ATKINS: The families of?

22                  MS. BLACK: Of the boys. And I don't care. I  
23 don't care. Because what the hell was said was said. And  
24 that's a wrap. It's just like I say, I do not go to  
25 Southside. I don't go over in that part of town by myself.



1 I do not take my child over there. And I do not go over  
2 there unless I have some kind of man with me, period.

3 MR. ATKINS: Right. So with that,  
4 unbelievable. What I was saying about how, like, I don't  
5 mean to offend people with this [indecipherable]. This is  
6 not a group that reads the *Wall Street Journal*, that really  
7 has, like, understanding or relationship with the reporting  
8 world, of newsrooms and -- right? So like, I constantly  
9 went over, and just -- they're like, the assumption is,  
10 like, I'm working on behalf of Chris Paul of something. And  
11 it's like, I can't think of something that is more  
12 unethical, and also, not, like, how any of us works. You  
13 know, this is independent. I work for a newspaper.

14 MS. BLACK: No. The reason I say that was  
15 because, when you sent the work that you do, it was sports  
16 related. And I figured that since he is a ball player, that  
17 maybe that was why you were taking on this. Because it had  
18 something to do with a ball player, and you were a -- a  
19 sports writer.

20 MR. ATKINS: Yes. True. Yes. Totally.

21 MS. BLACK: So that's -- that's what I  
22 assumed. That's --

23 MR. ATKINS: That's a perfect -- that's a  
24 perfect understanding.

25 MS. BLACK: Okay. So that's why I asked you



1     that.

2                   MR. ATKINS:  You are the -- you are the -- you  
3     are he only person to have, like, understood that it's just  
4     that -- that kind of simple and basic.  But it doesn't  
5     necessarily mean -- like, what hap -- because when I first  
6     contacted, like, the guys and -- or their moms, right?  
7     Like, they think, like, who is this guy from Houston, like,  
8     talking about Chris Paul.  They're like, we're not helping  
9     him.  I said, no, slow down, slow down, that's -- like, I'm  
10    not writing about him.  I happen to cover the team.  Or I  
11    happen to cover sports in the newspaper.  And that is how  
12    the idea began two years ago.

13                   So -- so Chris joins the Rockets, uh, he's a  
14    trade.  And my job with the newspaper is -- is like a  
15    [indecipherable].  Because I don't have to do -- often, I  
16    don't have to do endless, boring shit.  Which to me it's  
17    like, I go to a game.  I say, like, the Rockets win or lose,  
18    or lost.  And I say why they won or lost.  That tends to be  
19    boring.

20                   So something that I do are these much more, as  
21    you can tell, like, deeply reported, invested, uh, longer  
22    stories that require a much higher degree, like  
23    [indecipherable] reporter.  And they often are just much  
24    more interesting stories.  Uh, sometimes they do cross over  
25    into sports enterprise.  Sometimes they cross over into, you



1 know, religion, food, style. It doesn't matter. Like, I  
2 try to take it outside of sports as much as possible.  
3 Because stuff inside of sports [indecipherable]. You know,  
4 like, I don't want to write about this guy that hurt his  
5 ankle. Because, like, I hate that stuff. So I try to tell  
6 these much more interesting stories.

7           And when Chris joined the Rockets, like, I just  
8 remembered at the time, and I was like, oh, remember that  
9 story about, like he did -- he had this incredible game when  
10 he was in high school. And I remembered seeing the footage  
11 on ESPN when I was -- so he's 30 -- he'll turn 34 this year.  
12 And I'm 30. So, you know, I was probably just entering high  
13 school when I saw this thing on ESPN. And the story was,  
14 Chris Paul, this very small guard, went to Wake Forest,  
15 honored his grandfather by scoring 61 points.

16           MS. BLACK: I remember that.

17           MR. ATKINS: And it was a kind of inspiration.  
18 It was an inspiring story. It still is. It's an incredible  
19 feat that a guy who -- at that time Chris was maybe, like,  
20 he wasn't listed, I think, at six one. Like, Chris was  
21 maybe five elevenish. But the point is that, what an  
22 incredible accomplishment. If this is the kind of player,  
23 that he can summon such incredible heart and love. These  
24 things that we use cliches all the time. He really embodied  
25 it. And he used it in this -- this [indecipherable] way to



1 score points on behalf of his grandfather, his best friend  
2 who he lost. You know, this is the stuff that we sometimes  
3 blow out of proportion to make more dramatic than it is.  
4 Even if it was, he really did it. It was incredible. And  
5 there's footage of it. You can look it up on YouTube now.  
6 It's an incredible piece. And he -- you know, he collapsed  
7 to the floor when he did it, and he -- I don't know if you  
8 remember this part of it, but he -- did you play basketball  
9 growing up?

10 If you knew the rules well enough. But  
11 basically, the final basket he made was on a lay up. He get  
12 fouled. All right. So he gets to go to the free throw  
13 line. But like, that basket counts. But you still get to  
14 the free throw, there's a foul. Now, when the basket  
15 counted, it totaled 61 points, the same age as his  
16 grandfather. But he still had a free throw. Like, he had  
17 the free shot, and he chose not to score anymore. He  
18 purposefully airballs it, so it's a dead ball. Goes  
19 straight to the sideline, collapses in the arms of his dad,  
20 crying. Because it really was that virile, that emotional  
21 effort. And he just walked off the court after that. That  
22 was the way he wanted it. It was an incredible story.

23 So I remember that part of the story. Didn't  
24 know anything else. I didn't know that there were teenagers  
25 convicted of this crime. I didn't know that the crime was



1 as vicious as it was. I don't know if you really know the  
2 details about it even to this day, it seems.

3 MS. BLACK: I do not know -- I don't know what  
4 happened to Mr. Jones, period. I only know, they did pull  
5 up -- they put out pictures and tried to make me look at  
6 them. I guess crime scene photos, I reckon.

7 WAITRESS: You said you were ready for your  
8 pancakes; right?

9 MR. ATKINS: Yes, ma'am.

10 WAITRESS: Let me grab them.

11 MS. BLACK: But he pulled them -- they did  
12 pull them out and tried to make me look at them. And I  
13 started crying, and I wouldn't look at 'em. And they kept  
14 telling me to open my eyes, look at 'em. Look at what was  
15 done. Look. Look. I couldn't look at shit like 'at.  
16 Not -- I mean, I watch Forensic Files and shit. I stay on  
17 the ID channel all the time. Like --

18 MR. ATKINS: It's called -- there's a term for  
19 it, it's called "murder porn."

20 MS. BLACK: Like, Investigation Discovery,  
21 that is my shit. I'm on -- I will keep my TV on that 24  
22 hours a day.

23 MR. ATKINS: But -- but --

24 MS. BLACK: But looking at some shit that,  
25 like, okay -- well, that was too close for fucking comfort.



1 That's what that was. It was too close to home. And I  
2 wasn't -- I wasn't trying to look at that.

3 MR. ATKINS: When did they -- when did they  
4 try to show you that? Was that during the trial?

5 MS. BLACK: I can't remember. I'm not  
6 exactly -- I can't remember exactly when that was.

7 MR. ATKINS: I get it.

8 MS. BLACK: I just remember them trying to  
9 show me them fucking photos. And I was, like, uh-huh. And  
10 they were like, you need to -- you need to see this.

11 MR. ATKINS: Right. So to make a -- to make a  
12 very long story short, that -- so that's just how it began.  
13 I started researching and looking into it. And, uh, my --  
14 again, this is like all -- you know, me, as a reporter for  
15 the newspaper. I just thought, wow, you know, I was doing  
16 the math on how three of the people in this case either were  
17 about to, or should have by then been released, like, out on  
18 parole. I thought, this is a really interesting story for  
19 me to try to find even one of these guys, and just ask. You  
20 know, how do you feel? What has your experience been? And  
21 I assumed when I went into it, that it was going to be --  
22 sorry. You all right on time? You're all right about  
23 with -- okay. What's the matter?

24 MS. BLACK: It's 12:13.

25 MR. ATKINS: To be fair, we've had a really



1 good conversation.

2 [END OF *JESSICAH BLACK 5* RECORDING.]

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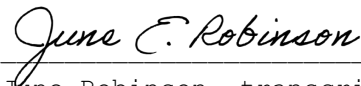


**CERTIFICATE**

I, June Robinson, having been assigned to transcribe the *Jessica Black 5* recorded interview, do hereby certify that said interview, pages 1 through 18, is a true, correct and verbatim transcript of said proceeding to the best of my ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties for which this interview was conducted; and further, that I am not a relative or employee of anyone participating in this interview, and am not financially or otherwise interested in the outcome of any action associated with this interview.

This the 8th day of March, 2020.



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**INTERVIEW  
OF  
JESSICAH BLACK**

**CONDUCTED BY  
HUNTER ATKINS**

**RECORDING 6**

This is the transcript of an audio recording designated as *Jessica Black 6*, the interview of Jessica Black. The interview was conducted by Hunter Atkins, a freelance journalist. The interview took place at an IHOP in Winston-Salem, North Carolina, date unknown.



1                   **[Recording of Jessica Black 6 begins.]**

2                   MR. ATKINS: Or, like I said, it's something I  
3 feel like -- I feel elaborating on, maybe I shouldn't.  
4 Opie's name is Michael Shane Gilbertson.

5                   MS. BLACK: Yes.

6                   MR. ATKINS: I mean, he left, like a -- like  
7 as if we're on track, you know. And [indecipherable].

8                   MS. BLACK: I'm looking.

9                   MR. ATKINS: Like, what are you doing? You  
10 don't -- like, I don't want to, like, replicate any of the  
11 experience that you had, like, 17 years ago. I also -- I  
12 also, in a way, I don't want you to feel like you have to  
13 answer [indecipherable]. Just whatever is honest. Because,  
14 again, these are things that you had said in court. You  
15 heard the boys talking about jacking somebody up, meaning to  
16 rob them.

17                  MS. BLACK: I don't know. I mean, in that  
18 specific occasion that they are referring to, I don't ever  
19 remember riding by some little barber shop seeing Mr. Jones  
20 and all that. I -- like, I remember that whole statement.  
21 I don't remember riding by no barber shop. I heard them  
22 talk shit like 'at, but not specifically towards Mr. Jones.

23                  MR. ATKINS: You heard the boys' jokes about  
24 robbing somebody?

25                  MS. BLACK: I have heard them joking about



1 robbing somebody. Again, not specifically Mr. Jones.

2 MR. ATKINS: Inside your car, it was Jed,  
3 mostly, who was talking about jacking somebody up?

4 MS. BLACK: No. I think that's bullshit.

5 MR. ATKINS: Again, this was --

6 MS. BLACK: He was quiet. He was the quietest  
7 one out the whole fucking bunch.

8 MR. ATKINS: He also was, uh -- how do I put  
9 this delicately? He was a little slow.

10 MS. BLACK: He was a sweetheart. Okay? I  
11 loved him to --

12 MR. ATKINS: I know, but --

13 MS. BLACK: I loved him to death. Okay? I  
14 can't say that now, because all these years have passed.  
15 But I did. Like I loved him to death. He was the sweetest  
16 something ever.

17 MR. ATKINS: Do you -- I don't think he died.  
18 He's alive. Did you just say that because he passed?

19 MS. BLACK: No.

20 MR. ATKINS: Oh, I thought you said -- because  
21 when you said, I loved him to death. And then you were  
22 like, oh, but I can't -- I don't want to say that because  
23 he's passed. I just want to make sure.

24 MS. BLACK: All these years have passed.

25 MR. ATKINS: All these years have passed.



1 Excuse me.

2 MS. BLACK: He was sweet.

3 MR. ATKINS: I'm not saying he wasn't. I am  
4 saying that even the police noted in discussions with him  
5 that there was a mental acuity issue.

6 MS. BLACK: You know, special people -- I like  
7 spec -- my mama said I always draw slow people. And that's  
8 what she -- that is what she told me. Because everybody --  
9 every friend I've ever, like, gotten really close to has  
10 been somebody who is -- should have probably been on the  
11 short bus, really. I don't like when people pick on them  
12 and shit. That shit makes me mad. So I friend them. And I  
13 love them to death.

14 MR. ATKINS: Well, I certainly didn't mean to  
15 pick on Mr. Williams. What's going on over there?

16 MS. BLACK: Oh, I don't know. I thought I saw  
17 my mama's truck. But it's the same kind.

18 MR. ATKINS: Uh, you heard the boys say that  
19 they knew where Mr. Jones lived, what time he usually came  
20 home --

21 MS. BLACK: No.

22 MR. ATKINS: -- and that he had cash, and that  
23 he would be easy to rout him.

24 MS. BLACK: No.

25 MR. ATKINS: At some point in the afternoon or



1 evening on the day Mr. Jones was killed, all right; it's  
2 sort of like we're all talking about that day, you were with  
3 the five guys that were convicted of this. You were with  
4 those five guys, including Rayshawn.

5 MS. BLACK: I don't remember. I was with some  
6 fellows. It's like I said, I saw them walking down the  
7 street. And they have to really stick out in my mind. Like  
8 Mouthpiece. He never shut the hell up.

9 MR. ATKINS: You know, we didn't finish -- I  
10 didn't finish that point about Vincent Stephens and what he  
11 said. I didn't get to finish that point. So it's -- right?  
12 So he's describing that he's in the car. He sees you, he  
13 sees Stinky, he sees Dorrell, he sees Jermal. But then he  
14 kind of stumbles and has to do the math on it. And he went  
15 off on this tangent about six guys in the car.

16 MS. BLACK: On his -- now, look.

17 MR. ATKINS: Hold on -- hold on -- hold on.

18 MS. BLACK: Just to -- just to give you a  
19 thing. Like when we went inside, it was really, like,  
20 scattered.

21 MR. ATKINS: That's fine. That's fine.  
22 That's fine. That's fine.

23 MS. BLACK: Everybody wasn't bunched up there.

24 MR. ATKINS: It doesn't matter. It doesn't  
25 matter. This is about in the car. This is about who you



1 were with that day. So what I'm trying to explain, Vincent  
2 Stephens is asked to identify, and he could

3 WAITRESS: I'm sorry. Here are your pancakes.

4 MR. ATKINS: Thanks so much.

5 WAITRESS: You're very welcome. Nice and hot.

6 MS. BLACK: They look nasty.

7 MR. ATKINS: They're for me.

8 MS. BLACK: They still look like shit.

9 MR. ATKINS: They're not for you.

10 MS. BLACK: Looks like fucking rat turds in  
11 it.

12 MR. ATKINS: Tasty though. Tasty.

13 MS. BLACK: [Laughs.]

14 MR. ATKINS: So all right. Uh, okay. So it  
15 was the second trial in which, at that trial, Dorrell,  
16 Jermal and Bubba were present. Right? They're actually in  
17 the courtroom. They are there for that trial, because it's  
18 their trial.

19 MS. BLACK: Uh-huh.

20 MR. ATKINS: And Vincent Stephens is asked to  
21 identify who was there, not only in person at the trial, but  
22 then he's asked, okay, in the car. Who was in the car?  
23 Right? And, uh, you know, he stumbles on this part. Right?  
24 And they ask him, like, so who was there? And the -- he  
25 doesn't name six people. He ends up going to the math



1 again. And he only names five people. That fifth person  
2 that he said was Rayshawn. He didn't say that Bubba was  
3 there. Even though, like -- I mean, like, I can say this  
4 because I've done a lot of reporting on it. Like, everybody  
5 kind of agrees that Bubba was in fact with this group that  
6 night. And --

7 MS. BLACK: I was going to say, because if  
8 he's not -- you don't know he's not. He's a big mother  
9 fucker, or was, compared to them.

10 MR. ATKINS: Well, right. So -- so in a way,  
11 maybe it gives credit to what this -- this officer is  
12 saying. It's like, how could this pos -- this officer  
13 possibly mistake Bubba for Rayshawn? Or how could he  
14 possibly say that in this group, Rayshawn was in this group  
15 that night at the bowling alley, but Bubba was not. Right?  
16 There's a little bit of confusion there. However, I have  
17 gone to the extent, of course, of asking everybody over and  
18 over again who was there with you.

19 MS. BLACK: I know. Because it had me second  
20 guessing. Because I can't -- because that has me second  
21 guessing whether Bubba was with them or not, or with them or  
22 not. Because --

23 MR. ATKINS: But how about the --

24 MS. BLACK: -- he always sat in the front seat  
25 when he rode in my car. And --



1                   MR. ATKINS: But how about the other thing I'm  
2 saying, too, which is --

3                   MS. BLACK: What? That Rayshawn was in the  
4 car?

5                   MR. ATKINS: I wonder -- I won -- or not.

6                   MS. BLACK: Well, hell. I don't remember.

7                   MR. ATKINS: No, we're just talking. I'm  
8 sorry. So at the time that you said all these things,  
9 whether it was under the conditions they were said with the  
10 police, or whether it was in court. Each time that you were  
11 at a place where you had to explain who was in the group,  
12 throughout -- I mean, throughout, you always mention that  
13 Rayshawn is with this group. That Rayshawn -- uh, that, uh,  
14 Rayshawn went to, uh, like a Mack's store. Or that Rayshawn  
15 was at the park.

16                   And I think I'm going to kind of reverse  
17 engineer at the end. My thing is that, everything you said  
18 then, you had mentioned Rayshawn was there. And I am trying  
19 to figure out -- if you don't remember, that's fine. But at  
20 least at that time, I'm trying to wonder, do you think at  
21 that time, when you say all that stuff, that you were never  
22 clear, like, who was with you that day. Just plainly.

23                   MS. BLACK: I mean, at that -- you talking  
24 about at that time, when I was asked?

25                   MR. ATKINS: What do you think?



1 MS. BLACK: Sure. And I'm sure I remembered  
2 clearly who was with me. But now, I don't. But again, the  
3 majority of the time if Stinky was with me, Rayshawn was  
4 right there, too. Because he was up his brother's ass.

5 MR. ATKINS: That's okay. We're just -- all  
6 right. Uh, you drove the group to Maxway's.

7 MS. BLACK: That same day? See, I don't  
8 fucking remember. I don't even remember. I don't remember  
9 ever going to fucking Maxway's. Fuck, we may have. I don't  
10 know.

11 MR. ATKINS: The boys bought tape at Maxway's.

12 MS. BLACK: I -- I don't remember. I honestly  
13 don't remember.

14 MR. ATKINS: You said it at the time. Do you  
15 think you said it because that was a lie you felt you had to  
16 say that? Or do you think it might have been -- that it  
17 actually might have happened that day? Just based on, like,  
18 you're sort of judging yourself, what you -- what your  
19 mentality and your mental state was at the time, like, what  
20 was --

21 MS. BLACK: I don't know. Because I don't  
22 even know -- I don't have a clue.

23 MR. ATKINS: Okay.

24 MS. BLACK: I don't know.

25 MR. ATKINS: The tape, what color was the



1 tape? There's obviously [indecipherable] comes up all the  
2 time, but --

3 MS. BLACK: I don't fucking know.

4 MR. ATKINS: I'm going to -- so all I'm going  
5 to do is I'm going to say what you said. The tape was red.

6 MS. BLACK: Was this duct tape?

7 MR. ATKINS: The tape was silver. The tape  
8 was black.

9 MS. BLACK: Oh, see, so we done jumped from  
10 duct tape to electrical tape. Son of bitch.

11 MR. ATKINS: Obviously, my question though,  
12 even --

13 MS. BLACK: Well, obviously, it sounds like  
14 some bullshit to me. [Laughs.]

15 MR. ATKINS: You went to a Dollar Store. The  
16 boys bought do-rags.

17 MS. BLACK: Bought what?

18 MR. ATKINS: Do-rags.

19 MS. BLACK: They all fucking always had  
20 do-rags. That's possible. Because they could have bought  
21 do-rags. They always had do-rags.

22 MR. ATKINS: The group hung around and sat at  
23 a picnic table in Belview Park.

24 MS. BLACK: We did not go to Belview Park.  
25 We -- we always hung out at Belview Park.



1                   MR. ATKINS: Would be so kind as to turn  
2 [indecipherable] curl up there, just so I can hear you?

3                   MS. BLACK: My hips hurt. That's why I'm not  
4 sitting like that no more.

5                   MR. ATKINS: Ah.

6                   MS. BLACK: That's why I switched from this  
7 way to this way.

8                   MR. ATKINS: I take it back. Keep going. Go  
9 on [indecipherable].

10                  MS. BLACK: But we did hang out at Belview  
11 Park quite often. But we were not --

12                  MR. ATKINS: On this day, the group hung --

13                  MS. BLACK: And that day, we did not go to  
14 Belview Park.

15                  MR. ATKINS: -- the group hung around and sat  
16 on a picnic table in Belview Park.

17                  MS. BLACK: No. I mean, I -- fuck the hell,  
18 no. We may have went to the park. But not for -- not for  
19 me to sit on the edge of that table and for them to walk  
20 off. They never left me at the park.

21                  MR. ATKINS: I'm going [indecipherable].

22                  MS. BLACK: Okay.

23                  MR. ATKINS: What kind of car did Mr. Jones  
24 drive?

25                  MS. BLACK: I don't know.



1                   MR. ATKINS: You saw Mr. Jones' car arrive and  
2 pull into the driveway.

3                   MS. BLACK: Uh, no. Because I don't know what  
4 he drove.

5                   MR. ATKINS: So you said you saw Mr. Jones'  
6 car arrive and pull into the drive.

7                   MS. BLACK: Huh-uh (no).

8                   MR. ATKINS: You heard Stinky say, quote,  
9 There's the car.

10                  MS. BLACK: No. See, that goes back to them  
11 cops telling me -- or saying that the barber shop we rode in  
12 front of was the barber shop that -- that Mr. Jones went to.  
13 Mind you, I didn't even know there was a fucking barber shop  
14 in that little strip mall.

15                  MR. ATKINS: I thought the conversation -- I  
16 could be wrong about this. I can go back -- I can look back  
17 in my notes. I thought the conversation went -- and you  
18 went -- like, at court, when they talked about how at court  
19 it was presented to you. At court when the prosecution  
20 presented information about you overhearing the conversation  
21 the boys were having about robbing somebody, I thought that  
22 was supposed to be taking place in Bubba's yard. I could be  
23 wrong.

24                  MS. BLACK: At Bubba's what?

25                  MR. ATKINS: The yard. Like where you guys



1 usually hung out. Bubba's yard, Bubba's porch. Bubba had,  
2 like, his spot on Devonshire was where you guys usually hung  
3 out. And that was there that there was like --

4 MS. BLACK: Oh. We did. It was either --

5 MR. ATKINS: Like Jed was there, and like, it  
6 was a big group of people. Jed was there.

7 MS. BLACK: See, this is when you were telling  
8 me that Marcus and all them was there.

9 MR. ATKINS: Yeah, Marcus was there.

10 MS. BLACK: That's why I said when we --

11 MR. ATKINS: He shows up with -- he shows up  
12 with Rayshawn.

13 MS. BLACK: That's why I said, when we went --  
14 when you said -- when he -- okay. When the shit says that I  
15 was there directly after school, I don't have a clue.  
16 Because I'm telling you, I picked -- I don't remember seeing  
17 them boys until I picked them up walking beside the park.  
18 But they were walking in a group. And I'm pretty fucking  
19 sure it was still daylight.

20 MR. ATKINS: Okay. Uh, again, I'm going  
21 backwards. You stayed sitting at the picnic table while you  
22 watched Stinky -- but just wait a minute. Because it's  
23 important for me to, like, understand. You stayed sitting  
24 at the picnic table while you watched Stinky, Bubba, Dorrell  
25 and Rayshawn head toward Mr. Jones's house.



1 MS. BLACK: No.

2 MR. ATKINS: You saw Stinky and Bubba pick up  
3 sticks.

4 MS. BLACK: No.

5 MR. ATKINS: After they grabbed sticks, you  
6 turned your back so you would not see what happened, but you  
7 still could hear it. And when later asked about it, you  
8 said, quote, I had a pretty good idea of what was happening.

9 MS. BLACK: No.

10 MR. ATKINS: What are you thinking now as I  
11 read all this back to you? Just to take a step back from  
12 it, like, I'm reading back to you all these statements that  
13 you're saying no now. What does it make you think? Or how  
14 do you feel?

15 MS. BLACK: It sounds like a fucking crock of  
16 shit. And they should have fucking realized that when they  
17 heard it. Because some of that -- part of that shit don't  
18 even add up. Part of it don't even line up.

19 MR. ATKINS: While that group headed toward  
20 Mr. Jones's house, you noticed that Jermal hung back for  
21 about five minutes, and then he joined the others.

22 MS. BLACK: No. And like I said, they never  
23 left me at that park.

24 MR. ATKINS: While sitting on the picnic  
25 table, you heard yelling coming from Mr. Jones's driveway.



1 MS. BLACK: No.

2 MR. ATKINS: In the distance, you recognized  
3 the voices of Stinky, Rayshawn and Bubba.

4 MS. BLACK: No.

5 MR. ATKINS: You heard someone say, quote, Get  
6 the fuck down, give us the shit.

7 MS. BLACK: No.

8 MR. ATKINS: You heard him -- you didn't  
9 recognize the voice of somebody saying, quote, Stop, leave  
10 me alone.

11 MS. BLACK: No.

12 MR. ATKINS: You watched them, the group, come  
13 back, and heard one of them say, quote, We fucked him up.

14 MS. BLACK: No.

15 MR. ATKINS: You saw the square shape of a  
16 wallet in Stinky's back pocket.

17 MS. BLACK: Ain't no fucking way in hell, them  
18 big, baggy-ass pants. No.

19 MR. ATKINS: You're confident? Like, you're  
20 saying -- are you saying that --

21 MS. BLACK: I am super confident. As baggy as  
22 them fucking pants were, that that mother fucker wore, ain't  
23 not god damned way.

24 MR. ATKINS: But I also notice that a lot of  
25 things you're saying now, like no.



1 MS. BLACK: I don't care. Because I think  
2 when you said that shit to me on the phone, there ain't no  
3 fucking way. I mean, it's not like I don't remember them  
4 boys. Fuck, I described them boys to you to a T.

5 MR. ATKINS: So the misinformation we're  
6 talking about now, obviously, we've said some of it was  
7 explained to you by police. But also, it does sound in a  
8 way -- don't let me put words in your mouth; disagree with  
9 me if you want. You know, this is information that to an  
10 extent you made up. I don't want to -- I don't want to --

11 MS. BLACK: Huh. I didn't make this shit up  
12 on my own. I did not make that shit up on my own. That  
13 shit don't just pop into my head. I told them exactly what  
14 the fuck I knew. And they kept telling me that I was  
15 fucking lying. I was lying, I was lying, I was lying. That  
16 I was leaving shit out.

17 MR. ATKINS: You heard them argue about how  
18 the money should be split up.

19 MS. BLACK: No.

20 MR. ATKINS: You heard Stinky and Rayshawn  
21 claim that they should get more because it was their idea,  
22 and they were the quickest.

23 MS. BLACK: No.

24 MR. ATKINS: You heard Bubba argue he deserved  
25 the most because he was the biggest.



1 MS. BLACK: No. That sounds like some shit  
2 he'd say. But no.

3 MR. ATKINS: You heard Jermal and Dorrell say  
4 the money should be split equally.

5 MS. BLACK: No.

6 MR. ATKINS: At the mall, you went to find  
7 Jordan Sellers, but she was not there.

8 MS. BLACK: Yep.

9 MR. ATKINS: I would also -- this is sort of  
10 an, uh, starting point. It does seem like when we -- when  
11 we first started to go through all this stuff, you explained  
12 the bowling alley happened first and then the mall. It  
13 seems to me --

14 MS. BLACK: I don't know. No. I know it was  
15 dark when we was at the bowling alley. Fuck, it was dark  
16 when we was at the mall.

17 MR. ATKINS: It seems -- I'm saying, like, it  
18 seems that it was the mall first, then the bowling alley.  
19 Could have been?

20 MS. BLACK: I don't remember. I don't.

21 MR. ATKINS: Okay.

22 MS. BLACK: But it seems to me, like, if the  
23 cops stumbled on the fucking bullshit on these names he was  
24 listing. So if that was the case, that bowling alley --  
25 that bowling alley is literally right here.



1 MR. ATKINS: Yeah, I know.

2 MS. BLACK: And they've got cameras  
3 everywhere.

4 MR. ATKINS: You know, it's not that -- you  
5 guys were definitely there. I'm just trying to figure out  
6 who was [indecipherable].

7 MS. BLACK: So why couldn't they pull cameras  
8 and find out exactly which ones were there? Just like the  
9 mall. The mall's got cameras every god damn where. Why  
10 couldn't they pull -- get cameras pulled and find out  
11 exactly who was there?

12 MR. ATKINS: I've thought about this, and I've  
13 thought about this, and I'm not positive.

14 MS. BLACK: And then, well, if I'm sitting  
15 here. Defense attorneys could have been, like, okay, well,  
16 if she's -- she's claiming that they went to Maxway's. So  
17 let's go ahead and get the footage from there and see if  
18 they went --

19 MR. ATKINS: That's correct.

20 MS. BLACK: -- and see if they went in the  
21 Maxway's. And then she's saying they went to the Dollar  
22 Store, so let's go ahead and get the footage from there and  
23 see if they're -- because every one of them fucking places  
24 got cameras. So why wouldn't the defense attorneys, their  
25 lawyers --



1                   MR. ATKINS: Let me know when you want me to  
2 answer.

3                   MS. BLACK: -- throw that shit?

4                   MR. ATKINS: Police officers asked for footage  
5 from the Maxway's and the Dollar General. Only one of those  
6 stops had an operating camera system.

7                   MS. BLACK: Old ghetto-ass stores.

8                   MR. ATKINS: Now, the second one, I think it  
9 was the Maxway's one, uh, they looked at the footage. I  
10 can't remember exactly if they had footage of you guys there  
11 or they had footage of not of you guys during the amount of,  
12 like, the time of day when you guys said you had --

13                   MS. BLACK: We had been to a -- we had been to  
14 a -- fuck, we went to Maxway's. I'm not going to say it was  
15 that day.

16                   MR. ATKINS: That's what I'm saying.

17                   MS. BLACK: I don't know if it was that day.  
18 But I know we -- fuck, we always went somewhere.

19                   MR. ATKINS: I think -- so we're saying it's  
20 not -- like, it's not exactly bulletproof information. On  
21 top of that, when police officers asked for inventories of  
22 all the items sold at the Dollar Store, all the items sold  
23 at the Maxway's, neither store carried, uh, electrical, uh,  
24 black electrical tape.

25                   MS. BLACK: What about duct tape? Fuck, they



1 all carry duct tape.

2 MR. ATKINS: At the scene of the crime --

3 MS. BLACK: [Laughs.] It's not funny. It's  
4 really not.

5 MR. ATKINS: Okay. Listen, just --

6 MS. BLACK: It just sounds like some more  
7 bullshit though.

8 MR. ATKINS: Listen. At the scene of the  
9 crime --

10 MS. BLACK: Uh-huh (yes).

11 MR. ATKINS: Mr. Jones is bound and gagged and  
12 beaten. And what he was bound and gagged with was black  
13 electrical tape. Black --

14 MS. BLACK: And the first two things I said  
15 was gray and then silver, and then turn around and said  
16 black. Is that how you got that in all that?

17 MR. ATKINS: I remember -- I'm trying to  
18 remember if I had the order right. What was the order? You  
19 had at different times said the color was different, like,  
20 meaning it was inconsistent. Your testimony.

21 MS. BLACK: Well, I mean, yeah. I mean, I got  
22 that.

23 MR. ATKINS: I can't remember if it  
24 [indecipherable].

25 MS. BLACK: I'm just trying -- I was -- I was



1 doing that for my own personal --

2 MR. ATKINS: I think --

3 MS. BLACK: -- like, was that a coaxing that  
4 went on to get to that black tape, or was that -- you see  
5 what I'm saying? That's why I asked that.

6 MR. ATKINS: I think -- I want to say you said  
7 black first. And then in the second trial, you said silver  
8 and gray. I can't remember. Anyway. Uh, so then as to the  
9 bowling alley footage, I just don't know enough about what  
10 the attorneys did exactly.

11 But this is a little more complicated, because  
12 in 2004 was when the first trial was. North Carolina did  
13 not have a law called, uh, open discovery. Open discovery  
14 means that any evidence that the prosecution and the State,  
15 or the State has produced to show that these guys committed  
16 this crime, before any of that happened, the defense has to  
17 be made aware and be given access to examine any evidence  
18 before trial. This is a matter of transparency in the  
19 criminal justice system. This is something that every state  
20 did in 2004, by that time, I think, except for North  
21 Carolina. North Carolina was actually the last state to --

22 WAITRESS: Y'all doing okay? Can I get y'all  
23 some refills or anything?

24 MR. ATKINS: I'm good. Thank you, though.  
25 North Carolina was actually the last state to pass this law.



1     So it was like the level of transparency, it just -- well,  
2     it didn't happen here between lawyers and the, uh,  
3     prosecutors. By 2005, however, there was open discovery.  
4     But the second trial was not with Rayshawn. So none of  
5     the --

6                     MS. BLACK: Wasn't the brothers tried  
7     together?

8                     MR. ATKINS: So at the time -- sorry?

9                     MS. BLACK: Were they tried together?

10                    MR. ATKINS: Uh-huh (yes).

11                    MS. BLACK: The brothers.

12                    MR. ATKINS: Uh-huh (yes).

13                    MS. BLACK: So why did they try the brothers  
14     together, and then the other three were tried at one trial?

15                    MR. ATKINS: Great question.

16                    MS. BLACK: Like, what -- what was that about?  
17     Why couldn't they just try them all at the same thing if  
18     they were going to do -- like, because literally, it was  
19     three in one and two at the other. What fucking sense does  
20     that make?

21                    MR. ATKINS: When you are the defense  
22     attorneys, you actually want to do everything you can,  
23     within reason whenever possible, to only have a trial that  
24     is only focused on your own client. Because what you don't  
25     want is to have to compete in court against the other



1 lawyers and against the other clients. It makes it really  
2 complicated. Lawyers, defense attorneys end up kind of  
3 turning against each other and saying, like, hey, my client  
4 wasn't there. You know, I know it doesn't [indecipherable].

5 MS. BLACK: Yeah.

6 MR. ATKINS: Now -- now, that said, I still  
7 don't know, like, exactly which lawyers might have been  
8 responsible for, like, arguing. I don't -- I actually don't  
9 know exactly why it was split in two. But in all  
10 likelihood, it actually -- it would have been because --  
11 probably because [indecipherable]. I can't remember  
12 exactly. But that Dorrell was supposed to be in the first  
13 trial. Think about this.

14 MS. BLACK: With the brothers?

15 MR. ATKINS: Think about this. It doesn't  
16 matter -- actually, I haven't found information yet that  
17 suggests it matters the grouping. I don't -- I'm not -- I  
18 really don't know if it matters. I mean, I just can't tell  
19 that it was a coincidence that it was those two and those  
20 three like that. Dorrell was supposed to be in the first  
21 trial. His lawyer went on vacation, like -- or he scheduled  
22 a vacation a year ahead of time, so he wouldn't be  
23 available. So as a result, Dorrell got put in the second  
24 trial.

25 For Dorrell this means he would have gotten



1 the first degree. Because the first trial was for first  
2 degree murder conviction. Second trial was second degree  
3 murder conviction. Just by luck, just by chance, his lawyer  
4 went on vacation.

5 MS. BLACK: So the brothers got first degree?

6 MR. ATKINS: Uh-huh (yes). It was a jury  
7 decision. Meaning -- meaning the State argued that, uh, it  
8 should have been for a murder conviction. It's actually up  
9 to the judge to decide what kind of sentencing and ruling a  
10 jury is allowed to issue. Right?

11 So the prosecution argues for something, and  
12 the judge says, you know, like, okay. So the options you  
13 have -- so in that first trial, the only options they were  
14 given, I think, I'm pretty [indecipherable] options. They  
15 might have been given an option to the jury to convict them  
16 of second degree. But I don't think so. It was like, they  
17 are guilty of first degree murder, they are not guilty of  
18 first degree murder. Those were the only choices.

19 In the second trial, the judge said, "Jury, you  
20 can say they are guilty of first degree, or it could be  
21 second degree, or they are not guilty."

22 MS. BLACK: At 14 years old?

23 MR. ATKINS: Can you say it louder?

24 MS. BLACK: At 14 years old? No, they wasn't  
25 14 when the trial went on, was they?



1                   MR. ATKINS: No. But the crime happened when  
2 he was 14. So it doesn't matter how old they were in the  
3 trial.

4                   MS. BLACK: So they -- so why didn't they try  
5 them as fucking kids then?

6                   MR. ATKINS: Judge W. Douglas Albright, who  
7 was the judge in the first trial -- no. It wasn't his  
8 decision. There was a judge that -- there was a judge who  
9 made a decision that this would be moved from juvenile court  
10 to Forsyth Superior, and they would be tried as adults.  
11 That was a distinct decision that -- which was done -- that  
12 the judge made.

13                  MS. BLACK: You think that would have had  
14 something to do with the -- the time that had progressed in  
15 their age?

16                  MR. ATKINS: It's about the action. It was  
17 about the amount of evidence before trial.

18                  MS. BLACK: They didn't have no god damn  
19 evidence.

20                  MR. ATKINS: Well, of course they did,  
21 Jessica. They had --

22                  MS. BLACK: They had me.

23                  MR. ATKINS: And they did have their  
24 confessions.

25                  MS. BLACK: They confessed?



1                   MR. ATKINS: Yeah. Remember, I was -- I was  
2                   telling you that.

3                   MS. BLACK: Oh, you were telling me that. I  
4                   didn't know that either.

5                   MR. ATKINS: So what I've -- but I think it  
6                   was part of one of the more emotional parts of our  
7                   conversation. But I was trying to explain to you that the  
8                   reason I was so motivated and had to do what I could to meet  
9                   you, to speak with you was because it was an educated theory  
10                  I had, based off of my reporting, that the way that they  
11                  were interrogated, I had thought might have been identical  
12                  to the experience that you had.

13                  And as a result, the kind of vulnerability  
14                  that they expressed. The kind of -- meaning how they were  
15                  susceptible to police coercion, which is what they tried to  
16                  argue, which was what they explained to me. I had wondered  
17                  that whole time if Jessica Black had experienced the same  
18                  thing. And that might explain --

19                  MS. BLACK: Was it the same detectives? They  
20                  had the same ones I had?

21                  MR. ATKINS: It was a group. Meaning -- so  
22                  you had --

23                  MS. BLACK: Yeah, it was a group.

24                  MR. ATKINS: So you had -- so you had -- so  
25                  for you -- I mean -- should we finish this first or what?



1 Have you got somewhere to go?

2 MS. BLACK: No. I want to know this question  
3 right quick.

4 MR. ATKINS: Okay. So you -- so you first  
5 met -- at 7:03 p.m., you began interrogation, or like an  
6 interview with, uh, Detective J.M. Griffin. Uh, he was the  
7 lead detective on all of this. Uh, he actually -- well, he  
8 actually, himself, didn't do too many of the interviews. In  
9 fact, actually, you were the only person -- now that I think  
10 about it, you were the only person he actually sat down  
11 with. He oversaw everything in a way. Uh, but there were,  
12 like -- I did a tally of how many officers participated in  
13 any way in the police work of this case. Uh, or the -- let  
14 me rephrase -- the interviewing of you guys. And I totaled  
15 11, there were 11 officers. And you might think, like, oh,  
16 that's kind of weird, that's kind of fucked up. It's  
17 actually --

18 MS. BLACK: That's a lot of mother fuckers.

19 MR. ATKINS: But it's actually -- but it's  
20 actually -- it's actually more, uh -- it was really more by  
21 the book, and it's more ethical, because it in theory means  
22 that there's -- it's less -- there's less opportunity for,  
23 uh, an officer --

24 MS. BLACK: Oh, bullshit. They cover each  
25 other's asses. That's brothers in -- what was it? Brothers



1 in blue, or whatever the fuck they say? Brothers in arm --

2 WAITRESS: [Indecipherable.]

3 MR. ATKINS: Yes. Thank you.

4 WAITRESS: You're fine.

5 MS. BLACK: Brothers in something. I hear  
6 them god damn cops talk about that. That store I used to  
7 run was -- when my regular customers come in there, them  
8 officers that used to come in there and speak with me at  
9 night, they would talk about that. Was it brothers --  
10 brothers in arms or brothers in something. Some shit like  
11 'at. Them mother fuckers cover each other's ass.

12 MR. ATKINS: However, as a matter of -- I'm  
13 actually trying to explain to you. Let's say, in theory, it  
14 was only two officers. It does leave the opportunity for  
15 those two officers to kind of do whatever they want.  
16 They're not made in -- they're not put in check. It's also  
17 harder -- I'm saying, in the event that the defense -- and  
18 this is like -- we're talking about the police --

19 MS. BLACK: It's not a -- you've got a whole  
20 fucking crew of people sitting here, like, okay, this is an  
21 old man. And you have a bunch of fucking kids out here  
22 acting like god damn idiots. And they're sitting here. So  
23 these kids, we know they fucked up. We know they did this  
24 bullshit. So these kid -- but it was all the same officers  
25 that did all these interviews? Who was the first one that



1 got interviewed?

2 MR. ATKINS: Jermal.

3 MS. BLACK: Out of all of us?

4 MR. ATKINS: What are you thinking?

5 MS. BLACK: Where was I at in that lineup?

6 MR. ATKINS: Second to last.

7 MS. BLACK: They had done went through all of  
8 them but one? So all the information and shit that they --  
9 they had, could that have been shit that had been picked up  
10 from each one of their fucking confessions?

11 (WHEREUPON, Ms. Black becomes emotional,  
12 and the speakers were silent.)

13 MR. ATKINS: Talk to me.

14 MS. BLACK: It's bullshit. All that fucking  
15 time that them boys served, and they don't even fucking know  
16 who really did it. And it's just my fault.

17 (WHEREUPON, Ms. Black remains emotional,  
18 and the speakers were silent.)

19 MS. BLACK: You know, I hope they can fucking  
20 deal with that shit and live with that shit in their fucking  
21 minds. Because that shit has tore me over the fucking  
22 years. I mean, I'm sorry I said the shit I said. It's not  
23 like I fucking feel bad for it. And it's not like I don't  
24 think about the shit. I tried to block that shit out, but  
25 it doesn't make a fuck. It didn't vanish. It's always in



1 the back of your fucking head. The fact that you're fucking  
2 responsible for putting mother fuckers away that you don't  
3 even know for a fact what the fuck they did. You can't say  
4 if they did one way or the other. You don't know.

5 (WHEREUPON, Ms. Black becomes emotional,  
6 and the speakers were silent.)

7 MS. BLACK: Finish with the questions.

8 MR. ATKINS: There's one more -- there's one  
9 more thing I need to ask, then after that, [indecipherable].  
10 It's important. I promise I wouldn't you push you on this.  
11 This exact thing is really important. And I can wait. I  
12 can wait.

13 MS. BLACK: No. Go ahead.

14 MR. ATKINS: Okay. First of all, just look at  
15 me for a moment [indecipherable]. You know, I hate to ask  
16 you, or to even bring on this kind of stuff. I'm sorry.

17 MS. BLACK: No. That's all shit I didn't  
18 fucking know. I think it's bullshit that they interrogated  
19 me after getting whatever they could out of them boys. I  
20 think it's bullshit that that's probably how they were able  
21 to fill in some of the fucking blanks there. Because one of  
22 them would say this, one of them say this, and one of them  
23 say this.

24 MR. ATKINS: Do you remember that, uh, when  
25 you went there it was at night?



1 MS. BLACK: I can't remember if it -- that's  
2 what I say. I can't remember if it was day or daylight or  
3 fucking dark. That's what I kept telling the cops.

4 MR. ATKINS: Well, no, no, no. What I -- no,  
5 no, no. What I meant, when you were brought in, was it -- I  
6 mean, if you can't remember that's fine. I just want to try  
7 and understand.

8 MS. BLACK: Oh. No. I don't -- I don't --

9 MR. ATKINS: When you -- when you -- when you  
10 first -- now, you said it was --

11 MS. BLACK: It was daylight when they come and  
12 picked up my car.

13 MR. ATKINS: Well, but -- but you said -- I  
14 mean, what --

15 MS. BLACK: And then they told me I had to  
16 come down immediately.

17 MR. ATKINS: So when you say -- so the eight  
18 hours of talking to them. When do you think you left? When  
19 did you left to go home?

20 MS. BLACK: It was night when I left.

21 MR. ATKINS: But I mean, like, do you think  
22 one in the morning, two in the morning, three in the  
23 morning, four in the morning?

24 MS. BLACK: I don't have fucking clue.

25 MR. ATKINS: So because -- so the only thing I



1 found, right? So like I'm looking through, trying to figure  
2 out when you started your interview, and it started like at  
3 seven o'clock. Like, this interview with this one guy,  
4 Detective Griffin. And that appeared to be the fir -- when  
5 you began your interview. But it would have been like 7:00  
6 at night. This is all I'm trying to figure out. Let's say,  
7 like, you've got eight hours that you were there. If your  
8 interview began at 7:00, meaning, like, almost shortly after  
9 you arrived you began. And then you were there til --  
10 like, what's eight hours after 7:00? You know what I mean?  
11 Or eight hours after 6:00. It's really, really late. Or  
12 was it, like, you got there, you probably -- maybe you had  
13 to wait an hour or two, and then you had this discussion?  
14 You know what I'm saying? I'm trying to kind of work, like,  
15 figure it out. And if you don't remember, that's fine.

16 MS. BLACK: Soon as I got dropped out, I went  
17 in there, and they took me straight to this little room that  
18 had this table and some chairs. And there was multiple  
19 officers come in. And a couple of them stood around. One  
20 of them sat down, put a chair down in front of me and sat  
21 down and started talking. And they started off calm. They  
22 was fine. And then the shit went on. They didn't hear what  
23 the fuck they wanted to hear. Shit got more aggressive, and  
24 they got mean and angry.

25 MR. ATKINS: Now, you mentioned there was one



1     guy in particular who was really, really mad. Other than  
2     him, let's take him out of this for a second.

3                     MS. BLACK: I can't remember the other ones.  
4     I remember him. Because he was in my face constantly.

5                     MR. ATKINS: You had said that the only  
6     profanity that this officer we're talking about used -- uh,  
7     used in this discussion with you was that he called your  
8     responses "bullshit." Was there any more profanity than  
9     that?

10                    MS. BLACK: There was profanity all in there.  
11    Like, he didn't call me names and shit like 'at. But he  
12    cussed. And he did constantly say "bullshit, bullshit,  
13    bullshit, that's bullshit."

14                    MR. ATKINS: And that's what you talked about  
15    before. Nothing really upsets you more than to be called a  
16    liar, than to -- you know, like, he really pushed you.

17                    MS. BLACK: And that was when I was telling  
18    the same -- the straight shit. Huh.

19                    MR. ATKINS: Okay. Anyway, this is the thing  
20    that I really have to get an understanding of is, I don't  
21    want to have to drag you more through that. Uh, okay. I  
22    wanted to show you -- try to situate this. I wanted to show  
23    you some -- these are [indecipherable]. I want to show you  
24    photos, see if you recognize any of these people. They're  
25    not any of the guys. I just want to [indecipherable]. This



1 person, this character. Appreciate it. Put that there.

2 MS. BLACK: That's, uh, the DA.

3 MR. ATKINS: Beirne Harding?

4 MS. BLACK: Yes.

5 MR. ATKINS: Okay. And that --

6 MS. BLACK: She was a asshole.

7 MR. ATKINS: What made her an asshole?

8 MS. BLACK: She fuck -- she was a asshole,  
9 period.

10 MR. ATKINS: In a good way or a bad way?

11 MS. BLACK: Uh, the bad way.

12 MR. ATKINS: And, uh --

13 MS. BLACK: She was just a mean woman. Like  
14 she come off very cold and had, like, no compassion  
15 whatsoever. Very stern. And just -- Saunders.

16 MR. ATKINS: Saunders. In the car ride, no  
17 doubt?

18 MS. BLACK: No doubt.

19 MR. ATKINS: Maybe -- you're not sure, but it  
20 sounds like maybe there also might have been somebody else  
21 from his office with you?

22 MS. BLACK: I mean, I -- I don't remember. I  
23 just remember him.

24 MR. ATKINS: Okay.

25 MS. BLACK: Because he -- it was always -- he



1 was always friendly to me.

2 MR. ATKINS: Okay. Now then, do you know  
3 who -- give me one second. I want to -- I've got to  
4 actually connect to -- oh, IHOP has Wi-Fi. Give me a  
5 moment. I appreciate it. Thanks so much.

6 WAITRESS: It's not a problem. And you can  
7 pay me whenever you're ready, okay?

8 MR. ATKINS: Yes, ma'am. Thank you.

9 WAITRESS: Thank you.

10 MR. ATKINS: No problem. I'm going to  
11 [indecipherable]. Okay. Do you know who that is?

12 MS. BLACK: [Inaudible or no response.]

13 MR. ATKINS: Okay. You seem like you're  
14 trying to figure out. But I want to make sure though.

15 MS. BLACK: I don't know, unless it'd be one  
16 of the boys' mamas maybe. Maybe --

17 MR. ATKINS: Well, but if it was -- even if it  
18 was -- well, I mean, my point was, if it was or if it  
19 wasn't, like doesn't matter. Is it even a face that you  
20 recognize, you think?

21 MS. BLACK: Huh-uh (no).

22 MR. ATKINS: Okay. One second. Let me load  
23 it. I'm sorry. They have Wi-Fi. You can't trust it.  
24 Almost there, almost there, almost there.

25 MS. BLACK: She looks like Bubba. And the



1 brothers.

2 MR. ATKINS: Sorry, sorry, sorry. I was  
3 trying to show you this other picture.

4 MS. BLACK: Isn't that the same woman you  
5 showed me the first time?

6 MR. ATKINS: She had a different haircut.  
7 Figured maybe you might recognize her.

8 MS. BLACK: Huh-uh (no).

9 MR. ATKINS: Come on. [Indecipherable.] I  
10 just have a [indecipherable] do you recognize that person?  
11 Or I opened that, there's another one coming. There's  
12 another one. All right. Let's try again with the haircut.  
13 It's sort of similar to the same, but I think she might have  
14 had a different hair style here. But anyway.

15 MS. BLACK: [Inaudible or no response.]

16 MR. ATKINS: No? Okay.

17 MS. BLACK: Who is she?

18 MR. ATKINS: When you drove around in the car,  
19 right, with Eric Saunders, a heavier-set woman, right, said  
20 she had, uh, like, a bob, her haircut. What -- did she look  
21 like one of these women or not?

22 MS. BLACK: I don't -- but as far as her face  
23 goes, I cannot remember. As far as, like, [indecipherable]  
24 that face. I'm telling you that -- you know --

25 MR. ATKINS: Hey, look, look --



1 MS. BLACK: It was ashamed as fuck.

2 MR. ATKINS: So what are you saying?

3 MS. BLACK: So it was more of a, like, staring  
4 out the fucking window at what she wanted me to look at.  
5 And then put my head down.

6 MR. ATKINS: And I -- I have a really dumb  
7 question to ask. But I just want to make sure, because this  
8 memory, it definitely happened; correct? There's no doubt  
9 in your mind that you experienced this?

10 MS. BLACK: That I rode in that van with him?

11 MR. ATKINS: And this --

12 MS. BLACK: Uh, no. And her. Yes, it  
13 definitely happened.

14 MR. ATKINS: And a woman who had told you she  
15 was -- who told you that she was Mr. Jones's daughter?

16 MS. BLACK: Eric Saunders.

17 MR. ATKINS: Okay. Did she tell you -- I just  
18 really -- I guess I'm curious to know.

19 MS. BLACK: She said her name, and I don't  
20 remember. And she shook my hand, and that was it.

21 MR. ATKINS: Now, and -- and I'm not trying to  
22 push you on this. I wanted to know. Like, is there a  
23 chance that that woman was one of the women that I just  
24 showed to you? By chance or no?

25 MS. BLACK: I don't know. I don't -- I don't



1 know.

2 MR. ATKINS: I'm just trying to base it, like,  
3 on trying to, like, based on what she looked like.

4 MS. BLACK: If one of that -- based on what  
5 either one of them looked like, I'd say that one with the  
6 black hair. That one. I would say that one, not the other.  
7 Not the other -- not the other one.

8 MR. ATKINS: Okay. So the other one had sort  
9 of like [indecipherable]. Do you remember the timing?  
10 Like, when that ride happened, I assume the trials hadn't  
11 happened yet?

12 MS. BLACK: Oh fuck. I don't even -- I don't  
13 remember.

14 MR. ATKINS: Well, the -- well, the --

15 MS. BLACK: I don't remember. But I went on  
16 that ride. Eric Saunders come pick me up in a fucking van.

17 MR. ATKINS: I guess I'm wondering, like,  
18 also, what -- it had seemed to me that it would have been  
19 something that they would have wanted to do with you.

20 MS. BLACK: And there was somebody else in  
21 there, but they was driving. And I don't know who the fuck  
22 was driving. I don't know who was driving that van.  
23 Because he was in the back seat. So was she.

24 MR. ATKINS: And -- and, uh -- but like,  
25 let's -- let's -- the most basic timeline of the things that



1 happened are, like, late -- November 2002 was obviously when  
2 that shit goes down. The trial doesn't happen until, say,  
3 summer 2004. And a long time passes, you know, about a year  
4 and a half maybe. Then the other trial doesn't happen for  
5 another year. This memory of the ride, did you think it  
6 happened closer to the time of the murder even?

7 MS. BLACK: I don't know. I don't have a clue  
8 when it happened. That's a definite memory though. Like,  
9 it happened.

10 MR. ATKINS: Yeah. I guess the pur -- so it  
11 would seem to me, I would have thought that this would have  
12 been the kind of thing that maybe they wanted you to  
13 experience -- it seemed to me, because they really wanted to  
14 make sure you're kind of committed to doing this.

15 MS. BLACK: Have you reached out to one of  
16 them?

17 MR. ATKINS: Yeah, I have. Both. And they --  
18 and they say that nothing like that happened.

19 MS. BLACK: Well, god damn it, I'm going to  
20 tell you what. One of -- somebody was in that mother  
21 fucking van, and somebody was his fucking daughter, and  
22 somebody rode around with me. See, all the shit you told me  
23 about that damn trial shit, everything that you told me,  
24 and -- and I know I'm not the -- there ain't no fucking way  
25 I'm the only one knows about that god damn van ride.



1                   MR. ATKINS: Eric, uh, died years ago. So  
2 he's no longer --

3                   MS. BLACK: Did he?

4                   MR. ATKINS: And Beirne.

5                   MS. BLACK: Did she? Well, fuck, she was --  
6 they was both old. But she looked like she was fucking  
7 ancient.

8                   MR. ATKINS: By the way, uh, you could see how  
9 that makes it a bit more difficult for me to --

10                  MS. BLACK: They wasn't that fucking old.

11                  MR. ATKINS: Their sixties. Well, all right.

12                  MS. BLACK: And neither one of these women --  
13 if both these women say that they didn't go in a van with  
14 Eric Saunders and me.

15                  MR. ATKINS: Yeah.

16                  MS. BLACK: I'm telling --

17                  MR. ATKINS: Now, I -- you know, hey. I'm  
18 more -- you know how fair I am. I'm more than happy to  
19 keep -- basically, on my own saying, I'm more than happy to  
20 keep trying to figure that out, and go back to that. But I  
21 just want to make sure, you know. But, hey, I'm more than  
22 happy to talk with them. But they expressed a -- the entire  
23 notion itself was beyond flabbergasting, and beyond  
24 something they ever -- like, they couldn't even -- like, it  
25 was -- it was like I told them, like, something really



1 crazy. And I mean, they were just in shock.

2 MS. BLACK: On every fucking thing I love,  
3 huh, they took me -- he took me on the god damn van ride  
4 with some fucking woman that said she was his daughter.

5 MR. ATKINS: Well, again, the only really  
6 technical -- and if you remember. If you don't remember,  
7 it's fine. But I'm curious to know, like, I guess, if this  
8 person self-identified as, like, "I'm his daughter, and that  
9 was my daddy." If Eric might have said that.

10 MS. BLACK: Eric was like, "Jessica, this is  
11 Mr. Jones' daughter," dah, dah, dah. And she was, like,  
12 "Hey, nice to meet you."

13 MR. ATKINS: Right. And she -- now, the way  
14 that -- my question is this. As you going around in the  
15 crime scene area, did she -- she talked about her dad? Did  
16 she talk about Mr. Jones as her father?

17 MS. BLACK: No. I mean, fuck it, I don't  
18 remember.

19 MR. ATKINS: So who was doing most of the  
20 talking when you guys were driving in this car?  
21 Mr. Saunders?

22 MS. BLACK: I was talking. Because he had me  
23 show them the way we went. Like, where I picked them up at.  
24 And the -- the path I took to -- to take them to change  
25 clothes and shit.



1 MR. ATKINS: And then, did you end up getting  
2 to Mr. Jones's house ultimately?

3 MS. BLACK: Yeah.

4 MR. ATKINS: Okay.

5 MS. BLACK: And sometime we ended up around  
6 there. And that's when she spoke up and said, "Yeah, well,  
7 he was laying right here," and dah, dah, dah, dah, dah, dah.  
8 That was in pictures.

9 MR. ATKINS: They brought you -- they showed  
10 you the pictures in the car?

11 MS. BLACK: I don't who the fuck was in that  
12 van.

13 MR. ATKINS: It's possible -- the photos  
14 though. You think they tried to show you these photos on  
15 this car ride?

16 MS. BLACK: No. Them pictures were right  
17 after that. Like, they were right around that same fucking  
18 time.

19 MR. ATKINS: Okay. Okay. But that was done  
20 in their office or somewhere, the photo part?

21 MS. BLACK: Yeah.

22 MR. ATKINS: Okay. Uh, yeah. I think that if  
23 that's the case, logic would suggest that that would have  
24 happened before the trial. And in a way, they were  
25 preparing you. In a way, they were trying to develop a



1 relationship with you. You know, perhaps to ensure that  
2 you'd cooperate. Maybe.

3 MS. BLACK: Well, what the fuck would that  
4 have done?

5 MR. ATKINS: What would what have done? Ask  
6 me again. What --

7 MS. BLACK: What did having -- I don't even  
8 know.

9 MR. ATKINS: That's okay. That's okay. I'm  
10 not trying -- you know, I'm not trying to stress you out.  
11 I'm trying to have clear thinking about it, you know. Uh,  
12 well, I think that, perhaps -- it seems. I don't know. I  
13 don't for fact. That part of why they might have wanted to  
14 do this was either to continue to develop a relationship  
15 with you. Meaning, like, Eric wanted to, you know, like,  
16 develop this relationship with you. He could have gotten  
17 one developing. He wanted you to be part of this process  
18 and be committed.

19 MS. BLACK: Did you ask their boss about that?

20 MR. ATKINS: Yeah. But the truth is -- so,  
21 Tom Keith, he was -- knowing -- I mean, he really didn't  
22 know, like, remember any of the details about any of this.  
23 But that's not -- that's not unusual. Hold on. That's not  
24 unusual. Here's what I'm trying to explain. His position  
25 was such that, you know, he didn't attend any trials. He



1        didn't -- like, it's a position that delegates.

2                        MS. BLACK: But ain't he supposed to go all  
3        through that shit or something?

4                        MR. ATKINS: No, no. That's what I'm trying  
5        to say.

6                        MS. BLACK: Bullshit.

7                        MR. ATKINS: But what I'm saying, that's how  
8        that -- I'm telling you. The job he has doesn't require  
9        stuff like that. The positions -- so Eric and Beirne,  
10       that's their job. That's what they do. That trial is  
11       theirs.

12                       MS. BLACK: And both of them died? What the  
13       fuck kind of shit is that?

14                       MR. ATKINS: And I've asked repeatedly, trying  
15       to figure out who Eric or Beirne might have had as  
16       assistants, who they might have worked with. And I was told  
17       they didn't have those. They didn't have assistants,  
18       because basically, they are like -- so, like them. If they  
19       are prosecutors for the State of North Carolina in Forsyth  
20       County, and there are, like, a staff of, like, 25 people  
21       like that. They are 2 of the 25.

22                       Tom Keith oversaw, like, all 25. Yeah. He  
23       doesn't sit -- I asked him, I said, like, "This trial was  
24       such a big deal. I was like, you didn't sit in any of the  
25       trials?" He goes, "In" -- I think he said, "In 25 years as



1 District Attorney in Forsyth County, I don't think I sat in  
2 a single trial."

3 It's just not -- it's not what that job is  
4 about. That's not what that job is about. That job is  
5 about different stuff. And it's just that you oversee the  
6 department. You don't -- it's you let your lawyers handle  
7 those cases. Also, you've got [indecipherable]. You're  
8 doing 200, 250 criminal trials a year.

9 MS. BLACK: It don't matter. And they could  
10 have -- he could have went through and seen some old crazy  
11 bullshit that was going on --

12 MR. ATKINS: If he did -- he can't --

13 MS. BLACK: -- and could have been like --

14 MR. ATKINS: But he -- listen, if he -- well,  
15 but he wouldn't have -- the point that he was making is that  
16 he's really, really distant from anything like this. So  
17 when I -- and I even presented it to him. And he was again,  
18 like, a jaw dropped, like -- you know, like, this came out  
19 of really left field for him. I asked him, the way I  
20 phrased it, I said, "How do you" -- "How, uh, typical is it  
21 that a prosecutor would develop a relationship" -- you know,  
22 meaning like a -- it doesn't -- but I said, like, "develop  
23 their connection, that relationship with a key witness?"  
24 Like, I asked him how it would be.

25 And he explained that it depends on the case.



1 Like, sometimes, and not too often. Though, like, sometimes  
2 it's important. I said, "Well, how often is it that a  
3 person might drive in a car with them, with, let's say," or  
4 like, "How often is it that that prosecutor would develop a  
5 close relationship, maybe the family of the victim," I  
6 asked.

7 He said the same thing. And he went like,  
8 "Well, uh, you know." He said, "We have somebody in our  
9 office that is actually specifically assigned" -- this was a  
10 different position than Eric's position -- "to deal with  
11 communication between the court and the family." It's a  
12 specific job that somebody has. Like, that's all they do.  
13 Because they don't want that kind of interference. They  
14 don't want that kind of like conflict of interest,  
15 essentially.

16 So it would be kind of rare. You know, not  
17 only rare, but kind of rare for one of the District  
18 Attorneys to state -- sorry, Assistant District Attorneys,  
19 like Eric or Beirne, to develop a close relationship with  
20 the family of victims. It would be rare, he said.

21 And I said, "Well, how often is it that they  
22 would drive around, let's say, that they would drive around  
23 in car, uh, around the crime scene, the scene of the crime?"

24 He said, like -- he said the only reason they  
25 would do that was if they were gathering information, if



1 they were investigating. If they wanted to become more  
2 familiar with [indecipherable]. And so, okay. It's like,  
3 "Well, how often is it that it would have been done like  
4 that?" Like, you know, the family member, with a victim's  
5 family member, and a key witness in that truck, like a  
6 different person.

7 And he said, like -- he couldn't imagine,  
8 like, why would that happen, or [indecipherable]. And I  
9 said, okay, so, this is the story. I told him exactly what  
10 you told me, the story. I didn't say [indecipherable].  
11 Just told him the story. Just like -- and it was beyond  
12 something he could even, like, speculate. And it sounded,  
13 like, implausible to him that it could have happened.

14 And, you know, that's what -- now, in this  
15 scenario so far, and the people I've spoken with, I haven't  
16 yet gotten the sense that anybody is lying.

17 MS. BLACK: My mama and I -- my mama and my --  
18 I wish my mawmaw was alive. Because that's where they  
19 picked me up from, from my mawmaw's.

20 MR. ATKINS: Now, you didn't meet, also,  
21 apparently -- this came out in court. That you met with,  
22 uh, the DA's office between six and seven times total.  
23 Like, that you --

24 MS. BLACK: Total. A lot. I don't fucking  
25 know.



1                   MR. ATKINS: My point is, I'm still also  
2 trying to figure out, like, make sure that when we describe  
3 a meeting that you might have had with [indecipherable].  
4 You know, I want to make sure that we're not also, like,  
5 blending different days together that -- you know, like,  
6 your -- so your grandmother picks you up, right? You're  
7 saying that she picked you up on the same day that you went  
8 on this car ride. I just want to make sure I'm, like,  
9 understanding that clearly.

10                  MS. BLACK: She didn't -- I didn't get picked  
11 up. They picked me up from there.

12                  MR. ATKINS: From her house.

13                  MS. BLACK: At the fucking trailer they had on  
14 Gumtree Road, at 4393 Gumtree Road.

15                  MR. ATKINS: Right. So -- and they went on  
16 this drive with you. And they drove around. Right. So --

17                  MS. BLACK: Then they brought me back and  
18 dropped my ass out.

19                  MR. ATKINS: Yeah. So -- and then, like I  
20 said, I don't get the sense at the moment that anybody has  
21 lied to me. But obviously, it just puts this strange story  
22 into an even stranger place. So it's like --

23                  MS. BLACK: It's already odd that they used me  
24 for two trials. It's already odd that, uh, supposedly on  
25 this fucking joy ride with the fucking DA and the victim's



1     fucking family.  It's -- it's -- every fucking thing you  
2     have enlightened me on in this shit is fucking odd.

3                     MR. ATKINS:  Why do you think I'm doing this  
4     story?  My point is --

5                     MS. BLACK:  The whole fucking trial was  
6     stupid.

7                     MR. ATKINS:  My point is, a lot of things that  
8     have come out about -- or, like, stand out, like some of  
9     the -- like things like this.

10                    MS. BLACK:  There's a lot that stands out.  It  
11    makes -- it's -- like, they went all kinds of out of their  
12    way.

13                    MR. ATKINS:  So it seems.

14                    MS. BLACK:  Ain't no "so it seems."  It's so  
15    they fucking did.

16                    MR. ATKINS:  Listen.  I'm trying to be  
17    objective about all of this.

18                    MS. BLACK:  Well, there ain't no "so it seems."  
19    There ain't no "so it seems."  And they can't fucking fight  
20    their god damn battle because they're dead.

21                    MR. ATKINS:  You know -- you know -- you know,  
22    the only -- listen.  No, what the problem is that, because I  
23    don't have even access to people that might know about these  
24    things.  Like, let's say, like Eric or [indecipherable].  
25    And when it comes to the police, I understand it's sort of



1     like a comment, that they said, like, "You know we don't  
2     comment on stuff like this." Which is fine. Listen, I get  
3     it. We hear it all the time as reporters. It's fine. It  
4     also means, though, that there is this [indecipherable] that  
5     I have to work around. Because I can't be, like, Officer  
6     Whatever, or Officer Whoever.

7                     MS. BLACK: Did you try hitting up the fucking  
8     detective that -- what did he say?

9                     MR. ATKINS: Pointed me to, you know -- but we  
10    talked. So this is what I'm trying to say. I went to him.  
11    I have very legitimate questions for them to ask. And if I  
12    am not going --

13                    (The conversation was paused while "Happy  
14    Birthday" was being sung in the IHOP.)

15                    MR. ATKINS: I have very legitimate questions  
16    to ask of the Police Department about the way that they  
17    interrogated you guys, about their behavior, about the  
18    suspects, about -- like, I have all these legitimate  
19    questions. Right?

20                    MS. BLACK: But you don't have any proof of  
21    that.

22                    MR. ATKINS: Well, I might -- I mean, even if  
23    I in theory want to speak to them, I'm sure I'd have proof.  
24    But my point is --

25                    MS. BLACK: They know nobody's had -- nobody



1 has proof of that shit.

2 MR. ATKINS: Or -- but I, as a professional,  
3 really good journalist, also have enough discipline to know  
4 what I don't know. Which is, because I'm not a police  
5 officer, because I don't have any experience, I have to at  
6 least be open to the idea that they have an explanation.  
7 That's not the deal. Because it's -- although it might seem  
8 like there could be no other alternative explanation, I just  
9 don't have enough experience, like, in police officer or  
10 anything in policing and interrogating. So if I say  
11 something like, "Listen, I was talking to this number of  
12 people, right. They say that you guys went to this extent."

13 They could say something like, "Nothing about  
14 what you describe is unusual. That is how we do things.  
15 This is the method we have." And --

16 MS. BLACK: Oh, no. Bullshit. That's why  
17 they started making them record shit. Right? That's why  
18 they started making them do videos and stuff. Right?  
19 Because that's not unethical, and it's not unusual they do  
20 shit that way.

21 MR. ATKINS: I'll tell -- all right. So  
22 here's -- so here's something that's --

23 WAITRESS: Are y'all okay?

24 MS. BLACK: We're fine. And the shit that you  
25 see that they -- or the shit that they did. It's that shit



1 you see in fucking movies and stuff. Like the -- you know  
2 what I'm saying? Like that -- when you see mother fuckers  
3 interrogated, and you see them being hollered at and pushed  
4 around and -- I mean, shit like that. That's --

5 MR. ATKINS: Hold on. Put on the brakes.  
6 Because I don't want you to, you know, have to kind of dive  
7 back into one of those thinking modes.

8 MS. BLACK: I'm just saying, like, that's the  
9 shit.

10 MR. ATKINS: I get it.

11 MS. BLACK: That shit -- there ain't even no  
12 fucking justification for that.

13 MR. ATKINS: Here's the thing.

14 MS. BLACK: And if they did it to me as a  
15 fucking witness, I can imagine what the fuck they did with  
16 the boys.

17 MR. ATKINS: Yeah.

18 MS. BLACK: I'm sure. Because that was rough  
19 as fuck. I mean, really rough. So -- and that wasn't even  
20 my ass on the line. So their actual asses being on the  
21 line, I could -- I wouldn't even -- I'd have hated to been  
22 in that god damn room. And them boys being as young as they  
23 were, they didn't have a fucking parent in the room? Why  
24 weren't any -- any of us allowed to have a fucking parent in  
25 our room -- in the room? I thought that you were allowed to



1 have an adult in the room when you're a juvenile.

2 MR. ATKINS: This is where the technicalities  
3 of police work are really important, really valuable, but  
4 also controversial. None of you were under arrest. Which  
5 meant none of you had to have -- except for later that night  
6 when Jermal was arrested because he refused to cooperate.  
7 So aside from him.

8 MS. BLACK: Told you he was a knucklehead.  
9 [Laughs.]

10 MR. ATKINS: Although, I would -- I would  
11 argue that the circumstances, his arrest actually, I'm  
12 telling you, I actually think they were really unfair. But  
13 anyway.

14 MS. BLACK: They probably were. But he was a  
15 fucking knucklehead.

16 MR. ATKINS: All right. So for the five of  
17 you, none of you were under arrest. You all were told to  
18 come down.

19 MS. BLACK: They wouldn't let us fucking go  
20 though. You couldn't leave that room until you were  
21 dismissed to leave out that room.

22 MR. ATKINS: That's how you felt.

23 MS. BLACK: No. When you got my -- huh. You  
24 know what? They purposely did that shit, huh?

25 MR. ATKINS: Jessica, was the door to the



1 room that you were in locked?

2 MS. BLACK: I don't fucking know. You  
3 couldn't see the door. There was mother fuckers everywhere.

4 MR. ATKINS: Jessica, did an officer ever say  
5 to you that, uh -- uh, "If you don't talk to us, you're  
6 going to go to prison," in those words?

7 MS. BLACK: Not in those words.

8 MR. ATKINS: Oh, not in those words. So what  
9 words did they use? [Indecipherable.]

10 MS. BLACK: That's some old crooked-ass  
11 bullshit right there. So -- oh my god. I'm going -- can we  
12 go outside so I can smoke something? You done had me in  
13 here for, like, four hours without any kind of nicotine. I  
14 work in tobacco. I'm just saying. I need --

15 MR. ATKINS: You are -- you actually exist in  
16 tobacco?

17 MS. BLACK: That's exactly right. So I  
18 need -- I need that shit in my lungs. It's got -- it's  
19 going through withdrawals right now.

20 MR. ATKINS: Let me make sure -- I just want  
21 to make sure I don't have any, like, [indecipherable]  
22 question.

23 MS. BLACK: Fuck. Old crooked-ass damn  
24 Forsyth Count Popo. They wonder why nobody trust the  
25 fucking police.



1                   MR. ATKINS: I wanted to ask -- I wanted to  
2 ask one more question. Then we're out of here. Uh --

3                   MS. BLACK: This shit has me so mad. I am  
4 pissed the fuck off over shit they did. Over shit fucking  
5 17 god damn years ago.

6                   MR. ATKINS: How much of this, Jessica, has  
7 to do with the amount of information that up until the last  
8 week, you never knew?

9                   MS. BLACK: Like, 90 percent of what the fuck  
10 you told me, I didn't know. This shit has got me so god  
11 damn mad.

12                   **[END OF JESSICA BLACK 6 RECORDING]**

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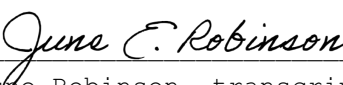


**CERTIFICATE**

I, June Robinson, having been assigned to transcribe the *Jessica Black 6* recorded interview, do hereby certify that said interview, pages 1 through 55, is a true, correct and verbatim transcript of said proceeding to the best of my ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties for which this interview was conducted; and further, that I am not a relative or employee of anyone participating in this interview, and am not financially or otherwise interested in the outcome of any action associated with this interview.

This the 8th day of March, 2020.

  
\_\_\_\_\_  
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# Handout 17



## Hunter Atkins's Recordings with Jessica Black

Recording No. 1 – Phone Call (1:00:02)

(transcribed)

Recording No. 2 – Phone Call (58:54)

(transcribed)

Recording No. 3 – IHOP Interview (1:10:13)

(transcribed)

Recording No. 4 – IHOP Interview Cont. (1:37:50)

(transcribed)

Recording No. 5 – IHOP Interview Cont. (17:55)

(transcribed)

Recording No. 6 – IHOP Interview Cont. (1:00:01)

(transcribed)

Recording No. 7 – Phone Call (28:22)

Approximate Time	Discussion
0:00 – 4:15	<ul style="list-style-type: none"><li>• Atkins has a theory to run by Black – he suggests that police interviewing her disagreed with what she said and “painted the picture” for her. He is trying to figure out if she never sat at the picnic tables, why would she say she heard what went on? She says police kept telling her they knew she was lying because the boys already gave information. They said if you were sitting that close, how could you not hear anything?</li><li>• Black says, “I guess I went on and told them whatever they wanted to hear so they would let me go.”</li><li>• Atkins suggests that in theory a person at the picnic tables could not hear what happened. Black said if someone was hollering you could probably hear it.</li></ul>
4:15 – 9:45	<ul style="list-style-type: none"><li>• Atkins wonders if police knew scientifically sound could travel that far.</li><li>• Atkins talked to one of the defense attorneys who went to the scene of the crime and suggested you could not hear at the picnic table because of highway sounds and such, but they had a person in the carport and another at the table and could hear and were surprised. It seemed to be due to unique shape of the space.</li><li>• Atkins wonders if police knew this; Black assumes the detectives checked out the park and knew what you could hear from there.</li></ul>



Approximate Time	Discussion
9:45 – 15:00	<ul style="list-style-type: none"> <li>Black mentions the DA taking her for a ride in a van “that nobody knows about except me and him and whoever was in that fucking van.”</li> <li>Black said there were drug houses around there and deals that happened in the park, so police likely knew how the area worked.</li> <li>Atkins wonders if it is coincidence or if police knew how the sound carried “because it is such a specific thing they got you to say.” Black talks about a cop show on TV that makes her think police knew about sound carrying.</li> <li>Black thinks police introduced the idea of sitting at the picnic tables when they asked her if they frequented the park.</li> </ul>
15:00 – 19:00	<ul style="list-style-type: none"> <li>Discussion of traffic and driving – unrelated to case.</li> </ul>
19:00 – 23:00	<ul style="list-style-type: none"> <li>Atkins texts Black two images of the same person. She thinks the bottom one looks familiar. Her face looks familiar with a bob haircut, but not with the longer hair.</li> <li>Black says the woman who rode in the van with the DA had hair like the bob in the bottom picture. Black has seen the face, but can’t say where.</li> </ul>
23:00- 25:00	<ul style="list-style-type: none"> <li>Atkins texts another picture. Black says, “Who the hell is that?”</li> <li>Atkins says, “unlike the police, I try my hardest not to lead you in any direction.” He asks if the first two pictures would have been the woman in the van. Black doesn’t know. Atkins tells Black, “before we jump to any conclusions,” she has been an ADA for 20 years, Jennifer Martin.</li> </ul>
25:00 – 27:45	<ul style="list-style-type: none"> <li>Atkins asks if someone could be posing as the victim’s daughter and who would go along with his plan. Black says she and ADA Eric Saunders were in the middle row, the black woman was in the back seat, and she doesn’t know who was driving. Atkins says now in theory there is one more person who could potentially corroborate her story.</li> </ul>
27:45 – 28:22	<ul style="list-style-type: none"> <li>Black asks when the person in the picture had that hair style. Atkins says more recently and he could figure it out.</li> <li>The recording ends, but conversation appears to continue.</li> </ul> <p>END</p>

### Recording No. 8 – Phone Call (1:03:36)

Approximate Time	Discussion
0:00 – 1:30	<ul style="list-style-type: none"> <li>(recording appears to begin after the conversation was in progress)</li> <li>Atkins thinks other reporters would be quick to suggest the cops were crooked and intentionally got the wrong people.</li> </ul>
1:30 – 4:30	<ul style="list-style-type: none"> <li>She states that she waited on a lot of police working in stores and has heard them say “some really fucked up crooked shit.” She gives the example of police coming into her store and watching people buy cigars or rolling papers (presumably for marijuana) and then follow them and pull them over with K-9s. Black did not like this.</li> </ul>



Approximate Time	Discussion
	<ul style="list-style-type: none"> <li>Atkins says this is may not be upstanding, but is far from suggesting the police had a culture to comfortable with knowingly wrongly charge someone with a crime.</li> </ul>
4:30 – 8:30	<ul style="list-style-type: none"> <li>Black talks about perceived corruption in Davidson County.</li> <li>Atkins says he has the impression that his conversations with Black have influenced her to feel more negatively about police; Black says no, and references her interrogation. She then says she is friends with some police and they're not all bad, but she is weary about how she perceives them.</li> <li>She says she pays attention because she hears "that crooked shit" she pays attention to not be naïve.</li> </ul>
8:30 – 11:30	<ul style="list-style-type: none"> <li>Atkins wonders how strongly he could accurately characterize WSPD as knowingly doing bad things or if just some percentage of times aggressive policework results in wrongful convictions.</li> <li>Black references the boys not having much and living in run down houses. People are always getting in trouble in the southside and police saw the boys as "hoodlums" from a bad side of town and contrasted that with upstanding citizen Mr. Jones.</li> <li>Atkins suggests this is a new perspective for Black, influenced by him.</li> </ul>
11:30 – 15:30	<ul style="list-style-type: none"> <li>Black knew the boys through Opie. She saw his mom cook drugs in a spoon - heroin. This colored her impression of the boys – "loud obnoxious little motherfuckers." Black, Opie, and the boys would smoke weed on the porch. She did not like the way they carried themselves at first and thinks this is also how police saw them. It took awhile before Black started to like the boys.</li> </ul>
15:30 – 18:00	<ul style="list-style-type: none"> <li>Black says she spent her whole adult life never speaking about this incident or the boys to anybody. Black says that she has "kept that shit buried deep, deep down" and no man nor her son in her life knew about it until Atkins came around.</li> <li>Atkins suggests she is open-hearted and she says it is because now she is an adult, but then she was a kid. Her family was mad that she hung out with people on the southside because it "ain't nothing but trouble" – people have a perspective on the people from that side of town.</li> </ul>
18:00 – 25:00	<ul style="list-style-type: none"> <li>She said she was taught not to fuck with people from over there because you'll get in trouble, "and lo and behold what happened." Atkins suggests maybe you're more likely to be suspected of something you didn't do on that side of town.</li> <li>Black talks about her mom to illustrate problems on the southside for a long time.</li> <li>Black says she was a good girl and didn't get in trouble, but when she got her driver's license, she would go there. She would not let her son go there. Atkins asks if she is more afraid of the guys in the neighborhood or the cops. She says the fear was about southside in general.</li> </ul>
25:00 – 29:00	<ul style="list-style-type: none"> <li>Atkins says age affects false confessions. Younger = more vulnerable. Black says you don't have the experience and common sense when you're young and people yelling at you and shooting you down no matter what you say, you'll say anything to try and go home.</li> <li>Black says that after hours on end of being yelled at that "you were here and we can prove it" kids won't even know what they did.</li> </ul>
29:00 – 40:00	<ul style="list-style-type: none"> <li>Atkins sends Black an image of "a note someone wrote" She says, "what the fuck" and suggests a child wrote it. Atkins tells her that after 9 hours at the PSC, Tolliver</li> </ul>



Approximate Time	Discussion
	<p>wrote it. Black suggests anyone who reads it should realize that Tolliver lacks in comprehension.</p> <ul style="list-style-type: none"> <li>Black says that Tolliver was “the nice one” of the group. She talks about having a son who is now the age the boys were then giving her a new perspective.</li> </ul>
40:00 - 46:00	<ul style="list-style-type: none"> <li>Atkins explains to Black the motions to suppress. She says Eric Saunders prepped her with the ways “attorneys are going to come at you.”</li> <li>Black says if she knew she was free to leave the PSC, she would have got out of there.</li> </ul>
46:00 – 52:30	<ul style="list-style-type: none"> <li>Atkins continues to describe MTS arguments. He describes Cauthen’s mom’s interaction with him telling him to tell the truth and says that she didn’t know she could be with him during the interrogation or take him home. Atkins says these people from the southside did not understand.</li> <li>Atkins says the reason police brought Jermal food from McDonalds was to later show in court that he was not in custody and was fed when he was hungry.</li> </ul>
52:30 – 55:30	<ul style="list-style-type: none"> <li>Atkins brings up the allegation that police told the boys they could go home if they gave statements and points out that because there was no recording, it was a he said she said problem that could not be proven.</li> <li>Black says nobody knows what happened except for the people who were involved. She describes this as underhanded and sneaky and the boys deserve a new trial even if they were involved.</li> </ul>
55:30 – 59:30	<ul style="list-style-type: none"> <li>Atkins mentions the Central Park Five and says he interviewed one of the world’s leading authorities on false confessions, who got irate when Atkins suggested that lying may be a valid tactic when dealing with liars. The expert told Atkins that a police officer introducing a lie in an interrogation spawns more lies.</li> <li>Black says, “just because somebody is a fucking criminal doesn’t mean they are dishonest.”</li> </ul>
59:30 – 1:02:15	<ul style="list-style-type: none"> <li>Atkins said in trying to figure out how to characterize the police culture, he talked to a WSPD detective, Jerome Paul. Atkins praised him. He did not know Atkins had already done a lot of research suggesting there were false confessions in this case. Atkins said he asked Jerome if he was familiar with the notion of false confessions. Atkins said police don’t like that notion.</li> </ul>
1:02:15- 1:03:36	<ul style="list-style-type: none"> <li>Jessica begins to talk about an officer she knew who would bully people (seemingly unrelated to this case) and the recording cuts off, though the conversation appears to continue.</li> </ul> <p>END</p>

### Recording No. 9 – Phone Call (33:24)

Approximate Time	Discussion
0:00 – 5:00	<ul style="list-style-type: none"> <li>(This appears to be the same conversation as recording 8)</li> <li>Black is telling a story about a K-9 officer that stopped coming to her store because he was mad; Atkins believes police feel very insulated and that others can’t relate to them.</li> </ul>



Approximate Time	Discussion
	<ul style="list-style-type: none"> <li>He said that he spoke with a WSPD officer names Jerome, “a sweet guy” about “the false confessions.” Atkins quotes Jerome to Black saying that if WSPD charged somebody, they did it. “If you did something and I can prove it, then I’m going to charge you. But if I got a hunch, I am going to charge you until I can prove it. If you did it, then you know you’re going to be prosecuted.”</li> </ul>
<b>5:00 – 7:00</b>	<ul style="list-style-type: none"> <li>Atkins talks about confirmation bias. He is trying to avoid it when asking Black to ID Jennifer Martin as the woman from the van. Black says she is 50/50.</li> </ul>
<b>7:00 - 14:00</b>	<ul style="list-style-type: none"> <li>Transcripts and case documents Black was given are in storage unit – would she be able to get them? Discussion of Atkins’s efforts to find transcripts. He is desperate to find transcripts and hopes Black will get them from her storage unit. He thinks they might be the last copies on earth. Black is certain she has them. Boxes are piled to the ceiling.</li> <li>Atkins offers to come and move the boxes to help find them. Black says she keeps everything. Atkins said that his work could help exonerate these guys. Atkins has some transcripts, but they are incomplete. Black knows she has transcripts, but doesn’t know if it’s everything. Atkins says the missing pages include information about police work and how the crime was investigated.</li> <li>Atkins wonders about the scientific evidence that links the shoeprints to Banner. “if I were to see it and to read it, I could essentially poke holes in it.” Atkins thinks he could write things to refute police explanations.</li> </ul>
<b>14:00 – 23:00</b>	<ul style="list-style-type: none"> <li>More discussion of Atkins’s attempts to get transcripts. Atkins tells Black there was no forensic evidence linking the boys to the crime and he doesn’t know what scientific analysis links the shoe prints to Banner.</li> </ul>
<b>23:00 – 30:00</b>	<ul style="list-style-type: none"> <li>Atkins says, “there could be more information there that could exonerate these guys from prison.” (Related to search for transcripts and perceived importance of Black checking her storage unit.)</li> <li>Atkins says he wants to be out of Black’s life, but he thinks she might be the last one on earth to have transcripts.</li> <li>Atkins says he almost gave up and stopped trying to contact Black before she first responded. Discussion of best way for them to communicate.</li> </ul>
<b>30:00 – 33:24</b>	<ul style="list-style-type: none"> <li>Atkins says getting the transcripts is “valuable and key to reveal the truth and help these guys get their life back.” Profuse thanks from Atkins for Black’s time. He says he will keep her posted on Jennifer Martin.</li> </ul> <p>END</p>

### Recording No. 10 – Phone Call (3:44)

Approximate Time	Discussion
<b>0:00 – 3:44</b>	<ul style="list-style-type: none"> <li>(recording appears to begin after the conversation was in progress)</li> <li>Atkins apologizes because he didn’t know what Black was going through. She sounds like she was crying. Atkins says he is trying to offer a path of positivity and asks what the biggest challenge is to finding a place to stay. Black says the</li> </ul>



	<p>challenge is financial because she has a car payment coming out of her check every other week.</p> <ul style="list-style-type: none"> <li>• Black moved in with others from a hotel, but their landlord is not okay with it so she has to figure something else out. Her family is not talking.</li> <li>• Several times Atkins says he is sorry and that he is trying to think. He offers to help even though it is “crazy and improbable” and offers that she can text to ask for anything. Atkins tells Black that she has someone who cares, but he knows that doesn’t pay the car payment.</li> <li>• Black says she has to go. Atkins asks if he can check in. Black says yes.</li> </ul> <p>END</p>
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### Recording No. 11 – Phone Call (2:01:32)

Approximate Time	Discussion
<b>0:00 – 7:30</b>	<ul style="list-style-type: none"> <li>• (recording appears to begin after the conversation was in progress)</li> <li>• Black is crying; Atkins asks the reason she can’t stay with the people she was staying with – their landlord said no.</li> <li>• Discussion of Black’s difficult living situation and family relationships.</li> </ul>
<b>7:30 – 11:40</b>	<ul style="list-style-type: none"> <li>• Black mentions giving Black a car payment; he has a friend who can meet her. Discussion of logistics.</li> <li>• Black asks what she has to do and Atkins says it is not like that; he is demoralized and upset by her situation, and wants her to have one less thing to worry about.</li> </ul>
<b>12:00 – 31:00</b>	<ul style="list-style-type: none"> <li>• Discussion of difficulties with Black’s son. Atkins says Black is a survivor and a fighter.</li> <li>• Discussion of video games, parties, cooking, Black’s son.</li> </ul>
<b>31:00 – 33:30</b>	<ul style="list-style-type: none"> <li>• Atkins says he was able to learn a lot more about how the police “unethically” investigated the whole case. He suggests that this group of detectives led to a miscarriage of justice. He has not pinpointed who was in the car with Black, but has not given up.</li> </ul>
<b>33:30 – 34:30</b>	<ul style="list-style-type: none"> <li>• Black says she did go to the mall with the boys that night and they did stop at a jewelry store. This was the only time she went to the mall with them.</li> </ul>
<b>34:30 – 39:00</b>	<ul style="list-style-type: none"> <li>• Atkins says he has been talking to Cauthen every day from prison and that he and the other defendants don’t remember going to the mall. Atkins is trying to find proof of one thing to anchor that day – there is no proof that anyone was where they say they were – the best is Officer Stephens at the bowling alley.</li> <li>• Black says she regularly went to the pool hall in the bowling alley.</li> </ul>
<b>39:00 – 42:30</b>	<ul style="list-style-type: none"> <li>• Atkins says he finally got transcripts from the second trial, but still doesn’t have them from the first trial. He suggests Black testified to being at the bowling alley at 10:00 p.m. because that was the time the pool hall closed to under age people.</li> <li>• Black says that they were in the arcade room and the boys were “cutting up and loud” and Officer Stephens told them to calm down.</li> </ul>
<b>42:30 – 44:30</b>	<ul style="list-style-type: none"> <li>• Atkins says Officer Stephens Testified that he asked them to leave the bowling alley at around 8:30 or 8:45 but he estimated the time. Atkins said he is more likely to believe Black saying it was 10:00 because of the timing of the pool room closing.</li> </ul>



Approximate Time	Discussion
	<ul style="list-style-type: none"> <li>Black said they left the mall when it closed at 9:00. Atkins says that she is the only one remembering going to the mall.</li> </ul>
44:30 – 49:20	<ul style="list-style-type: none"> <li>Atkins talks about memory contamination. He said that remembering dropping off Jed before seeing the crime scene is consistent among the boys except Rayshawn who said he was not with them.</li> <li>Black said she remembers seeing the police cars and tape. She doesn't remember seeing a van with a light to light up the scene. Atkins said that they could not have seen the light truck unless it was after 8:30 and that they couldn't have been at the bowling alley and dropped Jed/seen the scene at the same time.</li> <li>Black doesn't recall if Jed was with them at the bowling alley. Atkins said Cauthen remembers Jed being at the bowling alley, but the other boys don't.</li> </ul>
49:20 – 52:00	<ul style="list-style-type: none"> <li>Atkins quotes "an innocence lawyer" saying "it all makes sense, once you figure out the truth." He says it makes more sense that they dropped Jed off and saw the scene prior to going to the bowling alley.</li> </ul>
52:00 – 55:00	<ul style="list-style-type: none"> <li>Atkins says he has HW notes from Det. Griffin during Black's first interview with Griffin and Rose. Atkins thinks these are the truest version of Black's memory – he thinks the notes show her saying who was at the bowling alley, maybe including Jed.</li> <li>Atkins said the notes show prejudices of police and their theory. He suggests police were aggressive toward Cauthen and Banner because of a rumor about another robbery, not the facts of this case and says that is "not how policing is supposed to be done."</li> </ul>
55:00 – 1:01:00	<ul style="list-style-type: none"> <li>Atkins begins reading HW detective notes. Black denies the part in the notes that say she had oral sex with Cauthen. She says she didn't know anything about sex at that age.</li> <li>Atkins said if true, it was a weird coincidence that they fooled around in the car at the time of the crime.</li> </ul>
1:03 – 1:09:30	<ul style="list-style-type: none"> <li>Atkins asks who Shelton/Sheldon is. Black doesn't know. Atkins thinks the name was supposed be Sheldon with a D. Atkins continues to read HW notes to Black. She doesn't know who Keith Manns is. Atkins says he will ask Cauthen who Keith is. Full name is Keith Brian Manns.</li> <li>Atkins continues to read the notes to Black.</li> </ul>
1:09:30 – 1:13:00	<ul style="list-style-type: none"> <li>Black says police told her they found "skin DNA" of the victim in her car. They did not say this during interrogation, it was when she asked later about getting her car back. Atkins says they did not actually find "skin DNA" and could not even test for it at that time.</li> </ul>
1:13:00 – 1:15:30	<ul style="list-style-type: none"> <li>Atkins tells Black police did not test her car until nine months later. He tells her that the evidence did not point to the arrestees and that it is "shameful" that police/DAs were so confident without having done forensic tests. Atkins says the "young people" involved were taken advantage of.</li> </ul>
1:15:30 – 1:25:00	<ul style="list-style-type: none"> <li>Atkins says that he thinks if interrogations were recorded and more scrutiny was applied to scientific testing, "this wouldn't have happened."</li> <li>Atkins says he knows not to take Mr. Haley (Black's grandfather) at his word, but wants to confirm somethings he said with Black. Atkins says Black has to be taken</li> </ul>



Approximate Time	Discussion
	<p>seriously and he will establish her that way in his story by showing the tough things she has been through and the sincere place she is in now.</p> <ul style="list-style-type: none"> <li>Haley helped raise Black. Haley bought the car for Black that she drove the night of the crime. Black confirmed that he backhanded her when she cursed while raking leaves. Haley told Atkins that he made Black so afraid of doing wrong that he could not imagine her telling a lie. Black says she was afraid of getting in trouble. Atkins said Haley will not be depicted as being nice about that.</li> </ul>
<b>1:25:00 - 1:30:00</b>	<ul style="list-style-type: none"> <li>Haley told Atkins that Black used to wake up with screaming nightmares. She denies this happened. Atkins said that it seemed logical that she would have nightmares after this and that there was no reason for her to remember it.</li> <li>Atkins says Haley said he bought her a new car because she was scared on the southside of town and this way people would not know what she drove. Black said she doesn't recall this and that her grandparents were racist and would not help her feel comfortable on that side of town. She said the new car was because she had to get to work and the police still had her car.</li> <li>Haley may have picked Black up from police station the night of the interrogations. Hayley told Atkins that his memory is that Black told him she didn't do anything but pick the boys up and drop them off. Atkins said this sounds like the truth because Black told him the same thing. Atkins said that in that moment, being picked up from the police station, she would tell her grandfather the truth.</li> <li>Black's brother's dad told Atkins she would not lie about anything.</li> </ul>
<b>1:36:30 – 1:38:30</b>	<ul style="list-style-type: none"> <li>Atkins, quoting Hayley, quoting Black: "I knew something had to have happened because when I picked them up, the one had blood on him."</li> <li>Atkins says about this, "so maybe you said to your papaw that one of the guys had blood on him. Again, that could have been planted in your head by one of the detectives, but apparently it is something you said to your grandfather."</li> <li>Black says the boys said they wanted to change clothes because they were going to a party. Atkins said that no one else has that memory.</li> </ul>
<b>1:38:30 - 1:41:00</b>	<ul style="list-style-type: none"> <li>Haley told Atkins that he could imagine Black being coerced, but didn't think she would lie because she was scared because she had never lied about anything.</li> <li>Black said she was scared of what was going to happen to her because she was told she was going to spend her whole life in prison.</li> <li>Atkins asks if police ever stopped the recorder and made her restart and make changes. She can't remember. She can't remember if she wrote a handwritten statement – doesn't think so.</li> <li>Atkins says Bryant told him he wrote a statement using the information police gave him and the detective crumpled it up, threw it away, and made him start again. Atkins said with Bryant and Cauthen, police stopped recorders, rewound them, and made them start again "because it wasn't what they needed to hear."</li> </ul>
<b>1:41:00 – 1:44:00</b>	<ul style="list-style-type: none"> <li>Atkins says the logic was that even though Black lied, she believed the boys committed the crime because she did not know that they didn't commit the crime.</li> <li>Atkins tells Black that he read to Yolanda Tolliver the statements Yolanda made to police and she started crying and said she didn't remember it. Yolanda described</li> </ul>



Approximate Time	Discussion
	telling police what she knew and being told no, that was wrong, tell something else.
<b>1:44:00 – 1:49:00</b>	<ul style="list-style-type: none"> <li>Atkins says regarding police interviewing Yolanda and “Gizmo” (Thayers Tolliver), “the good side of the police work is maybe they know something, the bad side of the police work is maybe we can get them to say something.”</li> <li>Atkins tells Black that police interrogated Jed and Nelson Hartman. Atkins and Black both say police should have interrogated Keith Manns (who was mentioned in Griffin’s notes), because he could have been a potential alibi.</li> <li>Atkins wonders if it is possible that any one of the boys could have committed the crime. He says that he cannot come up with a scenario. “The character of these guys also seems so incongruous, so implausible that they would be killers. Knucklehead teenagers, fine.”</li> <li>Black said she did not think they would do anything like that. Atkins said she had formed a real friendship with them. Black said she was there every day for 2-3 months. Atkins said if she judged their character to be threatening, she would have “made note of that.” Atkins said she didn’t seem to have sensed that about them and Black agrees.</li> </ul>
<b>1:49:00 – 1:52:30</b>	<ul style="list-style-type: none"> <li>Atkins says that on paper, Banner “comes off as a psychopath,” but his interviews don’t show that. He was a bad kid, stealing and fighting. Atkins said that after speaking to Banner, it is “incomprehensible to me that he could have been that person at 14 years old.” Atkins found Banner to be “sweet” and “clueless.”</li> <li>Black said when she walked near an elevator in the courthouse to testify, Banner was coming out and lunged at her and officers threw him back in the elevator. Atkins said he thinks it is a bridge too far to think he, or any one of these guys could have committed this crime.</li> </ul>
<b>1:52:30 – 1:57:30</b>	<ul style="list-style-type: none"> <li>Atkins said we know Mr. Jones was found in his driveway bound with electrical tape, “essentially just for his wallet.” Atkins said it looks like a lot of planning went into the crime. He said people knew about payday on Friday and what time Mr. Jones got home every day.</li> <li>Atkins said there is no forensic evidence linking the boys to the crime and that whoever did it “was good enough that they didn’t leave a trace of evidence behind” and he doesn’t think the boys could have done it. Atkins says that he can’t write about the boys being innocent and injustice if he is wrong because then “everybody loses.”</li> <li>Atkins said that he would like to connect Black with an attorney to get an official statement from her and protect her. He promises it won’t trigger bad experiences with law enforcement and lawyers in the past. He said he will “only bring in someone who understands this entire situation.”</li> </ul>
<b>1:57:30 – 2:02:32</b>	<ul style="list-style-type: none"> <li>Discussion of logistics of Black meeting Atkins’s friend Jessica (seemingly to get the money for the car payment). Atkins tells Black that she should reach out if she ever needs anything because maybe he can help or will have an idea. He is eager and happy to help.</li> </ul> <p>END</p>



## Recording No. 12 – Phone Call (1:26:03)

Approximate Time	Discussion
<b>0:00 – 28:00</b>	<ul style="list-style-type: none"> <li>• (This recording appears to begin after the conversation was in progress)</li> <li>• Black talks about cooking and her great grandparents until the call drops at 8:10.</li> <li>• Around 9:40 the call resumes. Black talks about weather-related aches, a housing update, her son and school issues.</li> </ul>
<b>28:00</b>	<ul style="list-style-type: none"> <li>• Atkins wants to send Black images of officers while on the phone to get her immediate reaction.</li> </ul>
<b>31:00</b>	<ul style="list-style-type: none"> <li>• Black says if the pictures are recent, she will not recognize them. Atkins says they were the only images he could find. The call disconnects around 33:20.</li> </ul>
<b>37:00 – 41:00</b>	<ul style="list-style-type: none"> <li>• The call reconnects. Black says the man in the blue shirt looks like a “fucking asshole, cocky and arrogant.” Atkins says that is Det. Flynn. He says the details of how he behaved and what he said are unexplained. Atkins asks if he was “the spitter,” the most aggressive detective. Atkins gives a negative assessment of Det. Bishop.</li> <li>• Atkins says Rose and Griffin were also involved and those four officers switched in and out. Black says she doesn’t understand why so many people involved, and Atkins said it was part of the strategy.</li> </ul>
<b>41:00 – 46:00</b>	<ul style="list-style-type: none"> <li>• Atkins says he talked to a good detective who “broke down” each of the detectives and what “terrible guys” they were. This detective told Atkins the detectives had no experience with juveniles.</li> <li>• Atkins describes tunnel vision and says these detectives were “hell bent” on making evidence fit their narrative and when they were saying over and over “you’re a liar” it came from a place where they thought they were right.</li> <li>• Atkins describes this as bad police work because they went in with a plan to get confessions. He said Flynn has racism in his past and gives another negative description of Bishop. He says detectives are not so bright and follow the leader.</li> </ul>
<b>46:00 – 51:00</b>	<ul style="list-style-type: none"> <li>• Atkins says the detective he talked to described Bishop as the kind of detective who showed up and made situations worse. Black says the name Ken Bishop rang a bell for her. Atkins said he will try to find an image to send her.</li> <li>• Atkins’s Goal is for the story to come out in late October. He wants to connect Black with a lawyer regarding her providing an affidavit. He will get someone who is sensitive to the situation. Atkins said this is an important step to jumpstart “the innocence effort” and that he was horrified about Dorrell. Atkins describes being sad that the coverage of Dorrell’s murder was about his involvement in this case.</li> </ul>
<b>51:00 – 55:00</b>	<ul style="list-style-type: none"> <li>• The call cuts out at around 51:30 and comes back around 55:00. Discussion of Black being “brutally fucking honest.”</li> </ul>
<b>57:00 – 59:00</b>	<ul style="list-style-type: none"> <li>• Atkins says he got transcripts and there is a “really interesting moment” in Black’s interview with Bishop. Black says one officer “kept coming at” her “forever and ever and ever and ever.” Atkins wants to read Black part of her recorded interview with Bishop. He tells Black that police called her grandmother, they called back and agreed to come down, she was interviewed by Rose first.</li> </ul>
<b>59:00 – 1:26:03</b>	<ul style="list-style-type: none"> <li>• Call cuts out around 59:00 and the rest of the recording is dead air until it ends at 1:26:03</li> </ul> <p>END</p>



### Recording No. 13 – Phone Call (43:13)

- This recording appears to begin after the conversation was in progress, but nothing recorded is case-related, other than at one point Atkins tells Black that he found Ken Bishop's picture on LinkedIn. The call drops around 31:30 and the rest of the recording is dead air until it ends at 43:13.

### Recording No. 14 – Phone Call (16:46)

Approximate Time	Discussion
1:00 – 6:50	<ul style="list-style-type: none"><li>• Discussion regarding identifying photos sent by Atkins of potential WSPD officers</li><li>• Black indicates that the officer was “mad” and “yelling at her”</li><li>• Black tries to find a similar “hair model” to the way she remembers the WSPD officer’s hair</li><li>• Appears they are trying to identify Bishop</li><li>• Atkins says “it is really nice hair, it is longer”; “kind of like a real head of hair”</li></ul>
6:50-9:50	<ul style="list-style-type: none"><li>• Discussion regarding a detective whose name never came up, but “kind of led the investigation in truth”</li><li>• Sends her the photo but she does not identify that photo</li><li>• Continued discussion of the pictures Atkins sent her</li><li>• Black says “Bishop’s name rings a bell”</li><li>• Atkins: “We know that according to the documents, both of them were part of the interview” (Flynn and Bishop); “it is not inconceivable that both he and Bishop were, you know, assholes.”</li></ul>
9:50	<ul style="list-style-type: none"><li>• Only names Black can remember are Eric Saunders and could not remember the woman’s name</li><li>• Black says she is horrible with names but she does not forget faces and certain names that make impressions on me</li><li>• Saunders was really nice to Black throughout the whole ordeal; “now the woman, she was an asshole. She was cold”</li></ul>
12:50	<p>0% gut feeling on Jennifer Martin”</p> <p>o is what I seen in the van...but her with the longer hair is not”</p> <p>smoked pot my whole life”</p> <p>re always high”</p>
15:40	<ul style="list-style-type: none"><li>• Atkins asks her if she had seen the news about another big Winston Salem case</li><li>• Call ends when Black’s friend says he is cutting into their time together as friends.</li></ul> <p>END</p>

### Recording No. 15 – Phone Call (32:04)



Approximate Time	Discussion
0:00 – 11:00	<ul style="list-style-type: none"> <li>• Discussion of the Black's worksite being closed down at Christmas</li> <li>• Black lives far out from town and that the schools are better and it is quieter.</li> <li>• Discussion of Black's son's school and issues she is having with her son; social services was called related to the issues with her son (she says she left a mark on his hand).</li> </ul>
11:00-21:00	<ul style="list-style-type: none"> <li>• Talks about son and doctors; that son doesn't like therapy and it won't help him; he distrusts adults and the school. Black's son is being bullied</li> </ul>
21:00 – 24:00	<ul style="list-style-type: none"> <li>• Discussion of allowing her son to use weed to help him with his concerns, particularly his anger.</li> </ul>
24:00 – 29:00	<ul style="list-style-type: none"> <li>• Discussion of Julie (NCIIC) leaving her card and trying to find her; my mother did a bunch of research on her and Julie is from Iowa; if you can't find me, then you can't do nothing; but if they find me, and I don't go, then they can lock my ass up</li> <li>• Black: She comes home from work 2 hours late, and "this motherfucker" pulled up in an SUV and served me; got me 1 week before the date of the subpoena; they are doing it for Bryant and Tolliver.</li> </ul>
29:00	<ul style="list-style-type: none"> <li>• Discussion of Julie and Black's talk re: Atkins. Black says she told Julie "everything I told you."</li> <li>• Black says that Atkins did not change her opinion; says Atkins "opened her eyes" and "broadened my view"; "showed me the corruption" in the city.</li> <li>• Says Julie brought up the Central Park 5. Call ends prematurely.</li> </ul> <p>END</p>

### Recording No. 16 – Phone Call (1:33:33)

Approximate Time	Discussion
0:00 – 2:00	<ul style="list-style-type: none"> <li>• Black recounting deposition with Julie (NCIIC).</li> <li>• Black thought Julie was "an asshole" and Atkins said that Commission was reasonable and "sterile."</li> </ul>
2:00 – 6:09	<ul style="list-style-type: none"> <li>• Discusses that Julie brought up car payment and Black said that was not given out as a form of payment.</li> <li>• Black says she doesn't know the people that Atkins got to give him the money.</li> <li>• Atkins wants to know about whether NCIIC knew the amount and says, "they need to be respected for their thoroughness" because "they really are digging for the truth."</li> <li>• Black says that one of the last questions Julie (NCIIC) asked is "if you say you lied the first time, why should you believe me now?" and Black says "you shouldn't" but says that she just told police what they wanted to hear.</li> <li>• Black "Just like I told Atkins, at 16, I should be able to trust the law, and now here all this shit went on and you see over time that you really don't know who you can and can't."</li> </ul>
6:09-9:00	<ul style="list-style-type: none"> <li>• Discussion of the fact that Commission wants the recording.</li> </ul>



Approximate Time	Discussion
	<ul style="list-style-type: none"> <li>Atkins: "long, cold war that journalists have always had that with the government; our arguments for not being biased is to keep control over our notes and our material."</li> <li>Black says that Atkins tried to get her to go to the Innocence lawyers himself and Atkins agrees.</li> </ul>
9:00-15:50	<ul style="list-style-type: none"> <li>Discussion of Commission process.</li> <li>Black "Don't like her personality; do not like her as a person...anal as hell." "She has been burning my phone up over your recording."</li> <li>Atkins: "if I was in her shoes, I would want the same thing."</li> <li>Black "those women were some prissy ass something or others and the looks on their face...I feel like they were judging me."</li> <li>Atkins "my assumption is that they know that as a reporter I have to say no and I think my other assumption is that...they have to make sure that in the same way this very key person to all this, you, wasn't susceptible to another person...that the same thing didn't happen again."</li> </ul>
15:50-17:25	<ul style="list-style-type: none"> <li>Atkins: "I assume you also explained" (to the Commission) about how the explicit things in your testimony that were not correct. Black says that you will hear the same thing on Atkins's recordings as she told the Commission.</li> <li>Black says she remembers Atkins telling her "you don't have to remember the fucking truth."</li> </ul>
17:25 – 20:00	<ul style="list-style-type: none"> <li>Julie had her assistant with her – "she was actually pretty cool."</li> <li>Atkins: "there are two women that run it who are great; not just their personalities but I think they are really good at this and I was wondering if one of them might have sat in on it."</li> <li>Black "everything was so fucking professional with her."</li> </ul>
20:00 – 25:00	<ul style="list-style-type: none"> <li>Atkins asks if Julie said that the 8 person panel was around the corner; Black says no, Julie said it was a long process.</li> <li>Black says, "they are still at the beginning" and Atkins says he can't figure out the length of time for the Commission – sometimes it takes 9 years; "sounds crazy to me" and they've also turned some around in "18 months."</li> <li>Atkins: "My assumption is that part of the reason they were kicked in the butt is because they knew I got involved."</li> <li>Atkins discusses theories about how neutral the Commission is; interested to some day talk to them more.</li> </ul>
25:00 – 29:00	<ul style="list-style-type: none"> <li>Black worried about getting in trouble about speaking to me. Atkins says he has never told anyone about talking to Black. Black says Julie says you might not ever see us again. Black: "everything I went over with you...it was the same shit."</li> <li>Atkins: "That should tell you I know what I am talking about."</li> </ul>
29:00 – 32:00	<ul style="list-style-type: none"> <li>Atkins "What was the most surprising thing she brought up?"</li> <li>Black: when she asked about specific dates, I couldn't remember. "I smoked weed my whole life" and I "can't keep up with that shit."</li> <li>Black "I'm going to tell you exactly what I told the police about going to the mall and picking them up walking down the road."</li> </ul>



Approximate Time	Discussion
<b>32 – 33:30</b>	<ul style="list-style-type: none"> <li>Black talks about police giving her facts and that if she told them what they wanted to hear, they would let her go home.</li> <li>Police didn't tell me that specifically, but "I knew that if I played ball, I would go home and they wouldn't put me in jail." "I wasn't going to jail anyway because they didn't have anything on me."</li> </ul>
<b>34:00 – 40:00</b>	<ul style="list-style-type: none"> <li>Atkins: "The case goes back and forth on your word."</li> <li>Black: "I never saw shit out of them like that, I have a son that same age and he is a knucklehead..." discusses being afraid of her son getting involved in stuff he hasn't done.</li> <li>Atkins discussing Commission confidentiality with her "I am a pretty big fan of transparency."</li> <li>Asks Black that if Julie gets back in touch with her to ask about when is the 8 person panel; Atkins wants to know.</li> </ul>
<b>40:00 -</b>	<ul style="list-style-type: none"> <li>Atkins is more than happy to have Black send the Commission his way.</li> <li>Black reads text from Julie (NCIIC) that comes in while they are on the phone with each other.</li> <li>Black: "I don't know how they will get it if you are in Texas." Black explains that "they just want to see" if the shit I talked about with you the same story or how is it different; and she says she told the same story; I figured it would be something that she wanted to hear.</li> <li>Atkins admits that it is reasonable we would want to know. Atkins says we haven't subpoenaed him because "my assumption is that it is difficult."</li> </ul>
<b>44:17 – 48:00</b>	<ul style="list-style-type: none"> <li>Black reads text she is writing back to Julie while on the phone with Atkins. "He says I can't have it" and Atkins laughs.</li> <li>Atkins: "Between you and me, if they call me, I will not answer that call...I'm not just going to answer their questions." "If it leads to me being subpoenaed, it leads to it." "I might not be able to speak with them unless I have a lawyer."</li> <li>Black says she writes back "He said feel free to get in touch with him."</li> </ul>
<b>48:00 – 51:00</b>	<ul style="list-style-type: none"> <li>Black initially thought Atkins sent them to talk to him but realized he didn't.</li> </ul>
<b>51:00 – 56:00</b>	<ul style="list-style-type: none"> <li>Black talks about how Forsyth county is crooked and dishonest.</li> <li>Atkins wants to know what detectives Commission investigators asked about; Black says she only really remembered Griffin.</li> <li>Atkins points out that he showed her a photo of him and that she did not remember that.</li> </ul>
<b>56:00 – 1:01:00</b>	<ul style="list-style-type: none"> <li>Atkins: Talking about a "Venn diagram" of detectives involved in this case that were involved in the Darryl Hunt case; Specifically mention Ken Bishop; also talks about how Bishop came up in the Williams case. "He was a pretty big part of getting that case wrong" and I assume "they, like me, are going to put two and two together and say 'holy shit'"; discusses a sexual harassment scandal with Bishop.</li> </ul>
<b>1:01:00 – 1:08:00</b>	<ul style="list-style-type: none"> <li>Discussion of why the four years after the crime were the scariest of her life – Black says because she just wanted to get away and get out of it; that is how long it took for me to "keep hearing about that shit"</li> </ul>



Approximate Time	Discussion
	<ul style="list-style-type: none"> <li>Atkins asks if she told them about Saunders and that drive; Black says that she reported that the daughters had told Atkins that they would never do such a thing; Black says the only thing she could tell him was that the woman had a bob haircut and the only one we could find with that was an assistant and that all Black knew is that it was not the victim's daughters.</li> <li>Discussion of scrapbook by grandmother about the whole case (media articles, etc.).</li> </ul>
<b>1:08:00 – 1:13:00</b>	<ul style="list-style-type: none"> <li>Talks about how Julie went through everything line by line; talks about how they have all the transcripts. Atkins: "We want an organization like that to have everything." Black: "She would ask me if I remembered and I was like 'I do now.'"</li> <li>Atkins is interested in trying to figure out who committed the crime. Black said that if she had to guess if any of the defendants did it, it would be Rayshawn but just based on his personality.</li> <li>Black said she had no clue who hurt Mr. Jones; Black says she had heard that Jones was well known and didn't carry cash.</li> </ul>
<b>1:13:00 – 1:20:00</b>	<ul style="list-style-type: none"> <li>Atkins wonders if his discussions with us "moved the case forward" and says Black should be looking out for the term "formal inquiry" and says that the victims have not been informed but that is required for "formal inquiry."</li> <li>Atkins: What is a "shame" is that the Commission is not transparent about its process – they don't tell anyone. Black: "I think that is bullshit and if they find they are innocent they deserve to know."</li> <li>Atkins: The reason that the Commission is not completely transparent is because if they have to terminate it, they don't want to have their process scrutinized when they just close the case; he says that the 8 person panel can result in public information.</li> </ul>
<b>1:20:00</b>	<ul style="list-style-type: none"> <li>Discussion of the "skin DNA" in Black's car and that police lied about it and how Black was really mad about it because they tore up her car and only gave it back to her 5 years or so ago.</li> <li>Atkins: The panel also includes "some that used to work at innocence projects."</li> <li>Black "I don't care what they say and how impartial they claim they are, you never know...there are situations that no matter what fucking evidence gets thrown to them that can prove the innocence of whatever case it may be, if them motherfuckers are personally feeling some way, they are going to feel the way they feel and they will justify the reason for their shit."</li> <li>Long discussion by Black of justice system; says that the innocence claims have to be really carefully reviewed but when they are locking you up, they don't care as much about being careful. Atkins says Black has become a "freedom fighter."</li> <li>She says "that is why she kept her ass missing" from Atkins and the lawyers. The call appears to cut off prematurely.</li> </ul> <p>END</p>



# Handout 18



\* \* \* \* \*

TRANSCRIPT

Wednesday, February 26, 2020

\* \* \* \* \*

Transcript of interview that took place at 8:15 p.m.,  
between Detective Jake Swaim, Detective Adam Darga, and  
Jessicah Black, at 172 Koontz Road, Lexington, North  
Carolina.

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O'Connor Legal, Medical & Media Services, LLC  
P.O. Box 384  
South Sutton, NH 03273  
(603) 865-1255



1 DETECTIVE DARGA: Want me to record on here, too?

2 DETECTIVE SWAIM: Oh, [indiscernible]. 8:15,  
3 we're at 172 Koontz Road in Lexington, North Carolina. It's  
4 myself and Detective AR Darga. We have arranged a 8:15 p.m.  
5 interview with Ms. Jessica Black at her residence.

6 (Background noise)

7 DETECTIVE DARGA: That smells good.

8 DETECTIVE SWAIM: Yeah, that barbecue smells good,  
9 though.

10 DETECTIVE DARGA: Smell that --

11 DETECTIVE SWAIM: Can you help me there real  
12 quick?

13 DETECTIVE DARGA: Yeah. Did you knock?

14 DETECTIVE SWAIM: I rang the doorbell. I heard --

15 DETECTIVE DARGA: Oh, did --

16 DETECTIVE SWAIM: -- it go off.

17 DETECTIVE DARGA: Oh.

18 (Door opens)

19 DETECTIVE SWAIM: We can come in?

20 DETECTIVE DARGA: Hey, is there a storm --

21 DETECTIVE SWAIM: Yeah. How are you?

22 MS. BLACK: That wind, sound like the roof, roof  
23 going to blow up.

24 DETECTIVE SWAIM: How are you?

25 MS. BLACK: Good.



1 DETECTIVE SWAIM: How was work?

2 MS. BLACK: [Indiscernible] to see you all today.

3 DETECTIVE SWAIM: Well, we didn't mean to  
4 interrupt your dinner.

5 MS. BLACK: I, I ate all day. You all want some,  
6 you all want something to drink?

7 DETECTIVE SWAIM: No, I'm good. We're in --  
8 we're, we're here, like I said. I know you probably were  
9 worried, and many things going through your mind. You're  
10 not in trouble with us --

11 MS. BLACK: I know that they're going through the  
12 whole --

13 DETECTIVE SWAIM: -- at all.

14 MS. BLACK: -- innocence thing. So I know that  
15 they're rehashing everything that went on. So I know that  
16 -- I know it's going to be -- I knew it was going to be  
17 reinvestigated.

18 I already knew all that. And Judy -- Julie Brineheart  
19 [phonetic], maybe, is the lawyer that contacted me. She  
20 actually couldn't track me down, because I avoided her for a  
21 good six months.

22 And now I moved here, and I don't know. Like I, I come  
23 home like three hours late one day, and I saw this SUV whip  
24 in behind me. And she found me.

25 She subpoenaed me. I went up there. I talked to her.



1 They rehashed, exactly what you all are going to do, the  
2 whole process with the interrogation, and the whole --

3 DETECTIVE SWAIM: Well, no, no, no. I don't want  
4 to know, I don't want to know nothing about that. I, I just  
5 want to know about the case. I don't know about no --

6 MS. BLACK: Well, that was the -- that, that is  
7 what the, the gist of what they got --

8 DETECTIVE SWAIM: Okay.

9 MS. BLACK: -- down, too, was, was the whole, the  
10 whole thing.

11 DETECTIVE SWAIM: Well, here's what I want to talk  
12 to you about. I want to know what you told police back in  
13 2002.

14 And it's been -- I was your -- I was about the same age  
15 as you. I'm about -- when all that happened, so I get  
16 probably your emotions, things, your life going on. I, I, I  
17 just want to know what you remember.

18 MS. BLACK: [Indiscernible] --

19 DETECTIVE SWAIM: And what --

20 MS. BLACK: -- to that, okay?

21 DETECTIVE DARGA: Let's just -- is there -- can we  
22 sit down?

23 MS. BLACK: Absolutely, you all go ahead. I just  
24 got done sitting. I need to stand. I got --

25 DETECTIVE DARGA: You're fine.



1 MS. BLACK: I've had hip replacements so --

2 DETECTIVE DARGA: I just -- what I'm going to do  
3 is --

4 MS. BLACK: -- I need to --

5 DETECTIVE SWAIM: Okay.

6 DETECTIVE DARGA: -- I'm going to -- just so I can  
7 write some notes down.

8 MS. BLACK: That's fine.

9 DETECTIVE DARGA: Can I --

10 DETECTIVE SWAIM: And we told you it'd be  
11 recorded. I'm going to use this.

12 MS. BLACK: Go ahead. You all go ahead and have a  
13 seat. That's why I brought this little chair in here and --

14 DETECTIVE SWAIM: Oh, okay.

15 MS. BLACK: -- that couch. Do what you got to do,  
16 but there ain't nothing to --

17 DETECTIVE DARGA: You mind if I move this over to  
18 here?

19 MS. BLACK: No, because I put it there in case you  
20 wanted it.

21 DETECTIVE DARGA: Because what I'm going to do,  
22 I'm just going to get some room, basically -- or make room  
23 for me real quick, just so I --

24 MS. BLACK: As long as you all don't mind me  
25 sitting here --



1 DETECTIVE DARGA: You're fine, listen.

2 MS. BLACK: -- [indiscernible] on this chili.

3 DETECTIVE DARGA: You do, you do --

4 DETECTIVE SWAIM: Oh, well.

5 DETECTIVE DARGA: -- you do you.

6 MS. BLACK: Don't tell me. I'm about to, I'm

7 about to start --

8 DETECTIVE SWAIM: No, eat.

9 MS. BLACK: -- resting my backbone.

10 DETECTIVE SWAIM: Make yourself comfortable.

11 DETECTIVE DARGA: Oh my, God. Sitting down feels  
12 good, though --

13 DETECTIVE SWAIM: I guess we can set this up kind  
14 of right here.

15 MS. BLACK: You guys can set up however you need  
16 to.

17 DETECTIVE DARGA: All right. Spell out your --

18 DETECTIVE SWAIM: Um-hmm.

19 DETECTIVE DARGA: -- first name for me.

20 MS. BLACK: J-E-S-S-I-C-A-H.

21 DETECTIVE DARGA: A-H?

22 MS. BLACK: Um-hmm.

23 DETECTIVE DARGA: I ain't never seen this.

24 MS. BLACK: Like Jessica, but, yeah, it's  
25 attitude. My mama --



1 DETECTIVE DARGA: Yeah.

2 MS. BLACK: -- calls me --

3 DETECTIVE DARGA: Okay. Okay. And your middle  
4 name, Jessica?

5 MS. BLACK: Joanna, J-O-A-N-N-A.

6 DETECTIVE SWAIM: Oh, see.

7 DETECTIVE DARGA: And your last name?

8 MS. BLACK: Black, like the color.

9 DETECTIVE DARGA: Black like the color?

10 MS. BLACK: Um-hmm.

11 DETECTIVE DARGA: Okay.

12 DETECTIVE SWAIM: I'll sit right here. You mind  
13 if I sit right here?

14 MS. BLACK: Huh-uh.

15 DETECTIVE SWAIM: All right.

16 DETECTIVE DARGA: Your birthday?

17 MS. BLACK: 04/01/86.

18 DETECTIVE DARGA: What's, what's the address,  
19 172 --

20 MS. BLACK: Koontz, K-O-O-N-T-Z, Road, Lexington.

21 DETECTIVE DARGA: How's this got a Lexington  
22 address?

23 MS. BLACK: You know what? I didn't even know  
24 what school my son was going to be in, because I fall dead  
25 in the middle of, like Reeds --



1 DETECTIVE DARGA: Churchtown.

2 MS. BLACK: -- Tyro, Lexington, and something  
3 else. And they didn't know where he was going to go. He  
4 ended up going to Tyro.

5 DETECTIVE DARGA: Okay.

6 MS. BLACK: But it's 27295.

7 DETECTIVE DARGA: This is my stomping grounds.

8 MS. BLACK: Better you than me. I love Winston,  
9 but I don't love the trouble that comes with it.

10 DETECTIVE DARGA: You got a cellphone?

11 MS. BLACK: I do, 336-749-2506.

12 DETECTIVE DARGA: Uh-huh, 749-2506. You guys --  
13 you got a house number here?

14 MS. BLACK: I do not.

15 DETECTIVE DARGA: Okay. And where -- and you're  
16 working at the Grand Prix?

17 MS. BLACK: No, it's called the -- honey, I just  
18 learned. I've been there a month, and I just, I just got  
19 the manager's number. New Country Food Mart.

20 DETECTIVE DARGA: Okay.

21 DETECTIVE SWAIM: Oh, that's why you got --

22 MS. BLACK: No, because he's, he's Pakistani, and  
23 he -- his --

24 DETECTIVE SWAIM: Yeah.

25 MS. BLACK: -- English is real broken. And he'd



1 have been like, oh my, God.

2 DETECTIVE DARGA: Is it Old 64, or it's just 64?

3 MS. BLACK: This --

4 DETECTIVE DARGA: How --

5 DETECTIVE SWAIM: I think this is --

6 MS. BLACK: -- this is Old U.S. 64, because new  
7 64's literally right over here.

8 DETECTIVE DARGA: Yeah. All right. Where'd you  
9 go to school at?

10 MS. BLACK: North Davidson.

11 DETECTIVE DARGA: North Davidson, nice.

12 DETECTIVE SWAIM: I'm trying to think. Do you  
13 know Mikey Wisenhood [phonetic], because I think I played  
14 baseball with Mike Wisenhood, South Little League?

15 MS. BLACK: How old are you?

16 DETECTIVE SWAIM: I'm about -- because I was born  
17 in '84, so --

18 MS. BLACK: So, you're -- you play with  
19 Little Mike?

20 DETECTIVE SWAIM: Yeah, but you talking about his  
21 daddy?

22 MS. BLACK: Yeah.

23 DETECTIVE DARGA: What year did you --

24 MS. BLACK: My mama --

25 DETECTIVE DARGA: -- graduate?



1 MS. BLACK: -- run with his daddy.

2 DETECTIVE SWAIM: Oh, then they know my parents,  
3 because my parents went to Parker in the '70s. So they're  
4 the same age.

5 MS. BLACK: What's your last name?

6 DETECTIVE SWAIM: Swaim.

7 MS. BLACK: Oh, my mama knows all kinds of Swaims.

8 DETECTIVE SWAIM: Yeah, she would know --

9 MS. BLACK: She run --

10 DETECTIVE DARGA: What's your mom's last name?

11 MS. BLACK: Black.

12 DETECTIVE DARGA: Black.

13 MS. BLACK: Um-hmm.

14 DETECTIVE DARGA: What's your daddy? Your daddy's  
15 Black, obviously?

16 MS. BLACK: Sheila.

17 DETECTIVE DARGA: Sheila? Okay. Where'd you grow  
18 up in North --

19 MS. BLACK: I grew up -- I started growing up in  
20 southside. My mama did not want me going to high school  
21 anywhere over there. So, then, I lived on Gumtree for a  
22 while, Ivy Oakley.

23 DETECTIVE DARGA: What part of Gumtree, Ivy  
24 Oakley?

25 MS. BLACK: I was right across from Church's old



1 shop.

2 DETECTIVE DARGA: Yeah.

3 MS. BLACK: I had the -- as a matter of fact, that  
4 was my little lands that -- I sold that. And --

5 DETECTIVE DARGA: You don't know any, any girls by  
6 the last name of Salisbury, did you, growing up?

7 MS. BLACK: When it comes to girls, I don't know.  
8 I know faces, because I, I tried to --

9 DETECTIVE DARGA: You know anybody from --

10 MS. BLACK: I dressed like a boy. You thought I  
11 was a boy. I didn't -- I couldn't kick it with the girls.  
12 They was too much for me, especially --

13 DETECTIVE DARGA: What --

14 MS. BLACK: -- North Davidson. But --

15 DETECTIVE DARGA: -- what year did you say --

16 MS. BLACK: -- Gumtree --

17 DETECTIVE DARGA: -- you graduated?

18 MS. BLACK: '04.

19 DETECTIVE DARGA: '04, I graduated '02. I was a  
20 little bit ahead of you.

21 DETECTIVE SWAIM: Yeah, that's when I did. My  
22 parents same way, though. We lived on Radcliff Street, and  
23 then they said, you ain't going to school out here --

24 MS. BLACK: I tell you what. I put -- my son has  
25 never been inside a county school until --



1 DETECTIVE SWAIM: That's good.

2 MS. BLACK: -- last year.

3 DETECTIVE SWAIM: Yeah.

4 MS. BLACK: I put him in Northwest Middle. When I  
5 tell you, I didn't have a problem him being the only white  
6 kid I seen. I was like, shoot, go ahead, Marshall. You  
7 know, do your thing. That was good.

8 But his first day, he got jumped on the bus by four  
9 boys. And when it come down to it, they had to have the  
10 sheriff in there, and everything, because one of the boys  
11 hocked a loogie in my son's face. I went, oh, hell. My  
12 son's there two weeks, spending a week and a half of them  
13 two weeks --

14 DETECTIVE DARGA: Where?

15 MS. BLACK: At Northwest Middle, and they said  
16 it's a AAA school. So I thought that was great. And so, I  
17 was like, yeah, we need to come home.

18 DETECTIVE DARGA: Yeah.

19 MS. BLACK: Get on back down here to --

20 DETECTIVE DARGA: That's --

21 MS. BLACK: -- Lexington County, where --

22 DETECTIVE DARGA: -- the best thing. Yeah.

23 MS. BLACK: Ain't no way.

24 DETECTIVE DARGA: All right, I think I got all the  
25 basic information I need, as far as --



1 DETECTIVE SWAIM: Yeah.

2 DETECTIVE DARGA: -- that stuff is concerned.

3 But, like he said, just to kind of go back through things,  
4 what happened back then. Me -- none of us --

5 DETECTIVE SWAIM: Yeah.

6 DETECTIVE DARGA: I wasn't even in North Carolina  
7 back then. So --

8 MS. BLACK: Here's my question.

9 DETECTIVE DARGA: Okay.

10 MS. BLACK: When it comes to you all wanting to  
11 know what happened with the case, what I said in my  
12 statements, obviously, if you all did your background on it,  
13 you seen my statements changed and changed, and changed, and  
14 changed, and continue to change. So, do you want to know  
15 the actual of what I know? Or do you want me to tell you --

16 DETECTIVE DARGA: Here's --

17 MS. BLACK: -- what I told them?

18 DETECTIVE DARGA: -- here's --

19 MS. BLACK: That's what I want to know.

20 DETECTIVE DARGA: The best thing I say is that we  
21 want, we want whatever the truth is. At the end of the day,  
22 we're fact-finders, right?

23 MS. BLACK: Right.

24 DETECTIVE DARGA: Okay. I'm not here to -- I'm,  
25 I'm here to take the case, take the facts of the case, and



1 turn that over --

2 MS. BLACK: Right.

3 DETECTIVE DARGA: -- to, to the, to the court  
4 system to let them decide, you know --

5 MS. BLACK: Oh, absolutely.

6 DETECTIVE DARGA: -- what happens and stuff.

7 MS. BLACK: Oh.

8 DETECTIVE SWAIM: Let me tell you this, too. Me  
9 and him, both, we -- I -- I'll, I'll promise you that I'm  
10 never going to sit here and yell at you, not going to get in  
11 your face, no amount of pressure. I don't want you to feel  
12 pressured.

13 MS. BLACK: No, that was my whole thing. I was  
14 like --

15 DETECTIVE SWAIM: Well --

16 MS. BLACK: -- dude, I, I was very sheltered.

17 DETECTIVE SWAIM: Yeah.

18 MS. BLACK: My mother did not let me out of her  
19 sight.

20 DETECTIVE SWAIM: Oh, well. And we're in your  
21 house. If you tell me and him in a minute, I want you out  
22 of my house, get out. I'm leaving.

23 And I want you to understand that -- well, I just -- I  
24 don't got to explain it to you. And you seem like a smart  
25 girl.



1       So you understand the authority to arrest and powers of  
2 arrest. Our badge says Winston-Salem. We're a long way  
3 from Winston-Salem.

4       So we ain't here to arrest you. We can't arrest you.  
5 So I don't want you to feel pressured in any way. We just  
6 want the truth, because somebody lost their life.

7               MS. BLACK: Absolutely.

8               DETECTIVE SWAIM: And you start bringing things  
9 back up, and people start getting revictimized and all this.  
10 We just want the truth. That's all we want --

11              MS. BLACK: Okay.

12              DETECTIVE SWAIM: -- is, is the truth of what  
13 happened. And if you know -- and, and, and we don't want  
14 you to lie about anything.

15       Just start today from a clean slate, and tell us --  
16 because there were some things from your statements we were  
17 able to corroborate, obviously. And some things that you  
18 couldn't, but we just -- clean slate, and just if that's at  
19 -- what you're more comfortable with, tell us what, what  
20 happened.

21              MS. BLACK: All right.

22              DETECTIVE SWAIM: Okay? Your, your involvement,  
23 and I don't -- no matter how significant, no matter how  
24 little, and I think that -- but just we want -- we -- we're  
25 here to know everything.



1 DETECTIVE DARGA: And do you go by Jessica?

2 MS. BLACK: Jessica, J, Red.

3 DETECTIVE DARGA: Which do you --

4 MS. BLACK: Whichever one.

5 DETECTIVE DARGA: -- want me to call you?

6 MS. BLACK: Whichever one you choose.

7 DETECTIVE DARGA: I'm going to call you Jessica,  
8 then.

9 MS. BLACK: That works.

10 DETECTIVE DARGA: I didn't -- when this happened,  
11 in what year?

12 DETECTIVE SWAIM: We graduated high school.

13 DETECTIVE DARGA: 2002.

14 DETECTIVE SWAIM: 2002.

15 DETECTIVE DARGA: Okay.

16 MS. BLACK: I was going to say --

17 DETECTIVE DARGA: So --

18 MS. BLACK: -- because I don't even know.

19 DETECTIVE DARGA: -- I was about 1200 miles away  
20 from here, when all this stuff happened.

21 MS. BLACK: Where the hell you from?

22 DETECTIVE DARGA: I was living on the border of  
23 Canada.

24 MS. BLACK: You're from Canada?

25 DETECTIVE DARGA: Well, not Canada, I'm from the



1 United States.

2 MS. BLACK: Yeah, yeah.

3 DETECTIVE DARGA: But from the --

4 MS. BLACK: Okay.

5 DETECTIVE DARGA: -- border -- but the border of  
6 Canada. That's, that's where I was at, at, then. So this,  
7 this case meant nothing to me back then. I wasn't here. I  
8 wasn't even thinking about North Carolina, no clue --

9 MS. BLACK: Yeah, because I didn't --

10 DETECTIVE DARGA: -- about North Carolina back  
11 then.

12 MS. BLACK: -- even know the --

13 DETECTIVE SWAIM: And --

14 MS. BLACK: I didn't even know who --

15 DETECTIVE DARGA: So --

16 MS. BLACK: -- Chris Paul or none of that was. I  
17 didn't learn all that until after everything was over.

18 DETECTIVE SWAIM: And, and, and, and this, this  
19 might help you out. And sometimes I do this, might be  
20 easier. How -- sometime -- what, what kind of car were you  
21 driving back then?

22 MS. BLACK: '86 Mercury Cougar.

23 DETECTIVE SWAIM: And what color was it?

24 MS. BLACK: Black with pink-and-blue pinstripes  
25 down the side. And on the back, it said, No More Mr. Nice



1 Guy.

2 And it was lowered, big Macs, loved that car. That was  
3 the best car. Man, rode like a Cadillac, loved it.

4 Two-door, spoiler on the back.

5 DETECTIVE SWAIM: All right. And you -- who did  
6 you hang out with on southside. I know you said you didn't  
7 go, but you would go there sometimes.

8 MS. BLACK: The fellas that --

9 DETECTIVE SWAIM: Okay.

10 MS. BLACK: -- that -- well, at the time, I did  
11 not even know their names. I always knew them by nicknames.

12 DETECTIVE SWAIM: Okay. Well, you can --

13 DETECTIVE DARGA: And we will --

14 MS. BLACK: Well, Rayshawn was the only one I knew  
15 by his, by his name.

16 DETECTIVE SWAIM: And, and what was you and  
17 Rayshawn's relationship?

18 MS. BLACK: Love/hate.

19 DETECTIVE SWAIM: Okay. So, was it like -- when  
20 you say "love/hate", love/hate friends, love/hate --

21 MS. BLACK: No, I mean like love/hate, like we  
22 argued all the damn time, because --

23 DETECTIVE SWAIM: Well --

24 MS. BLACK: -- he had a loudmouth, and so did I.

25 DETECTIVE SWAIM: Okay. But was you all's



1 relationship like boyfriend/girlfriend?

2 MS. BLACK: No.

3 DETECTIVE SWAIM: Okay.

4 MS. BLACK: No, no.

5 DETECTIVE SWAIM: Okay.

6 MS. BLACK: It was never boyfriend/girlfriend with  
7 none of them.

8 DETECTIVE SWAIM: Okay, that's -- and --

9 MS. BLACK: Never.

10 DETECTIVE SWAIM: -- so, you knew Rayshawn.

11 MS. BLACK: And then, Stinky, his brother.

12 DETECTIVE SWAIM: Okay.

13 MS. BLACK: So, that's why Rayshawn was always  
14 brought in there, because me and Stinky kicked it. Me and  
15 him was cool.

16 Me and him kicked it more than the rest of them,  
17 because he was just -- he was laidback. He was straight. I  
18 went over there every day. I went -- the whole -- how I met  
19 them --

20 DETECTIVE SWAIM: And when you say "them" --

21 MS. BLACK: The boys, all the -- all five, five of  
22 the fellas.

23 DETECTIVE DARGA: And what -- and, and I'm going  
24 to ask, because I honestly -- I have no clue who these guys  
25 are.



1 MS. BLACK: Okay. So you got --

2 DETECTIVE DARGA: And this is --

3 MS. BLACK: -- Rayshawn and Stinky.

4 DETECTIVE DARGA: Okay. And they're brothers?

5 MS. BLACK: And that's the brothers.

6 DETECTIVE DARGA: Okay.

7 MS. BLACK: Nathaniel -- it's Nathaniel, Nathaniel  
8 and Rayshawn. That's the brothers.

9 DETECTIVE SWAIM: And that's who you hung out with  
10 the most, was them?

11 MS. BLACK: Those are the two --

12 DETECTIVE DARGA: And, and who is Nathaniel?

13 MS. BLACK: -- that I [indiscernible]. Nathaniel  
14 was Stinky. He's the --

15 DETECTIVE DARGA: Okay.

16 MS. BLACK: -- he's the brother of Rayshawn.

17 DETECTIVE DARGA: Okay.

18 MS. BLACK: Those two are still incarcerated.

19 Then, you have Bubba. Bubba was the -- consider the name,  
20 Bubba. He was big. And he was pretty laidback, though. He  
21 was pretty chill. And then, you had Dorrell. Dorrell is  
22 the one who recently got murdered by his cousin.

23 DETECTIVE SWAIM: Um-hmm.

24 MS. BLACK: That was a little mouthpiece. Oh,  
25 Jesus Christ, he was so mouthy, and I mean mouthy. He was



1 like that little chihuahua that just bark and just start,  
2 start shit left and right. And he was going to be heard.

3 And then you have -- I can't even remember his damn  
4 name. Lived -- he lived right across the street from Bubba,  
5 man.

6 DETECTIVE SWAIM: If you can't remember, I don't  
7 want --

8 MS. BLACK: He got out --

9 DETECTIVE SWAIM: -- to put words in your mouth,  
10 but --

11 MS. BLACK: He's out now, Jermal.

12 DETECTIVE SWAIM: Okay.

13 MS. BLACK: Jermal Tolliver, okay. So, those are  
14 the boys that I was hanging out with. Now, of course, I'm  
15 -- I meet cousins here and there.

16 Mothers, I met them. I met Bubba's mother. She loved  
17 me. Jermal's mother, not so much; the brothers, their mom,  
18 she was kind of like my mama. And she, she didn't want her  
19 boys running the streets, but they did. But they did.

20 DETECTIVE DARGA: And what did they do?

21 MS. BLACK: I mean, as far as, like -- because I  
22 mean, they was --

23 DETECTIVE DARGA: Because you said you are pretty  
24 close.

25 MS. BLACK: -- always just --



1 DETECTIVE DARGA: They're, they're --

2 MS. BLACK: We was all just running the streets.

3 I mean, we -- literally every day, when I got out of school,  
4 I would go to my grandparents' house, because I had moved in  
5 with my grandmother at that time.

6 DETECTIVE SWAIM: Um-hmm.

7 MS. BLACK: Me and my mother butted heads. So, I  
8 moved in with my grandmother.

9 DETECTIVE DARGA: And where did your grandmother  
10 live at the time?

11 MS. BLACK: Oh, we were living --

12 DETECTIVE DARGA: You don't know. What, what  
13 city?

14 MS. BLACK: Gumtree Road.

15 DETECTIVE DARGA: Okay.

16 MS. BLACK: That's where -- because that's what --  
17 well, that's where [indiscernible]. And that's before I got  
18 that land, because they had it first. So, it was Gumtree  
19 Road.

20 DETECTIVE DARGA: Okay.

21 MS. BLACK: So -- but, with my grandparents,  
22 obviously, I got a little bit more freedom with that.

23 DETECTIVE DARGA: Um-hmm.

24 MS. BLACK: My mother, if I went anywhere, she  
25 needed Socials, tag numbers, who was going to be there.



1 I'm, I'm dead serious. I am so serious.

2 DETECTIVE DARGA: No, I don't know.

3 MS. BLACK: She was not playing. I was not  
4 allowed to go. My brother could. I couldn't, because I was  
5 a girl.

6 So, when I got with my grandmother, it was just the  
7 [indiscernible]. You keep your grades up. And we will pay  
8 for your insurance. And you can have your freedom.

9 Just if we -- I had carried a beeper. I had every kind  
10 of beeper under the sun. And when she paged me, I had to  
11 get my ass home in 20 minutes. So, they told me not to go  
12 to southside.

13 DETECTIVE DARGA: Who lived on the --

14 MS. BLACK: First place I went.

15 DETECTIVE DARGA: -- southside that took you to  
16 the southside?

17 MS. BLACK: Well, I was right -- I mean, I was  
18 born over there. I mean, I know a whole lot of -- my --

19 DETECTIVE DARGA: Right.

20 MS. BLACK: -- whole family is from over there.

21 DETECTIVE DARGA: Okay.

22 MS. BLACK: So we just --

23 DETECTIVE DARGA: Right.

24 MS. BLACK: -- we just knew.

25 DETECTIVE DARGA: Right, and that's why I was



1 asking, if you lived on Gumtree, what, what the connection  
2 was to the southside.

3 MS. BLACK: That one road.

4 DETECTIVE DARGA: And when you say southside --

5 MS. BLACK: One road, one road.

6 DETECTIVE DARGA: 109?

7 MS. BLACK: No, no, no, not where I live, right  
8 there, the Old Lexington.

9 DETECTIVE DARGA: Okay.

10 MS. BLACK: Old Lexington shot straight up --

11 DETECTIVE DARGA: Okay.

12 MS. BLACK: -- from -- so, that was my go-to. I'd  
13 tell them I was going somewhere else, and I'd shoot to  
14 southside.

15 I went over there and was hanging out with my uncle's  
16 ex-wife and her son. And then, we'd go over there and we'd  
17 just sit there, and smoke weed.

18 DETECTIVE DARGA: Okay.

19 MS. BLACK: That's what we'd do.

20 DETECTIVE DARGA: And that's --

21 MS. BLACK: Jermal lived next door to -- you had  
22 the -- the house is now condemned. It's boarded up and  
23 stuff, on a -- let me see. You had them on Devonshire,  
24 Goldfloss. They were in between two streets.

25 DETECTIVE DARGA: And who was it that -- whose



1 house was it?

2 MS. BLACK: Anne Gilbertson's house is the house I  
3 was originally going to. That was my aunt.

4 DETECTIVE SWAIM: You had --

5 MS. BLACK: Or my --

6 DETECTIVE SWAIM: -- Brookline Street down there.

7 MS. BLACK: It's -- Brookline's the next one down.

8 DETECTIVE SWAIM: It was your aunt's?

9 MS. BLACK: That was my, my uncle's ex-wife,  
10 because we always -- she kept the name Vance, always said  
11 she was my aunt.

12 DETECTIVE SWAIM: Glen Cove [phonetic]?

13 MS. BLACK: Yeah, all that around there, but them  
14 boys stayed on them two streets.

15 DETECTIVE DARGA: Okay.

16 MS. BLACK: As far as their, their residence.

17 DETECTIVE DARGA: Okay.

18 MS. BLACK: Dorrell's the only one that lived away  
19 from everybody. But Dorrell was at the very other end of  
20 Devonshire.

21 DETECTIVE DARGA: Okay.

22 MS. BLACK: So, I would go over there and hang out  
23 with Michael. Michael was -- is -- or is Anne's son. So,  
24 he would pretty much be like my cousin.

25 We'd go over there. We'd hang out, sit on the porch,



1 smoke weed. He'd always shoot the shit with, with the  
2 fellas. And I say the fellas, because it was always a group  
3 of fellas.

4 DETECTIVE SWAIM: Yeah.

5 MS. BLACK: I can't ever determine exactly who all  
6 was there. It was just always a group of people.

7 DETECTIVE DARGA: May not be all of them, but it's  
8 a group of several?

9 MS. BLACK: It's always a group of people.

10 DETECTIVE DARGA: Right.

11 MS. BLACK: So, one day, we're out there -- or one  
12 night, rather, we're out there smoking. And the boys come  
13 up.

14 They're shooting shit, and I get introduced to them.  
15 We all sit there and we smoke, and we just clicked. We got  
16 along.

17 So, every day, I was coming by there. And that's all  
18 we did: sit there and get high. Or we'd ride around and  
19 get high. Or go to the park and get high, that's all we did  
20 was get high.

21 DETECTIVE SWAIM: And what park?

22 MS. BLACK: The one right there by Mr. Jones'  
23 house.

24 DETECTIVE SWAIM: Okay.

25 MS. BLACK: W.



1 DETECTIVE SWAIM: Okay.

2 MS. BLACK: So, that's, that's all we'd do. If we  
3 rode around, usually it was around southside. We'd just  
4 ride around the streets and cruise around, and, and smoke.

5 Once in a while, I'd ride them down the, down the  
6 Midway or something, just to get out of southside and just  
7 ride around. And -- but, other than that, I never brought  
8 them to my house, because my grandparents were the  
9 old-school. And it was -- and we're this. And we're that.

10 DETECTIVE SWAIM: Yeah.

11 MS. BLACK: You don't mix your race. You don't do  
12 this. You don't do that. So my mother, she don't care.  
13 She's like, it's good and bad in all races, don't matter.

14 So, I hid that. I hid the fact that I was hanging with  
15 them completely, because I did not -- and I made sure. I  
16 tried to go places I knew I wouldn't be seen, because  
17 everybody knew my grandparents. Everybody in southside know  
18 everybody.

19 DETECTIVE DARGA: Um-hmm.

20 MS. BLACK: Especially our parents' ages.

21 DETECTIVE DARGA: Um-hmm.

22 MS. BLACK: They all run together, one way or  
23 another. So, my face ain't changed, since I was 16 years  
24 old. I look -- my face looks exactly the same, the hair,  
25 everything. So if I was --



1 DETECTIVE DARGA: As soon as we walked in the  
2 store, he goes, oh, that's her.

3 MS. BLACK: Jesus Christ, man, as soon as, as soon  
4 as I'm spotted, people would call. Jessica's over here on  
5 such-and-such street. My grandparents would be on my ass,  
6 got to get home.

7 So, I started going over there every day, hanging out  
8 with, hanging out with the fellas. Nine times out of 10, it  
9 was all five of them.

10 We'd all pile up in my Cougar, and whip it. Stinky was  
11 always in the front seat with me, the majority of the time,  
12 unless Bubba got tired of his big ass being in the back.

13 So -- but we, we just rode around to have a good time.  
14 It was never, never a issue. I would have never -- I never  
15 thought nothing bad of the boys.

16 Only one that I ever had any kind of anything -- any  
17 kind of bickering or anything with was Rayshawn. And  
18 Rayshawn just really don't give a damn. To this day, he  
19 don't care. That boy does not give a damn. He is reckless:  
20 reckless with his mouth.

21 DETECTIVE SWAIM: Um-hmm.

22 MS. BLACK: Just reckless, but, at the same time,  
23 I did not know these boys were 14 to 15 years old.

24 MS. SWEENEY: Um-hmm.

25 MS. BLACK: These boys were bigger than me. And



1 when I was -- when I asked them how old they were, it was --  
2 oh, Bubba told me he was 18. He could pass for 25. At that  
3 time, he was a big-ass boy.

4 The other boys: oh, we 16, 17. I didn't think nothing  
5 about them not having a car, because, in southside, it's not  
6 uncommon.

7 DETECTIVE DARGA: Um-hmm.

8 MS. BLACK: They walk -- you walk the street. You  
9 didn't -- you may not have a car. That's the poor side of  
10 downtown.

11 DETECTIVE DARGA: Um-hmm.

12 MS. BLACK: So, you may not have no car. So then,  
13 I didn't think nothing about it. I'm like, cool, I got a  
14 car. Let's roll.

15 And so, when this day comes into play, when I would go  
16 find them, I would always ride up their street. And if I  
17 did not see them outside -- because I did not stop ever and  
18 go knock on the doors, none of that. I'd always ride and  
19 see where they was at. And I'd park, or they knew to load  
20 up.

21 So, I rode up the streets. I didn't see them. So I  
22 went riding around the block, because they had family that  
23 lived at the little mill houses there across from Belview --

24 DETECTIVE SWAIM: Um-hmm.

25 MS. BLACK: -- on the backside.



1 DETECTIVE SWAIM: Um-hmm.

2 MS. BLACK: They've got -- see, Rayshawn, Rayshawn  
3 and Nathaniel have family that live in those houses. So,  
4 I'd rode around.

5 And as I was coming around, I come up the dead-end side  
6 right here, and I come around Belview, and then come down a  
7 little side, because I see them walking. And I stopped and  
8 I pick them up.

9 And I don't -- the -- I still do not know exactly who  
10 it was I picked up. I know it -- I think it was four, four,  
11 four of them I picked up.

12 DETECTIVE DARGA: So you saw the guys walking?

13 MS. BLACK: Yeah, they were walking. So --

14 DETECTIVE DARGA: You know what street they were  
15 on?

16 MS. BLACK: What is the name of that road? Is  
17 that Moravia? Is that what it is?

18 DETECTIVE SWAIM: Um-hmm.

19 MS. BLACK: Okay, Moravia.

20 DETECTIVE SWAIM: So -- and if to give you -- I  
21 mean, because, again, when this is -- [indiscernible]. So,  
22 if you got for -- you said going to the park. You got the  
23 rec center. If you're standing in front of it, you got the  
24 rec center right here.

25 MS. BLACK: Rec center --



1 DETECTIVE SWAIM: That's Burgundy Street, if  
2 you're standing on it. And then, Moravia, yeah, is right  
3 there --

4 MS. BLACK: Moravia is --

5 DETECTIVE SWAIM: -- where the Picnic Shepherds --

6 MS. BLACK: -- the frontside.

7 DETECTIVE SWAIM: -- and where the church is. And  
8 that -- there's a church.

9 MS. BLACK: That's Moravia.

10 DETECTIVE SWAIM: And that's, that's --

11 MS. BLACK: So, we're on Burgundy there.

12 DETECTIVE SWAIM: Okay.

13 MS. BLACK: Burgundy's the little side, that  
14 little cut-through right there.

15 DETECTIVE SWAIM: That goes up to Munchies, to the  
16 store?

17 MS. BLACK: Yes.

18 DETECTIVE DARGA: So you're on Burgundy Street.

19 MS. BLACK: Yes.

20 DETECTIVE DARGA: Okay.

21 MS. BLACK: Okay. So -- yeah, it used to be  
22 [indiscernible]. So, we -- I stop, pick them up.

23 DETECTIVE DARGA: And there's how many people,  
24 when you pick them up?

25 MS. BLACK: There's four, when I pick them up.



1 And --

2 DETECTIVE DARGA: Do you remember which four?

3 MS. BLACK: I don't.

4 DETECTIVE SWAIM: Of the four --

5 MS. BLACK: I never -- I remember Nathaniel was  
6 with [indiscernible]. Nathaniel was always with me, always.

7 DETECTIVE DARGA: So you know Nathaniel was there.

8 MS. BLACK: Nathaniel, Dorrell was there, because  
9 I had to take him back to his house. And I can't remember,  
10 I can't remember if, if it was Bubba or -- I can't remember  
11 which of the other three were with me. Jermal was always  
12 quiet. He always sat back and was quiet. He's soft heart  
13 -- kind-hearted as hell.

14 DETECTIVE DARGA: Um-hmm.

15 MS. BLACK: Sweet boy, who was always quiet, so he  
16 just kind of, like, faded into the background. Bubba was  
17 pretty quiet, too. He was just big. So, the ones who --

18 DETECTIVE DARGA: Do you remember --

19 MS. BLACK: -- really stood out --

20 DETECTIVE DARGA: -- do you remember what time of  
21 day this was?

22 MS. BLACK: It was right afterschool. It was  
23 still daylight, so --

24 DETECTIVE DARGA: Okay.

25 MS. BLACK: -- so, get out and all that, hell,



1 right around, I guess, 3:30, 4:00, something like that.

2 DETECTIVE SWAIM: So you picked -- now, you, you  
3 know it was Nathaniel?

4 MS. BLACK: I know Nathaniel was with them.

5 DETECTIVE SWAIM: And you said, who?

6 MS. BLACK: Dorrell.

7 DETECTIVE SWAIM: And Dorrell.

8 MS. BLACK: Because I had to take him back.

9 DETECTIVE SWAIM: All right, and we will stick  
10 with them. So you know it was Nathaniel, Dorrell, and two  
11 others?

12 MS. BLACK: Yes.

13 DETECTIVE SWAIM: And when you say two others, do  
14 you know it was two other of the boys we just talked about?

15 MS. BLACK: Yes, yes.

16 DETECTIVE SWAIM: You just don't know which ones?

17 MS. BLACK: Yes.

18 DETECTIVE SWAIM: Okay, that's, that's fair  
19 enough.

20 MS. BLACK: So, I pick them up.

21 DETECTIVE SWAIM: Um-hmm.

22 MS. BLACK: And normal, everyday, it's what are  
23 you all doing? What's up? And they're like, give us a ride  
24 back to the house. We need to change clothes. We're going  
25 to a party.



1           Okay. Well, that's cool. I didn't see anything out of  
2 the ordinary on the boys' clothing. I'd never saw any kind  
3 of blood, no kind of tears, no nothing on these boys'  
4 clothes.

5           DETECTIVE DARGA: Okay.

6           MS. BLACK: Okay? There was nothing that would  
7 have made me think anything. And they -- everything was  
8 perfectly normal to them. It was a -- it was our normal,  
9 everyday thing.

10          I took by their houses. And they didn't even all  
11 change clothes. Like, then, they'd sat. They -- I don't  
12 even know what the hell happened to change the thing. Oh,  
13 okay. Well, we ain't going to go to this party now.

14          DETECTIVE DARGA: You don't remember where you  
15 took them to?

16          MS. BLACK: I took Dorrell back to his down the  
17 other end of Devonshire. And then, I was just waiting to  
18 drop the boys right there, usually by Mel's house.

19          DETECTIVE DARGA: Okay.

20          MS. BLACK: So -- and they would walk down to  
21 wherever they went, because I'm telling you, the brothers'  
22 mama, she --

23          DETECTIVE DARGA: Which street would that have  
24 been? Do you remember?

25          MS. BLACK: Goldfloss is where the brothers lived.



1 Devonshire is where the rest of them lived.

2 DETECTIVE DARGA: Um-hmm. So, in and around  
3 Goldfloss Street?

4 MS. BLACK: I didn't go to Goldfloss.

5 DETECTIVE DARGA: Devonshire?

6 MS. BLACK: Yeah, I always dropped them at  
7 Devonshire.

8 DETECTIVE DARGA: Yeah, at Mel's house, you said,  
9 right?

10 MS. BLACK: Yeah, right, right --

11 DETECTIVE DARGA: Okay.

12 MS. BLACK: -- in front, because --

13 DETECTIVE DARGA: Got you.

14 MS. BLACK: -- Jermal and Bubba -- okay. So,  
15 Anne Gilbertson, her house was right here. Jermal lived in  
16 this big blue house right beside her.

17 And then, directly in the middle of their, like, green  
18 -- the crack in their houses was Bubba's, right across the  
19 street. Okay? So, then, I always dropped them right there  
20 in that vicinity.

21 DETECTIVE DARGA: Okay.

22 MS. BLACK: Because I, I told you the boys' mama  
23 wasn't -- huh-uh, [indiscernible] with her. Didn't mess  
24 with her. So --

25 DETECTIVE DARGA: So you dropped them --



1 MS. BLACK: -- the, the, the --

2 DETECTIVE DARGA: -- off. Do you --

3 MS. BLACK: We, we didn't even --

4 DETECTIVE DARGA: -- wait for them?

5 MS. BLACK: Yeah. I always sat there and waited  
6 for them.

7 DETECTIVE DARGA: Okay.

8 MS. BLACK: I didn't -- I ain't never just pulled  
9 off and leave, and have to come back. I'd sit there and I'd  
10 wait. And then, next thing I knew, they weren't going to  
11 the party. So --

12 DETECTIVE DARGA: So what'd they do? Did they  
13 come back out?

14 MS. BLACK: Yeah.

15 DETECTIVE DARGA: And they were like --

16 MS. BLACK: They come back out.

17 DETECTIVE DARGA: What'd they say?

18 MS. BLACK: And we got in the car, and we just --  
19 we rode around. We went and got high, and then rode around.  
20 And we went to Creekside Bowling Lanes, in which I, I was --  
21 I frequented. I went there, like, every weekend to the  
22 pool, to the pool area, before it turned into the gambling  
23 hall.

24 DETECTIVE SWAIM: Um-hmm.

25 MS. BLACK: And shot pool, every weekend. The



1 officers in there knew me. Like, they knew me by name.

2 DETECTIVE DARGA: So, once you guys -- and, and I  
3 don't mean to --

4 MS. BLACK: It's okay.

5 DETECTIVE DARGA: -- to take you off of that. But  
6 you, you guys get back in the car. And where do you guys go  
7 from there? Do you remember? You said you went, got high?

8 MS. BLACK: We rode around for a little bit. As  
9 far as the specific location we went to first --

10 DETECTIVE DARGA: Now, is it just --

11 MS. BLACK: -- I don't --

12 DETECTIVE DARGA: -- the four guys -- you and four  
13 guys, or are all five there at this point?

14 MS. BLACK: I don't remember.

15 DETECTIVE DARGA: Okay. So you got -- you rode  
16 around with, with a group of the guys?

17 MS. BLACK: Yeah.

18 DETECTIVE DARGA: Okay.

19 MS. BLACK: And then, don't -- when I'm telling  
20 you where we went, you can't take it as we went --

21 DETECTIVE DARGA: This is 2002.

22 MS. BLACK: -- in that order.

23 DETECTIVE DARGA: And I --

24 MS. BLACK: Okay?

25 DETECTIVE DARGA: -- I, I know.



1 MS. BLACK: So, I'm just saying I know we went to  
2 Creekside, because the officers told me I had to get the  
3 boys the hell up out of there, or I was going to be banned.  
4 And that was the -- that pissed me off, because --

5 DETECTIVE SWAIM: So you do remember an officer --

6 MS. BLACK: Yeah, because --

7 DETECTIVE SWAIM: -- kicking you out?

8 MS. BLACK: -- I, I went to Creekside --

9 DETECTIVE SWAIM: Oh, and -- okay. Okay.

10 MS. BLACK: -- every weekend, religiously.

11 DETECTIVE SWAIM: And who did he --

12 MS. BLACK: Okay?

13 DETECTIVE SWAIM: -- particularly ban? Do you  
14 remember that?

15 MS. BLACK: Rayshawn.

16 DETECTIVE SWAIM: Okay. Okay. And do you  
17 remember if the officer was -- you said you remember the  
18 officer. Was it a white officer, black officer?

19 MS. BLACK: Black, bald-headed, mustache.

20 DETECTIVE SWAIM: Okay.

21 MS. BLACK: Because I loved him to death, I --

22 DETECTIVE SWAIM: Okay.

23 MS. BLACK: -- loved him to death.

24 DETECTIVE SWAIM: All right. So you --

25 MS. BLACK: Yeah.



1 DETECTIVE SWAIM: -- remember that?

2 MS. BLACK: Absolutely do.

3 DETECTIVE SWAIM: Okay.

4 MS. BLACK: My brother worked the same one, same  
5 that they swapped off weekends. I loved him and knew him by  
6 name, because I'd stinking went and smoke in the poolhall,  
7 and he'd bust me. He be like, no, [indiscernible]. Put it  
8 out. So he knew me.

9 DETECTIVE SWAIM: Yeah.

10 MS. BLACK: And they was a, they was a little  
11 rowdy in the game room. And so, he was like, you got to get  
12 them to calm down.

13 You, you know, he kept coming to me. He wouldn't  
14 approach the guys. It was, Jessica, I ain't trying to get  
15 onto them. You just get your, get your friends to calm  
16 down.

17 Like I said, Rayshawn's reckless. He's going to be the  
18 one to tell that cop, fuck you, and, and not give not two  
19 damns.

20 DETECTIVE DARGA: Um-hmm.

21 MS. BLACK: So, he told me I had to get them out  
22 of there, or I was going to end up being banned, myself.  
23 So, I'm like, you all, we got to go. We need to go.

24 When we left out of there, I do know it was dark,  
25 because I pulled upfront. Once I got the boys, we pulled up



1 to the front part of the bowling alley.

2 And the cop, he came out there. And he talked to me.

3 He said, look. He's like, you can come back. He said, just

4 leave your little rowdy bunch at home, man. Leave the

5 fellas at home. I'm like, all right. So, we went to the

6 mall. And when we went into the mall, I had a friend that

7 worked at Hot Topic at the time.

8 DETECTIVE SWAIM: Um-hmm.

9 MS. BLACK: Jordan Sellers, we went to high school  
10 together, so I didn't know --

11 DETECTIVE SWAIM: Is Jordan girl, girl or boy? I  
12 know --

13 MS. BLACK: A girl.

14 DETECTIVE SWAIM: Okay.

15 MS. BLACK: I didn't know if she was working or  
16 not.

17 DETECTIVE SWAIM: Um-hmm.

18 MS. BLACK: I just knew she worked there. So --

19 DETECTIVE DARGA: So you guys leave Creekside, go  
20 to the mall?

21 MS. BLACK: -- I don't know. I don't know which  
22 one we do first. I just know we was -- I know we went to  
23 the mall.

24 DETECTIVE DARGA: Okay.

25 MS. BLACK: We went to Creekside.



1 DETECTIVE DARGA: But you don't know --

2 MS. BLACK: At the --

3 DETECTIVE DARGA: -- in what order?

4 MS. BLACK: No.

5 DETECTIVE DARGA: Okay, that's fine.

6 MS. BLACK: At the mall, once we got in there, I  
7 was like, I'm going to find my homegirl. I'm going to the  
8 Hot Topic, see if she's in. See if she's working. And we,  
9 we depart from each other.

10 I'm like, look -- because they were -- they wanted to  
11 go look at some shoes. They said they was going to go to,  
12 like, like, Foot Locker or something, one of the damn shoe  
13 stores, or something, all that mess.

14 And it was -- we were going to meet back here. I was  
15 like, look, you all meet back here at such-and-such time.  
16 And that's just what it is. So --

17 DETECTIVE DARGA: So you go to Hot Topic. And  
18 they go their separate ways?

19 MS. BLACK: Yeah.

20 DETECTIVE DARGA: Okay, all of them?

21 MS. BLACK: All of them, yeah.

22 DETECTIVE DARGA: So you're by --

23 MS. BLACK: They --

24 DETECTIVE DARGA: -- yourself at --

25 MS. BLACK: Yeah.



1 DETECTIVE DARGA: -- this point?

2 MS. BLACK: I'm by myself.

3 DETECTIVE DARGA: Okay.

4 MS. BLACK: So I take off and go to Hot Topic.

5 She wasn't working. So, I come back. When I come back,

6 they was up at Kay's Jewelers.

7 DETECTIVE DARGA: Okay.

8 MS. BLACK: Right there at the, at the main

9 entrance.

10 DETECTIVE SWAIM: Um-hmm.

11 MS. BLACK: And they wasn't in the jewelry store,

12 but they were right there, in front of the jewelry store.

13 DETECTIVE DARGA: Okay.

14 MS. BLACK: And I told them, we needed to go. It

15 was time to go. My homegirl wasn't there. And they told

16 me, hold on.

17 They fucked off for a minute, two, and then finally

18 come on, because there would be times I'd be like, you all,

19 come, come the hell on. Come on.

20 So, they come on. And we rode around. Then, we rode

21 down to Midway and just rode around. I rode them towards

22 the neighborhood, because I was always hanging out on Thomas

23 School Road, because that's where all my homeboys -- and,

24 and don't ask me --

25 DETECTIVE DARGA: Norman Shove, Thomas School?



1 MS. BLACK: I hung out with all the black kids at  
2 North Davidson. Yeah, they would be like 15. That's who I  
3 hung with.

4 And I was down on Thomas School Road. I rode down  
5 Thomas School Road. And if I seen my homeboys outside, I'd  
6 stop.

7 If I didn't, I wouldn't stop. I didn't -- I, I would  
8 never knock on them doors, because them boys was nasty. And  
9 I wouldn't go into their houses by myself. So, rode down  
10 through there, didn't see nobody.

11 DETECTIVE DARGA: Now, are you by yourself at this  
12 point?

13 MS. BLACK: No, I'm -- got the boys back with me.

14 DETECTIVE DARGA: Yeah, okay.

15 MS. BLACK: We, we hadn't -- we had departed from  
16 everywhere.

17 DETECTIVE DARGA: Okay. All right. Now, I'm just  
18 -- and I'm just trying to make sure.

19 MS. BLACK: Okay, that's fine. So, we ride down  
20 through there. And wasn't nobody around, so we go back.  
21 And I'm fixing to take them to drop them out, because I was  
22 going to go to Elizabeth Fowler's house, which is -- was my  
23 best friend throughout high school.

24 DETECTIVE DARGA: Um-hmm.

25 MS. BLACK: So, we come around. And Nathaniel



1 said something about going by -- I don't know if it's the  
2 uncle, or his cousin, one of them that live in that mill,  
3 mill house across from the park.

4 DETECTIVE SWAIM: Okay.

5 MS. BLACK: So, so they make me stop, I guess, so  
6 they, so they can get some bud. I'm, I'm assuming. And so,  
7 I was like, all right. So, as we come up -- what is -- what  
8 the hell is that road right there that comes up on the dead-  
9 end side?

10 DETECTIVE SWAIM: So you got Burgundy.

11 MS. BLACK: You got the park right here.

12 DETECTIVE SWAIM: Yeah.

13 MS. BLACK: All them mill -- church is right here.  
14 All these mill houses --

15 DETECTIVE SWAIM: Moravia?

16 MS. BLACK: The road right here, the little cut --  
17 cut-down right here. That's the one --

18 DETECTIVE SWAIM: Which cut-down, though?

19 MS. BLACK: All right. So you got 109.

20 DETECTIVE SWAIM: Yeah.

21 MS. BLACK: You got 109. And if you're coming up  
22 109, say you're coming from Carmouth [phonetic]. You coming  
23 up 109 --

24 DETECTIVE SWAIM: Okay.

25 MS. BLACK: -- you make a right --



1 DETECTIVE SWAIM: Uh-huh.

2 MS. BLACK: -- on Moravia right there, right?

3 Ain't that, ain't that Moravia is right there?

4 DETECTIVE SWAIM: Right before 40.

5 MS. BLACK: It's Moravia. Yes.

6 DETECTIVE SWAIM: Yes.

7 MS. BLACK: You'll make that -- you make that  
8 right, right there. And that's --

9 DETECTIVE SWAIM: Uh-huh.

10 MS. BLACK: -- where Mr. Jones' house, right here.  
11 You got the street that's right here.

12 DETECTIVE SWAIM: Burgundy.

13 MS. BLACK: Yes, and then you got the park right  
14 here.

15 DETECTIVE SWAIM: Uh-huh.

16 MS. BLACK: On the opposite side of the park, you  
17 got another little street that cuts down. And --

18 DETECTIVE SWAIM: Now --

19 MS. BLACK: -- it's going to cut you all the way  
20 down. You're going to --

21 DETECTIVE SWAIM: Yeah.

22 MS. BLACK: -- pass Devonshire, Goldfloss --

23 DETECTIVE SWAIM: Urban.

24 MS. BLACK: -- all, all, all that.

25 DETECTIVE SWAIM: Urban Street.



1 MS. BLACK: So, there you go. So --

2 DETECTIVE SWAIM: Yeah. But it runs, runs same  
3 way 109 does?

4 MS. BLACK: It -- yes.

5 DETECTIVE SWAIM: It crosses over Devonshire,  
6 crosses over.

7 MS. BLACK: Yes.

8 DETECTIVE SWAIM: Yeah, that's Urban Street.

9 MS. BLACK: Okay.

10 DETECTIVE SWAIM: Okay.

11 MS. BLACK: So, we come up that street to come  
12 around the mill -- to the mill houses. As we come around --

13 DETECTIVE DARGA: You call them the mill houses?

14 DETECTIVE SWAIM: Yeah, used to be a --

15 MS. BLACK: Yeah, they're all --

16 DETECTIVE SWAIM: -- mill.

17 MS. BLACK: -- they're all mill houses.

18 DETECTIVE SWAIM: There used to be --

19 DETECTIVE DARGA: Okay.

20 DETECTIVE SWAIM: -- mill village and --

21 MS. BLACK: They're like --

22 DETECTIVE SWAIM: -- and --

23 MS. BLACK: -- them little houses you see in  
24 Thomasville and stuff.

25 DETECTIVE DARGA: Yeah.



1 MS. BLACK: Like --

2 DETECTIVE DARGA: Yeah.

3 MS. BLACK: -- oh, they, they all mill houses. As  
4 we round that corner, there -- because you don't see nothing  
5 but tape, and SUVs --

6 DETECTIVE SWAIM: Um-hmm.

7 MS. BLACK: -- and cops, and I, I didn't know what  
8 the hell was going on. I had never seen so many police in  
9 my life.

10 DETECTIVE DARGA: Um-hmm.

11 MS. BLACK: And all of them were -- like,  
12 everybody in the car was like, oh, shit, what's going on? I  
13 mean, they jumping around, asking like some little hoodlums.  
14 And oh, we need to see. We need to see.

15 So, I pulled up in the parking lot at the park, so that  
16 way we could check out what's going on. There was other  
17 people standing outside. Something serious was going on.  
18 There's all these cops.

19 I stay in the car. These fools get out the car, and  
20 they stand there for a minute. And they talking, and, like,  
21 I mean, nothing out of the norm, acting normal, like anybody  
22 else would, with all that commotion going on.

23 And finally, I'm like, you all need to come on. They  
24 get in the car. It's like, I -- they -- I wondered what  
25 happened.



1           And you know, it, it, it was just comments. And I  
2 don't know exactly who they, who they coming from. It was  
3 like, damn, somebody had to have gotten hurt. Somebody had  
4 to have gotten killed, something.

5           I mean, it was -- you would have not -- you -- there  
6 was no inclination that I would have thought that any of  
7 them had anything to do with anything. So, we get back in  
8 the car.

9           I pull out. And then, I take them and I drop them back  
10 home. I drop them off. And then, I went to Liz's house,  
11 Elizabeth Fowler.

12           DETECTIVE DARGA: Um-hmm.

13           MS. BLACK: And when -- she stayed on Arnold Road,  
14 down, down here.

15           DETECTIVE SWAIM: Yeah, yeah.

16           DETECTIVE DARGA: Oh, okay.

17           DETECTIVE SWAIM: I know where it is.

18           MS. BLACK: So -- yeah, she stayed on Arnold Road.  
19 And I went and hung out with her for just a little bit,  
20 until it's time for me to be back at my grandparents'. And  
21 then, I went on home.

22           I didn't think nothing else. I didn't even know that  
23 somebody got murdered. I didn't know anything about that,  
24 until Detective Griffin [sic] come knocking on my door and  
25 telling me he going to take my damn car.



1 I was all to hell, because I was like, why are you  
2 taking my car? What's the -- what, what, what? Oh, we're  
3 going to check it for DNA. Well, why are you checking my  
4 car for DNA?

5 DETECTIVE DARGA: So, was this the next day?

6 MS. BLACK: No, I don't, I don't think it was the  
7 next day. I think it was a couple days later.

8 DETECTIVE DARGA: Okay.

9 MS. BLACK: And it was during the day when they  
10 popped up, because I didn't -- so, here, I think I so  
11 busted, because here come the police. Well, Jessica, we  
12 just need to take you. We just need you to come downtown.  
13 We need to talk to you. You ain't in trouble. We just need  
14 to talk to you.

15 Well, okay. At 16, like I said, I was sheltered. I  
16 ain't never been in no trouble, nothing. Like,  
17 [indiscernible] ass stayed out of trouble, dude, and I, I  
18 still care to my damn mama. She tells me jump. I'm -- how  
19 high? That's exactly how I do. I don't -- I'm above the  
20 system, when it comes to her.

21 So, I'm like, you know, if you can't trust nobody, you  
22 can trust the police. That's it. That's -- that, that was  
23 my outlook on shit, because I ain't never been in nothing.

24 So, I'm like, all right. Well, then, they threw all my  
25 business out there. Well, you been hanging out with



1 So-and-So, and So-and-So, and So-and-So, and blah-blah-blah.

2 And then, I'm busted, because I've been hanging out  
3 with little black boys. And it just was not pretty. My  
4 paw-paw took me downtown, dropped me out.

5 And I swear to God, seemed like I was there forever,  
6 forever. I did -- didn't know what the hell was going on.  
7 And everything started out calm.

8 And it -- then, the shit got real, real reckless, real  
9 quick. And I mean, to hollering, screaming, slamming shit  
10 on the tables, it was just bad.

11 I was so -- I, I was terrified. I couldn't do nothing  
12 but fucking cry. I cried the whole time I was there,  
13 because I didn't know what was going on. [Indiscernible] I  
14 get questioned about all this shit. So I tell them what I  
15 -- exactly what I just told you.

16 DETECTIVE DARGA: Um-hmm.

17 MS. BLACK: And just to be told that I was lying,  
18 we know that's not where you went. We know that's not what  
19 you did. We know, you know, ya-yada, all that shit.

20 And I'm like, no, I'm telling you this is what the hell  
21 we did. Well, I didn't care. I wanted to get out there. I  
22 wanted to go home. I wanted to go home.

23 I don't give a damn. I was going to tell them whatever  
24 the hell I had to tell them to get my ass out of that  
25 building.



1           And I didn't know. I just learned that I wasn't under  
2 arrest. So I could have gone out and left any heck --  
3 anyway, and didn't even know that shit. I was like, all  
4 right, well.

5           But, as far as the shit that happened that day, that,  
6 what I just told you, that's -- that was a sum-up of the  
7 day. I know what I told them.

8           DETECTIVE SWAIM: What do you remember you told  
9 them?

10           MS. BLACK: Oh, I told them a whole bunch of shit,  
11 to the point of seeing these boys -- or hearing the boys  
12 make comments about fucking robbing somebody, to taking  
13 somebody out, to picking up sticks, or seeing them with duct  
14 tape, and then seeing them with electric tape, and then,  
15 seeing them with a clear tape, seeing them with all kind --  
16 man, I changed my shit so much, because it seemed like  
17 everything I threw out there was not satisfying them.

18           So -- and, and then once they quit asking me about it,  
19 I knew that's what they wanted to hear, that I, I had hit  
20 that spot. That's what you wanted to hear?

21           So, then, they'd move onto something else. So, that  
22 day was pretty much -- I'm, I'm -- but, it wasn't that -- me  
23 just coming up with this shit on my own.

24           There was little shit thrown out here to help lead me  
25 in that way. And like -- or just to give me a hint, you



1 know what I'm saying, like a slight hint, like, are you sure  
2 you all didn't go to, go to Big Lots? Are you all sure?

3 And see, and they apparently went to Big Lots that day,  
4 because I don't even remember that shit. But, all the boys  
5 said that we went to Big Lots, so we probably did. But I  
6 was high. I don't know. We may have.

7 And then, something was said about Dollar General, too.  
8 We may have went there, too. But I don't remember it. The  
9 distinct places I do remember are the ones that I told you.  
10 And --

11 DETECTIVE DARGA: Look, can I ask you a question?

12 MS. BLACK: Go ahead.

13 DETECTIVE DARGA: Is there a possibility that you  
14 went places -- I mean, so what you're saying is you could  
15 have went places. And you don't necessarily remember,  
16 because --

17 MS. BLACK: You ever smoke --

18 DETECTIVE DARGA: -- I mean, here's --

19 MS. BLACK: -- weed, man?

20 DETECTIVE DARGA: No.

21 MS. BLACK: Okay, let me tell you something.

22 DETECTIVE DARGA: I'll, I'll tell you. And I --

23 MS. BLACK: You get into a fog. Okay? If you  
24 smoke, whew, smoking like we smoked, like you get into a  
25 fog.



1       Like, that, that -- you can be in your own zone, be  
2       dazed out. Begin to drive from here to damn Atlanta and not  
3       even know how the hell you made it, don't remember making --

4               DETECTIVE DARGA: It's like this.

5               MS. BLACK: -- taking no turns.

6               DETECTIVE DARGA: You wake up. You get your kid  
7       ready the same way every single morning, right?

8               MS. BLACK: It's habit.

9               DETECTIVE DARGA: So, it's just habit.

10              MS. BLACK: Routine.

11              DETECTIVE DARGA: And, and it's just something  
12       that's not normal. And what's -- what stands out is when  
13       something --

14              MS. BLACK: Something out of the norm.

15              DETECTIVE DARGA: -- something different,  
16       something out of the norm happens. And then --

17              MS. BLACK: Oh.

18              DETECTIVE DARGA: -- you go, oh, okay, I remember  
19       that, right?

20              MS. BLACK: Right.

21              DETECTIVE DARGA: So, if you guys rode around  
22       every day and went to different places, and you guys just  
23       constantly were going from here to there, to everywhere,  
24       making stops, you could have stopped 100 places. And it  
25       just wouldn't be out of the norm. You don't know --



1 remember which -- exactly which --

2 MS. BLACK: That's it.

3 DETECTIVE DARGA: -- places you went to.

4 MS. BLACK: And that's what I tried to tell you.

5 That's what -- and that was the point I was trying to come  
6 across with.

7 But, I don't know. It just -- it didn't matter,  
8 because nothing I said was right. So, like I said, I was  
9 willing.

10 I'm -- I tell them whatever the hell they want to hear.  
11 I didn't care. I did not care, because all I kept getting  
12 told, well, that's okay, because your ass is going to  
13 prison.

14 Whoa, whoa, whoa, why am I going to prison? I ain't  
15 done shit. And that shit got held over my head there for a  
16 minute.

17 And then, it was, it was, well, this is what's going to  
18 happen. Unless you tell us exactly what -- you know, what  
19 went on, and, and exactly what you seen, and who did this,  
20 so, I mean, I told them I was sitting on the damn benches at  
21 the park.

22 And I heard him. I heard Mr. Jones holler. I told  
23 them that the boys took off and said they'd be back. I told  
24 them that I could hear the banging of what -- I didn't even  
25 know how he was killed, until they showed me pictures of the



1 shit.

2 And when they showed me them pictures, it -- I, I dang  
3 near threw up in my mouth. That was it, right? I, I don't  
4 even know. That shit fucked me up so bad, man. I ain't  
5 never seen no shit like that.

6 DETECTIVE DARGA: Yeah.

7 MS. BLACK: But I didn't know any of that. I  
8 didn't know any of that. I didn't know. I, I didn't even  
9 -- the -- when I tell you I was so naïve to the damn system  
10 and the shit that went on, like, obviously now you can see,  
11 I've been in -- I just -- I've, I've been out here a little  
12 bit.

13 So, I got very aware of my surroundings at all times,  
14 and shit that goes on around me, which is why as soon as I  
15 seen you all walk in that store today, my face dropped. And  
16 I'm just like, hold the fuck -- hold the -- huh-uh, the  
17 hell?

18 DETECTIVE SWAIM: Well, do you remember -- I know  
19 you said you picked them up at the -- in the area of the  
20 park, because you were driving around looking for them.

21 MS. BLACK: Right across from the parking lot.

22 DETECTIVE SWAIM: Yeah, and you picked them -- you  
23 all went and rode around, went to their house. Then, you  
24 don't know in what order. But you went to Creekside and the  
25 mall. You got ran off from Creekside.



1 MS. BLACK: Both of them was dark. It was dark.

2 DETECTIVE SWAIM: Yeah. So do you -- did you hang  
3 out at the park any of that day? Do you remember that?

4 Like, did you all go to the park benches? Did you all --

5 MS. BLACK: I don't think we did go to --

6 DETECTIVE SWAIM: Like, I know you said --

7 MS. BLACK: -- the park that day.

8 DETECTIVE SWAIM: -- sometimes you all would hang  
9 out there.

10 MS. BLACK: We did. We'd go sit on -- we --

11 DETECTIVE SWAIM: Yeah.

12 MS. BLACK: -- usually go. If there wasn't nobody  
13 at the park, we'd go sit on the picnic tables and sit there,  
14 and smoke.

15 DETECTIVE SWAIM: Do you remember if you all did  
16 that day, like, while you went and --

17 MS. BLACK: We didn't go to the park that day.

18 DETECTIVE SWAIM: Okay.

19 MS. BLACK: Not that --

20 DETECTIVE DARGA: You said you were picking them  
21 up near the park.

22 MS. BLACK: Yeah, because they were walking down  
23 the road.

24 DETECTIVE DARGA: Okay.

25 MS. BLACK: Because they were heading back to



1 their houses, like I said, they said they was going to go to  
2 a party. And then, then plans changed.

3 DETECTIVE DARGA: Yeah.

4 DETECTIVE SWAIM: And again, I told you there's  
5 questions that we have to ask.

6 MS. BLACK: Right.

7 DETECTIVE SWAIM: And I know it's -- what -- this  
8 has been, what, 15 years, 16 years, however. Why haven't  
9 you --

10 MS. BLACK: Seventeen.

11 DETECTIVE SWAIM: -- why haven't you recanted, so  
12 to speak, your story --

13 MS. BLACK: I have.

14 DETECTIVE SWAIM: But, to who?

15 MS. BLACK: The lawyers and --

16 DETECTIVE SWAIM: What?

17 MS. BLACK: -- it's on, on videotape.

18 DETECTIVE SWAIM: Yeah, yeah, yeah. No, but I'm  
19 talking about before this year, or before -- or, or --

20 MS. BLACK: When I tell you I put this shit out of  
21 my life, my mother just found -- my mom -- me and my mama  
22 speak and see each other every day. And I mean, we are best  
23 friends.

24 DETECTIVE SWAIM: Yeah.

25 MS. BLACK: Had been like that my whole life; when



1 I told you I hid this shit from my mom, mom -- I wouldn't  
2 even let her come to the fucking trials. None of my family,  
3 I didn't tell them -- none of them when the trials were.

4 DETECTIVE SWAIM: Um-hmm.

5 MS. BLACK: I didn't give them details on nothing.

6 DETECTIVE SWAIM: Um-hmm.

7 MS. BLACK: I let it -- I let the newspapers tell  
8 them what they need -- what they heard.

9 DETECTIVE SWAIM: Okay.

10 MS. BLACK: I wouldn't answer anything. I did  
11 not. I was so ashamed that I was involved in that. My --  
12 out of all my cousins and shit, I'm the one that's held  
13 here.

14 I was the firstborn. All the standards were set with  
15 me. I'm the one that has to graduate. I'm the one that has  
16 to go to college. I'm the one that has to -- I can't fuck  
17 up. I can't mess up.

18 All the rest of them, they all fuck ups, every one of  
19 them into prison, every one of them. I'm the only one that  
20 hadn't.

21 I'm the only one that graduated. I'm the only one who  
22 has stuck by my youngin. I'm the only one that, that still  
23 busts my ass to do what I'm supposed to do.

24 Okay? And I am -- I can't fail. I can't -- look at.  
25 This is one [indiscernible] in my grandmother and my mom,



1 and my paw-paw's eyes, to me, is worse than anything that  
2 you all -- that they could do to me, anything anybody could  
3 do to me. I can't stand it. I cannot stand it. But that's  
4 how they raised me, with that mentality.

5 DETECTIVE SWAIM: And when you say --

6 MS. BLACK: Okay?

7 DETECTIVE SWAIM: And I just have to ask. When  
8 you say you were ashamed of what you had done, what do you  
9 mean by that?

10 MS. BLACK: I was ashamed of being a part. I was  
11 ashamed that I had to go through that. I was ashamed to  
12 know that, to know that I sat there and lied, that I told  
13 them lies.

14 Like, I can't, I can't for sure sit here and say, well,  
15 I know for a fact So-and-So and So-and-So did this. I can't  
16 say that. I cannot say that --

17 DETECTIVE SWAIM: Yeah.

18 MS. BLACK: -- for a fact.

19 DETECTIVE SWAIM: But, but --

20 MS. BLACK: But --

21 DETECTIVE SWAIM: -- you can't say they didn't.

22 MS. BLACK: -- that's exactly right. I can't say  
23 they didn't, either, because I don't know.

24 DETECTIVE SWAIM: And -- but -- and again, I'm  
25 just -- you did pick them up in that area?



1 MS. BLACK: Yeah, but they -- we were always in  
2 that area.

3 DETECTIVE SWAIM: I know. I -- I'm not --

4 MS. BLACK: It wasn't nothing --

5 DETECTIVE SWAIM: -- say -- yeah. No, no. And  
6 I'm not saying that you -- that's why I'm just asking you.  
7 You can't say --

8 MS. BLACK: Yeah.

9 DETECTIVE SWAIM: -- they did it. But you can't  
10 say they didn't --

11 MS. BLACK: That's right.

12 DETECTIVE SWAIM: -- do it.

13 MS. BLACK: Because it wasn't out of the norm.

14 DETECTIVE SWAIM: But you did pick them up in the  
15 area?

16 MS. BLACK: Yeah.

17 DETECTIVE SWAIM: It --

18 MS. BLACK: I did.

19 DETECTIVE SWAIM: Four of them, and you know two  
20 of them were Rayshawn and Dorrell?

21 MS. BLACK: No, Nathaniel and Dorrell.

22 DETECTIVE SWAIM: Nathaniel and Dorrell, okay.

23 MS. BLACK: Yeah.

24 DETECTIVE SWAIM: See, I'm glad you correct me.

25 MS. BLACK: Yeah.



1 DETECTIVE SWAIM: So you pick up Nathaniel and  
2 Dorrell, and two others?

3 MS. BLACK: Um-hmm.

4 DETECTIVE SWAIM: You don't know who. But the two  
5 others were presumably -- because you said it was one of the  
6 crew.

7 MS. BLACK: It's always -- it was always --

8 DETECTIVE SWAIM: Was either --

9 MS. BLACK: -- right.

10 DETECTIVE SWAIM: -- going to be Jermal --

11 MS. BLACK: Jermal, Bubba, or Rayshawn.

12 DETECTIVE SWAIM: Okay.

13 MS. BLACK: It'd be.

14 DETECTIVE SWAIM: But you don't know which?

15 MS. BLACK: No, I can't remember.

16 DETECTIVE SWAIM: Okay.

17 DETECTIVE DARGA: Well -- and, and one of the  
18 questions he was asking is, at what point did you change  
19 your mind on this stuff, or come forward --

20 MS. BLACK: I have --

21 DETECTIVE DARGA: -- on it?

22 MS. BLACK: -- thought about this shit.

23 DETECTIVE DARGA: And how did you come about --

24 MS. BLACK: Is it --

25 DETECTIVE DARGA: -- coming forward on this?



1 MS. BLACK: You know, people sit back and they  
2 think that because those boys went to prison, and the -- are  
3 still in prison, that my life is just peachy keen. That  
4 shit eats at your conscience. When you know that you were  
5 the reason people's time has been taken away from them, and  
6 shit, that shit really -- this shit really eats at your  
7 fucking conscience, man.

8 DETECTIVE DARGA: Yeah.

9 MS. BLACK: So, when I tell you I have busted my  
10 ass to keep anybody -- nobody, even though it's, it's, it's  
11 public information, nobody has put two and two together.  
12 Nobody put me with that shit.

13 I didn't -- and my youngin, I don't want him -- I, I  
14 did not want him knowing anything about that. I didn't even  
15 want him knowing that I was even involved in shit like that,  
16 because I worked so hard to fucking keep him out the system,  
17 and keep him from being in trouble.

18 So, my mom, like I said, just in the past year-or-so, I  
19 finally come out and talked to her about it. I went and  
20 talked to my grandparents about it. My brother didn't know,  
21 nobody.

22 DETECTIVE DARGA: Okay.

23 MS. BLACK: Nobody knew. I didn't even tell the  
24 guys I was with. Like, and my old man, I wouldn't even tell  
25 -- I didn't even tell him. I didn't tell nobody. Nobody



1 knew I was part of that.

2 DETECTIVE SWAIM: Was --

3 MS. BLACK: I was ashamed of that shit.

4 DETECTIVE SWAIM: Have you been in contact with  
5 any of them?

6 MS. BLACK: No, because -- and --

7 DETECTIVE SWAIM: Okay.

8 MS. BLACK: -- hell no, because I was told that,  
9 that -- by them and their families, if I was ever seen on  
10 the streets of southside again, that they would make sure I  
11 was done.

12 DETECTIVE DARGA: Who told you that?

13 MS. BLACK: The family at the court -- oh, God, at  
14 the hearings.

15 DETECTIVE SWAIM: Um-hmm.

16 MS. BLACK: I wasn't even allowed to go outside  
17 and smoke, because Eric Saunders made me smoke up in his  
18 office.

19 DETECTIVE SWAIM: Um-hmm.

20 MS. BLACK: I couldn't leave by myself. I  
21 couldn't do anything. I had to be escorted everywhere.  
22 They were so gung-ho --

23 DETECTIVE SWAIM: I guess --

24 MS. BLACK: -- and wanting me, like --

25 DETECTIVE SWAIM: To be --



1 MS. BLACK: -- done.

2 DETECTIVE SWAIM: Who was gung-ho and wanting --

3 MS. BLACK: The, the boys and their families.

4 DETECTIVE SWAIM: Okay. So I guess that's safe.

5 So -- and I'll -- did Dorrell, he's passed now. But did he

6 ever make any -- Dorrell, himself, not his family. Did

7 Dorrell ever make any threats towards you?

8 MS. BLACK: No, because the only one I ever, I

9 ever come acrossed [phonetic], or had a, a passing by during

10 any of that, was Rayshawn. And he tried to lunge at me.

11 And they -- I, I broke down on the stand, okay?

12 DETECTIVE SWAIM: Okay.

13 MS. BLACK: And as they were taking me to the back

14 to calm down, Rayshawn, they were bringing him, I guess,

15 into the courtroom or something. And he was in his

16 handcuffs and shackles, and his little jumpsuit and stuff.

17 And he lunged at me, and started running his mouth,

18 saying what he was going to -- saying all the shit he was

19 saying, just going off. And the officers knocked him back.

20 And I about hit my damn knees. I just wouldn't -- I

21 didn't even want to come back in that courtroom. They had

22 to, they had to drag me back into the courtroom.

23 DETECTIVE SWAIM: Okay.

24 MS. BLACK: But that -- he is the only -- when it

25 comes to any aggression or anybody that I hate to even make



1 assumptions about these boys, but if I had to, if I had to  
2 say anybody that I would think was capable of that shit.  
3 He's the only one, and only because --

4 DETECTIVE DARGA: You're saying --

5 MS. BLACK: -- he's got --

6 DETECTIVE DARGA: -- Rayshawn?

7 MS. BLACK: Yes, because he has so much -- he's  
8 angry. And he is angry at the world. And I mean, that was  
9 before he -- any of that shit happened.

10 Rayshawn is just -- he's so fucking angry, man. And  
11 it's, it's, it's just -- he just lashed out about everything  
12 that I'd never seen. I wouldn't --

13 DETECTIVE SWAIM: Hey, did you ever --

14 MS. BLACK: I --

15 DETECTIVE SWAIM: -- write letters back-and-forth  
16 to him, or --

17 MS. BLACK: No.

18 DETECTIVE SWAIM: -- any of them, while they were  
19 in --

20 MS. BLACK: No.

21 DETECTIVE SWAIM: -- prison?

22 MS. BLACK: No.

23 DETECTIVE SWAIM: Did they ever reach out to you  
24 through the mail --

25 MS. BLACK: I --



1 DETECTIVE SWAIM: -- or anything?

2 MS. BLACK: -- moved to, I moved to Alamance  
3 County.

4 DETECTIVE SWAIM: Uh-huh.

5 MS. BLACK: And was going to buy -- was buying a  
6 house up there, right before my grandmother got sick. And I  
7 moved -- left all my shit to move in with her down in  
8 Thomasville. And I got a certified letter. And they have  
9 always told me, don't go pick up no damn certified letter.  
10 Well --

11 DETECTIVE DARGA: When was this?

12 MS. BLACK: -- I saw it.

13 DETECTIVE DARGA: What year was this?

14 MS. BLACK: I was like, oh. My son was in  
15 kindergarten. He's fixing to be 15, so --

16 DETECTIVE DARGA: So it was a while --

17 MS. BLACK: -- I guess '10 --

18 DETECTIVE DARGA: -- ago.

19 MS. BLACK: -- maybe.

20 DETECTIVE DARGA: Yeah.

21 DETECTIVE SWAIM: Um-hmm.

22 MS. BLACK: 2010, somewhere around there, okay.

23 So, I seen this little thing. I got a certified letter.

24 I'm like, ooh, certified mail, important. I was excited.

25 So, I go to the Post Office and I pick it up right there at



1     Elon, and right in the Post Office right --

2                 DETECTIVE SWAIM:   Yeah.

3                 MS. BLACK:   -- there in that college.  And I open  
4     it up.  And as soon as I saw something about the damn  
5     Innocence Commission or inquiry, or whatever -- because I  
6     know there's two separate ones.  I don't even know which one  
7     the letter come from.

8                 DETECTIVE DARGA:  Is this from 2010?

9                 MS. BLACK:   Yeah.

10                DETECTIVE DARGA:  Okay.

11                MS. BLACK:   So, when I seen that -- when I've seen  
12     that top of that letter, I tore that son of a bitch up.  I  
13     threw it away.

14                And that would, that would be the first time any of  
15     them reached out to me, I, I would assume, because if there  
16     was any other letters, I never got them.  So, after that, I  
17     get certified mail, I don't check it.  The fuck, no, I will  
18     not.  I won't even go to the --

19                DETECTIVE SWAIM:  You haven't even had any contact  
20     with them?

21                MS. BLACK:   No, sir.

22                DETECTIVE SWAIM:  Period.

23                MS. BLACK:   Huh-uh, no, sir.

24                DETECTIVE SWAIM:  Has any reporters, anybody --

25                MS. BLACK:   Yes.



1 DETECTIVE SWAIM: -- reached out to you.

2 MS. BLACK: Hunter Atkins.

3 DETECTIVE SWAIM: Has anybody offered you any  
4 money?

5 MS. BLACK: (No audible response).

6 DETECTIVE SWAIM: Has anybody offered you any  
7 Contracts -- to sign any Contracts for books that you may  
8 get money?

9 MS. BLACK: No.

10 DETECTIVE SWAIM: You've never been -- saying, all  
11 right, if you -- I got to --

12 MS. BLACK: No.

13 DETECTIVE SWAIM: -- ask these questions.

14 MS. BLACK: Hunter Atkins hunted me down, okay?

15 DETECTIVE SWAIM: Okay.

16 MS. BLACK: It took him almost four years --

17 DETECTIVE SWAIM: Okay.

18 MS. BLACK: -- to get me to respond.

19 DETECTIVE SWAIM: Okay.

20 MS. BLACK: I'm going to tell you how he --

21 DETECTIVE DARGA: Who, who is he?

22 MS. BLACK: He is -- he writes for the Houston  
23 Chronicle. He's a sportswriter. He was doing a, a piece  
24 that had to do with Chris Paul. That is almost when I found  
25 out that Chris Paul was his grandson.



1 DETECTIVE SWAIM: Okay.

2 MS. BLACK: I didn't know none of that. And I'm  
3 like, oh, God, really?

4 DETECTIVE DARGA: How did this Hunter Atkins guy  
5 reach out to you?

6 MS. BLACK: First, he sent me -- he had sent me a  
7 message over Facebook. When I opened the message -- well,  
8 you know, you can open it and they not know you open it.

9 So, I looked at it and I read it. And he explained to  
10 me who he was. He put a link up there to his work. He  
11 informed me that he was not -- I still got the message and  
12 stuff.

13 He said that he was not trying to -- he wasn't trying  
14 to do the innocence thing, or something like that, that he  
15 was trying to write a piece and show some good out of what  
16 had happened.

17 And I didn't give a damn. I didn't want to take part  
18 in it, because I had worked so hard to push this down, so  
19 nobody knew it. I wanted to hide it. If, if I had my  
20 choice, it'd still be hid.

21 DETECTIVE SWAIM: So you're saying, during the  
22 trial stuff, you didn't know it was Chris Paul's  
23 grandfather. You didn't find out until 2010 that it was  
24 Chris -- I just wanted --

25 MS. BLACK: It was after the trials. It was after



1 trials --

2 DETECTIVE SWAIM: Really?

3 MS. BLACK: -- that I found out.

4 DETECTIVE SWAIM: So you didn't find out it was  
5 big -- you didn't know --

6 MS. BLACK: I didn't read --

7 DETECTIVE SWAIM: -- during the trial?

8 MS. BLACK: -- them articles. I just --

9 DETECTIVE SWAIM: Okay.

10 MS. BLACK: -- found -- I -- my grandmother --

11 DETECTIVE SWAIM: Anything by word-of-mouth, or  
12 whatever?

13 MS. BLACK: Check this. No, no.

14 DETECTIVE SWAIM: Okay.

15 MS. BLACK: No, because when all that was going  
16 on, when I tell you this -- I had moved away from everybody  
17 I know --

18 DETECTIVE SWAIM: Um-hmm.

19 MS. BLACK: -- to come down here --

20 DETECTIVE SWAIM: Um-hmm.

21 MS. BLACK: -- for that, to seclude myself. Ever  
22 since all that went on, that's been my -- that's how it's  
23 done. I have kept myself secluded.

24 DETECTIVE DARGA: Okay.

25 MS. BLACK: I don't -- and I just -- I don't. I



1 don't want to chance anybody, anything, anything, with my  
2 youngin, with me, anything, period, none.

3 So I don't, I don't let people get close to me. I  
4 don't tell people anything. I literally talk to my mother  
5 and that's it, and my son. I keep it 100-percent real with  
6 son --

7 DETECTIVE SWAIM: Yeah.

8 MS. BLACK: -- except for about this damn trial.

9 DETECTIVE SWAIM: Yeah. No, I understand.

10 MS. BLACK: That's the only thing. I ain't tell  
11 him --

12 DETECTIVE SWAIM: Let me ask you this off -- do  
13 you remember -- because obviously I kind of remember, like,  
14 my friends. We were talking about what we wore, because  
15 styles and stuff like that. Do you remember what kinds of  
16 clothes and shoes they wore back then, any of them? You  
17 don't have --

18 MS. BLACK: Air Force 1s.

19 DETECTIVE SWAIM: So, they all wore Air Force 1s?

20 MS. BLACK: Always.

21 DETECTIVE SWAIM: Okay.

22 MS. BLACK: Oh, no, out of all the boys, I don't  
23 know who all wore Air Force 1s.

24 DETECTIVE SWAIM: Yeah.

25 MS. BLACK: But that was, that was some of the



1 shoes.

2 DETECTIVE SWAIM: Um-hmm.

3 MS. BLACK: I was -- at the time, as a matter of  
4 fact, I was wearing Air Force [indiscernible] shoes.

5 DETECTIVE SWAIM: Okay.

6 MS. BLACK: And they always had to be white,  
7 fresh.

8 DETECTIVE SWAIM: Okay.

9 MS. BLACK: And I was in, I was in Tommy,  
10 Tommy Hilfiger always, the men jeans. I told you, dressed  
11 like a boy.

12 DETECTIVE SWAIM: Yeah.

13 MS. BLACK: The, the Tommy jeans, the Tommy polos,  
14 the Tommy damn -- the little fleece shirts.

15 DETECTIVE SWAIM: Um-hmm.

16 MS. BLACK: And my shoes, I would have the big  
17 white pretty Filas, the, the --

18 DETECTIVE SWAIM: My daughter had them --

19 MS. BLACK: -- like Pumas.

20 DETECTIVE SWAIM: -- on today.

21 MS. BLACK: Do you remember Pumas?

22 DETECTIVE SWAIM: Yeah.

23 MS. BLACK: Dude.

24 DETECTIVE SWAIM: My daughter did -- you know,  
25 them old shoes are coming back. She had the Filas on today.



1 MS. BLACK: I can't believe Champion done blew up.

2 DETECTIVE SWAIM: And, and let me -- and I -- I'm  
3 getting -- my brain's -- because I've had to just get caught  
4 up with this on myself.

5 MS. BLACK: Right.

6 DETECTIVE SWAIM: You said you were closer with  
7 Nathaniel, because Rayshawn ran his mouth, right?

8 MS. BLACK: Rayshawn, he was just reckless.

9 DETECTIVE SWAIM: So -- but you said Nathaniel.  
10 Do you remember -- because you said -- if Nathaniel or  
11 Rayshawn wore Air Force 1s? Do you remember, like -- and  
12 again, I don't want to put -- if you don't, you don't. I  
13 don't want you --

14 MS. BLACK: I --

15 DETECTIVE SWAIM: -- to feel like I'm put --

16 MS. BLACK: -- I never paid attention to --

17 DETECTIVE SWAIM: Okay.

18 MS. BLACK: -- who was wearing what kind of shoes.  
19 I know --

20 DETECTIVE SWAIM: But did you -- did they -- do  
21 you know, not on any particular --

22 MS. BLACK: Those boys --

23 DETECTIVE SWAIM: -- day, if they ever wore --

24 MS. BLACK: -- those boys had better clothes than  
25 everybody.



1 DETECTIVE SWAIM: Who?

2 MS. BLACK: The, the brothers.

3 DETECTIVE SWAIM: Rayshawn and --

4 MS. BLACK: Rayshawn --

5 DETECTIVE SWAIM: -- Nathaniel?

6 MS. BLACK: -- and Nathaniel. Their mother worked  
7 her ass off --

8 DETECTIVE SWAIM: Okay.

9 MS. BLACK: -- to do for them boys. And she gave  
10 them boys the best of everything she could. And she was --  
11 that's why I said she was -- that was a stern woman. Like,  
12 she was, she was --

13 DETECTIVE SWAIM: Yeah.

14 MS. BLACK: -- hell on wheels. Bubba -- Bubba's  
15 mama was -- they were really, really poor, really poor.  
16 Dorrell -- Dorrell's -- he never -- you didn't -- he wasn't  
17 wearing clothes like what we were wearing. It was --

18 DETECTIVE SWAIM: Okay.

19 MS. BLACK: Dorrell was kind of like a -- he was  
20 one of them kids that you would think that's -- that was all  
21 hand-me-downs and stuff.

22 DETECTIVE SWAIM: Okay.

23 MS. BLACK: Jermal, Jermal was pretty basic, man.  
24 He didn't -- he wasn't flashy with nothing. But the boy --  
25 the brothers, the shoes and shit was always, always fresh.



1 DETECTIVE SWAIM: So, be --

2 MS. BLACK: Always.

3 DETECTIVE SWAIM: I mean -- and again, I'm, I'm  
4 not talking about that specific day. Do you -- did you know  
5 them to have a pair of Air Force 1s?

6 MS. BLACK: I didn't know. I didn't ever know --

7 DETECTIVE SWAIM: Okay.

8 MS. BLACK: -- what kind of shoes they had.

9 DETECTIVE SWAIM: Okay.

10 MS. BLACK: Huh-uh, I ain't never paid attention  
11 to none of that.

12 DETECTIVE SWAIM: All right.

13 MS. BLACK: But -- no, I just know they had --  
14 they, they -- out of all of them, they were the ones who had  
15 the good clothes and shit.

16 DETECTIVE SWAIM: Okay. And --

17 MS. BLACK: But I can't say that they had specific  
18 shoes.

19 DETECTIVE SWAIM: No, that's fine. And I want you  
20 -- and I just want you to do what you remember.

21 DETECTIVE DARGA: When -- when's the first time  
22 that you've told this story to anybody, outside us?

23 MS. BLACK: You mean what I'm just now telling  
24 you?

25 DETECTIVE DARGA: Um-hmm, have you told anybody



1 else this outside of us?

2 MS. BLACK: Yeah, when I finally sat down and  
3 talked to my mama.

4 DETECTIVE DARGA: Okay, and then --

5 MS. BLACK: And that was just in the last year.

6 DETECTIVE DARGA: Okay, and then --

7 MS. BLACK: Well -- and Hunter.

8 DETECTIVE SWAIM: So, you did talk to Hunter?

9 MS. BLACK: I finally did.

10 DETECTIVE SWAIM: And was that --

11 MS. BLACK: And we sat down at --

12 DETECTIVE SWAIM: -- over the phone or in-person?

13 MS. BLACK: He drove up here from Texas, drove up  
14 here. And he asked me if I would meet him. I finally gave  
15 in. And the reason I did was because I did not even know he  
16 was in town.

17 The guy I was seeing, his mom called him, and was like,  
18 there's somebody that was just here looking for Jessica.  
19 Now, mind you --

20 DETECTIVE DARGA: Who's the guy you're seeing at  
21 the time?

22 MS. BLACK: Zach Daniels.

23 DETECTIVE DARGA: Okay.

24 MS. BLACK: So -- and I heard him saying, what'd  
25 he want her for? And what was his name, this, that, and the



1 other?

2 So, when he said Hunter Atkins, I knew who he was  
3 talking about, because I still had that message on my phone  
4 from so many years before. I was like, how the hell?

5 You see, because I hadn't been dating Zach long at all.  
6 And his mama -- God, his mama hates me. And I'm like, he  
7 went to your mama's house. Oh my, God.

8 I was, I was just flipping. I'm like, what the hell  
9 did he say? Well, Hunter informed her on why he was looking  
10 for me and why he wanted to talk to me, and what it  
11 pertained to. So that was the first time that shit got out,  
12 as far as anybody --

13 DETECTIVE DARGA: What --

14 MS. BLACK: -- knowing.

15 DETECTIVE DARGA: And what year is this, at this  
16 point?

17 MS. BLACK: Last year.

18 DETECTIVE DARGA: Okay, this is just last year?

19 MS. BLACK: Yeah.

20 DETECTIVE DARGA: Okay.

21 MS. BLACK: So, pretty much she told --

22 DETECTIVE DARGA: 2019 or 2018?

23 MS. BLACK: '19.

24 DETECTIVE DARGA: Okay.

25 MS. BLACK: So, pretty much, she told Zach that --



1 may have been -- it was '19. I'm pretty sure. Hold up.

2 Yeah, I'm guessing. Hold on.

3 DETECTIVE DARGA: Because we're just now in 2020.

4 MS. BLACK: It's near the end -- it's, it's, it's  
5 either right there at the end of '18, beginning of '19.

6 DETECTIVE DARGA: Yeah.

7 MS. BLACK: Somewhere right around there, so --  
8 yeah, because I was just thinking. I was with him last  
9 Valentine's Day. And I think we got together that, that  
10 July before that. So, it was somewhere right there at the  
11 end, or the beginning of those years.

12 DETECTIVE DARGA: So, somewhere around --

13 MS. BLACK: '18/19.

14 DETECTIVE DARGA: -- Christmas?

15 MS. BLACK: Somewhere, somewhere right there.

16 DETECTIVE DARGA: Okay, that's fine.

17 MS. BLACK: So, she informed on that. She just  
18 stood there and listened to what Hunter had to say. And I  
19 started wiggling out.

20 I sat there and I broke down, and started crying. And  
21 Zach's like, Jessica, what is right? What is wrong? Why  
22 are you breaking down like this? And I had no choice but to  
23 tell him.

24 Hunter didn't give all the details to Zach's mom. But,  
25 the fact that it -- they -- I mean, they coming out and ask



1 me why this man drove up here from, from Texas to talk to  
2 me, and why he was so adamant on talking to me.

3 I couldn't figure out how the hell he found the -- like  
4 I hadn't, I hadn't known him that long. So, I don't know  
5 how the hell he found the mama's address, her name.

6 DETECTIVE DARGA: Um-hmm.

7 MS. BLACK: Any of that, like he, he was tracking  
8 me the hell down. He went to my cousin's house that lived  
9 out here in Lexington. And I ain't know he had went there,  
10 until after I spoke with him, because I wasn't -- me and my  
11 cousin hadn't spoke in like two years.

12 DETECTIVE DARGA: Right.

13 MS. BLACK: So, I'm like, the -- I didn't know how  
14 none of that come about. But, Zach asked me about it. So,  
15 I told him. And I told him what I, what I just told you.

16 And I told him about how -- about the, about the shit  
17 that I, that I said, the shit that I said on the stands, and  
18 about how much it bothers me, and about me keeping it hid  
19 from everybody.

20 DETECTIVE DARGA: And you tell this --

21 MS. BLACK: And --

22 DETECTIVE DARGA: -- to Hunter?

23 MS. BLACK: -- I was telling that to Zach.

24 DETECTIVE DARGA: Okay.

25 MS. BLACK: Well, then, Zach was like, Jessica,



1 just ignore him. I thought about it.

2 DETECTIVE DARGA: And what's Zach's last --

3 MS. BLACK: And thought about it.

4 DETECTIVE DARGA: -- name again?

5 MS. BLACK: Daniels.

6 DETECTIVE SWAIM: Like Jack Daniels.

7 MS. BLACK: Yes.

8 DETECTIVE SWAIM: But Zach Daniels.

9 MS. BLACK: God knows that's his favorite liquor.

10 So, finally, I'm like, okay, well, this man has done drug  
11 his ass all the way up here. And he is literally hunting me  
12 down.

13 So, suck it up, see how it is. It was right there at  
14 -- it was right at my birthday, because he brought me a cake  
15 when he met me. And, and I don't even eat cake. I took  
16 that shit home, gave it to my son.

17 So, he asked me. He said, Jessica, I'll meet you  
18 anywhere you want to. First, when I got him on the phone, I  
19 called him and cussed him for every damn thing he was worth,  
20 and told him I hated him. He never should have come up  
21 here. He never should have told anybody anything. And he  
22 apologized, and apologized. And I mean -- and he was -- his  
23 voice, he was, he was sincere. He --

24 DETECTIVE SWAIM: Yeah.

25 MS. BLACK: That was sincere as shit.



1 DETECTIVE SWAIM: Um-hmm.

2 MS. BLACK: And I was all hell. And I did it when  
3 Zach wasn't in there, because Zach told me not to contact.

4 DETECTIVE SWAIM: Um-hmm.

5 MS. BLACK: So, I sat there and I talked to him  
6 for probably two or three hours on the phone, and --

7 DETECTIVE DARGA: Hunter, at this point?

8 MS. BLACK: Yeah, and it was just pretty much --

9 DETECTIVE DARGA: So you -- where did you meet him  
10 at?

11 MS. BLACK: On Bears Creek.

12 DETECTIVE DARGA: Okay.

13 MS. BLACK: After -- I was working third shift,  
14 R.J.R.

15 DETECTIVE DARGA: Okay.

16 MS. BLACK: So, when I got off work, I was like,  
17 if you're going to talk to me, we're going to have to do it  
18 as soon as I get out of work. I'll meet you here at -- it  
19 was like 9:00 when I met him at the IHOP on 52.

20 So, pull up, he gets out of the car. And he gives me  
21 the cake. He introduces his self. And he has his -- I  
22 mean, I'm talking professional recording shit, whole  
23 microphone.

24 We go into the back corner of the restaurant, and he  
25 sets everything up, and informs me that he's going to record



1 everything. He said, Jessica, I don't want to misinterpret  
2 anything that you say. I don't want to get anything  
3 misconstrued, that this way I can go word-for-word on what  
4 you're saying, because it's not -- the article still hadn't  
5 even been published yet.

6 I mean, he still -- he's been trying to get in touch  
7 with me for about five, five, six months, and I've been  
8 avoiding it. And it's -- he literally -- well, Jessica,  
9 how you doing? You okay? Everything okay?

10 Like, the man sincerely would just call me and ask me  
11 if I'm all right. Like, I mean, he, he knows. And he --  
12 he's, he's right at our age. Hunter -- Hunter's good  
13 people. Damn, that's -- he's good people. And he never  
14 offered me anything. He never --

15 DETECTIVE DARGA: Okay.

16 MS. BLACK: -- offered me any kind of money,  
17 anything. He did send money for a car payment up here.

18 DETECTIVE SWAIM: Okay.

19 MS. BLACK: The reason he did -- and it wasn't  
20 because I asked for it. And he never -- I -- he never -- it  
21 was not a loan. It wasn't anything like that. And as a  
22 matter of fact, he sent it to a doctor friend of his, and  
23 had the doctor give it to me, because I refused to take it.

24 DETECTIVE SWAIM: Up here?

25 MS. BLACK: Yes, because I told him. He, he told



1 me that sometimes you need help. I've never fallen on my  
2 ass.

3 I -- in a matter of two weeks, I lost my car, because  
4 my motor blew up, which caused me to lose my job, because I  
5 couldn't get back-and-forth to work, which caused me to lose  
6 my house, because I couldn't pay my rent.

7 DETECTIVE SWAIM: Do you know who the doctor was?

8 MS. BLACK: No. But he gave me a address. I  
9 GPS'd it and I went and met him.

10 DETECTIVE SWAIM: Do you remember where?

11 MS. BLACK: I went to the office. It was over  
12 there, over by [Indiscernible], back there --

13 DETECTIVE SWAIM: Okay.

14 MS. BLACK: -- in, in them doctors.

15 DETECTIVE SWAIM: Okay.

16 MS. BLACK: But, it was before the office even  
17 opened. I went and I opened the door. He said, you  
18 Jessica? And I said, yeah.

19 He come up. He handed me an envelope, and he walked  
20 out. But I was going to lose my car. I was staying -- I  
21 was literally living in my car. My son was at my brother's,  
22 because I was -- I wouldn't dare, dare put him in --

23 DETECTIVE SWAIM: In a -- yeah.

24 MS. BLACK: -- in, in that situation.

25 DETECTIVE SWAIM: I don't blame you.



1 MS. BLACK: So -- and I told Hunter. Hunter's  
2 like, Jessica. He said, ask somebody for help. So people  
3 -- what -- there -- there's places out here you can go for  
4 help.

5 I said, I'm going to ask nobody for help. I said, I've  
6 done it by myself, since I have been grown. I said, I have  
7 worked my ass off to do for myself.

8 I said, I've given my mother a place to stay. I have  
9 housed every one of my family members. Never once have I  
10 asked them to, to have a place to stay. I'm always that  
11 one.

12 So, I am hellbent [indiscernible]. I'm not asking  
13 nobody for help. And, and I told him. I was like, people  
14 are so -- they're, they're so self-righteous that it's all  
15 about, it's all about the gratification that I did that.

16 Somebody can throw it in your face. I said, and that's  
17 why I won't ask nobody. And that is why he did that. And  
18 he was like, Jessica, you need that car for that youngin.  
19 You need that.

20 Then he knew all about me and my child, and stuff. And  
21 he had done talked to the boys. I did not even know he had  
22 talked to them. He informed me of that.

23 DETECTIVE SWAIM: Okay.

24 MS. BLACK: And --

25 DETECTIVE DARGA: When he interviewed you at IHOP,



1 what all did you tell him?

2 MS. BLACK: I pretty much answered his questions.  
3 He'd -- he asked me -- first, he started out by asking me  
4 just like personal stuff about myself.

5 And then, it went onto, well, how did, how did, how did  
6 that day come about, just like with you all. Then, it was,  
7 okay, well, Jessica -- he had gotten -- he -- some of the  
8 mothers of the boys had -- still had their old transcripts.  
9 I've still got mine. It's out in that building, packed up.

10 And he had -- mine's the only transcript he's not  
11 gotten a hold of. And mine's the only one that's different  
12 from theirs. So --

13 DETECTIVE SWAIM: Well, he probably wants your  
14 transcript.

15 MS. BLACK: -- he said if I, if I didn't find it  
16 and give it to him, not to worry about it. But, the reason  
17 he wanted it was because that transcript was handed to me.

18 And that transcript, I was told to take my ass home, go  
19 over that transcript, so I do not twitch my stories up on  
20 that damn stand and let them lawyers trip me up, like they  
21 kept doing. That is why I had that transcript.

22 So, there were places in there that were highlighted  
23 out, marked, marked around stuff by the DAs. And Bernie and  
24 Eric, I thought that they were just the fucking A-team, man,  
25 because they were all for me.



1 I was like, oh, they're trying to keep me out of  
2 trouble. And they're on my side, and this, that, and the  
3 other. But --

4 DETECTIVE DARGA: Do you --

5 MS. BLACK: -- once you get older --

6 DETECTIVE DARGA: Do --

7 MS. BLACK: -- you start to --

8 DETECTIVE DARGA: When you --

9 MS. BLACK: -- realize shit.

10 DETECTIVE DARGA: When you're talking to Hunter,  
11 did you, did you tell him the same thing that you told us?  
12 Or did you tell him something different?

13 MS. BLACK: I told him --

14 DETECTIVE DARGA: So, you didn't tell him the same  
15 thing that was told in court, then?

16 MS. BLACK: Oh, he asked me about it, that he was  
17 quote -- he, he would go back and quote that. He'd be like,  
18 okay, so, Jessica, do you remember, at this trial, you  
19 know, the lawyer asked you such-and-such, such-and-such.  
20 And your answer was -- and usually, before he could even  
21 spit the answer out at me, I was like, I said,  
22 dah-dah-dah-dah-dah.

23 He was like, okay, so, you know, you just told me the,  
24 the -- just what I told you all. So why? What was it? Why  
25 was it that you said this? And where did, where did you get



1 that? Like, is that something that you saw? Is that  
2 something that you made up? Is that something?

3 You know what I'm saying? He wanted to know. And I  
4 told him, because I was like, look. Because when it come  
5 down to it, Hunter was trying -- he's, he's trying to do  
6 good. And he is really trying to do good.

7 He has went and met with the families. He has went and  
8 seen the boys. He has talked to all them. And he finally  
9 gave me a little bit of relief, because he said, Jessica.

10 He said, you know, all the boys feel like that you were  
11 done kind of like they were. And you were all young and  
12 didn't know what the hell was going on, and that they don't  
13 hold any hard feelings against you.

14 So, that -- he gave me a, a -- that was a big-ass  
15 weight off of my shoulders. And he just informed me on how  
16 they were doing once you [sic] were out.

17 You know, So-and-So got out. They just had a baby.  
18 He's working. And as soon as I heard about Dorrell, I was  
19 at work, and I started crying.

20 And I was like, yeah, now, I feel horrible, because  
21 here he had just got out. Hadn't been out, what, a full  
22 fucking year yet, and got killed on some petty shit.

23 DETECTIVE SWAIM: Um-hmm.

24 DETECTIVE DARGA: And I'd investigated his murder.

25 MS. BLACK: That shit broke my heart. I was like,



1 what? Over some, some petty-ass money --

2 DETECTIVE DARGA: Family drama.

3 MS. BLACK: Over something so stupid.

4 DETECTIVE DARGA: Family drama.

5 MS. BLACK: That's it. I said, there, here done

6 made it all this, all this, all this time. He made it

7 through in the system, to get out and that shit happened.

8 I said, that is some -- that's some bullshit. And  
9 then, so, that -- that's just what it was. So I called him  
10 and I asked him.

11 I said, did you know? Did you hear anything about  
12 Dorrell, because I figured that maybe he had a little bit  
13 more information, because there was no information out  
14 there.

15 It was just that he had been murdered. So I'm like,  
16 you know, do you know, maybe, what happened? Is it -- what  
17 led up to that? I thought it had something to do with the  
18 Jones case. I thought that maybe that's why he had gotten  
19 killed. And then, he just let me know that it did not have  
20 to do with the Jones case. So I was --

21 DETECTIVE DARGA: Who is this? Who's --

22 MS. BLACK: Hunter.

23 DETECTIVE DARGA: Oh.

24 MS. BLACK: So when Hunter just let me -- he just  
25 let me know that. He said, Jessica, I don't know all the



1 details yet.

2 He said, but I do know it had to do with family, and it  
3 didn't have to do with Mr. Jones. And -- because I was  
4 like, I, I swear I thought it had to do with Mr. Jones.

5 I was like, oh, God, somebody murdered him because here  
6 he is. He just got out. And they think he killed him and  
7 dah-dah-dah-dah.

8 And so, it, it really -- it, it tore me up a little  
9 bit, man. And I, I hated that. I hated the fact that my  
10 testimony was what put them boys where the hell they were.

11 DETECTIVE SWAIM: Well --

12 MS. BLACK: Knowing that I couldn't say, one way  
13 or the fucking other.

14 DETECTIVE SWAIM: -- I think you were -- it  
15 helped, but I mean, I think there was other evidence, too.

16 MS. BLACK: It did help, a lot.

17 DETECTIVE SWAIM: Yeah.

18 MS. BLACK: That said that was -- but that was  
19 stupid. It was stupid.

20 DETECTIVE SWAIM: But, I mean --

21 MS. BLACK: Because --

22 DETECTIVE SWAIM: -- you went, you went through  
23 the trial. And they all made statements, too, so --

24 MS. BLACK: Yeah, they did. And you know, I  
25 thought I was the first one to be interrogated.



1 DETECTIVE SWAIM: Yeah.

2 MS. BLACK: And I just learned that I wasn't the  
3 first one.

4 DETECTIVE SWAIM: So, nobody -- and I -- and  
5 again, I don't want to make you --

6 MS. BLACK: Go ahead and ask your questions.

7 DETECTIVE SWAIM: No, no, no. Did you have  
8 anything to do with the death of Mr. Jones, yourself?

9 MS. BLACK: (No audible response).

10 DETECTIVE SWAIM: Like, and I'm talking about  
11 personal, is --

12 MS. BLACK: On my youngin.

13 DETECTIVE SWAIM: Okay.

14 MS. BLACK: On my youngin.

15 DETECTIVE SWAIM: So you didn't ever go to his  
16 house. You never went --

17 MS. BLACK: No, I got --

18 DETECTIVE SWAIM: -- around his car. You never --

19 MS. BLACK: I didn't even know that, that that's  
20 where he lived until I rode -- Eric Saunders come pick me up  
21 one day.

22 DETECTIVE SWAIM: Uh-huh.

23 MS. BLACK: In a minivan, he wasn't driving. I  
24 don't know who it was that was driving. But he told me that  
25 -- he had called me and asked me if I was willing to go on a



1 ride-along with him.

2 DETECTIVE DARGA: Who is this?

3 MS. BLACK: Eric Saunders.

4 DETECTIVE SWAIM: He used to be a prosecutor.

5 MS. BLACK: He was one of the DAs in the case.

6 He's passed now. But, him and Bernie both are dead. But,  
7 he asked me if I'd go on a ride-along with him and one of  
8 Mr. Jones' daughters.

9 Said that she wanted to talk to me, and they just had  
10 some questions about the, the -- our route that day, and  
11 stuff like that. So they come pick me up in this van.

12 And I was scared to death, because I was like, why does  
13 this woman want to meet me? If, if they think I'm involved  
14 in this murder, why would she want to meet me?

15 So, I was, I was terrified. But then, I was like,  
16 Eric Saunders is there. So, it can't be a bad thing,  
17 because he's on my side.

18 So, I rode with them in the van. And I talked to this  
19 lady. And at the time, I remember she had a short bob. And  
20 I don't know if it was -- I mean, she's black lady,  
21 obviously.

22 But I don't know if it was like a, a, a wig, if it was  
23 her hair. Shit, I don't know. But it was a short bob, and  
24 she was heavier set at the time.

25 And she was, she was just smiling. And she hugged me.



1 And thanked me for coming and riding with them, and they  
2 took me by Mr. Jones' house.

3 I did not get out, but he parked. They stopped in  
4 front of the driveway and pointed, and showed me where he  
5 was laying.

6 And the -- anyway, we went on the ride-along. And we  
7 rode, we rode around by Creekside and by Lowell, and just  
8 places that I said we had been. And they brought me back  
9 home and dropped me out. But, you know, nobody else knows  
10 about that fucking van ride, nobody.

11 So, I, I, I was at a loss of that. And then, Hunter  
12 spoke. He has spoke. He spoke to -- he's got the -- he --  
13 the, the recording, he spoke with the daughters of  
14 Mr. Jones.

15 And they said they would have been appalled if they had  
16 been asked to do a ride-along with me, and that they had  
17 never ever rode with me anywhere. So, I don't know what the  
18 hell was up with that.

19 I don't know who I rode with. That shit blew my mind.  
20 And I, I just learned that, because -- and then, I was  
21 showed pictures of the, the daughters. And I was like,  
22 that's not, that's not the woman I was around. That's not  
23 the -- the faces didn't match. And then, the hair, the hair  
24 that -- any of the pictures that were shown, none, none of  
25 the hair was like that.



1 DETECTIVE SWAIM: But you, up until -- I mean,  
2 after, I get it. You said you rode it. But up until the  
3 day he died and before, you never have been to Mr. Jones'  
4 house?

5 MS. BLACK: Huh-uh.

6 DETECTIVE SWAIM: Okay.

7 MS. BLACK: Huh-uh, because I won't even go down  
8 that road.

9 DETECTIVE SWAIM: And --

10 MS. BLACK: I will not ride --

11 DETECTIVE SWAIM: -- I know there was some time  
12 after Mr. Jones' death, until you were questioned, until the  
13 boys were questioned and arrested, so between there you said  
14 you hung out with the boys regularly.

15 None of them -- I know what you said previously. But  
16 today, your recollection, none of them never made any  
17 comments a round-and-about way about being involved, or  
18 being -- anything like that?

19 MS. BLACK: (Shaking head negatively).

20 DETECTIVE SWAIM: Okay.

21 MS. BLACK: No. No, they didn't make -- they,  
22 they -- no, they didn't.

23 DETECTIVE SWAIM: Okay.

24 MS. BLACK: But, when I -- when I'm telling you  
25 that when you got detectives and, and police telling you,



1 look, we know --

2 DETECTIVE SWAIM: Um-hmm.

3 MS. BLACK: -- because this is what's said. We  
4 know you all were here. We know. Then, obviously, my ass  
5 was too high to remember. So, you all know. You all know I  
6 was there. So maybe I forgot.

7 DETECTIVE SWAIM: But, again -- and you --

8 MS. BLACK: And they made me think I was fucking  
9 crazy.

10 DETECTIVE SWAIM: What --

11 MS. BLACK: Made me think that I didn't, I didn't  
12 know what was going on.

13 DETECTIVE SWAIM: Well, you even know now -- and  
14 I'm not taking up for them by any means. I, I don't even  
15 know who -- I mean, I know who. But my, my thing is, they  
16 did talk to them before they talked to you.

17 MS. BLACK: Yeah, and I didn't know that, either.

18 DETECTIVE SWAIM: So --

19 MS. BLACK: I told you, I thought I was the first  
20 one.

21 DETECTIVE SWAIM: But the best that you remember  
22 -- I know you said you were high. And let me -- I got to  
23 ask you. Did you just smoke weed? Did you ever lace it  
24 with anything?

25 MS. BLACK: Huh-uh.



1 DETECTIVE SWAIM: Did you do pills?

2 MS. BLACK: Huh-uh.

3 DETECTIVE SWAIM: Did you drink? I mean, I know  
4 you drink. I mean, I -- did you drink and smoke, or --

5 MS. BLACK: I drink maybe like once a year.

6 DETECTIVE SWAIM: Okay.

7 MS. BLACK: And as far as smoking, smoking weed is  
8 all I have ever done. I have never even tried -- I wouldn't  
9 even take a prescription of pain pills --

10 DETECTIVE SWAIM: Okay.

11 MS. BLACK: -- until I had to have my hip  
12 replaced.

13 DETECTIVE SWAIM: Okay.

14 MS. BLACK: Because when my hips went out on me,  
15 they told me I couldn't take ibuprofen no more, because I  
16 have a blood clot in my vena cava. That is the first time.  
17 I was damn near 30 years old, before I took my first pain  
18 pill.

19 DETECTIVE DARGA: So the --

20 MS. BLACK: I, I have to be on them because of my  
21 -- I've got lupus, rheumatoid, all -- look at my hands, man.  
22 That's where all --

23 DETECTIVE SWAIM: Yeah.

24 MS. BLACK: -- these bruises come from. I got  
25 rheumatoid arthritis all over my body, double hip



1 replacements.

2 DETECTIVE DARGA: Where did your bruise come from,  
3 if you don't mind me asking?

4 MS. BLACK: The, the lupus and the arthritis, and  
5 I'm anemic, and that's where -- this is where I bumped, when  
6 I was working at R.J.R. I was -- because I'm clumsy as  
7 hell, an accident [indiscernible].

8 I bump into everything. When I bump into stuff, it'll  
9 bruise. It just -- it won't heal. This little bruise right  
10 here, that was literally a cigarette filter that one of the  
11 operators was playing with, flicked it at me. He -- a  
12 cigarette filter, that's how easy I bruise. Check this out.

13 DETECTIVE DARGA: When I saw those on your arms,  
14 you had me a little worried.

15 MS. BLACK: Huh-uh, look, look at this. This  
16 right here is fairly new. This is like in the, in, in the  
17 last six months. I've got four of these that have, that  
18 have happened. See that?

19 DETECTIVE DARGA: Jesus.

20 MS. BLACK: Yeah. My mama just made me sit in the  
21 damn emergency room for about 10 damn hours to make sure  
22 that they were not bacterial, because she was scared.

23 DETECTIVE DARGA: What is it?

24 MS. BLACK: The lupus, because of the -- you know,  
25 there's different types of lupus.



1 DETECTIVE SWAIM: Um-hmm.

2 MS. BLACK: The one that I've got is causing my,  
3 my red-and-white blood cells, and stuff, to attack. It's  
4 there. It's attacking my tissues. They're attacking my  
5 organs.

6 It -- my, my body is going to be demising me, if  
7 something else don't get me first. But it -- eventually,  
8 they -- that's why I refuse to do disability and shit,  
9 because they told me, [indiscernible] into the fact that I'm  
10 probably going to end up in a wheelchair. It's, it's about  
11 90-percent chance. So, until I can't move no more, I, I  
12 want other keep going.

13 DETECTIVE SWAIM: Yeah, well, I understand that.

14 MS. BLACK: Like, my mama begrudges me because of  
15 that shit, because I refuse. She said, I need to slow down  
16 and quit working my body so hard.

17 I don't care. My son needs to know that no matter how  
18 messed up your body is, what you go through, you can still  
19 bust your ass and work for what you need.

20 DETECTIVE SWAIM: Right. Well, I'm not going to  
21 take up all your night. I know you want to get your son  
22 back. I just wanted to --

23 MS. BLACK: Huh-uh, he's at my, he's at my  
24 brother's for the night.

25 DETECTIVE SWAIM: Before -- I want to make -- the



1 only -- so the only thing, thing you can say factual about  
2 this investigation -- when I say about it, you know, the  
3 difference [indiscernible]. And we went over this. But,  
4 you get out of school --

5 MS. BLACK: Um-hmm.

6 DETECTIVE SWAIM: -- from North Davidson and you  
7 drive down to southside. And it's --

8 MS. BLACK: I go home first. I always --

9 DETECTIVE SWAIM: You go home first.

10 MS. BLACK: -- went home first, always went home  
11 first.

12 DETECTIVE SWAIM: Okay. And then, you go down to  
13 southside. And listen, you're in your --

14 MS. BLACK: Um-hmm.

15 DETECTIVE SWAIM: -- '86 --

16 MS. BLACK: '86 Mercury --

17 DETECTIVE SWAIM: -- Mercury.

18 MS. BLACK: -- Cougar.

19 DETECTIVE SWAIM: And as you're -- and, and I  
20 won't even say particular streets. But as you're near  
21 Belview Park, near the rec center --

22 MS. BLACK: Um-hmm.

23 DETECTIVE SWAIM: -- you see four of the boys.

24 MS. BLACK: Um-hmm.

25 DETECTIVE SWAIM: Two of which you know, for a



1 fact, two of them were --

2 MS. BLACK: Nathan -- or that -- shit, no,  
3 Nathaniel.

4 DETECTIVE SWAIM: Nathaniel.

5 MS. BLACK: And Dorrell.

6 DETECTIVE SWAIM: And Dorrell, you don't, you, you  
7 don't remember what other two. But you know Nathaniel and  
8 Dorrell.

9 MS. BLACK: Um-hmm.

10 DETECTIVE SWAIM: They get in your car?

11 MS. BLACK: Um-hmm.

12 DETECTIVE SWAIM: You all go to Jermal's -- or  
13 where do you go next?

14 MS. BLACK: Dorrell was the first one to get  
15 dropped out.

16 DETECTIVE SWAIM: So you drop Dorrell off at his  
17 house.

18 MS. BLACK: Dorrell was always -- if I had to --

19 DETECTIVE SWAIM: Okay.

20 MS. BLACK: -- take --

21 DETECTIVE SWAIM: And that was closer to Old  
22 Lexington side?

23 MS. BLACK: (No audible response).

24 DETECTIVE SWAIM: Which side? I know you said he  
25 lived farther away.



1 MS. BLACK: Dorrell was on that -- you know, if  
2 Devonshire -- Devonshire's going to go right there. You're  
3 going to cross over 109 right there where Grovehill  
4 [phonetic] and shit, and all that's at.

5 DETECTIVE SWAIM: Um-hmm.

6 MS. BLACK: And you're going to keep going until  
7 that shit dead-ends.

8 DETECTIVE SWAIM: Um-hmm.

9 MS. BLACK: And you can't go left or right. He  
10 was right there.

11 DETECTIVE SWAIM: So, at -- near Sink Street.

12 MS. BLACK: Yeah, way the -- yeah, on the whole  
13 other side. But if I had to -- if he was with us, and I had  
14 to take him home, he was always the first to be dropped out.

15 DETECTIVE SWAIM: Okay. So -- and then, after you  
16 dropped Dorrell off, you go back over to where --

17 MS. BLACK: Devonshire.

18 DETECTIVE SWAIM: Devonshire, and you don't  
19 remember where. But you always drop them off in the general  
20 area of Bubba's house, and -- because you --

21 MS. BLACK: Well, usually --

22 DETECTIVE SWAIM: -- didn't, you didn't --

23 MS. BLACK: -- I would pull into Anne -- Anne's  
24 driveway, because Anne had a car.

25 DETECTIVE SWAIM: Okay.



1 MS. BLACK: And their driveway was --

2 DETECTIVE SWAIM: And Anne was your --

3 MS. BLACK: -- literally --

4 DETECTIVE SWAIM: -- aunt, you said, or who was  
5 Anne?

6 MS. BLACK: My uncle's ex-old lady.

7 DETECTIVE SWAIM: Okay.

8 MS. BLACK: But their driveway was literally right  
9 in between Jermal's and her house.

10 DETECTIVE SWAIM: Okay.

11 MS. BLACK: So, it sat directly across from  
12 Bubba's.

13 DETECTIVE SWAIM: So you would drop them off.  
14 And --

15 MS. BLACK: And I'd just usually sit in my car.

16 DETECTIVE SWAIM: -- and then, fact you do know  
17 that all the boys and you went to Creekside? I know you  
18 said you all --

19 MS. BLACK: Don't think --

20 DETECTIVE SWAIM: -- all --

21 MS. BLACK: -- it was all of us.

22 DETECTIVE SWAIM: Okay.

23 MS. BLACK: It may have been all of us. But, I, I  
24 just remember Rayshawn acting like a damn idiot, and getting  
25 us in trouble.



1 DETECTIVE SWAIM: You don't remember who else,  
2 other than Rayshawn?

3 MS. BLACK: I know Stinky -- Nathaniel was always  
4 with me. When I tell you Nathaniel --

5 DETECTIVE SWAIM: Right.

6 MS. BLACK: -- was always with me, I mean, he's  
7 was always with me. He was always with me.

8 DETECTIVE SWAIM: So is it safe to say Nathaniel  
9 was, then Rayshawn and Dorrell were there, when you picked  
10 them up -- when you initially picked them up, since they  
11 were all --

12 MS. BLACK: I only recall --

13 DETECTIVE SWAIM: Because you don't -- every --  
14 everybody back then said they were always together because  
15 they were brothers. Everybody always said that --

16 MS. BLACK: That's right.

17 DETECTIVE SWAIM: -- they were together. But  
18 you --

19 MS. BLACK: But see, there's --

20 DETECTIVE SWAIM: And I don't want to put --

21 MS. BLACK: -- times, though.

22 DETECTIVE SWAIM: If you don't remember, you don't  
23 remember.

24 MS. BLACK: No, because there's times that it --  
25 they would -- it would be swapped out. Like all the boys



1 wouldn't be there.

2 DETECTIVE SWAIM: Um-hmm.

3 MS. BLACK: Then, there'd be a cousin, like  
4 Marcus. Marcus is one of the cousins. He was  
5 light-skinned, freckles everywhere.

6 DETECTIVE SWAIM: Okay.

7 MS. BLACK: So, like, he would -- he'd --

8 DETECTIVE SWAIM: But you don't --

9 MS. BLACK: -- sub in sometimes --

10 DETECTIVE SWAIM: -- remember him that day,  
11 though?

12 MS. BLACK: -- and -- no. No.

13 DETECTIVE SWAIM: Okay.

14 MS. BLACK: And then -- but they would sub out  
15 sometimes.

16 DETECTIVE SWAIM: Yeah --

17 MS. BLACK: I mean, it was always, it was always a  
18 group.

19 DETECTIVE SWAIM: I guess for the sake of this,  
20 because our investigation, that day you just know, I guess  
21 -- I don't guess. So, what you can say 100 percent on your  
22 son, like you said --

23 MS. BLACK: Yeah, oh, absolutely.

24 DETECTIVE SWAIM: -- is that it was Nathaniel --

25 MS. BLACK: Um-hmm.



1 DETECTIVE SWAIM: -- and Dorrell.

2 MS. BLACK: Yes, absolutely. I -- those for a  
3 fact, I know I picked up.

4 DETECTIVE SWAIM: And at the bowling -- and then  
5 at the bowling alley, you know it was Nathaniel, because --  
6 and Rayshawn, because Rayshawn was being loud?

7 MS. BLACK: (Nodding head affirmatively).

8 DETECTIVE SWAIM: And Dorrell, or do you remember  
9 if Dorrell had came back?

10 MS. BLACK: I don't remember.

11 DETECTIVE SWAIM: Do you -- okay. So, so,  
12 again --

13 DETECTIVE DARGA: But if you get Nathaniel, you  
14 get Dorrell, right?

15 MS. BLACK: Not necessarily.

16 DETECTIVE DARGA: Because they're always together?

17 DETECTIVE SWAIM: Either Rayshawn or --

18 MS. BLACK: Not necessarily, no.

19 DETECTIVE SWAIM: -- Nathaniel, Rayshawn --

20 MS. BLACK: Rayshawn and --

21 DETECTIVE SWAIM: -- was --

22 MS. BLACK: -- Nathaniel.

23 DETECTIVE SWAIM: Were brothers.

24 MS. BLACK: Yes, Rayshawn tended to go where --  
25 when I tell you, like, I'd be like, dude --



1 DETECTIVE DARGA: Well --

2 MS. BLACK: -- does he really have to go?

3 DETECTIVE SWAIM: Well --

4 MS. BLACK: Does he have to go?

5 DETECTIVE SWAIM: -- let me ask you this.

6 DETECTIVE DARGA: And I don't want to -- and, and  
7 that's the thing. I don't want to get too much into -- if  
8 you don't know who's there, I'd rather you just say, I don't  
9 remember --

10 DETECTIVE SWAIM: Well, that's just about their  
11 relationship. And then, I'm going to have to go back  
12 through this again, because I got ADD. But that -- I'm just  
13 joking. So, Nathaniel and Rayshawn --

14 MS. BLACK: Right.

15 DETECTIVE SWAIM: -- brothers, who was more of the  
16 leader of that --

17 MS. BLACK: Nathaniel.

18 DETECTIVE SWAIM: So, Nathaniel more was the --

19 MS. BLACK: Yes, Rayshawn pretty much -- and  
20 Nathaniel told him, look, man, just calm down. This is what  
21 we're going to do. He was the only one that I knew could  
22 calm Rayshawn down.

23 DETECTIVE SWAIM: Okay.

24 MS. BLACK: He was the only one that could try to  
25 get him in line. He was the older brother.



1 DETECTIVE SWAIM: Um-hmm.

2 MS. BLACK: He was smaller, but he was the older  
3 one.

4 DETECTIVE SWAIM: Um-hmm.

5 MS. BLACK: And he was always calm. He was --  
6 Nathaniel was always calm. He was just calm and cool, would  
7 just -- just laidback. Like, he wasn't quiet. But --

8 DETECTIVE SWAIM: Yeah.

9 MS. BLACK: -- he was just chill about --

10 DETECTIVE SWAIM: I got you.

11 MS. BLACK: -- everything.

12 DETECTIVE SWAIM: I see what you're saying.

13 MS. BLACK: Where Rayshawn is like, ah, just in  
14 your face, crazy. And so, usually, Rayshawn would, would be  
15 in situations, because he would -- he followed, he followed  
16 Nathaniel a lot.

17 Like, he -- of course, it's the big brother. He'd look  
18 up to him. But they was like -- they were partners in  
19 crime. You know what I'm saying?

20 DETECTIVE SWAIM: Yeah.

21 MS. BLACK: And that it was monkey see, monkey do.  
22 Whatever I see my big brother do, I'm going to do. Okay.  
23 Now, there are times that he would tell him, no, you ain't  
24 coming, bro. You ain't -- no, because you're being stupid.  
25 And he knew. Like, if I -- Rayshawn had pissed me off, he'd



1 be like, no, you can't, you can't come.

2 DETECTIVE SWAIM: Okay.

3 MS. BLACK: Because I'd be like, look, he ain't  
4 getting in my car. He ain't dah-dah-dah. There were a few  
5 times. I was like, he ain't getting -- he's not riding in  
6 my shit. I can't deal, let me tell you right now. But --

7 DETECTIVE SWAIM: So, you get out -- what time did  
8 you say you got out of school, then -- back then? More  
9 close to 3:00 --

10 MS. BLACK: We got out -- it was like 2:50, when  
11 they let us out. But, hell --

12 DETECTIVE SWAIM: And you --

13 MS. BLACK: -- by the time you get out of the  
14 parking lot and shit, it's 3:00 to, hell, 3:15, 3:20.

15 DETECTIVE SWAIM: So, you're like most high  
16 school. You stay, hang out afterschool in --

17 MS. BLACK: Hell no.

18 DETECTIVE SWAIM: -- the parking lot?

19 MS. BLACK: I'm trying to get out the parking lot.

20 DETECTIVE SWAIM: Okay.

21 MS. BLACK: I'm tell you it's that much of a  
22 cluster fuck.

23 DETECTIVE SWAIM: Okay. So you get out 3:15. How  
24 long -- how far a drive from North Davidson to your  
25 grandparents' house, because you said you went home?



1 MS. BLACK: I was on Gumtree, then. That  
2 [indiscernible] Old 52.

3 DETECTIVE DARGA: Take Old 52 --

4 MS. BLACK: If I'm not --

5 DETECTIVE DARGA: -- to Gumtree?

6 MS. BLACK: What's -- I mean, if, if, if you --  
7 well, you know, that traffic going down off that --

8 DETECTIVE SWAIM: Oh, yeah.

9 MS. BLACK: -- too, with all the --

10 DETECTIVE SWAIM: Yeah.

11 MS. BLACK: -- high schoolers, that shit right  
12 there. It's going to --

13 DETECTIVE DARGA: So you'd hit traffic?

14 MS. BLACK: -- take you -- if you hit the  
15 traffic --

16 DETECTIVE DARGA: You got past Midway School Road.

17 MS. BLACK: Oh, God.

18 DETECTIVE DARGA: [Indiscernible] make a right --

19 MS. BLACK: Yes.

20 DETECTIVE DARGA: -- after that.

21 MS. BLACK: You're looking a good 20, 25 minutes,  
22 depending on who the hell --

23 DETECTIVE SWAIM: So 3:15.

24 DETECTIVE DARGA: And where'd you say you were --

25 MS. BLACK: Like, we didn't --



1 DETECTIVE DARGA: -- on Gumtree?

2 MS. BLACK: -- feel like it, normally. I was  
3 right there across from [indiscernible], right across from  
4 Old Lexington Road.

5 DETECTIVE DARGA: Yeah, yeah, yeah.

6 MS. BLACK: Okay? So --

7 DETECTIVE DARGA: Yeah, the old red shop right on  
8 the corner?

9 MS. BLACK: Right, but when you're sitting there  
10 and you're --

11 DETECTIVE DARGA: Where that big-ass --

12 MS. BLACK: -- going down --

13 DETECTIVE DARGA: -- tree used to be that they  
14 finally cut down.

15 MS. BLACK: Yes.

16 DETECTIVE DARGA: You know exactly what I'm  
17 talking about.

18 MS. BLACK: Yes.

19 DETECTIVE SWAIM: So you get home around -- if you  
20 can get out of the parking lot by 3:00, you're home by 3:45,  
21 latest 4:00?

22 MS. BLACK: If that.

23 DETECTIVE SWAIM: Do you get --

24 DETECTIVE DARGA: Right before you get to Old  
25 Thomasville Road.



1 MS. BLACK: I'm going to tell you. I drove like a  
2 bat out of hell.

3 DETECTIVE SWAIM: So do you get --

4 MS. BLACK: And I still do.

5 DETECTIVE SWAIM: -- do you get a snack or  
6 anything at home? Like, what are you -- what --

7 MS. BLACK: Hell no.

8 DETECTIVE SWAIM: -- was your normal routine?

9 MS. BLACK: I was going to go get high.

10 DETECTIVE SWAIM: Okay.

11 MS. BLACK: I ain't give a damn about no eating.  
12 I was like --

13 DETECTIVE SWAIM: What would you do, just check in  
14 with your grandparents, or --

15 MS. BLACK: Make sure she didn't need nothing,  
16 make sure -- maw-maw, anything you want me to do? I was the  
17 errand runner. It's --

18 DETECTIVE SWAIM: Do you remember --

19 MS. BLACK: You got your license --

20 DETECTIVE SWAIM: -- if she had you --

21 MS. BLACK: -- now.

22 DETECTIVE SWAIM: -- run her a errand that day?

23 MS. BLACK: No, I didn't have to do nothing.

24 That's why I went straight over there.

25 DETECTIVE SWAIM: So, by the time you leave your



1 house and you get around there, what, what time? Do you  
2 remember?

3 MS. BLACK: I know --

4 DETECTIVE SWAIM: It was after --

5 MS. BLACK: -- it was still daylight.

6 DETECTIVE SWAIM: -- 4:00?

7 MS. BLACK: It was still -- I just know it was  
8 daylight.

9 DETECTIVE SWAIM: Okay.

10 MS. BLACK: It was still daylight when I picked  
11 them up. And it was dark. It was --

12 DETECTIVE SWAIM: When you say --

13 MS. BLACK: -- dark when the --

14 DETECTIVE SWAIM: -- "daylight" --

15 MS. BLACK: Like --

16 DETECTIVE SWAIM: -- was the sun going down? Was  
17 it -- because this was, what, in the -- I believe in the --

18 MS. BLACK: It was like November.

19 DETECTIVE SWAIM: Okay.

20 MS. BLACK: So --

21 DETECTIVE SWAIM: So it'd been getting dark --

22 MS. BLACK: -- it'd been getting --

23 DETECTIVE SWAIM: -- early.

24 MS. BLACK: -- dark early, at about -- it'd be  
25 getting dark, what, about 5:00, 5:30, sometime around there.



1 I don't know.

2 I mean, it was in the -- I just know it was afternoon.

3 So, I mean, it had, it had no choice but to be going down.

4 But --

5 DETECTIVE SWAIM: Yeah.

6 MS. BLACK: -- I just know it was daylight. It  
7 was daylight when I got them.

8 DETECTIVE SWAIM: Okay. So you pick four of them  
9 up, but two of them you know were Nathaniel and Dorrell?

10 MS. BLACK: Um-hmm.

11 DETECTIVE SWAIM: You go drop Dorrell off. You go  
12 back to Devonshire. You don't remember who, but you know,  
13 at this point, some of -- you said --

14 MS. BLACK: You know what it was? They said --

15 DETECTIVE SWAIM: -- you all run around and get  
16 high.

17 MS. BLACK: -- they were going to change clothes,  
18 you see?

19 DETECTIVE SWAIM: So -- yeah, but they didn't.

20 MS. BLACK: But they didn't even --

21 DETECTIVE SWAIM: Yeah.

22 MS. BLACK: -- change clothes. They didn't even  
23 change clothes.

24 DETECTIVE SWAIM: Yeah. And then, you all ride  
25 around. You said you get high.



1 MS. BLACK: Yeah.

2 DETECTIVE SWAIM: And then, at some point -- you  
3 don't remember what order -- you all go to Creekside and the  
4 mall.

5 MS. BLACK: I think we -- I don't want to say -- I  
6 want to say we probably went to the mall first.

7 DETECTIVE SWAIM: Yeah, I was going to say --

8 MS. BLACK: Because --

9 DETECTIVE SWAIM: -- because it closes.

10 MS. BLACK: That's right, and Creekside stays open  
11 later. Yeah, Creekside didn't close until -- even then,  
12 even on the weekday, Creekside wasn't closing until 12:00,  
13 1:00 --

14 DETECTIVE SWAIM: Okay.

15 MS. BLACK: -- because they had late -- or people  
16 stayed up in there shooting --

17 DETECTIVE SWAIM: And do you remember --

18 MS. BLACK: -- pool, so --

19 DETECTIVE SWAIM: -- anybody buying anything at  
20 the mall? Trying -- you mentioned something about Foot  
21 Locker and you said Kay's Jeweler, or what was --

22 MS. BLACK: They were standing out in front of, in  
23 front of Kay's Jewelers. And they're not -- no, ain't  
24 nobody buy nothing.

25 DETECTIVE SWAIM: Anybody try to buy anything, you



1 remember, or anything like that?

2 MS. BLACK: They wasn't with me.

3 DETECTIVE SWAIM: Okay. So you don't know what  
4 they did at the mall?

5 MS. BLACK: They probably run around, acting like  
6 idiots. No.

7 DETECTIVE SWAIM: But you don't --

8 MS. BLACK: I don't know.

9 DETECTIVE SWAIM: -- but you don't know?

10 MS. BLACK: Sure don't.

11 DETECTIVE SWAIM: Okay. And then, after you all  
12 get run off from Creekside, you drop, drop them back off?

13 MS. BLACK: We rode down to Midway.

14 DETECTIVE SWAIM: Rode down to Midway?

15 MS. BLACK: Rode around, see if --

16 DETECTIVE SWAIM: Okay.

17 MS. BLACK: Wasn't nobody out there.

18 DETECTIVE SWAIM: Then, you all --

19 MS. BLACK: Then we went back.

20 DETECTIVE SWAIM: Then you went back?

21 MS. BLACK: And I dropped them off.

22 DETECTIVE SWAIM: At their usual spots, Dorrell  
23 his and then the rest at Bubba's, or --

24 MS. BLACK: No, because I don't think Dorrell, I  
25 don't think Dorrell was with us.



1 DETECTIVE SWAIM: Okay.

2 MS. BLACK: I mean, because there were -- but  
3 there were times he would get dropped off with them, too,  
4 because he'd walk off.

5 DETECTIVE SWAIM: If you don't know, you don't  
6 know. That's fine.

7 MS. BLACK: No.

8 DETECTIVE SWAIM: I don't want to --

9 MS. BLACK: But -- so, I can't, I can't say for  
10 sure that he was with us, when we went there to the places.

11 DETECTIVE SWAIM: Yeah.

12 MS. BLACK: But I didn't go back down to that end  
13 in Devonshire.

14 DETECTIVE SWAIM: Okay.

15 MS. BLACK: So, I mean, it's a possibility he was  
16 with us. But, can't say for sure. But then, when I left  
17 from there, I went to Elizabeth's house and hung out with  
18 her until time for me to get home. And -- because I -- it's  
19 not like -- I couldn't stay out late. Like, I had to be  
20 home by, like, 9:00.

21 DETECTIVE SWAIM: So you all went out. So, all  
22 the -- so if you -- were you home by 9:00 that night?

23 MS. BLACK: Oh, hell, yeah. I didn't miss my  
24 curfew. My maw-maw --

25 DETECTIVE SWAIM: So, from time you --



1 MS. BLACK: -- would have took my car.

2 DETECTIVE SWAIM: -- picked them up and the time  
3 you were home all happened between 4:00 and 9:00 p.m.?

4 MS. BLACK: Um-hmm.

5 DETECTIVE SWAIM: Okay. And you can't be exact on  
6 times, obviously. It's 16 years ago. It's just the best of  
7 your memory.

8 MS. BLACK: No shit, but --

9 DETECTIVE SWAIM: Okay.

10 MS. BLACK: -- I had to -- I -- that's one thing I  
11 didn't do. I did not miss my curfew.

12 DETECTIVE SWAIM: And --

13 MS. BLACK: Because they would take my car from  
14 me.

15 DETECTIVE SWAIM: -- do you remember -- and this  
16 is -- if you don't, you don't. I know sometimes you may not  
17 remember small tedails [phonetic]. But this is a  
18 significant event in your life, obviously --

19 MS. BLACK: Um-hmm.

20 DETECTIVE SWAIM: -- being -- again, we're about  
21 the same age. I can only imagine. I would probably -- you  
22 know, stuff you don't ever forget.

23 Do you remember anybody on the way to Creekside, on the  
24 way to the mall, then, throw anything out the window? And  
25 you're like, damn, don't be throwing shit out my car?



1 You're littering, or some shit --

2 MS. BLACK: Man, I --

3 DETECTIVE SWAIM: -- like that?

4 MS. BLACK: -- say shit like that all the time.

5 That's a everyday thing. Anybody rides with me, I go the

6 hell off when they throw something out my damn window.

7 DETECTIVE SWAIM: But do -- so do you remember  
8 anybody throwing anything the window, or anything like that?

9 MS. BLACK: (Inaudible).

10 DETECTIVE SWAIM: And you --

11 MS. BLACK: Not specifically.

12 DETECTIVE SWAIM: Because I see you -- okay, thank  
13 you.

14 MS. BLACK: Not specifically.

15 DETECTIVE SWAIM: All right.

16 MS. BLACK: No, and I do. I still spaz like that.

17 I, I see you --

18 DETECTIVE SWAIM: Um-hmm.

19 MS. BLACK: -- even attempt to throw a cigarette  
20 butt out my window, I go the hell off. I'm like, boy, if I  
21 pull -- get pulled over, I have to pay that shit. Oh, that  
22 makes me so mad.

23 DETECTIVE SWAIM: Now --

24 MS. BLACK: What?

25 DETECTIVE SWAIM: -- the, the '86 Cougar, is that



1 your -- did you have a two-door?

2 MS. BLACK: I had a two-door.

3 DETECTIVE SWAIM: It's a two-door coupe, right,  
4 kind of like the Thunderbirds?

5 MS. BLACK: Um-hmm, yeah.

6 DETECTIVE SWAIM: But it had Mercury on, on the  
7 back?

8 MS. BLACK: And mine had, had square window.

9 DETECTIVE SWAIM: So there wasn't no windows in  
10 the back. So the window --

11 MS. BLACK: It had the two little, two little  
12 triangles.

13 DETECTIVE SWAIM: Yeah.

14 MS. BLACK: Two little triangle --

15 DETECTIVE SWAIM: But that you open --

16 MS. BLACK: -- windows --

17 DETECTIVE SWAIM: -- out like that?

18 MS. BLACK: No, you couldn't open them at all.

19 DETECTIVE SWAIM: Okay.

20 MS. BLACK: These were just made there.

21 DETECTIVE SWAIM: Yeah.

22 MS. BLACK: And it had the flat back.

23 DETECTIVE SWAIM: Yeah.

24 MS. BLACK: And then, it had -- I had my little  
25 spoiler on there.



1 DETECTIVE SWAIM: Do you remember who was in the  
2 front? I know you said Rayshawn usually sits in the front.  
3 Do you remember --

4 MS. BLACK: No.

5 DETECTIVE SWAIM: -- if he --

6 MS. BLACK: Nathaniel usually sat --

7 DETECTIVE SWAIM: I mean, I'm sorry.

8 MS. BLACK: -- in the front.

9 DETECTIVE SWAIM: Yeah. Do you remember? I get  
10 them two confused.

11 MS. BLACK: Nathaniel usually and that, that --

12 DETECTIVE SWAIM: But you don't know for sure?

13 MS. BLACK: -- I'm going to say -- no, I'm, I'm  
14 going to say pretty much for sure that he was, he was in the  
15 front.

16 DETECTIVE SWAIM: Okay.

17 MS. BLACK: Because he would fight them boys over  
18 that front seat, he wasn't going to sit back there with you  
19 all. He said there's too much ass there.

20 DETECTIVE SWAIM: Well, Jessica, we appreciate  
21 it. Hopefully, you don't have to hear from us again.

22 MS. BLACK: Well, I look forward to having to hear  
23 from you all again. I'm sure I'm probably going to have to.

24 DETECTIVE SWAIM: Why?

25 MS. BLACK: Because every time I think I'm done



1 with you, you all come back.

2 DETECTIVE DARGA: Well, I'll tell you this much at  
3 least. If there is any follow-up, it's go to be one of the  
4 two of us. But --

5 DETECTIVE SWAIM: Yeah.

6 DETECTIVE DARGA: -- more than likely, it'd be --

7 MS. BLACK: Well, that's good.

8 DETECTIVE DARGA: -- Detective Swaim.

9 MS. BLACK: Because you all got great  
10 personalities, and as long as I don't got to deal with  
11 assholes, I don't care.

12 DETECTIVE SWAIM: Well, we will -- you got to  
13 understand, we've all -- you know, just like you talk about  
14 your grandparents, you know -- and people change.

15 MS. BLACK: That's right.

16 DETECTIVE SWAIM: Things change, you learn. You  
17 know, people and -- I know cops get a bad way. But, we --  
18 him and him are both homicide detectives.

19 MS. BLACK: It ain't --

20 DETECTIVE SWAIM: At the end of the day --

21 MS. BLACK: -- it ain't all --

22 DETECTIVE SWAIM: -- when somebody's dead --

23 MS. BLACK: -- that, man. It's --

24 DETECTIVE SWAIM: -- we truly are trying to help  
25 the --



1 MS. BLACK: -- some people just really -- whether  
2 a cop, the manager somewhere --

3 DETECTIVE SWAIM: Yeah.

4 MS. BLACK: -- anything, people -- some people  
5 just have that superior damn --

6 DETECTIVE DARGA: Yeah.

7 MS. BLACK: -- authority complex going on. They  
8 got the big head and they just are King Kong-ing every damn  
9 thing.

10 DETECTIVE SWAIM: Well, again, you got to  
11 understand. Your name wasn't drawn out of a hat during this  
12 investigation. You --

13 MS. BLACK: No.

14 DETECTIVE SWAIM: -- you --

15 MS. BLACK: But, it's this --

16 DETECTIVE SWAIM: And --

17 MS. BLACK: It's, it's how you all approached.  
18 You all approached --

19 DETECTIVE SWAIM: Yeah.

20 MS. BLACK: -- really calm, cool, and collected.  
21 And so, that is really, really appreciated, especially with  
22 the shit that I went --

23 DETECTIVE SWAIM: Right.

24 MS. BLACK: -- through the last time with it.  
25 That's why I --



1 DETECTIVE SWAIM: Yeah.

2 MS. BLACK: -- started crying in that store,  
3 because that's the first thing that comes to my mind.

4 That's why when I seen you all walk in that damn store, I'm  
5 like, God, what'd I do? Oh, God.

6 DETECTIVE SWAIM: Well, we --

7 DETECTIVE DARGA: Well, it's not every day you get  
8 two good-looking detectives. That's -- you know what I  
9 mean? That's --

10 MS. BLACK: You know? I said that when you all  
11 walked in --

12 DETECTIVE SWAIM: Well --

13 MS. BLACK: -- too. [Indiscernible] was like.  
14 She said, girl, what they want? I said, I don't know. I  
15 said, they was nice-looking, huh? And she --

16 DETECTIVE SWAIM: But --

17 MS. BLACK: -- was like -- I said, that one seems  
18 like cocked diesel. That's what I --

19 DETECTIVE SWAIM: He is.

20 MS. BLACK: I said, that's a big-ass --

21 DETECTIVE SWAIM: Yeah --

22 MS. BLACK: I said, he got bigger titties. And I  
23 don't got shit. We was rolling.

24 DETECTIVE SWAIM: But, no, seriously. The -- and  
25 we talked about it on the way up here, you know. Whether



1 old, young, I mean, he just had -- one of probably his worst  
2 cases was a, a infant. I mean --

3 MS. BLACK: Oh, God.

4 DETECTIVE SWAIM: No, but, you know, when somebody  
5 passes, it is our job, no matter what anybody wants to say.  
6 I've never met a cop -- and I'm not saying they don't exist.  
7 I've never met one that didn't truly go 100 percent to try  
8 to bring justice for that family.

9 MS. BLACK: Well, see, now, you know  
10 [indiscernible] some fucked up shit.

11 DETECTIVE SWAIM: So --

12 MS. BLACK: That's like that little case that went  
13 up -- that happened up north with them boys. That shit was  
14 pinned on them youngins.

15 DETECTIVE SWAIM: Um-hmm.

16 MS. BLACK: And it was proven that it was pinned  
17 on them --

18 DETECTIVE SWAIM: Oh, yeah.

19 MS. BLACK: -- kids. And see? That was some --  
20 that was just some, some rotten shit to do. And it's not  
21 all cops. Like I said --

22 DETECTIVE DARGA: Which case are you talking  
23 about?

24 MS. BLACK: You know the one I'm talking about,  
25 right, that had the -- it was the five boys? At -- oh,



1 shit, the something five. That's what they were referred  
2 to. Damn.

3 DETECTIVE DARGA: I don't know which --

4 MS. BLACK: You can look it up. You can -- I  
5 mean, you can find this damn thing. But it has to do with  
6 the whole innocence thing.

7 And they were able to go in there and, and see that the  
8 whole thing was one big-ass bust. And it was, it was a lie.  
9 These boys ended up serving time, half their lives, for shit  
10 that they didn't do, because --

11 DETECTIVE DARGA: Yeah.

12 MS. BLACK: -- the actual killer finally had come  
13 forward and confessed. And they had the -- the cops had --  
14 the detectives had pinned it on them.

15 And it's not -- I have -- I got so many damn cops I  
16 talk shit with and hang out with that I started as regular  
17 customers of mine, that I will shoot the shit with and have  
18 a great time, and have looked out for me.

19 And so, I didn't lose all trust with you all. But when  
20 I see it's mainly the little city cops, okay? So when I see  
21 these little city cops roll up in here, and their, their  
22 little attitudes -- county sheriffs and, and detectives, and  
23 shit, you all, you all tend to -- your attitudes are  
24 different.

25 I, I don't care where you go. Everywhere I've dealt



1 with and spoke with, the attitudes are different than when  
2 you're dealing with a city cop.

3 DETECTIVE DARGA: Um-hmm.

4 MS. BLACK: And, and they're more arrogant.  
5 They're, they're more of a asshole as -- and then -- but you  
6 all, you all have got, I guess, people presence, man. You  
7 all, you all know how to talk to somebody. And you don't --

8 DETECTIVE SWAIM: Well --

9 MS. BLACK: -- make me feel uncomfortable. So --

10 DETECTIVE SWAIM: -- well, we're not going to --  
11 you're not going to get anything if you're uncomfortable, if  
12 we're sitting here screaming and yelling. And, and I -- one  
13 thing that popped in my head, you -- and you're not changing  
14 your story.

15 And I don't say that, changing your story, good or bad.  
16 But you're not changing your story because you feel like  
17 they've done their time, or anybody's kind of coerced you or  
18 anything to try to, to get them out now?

19 MS. BLACK: No, because I told them, when, when  
20 the actual, the actual Commission people come to me, I told  
21 them I didn't want to be involved in it. I said, I don't --  
22 that shit was in -- I said, that shit was in the past. I  
23 don't want to be involved it.

24 I said that. You know what? I didn't want to have to  
25 go through none of this shit again. I did not want to be



1 involved with it.

2 And no matter how bad I felt, I did not want to have to  
3 go through this shit again. So, then, they -- I didn't have  
4 no damn choice --

5 DETECTIVE SWAIM: Well --

6 MS. BLACK: -- because they hit me with a damn  
7 subpoena.

8 DETECTIVE SWAIM: -- well -- and again, at the end  
9 of the day, you can't say they did it. But you can't say  
10 they didn't do it.

11 MS. BLACK: That's right. That's right.

12 DETECTIVE SWAIM: All you can say is you picked  
13 them up in the general area.

14 MS. BLACK: Right.

15 DETECTIVE SWAIM: And you all went to Creekside.  
16 You went to the mall. You rode around. You smoked weed.

17 MS. BLACK: That's it.

18 DETECTIVE SWAIM: But, no comments were made about  
19 a, a robbery or -- at -- now, you said you all were pretty  
20 good friends?

21 MS. BLACK: We hung tight.

22 DETECTIVE SWAIM: They've obviously been --

23 MS. BLACK: When I tell you every day --

24 DETECTIVE SWAIM: -- charged with other thing.

25 MS. BLACK: -- for --



1 DETECTIVE SWAIM: Did you ever witness them do any  
2 other crimes, or be around them doing any other crimes? I  
3 mean, they had to --

4 DETECTIVE DARGA: Outside of smoking weed.

5 DETECTIVE SWAIM: Outside of smoking.

6 MS. BLACK: No.

7 DETECTIVE SWAIM: Because I got their record --

8 MS. BLACK: Shit gets to be legalized, those kids  
9 will be all right.

10 DETECTIVE SWAIM: Yeah.

11 MS. BLACK: But --

12 DETECTIVE SWAIM: You're right.

13 MS. BLACK: No, I did know about Nathaniel being  
14 in trouble, stealing -- or taking his mama's car. That was  
15 before I started hanging out with them, though. So, I  
16 didn't know. I knew that, as he told me.

17 DETECTIVE SWAIM: How long did you hang out with  
18 them before all this happened?

19 MS. BLACK: That's what I was starting to tell  
20 you.

21 DETECTIVE SWAIM: Okay.

22 MS. BLACK: I'm talking every day, every day, even  
23 on weekends, every day for a good three or four months.

24 DETECTIVE SWAIM: Um-hmm.

25 MS. BLACK: So, when I tell you, like I -- these



1 boys talked to me about all kinds of shit in their lives.

2 We talked all the time.

3 When it come to -- like, when Hunter asked me if I can  
4 describe the boys to him, I immediately went to each one of  
5 their names. And I was like, look, his character is like  
6 this. This one right here, this is how he acts. This one  
7 right here, this is how he acts.

8 And he was like, Jessica, you hit the nail on the  
9 head. He was like, because that is exactly, exactly how  
10 they were described by their families. That's exactly how  
11 they were described by -- I said, they -- I said, I'm  
12 telling you. We were, we were tight. Every day for five,  
13 six hours a day, every day for a good three or four months.

14 DETECTIVE SWAIM: So three or four months?

15 MS. BLACK: Yeah, but, I mean, it was --

16 DETECTIVE SWAIM: And you don't ever know them to  
17 be involved? And again, their record's --

18 MS. BLACK: I didn't ever know them to --

19 DETECTIVE SWAIM: You didn't ever --

20 MS. BLACK: I didn't know that -- the only one I  
21 knew that had been in anything previous was Nathaniel. But  
22 that's because we hung, we hung tighter than the rest --

23 DETECTIVE SWAIM: But you never --

24 MS. BLACK: -- of them.

25 DETECTIVE SWAIM: -- head any of them talk about



1 any other robberies or jacking anybody, doing anything?

2 MS. BLACK: Just the car, just the car -- just his  
3 mama's car.

4 DETECTIVE SWAIM: Okay.

5 MS. BLACK: That's it.

6 DETECTIVE SWAIM: So -- and Hunter, when you  
7 talked to him, you said it was videoed and everything?

8 MS. BLACK: Hunter recorded everything.

9 DETECTIVE SWAIM: Like video?

10 MS. BLACK: Yeah, he's got --

11 DETECTIVE SWAIM: Like he --

12 MS. BLACK: He's --

13 DETECTIVE SWAIM: A professional?

14 MS. BLACK: Yes, he has everything. He had his  
15 little video -- he had a little camera set up.

16 DETECTIVE SWAIM: He had anybody with him?

17 MS. BLACK: No, it was just him.

18 DETECTIVE SWAIM: Okay. So he's like a -- I guess  
19 like a freelance. He -- I mean, I know he works for --

20 MS. BLACK: Oh, he write --

21 DETECTIVE SWAIM: -- Houston --

22 MS. BLACK: He writes. He --

23 DETECTIVE SWAIM: Yeah.

24 MS. BLACK: He's got some bad-ass articles, man.

25 And this article, it was actually --



1 DETECTIVE SWAIM: Is he like a crime reporter? Or  
2 what does he do?

3 MS. BLACK: Sport -- he's sports reporter.

4 DETECTIVE SWAIM: Okay.

5 MS. BLACK: But he was supposed to be doing  
6 something about Chris Paul. So -- and it had to do with  
7 Chris Paul, and going back to when he missed that last shot  
8 in order -- for memory of his grandfather. Going back to  
9 all that, and then -- and why he had done that, and then --

10 DETECTIVE SWAIM: So he showed you videos of  
11 talking to the Paul family and the Jones family, you said?

12 MS. BLACK: He did not. He read me the quotes of  
13 that.

14 DETECTIVE SWAIM: Read you the quotes.

15 MS. BLACK: Yes, because --

16 DETECTIVE SWAIM: Okay.

17 MS. BLACK: -- by law, he has every right. Like,  
18 he can't -- he don't have to show me that -- not shit.

19 DETECTIVE SWAIM: Yeah. Oh, man, he's just --

20 MS. BLACK: So -- but, he is -- he, he wasn't, he  
21 wasn't sitting there trying to deny, cover up for anybody.  
22 He was literally like, I'm just trying to show what -- that  
23 some good shit can come out of a really bad situation. And  
24 that's what he was trying to do.

25 DETECTIVE SWAIM: Okay.



1 MS. BLACK: And so, the -- like, the fact that --  
2 with the boys that have done been released, it was, okay,  
3 well, you know, this one, he's done served this much time  
4 right here. And now, he has started a family of his own.  
5 And he's, you know, doing this, and he's trying to get  
6 better in life.

7 And you know -- and this, that, and the other. I mean,  
8 that's just the -- that shit he was doing. He wasn't --  
9 probably like at now -- the last -- once we finished all of  
10 our conversations, he was like, Jessica.

11 He said, now, if I, if I give you the name of a, a, a  
12 real good friend of mine, he was like, that works for that  
13 innocence place, he was like, would you be willing to sit  
14 down and talk to her?

15 And I was like, no. I said, I'm not. I said, because  
16 he -- because I knew she was a lawyer. And I felt like I  
17 was going to have to go through the whole process again.  
18 And I was like, no.

19 He said, okay. He said, I respect that. So, the  
20 lawyer that come and found me, she didn't even know who he  
21 was. She didn't -- that, that wasn't with her. She --

22 DETECTIVE DARGA: Do you know who the lawyer was  
23 that he what's referring to?

24 MS. BLACK: It's in my messages. They're in my  
25 phone somewhere. He -- shit, now, that's a lot of



1 scrolling.

2 DETECTIVE SWAIM: It's all right. Don't worry  
3 about.

4 MS. BLACK: But --

5 DETECTIVE SWAIM: It ain't important.

6 MS. BLACK: -- it's in my messages.

7 DETECTIVE SWAIM: It's not important to --

8 MS. BLACK: But, Julie --

9 DETECTIVE SWAIM: -- this case.

10 MS. BLACK: -- Julie --

11 DETECTIVE SWAIM: So --

12 MS. BLACK: -- Julie was sent strictly off get-go  
13 for Jermal. So, that's the, that's the lawyer that come  
14 down here from Raleigh.

15 DETECTIVE DARGA: And I don't want to get into  
16 any --

17 DETECTIVE SWAIM: Yeah, we don't need to do that  
18 stuff.

19 MS. BLACK: Okay. But that's, that's -- she, she  
20 ain't had nothing to do with that.

21 DETECTIVE SWAIM: Yeah, that's a whole --

22 MS. BLACK: So we -- he --

23 DETECTIVE SWAIM: -- separate --

24 MS. BLACK: When he respected what I told him, I  
25 didn't want to get involved in all that. But I did ask him



1 that, without violating any of their, their privacy or  
2 anything, just to keep me informed and let me know how  
3 they're doing.

4 That, you know, it -- I know that Rayshawn and  
5 Nathaniel both have caught other charges since they've been  
6 in there, because they act foolish. They knuckleheads.  
7 But, the -- just the -- because I really did. Because I  
8 wish well on them, man.

9 DETECTIVE SWAIM: But you hadn't --

10 MS. BLACK: I haven't had --

11 DETECTIVE SWAIM: -- wrote -- you hadn't reached  
12 out to them. You haven't --

13 MS. BLACK: The hell --

14 DETECTIVE SWAIM: -- wrote Nathaniel --

15 MS. BLACK: -- to the no.

16 DETECTIVE SWAIM: -- or any of the other --

17 MS. BLACK: I don't want them --

18 DETECTIVE SWAIM: Okay.

19 MS. BLACK: -- knowing my address. I don't want  
20 them --

21 DETECTIVE SWAIM: Okay.

22 MS. BLACK: -- to know shit.

23 DETECTIVE SWAIM: I just got to ask.

24 MS. BLACK: Oh, not the -- hell no.

25 DETECTIVE SWAIM: We just got to make sure. And



1 I -- I'll just be -- we just got to make sure there's not  
2 some --

3 MS. BLACK: I'm going to tell you --

4 DETECTIVE SWAIM: -- motive or --

5 MS. BLACK: -- what.

6 DETECTIVE SWAIM: -- reason behind you changing  
7 your story.

8 MS. BLACK: That youngin right there --

9 DETECTIVE SWAIM: Yeah.

10 MS. BLACK: -- that -- that's -- he -- the fact  
11 that he is that old, that is the age of them boys.

12 DETECTIVE SWAIM: Well --

13 MS. BLACK: And he is -- right now, he's in a, a  
14 little knucklehead-ass way. And he has just caught his  
15 second charge. First one was a simple assault for --

16 DETECTIVE DARGA: Your son?

17 MS. BLACK: Twelve years old, he caught simple  
18 assault, because a boy punched him in his face, and then  
19 broke his chain I had bought him. So my son broke his nose.

20 And I told him, quit letting them beat up on him. I  
21 said, when they put their hands on you, knock the shit out  
22 of them.

23 DETECTIVE SWAIM: Yeah, but, I mean --

24 MS. BLACK: So, that's, that's what --

25 DETECTIVE SWAIM: -- you can't -- yeah.



1 MS. BLACK: -- he did. Then, this last charge  
2 that he just caught, the new one, I got to take him  
3 March 11th to go do the, the whole intake process thing.

4 And it broke my heart, because, at 14, he's just now  
5 got to where he -- he's trying to -- he don't want to open  
6 up to me like what he always has. And I understand being a  
7 boy. Testosterone's --

8 DETECTIVE SWAIM: Do you?

9 MS. BLACK: -- pumping. Your anger's pumping.  
10 You're mad at the whole world and don't know why. He  
11 doesn't.

12 His outlet is music and art. That's what it's always  
13 been. But, I used to -- I -- after I went -- after all this  
14 shit happened with this trial, I started carrying my blades.  
15 I kept a blade on me at all times, okay, because I was  
16 terrified --

17 DETECTIVE SWAIM: Yeah.

18 MS. BLACK: -- that somebody was going to get me.  
19 I wouldn't go in the southside --

20 DETECTIVE SWAIM: That sounds --

21 MS. BLACK: -- unless I got somebody with me.  
22 Trenton, when he went in one of my boxes that has not been  
23 unpacked, out in my building --

24 DETECTIVE SWAIM: And that's your son?

25 MS. BLACK: Yeah, which is why I have a lock on my



1 -- that they locked that -- that key stays on my damn  
2 keychain, so he can't get it.

3 But he went into one of them. He pulled out -- out of  
4 all my knives -- a pink chrome Batman, dual-blade knife.  
5 Now, the blades on that son of a bitch are like that and  
6 flip out, bad as hell.

7 But he carried it to school. When he carried it to  
8 school, the school called me and were like -- he said he was  
9 just showing some people.

10 Well, he went to my brother's and he opened up to my  
11 brother. And there is a boy that's been fucking with him  
12 for about six months. I mean, messing with him hard,  
13 sending him home with, with fucked up [indiscernible] on his  
14 face, everything. And Trenton told him, that's why he took  
15 that knife to school.

16 DETECTIVE DARGA: Oh, yeah, you --

17 MS. BLACK: So, when I tell you, I brought him  
18 home. I am at a -- I'm at a loss for this youngin, because  
19 I don't know how to reach him.

20 DETECTIVE DARGA: Yeah.

21 MS. BLACK: And that shit's breaking my heart.  
22 And I said, Trenton, you know? And then, I'll sit here and  
23 look at him. I'm like, he is the same age them boys were.

24 DETECTIVE SWAIM: Well, maybe it's --

25 MS. BLACK: That, that --



1 DETECTIVE SWAIM: -- some -- I know you've tried  
2 to keep it away. At some point, you may need to sit him  
3 down, have a heart-to-heart with him.

4 MS. BLACK: He asked me --

5 DETECTIVE SWAIM: Sometimes like --

6 MS. BLACK: -- on the way to take him to my  
7 brother's --

8 DETECTIVE SWAIM: Yeah.

9 MS. BLACK: -- he was like, mama, who was those  
10 guys? I said, they were officers, son. He said, for what?  
11 I said, because that's -- when all everything came to light,  
12 he caught a wind -- like a little whiff of it.

13 But I ain't sit down and tell him all of it. And I was  
14 like, son, I said, for the shit back when I was 16. He  
15 said, really, again? He said --

16 DETECTIVE SWAIM: Yeah.

17 MS. BLACK: -- from that long ago? I said, this  
18 is why I tell you. Be mindful of what you do and your  
19 actions. I said, because, son, once you get in that system,  
20 you can't get out. I said, and I can't save you.

21 DETECTIVE SWAIM: Yeah.

22 MS. BLACK: I said, and I am trying. I am  
23 fighting for him, fighting for him so hard. I said, because  
24 he, he is -- Trenton is a good youngin. He's always been a  
25 good youngin.



1 DETECTIVE SWAIM: He seemed like he --

2 MS. BLACK: Right.

3 DETECTIVE SWAIM: Playing his PlayStation when we  
4 came.

5 MS. BLACK: It's not --

6 DETECTIVE DARGA: He was like, what?

7 MS. BLACK: No, he -- he's --

8 DETECTIVE DARGA: We knocked on the door and said,  
9 there ain't nobody even lives here. There's --

10 DETECTIVE SWAIM: He -- and we seen him look out  
11 the window. And he --

12 MS. BLACK: Oh, I -- I'm going to tell you what.  
13 I called him crackhead since he was little. I said, I swear  
14 to God. You should -- you a crack baby? I said, you peep  
15 out the windows more than anybody I've ever seen in my life.

16 DETECTIVE SWAIM: Well --

17 MS. BLACK: But he's, he's -- not even being  
18 partial, because that's my youngin, but he has never given  
19 me any kind of problem, up until the last year.

20 DETECTIVE SWAIM: Well --

21 DETECTIVE DARGA: One thing you got to, got to  
22 look at, too, the other thing is what -- what's the cause of  
23 it, you know?

24 DETECTIVE SWAIM: Going to get my glasses.

25 MS. BLACK: He's dealt with some hellacious



1 bullying. I've for -- I've yanked him out of three  
2 different schools, because he --

3 DETECTIVE DARGA: Where's his dad?

4 DETECTIVE SWAIM: You get -- you got her a  
5 [indiscernible] number, didn't you?

6 DETECTIVE DARGA: Yeah.

7 MS. BLACK: His dad, his dad is about -- he's  
8 about me. He'll swoop in and I'd -- I've never spoke bad  
9 about his father to him.

10 It's -- that's for -- his, his dad whooped my ass for  
11 three years. I left him when my son was six months old,  
12 chopped off all my hair.

13 It's the first time my hair been this long, since I was  
14 18, because he used to take my hair and ball it up, and ram  
15 my head into the doors and shit. Part of the reason I got  
16 the attitude I got now.

17 So, I don't bring men into my son's life, none of that,  
18 because I don't want him to see [indiscernible] shit. So, I  
19 let his father swoop in, play superman whenever the hell he  
20 feels like it.

21 But it always end with, who you sleeping with? Who are  
22 you with? It's about me. If he can't have me, he don't  
23 want him.

24 Finally, Trenton was seeing a therapist per probation,  
25 because they said it had to be done. So, he had the home



1 therapy.

2 She told me that I needed to sit down and tell my son  
3 why me and his father were not together. I told her that I  
4 would, when he asked. And she told me, he needed to know  
5 now.

6 So, she called him in the living room. I sat there and  
7 I looked in his eyes. And I just started crying. And I  
8 told him everything that happened.

9 And I said, son, I don't want you to ever stop, ever  
10 stop loving your father. I said, because you love him to  
11 death. He does.

12 DETECTIVE SWAIM: Yeah.

13 MS. BLACK: I said, and I don't want you to think  
14 bad of him, because me and him couldn't get along. I said,  
15 but --

16 DETECTIVE SWAIM: Well, he's got to understand --

17 MS. BLACK: -- he, he --

18 DETECTIVE SWAIM: -- it ain't right to put his  
19 hands --

20 MS. BLACK: Right, and he --

21 DETECTIVE SWAIM: -- on a woman.

22 MS. BLACK: -- he knows that. He knows that.

23 DETECTIVE SWAIM: Yeah.

24 MS. BLACK: So, he came up and he hugged me, and  
25 told me he loved me. And it was okay. And --



1 DETECTIVE DARGA: Yeah.

2 MS. BLACK: -- he's -- he -- as a matter of a  
3 fact, I haven't seen his father in four years. And when I  
4 moved into this house, I ain't had nobody.

5 And I went and found him. And he was laying his big  
6 fat ass on the floor. And I went and kicked him dead in his  
7 ass, and woke him up, and told him he was going to move me  
8 in this house.

9 He looked at me like he'd seen a ghost. He said, how  
10 the hell did you find me? I said, don't worry about it. I  
11 said, you're going to move me.

12 He said that -- how you going to tell me what I'm going  
13 to do? I said, because I got your child. And I've raised  
14 him by myself for 14 years. Get the fuck up. And he did,  
15 too.

16 DETECTIVE SWAIM: Well, we're going to get out of  
17 here.

18 DETECTIVE DARGA: I'm going to go eat my dinner.

19 DETECTIVE SWAIM: Yeah, we, we, we working late  
20 tonight for you. You could feel --

21 MS. BLACK: Yeah, well --

22 DETECTIVE SWAIM: -- special.

23 MS. BLACK: -- I really appreciate you coming  
24 down, because I'm telling you, I'm, I'm not trying to go  
25 downtown. I'm not.



1 DETECTIVE SWAIM: Well, I just want you to, to --  
2 I'm not going to tell you. I just want you to think about  
3 your son, though.

4 If we leave here and you're like, damn, and your  
5 conscience -- and you seem like you got a conscience. And  
6 I'm not saying you didn't tell me the truth tonight. But  
7 you got to understand, too. You -- your story's just  
8 changed so --

9 MS. BLACK: And I do want to tell you --

10 DETECTIVE SWAIM: -- we got to, we got to -- but,  
11 if we leave here tonight, and you're like, well, I remember  
12 this. I remember that.

13 DETECTIVE DARGA: You got a card?

14 DETECTIVE SWAIM: I'm -- yeah -- I'm going to  
15 leave you with a business card. These are old. They say  
16 robbery unit. But like I said, me and him both work  
17 homicide now.

18 MS. BLACK: Robbery unit?

19 DETECTIVE SWAIM: Well, I used to work in robbery.

20 DETECTIVE DARGA: For about a day.

21 DETECTIVE SWAIM: Yeah, I work, I work in  
22 homicide. I've -- no, I've work -- I did an undercover  
23 stuff. I've done --

24 MS. BLACK: How long you all been officers?

25 DETECTIVE SWAIM: I've been with 14.



1 DETECTIVE DARGA: Thirteen.

2 MS. BLACK: Fourteen, you all always been  
3 partners?

4 DETECTIVE SWAIM: No, huh-uh.

5 DETECTIVE DARGA: I trained him, actually.

6 DETECTIVE SWAIM: Yeah. I worked, I worked  
7 narcotics for a while. And then, went back to patrol, and  
8 then I've just recently came back down to our criminal  
9 investigations division. I --

10 MS. BLACK: So what would you all rather do? You  
11 all, you all prefer to do homicides? I know that's just  
12 some fucked-up shit, man.

13 DETECTIVE SWAIM: I'm new to it.

14 DETECTIVE DARGA: I, I -- honestly, I really like  
15 it.

16 MS. BLACK: I'm going to tell you what.

17 DETECTIVE DARGA: The reason it's -- is there  
18 things that you see? Yes. But, it gives you -- you have  
19 different relationships with people than you'd ever had  
20 before. And you have relationships with people that you  
21 would -- you'd never imagine you would.

22 MS. BLACK: Well --

23 DETECTIVE SWAIM: That's my desk. That's my cell.  
24 I, I think that's -- that -- my voicemail's set up. But  
25 then, my voicemail's definitely set up on my desk number,



1 if --

2 MS. BLACK: When I tell you --

3 DETECTIVE SWAIM: -- anything, and --

4 MS. BLACK: -- my turn on -- my TV does not turn  
5 off ID network. Okay? I stay on Investigation Discovery,  
6 always have. I love that channel. The shit that you all --  
7 I couldn't imagine the shit that you all see.

8 DETECTIVE DARGA: But, but this is the thing. At  
9 the end of the day, you know, to have a mom that you got to  
10 go tell that her -- you know, her son's been killed.

11 MS. BLACK: Oh, God.

12 DETECTIVE DARGA: So, in those situations, you  
13 know, you're really fighting for the family. And you're  
14 fighting to bring justice to that family. A lot of times,  
15 they want to know why, how.

16 MS. BLACK: That's right. That shit also --

17 DETECTIVE DARGA: And --

18 MS. BLACK: -- takes a toll on you all.

19 DETECTIVE DARGA: -- it does.

20 MS. BLACK: Mentally.

21 DETECTIVE SWAIM: Um-hmm.

22 MS. BLACK: Physically.

23 DETECTIVE DARGA: But, but, you know, you're put  
24 on this world to do certain things, right? Everybody's got  
25 a --



1 MS. BLACK: And you're, you're --

2 DETECTIVE DARGA: -- different calling.

3 MS. BLACK: -- right. You're right.

4 DETECTIVE DARGA: And to do this, on this side of  
5 the homicide aspect of things, gives you a different  
6 perspective on things. But it also -- it -- I feel like  
7 this is, this is my calling. So, to be able to go help  
8 families, to help parents that have lost their kids --

9 MS. BLACK: [Indiscernible] this little area right  
10 here, I swear to God, this is the meth capital of the world.

11 DETECTIVE SWAIM: Oh, yeah.

12 MS. BLACK: I ain't never seen so many damn meth  
13 heads in my life. They come in that store. I'm like, oh,  
14 you need to get the hell up out of here right quick.

15 DETECTIVE SWAIM: Well, thank you.

16 DETECTIVE DARGA: Thank you, ma'am.

17 MS. BLACK: You all please be careful.

18 DETECTIVE SWAIM: Oh, yeah.

19 MS. BLACK: You two boys got some mad-ass beards.  
20 I know you know --

21 DETECTIVE DARGA: I know I'm going to be looking,  
22 hunting --

23 MS. BLACK: And the shit [indiscernible]. I got  
24 run up by one of those --

25 DETECTIVE DARGA: You got run over by the --



1 MS. BLACK: [Indiscernible] all the way up --

2 DETECTIVE SWAIM: Oh, yeah.

3 MS. BLACK: You all fellas, be careful.

4 DETECTIVE DARGA: Thank you, thank you.

5 MS. BLACK: Thank you.

6 DETECTIVE SWAIM: Remember, this is still on.

7 DETECTIVE DARGA: Yeah.

8 DETECTIVE SWAIM: So, it's about to die. I hope  
9 the damn battery -- I came -- when we checked it, it said  
10 low battery. I hope it didn't damn mess it up. No, hour  
11 and 47 minutes, I got.

12 (Interview ended at 10:02 p.m.)

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CERTIFICATION OF TRANSCRIPT

This is to certify that the foregoing transcript of interview, consisting of 146 pages, held on February 26, 2020, is a true and accurate transcript from the recording I have been provided. I further certify that I am not related to any Party or Attorney, nor do I have any interest whatsoever in the outcome of this action.

THIS 7th day of March 2020.

Victoria O'Connor

VICTORIA O'CONNOR, CET



# Handout 19



86% 2:54 PM

← Hunter



Might you have time for me to call this week?

SEP 9 AT 11:59 PM



Howdy, checking in.

SEP 12 AT 1:35 AM



I promise I would not bug you if it was not important. I would be grateful to speak with you, even if it's just for 10 minutes.

NOV 11 AT 11:45 PM



I'd be grateful to call when you're free



Aa



LG



86% 2:55 PM

← Hunter



Good afternoon. I know you're not happy to not be on vacation, but I hope you get to enjoy some more time with your youngin.

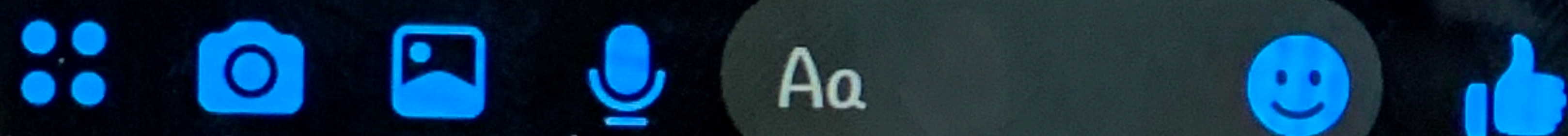
JAN 8 AT 10:14 PM



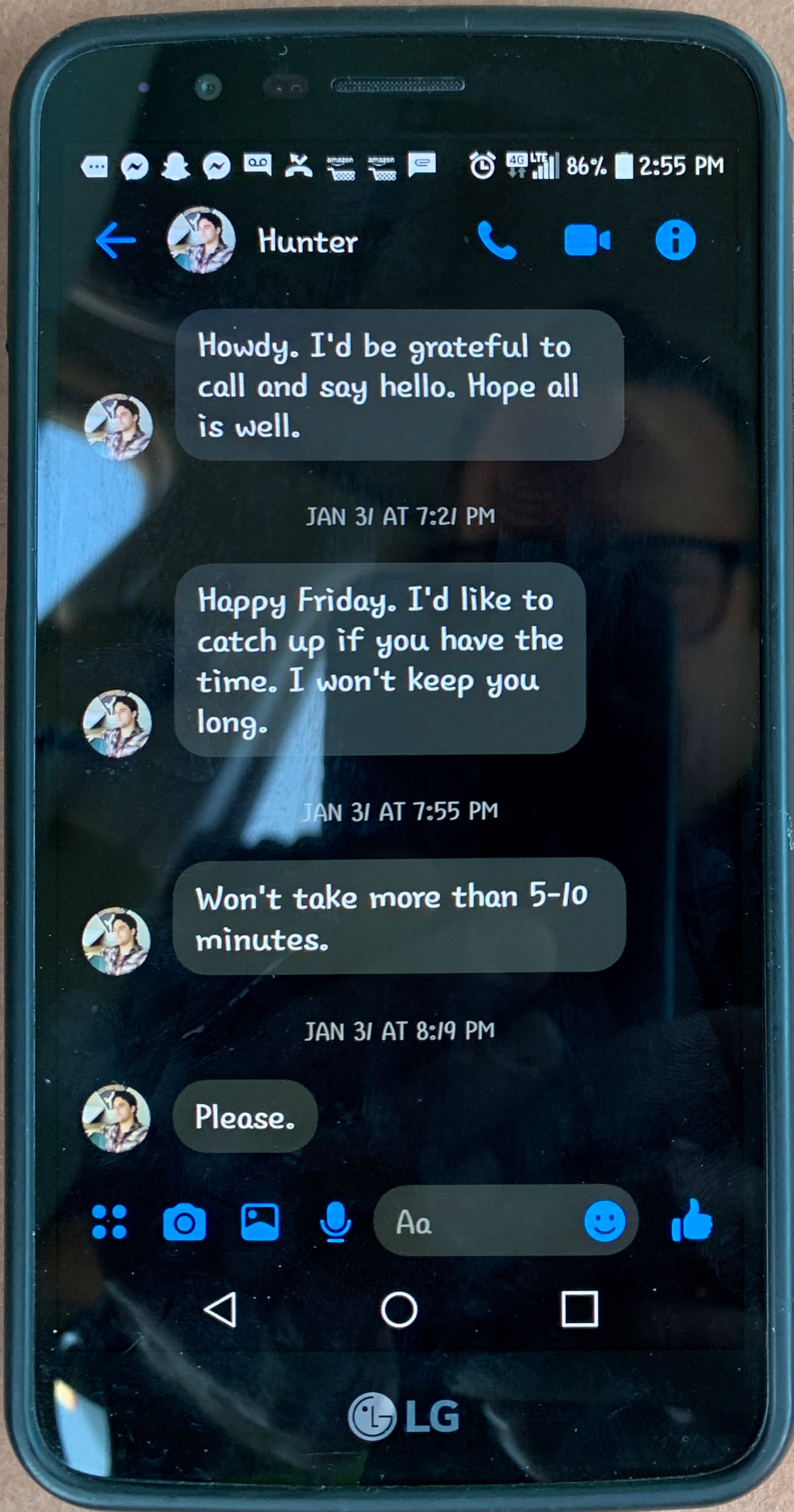
Hey, checking in. I'd love to update you on everything. One gigantic development, and a few small ones. Hope all is well. The photos of you and your son are adorable.

JAN 24 AT 8:07 PM

Howdy. I'd be grateful to







2:55 PM 86% 4G LTE

← Hunter ☎ 📺 ⓘ



Howdy. I'd be grateful to call and say hello. Hope all is well.

JAN 31 AT 7:21 PM



Happy Friday. I'd like to catch up if you have the time. I won't keep you long.

JAN 31 AT 7:55 PM



Won't take more than 5-10 minutes.

JAN 31 AT 8:19 PM



Please.

📎 📷 🖼️ 🎤 Aa 😊 👍





86% 2:55 PM



Hunter

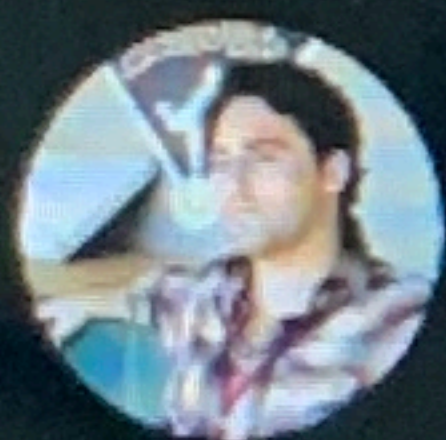


JAN 31 AT 7:21 PM



Happy Friday. I'd like to catch up if you have the time. I won't keep you long.

JAN 31 AT 7:55 PM



Won't take more than 5-10 minutes.

JAN 31 AT 8:19 PM



Please.

FEB 9 AT 11:21 PM



Howdy. Checking in.



Aa





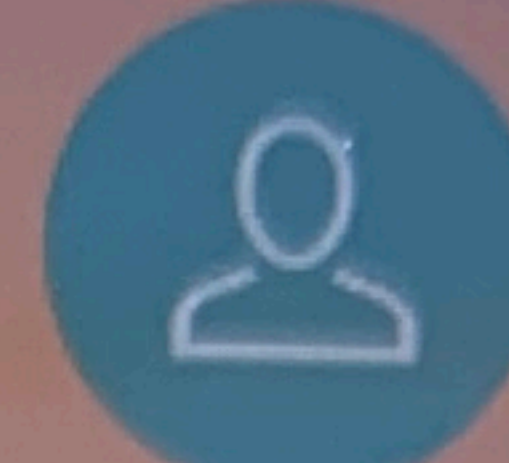
# Handout 20



8:55 AM 83% 3:01 PM



+1 917-774-5674



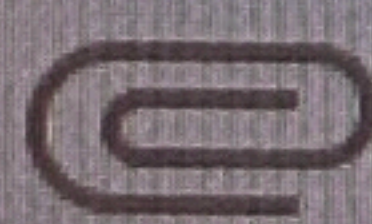
Hi, ive been downtown for 2 weeks due to a sopoenas by a lawyer named Juli for the innocence thing. She would like to have a copy of the audio you recorded or the video either one. I told her last week that I would ask you and it slipped my mind with everything that has been going on. Could you possibly share those files with her? I don't know if you can do so by email or text messege so please hit me back and let me know where you stand with this.

8:55 AM

As a matter of journalism ethics, I cannot give the audio out.

Obviously I want to be helpful, but giving out the audio is not something I

Send



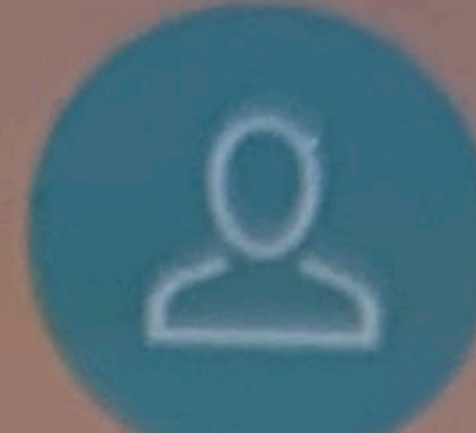
Enter message







+1 917-774-5674



Obviously I want to be helpful, but giving out the audio is not something I can do.

I'd be happy to talk about this more with you.

6:01 PM

Even though its my audio and its okay with me? Didn't you say I could have copies of my stuff?

10:49 PM

After the story is published, for sure, but I'm not able to do that before it's published.

10:50 PM

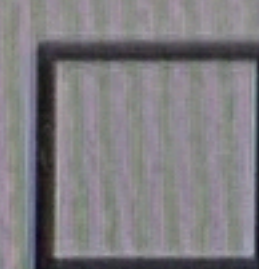
This is bigger than just me. The newspaper (and company that owns it) never would allow me to do that.

10:50 PM

Send



Enter message

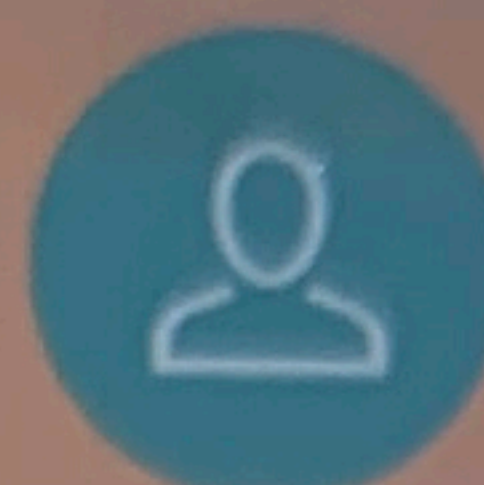




3:01 PM 83% 4G LTE



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never would allow me to do that.

10:50 PM

I'd be happy to talk more about this over the phone. Just give me a heads up of the time.

(I've been covering the World Series lately, so I apologize for being out of pocket.)

10:52 PM

So when is the story supposed to be published

11:53 PM

I am not sure. I still am writing it. Could be January. Could be longer than that.

11:55 PM

Ok

Retry

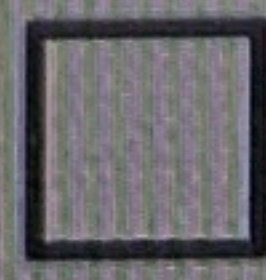


11:55 PM

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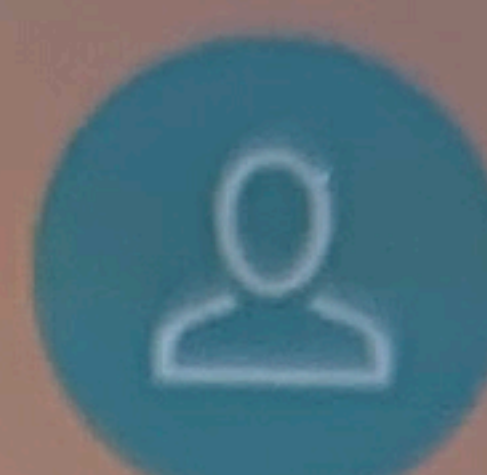
Enter message







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Oct 30, 2019

Have they been respectful in how they've dealt with you?

I don't know how subpoenas work.

12:00 AM

Would I be able to call you tomorrow to talk about it?

12:02 AM

Time for me to call before you go to work?

5:10 PM

Nov 1, 2019

May I call tonight?

6:30 PM

Nov 2, 2019

Checking in.

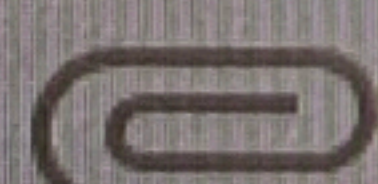
5:47 PM

Nov 4, 2019

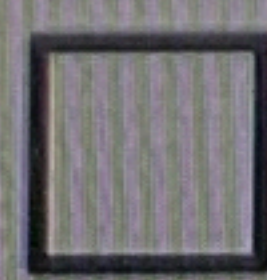
Checking in

5:05 PM

Send



Enter message





Nov 9, 2019

Call anytime today if you may be free

4:30 PM

Nov 10, 2019

Checking in again.

11:52 AM

Nov 11, 2019

May I call when you get off work in the mornings

11:44 PM

Morning?\*

11:44 PM

Nov 12, 2019

Checking in.

5:27 PM

Nov 28, 2019

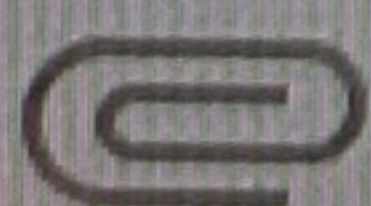
Happy Thanksgiving to you and your son.

3:47 PM

You too

3:58 PM

Send



Enter message





3:02 PM 83% 4G LTE



+1 917-774-5674



You too

3:58 PM

What's on your menu today?

3:58 PM

I ate some mac n cheese. I don't dig the typical turkey day fixings lol. So I'm about to head home and nose dive into a bowl of apple jacks lol

4:10 PM

I mean, no one would complain about Mac n cheese on turkey day :)

4:11 PM

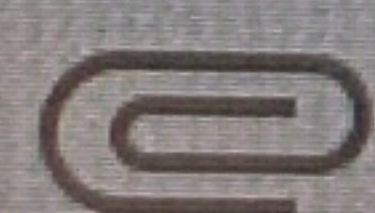
Lol

4:19 PM

Dec 1, 2019

I should have asked this before, but when you spoke with the commission and you explained the deceptive van ride with Eric Saunders, did you specifically mention that maybe the

Send



Enter message

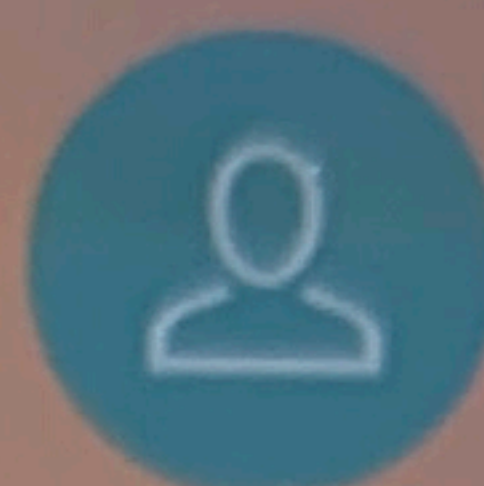




Icons: Messages, WhatsApp, Snapchat, Email, Messenger, QQ, Phone, Amazon, Amazon, Alarm, 4G LTE, 83%, 3:02 PM



+1 917-774-5674



I should have asked this before, but when you spoke with the commission and you explained the deceptive van ride with Eric Saunders, did you specifically mention that maybe the woman posing as a relative might have been Jennifer Martin?

Did you specifically mention her by name -- as a possibility -- to the commission?

11:05 PM

Dec 6, 2019

Circling back. I'd be so grateful to know the answer.

3:22 AM

Good morning. If you might be able to answer my text above, I'd be so grateful. Thanks, as always.

10:07 AM

Send



Enter message

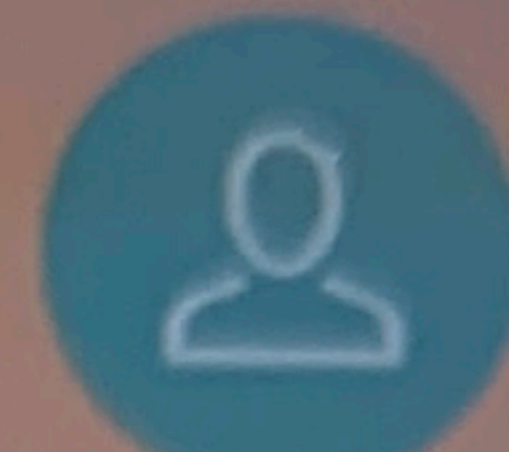




3:02 PM 83% 4G LTE



+1 917-774-5674



10:07 AM

Dec 16, 2019

Wanted to share some positive news.  
Won't take more than 5 mins. Call  
anytime.

6:46 PM

Dec 21, 2019

I'd like to send you a Christmas card.  
If you're comfortable sharing an  
address, please text it.

1:23 PM

Dec 25, 2019

Merry Christmas to you and your  
family.

3:59 PM

Dec 26, 2019

I'd like to check in if you're around.

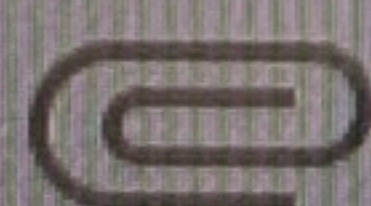
5:48 PM

Dec 28, 2019

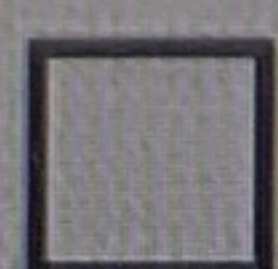
Good afternoon. Checking in.

1:23 PM

Send



Enter message

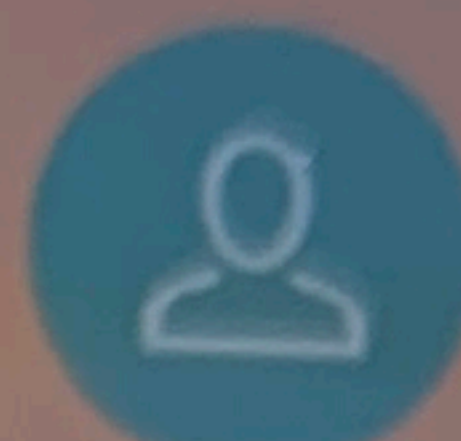




3:02 PM 83% 4G LTE



+1 917-774-5674



Merry Christmas to you and your family.

3:59 PM

Dec 26, 2019

I'd like to check in if you're around.

5:48 PM

Dec 28, 2019

Good afternoon. Checking in.

1:23 PM

Jan 8

Hey checking in.

8:38 PM

Jan 17

Howdy. Checking in.

9:01 PM

I have some updates.

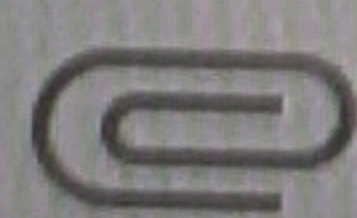
9:01 PM

Jan 24

Hey checking in. I'd be grateful to call and say hello.

8:06 PM

Send



Enter message





# Handout 21



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
1.	2/20/2019 13:34	Rayshawn Banner	<ul style="list-style-type: none"> <li>Atkins says this call was a year in the making and thanks Banner for calling.</li> <li>Atkins wants a series of interviews. He wants to tell a bigger story about the co-defendants.</li> <li>Banner asks Atkins why this is coming up now. Atkins explains Chris Paul connection to Houston, that he was vaguely aware of the basketball game Paul played after his grandfather's death and that is what interested him in the case.</li> <li>Atkins says he spoke to Bryant the day before but Tolliver giving him the runaround. He spoke to Brayboy a year ago. Atkins is going to Winston-Salem soon.</li> <li>Atkins says he wants to build trust with Banner. Banner says if Atkins has his (Banner's) mom's trust, then he has Banner's trust.</li> <li>Atkins found Black and talked to her on the phone. She told him "That all happened when I was 16 I don't want to talk about that anymore." Atkins may try to find her again.</li> <li>Banner says he wants to talk to black and know why she did what she did.</li> </ul>
2.	4/25/2019 16:12	Rayshawn Banner	<ul style="list-style-type: none"> <li>NOTE: There are some audio issues with this call.</li> <li>Banner says he got to see his mom today. They talk about Banner's birthday.</li> <li>Atkins asks if there's anything Banner wants to talk about. Banner says mom told him Atkins had some questions.</li> <li>Atkins asks Banner about the MAR filed by PLS. Banner says all that's wrong and Atkins asks Banner what he remembers.</li> <li>Banner didn't do the MAR. The lady his brother got to do his MAR did his because it was the same case. Banner didn't know the lady at all.</li> <li>Atkins says what sucks about MAR, to fill it out it requires the inmate to say he did the crime. Atkins says he knows Banner doesn't feel that way.</li> <li>Banner says he didn't tell the people who did the MAR anything. The person who do it did it based on Cauthen and he didn't meet here. She did write him a couple of times.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Atkins says her name is Vernetta Alston and she doesn't work for them anymore. Atkins says Alston had good intentions but one of the things he has learned has hurt them over the years is miscommunication. A lot of time, the co-defendants have not understood what's happening with the legal process and have been in the dark. Banner agrees.</li> <li>• Atkins says it's a problem and something he cares about. He wants to get right.</li> <li>• Atkins asks about Banner's interest or progress in being part of Commission looking into Cauthen's case. Atkins says the Commission is a good, powerful organization that looks into innocence. Atkins said they have spoken about this before.</li> <li>• Banner asks if it is the same one, because there are a bunch of programs. He doesn't know what program Atkins is talking about. He asks if it is the "actual innocence" or something else. Atkins says it is something else. The Commission is a much more powerful organization in a good, positive way. Cauthen is having his claim taken very seriously by the Commission, which is a good thing. Atkins wondered if Banner wanted to be a part of it.</li> <li>• Banner says of course he would but asks if Cauthen has been doing it or if it is new. Atkins says it is a little bit of both. Atkins says Cauthen tried to include Banner and Atkins isn't certain but thinks some letters were sent to Banner to fill out, but the Commission moved on without him. Banner says no one sent him any letters. He got letter from "old girl" who did something for Bryant. He hasn't heard anything. since. Atkins says he'll look into it and ask around and told Banner's mom to do the same.</li> <li>• Banner says if he got the letters he may have misplaced them or didn't think it was of any use. It should be in his room because he keeps his paperwork. Atkins gives him key words (Innocence Inquiry Commission). Banner says he's never got anything. Banner thinks he got something from someone in Pennsylvania. Atkins asks him to look into it. Atkins says it is important for Banner's mom to get him involved in the Commission.</li> <li>• Atkins asks if Banner remembers exact pair of shoes police and lawyers said matched prints on the hood of the car. Banner can't remember exact shoes, but shoes in court were Air Force Ones. Took a pair of Air Force Ones from him and they were red and</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>white (red bottom with red stitches in Nike sign). Banner had other shoes too. Banner says any shoes they had or took or showed in court had to be Air Force Ones.</p> <ul style="list-style-type: none"> <li>• Atkins says he has had a hard time confirming this. Banner says they took shoes from him when he got to detention center and he had to borrow shoes to go to court the next morning.</li> <li>• Atkins asks if there's anything else Banner has been thinking about since they last spoke. Banner says not really. Banner says everything is still like it is. Banner says that if Black hasn't talked to someone, he doesn't know what to tell Atkins.</li> <li>• Atkins asks why Black is so important. Banner says because she knows everything. Banner knows her and knows she's scared but there's no way "all y'all" can leave together and nobody knows anything. Banner thinks something is missing. If it wasn't for her, there wouldn't be anything else. She's the star witness and other witnesses didn't show up. Banner says he knows for a fact that she told the police he was with them and he wasn't and every last one of the others can say that. Black solely put Banner in that position. If it wasn't for everyone telling his name, he wouldn't be in this predicament.</li> <li>• Atkins says he understands and thinks Banner is correct. Banner thinks something is missing and still there. He can't explain it. If the others didn't have anything to do with it, they know who did.</li> <li>• Atkins asks why they would not be honest now and Banner doesn't know. He says they don't want to feel like they knew all along. It would be hard to say now they knew who did it or knew about it. If Banner finds out that's true, that would hurt him even more because that means they deliberately put him in something he didn't do.</li> </ul>
3.	6/14/2019 21:01	Nathaniel Cauthen (Using the PIN of Kenneth Clore)	<ul style="list-style-type: none"> <li>• Atkins says his reporting is in a really good place and heading in a good direction. He doesn't know what Cauthen's mom has relayed to Cauthen from Atkins.</li> <li>• Cauthen says he was 15 and couldn't read or write. He didn't understand what was going on.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins interrupts to ask if Cauthen has questions about what Atkins has done. He assumes Cauthen doesn't know much about what Atkins has done. Cauthen says that he knows Atkins has found more than Forsyth County. Atkins says things were never reported, publicized, or made clear at the trial. Atkins has discovered a "bucket" of new information to add credibility to claims of innocence.</li> <li>(NOTE: the following conversation relates to a release from the NC Center on Actual Innocence that Atkins wants Cauthen to fill out so Atkins can obtain files). Cauthen says he doesn't respond to Atkins because the Commission asked him not to. He doesn't want to "butcher" that opportunity. He says if Atkins can draw the contract up as if the Commission is not in this consent form, he doesn't have any problem signing it.</li> <li>Atkins explains why the release is important to him. Cauthen says the Center denied him and Atkins says kind of, that the Center didn't get very far. Atkins says Chris Mumma has been enormously helpful to him but is by the book/by the rules. She wants permission with the form he sent to Cauthen and to the other guys to give access to her files that she kept.</li> <li>Atkins says Cauthen's file has 300 pages of documents and he "almost fainted" when he found that out. A lot of those documents are police documents and notes and the Crime Lab. Atkins says it is bigger than false confessions. WSPD had done bad police work before they got to the co-defendants. The form is required by Mumma and only for her to give him those documents.</li> <li>Atkins says the Commission is a precious opportunity and wants to respect media rule. The Commission's name is included in the Center's release form only as a matter of thoroughness. The Commission wouldn't be notified that Mumma gave him those documents and that is a matter of confidentiality.</li> <li>Atkins knows Cauthen showed the Commission his letter about the release. He doesn't think it was a big deal and no one would find out. Atkins says the document says Mumma can give whatever she has to Atkins. The Commission is on list because Center might in fact come across documents of interest to them from other sources.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says he can't sign that over because the Commission is still investigating his case. Atkins says he hasn't explained it clearly. The release gives Mumma complete permission to share the information she has with Atkins. The Commission is only included as a matter of thoroughness. Mumma has these documents. None of that includes anything from the Commission.</li> <li>• Atkins tried to explain to Cauthen's mother that the documents could've been included in the Center's files for the other co-defendants, but they just weren't and that's why he needs Cauthen's release. Mumma is not budging and won't give them to him.</li> <li>• Cauthen asks if Atkins has talked to Boyer. Atkins emailed her and Boyer respectfully declined.</li> <li>• Cauthen doesn't know and needs to think about it. He's trying to work it out.</li> <li>• Cauthen wants to know when story is being published.</li> <li>•</li> </ul>
4.	6/15/2019 12:30	Nathaniel Cauthen (Using PIN of Ben Taylor)	<ul style="list-style-type: none"> <li>• Atkins says his story will be long and big and published in August or early October. There will be newspaper and social media coverage and may attract national attention. Chris Paul being attached will affect that. TV may pick up story. This can be positive.</li> <li>• Cauthen asks about the story being broadcasted. Cauthen says he has been in the news and newspaper his whole life.</li> <li>• Atkins says his story will show WSPD didn't do their job and every part of justice system failed the co-defendants and the Victim.</li> <li>• Cauthen asks what grounds Atkins has to say Cauthen and Banner are innocent. Atkins says there's information overlooked the whole time. The narrative of the police was bogus and mentions the Dollar General, the shoeprints that people think are good evidence but are not, and that Black's testimony was full of lies. Atkins has discovered a handful of revealing details of police not doing their job and WSPD forced co-defendants to lie by being mean cops.</li> <li>• Atkins says society understands false confessions better now than at the time of the trial. There are studies regarding juveniles and false confessions.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins hasn't written the story yet and it will need fact checking after it's written. It will go through lawyers due to the magnitude of the story. Atkins just has to do his job. Atkins doesn't want to promise to make something happen. Atkins says the story will show they're innocent because that's the truth. There's an enormous amount of injustice.</li> <li>Cauthen says it was in the news when he got resentenced. He thinks the story will get a lot of coverage. Atkins says that isn't the reason he's doing the story. He's doing the story because it's a clear matter of injustice that needs to be revealed.</li> <li>Cauthen asks if Atkins has talked to Chris Paul. Atkins says he has interviewed his parents, aunt, and brother but not Paul directly. Atkins has talked to 80-100 people. They're interested and open-minded and caring. The family indicates they have forgiven the co-defendants. Atkins has told them that the co-defendants are probably innocent and walked them through it. They were accepting and supportive. Atkins says the family may have opportunity to advocate for co-defendants but the family are not ready for that yet.</li> <li>Cauthen doesn't trust the victims. Atkins explains the Victim's family will have to go through their own emotional process.</li> </ul>
5.	6/16/2019 12:34	Nathaniel Cauthen (Using PIN of Dalton Christmas)	<ul style="list-style-type: none"> <li>Atkins asks what else he can explain about himself or the story.</li> <li>Cauthen is skeptical about a lot of things. That happens after you get locked up for something you didn't do. Cauthen says that the police, judge, DA, and attorney did him wrong, but doesn't give specific examples.</li> <li>Atkins thinks there are reasons to be positive. Information he has found will show what in fact went wrong. You don't need the DA to be alive or Hier to remember. Atkins found a lot of what he needed to find without help from other people. Atkins isn't sure how much Cauthen's mother has shared with Cauthen. Atkins says he's found information to show how they were treated and wrongfully convicted.</li> <li>Cauthen mentions he has the Commission. Atkins says it's a special opportunity. It's a coincidence that Cauthen's case occurred in NC and if he hadn't been convicted here he</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>wouldn't have this opportunity. Atkins thinks that it is worth Cauthen mailing out a form to help Atkins learn more information about what the police did. It's worth Cauthen taking the risk. He doesn't see how the Commission would even know. Nobody gets notified or told he filled out this letter. The Commission is not monitoring the mail and communication.</p> <ul style="list-style-type: none"> <li>• Cauthen says you don't what the Commission is doing and says this is on the brink.</li> <li>• Cauthen says he has known he could talk to Atkins but as far as going public with anything Cauthen says, that is a different thing. Atkins says there's nothing in Atkins story that would say Cauthen gave permission. This is all confidential.</li> <li>• Cauthen does not want to sign the paper. Atkins clarifies the form is part of the letter. Cauthen wants another paper that doesn't include the Commission. Anything involving the Commission, Cauthen is not signing.</li> <li>• Atkins tries to explain that the Commission's file is not involved in the release. If she already had information from Commission in her file, he would be able to see it but Mumma doesn't have anything from the Commission. The release doesn't given Atkins or anyone the chance to go to the Commission and ask for information.</li> <li>• Cauthen says he doesn't know and needs to soul search.</li> <li>• Atkins says he appreciates the rare opportunity Cauthen has with the Commission and doesn't want to jeopardize that. Atkins is confident the work he is doing it going to help the Commission and will offer up a blueprint and map to the Commission. The things he has that the Commission doesn't have and is never going to have. The Commission won't figure it out. They don't always get the information they're looking for.</li> <li>• Cauthen asks if, knowing this is a rare opportunity that he is blessed to have, how would Atkins feel if they deny his claim because he signs this paper. Atkins says he would feel horrible and doesn't want that to happen. He's also trying to explain he doesn't think that would happen.</li> <li>• Atkins says as great as the opportunity is, Cauthen doesn't understand the incredible miracle it takes for someone to be exonerated. Commission is not fighting for</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			innocence. The Commission is not intending to show innocence. It's not an advocacy group. It's a neutral party and it could go either way. It is rare that the Commission exonerates people. Atkins talks about Commission statistics.
6.	6/16/2019	Nathaniel Cauthen (Using PIN of Rakeem Dillard)	<ul style="list-style-type: none"> <li>• NOTE: Some audio issues in this call.</li> <li>• Atkins says it takes a miracle for a case to end in exoneration and can take years. The work Atkins is doing can help in the end. He doesn't want to promise that. He's a reporter, not a lawyer or cop. He'll show the world information it doesn't know and show the Commission information it doesn't know.</li> <li>• Atkins says 0.004% of cases at the Commission end in exoneration.</li> <li>• Cauthen is weighing his options. Atkins says that is understandable and asks what Cauthen's concerns are. Atkins again tries to explain that the Commission isn't involved in the release.</li> <li>• Cauthen says the way he reads the form, Atkins could get whatever files the Commission has. Atkins says the release only refers to the things Mumma already has and she doesn't have anything from the Commission. Mumma looked into case before the Commission came along.</li> <li>• Cauthen says the Center denied him too. Atkins says the Center didn't deny his case, they couldn't figure it out. Atkins spoke with Mumma a lot for his story and she believes they're innocent and her organization couldn't prove it.</li> <li>• Atkins says there are plenty of times the Commission believes someone is innocent but doesn't find new evidence. It's really rare.</li> <li>• Cauthen says his case is totally different.</li> <li>• Atkins says the Center wasn't able to find anything when it had the case. Atkins has found a good amount of new information because of some of the files related to police work and police in this case. Atkins thinks the information that Mumma has an enormous amount of information on the police and how badly they investigated this.</li> <li>• Cauthen says that's the bottom line.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins thinks Cauthen giving him permission could only be positive and helpful for all co-defendants.</li> <li>Cauthen says he doesn't care about his co-defendants. He only cares about himself and his brother and asks Atkins not to bring them up. They haven't written to him. If it wasn't for them, Cauthen wouldn't be there. If it wasn't for "his mama," I wouldn't be here.</li> <li>Atkins says it is understandable that people want to blame Tolliver's mom for calling. His story will show that it is the police that are to blame. They did bad police work.</li> <li>Cauthen says this didn't happen if Bryant and Tolliver didn't do what they did. Cauthen remembers this day like the back of his hand.</li> <li>Atkins says Arlene has some blame but most of the blame falls on the police. He says all the defendants in this case were victims.</li> <li>Cauthen says everyone is to blame. There's no one he can say did right in this investigation. Not one of them. This is a "big ass lie from the front to the back."</li> <li>Cauthen says Arlene Tolliver got reward money. Atkins says that isn't correct. Cauthen asks what happened. Atkins says there was no reward money. Cauthen says he was told differently. Atkins says there was a lot of miscommunication.</li> <li>Atkins went with their mother to visit Banner. Banner was mad about the other three taking pleas. Atkins explained that was not at all what happened. A lot of things the co-defendants never really understood because of how young they were and the position they were in. Atkins can see how he would be mad at them. Atkins says the others have been really helpful.</li> </ul>
7.	6/16/2019 13:09	Nathaniel Cauthen (Using PIN of Rakeem Dillard)	<ul style="list-style-type: none"> <li>Atkins says he know there is anger and sadness and frustration with the co-defendants. The others have been good and helpful. He doesn't think there is more reason to be upset with them. Cauthen says "to hell with them people." He's more concerned with himself and his brother.</li> <li>Atkins says signing the form will help him and his brother. Cauthen says we'll see.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen has every letter Atkins has sent him. He has the letters Atkins has sent him. He says God has been with him the whole way.</li> <li>• Atkins asks if he needs to ask God for a favor to get Cauthen to sign the consent form.</li> <li>• Cauthen says he knows how to fill out the form.</li> <li>• Atkins says he doesn't see how the Commission would find out. He says "it's a secret we can keep" and thinks it is "worth doing."</li> <li>• Cauthen asks Atkins what he thinks about Jessicah Black. Atkins says it is obvious she lied. Atkins got the impression that he was the only person to think that if the co-defendants were so vulnerable/exploited/taken advantage of by interrogations, the same reasoning would apply to Black. The police didn't verify what Black says (went to Maxway, etc.). Black was victimized by the police as well. She was 16 at the time. She hadn't been in trouble before. Atkins thinks she was terrified and traumatized into cooperating. She was pregnant at the time of the second trial. The police are to blame.</li> <li>• Cauthen says Black made three different statements.</li> <li>• Atkins says the information Mumma has in her file is not public. He was reading and able to realize that on the day that all the co-defendants were picked up. Banner is the last one because he resisted.</li> <li>• Cauthen says they were picked up on the 18<sup>th</sup> and Atkins says it was Tuesday the 19<sup>th</sup>.</li> <li>• Cauthen says they were picked up Monday right after school. Cauthen didn't make a statement until Tuesday. Atkins says it's the 19<sup>th</sup> and the 20<sup>th</sup>. Cauthen says alright.</li> <li>• Atkins says police took advantage of Black in the same manner. This will be in story and is a big deal. Atkins was able to read police files. He has a timeline of when they were picked up and their interrogations. Atkins says very little time passes between when the cops are asking questions and then tell the co-defendants they were liars. Cauthen agrees with this assessment.</li> <li>• Atkins says the cops didn't have evidence the co-defendants did it and bullied them into turning on each other. They were 15 and didn't know any better. Allegedly, cops told the co-defendants they could go home. Cauthen agrees with this.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says there are no recordings of anything before confessions, so the co-defendants get “fucked over.” The cops did the same thing to Jessica Black.</li> <li>Atkins asks if Cauthen knew Black was there at the same time. Cauthen says it was two hours. Atkins says it was around 2 hours.</li> <li>Atkins says he has been able to figure out that by the time they interviewed Black, the police already had a narrative they put together from interviews with co-defendants. For hours, Black denies involvement. By the end of the night the police present it to her as it is a fact because they’ve already talked to the co-defendants, they were able to persuade Black that she was telling the truth.</li> <li>Cauthen asks what the problem is now. Atkins says he doesn’t have enough information to show it exactly. The files Mumma has would get him a lot closer. He doesn’t have quite enough now. He thinks he can expose very clearly if he has more information. He wants to write something persuasive.</li> <li>Cauthen asks about Black now. Atkins says Black was ignorant, didn’t understand what was going on, and was terrified by the police and DA. It was dangled over her head that she could be charged at any time. Police got in Black’s face and intimidated her. She’s been scared of that for 16 years.</li> <li>Cauthen asks what Atkins’ boss says about the story and Atkins says his boss says he needs to write it already. He’s upset it is taking Atkins so long. Everyone is behind it.</li> </ul>
8.	6/16/2019 13:27	Nathaniel Cauthen (Using PIN of Dalton Christmas)	<ul style="list-style-type: none"> <li>Atkins’ bosses are behind the story.</li> <li>Cauthen says “this right here” is about to blow Atkins’ mind. Atkins says he needs the papers from Mumma. Cauthen agrees to sign form. Atkins thanks him. He says this is what reporters are supposed to do. It’s what reporters at the time should’ve done. Cauthen says he thinks about this every day.</li> <li>Atkins is trying to be fair and honest. He doesn’t want to promise he can do something he can’t do. He can’t promise story will exonerate them. He can promise that it is going to be publicized to the world with a lot of detail.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says he has been in the news since he was 15. Cauthen says people will be “up [Atkins’] ass” and Atkins says he hopes the truth forces everyone to start talking.</li> <li>• Cauthen isn’t ready to talk. He has other stuff on his mind. He doesn’t need to lie or keep denying.</li> <li>• Atkins asks Cauthen about addressing the Victim’s family at the trial. Cauthen remembers. Atkins asks about the family’s reaction. Cauthen says the family looked like they were glad he was going to prison, regardless of what he said. Cauthen looked at his mom, DA, judge, lawyer, jurors. It was the same when he went back to get resentenced.</li> <li>• Cauthen says the DA and defense attorney went into chambers and deliberated and didn’t want to resentence him. Judge resentenced him. That was the most remarkable moment. The whole world looked at Cauthen and Banner like they were the most dangerous people in the world, like they were the scum of the earth. All of a sudden, God said don’t worry about it.</li> <li>• Cauthen again says he couldn’t read or write. Atkins asks about this. Cauthen says he didn’t learn until he came to prison. Atkins says “wow.” Atkins says who is to blame for that. Cauthen blames himself. He has learned in prison to take responsibility. Cauthen wouldn’t be in this position if he knew what he was dealing with.</li> <li>• Atkins asks how he learned in prison. He taught himself with some help from some “wise brothers.” They talk about books he read and getting his GED.</li> <li>• Atkins says he looked at court documents. Cauthen didn’t have a lot of experience and was taken advantage of.</li> </ul>
9.	6/20/2019 15:56	Nathaniel Cauthen (Using PIN of Nicholas Bailey)	<ul style="list-style-type: none"> <li>• Cauthen puts Ikeem Murray on the phone with Atkins. Murray knows Banner and Cauthen. Atkins asks him why.</li> <li>• Murray tells Atkins he wants to know about his “good friend” getting out. He also did time with Banner and he’s a “good dude.”</li> <li>• Atkins says he thinks they’re both good guys. He’s a reporter, not a lawyer or cop. He can’t guarantee that he’s going to get them out of prison. He’s looked into their stories</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>and discovered things that were never made public before. Him writing it will alert public to injustice of it all and they will see how the justice system responds.</p> <ul style="list-style-type: none"> <li>• Atkins says Cauthen has his case with Commission, which is a special, rare, powerful thing. Atkins is confident the work he's doing will offer a map/blueprint for Commission to follow and says he thinks this is a good thing for Banner and Cauthen. Atkins says this is what reporters should be doing.</li> <li>• Atkins asks Murray about Banner. Murray says he has nothing but a positive experience. He's a good dude. Atkins asks about Cauthen. Murray says Cauthen stays to himself. Murray has known Cauthen since 2012.</li> <li>• Atkins asks if Murray knew Cauthen when he was struggling and Murray says he's never seen Cauthen cry. Both brothers have faith in going home. Atkins thinks Cauthen getting in trouble came from frustration with being in prison. Atkins asks for stories about them, nothing related to the case.</li> <li>• Atkins asks Murray to put Cauthen back on the phone.</li> <li>• Cauthen is about to mail the form this weekend. Atkins should get it Monday or Tuesday. Atkins appreciates it. Cauthen asks if it needs to be notarized. Atkins asks if that will be an issue and Atkins says that's fine.</li> <li>• Cauthen asks if Atkins can get the picture of Cauthen and Banner walking out of the courtroom. Atkins hasn't found that. He did take photos of everyone in Winston-Salem and got photos from their mom of Banner and Cauthen as children.</li> <li>• Cauthen has three questions. Cauthen says let's make this thing go viral. Atkins says he will try. Cauthen asks for Atkins's word that he won't get anything from the Commission. Atkins can't guarantee but can't see a reasonable scenario where Commission would know about the form. Mumma told him she doesn't have a reason to tell the Commission. He can't promise but thinks it is highly improbable. Cauthen says he needs Atkins whole support. Atkins says can't control something unexpected.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Cauthen says he doesn't care about innocence project files but doesn't want Atkins to get anything from the Commission. Atkins says there is no way for him to get stuff from the Commission.</li> </ul>
10.	6/20/2019 16:13	Nathaniel Cauthen (Using PIN of Ben Taylor)	<ul style="list-style-type: none"> <li>Cauthen's third question (continuing from previous call) is that Cauthen wants Atkins' report. Atkins says absolutely but Cauthen needs to be patient.</li> <li>Atkins wants to ask more questions and says he is not recording this.</li> <li>Atkins asks about the night of the murder and says not everyone remembers what they were doing. Atkins heard from talking to everybody that they hung out later that night and went to the bowling alley. Atkins asks who was there. Cauthen says Brayboy, Tolliver, Bryant, Jed, and Black. Banner was not there. Cauthen then says Tolliver wasn't there. Cauthen says they picked Tolliver up. Tolliver wasn't with them when they took Jed to his aunt's then father's houses. There were no police out there the first time. They came back later. They didn't go back to Jed's aunt's house until after the bowling alley.</li> <li>Cauthen says Tolliver, Brayboy, Jed, Bryant, Cauthen, and Black were at the bowling alley. She had a black 1986 Cougar. Atkins asked how they fit in the car. Cauthen says it was scrunched up but bigger than you think. They weren't grown men. Bryant wasn't that big.</li> <li>Cauthen says they went back to Moravia when crime scene was being investigated. As soon as they pulled into Moravia coming up from the neighborhood, they made a left turn and saw all of the police. Before they could see what was going on they had made it up halfway through the church and tried to make a U-turn. Cauthen was in the front seat and jumped out and went across the street from the house. The Victim died from a heart attack. There was a bum on the corner who said "them boys that always be around here did it." Cauthen asked who he was talking about. The man told him to look. Cauthen saw the tree, the first house, and second house and could see the body. He looked again and the man pointed out that the Victim was dead. Cauthen said he thought "People die every day." Didn't know what was going on. Got in the car.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins asks if Tolliver looked. Cauthen says no one got out of the car besides him, Jed, and Bryant. Atkins says he's been told that Brayboy and Tolliver also got out of the car and looked. Cauthen says they got back in the car.</li> <li>Cauthen doesn't know where Banner was. Cauthen left the others right after that because it started raining and went to check on Banner. Banner was on the couch with their mom.</li> <li>Atkins asks what time Cauthen got home. Cauthen thinks 10:15-10:30 knowing him. Cauthen didn't go back out. His mom was home.</li> <li>Atkins knows that when police checked Maxway and Dollar General, they didn't find video. He asks if they went that day.</li> <li>Cauthen says the only person with Black before it was dark was Cauthen. He pulled up with her. People don't know where Cauthen was from after school until when Cauthen came back to pick everyone up. Atkins asks what they were doing. Cauthen said the day of the murder, they were supposed to be fighting Gizmo. When they all leave (Banner, Brayboy, Jed, Bryant, Shelton, Marcus), he stayed at house with Bryant's mom and sister and niece. Cauthen was tending to the niece in the house. He looked up and saw Black driving past and flagged her around and she picked him up. She was looking for the other guys first.</li> </ul>
11.	6/20/2019 20:34	Nathaniel Cauthen (Using PIN of Christopher Surles)	<ul style="list-style-type: none"> <li>Atkins wants to go back to day of crime.</li> <li>Cauthen says he and Black didn't stop at Maxways or Dollar General. Black got out at a corner store right behind Baptist Hospital.</li> <li>Atkins asks if Black drove them to Midway. Tolliver and Brayboy told Atkins that before the bowling alley, Black took them to Midway to see a friend. They stopped at a trailer or burned down house. Cauthen says no, they're talking about the next night. Black didn't come back after 11/15/2002 until 3-4pm the next afternoon.</li> <li>Atkins says one of the hard parts is that this was 17 years ago and at the time they had no reason to remember Friday night perfectly. They don't get picked up until Tuesday.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Cauthen says Atkins is now piecing the puzzle together. When Black came on Friday, Cauthen was the only one in the car until after 8pm.</li> </ul>
12.	6/21/2019 11:04	Nathaniel Cauthen (Using PIN of Christopher Surles)	<ul style="list-style-type: none"> <li>Atkins asks Cauthen about the drive to Midway again. Cauthen remembers the drive out to Midway. It was after they went to the crime scene and saw police. This was around 10pm. When Cauthen went home, the crime was on the news.</li> <li>Atkins says he thinks they're at the bowling alley between 8-8:30pm and Cauthen agrees. Cauthen got kicked out. The police officer thought he was Banner, that's why the officer says Banner was at the bowling alley.</li> <li>Atkins thinks officer made a mistake saying Banner was in the car. Officer when he testified said he didn't see Bryant there "but we know Bubba was there."</li> <li>Cauthen says the officer tried to escort Cauthen and Banner out, but he was already leaving. Tolliver and Black were the only people who got out of the car.</li> <li>Cauthen says he was with Black from 2:30pm – 8pm. Atkins asks about relationship with Black and mentions Opie. Cauthen refers to him as "the white guy" next door to Tolliver. Cauthen says Black dated Opie when they first met. Cauthen says they didn't know Black that long. She would pull up in the neighborhood. Opie's mom stayed with a guy beside Tolliver who was a mechanic. He would fix their bikes and mopeds. They gave him drugs multiple times to fix the moped.</li> <li>Atkins asks about Black's personality and has the impression Cauthen was the closest to her in the group. Cauthen says he and Banner are people persons. They would hang out with Black. It wasn't anything serious, they just met. Black hadn't been around them more than four months. Atkins says he thinks it was less than like 6-10 weeks. Cauthen agrees.</li> <li>Cauthen says he was a "young, black man in heat." Atkins asks if Black liked Cauthen the same way and Cauthen laughs. Cauthen says he and Black had "been down that road before." Cauthen "got enough," but didn't have sex with her. Cauthen and Black didn't go together. Black had a car. She performed oral sex on him and that's it.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins asks if they were at Belview Park earlier than the one time on 11/15/2002. Cauthen says he'll fill in gap between 2:30-7:30pm. Black had grandparents that stayed about two streets over from Bryant and Tolliver. Cauthen says people don't know that. He went with Black to that house. Cauthen stayed in car because Black said her family members didn't like black people. This was right before they got back to Bryant's house. Cauthen has never told anyone this before and says Black would say yes if Atkins asked her about this. Atkins says he will look into it.</li> <li>Atkins says Brayboy said they went to the park around 6pm and smoked. He wants to know if this jogs Cauthen's memory.</li> <li>Cauthen wants to know what Atkins has been told about the day after. Atkins doesn't really remember and thinks maybe someone said they went to the mall.</li> <li>Cauthen says someone said the Victim's card was swiped at an ATM machine.</li> <li>Cauthen says his mom had to go to work Saturday morning. Cauthen and Banner were in house sleeping. Around 10:30am, he planned to go to the movies with another girl and his mom had left some money under her mattress for the movies. Banner was gone by the time Cauthen got up and coming back to the house. It had been raining. Around 2:30pm, Cauthen walked around on Devonshire and Moravia. He went to a brother's friend to return a game. He didn't want to go to Tolliver's porch because they almost just fought. Black pulled up. Cauthen doesn't know who went to the mall with Black. They went to the park Saturday night.</li> </ul>
13.	6/24/2019 10:33	Nathaniel Cauthen (Using PIN of Dalton Christmas)	<ul style="list-style-type: none"> <li>Cauthen says Atkins couldn't find the missing pieces until he talked to Cauthen. It was already dark by the time Black and Cauthen get back and the Victim was killed around 7:30pm.</li> <li>Atkins says what complicates that is Brayboy remembering the group being at the park around 6pm. Atkins says memories are faulty and it could've been a different day. Some of their memories line up and some don't remember everything. Cauthen says his memory is very selective and he can recall just about everything.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Atkins says the main question is where Banner was. Everyone basically says they don't remember Banner being with the group almost all that day. Cauthen says Black ran over Banner's foot. Atkins says Banner remembers this too.</li> <li>• Cauthen says Banner was mad and ready to beat Black up and Cauthen had to calm him down. Cauthen says Banner was an outcast. Banner would be by himself. He was a kleptomaniac and would steal anything. Cauthen knows Banner and how he thinks. Cauthen says Banner would've taken the Sprite in the Victim's car and missed the \$1400 in the car. Banner would steal just because and always knew what he could do with what he stole.</li> <li>• Atkins says the evidence did not point to the co-defendants.</li> <li>• Cauthen wants to talk about discovery. The only person who had been convicted of a crime before was Banner. Atkins asks about the crime and Cauthen says breaking into the school. Cauthen mentions Banner's fingerprints being in database. Atkins says that doesn't matter because they got fingerprints after arrest anyways and there was no match.</li> <li>• Atkins talks about testing in Black's car. Atkins doesn't think people knew it was presumptive blood and later not blood 10 months later.</li> <li>• Cauthen says he didn't kill anybody and didn't have anything to do with it. He doesn't know if Banner or the others had something to do with it.</li> <li>• Cauthen talks about a fingerprint on the bat. Atkins says it was given to police by the Tollivers and he knows that the bat had nothing to do with crime.</li> <li>• Atkins talks about Black saying they picked up sticks and no sticks were ever found. Atkins says there is no consistency to what they told the police and when you look deeply at the confessions, it seems ridiculous for someone to conclude they definitely did it. The confessions worked because everyone placed the others at scene of crime and said what the others did at the simplest, most basic level.</li> <li>• Cauthen asks about Tolliver walking to crime scene.</li> <li>• Atkins asks why Cauthen didn't mention Tolliver in confession.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
14.	6/24/2019 10:49	Nathaniel Cauthen (Using PIN of Rakeem Dillard)	<ul style="list-style-type: none"> <li>• (NOTE: Continuing from previous call about why Cauthen didn't mention Tolliver in his confession). Cauthen says the way that he came up with the story was to try and keep Banner out of the whole situation. Whatever Cauthen said, Tolliver wasn't part of it and he doesn't know why. The way that he was talking, it didn't register to put Tolliver in it.</li> <li>• Atkins says he is there and on their side that they did not do it. It was "jaw-dropping" to him from reading their statements. Every time they ask about Tolliver, Cauthen says no.</li> <li>• Atkins asks why Cauthen says several things that get Banner in a "shit load of trouble." Cauthen says no, he blamed everything on himself. Atkins says he can recite it to Cauthen. Atkins says Cauthen puts parts on himself and parts on Banner. Cauthen asks if he was sure. Cauthen remembers saying Banner was in the car asleep. Atkins says he didn't say that. Atkins says he isn't blaming Cauthen. Cauthen asks Atkins what he said Banner did.</li> <li>• Atkins goes to his notes about statements. In the statement: Rowe says who hit the Victim first and Cauthen says he thinks it was Banner. Rowe says that earlier Cauthen said Banner dropped him and Cauthen agrees. Rowe says Cauthen said Banner punched the Victim in the face and Cauthen agrees. Rowe asks about tying the Victim up and Cauthen says he thinks it was Bryant, Brayboy, and Banner.</li> <li>• Cauthen asks what he said Bryant did. Atkins says from his statements, Cauthen says it was the tape from Bryant's spree. Rowe asks if Banner got blood on him and Cauthen said he thought Banner did from the punch. Rowe asks about blood on arm and shirt before. Cauthen says the blood came from Banner hitting the Victim.</li> <li>• Cauthen asks if this is the first or second statement. Atkins says the first. Atkins explains purpose of Bruton statement (to only explain their own involvement). Cauthen says he was tired out of his mind in the second statement.</li> <li>• Atkins says he doesn't take this as Cauthen purposely trying to get Banner into trouble but is important to mention.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says those statements were recorded and played on tape for Banner by the time Banner is brought to the police station. Atkins thinks Banner hears Cauthen's statements and thinks "fuck it" and it goes from there.</li> <li>Cauthen says Rowe wasn't the first one to question him in. A detective named "Nathaniel" and Lt. Weavil were the first two. Det. Rowe didn't come in. He knows Rowe from when Rowe pulled up on him about Brayboy's brother getting beat up. He doesn't "Nathaniel's last name." He was a bald-headed black man. Atkins says this was Charlie Byrom.</li> </ul>
15.	6/25/2019 15:24	Nathaniel Cauthen (Using PIN of Rakeem Dillard	<ul style="list-style-type: none"> <li>Atkins wants to get step by step into the day Cauthen was arrested and interrogated.</li> <li>Cauthen didn't remember all of it at first. He got off the school bus and saw uncle and lady who works for brother's group home. When he got to Bryant's house and played a game. Banner came with Church's Chicken. Cauthen thinks Banner was only there for an hour before the others came.</li> <li>Cauthen, Banner, Bryant's oldest brother (Barry), and Bryant's niece were playing the game. Tolliver's sister came and said the police had taken Tolliver to the police station for the Victim's murder. Cauthen and Banner thought this had nothing to do with them.</li> <li>Then, detectives pulled up in unmarked cars, a blue Impala and a burgundy Impala. Bryant got into the blue Impala with a tall black lady driving.</li> <li>Atkins says at the Motion to Suppress hearing in March 2004, Cauthen was adamant about seeing Bryant handcuffed and pushed into back seat. Atkins says he is bringing this up because it did not happen. It could be slip of memory or Cauthen being strategic.</li> <li>Cauthen says he saw Bryant get in the back of the Impala. When they left, Cauthen and Banner went back into the house. Two more cars pulled up 5-10 minutes later and they went outside. Cauthen says they could've run before that.</li> <li>Det. Rowe came up to Cauthen first and said he needed to speak to him at precinct about the Victim. Cauthen said he had nothing to do with it.</li> <li>Atkins says with Tolliver, they didn't explain the reasoning for taking him until he got in the car.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says they already had a statement from Tolliver before getting him. Cauthen says he went willingly because had nothing to hide. At the precinct, he saw Bryant at some point. Bryant was standing up but had detectives standing around him to keep them separated. They didn't talk. Atkins asks if Bryant was in a room. Cauthen says no. Bryant was standing in between doorway of a cubicle.</li> <li>• Atkins asks for more description of what station looked like since he's never seen it. Cauthen says he went past double doors, went around side desk and went behind a door. He didn't get on an elevator. Atkins thinks CID is on first floor. Atkins asks how many floors building is. Cauthen says it wasn't that tall. Cauthen asks if Atkins has seen the movie Wanted or Wolf of Wall Street. That's what cubicles look like.</li> <li>• Atkins says documents mention of quick interaction before Cauthen's taken into a room and Poe and Weavil ask to see shoes. Cauthen says they didn't take shoes. They asked to see the bottom of his shoe when he got inside the room. He was in the office by himself with the door closed. Cauthen says Poe and Rowe are similar sized ("little fucker").</li> <li>• Atkins has only met Weavil and Rowe in person. He asks if Rowe had a mustache. Cauthen said one of them had a mustache. Byrom was the only one with a bald head.</li> <li>• Atkins asks if they explained why they wanted to see the bottom of the shoe. Cauthen says they didn't tell him why.</li> <li>• Atkins asks about initial approach to interrogation. Cauthen says first, they asked him what he did on Friday. Cauthen told them. After that, "all hell broke loose". Cauthen told them the same story he told Atkins.</li> <li>• Cauthen says the first thing Weavil said to Cauthen was "you're a mother fucking liar." Cauthen said he wasn't about to sit there and lie. Weavil asked where Cauthen was on Friday and Cauthen told him again but Weavil didn't let him finish. Weavil accused him of killing the Victim. Cauthen denied killing anyone and didn't know why they had him down there.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
16.	6/25/2019 15:19	Nathaniel Cauthen (Using PIN of Rakeem Dillard)	<ul style="list-style-type: none"> <li>Atkins asks what Rowe was doing when Weavil said Cauthen was a liar. Cauthen says Rowe was “egging” Weavil on and telling Cauthen he was lying and to tell them what he really did because that’s now what they had been told. Cauthen said they could give him a lie detector test.</li> <li>Atkins says he wants the most vivid descriptions of what the room was like. “Take the movie camera” into the room (mannerisms, finger in chest, spit, turn back, walk in circle).</li> <li>Cauthen says room was small with a door in front of him. A desk on his left side and a small bookshelf and a trash can. The detectives were 2-3 feet away from him. The bookshelf was on the right side of room. If you opened the door, the bookshelf would be behind door and you couldn’t open the door all the way. Someone would have to step out of way to get inside the room. Atkins says “wow that’s really small.” Cauthen had his back to the window and detectives were at the door. Rowe was on the left side of Cauthen and Weavil on right side. There was one way in, one way out. Cauthen says he was in a chair they brought in with a cushioned back and wooden legs. Atkins asks if the detectives had better chairs and Cauthen says yes.</li> <li>Cauthen says after they finished cussing him out and telling him where he was the first time, the detectives didn’t stay long, about 4-5 minutes.</li> <li>Atkins asks about their attitudes (presenting themselves in an aggressive manner) and actions. Cauthen says it was like they were supposed to be fighting instead of talking. It was totally aggressive. Cauthen says being himself, he wasn’t trying to hear what they were talking about. He didn’t know what they were talking about. Cauthen and Weavil were about to get in a fight. They had him “twisted.”</li> <li>The second time the detectives came in, Weavil slammed the door. They told him that Tolliver and Bryant had implicated him in the crime. Cauthen said they were lying and it “goes on again.” They told him he was lying and had killed the Victim and tried to rob him. They were asking him “crazy” questions.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• The detectives (Rowe and Weavil) told Cauthen they were supposed to be a football game when they were robbing the Victim. They told him they were going to find out. Weavil said they had a written statement from Bryant and left the room again.</li> <li>• Atkins asks who slammed the door. Cauthen says Weavil. Weavil was “routining” the whole situation. They did this coming and going 4 times. Before they came back in the third time, Byrom came in and tried to soft talk him and tell them what was going on. Cauthen didn’t know what was going on. Cauthen said he was not involved and didn’t know what else to tell them. He continued to tell them he would take a lie detector test.</li> <li>• Cauthen says the third time they threatened him with lethal injection and life in prison and never seeing his mom again.</li> <li>• Atkins asks for any other description of things they said or movements they made (“sweaty,” “coffee breath”), but no need to “dramatize.” Cauthen said Weavil had on black shirt and blue jeans. Rowe wearing gold shirt and tan pants.</li> <li>• Atkins asks for mannerisms (such as spit coming out of mouth, loud, aggressive). Cauthen says they were using scare tactics. Weavil would “jump at him” and Rowe would get in front of Weavil like he was holding him back. Atkins says that’s a big detail. Cauthen says that was when they showed him the written Bryant statement.</li> <li>• Atkins says this is a big moment. Everything he has read, he’s never seen anywhere that police showed him a written statement. He knows they played recordings. He had no idea about the written statement. He asks if Cauthen thinks the statement was completely false as in completely made up or Bryant had made it after being coerced. Cauthen knows what they showed him. It could’ve been fake. Weavil slammed it on the desk. Weavil did all the talking. The last time they came into the room, it was two different officers. When Cauthen saw his mom, they took him out of the room and took him to another room. This is when he sees Tolliver going back through the cubicles.</li> </ul>
17.	6/25/2019 17:51	Nathaniel Cauthen (Using PIN of	<ul style="list-style-type: none"> <li>• Atkins goes back to the written statement from Bryant because he hadn’t heard about this before. Cauthen says he talked to his mom for a minute and they told her she had to leave. Then, two different detectives came in and showed him the written statement.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
		Corey Simpson)	<ul style="list-style-type: none"> <li>Atkins gives his “opinion” and “speculation” that the later in night it gets, the more likely it is that Bryant caved and wrote something like this. The co-defendants put up a good fight before getting broken down. Atkins asks Cauthen what it said. Cauthen can’t remember, but it had all their names. This is how the whole situation came in about Banner. Cauthen says Banner wasn’t spoken about until they got him in the other room. They told him the others were putting everything on Banner and Cauthen. In the beginning, Cauthen said Banner was in the car asleep and they kept telling him that didn’t happen. They kept telling him that Banner and everyone was giving a different story.</li> <li>Cauthen says he didn’t get to the other room until after dark. Atkins confirms that this is the room he’s moved to when his mom comes. Cauthen says it had a table, two chairs, and a big black mirror. Atkins guesses this was a double-sided mirror, and Rowe and Weavil were watching on the other side. Cauthen says “probably so.”</li> <li>Atkins asks what Cauthen remembers moment by moment about his mother being there.</li> <li>Cauthen says he was in the room with his head down on table almost asleep. His mom came in and asked what he did. Cauthen said he didn’t do anything. His mom started crying and said people said he did something, and Cauthen started cussing out his mom. His mom said she’s still his mom and would knock him to the floor. Cauthen told her it was crazy that his mother didn’t believe him. His mom said she didn’t know what to believe because she was hearing two different stories and if he had anything to tell, he needed to tell it. Then the detectives came in and get her from the room.</li> <li>Cauthen says Rowe and the “Nathaniel” detective came into the room. Atkins says he doesn’t know of any detective named Nathaniel. The guy who led the investigation was Det. Griffin and Lt. Weavil was senior. Atkins goes through the others who interviewed him. Cauthen talks about a detective with a yellow notepad and Atkins says that was Rowe. Atkins names Clark, Flynn, Lovejoy, Smith (Lovejoy and Smith took final statement). There are two recorded statements by end of the nigh: the first is long and the second is Bruton. In the statements, Cauthen says he and Bryant were the first ones</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>to do something to the Victim (kicked him five times on the stomach). Atkins wants to pause on this. Atkins asks Cauthen to explain to the world why he implicated himself in the crime and hit the Victim and why he falsely said he hit the Victim.</p> <ul style="list-style-type: none"> <li>• Cauthen says you have to think about it. The first recording was stopped and rewound.</li> <li>• Cauthen talks about the Exonerated 5.</li> <li>• Cauthen says he was tired, 15 years old, and could barely think straight. Anything that came to his mind, he would tell them. Atkins says his heart goes out to Cauthen. Trying to imagine himself in that position.</li> <li>• Cauthen says you can't imagine how that was, every child defense mechanism to be included in something he didn't do. This is a totally different world with people barking down your throat every second. He was dead tired. Cauthen says he was asleep when they came in to do the second recording. When Cauthen woke up in the detention center, he didn't even know where he was at. His co-defendants would say the same thing.</li> <li>• Cauthen says his mother was absent-minded to the law. This was a hard day for him and he regrets it from the bottom of his heart. He allowed someone to make him confess to something he didn't do. He had no choice and no way out.</li> <li>• Atkins asks if he sent letter. Cauthen has to wait to get it notarized.</li> </ul>
18.	6/25/2019 18:15	Nathaniel Cauthen (Using PIN of Nicholas Bailey)	<ul style="list-style-type: none"> <li>• They talk about basketball and Cauthen's height (5'5").</li> <li>• Atkins asks about the officer who threatened him with death penalty. Cauthen says it was Lt. Weavil. Atkins asks what he remembers. Cauthen said threats happened the second time Weavil came in the room. Weavil listened to Cauthen talk for a few minutes and asked him to tell them what happened again. When he told Weavil what happened Weavil slammed his hand on the desk and said that's not what happened, you're going to get life in prison, you're never going home, you're going to get lethal injection. Cauthen said it seemed like all other detectives were trying to keep Weavil away from Cauthen.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Atkins asks about any other evidence that Cauthen was involved in the crime. Cauthen says the clothes he had on the night of the murder were the same clothes he had on when he was arrested and the same shoes. Nobody knows that. Told the Commission this, but no one else. Cauthen says there is no other evidence linking him to case.</li> <li>• Atkins knows for a fact that detectives told Black they found the Victim's blood in her car and security footage of them at the bowling alley. This is an "enormous lie."</li> <li>• Cauthen says he was so lost in trying to tell them he was innocent he wasn't paying attention to what they were talking about. Everything they said before the fact was not registering in his head until after he saw the paper from Bryant.</li> <li>• Atkins asks how often detectives said, "You can go home if...?" Cauthen says no one knows he heard Tolliver's recording. He saw the writing first and then heard the recording. That's when Weavil came back in and said they were going to start new/clean straight and drew a line on paper. That's how Cauthen came up with story. If he didn't hear the recording of Tolliver, he wouldn't have known anything. Atkins says he never knew that they played the recording of Tolliver for him. Cauthen says no one knows that Cauthen was in this room by himself and moved to an interrogation room after. Atkins asks the significance of being in a different room and to him it doesn't make a difference. Cauthen says he denied everything before then. He didn't have information.</li> <li>• Atkins wants to make sure room didn't matter. Atkins didn't know Tolliver's recording played for Cauthen.</li> <li>• Atkins says there are some things the police said in court that mattered a lot that made them look really bad. The story is going to make them look really bad 20 years later. Weavil admitted under oath to hearing others threaten the death penalty and it would be hard to prove if Weavil didn't admit that. That's a "big, big deal." The Commission will appreciate that as a piece of evidence. Weavil "fucked up" admitting that. Atkins says he is searching for other proof of ways in which they pressured them. They played Banner a recording of Cauthen and that's what persuaded Banner to confess. He now</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>knows it was false confession. He didn't read about Tolliver's statement being played for Cauthen anywhere.</p> <ul style="list-style-type: none"> <li>Atkins gets sense that after the co-defendants got together in detention center that they never cleared this up with each other and doesn't really know what each went through.</li> <li>Cauthen says there's things he'll tell Atkins and things he won't. Somebody did this. Cauthen says the fact that everything is a coincidence: the little boy that testified he saw light-skinned Puerto Rican-looking young boy running from area. Banner and Cauthen are from neighborhood. People know them. Cauthen would remember. Atkins asks if Cauthen is suggesting he has a feeling who did this. Cauthen says he doesn't know who did this. Atkins asks about the feeling again. Cauthen says in the pit of his stomach, in the depths of his soul, something isn't right. There's no way in hell Tolliver and Bryant could actually do something to that extent. Tolliver's whole family said Banner and Cauthen planned it out in their house. Asks "How so?"</li> <li>Atkins says he has a few explanations for that.</li> </ul>
19.	6/25/2019 19:45	Nathaniel Cauthen (Using PIN of Rakeem Dillard)	<ul style="list-style-type: none"> <li>Atkins says he isn't recording these calls but he is taking notes. He had just finished talking to Bryant on the phone before this and told Bryant Cauthen was doing well and had been really helpful.</li> <li>Cauthen says his co-defendants know he's been in prison just as long as them.</li> <li>Atkins says his reporting has shown that these guys care about each other but haven't had time to reconnect in a positive way. Cauthen says he doesn't want to reconnect with them. Atkins says Cauthen and Banner feel negative and he gets it. From his experience, the others have expressed a lot of positive things and feelings for Banner and Cauthen. Cauthen asks why they haven't written to ask how they're doing. Atkins says he'll tell them to write. Cauthen tells him not to.</li> <li>Atkins says about the co-defendants that (1) They're not too smart, too bright, too intelligent. They don't express themselves on pieces of paper. (2) For longest time, they have been dying to start lives and put "all of this shit" behind them. It is only because of Atkins being persistent that he drags them back into all this stuff.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says Atkins can put himself on the inside looking out. He feels abandoned and alone.</li> <li>• Atkins says he met with Banner, who feels very unsure about everything and has been alone for so long. Banner hasn't seen Cauthen in 10 years and has become sad. It's been a long time. It is hard to feel connected and feel the love. Cauthen says he has no control over that. He had an officer look Banner up to see how he's doing. Atkins says it sucks. It's the same reason why with the three out of prison, as time passes, distance gets bigger.</li> <li>• Cauthen says he doesn't respect any of that. They left the place he's still in. He's in there for something he didn't do because they initiated this and they can't take time to sit down and write a letter. Atkins can stand up for them and Cauthen has no ill intentions for them. He's glad they're out but he's in there because of something they initiated at the end of the day. That's not something that he would wish on anybody. Only rapists and serial killers. Atkins thinks that's fair.</li> <li>• Cauthen says a lot of people don't understand him. He's the oddball. Life will continue to move on. Time is of the essence. Only takes thought to feel love. This is how you find out who truly has unconditional and conditional love.</li> <li>• Cauthen says something is fishy about this whole thing. The "lady" called the police on her own son. If that was the case, she would've called the next day.</li> <li>• Atkins says he has spent a lot of time trying to figure out why Arlene called the police. There is no recording and no notes of exactly what she said and what they said back. It's hard to figure out. He interviewed her for hours and hours and still thinks it doesn't make sense. He has come up with a couple of scenarios and settled on: Arlene was gossipy. Lillie (Tolliver) is like this too. They are people who have very strong opinions even when they're factually incorrect. Cauthen says he calls it "conniving ass women." Atkins says there are men like that too.</li> <li>• Cauthen says he can only tell the truth. He's 17 years in. There's nothing anyone can do to him and he has nothing to hide.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen talks about Arlene calling the police on him for taking his mom's car. Atkins says Cauthen's mom told him that she called the police.</li> <li>• Cauthen has read his whole transcript and Arlene, Yolanda, and Thayers all said that.</li> </ul>
20.	6/25/2019 20:01	Nathaniel Cauthen (Using PIN of Joshua Galarza)	<ul style="list-style-type: none"> <li>• They talk about basketball.</li> <li>• Atkins says Yolanda and Gizmo (Thayers Tolliver) were interrogated at police station the same night. Cauthen says he didn't know this. Atkins says Yolanda was 16 and Gizmo was 18. Atkins interviewed both and officers interrogated them the same way and pressured them into giving false statements, too.</li> <li>• Cauthen says it's hard to look at it from his and Banner's perspective. He knows exactly how those people are. Atkins says Arlene has bad opinion of Banner and Cauthen and doesn't want Cauthen to think that changes his reporting on this story.</li> <li>• Cauthen says these people do not want to tell him what's really going on and something isn't right. Cauthen talks about the Puerto Rican guy. Nobody in their group was light-skinned except one person and people don't know about him. Marcus. Atkins says he only know Marcus Shavers is a friend of Banners. Cauthen says he was the only light-skinned guy they hung around. Marcus dated Black. Atkins says that's Opie. Cauthen says this is different from Opie. He was a light-skinned guy named Marcus. Cauthen tells Atkins to call Bryant and ask him. He has freckles on his face. Cauthen guarantees Bryant will stutter about it. Atkins asks what's the next part of theory.</li> <li>• Cauthen says another one hung around that hasn't been mentioned: Shelton. Atkins says he knows about Shelton and he's come up a handful of times. Atkins knows Shelton was part of group on Friday.</li> <li>• Atkins asks why the perpetrator couldn't be someone Cauthen didn't know. Cauthen says he doesn't know who did it and sees logic and coincidence in a lot of things. "They" tried to announce two of his cousins as the first two people to commit the crime: Laymond and Anjuan. Anjuan was lighter at that point in time. Atkins says who is "they" and Cauthen says the detectives. Atkins asks how he knows that.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says he's quiet but has no problem telling the truth. He was in county jail with his cousin at the same time and that's how he got the whole story. Anjuan went down to the police station first. They were looking for him for court but he never got picked up. Then there was the anonymous phone call.</li> <li>• Atkins asks what Anjuan was going to turn himself in for. Cauthen says they wanted both cousins for questioning, then they got the anonymous phone call and the co-defendants got picked up. Cauthen says to asks Laymond and Anjuan.</li> <li>• Atkins asks if Cauthen is saying Anjuan was actually the perpetrator. Cauthen says he's not telling him that, just that they were the first two suspects. Atkins asks why and Cauthen doesn't know. Atkins say this is a big deal. Cauthen tells Atkins to ask them.</li> <li>• Cauthen says people are scared to tell Atkins what's going on. Cauthen isn't scared because he didn't do it. Someone needs to pay for what they've done.</li> <li>• Atkins asks why Bryant will stutter. Cauthen says because they were the only two people (Shelton and Marcus) with them that day that are not charged. Atkins says Jed wasn't charged either. Cauthen says Jed is slow. Atkins says that doesn't mean he can't be charged. Atkins doesn't understand the significance and says Cauthen is making it sound like they did something.</li> <li>• Cauthen says somebody did something. His personal analysis is that Gizmo Tolliver did this as it fits his MO. People don't know. It should be reported that "they" broke into an auto parts one time. A robbery happened the same day at the one-stop store and right across is an Auto Parts. Tolliver and Bryant used to work there. "They" broke into it. When Cauthen started piecing things together, the fingerprints on the car matched fingerprints on bat. He might have read it wrong but doesn't think he did. Thayers/Gizmo matched the bumper of the car. Atkins says if that's the case, the police would've arrested Thayers. Cauthen says not if you're just looking for someone to blame. Atkins says that's not true and police would've much rather had hard evidence to pin someone to the crime scene than just the confessions.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins is going to concentrate on fingerprint analysis but everything he's read so far didn't say anything like this. There were no matches to prints on crime scene but he has to check for any other matches.</li> <li>Cauthen figures they got someone just as close. They were already locked up after they got discovery and the police were not trying to backtrack.</li> </ul>
21.	6/25/2019 21:18	Nathaniel Cauthen (Using PIN of Dalton Christmas)	<ul style="list-style-type: none"> <li>Atkins says he will look into fingerprints. Cauthen says that's how he read it. Cauthen says they had already locked him up. After Cauthen gets his discovery, they weren't going to let him go. Atkins thinks that it's possible, but less likely. Cauthen says they couldn't turn around because they had five statements of people admitting they did the crime. Atkins said it would definitely make them look really bad. Cauthen says they already look bad. Cauthen says when they find a major clue like that after the fact, how would they explain that to the media.</li> <li>Cauthen wants Atkins to put the Exonerated 5 in his story. It was part of his lawyer's opening statement but there was an objection and not allowed to be said to jury. Cauthen knows his co-defendants have been railroaded but something just doesn't sit right with him.</li> <li>Atkins asks how he found out about fingerprints. Cauthen says Thayers turned the bat in. Atkins doesn't think so. Cauthen says his word on everything, every last one of them touched that bat and no way is it swiped clean.</li> <li>Atkins is trying to understand forensic analysis. He doesn't have transcripts from first trial, only the second trial. He's going to look through them. Cauthen is upset about the transcripts being destroyed. They pleaded not guilty and the cases are still open. Atkins talks about retention periods. He can't find transcripts and doesn't think Commission has them either. Cauthen says the second trial doesn't matter. Everything that's presented at Banner and Cauthen's trial was the whole foundation.</li> <li>Cauthen asks if his mom has told Atkins about having to threaten cab driver with contempt to testify. Cauthen knew it was all "bullshit" and now everyone is trying to shun and push away. Cauthen says Atkins is going to open up a can of worms to get a</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>lot of people in trouble. Atkins says only people that should be in trouble. Cauthen asks who is accountable. Atkins says the police are. Weavil admitted to hearing threats of the death penalty. Atkins says they deserve it.</p> <ul style="list-style-type: none"> <li>• Atkins tells Cauthen doesn't need letter notarized. Cauthen will send it.</li> <li>• Cauthen says this is the worst. He and Banner have lost their lives, but they're still blessed. Cauthen talks about his experiences in prison.</li> <li>• Cauthen is looking forward to being exonerated because he didn't kill anyone and he wasn't there. He talks about his future and right versus wrong.</li> <li>• The thing that hurts Cauthen the most is his little brother. He has no way to communicate with him. Cauthen's mom is not up to speed to know how to do the things he needs her to do so they can communicate so Banner is left in the dark.</li> <li>• Atkins says one of the heartbreaking things for him is that Banner is in the dark. Atkins explained the Commission to Banner and he didn't know what they were talking about. Atkins felt bad. Banner is "clueless."</li> <li>• Cauthen says Banner doesn't want to think about it.</li> <li>• Cauthen talks about God. He is ready to die for his freedom. He says Jessicah doesn't want to tell Atkins the truth because now she's scared.</li> </ul>
22.	6/25/2019 20:35	Nathaniel Cauthen (Using PIN of Corey Simpson)	<ul style="list-style-type: none"> <li>• NOTE: Some audio issues with this call.</li> <li>• Atkins goes back to the night of the interrogation and asks how the night ended.</li> <li>• Cauthen says he was dead tired and doesn't remember waking up in detention center. He thought he was supposed to go home after he gave first statement.</li> <li>• Atkins asks when the co-defendants next got back together. He says Bryant mentioned van transport.</li> <li>• Cauthen says he's going to punch all the three who have been released from prison in their mouths. Atkins asks what for and Cauthen says because they're not telling Atkins something. Cauthen says this is between Atkins and Cauthen. His mom knows and Banner probably knows he's going to punch all of them in their mouths.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says they saw each other the next day in detention center. After they came back from the preliminary hearing (1<sup>st</sup> one), they didn't let them be around each other all together, only two to a group.</li> <li>• Atkins wants the "scene." Cauthen says they were kids and didn't know what was going on. They were in the van just tripping out as if nothing happened. They knew they didn't do nothing and thought it would get straight when it got to court. They were too loud at the preliminary hearing laughing and giggling too much. Cauthen says they were in juvenile court. The holding cages were on the first floor. They were laughing and giggling like a regular day on the street. Cauthen didn't know what it was until they came to him with the first plea.</li> <li>• Atkins ask what that moment was like. Cauthen says he couldn't read or write. He switched his lawyers. Cauthen could only read life without parole on the please offer and thought "oh hell no." His lawyer told him he needed to think it over and it might be the best option. The lawyer tried to slide it to him and he said he didn't want to look at it and not taking it with him. Cauthen said he had already been tricked into being in this situation he had nothing to do with. He was on defense mode at that point.</li> <li>• Atkins asks more about Cauthen's experiences in prison and Cauthen describes it.</li> <li>• Cauthen says he went through a dark period when he was getting denied from innocence projects everywhere. His mom tried to speak to Darryl Hunt to help them and he wouldn't help them. Atkins says Hunt died not long after she asked for help.</li> <li>• Cauthen talks about his suicide attempt while in prison.</li> </ul>
23.	6/25/2019 21:09	Nathaniel Cauthen (Using PIN of Nicholas Bailey)	<ul style="list-style-type: none"> <li>• NOTE: Some audio issues with call.</li> <li>• Cauthen continues to talk about his suicide attempt while in prison.</li> <li>• Cauthen talks about his experiences at various prisons.</li> <li>• Cauthen talks about infractions he has received while in prison.</li> </ul>
24.	6/25/2019 21:45	Nathaniel Cauthen	<ul style="list-style-type: none"> <li>• They continue to talk about Cauthen's experiences in prison.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
		(Using PIN of Nicholas Bailey)	<ul style="list-style-type: none"> <li>• Cauthen says the wait of being exonerated and the truth being found is really hard because prison isn't how it used to be. Prison is "childish" now.</li> <li>• He's gotten into fights but never stabbed anyone or violently hurt someone.</li> <li>• They talk about Cauthen's mother and family.</li> </ul>
25.	6/26/2019	Nathaniel Cauthen (Using PIN of Dalton Christmas)	<ul style="list-style-type: none"> <li>• Atkins wants Cauthen's memories of the trial and any interactions he had with the jury. Cauthen says they were cold as ice. He only connected with one of the alternates. She knew the law.</li> <li>• Atkins says what stood out to Atkins and affected the jury was a moment the first day of trial when prosecutor showed pictures of the Victim. It was a very shocking photo and upset one of the Victim's daughters</li> <li>• Cauthen says all of that was staged and he could tell it was fake. It was meant to be a sentimental act to get the jury to believe the story they already had rigged up. He thinks the Victim's daughter getting upset was staged.</li> <li>• Atkins asks how the jury responded. Cauthen says they gasped. The alternate juror didn't flinch one time. She knew what was going on. Atkins can probably find her name. Cauthen wished another juror would've dropped out. They needed her and it would've been a hung jury.</li> <li>• Cauthen says he and Banner's trial was a free trial to make sure they convicted the other three. When they get convicted, the other three don't know what to do. Cauthen could tell everything was staged and knew he was being played.</li> <li>• Atkins thinks Banner seems pretty "lost" and "clueless" about everything. Cauthen says everyone in that courtroom was asleep. Ask his mom. The judge was "literally sleeping."</li> <li>• Atkins asks about Teresa Hier. Cauthen says "she's stuntin' and frontin', bro." Cauthen says Hier was crying after they were convicted like "wow, really?"</li> <li>• Atkins thinks Cauthen is saying Hier felt connected and tried. Cauthen says she was half and half. Cauthen could sense the case was slipping away from her and she was thinking about her options. She chose to let them go down instead of battle. Hier didn't think she</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>could win so she just let it take its course. She either had to put her face on trial and go out in style or think she wasn't the one who had to do the time.</p> <ul style="list-style-type: none"> <li>Atkins asks how much fame of Chris Paul affected jury and trial. Cauthen says a whole lot and talks about a letter Chris Paul wrote. Atkins hasn't been able to get a copy. Cauthen says that was the epiphany. The letter was the dagger of the whole thing, you could tell by the juror's faces. They decided to convict regardless.</li> <li>Cauthen says he had a speck of hope and faith, but he already knew it was in the bag and knew he was gone. He knew he was innocence and was going to get convicted. He didn't think he was going to get natural life. "It is what it is." Cauthen says it's almost over now and he could care less. He came out on the better end of it. Atkins says being in prison matured Cauthen out and gave him more focus. Cauthen agrees.</li> <li>They talk about books.</li> <li>Cauthen says he was put on this journey for a reason. He found his reason and knows his story is going to change a lot of people's lives and he can bring things to society. Cauthen talks about his future plans and what he'll do his first day free.</li> <li>Cauthen thinks people will be out to get them if they're exonerated.</li> </ul>
26.	6/26/2019 14:39	Nathaniel Cauthen (Using PIN of Dalton Christmas)	<ul style="list-style-type: none"> <li>They talk about why Cauthen thinks he needs to protect himself if he gets exonerated.</li> <li>Cauthen talks about issues with his family.</li> <li>Cauthen could've said it wasn't him back in the day and you don't know what would have happened.</li> <li>Cauthen talks about how prison has changed him.</li> <li>Cauthen says there's always an avenue, an advocate, someone with good intentions, and someone with a good heart but there always people with an ugly face on the other hand.</li> <li>Cauthen says he has started talking to his mom more since Atkins started talking to him.</li> <li>Cauthen says he will send the release today.</li> <li>Talks about issues in prison with people getting hurt.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says doing this story has become his full-time job. Cauthen wants the story to get out.</li> </ul>
27.	6/26/2019 15:33	Nathaniel Cauthen (Using PIN of Ikeem Murray)	<ul style="list-style-type: none"> <li>They talk about the time Cauthen got stabbed in prison.</li> <li>Talk about Cauthen's music and what he plans to do on the outside.</li> <li>They talk about Cauthen's father's health issues.</li> <li>Atkins asks what Cauthen remembers thinking about Jessica Black's testimony. Cauthen says "bull crap" and "you know when someone is blatantly lying." Atkins asks what was different. Cauthen says when she was talking about taking them to get the tape and do-rags. He calls that a bold-faced lie. He knows she was lying and could tell she was forced to get up there. She was manipulated. Cauthen says Black gave three statements prior to the trial.</li> <li>Atkins is trying to figure out if there's a moment from the testimony (acted/spoke/body language) that stood out. Cauthen said she avoided eye-contact except to point him and Banner out. He says she has been stagnated her whole life, at the same job for 15 years, had to follow routine and if she didn't it wouldn't go as planned.</li> <li>Atkins says it was robotic and coached.</li> <li>Cauthen says Hier gave Black "the business."</li> <li>Cauthen says doesn't like telling story. Everything was staged except for Cauthen getting up to say what he said at the end.</li> <li>Cauthen talks about jury selection. He says the DA was not picking any black people. Hier had an objection, but then Hier struck the next black person that came up.</li> <li>Atkins asks what else about the trial was fishy/unjust/unfair. Cauthen says during deliberations, Banner tried to take a plea. During the recess, they got Cauthen instead. Banner's lawyer and the DA were standing there and told them to send Cauthen back. Recess was over and he had to come right back upstairs and saw Banner. He told Banner that if he was going to take a plea he needed to tell the truth about what happened. If he had nothing to do with it, he didn't need to take a plea.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen thinks the lawyer was in cahoots with these people to make a plea bargain.</li> </ul>
28.	6/29/2019 15:30	Nathaniel Cauthen (Using PIN of Ikeem Murray)	<ul style="list-style-type: none"> <li>• Cauthen says he put the release in the mail and Atkins appreciates it.</li> <li>• Atkins asks if there's any questions Cauthen has or anything he wants to bring up.</li> <li>• Cauthen sent the letter in someone else's name. Julius Bowlen. He says Atkins has already hit the major points. Atkins says the more specific, the easier it is for him to write about it.</li> <li>• Atkins talk about the DA describing their juvenile records. At the Motion to Suppress hearing, Eric Saunders brings up to the judge each co-defendant's juvenile records. 41 contacts with police, suspect 22 times, arrested 9 times. At sentencing after verdict, this was also brought up. Atkins has been able to prove that those numbers are "complete bullshit" and "totally bogus" and not based on actual juvenile records. It was an in-house data system that was not supposed to be used in court. Atkins says this is a big deal because it is such an "inarguable" and "indefensible wrongdoing."</li> <li>• Cauthen says he was wrong and doesn't know any of the people out in the world anymore.</li> <li>• Atkins asks for any specific memories of way in which he suffered an injustice. Something completely wrong in how he was presented at court. Cauthen says there's no more than what Atkins already has.</li> <li>• Cauthen says the lady herself doesn't think they did it (talking about Ava Williams).</li> <li>• Atkins says Cauthen was right about Gizmo giving bat to police. Atkins says it was very open in court at 2<sup>nd</sup> trial that baseball bat didn't have any forensic link to anyone in this case or case at all. He doesn't know if that sunk in with jury.</li> <li>• Cauthen says half of those people are already dead and you can't correct any of their mistakes. Atkins says you couldn't if they were alive. Cauthen says it took a lot out of everybody.</li> <li>• Atkins spoke with jury foreman of 2<sup>nd</sup> trial. She is a "Godly" older black woman who has an enormous heart. What bothered her was the photograph of the Victim's body. It really horrified her and was so powerful. Atkins says it replaced/overwhelmed any other</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>information that would have suggested/proven innocence. She had very vivid memories. She said the evidence was “overwhelming.” Atkins has heard this phrase multiple times. He explained to the juror there was no physical evidence and she didn’t remember that. Atkins says the criminal justice system is flawed.</p> <ul style="list-style-type: none"> <li>• Cauthen says he appreciates it and just wants his freedom back. He didn’t do anything and had nothing to do with it. He doesn’t know about anyone else.</li> <li>• Atkins thinks about Cauthen and Banner and tries to imagine himself in their position. It’s heartbreaking. Cauthen says they’ll get to meet. There’s no possible way he could have done that.</li> <li>• Atkins has learned what is required from a defendant in a fight for innocence. You have to have so much energy for so many years for any avenue. You can’t take your foot off the gas. You have to find a lawyer, find an innocence project, find the right legal direction. After Atkins’ story comes out, he thinks it will have a positive/favorable impact. It still is only a tool for them to fight for their innocence. It will be more information given to world and then Cauthen still has to work with his lawyers.</li> <li>• Cauthen says Atkins can best believe, when the story drops “yeah, buddy.” Cauthen says the Exonerated 5 were just on BET. Atkins says it is one step at a time.</li> </ul>
29.	6/29/2019 15:46	Nathaniel Cauthen (Using PIN of Dalton Christmas)	<ul style="list-style-type: none"> <li>• Atkins asks what Cauthen for specifics and details about the pair of shoes police and DA’s linked to hood of Victim’s car. Cauthen says they were high top Air Force Ones. They said it was the same. When they did the forensic test, they didn’t find blood on the shoes. Atkins says they didn’t find blood on anything.</li> <li>• Atkins asks why the shoe was linked to Banner and not Cauthen. Cauthen says because Banner wore a size 9 shoe. Atkins asks how lawyers knew that.</li> <li>• Atkins says he spent 4-5 days researching shoeprints and Air Force Ones and the science was “totally bogus.” He definitely doesn’t think they’re related to Banner’s shoes. Atkins wants to show how bad police work was, but the hardest part is to find exactly how they linked the shoes to Banner. The strongest piece of evidence he saw is in Tolliver’s statement/confession.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins interviewed Tolliver a few months ago, who doesn't have great memory and is "not the smartest guy" but is very "sweet" and "thoughtful." Tolliver is a sneaker head and remembered the shoes Banner would wear like they were the Mona Lisa. He thinks Tolliver was truthful that Banner wore "fly" Air Force Ones. Everyone had Air Force Ones and they could've belonged to anyone. Atkins wants to know how the police tied them directly to Banner and thinks it was Tolliver.</li> <li>Atkins asks Cauthen if he remembers seeing the shoes in court. They were red and white. Bottom red, top was white. Atkins is obsessed with details. All these different documents that references the shoes, the description of the color and design are constantly changing. Seven pairs of Air Force Ones were collected. Any time one pair is described, no one knows which pair they're talking about. He wants the color. The description Cauthen gave matches one of the shoes, but not sure if it's the ones linked. He thinks the swoosh was blue.</li> <li>Atkins asks about shoeprint analysis. Cauthen said they were just saying the same print on bottom of shoe was on car. Everyone kept saying that could've been anybody's shoe. Atkins says looking at bottom of a shoe for class characteristics (scuffed in certain way) can sometimes correlate to a shoeprint. If this scientist is going to testify in court, the assumption is one of the things the scientist would say that there's a class characteristic. Atkins doesn't know if he's going to find out. He found the cellphone of the analyst but she never answered. Atkins thinks even if that woman offered specific examples, it's still bogus and wrong. He's trying to construct in his story.</li> <li>Cauthen says this makes a bunch of sense. Cauthen says the woman said they were the same print of the shoe. Anybody could've been wearing those shoes. Atkins says a lot of research has been done into shoeprints in the last 17 years which has shown why analyzing footprints is unreliable. It is not a great form of evidence. This wasn't available at the time of his trial. Atkins says Air Force Ones are the most popular shoes sold in history of the world and most commonly found shoeprint at crime scenes. FBI uses them as an example.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins asks about “BDPs.” Cauthen says what this neighborhood calls Air Force Ones. Relates to the Boston Projects, an apartment complex in Winston-Salem. No one knows what the D means.</li> </ul>
30.	7/4/2019 15:16	Nathaniel Cauthen (Using PIN of Joshua Galarza)	<ul style="list-style-type: none"> <li>Cauthen asks if Atkins got paper and Atkins is going to check his mail.</li> </ul>
31.	7/5/2019 18:33	Nathaniel Cauthen (Using PIN of Bradley Broyles)	<ul style="list-style-type: none"> <li>Atkins wants to go over something again from 11/5/2002. He wants to start when they get to Bryant’s to pick up people. Atkins forgot some of the details and wants to take notes.</li> <li>Cauthen says first it was Cauthen, Jed, Brayboy, Bryant. Tolliver didn’t get into the car until after they came back from Jed’s. Atkins asks about Shelton. Cauthen says Marcus, Shelton, and Nelson never get into Black’s car. Going to Jed’s was the first time they went to Moravia Street.</li> <li>Atkins says they go back to Bryant’s with Cauthen, Jed, Brayboy, and Bryant and asks if they went back to Jed’s. Cauthen says when they get back the first time. They went to Jed’s aunts and dad’s, went back to Bryant’s to pick up Tolliver, went to Jed’s a second time and went straight to bowling alley. Atkins asks about bowling alley and Jed. Cauthen says he was with them.</li> <li>Cauthen says they were on Moravia 3 times: They went to Jed’s aunt for money and she didn’t have any so they went to Jed’s dads. They went back to Jed’s dad’s house a second time after they picked up Tolliver and went straight to the bowling alley, where they were for no more than 5-10 minutes. Atkins is impressed they got kicked out in 5-10 minutes.</li> <li>Cauthen says when they first got there, everyone else went in the bowling alley except Cauthen and Brayboy. There were 3 white girls in the alleyway and they talked to them. The officer was mad from then on and said they couldn’t be in the sally port if they</li> </ul>



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			<p>weren't waiting. Cauthen and Brayboy went in. The officer followed. Black, Tolliver, Jed, and Bryant had gotten back in the car and had pulled up. The officer went crazy and said he knew them and was going to lock them up. Atkins says the officer testified at the second trial. Cauthen didn't know that.</p> <ul style="list-style-type: none"> <li>• Atkins says Officer Stephens knew Black because she was there a lot and kicked them out because Cauthen was misbehaving. He looked and saw Cauthen, Black, Brayboy, Tolliver, and Banner. Atkins says they know Banner wasn't there. Atkins thinks officer made a mistake and meant Bryant. Cauthen doesn't think so because Bryant was the tallest. Atkins says Bryant would've been sitting in the car.</li> <li>• Cauthen says only Black and Jed were in the car. Tolliver and Bryant had to get out so the others could get in. Cauthen says Stephens knew who Banner was.</li> <li>• Atkins is confident the officer made a mistake. When he appears at second trial, it would have been more advantageous for DA for him to say Bryant was there since it was his trial. Atkins thinks officer just made a mistake.</li> <li>• Atkins says Cauthen is the only one out of the five who remembers Jed being at the bowling alley. Asks if there is any chance he wasn't. Cauthen says they only went on Moravia Street because of Jed so there is no chance. Jed and Cauthen were the only ones who jumped out of the car when they saw police on the Moravia Street.</li> <li>• Cauthen says everyone has selective memory. Atkins says scientific research shows that memory is not great and flawed. There is no reason why they should remember that day so accurately and vividly as it was a totally normal day. There are some similarities among them but a lot of differences, he's not suggesting it's important or a big deal.</li> <li>• Cauthen he didn't have anything to do with it and he's ready to go home.</li> <li>• Cauthen says Atkins knows he wants to punch Bryant, Tolliver, and Brayboy in their mouths. He's not going to hit anybody. He's blessed as it is. Atkins thinks when the day comes that he sees them, he thinks they'll hug. Cauthen says he's not going to do "none of that." Atkins says they are both optimistic.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
32.	7/5/2019 13:21	Nathaniel Cauthen (Using PIN of Ikeem Murray)	<ul style="list-style-type: none"> <li>Atkins has follow up questions. Atkins asks about Shelton (NOTE: he says Sheldon).</li> <li>Cauthen said he stayed across the street from Jed and was with them before Black picked Cauthen up. They all walked to the Amoco, but Cauthen doesn't know where they actually went.</li> <li>Atkins says this matches up with some of the other guys have said and talked about. Bryant told Atkins that on that Friday a group of them went to the Amoco and Cauthen wasn't with them. Cauthen agrees with this. Atkins says the original plan was Shelton had bus tickets to go to mall but it was drizzling/raining and they decided not to. Cauthen says he doesn't know because he wasn't with them.</li> <li>Cauthen says after they were supposed to fight Tolliver's older brother, his brother had to take their mom to work. The whole group supposed to go to store but Black picked Cauthen up. He doesn't know what they did during that time. They went looking for them but didn't see them.</li> <li>Atkins asks for Shelton's last name. Cauthen says he's been trying to figure it out for so long. He thinks it's Shelton Washington, but only knows Shelton.</li> <li>Atkins asks if Banner got into a fight with White Boy Rob. Cauthen doesn't know anything about it, but they had fought before.</li> <li>Atkins asks if Cauthen remembers going to Midway. Cauthen says they went after the bowling alley and went to Moravia Street and saw police. Then went to Middleton/the burnt down house.</li> <li>Atkins thinks when they first spoke, Cauthen didn't remember Midway and is glad it jogged his memory. The other guys said the exact same thing, that they didn't get out of the car, went to see a friend of Black's then drove right back to neighborhood.</li> <li>Cauthen says he went straight home when they got back to the neighborhood.</li> <li>Atkins asks if when they looked at crime scene was when they were dropping Jed off. Atkins says Bryant and Tolliver said they looked at crime scene as well. Cauthen says he and Jed were the first two up the corner. They went to Midway after that.</li> <li>Atkins goes over the timeline: bowling alley, drop off Jed/crime scene, then Midway.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says he was with Jessica alone from 3:30-4 to 7:30-8 at night. Doesn't know what the others did. There is no way they could have done the murder at this time. Cauthen says there's no possible way Black could've taken them to the two stores, one closes before 5 or 6pm, get to the park, commit the crime, and still make it back.</li> <li>• Atkins says it's unfortunate that there's no way to corroborate where they were at exactly what times. Atkins just finished working his way through the 2<sup>nd</sup> trial transcript. He can't believe no one's lawyer got security footage from bowling alley to confirm who was there and at what time. Cauthen doesn't think bowling alley has one. Atkins disagrees and assumes they have one.</li> <li>• Atkins says Black testifies about Hanes Mall and Cauthen says that's not possible. Atkins disagrees but says if they did go to the mall at any point, why didn't the police get security footage, specifically the jewelry store should have one. Atkins says Black's testimony about jewelry store made them look "guilty as hell." Cauthen says he doesn't know why they didn't get cameras from two stores.</li> <li>• Atkins says day after interrogation, they found out Dollar General didn't have a security camera. Maxway did, but no one was on Maxway security footage.</li> </ul>
33.	7/5/2019 17:30	Nathaniel Cauthen (Using PIN of Ikeem Murray)	<ul style="list-style-type: none"> <li>• Atkins asks if police stopped the recorder when they weren't happy with something Cauthen said. Cauthen says that was the first thing they did. They turned the recorder on and said where was Banner and he said Banner was in the car asleep. The officer said no we're going to start over and rewound it and started again. That's when Cauthen gave the other two statements. Atkins says Cauthen didn't mention this in his testimony at the Motion to Suppress hearing. Cauthen says he was never asked.</li> <li>• Atkins asks if Teresa Hier knew. Cauthen said no, she never asked him. No one ever asked him.</li> <li>• Atkins asks if police pushed his head down when they put him in car. Cauthen says it wasn't like that. Cauthen asks if Atkins heard about Banner getting into a fight with Rowe when Banner refused to go down there the first time. Cauthen describes where the police were on Devonshire.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says he and Cauthen were walking out of Bryant's yard when police approached them. Cauthen saw Bryant get put in the cop car and went back in the house. Five minutes later they were leaving and police pulled up. The police were aggressive with approaching Banner. When Rowe got out of the car, he was very aggressive. Banner said "for what?" and that he didn't do anything. Rowe tried to grab Banner. Banner didn't get into the car. Atkins says that doesn't sound they got into a fight. Cauthen says Banner wasn't trying to get into a fight but was pissed. Atkins says it was an antagonistic situation.</li> <li>• Atkins asks about Cauthen saying Rowe threw recorder across the room. Cauthen says he could have said that. Atkins says he's more interested in what Cauthen remembers. Cauthen says he probably could've been lying or telling a fib like everybody else. He's not going to deny that.</li> <li>• Atkins hasn't been able to get any closer to figuring out who might have actually committed the crime. He says he had an interesting conversation with Cauthen's mom and was shocked that she named Joseph Cauthen. This was a serious thing to say but she said it was a possibility. Atkins asks if Cauthen ever got that sense. Cauthen says his mom has never told him that. Atkins says he is asking if he thinks Joseph was involved.</li> <li>• Cauthen says no. He knows his brother. He's seen him do things that he wouldn't normally think he would do. Joseph Cauthen has a calm demeanor but is rebellious.</li> <li>• Atkins asks if Joseph Cauthen kept this a secret. Cauthen says it's possible. He has suspicions but can't point the finger until someone comes forward and explains all the details. Atkins says they won't get that lucky. He says it is shocking and offensive to think Joseph kept his brothers in prison.</li> <li>• Cauthen talks about getting a gun legally if he gets out of prison to protect himself. He would tell Joseph Cauthen to never come around him again. If Joseph told him he did it but didn't expose it to the world, they could never talk again. Atkins asks Cauthen to clarify. Cauthen says he has never thought his brother has done it. Not one ounce. He also doesn't think Banner committed this crime.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says it was shocking to him. Cauthen says that's mother's intuition. Cauthen doesn't think any of his co-defendants did it, but does think they know something. Bits and pieces. He could be wrong.</li> <li>Cauthen asks if Atkins has a picture of him.</li> </ul>
34.	7/5/2019 21:21	Nathaniel Cauthen (Using PIN of Joshua Galarza)	<ul style="list-style-type: none"> <li>NOTE: Some audio issues on call.</li> <li>Atkins talks about their last conversation about mom being suspicious of Joseph Cauthen. Atkins asks if there's anything Atkins hasn't thought to ask, something no one has asked him about.</li> <li>Cauthen says no one asked him about the bathroom situation. His lawyer made the point that he had to have been under arrest because he was never by himself. Byrom escorted him to the bathroom.</li> <li>Atkins says in either the second trial or motion to suppress hearing, a detective was asked what if client had tried to leave station and the detective argued they would've held him in detention and got a warrant for arrest. This proved they were not free to leave. Cauthen says that question didn't ever come up until end of trial when passing out transcribed statement. Atkins thinks Hier should've asked. Cauthen says it seemed like everybody just forgot to ask that question. Atkins says lawyers can only ask questions certain ways. Can't have "conversations." Cauthen says he would know the right things to say if he had another trial. He would answer every question as truthfully as possible then and now.</li> <li>Cauthen says he is "academically sound." He can "comprehend and apprehend." He has understanding and can give sound answers to any questions. Atkins says he is very impressed with how much of the trials Cauthen understood and had a good grasp of.</li> <li>Atkins asks who else he should speak with to figure out who might have done this crime. Cauthen says Ava. She knew Cauthen and Banner. Atkins says all she remembered is what it looked like when she saw something in the Victim's car. There was not a lot of information.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says understands Cauthen and Banner didn't do this and wants to figure out who might have done it and asks who he should go to. Cauthen says that's the ultimate question that no one can answer. Cauthen has tried to figure out who had done it.</li> <li>Atkins is looking for advice or suggestions like who had a reputation in neighborhood. Cauthen couldn't tell him. If he had found out, he would've told them to step up and would've said something. His life is at stake and he never got a chance to grow up.</li> <li>Cauthen talks about his trial and tribulations, the power of love, and spirituality.</li> <li>Cauthen there's another question that hasn't been asked: why didn't Banner and Cauthen take stand. Atkins says in retrospect, yes. Lawyers very rarely want that. It makes them vulnerable. Cauthen says the critical questions, he could've answered. Atkins isn't sure if that would have affected the jury. Atkins says during Brayboy's cross-examination, the DA went after him pretty hard. Atkins thought Brayboy did great.</li> <li>Cauthen says that's everything he knows. Doesn't know anything else. He's keeping it straightforward.</li> <li>Atkins asks about last day of trial, speaking to Victim's family and wants to know why Cauthen wanted to do that.</li> </ul>
35.	7/5/2019 21:41	Nathaniel Cauthen (Using PIN of Ikeem Murray)	<ul style="list-style-type: none"> <li>Atkins asks what motivated Cauthen to look at Chris Paul's family in the audience. Cauthen says the bottom line is when he first got to the jailhouse, the man told him if you honestly didn't do it just tell people you didn't do it. They can believe you or not. Cauthen says he found out eyes are mirror of the soul.</li> <li>Cauthen says the Victim's family are the only reason Cauthen got convicted, not evidence or DA doing a good job. That's about painting a picture for the jury and jurors making a decision.</li> </ul>
36.	7/5/2019 21:46	Nathaniel Cauthen (Using PIN of Joshua Galarza)	<ul style="list-style-type: none"> <li>Atkins asks why Cauthen believes the Victim's family was the most significant reason they got convicted. Cauthen says this will haunt Atkins for the rest of his life. Atkins found out they could be telling the truth. Cauthen's been saying he was innocent and got denied by everybody. The Victim's family knew they were innocent. The Victim's</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>family could've stood up and said they were claiming they were innocent and asked for less time. Cauthen said what he said because he had no reason to hide anything.</p> <ul style="list-style-type: none"> <li>• Atkins says it's interesting to transport himself into the courtroom at that moment and that Cauthen thinks the family thought they might have been innocent.</li> <li>• Cauthen say if Atkins can find a transcript of what he said, he told them "until we find out who done it, we just pray to god that the truth comes out and pray for the person who actually done it." Atkins asks how Cauthen would feel if Atkins told him that the family never for one second thought he was innocent. Cauthen says he could believe that. There's a difference between gray and white and black. He can understand Chris Paul who was only 16 years old and lost his best friend. He didn't come to the trial. He wrote a letter. Atkins asks if he was offended Chris Paul didn't show up. Cauthen says yes. He says if you lost your best friend, you would want to stare that person in their face. Cauthen says Chris Paul didn't show up for resentencing hearing in 2016. He's an NBA star and gold medalist. Cauthen asks how he cannot donate any money to find the truth when they're still saying they're innocent. Atkins says the problem is that the family does not think there's a chance they are innocent. They didn't see the problems that were there in the trial.</li> <li>• Cauthen talks about the truth and wrong, black or white. After 17 years out of nowhere, Cauthen found the most important things that people didn't consider. Bryant got out of prison and went to the Commission. That's how the Commission came to interview him. As long as the family have someone to blame, there's no need to search for truth. Cauthen says this happens to people all over the world and been going on continuously.</li> <li>• Cauthen talks about juveniles in prison. He has no real, real descriptive violent history.</li> <li>• They talk about Chris Paul commercials being played in prison. That didn't phase Cauthen after he was 23-24. People would ask him questions. Cauthen says he and Banner know what they didn't do.</li> </ul>
37.	7/6/2019 20:03	Nathaniel Cauthen	<ul style="list-style-type: none"> <li>• They talk about Cauthen's day. Atkins asks if anything on Cauthen's mind.</li> <li>• Cauthen asks if Atkins has a picture of him and they talk about pictures Atkins has.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
		(Using PIN of Trevinno Stowes)	<ul style="list-style-type: none"> <li>• Cauthen has every letter Atkins sent him except the first one.</li> </ul>
38.	7/6/2019 20:07	Nathaniel Cauthen (Using PIN of Corey Simpson)	<ul style="list-style-type: none"> <li>• Cauthen talks about his hair and spirituality. He hasn't cut hair since he was 15.</li> </ul>
39.	7/7/2019 18:56	Nathaniel Cauthen (Using PIN of Joshua Garza)	<ul style="list-style-type: none"> <li>• Atkins asks about Cauthen's fondest memories growing up. Cauthen talks about his close relationship with Banner. Atkins asks about misbehavior in teen years. Cauthen says it wasn't even really like that.</li> </ul>
40.	7/7/2019 19:09	Nathaniel Cauthen (Using PIN of Joshua Galarza)	<ul style="list-style-type: none"> <li>• NOTE: Some audio issues with this call.</li> <li>• Atkins asks again about Cauthen getting into trouble/acting up. Cauthen says they were growing up in the old and learning what to do with fundamentals of life and learning from mistakes.</li> <li>• Cauthen says he wasn't doing any vandalizing. Atkins asks about Banner. Cauthen says Banner broke into houses. Only knew how to get things. It was kids being kids.</li> <li>• Atkins says "let's be real." Kids make mistakes, but only to a degree. Atkins asks about corruptible influences they grew up around. Cauthen says it was what it was. It was just that easy.</li> <li>• Atkins asks what could have kept them from misbehaving. Cauthen says taking them to school. Banner is what he is. Cauthen is a "Roman", he's a "no-man." They learned from their cousins.</li> </ul>
41.	7/7/2019 19:20	Nathaniel Cauthen (Using PIN of Corey Simpson)	<ul style="list-style-type: none"> <li>• Atkins goes back to what could have been done differently.</li> <li>• Cauthen confirms Atkins has talked to all co-defendants. Asks how many of them are academically when call breaks up. Atkins says none.</li> <li>• Cauthen says he and Banner are respectful and grew up with "ladies." Atkins asks what he thinks what would've happened if they hadn't gone to prison. Cauthen thinks he</li> </ul>



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			<p>would've straightened out. He knows it for a fact. Cauthen had a loving and caring parent. It wasn't her fault. It's possible they could've straightened out.</p> <ul style="list-style-type: none"> <li>• Cauthen says when this is over and he knows he and Banner are coming home exonerated, he's not going to stay in Winston-Salem. He's going to stay with his father. No one knows this plan. He asks Atkins not to tell anyone. They talk about his future plans. Cauthen is going to go see Atkins in person to show him what God's purpose is for a person like Cauthen.</li> <li>• Cauthen talks about his music and his positivity. Cauthen thinks his life might have been worse if this didn't happen. Grew up with violence, anger, and hatred. He was aggressive. Banner had a stealing problem and was a kleptomaniac. Cauthen has learned how to deal with his anger.</li> <li>• They talk about how they're similar ages.</li> </ul>
42.	7/7/2019 19:36	Nathaniel Cauthen (Using PIN of Ikeem Murray)	<ul style="list-style-type: none"> <li>• They continue to talk about Cauthen's early life and what could have made things better. Cauthen talks about his father.</li> <li>• Atkins talks about hypotheticals in which Cauthen might have gone on a better path. Cauthen said he had ample opportunity to better himself and didn't take it. He's going to take his GED soon.</li> <li>• Atkins says he received the form. He's confident there's going to be some good stuff about the police work in there.</li> </ul>
43.	7/14/2019 14:08	Nathaniel Cauthen (Using PIN of Corey Simpson)	<ul style="list-style-type: none"> <li>• Atkins got the documents from Mumma. They're "amazing." 500 pages, including some original police notes. There are notes from Griffin took during Cauthen's first interview where Cauthen was telling the truth. He wants to go over them with Cauthen.</li> </ul>
44.	7/14/2019 20:53	Nathaniel Cauthen (Using PIN of Corey Simpson)	<ul style="list-style-type: none"> <li>• NOTE: Some audio issues with call.</li> <li>• They talk about baseball and driving.</li> <li>• Atkins got the files from Mumma and there is a lot of good stuff in there. Atkins says there are notes from Griffin (NOTE: Atkins states in a later call that he learned these are</li> </ul>



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			<p>not Griffin's notes from the night of the interrogation). Griffin, Rowe, and Weavil were officers that interviewed him. It might have also been Flynn. Atkins says the notes back up a lot of what Cauthen remembers. Part of the notes talk about oral sex on Burgandy Street. Atkins had never read that anywhere else but Cauthen and adds credibility to him. Atkins asks if Cauthen is 100% positive that happened with him and Jessicah that night. Cauthen is "positive positive."</p> <ul style="list-style-type: none"> <li>• Atkins says in the notes, the timing of when Cauthen says they did that is actually 6pm. Around 6pm on Burgundy is close to timing of murder and that could be a coincidence that they were fooling around that at the exact same time the Victim was being killed.</li> <li>• Cauthen says he wasn't there. He just knows that she didn't do all she said she was doing. They couldn't have been at Maxway or Dollar General. There was no time for that. Atkins understands and is always trying to jog Cauthen's memory.</li> <li>• Atkins says notes indicate this was around 6pm and that was near crime scene. A few steps away from the Victim around the time he gets attacked. Cauthen says they're in the same neighborhood. Atkins says it's a bizarre image and wants to make sure Cauthen still believes that happened that same day. Cauthen says he didn't misremember.</li> <li>• Atkins says there's another handful of interesting things in there. Cauthen does mention going to the mall. When they last spoke, Cauthen was adamant he didn't go to the mall. Cauthen says that's probably something that they made him say. Atkins says that's possible, but he's pretty sure the notes are the original draft that didn't include a lot of coercion or police manipulation. Atkins says it's not the biggest deal if there's a difference, he's just pointing it out. He asks if there's any chance Cauthen remembers going to the mall. Cauthen knows they didn't go to the mall that day.</li> <li>• Atkins reads notes to Cauthen. Atkins comments that most of it sounds consistent with what they talked about.</li> <li>• Atkins says Cauthen never mentioned Longview. Cauthen says he talked about going to see cousin.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says according to notes, cousin was Keith. Cauthen says yes. Last name would either be Cauthen or... (call cuts off).</li> </ul>
45.	7/14/2019 21:09	Nathaniel Cauthen (Using PIN of Richard Johnson)	<ul style="list-style-type: none"> <li>They continue to talk about Keith. Cauthen says his last name should be Cauthen or (indecipherable). Cauthen says he was 15 years old and telling people what they wanted to hear.</li> <li>Atkins asks if Keith was his real name. Cauthen says his cousins name is (something that sounds close to Keith). The police misspelled name. Cauthen spells it for Atkins: Hakeem. Atkins is interested because what if Hakeem is findable and remembers any of that day. Cauthen says he has plenty of people who saw him that day, including Anjuan and Laymond. Atkins asks when he saw Anjuan. Cauthen says when Cauthen left with Black to look for the others and went to Longview Street.</li> <li>Atkins asks if he saw Anjuan before he saw Hakeem and Cauthen says yes, Anjuan and Laymond were all at the same house. They probably won't remember because it's been so long. Atkins says it is a longshot. He's Trying to consider everything possible. It's a tiny step forward.</li> <li>Atkins asks why Hier didn't put these people up on the stand. Cauthen says because she never asked him. Atkins says if he had been in Cauthen's shoes, he would've told lawyer to go talk to other people. Cauthen says he did and can count on his hands the number of times he saw Hier the whole 21 months in county jail. Cauthen can sometimes only go off of aliases and street names. That's the only thing Cauthen regrets.</li> </ul>
46.	7/14/2019 21:19	Nathaniel Cauthen (Using PIN of Joshua Galarza)	<ul style="list-style-type: none"> <li>Atkins says he is trying to figure out if it is worth it to find Hakeem. Cauthen says it could be. Atkins says it's a long shot. Atkins gives a hypothetical of what Hakeem could say and says you never know what conversation might open up.</li> <li>Atkins continues reading the notes to Cauthen. Cauthen says he told Atkins about going to Black's grandparents' house. Atkins asks what they did at the house. Cauthen says</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>Black went into the house and he didn't. She told him her family didn't like black people. Atkins says that sounds accurate.</p> <ul style="list-style-type: none"> <li>• Atkins continues reading through the notes. Cauthen agrees with what notes say up to going to back to Bryant's to pick up the others. Cauthen asks what Atkins is reading, if it's something he was telling the police. Atkins says there are recorded audio statements that are confessions at the end of the night. Atkins explains the notes and that they appear to be from first thing Cauthen told the police. Atkins thinks this is the truth.</li> <li>• Cauthen says one of his statements was recorded. Whatever Atkins is saying, Cauthen has no complete knowledge of. He doesn't know the details. Atkins would have to read word for word.</li> <li>• Atkins says that's what he wanted to do. He wants to read them and have Cauthen tell him if it stands out. Cauthen asks if it is notebook paper. Atkins says it looks like lined paper. Cauthen says it was a yellow notebook. Atkins says he's going to mail them to Cauthen.</li> <li>• Cauthen says he saw all three of his cousins and a handful of people he knew that day.</li> <li>• Atkins says he's looking for clues he can look into. Although Hakeem is a longshot, it's still something new.</li> <li>• Atkins wants to go over something at bowling alley. In re-reading Black's testimony, something sounds truthful: when group got to bowling alley, the first thing that they did was go to billiard room and play pool. Apparently, there was a rule about the time and kicking out underage people. Cauthen says that's the whole reason Stephens kicked them out. By the time the officer realized they were underage and not supposed to be in game room, Cauthen and Brayboy were already walking out. They were talking to the three girls and the officer got "kind of jazzy out the mouth." He told him he was waiting for ride. Atkins asks when Cauthen and Brayboy were flirting with girls. Cauthen says it was before being at the pool hall. Cauthen says when the officer told them to leave, he and Brayboy were already leaving.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
47.	7/14/2019 21:36	Nathaniel Cauthen (Using PIN of Joshua Galarza)	<ul style="list-style-type: none"> <li>Atkins explains why this part of story is important and why he's pissed off the lawyers never tried to get security tape from bowling alley: if they were kicked out because of the time, it would mean that it was around 10pm and that's important to have as part of the timeline. Atkins thinks the security guard gets the timeline completely wrong and that's a problem. The security guard says it's 8:30-8:45 when he kicks them out, which would be off by 90 minutes. For him to get that wrong is kind of a big deal.</li> <li>Atkins says he and Cauthen disagree, but Atkins is pretty sure Jed was not at the bowling alley. Cauthen is the only person who puts him there. It makes the most sense that they dropped him off around 8:30 at time when crime scene was set up. Cauthen said it's not possible because he didn't know who the man was until Jed said his name.</li> <li>Atkins says that's fine. He thinks they dropped Jed off and looked at crime scene before going to bowling alley. Cauthen says they went back to Moravia after the bowling alley.</li> <li>Atkins says the guard is wrong that Banner was there. He was not. That's a big one. He also gets the timeline wrong. The officer never took notes and his testimony was not until two years later. He totally "fucked it up." If Jed was there, that would mean Stephens missed two people that were there. Cauthen says that's right.</li> <li>Atkins says Stephens said he walked over to car and talked to Jessicah. Cauthen says he's lying. Cauthen says he didn't make it past the double doors. Cauthen and Brayboy were leaving. Bryant was in the backseat. Cauthen knows Jed was with them because Jed jumped out behind him when Jessicah was trying to turn the car around. Cauthen didn't see the body until someone pointed the body out. People are trying to get Atkins to think something. Cauthen is trying to keep it as authentic as possible.</li> <li>Atkins is trying to find another way to verify that Jed was at bowling alley. He called bowling alley 3 days ago if there's any way they had security footage. He needs ideas to verify truth. Unfortunately, they lacked proof of alibi at their trials. Cauthen knows for a fact he and Jessicah stopped at a store. He's pretty sure.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins has tried to get in touch with Jed and it hasn't worked. Cauthen says he's mentally retarded. Atkins says Brayboy is the only one who says that at 6pm they went to the park. He's not saying that's the truth.</li> <li>Cauthen says they're out there in the world free. They can say whatever they want to say and it doesn't matter. Cauthen is willing to talk because he knows the others are not telling Atkins the truth. Jessicah will stick to her story because she's scared. The others are out and will tell Atkins whatever they need to tell him.</li> <li>Atkins is trying very hard. Cauthen wishes a miracle would come out of the sky. Atkins says the second best thing is him finding something in his reporting. Atkins says the others are not saying lies just for the sake of it. They've been just as real and open and honest as Cauthen. Cauthen says how is that. Cauthen is the only one telling him the truth by telling him about Jed. Atkins says it's not that they're hiding something by saying Jed wasn't there. They either don't remember it. Cauthen is not saying they're hiding something, but they're going to tell Atkins what makes sense to what they've already said.</li> </ul>
48.	7/15/2019 20:46	Nathaniel Cauthen (Using PIN of Justin Miranda)	<ul style="list-style-type: none"> <li>NOTE: Some audio issues with call.</li> <li>Cauthen says he has been wracking his brain all night. If there were three people in backseat, it wouldn't be crowded and Cauthen knows it was crowded. Cauthen was in front. Jed was behind him. Brayboy was next to Jed then Bryant and Tolliver.</li> <li>Atkins says he has a "crazy idea": what if he brought in Bryant on a 3-way call. Cauthen says "no sir." Cauthen says he really doesn't like those dudes and wishes he would've listened to his mom about them. He wouldn't be in prison. He had just moved to that side of town and hadn't known them more than 6 months. Bryant wrote him, but wouldn't have done it if Atkins hadn't said something. Atkins says Bryant did take time to write. He wanted to show Cauthen that there's misunderstanding.</li> <li>Cauthen says that's off empathy/sympathy of Atkins. It's not Bryant's of his own accord. That's not fair to Cauthen or Banner. They've been out for 3 years. He doesn't</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>respect it and doesn't want to talk to them. He disagrees with Atkins that they'll be friends again. They'll go separate ways.</p> <ul style="list-style-type: none"> <li>• Cauthen talks about future plans. Cauthen says he's in prison because of the co-defendants. It was forced on him and Banner. Cauthen respects Atkins because he doesn't know Cauthen other than what he read and what he has been told. Hasn't ever talked to him and wrote him constantly. It's been a blessing to talk to him. If Bryant and them are saying they didn't have anything to do with this, they would've figured out something. He respects Bryant for going to the Commission, but won't give them the time of day when this is over with. Atkins understands but will be optimistic.</li> <li>• Atkins goes back to the notes. He asks about Anjuan and Cauthen's thoughts about him and the kind of criminal activity he was involved in. Cauthen says they all were. Cauthen didn't get caught for a lot of stuff he did. Anjuan grew up playing basketball. When Anjuan got into an accident with the Mexicans it was crazy. People turn for the worse because they don't know any better than what they think they know. Perceptions change.</li> <li>• Atkins says he asks because, it's not that he doubts Anjuan is genuine, but Anjuan was involved in some serious crimes. Atkins says Anjuan was comfortable with animal cruelty. Cauthen says that's people he grew up around. You can be lead down the wrong path. Atkins isn't looking to blame but is trying to understand who Anjuan was. Cauthen talks about Michael Vick.</li> <li>• Atkins says for the longest time, he thought the shoeprint analysis didn't clearly connect to Banner but has come up with a new idea: What if shoeprints belonged to a pair of Banner's shoes but they were worn by somebody else?</li> <li>• Cauthen says he couldn't, "nah." Anjuan and Laymond slept in the same house and wore the same clothes. As far as Banner changing shoes in the middle of the day, not likely.</li> </ul>
49.	7/15/2019 20:46	Nathaniel Cauthen	<ul style="list-style-type: none"> <li>• Atkins continues with the idea that it could actually be Anjuan involved in the crime and that he borrowed/was wearing Banner's shoes. idea. Cauthen says it's possible but how</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
		(Using PIN of Corey Simpson)	<p>would he get them back. In that 4 days, they didn't see Anjuan. He doesn't know about Banner but seriously doubts it.</p> <ul style="list-style-type: none"> <li>• Atkins says he doubts it then, forget shoe idea. They could belong to anyone. Atkins asks about Anjuan being involved at all. Cauthen says he doesn't even want to wrap his head around that. Atkins says it's troublesome. Cauthen says that would be the real murder charge.</li> <li>• Cauthen talks about growing up in prison.</li> <li>• Atkins says he hasn't come across information suggesting Anjuan did it but is just asking.</li> <li>• Cauthen says nobody knows who did this. If they didn't do it, someone did. Cauthen says he won't do to someone else what people did to him. Atkins doesn't want to spread a rumor with no basis, he just wanted Cauthen's feedback.</li> <li>• Atkins goes back to reading the notes and asks about a girl named Courtney. Cauthen says Tolliver never told Atkins about the girl they went to go see.</li> <li>• Cauthen says that on Thursday, he met a girl online and hooked Tolliver up with their best friend. They went to go see Courtney the girls on Thursday night. The girl's mom drove them back. Brayboy and Bryant had gotten into some kind of altercation. When they got in the house, it sounded like Tolliver's brother shot a gun at the house. Cauthen wasn't scared. He went outside and yelled at Gizmo (Thayers Tolliver) for shooting when his daughter was in the house (NOTE: Thayers Tolliver has a child with Bryant's sister). Gizmo had the bat in his hand and tried to swing it at Cauthen. Cauthen picked up a big stick. Gizmo whooped him with the baseball bat. Cauthen's oldest brother got into a fight with Gizmo and they were supposed to fight the next day. Why would he do a crime with someone he was supposed to be fighting the same night? That doesn't make sense. Atkins says Cauthen did hang out with Tolliver. Cauthen says he was supposed to be fighting Gizmo. Atkins says they did hang out as friends. When Cauthen got back to the situation, he was chilling. Back to square 1. It wasn't Cauthen's beef. He was mad at Gizmo for shooting a gun at a house his daughter was in.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins continues reading the notes. Cauthen says they went to the mall on Saturday but doesn't think they went inside. Atkins continues reading the notes. Cauthen says the computer from Howard is how he met Courtney.</li> </ul>
50.	7/15/2019 21:21	Nathaniel Cauthen (Using PIN of Nathaniel Cauthen)	<ul style="list-style-type: none"> <li>NOTE: Some audio issues with call.</li> <li>Atkins continues reading the notes.</li> <li>Cauthen says what gets him is that Atkins is asking "what ifs" about others but what if "all of those fools" did it. Atkins says he's thought about it. Atkins has considered it was Anjuan and Joseph or Anjuan and Laymond.</li> <li>Cauthen says he doesn't know anything before 8pm. Cauthen has never disrespected Arlene (Tolliver) or Geneva (Bryant). Cauthen thinks Geneva suspected that all the others had something to do with it. She didn't know for a fact that they did, but suspected. He doesn't know where Banner was.</li> <li>Atkins says his question is not based on timing, but more based on them having the corrupt criminal character to commit crime. Cauthen doesn't know what people are capable of but won't blame anyone either.</li> <li>Cauthen says no possible way they could've done it because the evidence at the crime scene doesn't match. Their stories don't match. Atkins says there would be an advantage if there was credible information that pointed to someone else. Cauthen says Atkins doesn't have any evidence pointing to anyone. Atkins says not at the moment. He doesn't know everyone in the neighborhood. If Cauthen told him to look into someone and where he is now, etc. There could be some kind of match.</li> <li>Cauthen says his cousins have worked at auto parts stores before. Gizmo has worked at an auto shop before. Compare 14 and 15 year olds vs. 17-19+ year olds. You can see a child isn't that smart to actually tie somebody up and do what they did and actually miss everything in the house or car. Cauthen asks how could someone miss that. Atkins says or how about in his pocket. Cauthen says he had \$1400 in car.</li> <li>Atkins thinks whoever committed this crime was experienced in committing crimes. It doesn't mean they were a teenager, but it wasn't their first time. There was some</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>planning involved (knew what time Victim came home, 2<sup>nd</sup> Friday of the month, known for having a lot of money on him). Atkins says the Victim would give out money if people asked him. Atkins thinks there was a lot of planning done. He is trying to figure out who in neighborhood who had the criminal profile capable of this kind of prime.</p> <ul style="list-style-type: none"> <li>• Cauthen has no idea and doesn't think there is. After years of thinking, there's no possible he and his co-defendants stumbled upon this man. Somebody knew who this man was and what he was going to have on him. They knew what time he would be leaving his workplace. Probably coming from the auto shop. Gizmo worked at an auto shop. Atkins doesn't think someone needed to have a mechanic background. Cauthen thinks it was how that person would've known the Victim.</li> <li>• Atkins says Victim was a well-known guy because his level of charitable good. He would give money to people if they did something to earn it. He thinks that may have been why he was targeted. The person knew he had money on him because of his reputation for charity. Cauthen thinks the same way.</li> <li>• Cauthen tells Atkins to keep doing what he's doing and for God to bless his journey.</li> </ul>
51.	7/18/2019 21:03	Nathaniel Cauthen (Using PIN of Joshua Galarza)	<ul style="list-style-type: none"> <li>• Cauthen is going to send his picture to Atkins.</li> <li>• Cauthen asks if the paperwork he got from the Center was helpful. Atkins says yes. Mumma was able to find some more hardcopies of stuff so she'll send more.</li> <li>• Atkins has been talking to Gizmo and asks if there's anything Cauthen wants him to find out. Cauthen thinks they had something to do with all of it. Cauthen thinks about his mom's suspicions of Joseph and cousins doing it and Cauthen thinks it's possible they all did. Atkins says they were part of an older group of friends. Jed was older.</li> <li>• Atkins says the conversations with Gizmo were helpful and that he's been truthful and sincere. He thinks a person who was hiding something wouldn't have been so honest. Gizmo was up front in saying he wasn't sure who committed the crime. He got a handful of things very wrong that Atkins corrected and Gizmo was open to the corrections.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen talks about being in prison and how people present themselves, sometimes falsely. Atkins says psychopaths can get through life without people knowing it and is just explaining his experience with Gizmo, but he could be lying. What makes it complicated for Atkins coming up with a theory for who was responsible. When they investigated the case, the SBI ran the fingerprints that were found through database of more than 10 million fingerprints and there was no match. The system includes fingerprints from criminals. This means one of two things: (1) the crime was committed by someone who never committed a crime or (2) had never been caught. Atkins guesses that by this time Anjuan and Gizmo had been arrested and printed before. Cauthen says he knows Anjuan was.</li> <li>• Atkins needs to do more research to figure out who was in the database, but can safely assume they include street crime/criminals in Winston-Salem. It seems logical that Anjuan and Gizmo would have been in if they would have been arrested. The other alternative is that whoever committed this crime wore gloves.</li> <li>• Atkins says they've talked about how the Commission can do testing with 2019 technology. He says it is a long shot but maybe they could get some kind of DNA response on items collected. Maybe whoever's DNA they find, maybe there's a match in criminal database. They talk about Exonerated 5.</li> <li>• Cauthen is ready to go home. He doesn't know what to tell Atkins. Atkins tells him to stay positive and optimistic. Cauthen says went from natural life to possibly going home any day now. He's blessed.</li> <li>• Atkins asks Cauthen about his suicide attempt.</li> </ul>
52.	7/20/2019 14:48	Rayshawn Banner	<ul style="list-style-type: none"> <li>• They talk about how Banner has been.</li> <li>• Banner got Atkins' letter last night. He talks about school.</li> <li>• Atkins wants to update Banner and catch up with him. He wants Banner to always feel like he can call. Atkins says Cauthen calls all the time and he loves it.</li> </ul>
53.	7/24/2019 20:49	Nathaniel Cauthen	<ul style="list-style-type: none"> <li>• Atkins says he hasn't had a lot of time to work on story. He's covering baseball.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
		(Using PIN of Ricky Vaden)	<ul style="list-style-type: none"> <li>Atkins says he had a new thought about the notes they've been talking about. He was confident they were notes from a first interview with police, but is no longer confident or sure who wrote them. He will send them to Cauthen to see if he may have an idea. The notes seem disorganized and he finds it hard to believe a detective would write them. On the first page, top left, it looks like it has a date 8/15. There is no reason/way for detectives or any officer to ever write 8/15. It's become more of a mystery. He has emailed Vernetta Alston, the lawyer from PLS who filed the MAR.</li> <li>Cauthen says guess what, he's glad Atkins sent that to him. He didn't know any of that was in there. Atkins says he hasn't sent it yet. Cauthen says he is talking about the MAR.</li> <li>Cauthen sent the MAR to the Commission and said he didn't know anything about it. He didn't know she put that in MAR and wouldn't have let her do that.</li> <li>Atkins happens to think Vernetta is a good person with her heart in right place. Cauthen says that's not the right thing. She should've sent the whole MAR.</li> <li>Atkins says that over and over, he has discovered that the people that the co-defendants have always thought were assigned to help them... Cauthen interjects that they were trying to railroad. Atkins says he's more disappointed. In the moment, they think the lawyer is fighting for their innocence. He keeps finding evidence and documents where he realizes that there's such an enormous amount of miscommunication. There's a limited time each of these lawyer's spend with them, they go off and do their own. It ends up not helping or screwing them over. He thinks this is an awful/unfortunate part of criminal justice system. They don't spend time to get on the same page. It's not the personal care you get with a high-profile attorney. It's really sad and disappointing. He sees it over and over again. Atkins thinks the attorneys were good people, but have a lot of clients, low pay, and very few visits.</li> <li>Cauthen calls it "bullshit." PLS knew Alston was doing this and she didn't tell anyone. Atkins thinks she's a good person with good heart but didn't invest time/energy/resources required to get this. Cauthen says she wanted the easy way out.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>Atkins says maybe. He's also suggesting she probably works on 50 different cases. There's not too much in it for her than another day at work.</p> <ul style="list-style-type: none"> <li>• Cauthen says even if Atkins is bored at a baseball game, he's still going to do his best reporting. Atkins says there are a lot of "shitty" reporters.</li> <li>• Cauthen says he doesn't even know her. Atkins agrees it's a problem. Atkins mentioned her because he had this idea that the handwritten notes may have come from her instead. It would make a lot more sense. Atkins spoke to Alston and she's willing to help. The notes were not from her. Atkins says it's a mystery to him now where the notes came from. They came from an interview Cauthen gave. He asks Cauthen who he would've told the details to. It would make sense if he told a PLS lawyer or innocence project lawyer.</li> </ul>
54.	7/25/2019 20:49	Nathaniel Cauthen (Using PIN of Joshua Crutchfield)	<ul style="list-style-type: none"> <li>• Atkins mailed the notes to Cauthen. He's hoping there will be a clue. Alston didn't create those notes. It would be more significant/sinister if they came from the police.</li> <li>• Cauthen asks Atkins to make copies of pictures he sent. He wants one sent to his mother and one to little brother and sister.</li> </ul>
55.	7/29/2019 20:21	Nathaniel Cauthen (Using PIN of Trevinno Stowes)	<ul style="list-style-type: none"> <li>• Cauthen asks if Atkins has printed his story yet. Atkins says no. Someone in prison told Cauthen they read an article. Atkins says he could use a few more details.</li> <li>• Cauthen says a CO told Cauthen they had seen an article and asked what the outcome was going to be. Cauthen says he was going home because he didn't kill anyone.</li> <li>• Atkins wants more details from Cauthen. He is surprised CO knows the case is with the Commission and will look into it. There may be something in the Winston-Salem Journal. Atkins given Cauthen questions he could ask the CO.</li> <li>• Cauthen says he doesn't care but Atkins says now he's curious. Atkins says it sounds like this is miscommunication or it sounds interesting. Atkins wants to know how CO knew Cauthen had case with Commission. Cauthen says it's a small world.</li> <li>• Atkins says Cauthen made it sound like she read it somewhere and thinks Cauthen should ask her. He gives Cauthen questions to ask her. Cauthen says he just might.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>For all Atkins knows, she could say she read about it in the Journal and Atkins can look it up. Atkins says, if it's relevant to Cauthen, it's relevant to Atkins.</li> <li>Cauthen let someone read one of Atkins' letters to help him understand. They may have seen the Commission on that release. Atkins says it could be nothing or not a big deal. Atkins has talked to so many people, it would make sense that a local reporter could hear about. Cauthen is saying the person asked him "when it gets to the higher ups, what decision do you think they'll make." Atkins says that's pretty advanced information and tells Cauthen to politely ask.</li> <li>Cauthen says he is trying to stay out of trouble. He's dealing with petty officers right now and has a lot on his chest. Atkins asks if Cauthen thinks he's in trouble. Cauthen doesn't know if he'll get to see the person to ask any time soon. Cauthen talks about potential infractions and trouble he can be in.</li> <li>Atkins again says Cauthen should ask the CO how she knew his case with the Commission.</li> </ul>
56.	7/29/2019 21:20	Nathaniel Cauthen (Using PIN of Corey Simpson)	<ul style="list-style-type: none"> <li>NOTE: Some audio issues with calls.</li> <li>Atkins tells Cauthen to ask how the CO found out Cauthen's case was with the Commission. Cauthen doesn't know. Atkins says it would be interesting for him (Atkins) to learn. Cauthen thinks they may have got something about him having a case.</li> <li>Atkins says no reason to throw out theories when it is worth politely asking.</li> <li>Cauthen talks about biggest risk being him and Banner get out of prison. He's not worried about other things.</li> <li>Atkins says you never know what information could be valuable and could help Atkins out or just be important.</li> <li>Cauthen asks when the story will be published. Atkins says early October makes most sense. A lot of things need to come together. He has to sit down and write it and it needs a long editing process and to have lawyers review it. The content is serious and potentially impactful. That time line would be right before NBA season begins.</li> <li>Cauthen talks about Chris Paul being asked about his grandfather.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says it gets rougher and rougher. Cauthen talks about experiences in prison.</li> <li>• Atkins tells Cauthen to ask the CO again.</li> </ul>
57.	8/7/2019 21:06	Nathaniel Cauthen	<ul style="list-style-type: none"> <li>• Atkins is working. Asks Cauthen to call tomorrow. Cauthen agrees.</li> <li>• Cauthen got Atkins' letter and doesn't understand any of it. It didn't register.</li> </ul>
58.	8/10/2019 17:44	Nathaniel Cauthen (Using PIN of Jequentin Wilson)	<ul style="list-style-type: none"> <li>• Cauthen recently went to the hole. It was "replenishing." He read and made music.</li> <li>• Atkins asks about Anjuan again and confirms last name is Terry. Atkins talked to Cauthen's mom about it. He's trying to get a sense of the kind of crimes he was involved in back in the day. He knows about the Anjuan getting dragged by a car. One detail stood out as pretty crazy but maybe not: Cauthen's mom told Atkins Terry had a thing for torturing dogs and cut tail off dog. Cauthen says they did a lot of crazy stuff back then. Atkins says that's pretty bad. Cauthen said they thought that's what a dog was supposed to be like (dock tail and ears). It wasn't malicious.</li> <li>• Atkins says it can be a cultural thing but seemed cruel to him. The type of person that could cut off a dog's tail seems like the kind of person who would be comfortable robbing an old man. Atkins wants to know if he's going too far. Cauthen says he will always stick to his guns. He doesn't know who did it. There's multiple unidentified fingerprints. Atkins has tried to figure out if prints were compared to the Victim. He thinks most if not all may belong to the Victim. He wants to know who the fingerprints belong to. Cauthen says what if someone committed the crime and hadn't committed a crime before. Atkins says other possibility is that they wore gloves.</li> <li>• Atkins says re-testing evidence is the entire point of the Commission. He's trying to get closer to figuring out who might have committed the crime but thinks the chances are very unlikely. There's limited information about the science that went into testing all of this evidence. It's not hopeless but unlikely he can figure out who did it, but it would be significant.</li> <li>• Cauthen says he's been doing basic investigation and says Atkins has more than what police had.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins is supposed to be speaking to Banner too. Cauthen says to tell him he loves him and he's staying out of trouble.</li> <li>They talk about issues with Cauthen's mom.</li> </ul>
59.	8/26/2019 13:57	Nathaniel Cauthen (Using PIN of Patrick Colston)	<ul style="list-style-type: none"> <li>Atkins asks Cauthen to call back tomorrow.</li> <li>Cauthen told friend how close he is to going home. Atkins asks if there are developments and Cauthen says no.</li> </ul>
60.	8/27/2019 16:30	Nathaniel Cauthen (Using PIN of Carl Brango)	<ul style="list-style-type: none"> <li>Talk about Security Risk Groups in prison.</li> <li>Cauthen says he got into a fight involving Bryant and Tolliver.</li> <li>Atkins asks if Cauthen remembers a story he heard from Brayboy and Bryant. They said that shortly after they were charged, they would roll over in bed and try to talk about what happened. Brayboy mentioned it but it was an incomplete memory. Cauthen says it wasn't like that. Atkins says not all five were in the same sleeping area. Cauthen says Banner was the only person not there. The others slept in the same area.</li> <li>Cauthen says he was going to beat up Tolliver and Bryant. He was mad at them. Cauthen had a bad temper back then. Cauthen talks about forgiveness.</li> <li>Atkins asks if his emotions have changed towards his co-defendants. Cauthen says his feelings are still the same. He's involved in a situation with a "bunch of pussies."</li> <li>Cauthen says they're the reason he's SRG. Cauthen says guys were trying to jump on Tolliver and Cauthen jumped in. Atkins says he did that even though he was pissed off. Cauthen says yes. Atkins asks why. Cauthen says that's his kind, if something is going to happen to them he's going to be the one to do it.</li> <li>Atkins spent time last week looking up photos of police officers. A lot have retired. He asks about how prison mail works. He wants to send them to see if they help Cauthen with any details or memories. Atkins think it will help verify information as to what WSPD did to these guys. He is thinking about how to show and prove that. The more accurate story the co-defendants can tell, the more material he has to work with.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>Changes the game to put an officer's name to an action. He thinks it is important. Cauthen says that's cool with him.</p> <ul style="list-style-type: none"> <li>Atkins says a lawyer would do this with a jury and he will do with his story. He wants to convey information in a colorful, vivid way. Atkins says Black was interrogated so ferociously and one of the officers was screaming in her face and spit got in her face.</li> <li>Cauthen says he didn't know that.</li> <li>Atkins doesn't want him to lie or embellish but pictures might spark memories.</li> </ul>
61.	8/27/2019 16:47	Nathaniel Cauthen (Using PIN of Xavier Scott)	<ul style="list-style-type: none"> <li>They continue to talk about Atkins sending pictures.</li> <li>Cauthen says Black is still holding firm to her statement and Atkins says one step at a time. He thinks that the magnitude of the story might reach her. He's still trying and tells Cauthen to stay optimistic. Cauthen says he is always optimistic.</li> <li>Atkins previously told Cauthen he was able to get police memos and notes thanks to Cauthen giving Mumma the release. Some of those documents are notes from WSPD. Each officer has to write up a report. The notes are really important. Police won't talk to him. The case is technically open because Commission is looking into it, which gives the police an excuse to say they won't comment. Notes are incomplete in a really random way and he is trying to find a way to get everything.</li> <li>Atkins says the investigation is shaped by the first hours they have the co-defendants. Earlier that day, Tolliver's mom calls. Atkins says there are some suspicious things that happen: from the moment Tolliver gets to PSC it only takes police one hour to decide "we're going to get all these other guys and find Jessicah Black." They're all in that they did this crime. Atkins wants to figure out what happened in that hour to make them "so fucking confident." Did Tolliver break under pressure and falsely confess in such a short period of time? Atkins doesn't think so. Thinks it seems totally unlikely. Cauthen says Atkins' guess is as good as his. Atkins says it would be weird, logical, and irrational for Tolliver to confess within 30 minutes.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says Tolliver has mental health issues. Atkins says Tolliver is not very intelligent and is weak/meek/kind-hearted. Atkins says 30 minutes is not that long for police to convince Tolliver.</li> <li>• Cauthen says he thinks like Atkins, but also thinks of himself doing prison time and being around a lot of criminals. He thinks it was all set up in the beginning. Atkins asks what he means by set up, another group of criminals?</li> <li>• Cauthen says there's a lot of things he won't say and things he will say. When Atkins asks him who he thinks did the crime, Cauthen's logic doesn't change. He still thinks Gizmo had something to do with it. His logic: (1) this lady (Arlene) didn't call until 72 hours later. Cauthen's mom and grandma would know if he and Banner would do something. Arlene called police on her son. He thinks Gizmo went with them and they got scared and acted suspicious. Now, all of a sudden, she calls the police. This was well thought out and well planned.</li> <li>• Atkins asks about motivation of Arlene handing son over to police. Cauthen thinks about reward money. Gizmo was the only grown male actually bringing funds to household. Atkins can see that, but it's pretty evil. If Arlene was motivated to give up her youngest son for \$1,000 reward, that's outrageous. He doesn't think that's what happened. Cauthen says some people don't want details. It doesn't register to people on Atkins' level. Asks him to look at it from Cauthen's level. Atkins says Cauthen is around serious criminals.</li> <li>• Atkins has thought a lot about Arlene calling the police. Another thing that's hard to accept because it seems too easy/illogical as an answer but he has come to a conclusion so far that has led him to think she called police because she's extremely gossipy by nature and stupid. She is not bright. She is "really dumb." Her level of intelligence is very low. He thinks she did something stupid and was taken advantage of by police. Cauthen asks how.</li> </ul>
62.	8/27/2019 17:03	Nathaniel Cauthen	<ul style="list-style-type: none"> <li>• Atkins continues with his theory about Arlene Tolliver: Arlene, who is "gossipy and stupid," wakes up on Tuesday and claims there's a weird vibe in neighborhood that has</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
		(Using PIN of Rashon Brooks)	<p>to do with Victim's death. Since she's gossipy, she calls WSPD and forwarded to Rose. Det. Rose, according to Arlene and Tolliver, has known the Tollivers for years because they got in a lot of trouble. The family was involved in a lot of crime. Arlene says he knew who she was and thinks Rose knew who Tolliver was. Atkins thinks there's a lot of he-said she-said and doesn't know what was really said. When Arlene says she didn't bring up Tolliver or other boys, he doesn't have much of a choice but to kind of believe her. They don't have evidence of what she said. The police say she said something different.</p> <ul style="list-style-type: none"> <li>• Atkins thinks Arlene talks to Rose on the phone and the lead detectives have no leads after 3 ½ days and are pretty desperate. Atkins asks if Cauthen knows about PISTOL report. Explains what they are. Cauthen doesn't know about them. Atkins agrees to send him a copy.</li> <li>• Atkins says PISTOL reports are very different from something that would be kept in court. Atkins says he has discovered a problem: there is no supervisor/fact checking. They don't know what is fact and what is error. It's not supposed to be used in official way. They use them to do police work. All the PISTOL reports list them as suspects in a "shit load" of crimes and brought up other contacts in court. "Police contacts" and number of times they were suspects. Cauthen says he was never convicted.</li> <li>• Atkins asks if Cauthen thought it was total bullshit. Police contacts could be anything, they don't know what it means. It's "complete bullshit." The damaging effect was: when they pull up his name, this is the report they see (page of arrests/times he was a suspect/witness). Atkins talks about when police have to write reports/create profiles for anyone who maybe was involved in a crime. It's a big deal if it is wrong, it can influence them to target suspects that are not suspects or criminals. It makes it seem like they're worse criminals than they were.</li> <li>• Atkins says Arlene's call was "like a miracle from God" and tells Rose about her son seeing dead body. The officer's brain must have been "lit on fire." Atkins' logic is that he immediately looks up PISTOL reports that make Tolliver "look like Al Capone." They both know Tolliver is not a bad kid and wasn't a criminal. When Rose sees the</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>PISTOL report, he asks if Arlene minds if they talk to Tolliver. Arlene, “being stupid,” says sure. She doesn’t think Tolliver is going to go to prison or have anything to do with the crime. Maybe he can help. Atkins honestly thinks she was really stupid, bored, nosy, and gossipy. She got her son and friends convicted. It was a huge mistake, but the blame is on Det. Rose and his other comrades.</p> <ul style="list-style-type: none"> <li>• Atkins asks if Cauthen knows what Tolliver said in those 30 minutes. Cauthen doesn’t remember. He doesn’t think they brought it up.</li> <li>• Atkins says it was at the Motion to Suppress hearing. Rose testifies that when they spoke with Tolliver, Tolliver told the police that he was told by Cauthen and Banner that they had robbed and killed the Victim. To Atkins, that’s a huge lie by the police. He doesn’t think that happened. He thinks what Tolliver said is what Tolliver told Atkins, which makes more sense: the police haven’t told him why he’s at PSC, same as the others, Tolliver is not bright/not smart/not strong mentally and is brought into the interrogation room and starts to freak out. He doesn’t know what this was about. They ask him where he was on Friday and he gives them alibi of his friends which names the others. Atkins thinks they took his alibi and used it like script to cast all the actors in this crime. They look at PISTOL reports and think they have a gang. The cops thinks the information in the reports is bullet proof. He thinks that’s what they did and went 100% after co-defendants and wouldn’t believe that they were wrong.</li> <li>• Cauthen says that’s some “big ass logic.” Cauthen says nobody knows who did what. Atkins says we don’t know who did what, but we know who did not do what. They have to work our way back and figure out what the police were thinking.</li> </ul>
63.	8/27/2019 17:41	Nathaniel Cauthen (Using PIN of Patrick Colston)	<ul style="list-style-type: none"> <li>• Atkins says the PISTOL reports influenced the police to be so confident.</li> <li>• Cauthen says it’s almost over anyway. That’s how he sees it. With the Commission involved, with Atkins involved he “really doubts it could go wrong.” Atkins likes the confidence.</li> <li>• Cauthen talks about religion/spirituality.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says the way he thinks this happens has much more to do with police than the Tollivers. Cauthen says that has logic but still doesn't know who did it. He could be wrong.</li> <li>Cauthen talks about the Tollivers and mental health issues. Atkins agrees. It's been hard for him to figure out if they're stupid or liars. Cauthen says both. Cauthen says they are "ultimately retarded and habitually liars." Cauthen says Bryant's mother isn't right in the head but is sweet as she could be. You can tell. Cauthen says the Tollivers aren't in their right mind, like PTSD and clinical depression.</li> <li>Cauthen says Tolliver gave a whole lot of testimony in 30 minutes. Atkins says OR he did not give a whole lot in the 30 minutes. Atkins thinks he said very little. What makes the most sense and is what Tolliver told Atkins and Atkins believes, Tolliver said what he thought was his alibi. Cauthen says Tolliver's mother was just that stupid.</li> <li>Atkins says it's kind of cruel to phrase it that way. You want to think it's something more conniving, smarter or planned. It's the sad truth, but reporting has led him to think it's just that they're dumb. There's still room for the notion that Arlene called the police for reward money. However, police would have no problem revealing that at trial. It's not like they care about making Arlene look a certain way. Police would say so. It leads him to think police took advantage of ignorant, stupid people in this neighborhood.</li> <li>Atkins says police presented themselves to co-defendants and moms as if they weren't trying to get them convicted of crimes and just wanted to know what happened to the Victim. The police were being deceptive the entire time. Cauthen says for Atkins to do his thing and it will eventually come to light. Cauthen doesn't care anymore.</li> <li>Atkins says Cauthen just wants it to be over. Cauthen says he wants him and his brother to be home. He's over trying to find out. The judge is dead, the DA is dead, the police are retired. They don't care. They care they got a conviction and don't have to answer for it until years later. They don't care about lives they tarnished. The family doesn't care to find out who did it. Cauthen thinks family won't care because the Victim is already laid to rest and Chris Paul already made it like he was supposed to.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says the positive is that there's a very small belief there's good in world. That maybe this leads to catching someone who already did the crime. Cauthen doesn't care about true justice. He's already served the time. Cauthen and Banner are mentally scarred behind this.</li> <li>Cauthen doesn't respect his mother or brother or cousins like he used to. You can't get back. He doesn't care anymore. He just wants to get out and get a check because he's got a lot of things to do.</li> <li>Atkins is going to send documents and pictures.</li> <li>Cauthen asks when he'll be done and Atkins says late October.</li> </ul>
64.	9/2/2019 14:30	Nathaniel Cauthen (Using PIN of Patrick Colston)	<ul style="list-style-type: none"> <li>Atkins asks Cauthen to call him back in an hour. Cauthen asks about one of co-defendants getting killed.</li> </ul>
65.	9/2/2019 17:25	Rayshawn Banner	<ul style="list-style-type: none"> <li>They talk about how Banner is doing.</li> <li>Banner asks about Brayboy being murdered. Atkins has heard. Banner asks if Atkins has Brayboy's mother's number. Atkins provides it.</li> <li>Banner asks if Atkins has anything to ask him. Atkins has a lot but isn't home. Atkins asks Banner to call again.</li> <li>Atkins asks if Banner got last letter. Banner says they've been on lockdown. Atkins sent a letter with photos of detectives. Banner hasn't got this. It was sent last week. Atkins wants to know if Banner recognizes them and also go over the years before he prison.</li> <li>They talk about school and Banner's mom. Atkins stays in touch with everybody. Banner is the toughest to stay in touch with. Banner says he does so much. Cauthen calls Atkins every two days. Cauthen's bored. Atkins says the story is in a good place. Come out end of October.</li> <li>They talk about the Texans.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
66.	9/2/2019 18:02	Nathaniel Cauthen (Using PIN of Rashon Brooks)	<ul style="list-style-type: none"> <li>• Cauthen heard a co-defendant had been stabbed to death but didn't know which when. Atkins says it was Brayboy and Cauthen said he figured that based on knowing him and his mentality. They continue to talk about Brayboy's death.</li> <li>• In Atkins' opinion, Brayboy was not at fault. It is not necessarily a reflection of his character.</li> <li>• Cauthen says he wouldn't be in prison if his mother had let him go to Florida with his grandmother.</li> <li>• Atkins explains circumstances behind Brayboy's murder.</li> <li>• Cauthen talks about experiences in prison. Atkins talks about difficulties getting out of prison. Cauthen says Brayboy told him he was going to go to South Carolina after prison.</li> <li>• Cauthen won't stay in NC if he is exonerated.</li> </ul>
67.	9/2/2019 18:18	Nathaniel Cauthen (Using PIN of Reginald Williams, Jr.)	<ul style="list-style-type: none"> <li>• They continue to discuss Brayboy's death and Cauthen's future plans.</li> <li>• Cauthen says that other than Banner, he loved Brayboy the most.</li> <li>• Cauthen says after all these years, people are working on Bryant and Cauthen's case, Atkins is working on report showing they are innocent and Brayboy's life was taken. Cauthen talks about the effects on children he was raising.</li> <li>• Cauthen says he has no ill intentions towards co-defendants. Atkins says he wouldn't go that far because Cauthen has said he would punch them in the face if he saw them.</li> <li>• Cauthen says no ill intentions as to how they live their life now. Cauthen avoids fights. If he gets exonerated he's going to be a millionaire with plans on tops of plans. Things people would never think he was capable of doing.</li> <li>• Cauthen talks about visions and spirituality. He had vision of the beach in courtroom after the guilty verdict. A cloud told him to swim. Atkins asks how he then turned to the Victim's family. Cauthen doesn't know. He says life has mysterious ways.</li> <li>• Cauthen talks about God.</li> <li>• Cauthen talks about Brayboy's strength and what he had seen in prison.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
68.	9/2/2019 18:35	Nathaniel Cauthen (Using PIN of Carl Brango)	<ul style="list-style-type: none"> <li>• Atkins asks if Cauthen got letter with pictures of cops. Atkins sent it a while ago. Holiday may affect mail. Atkins wants to know specific memories Cauthen has.</li> <li>• Atkins had a very interesting chat with Sgt. Byrom. Atkins says Byrom played the nice guy and Cauthen says “supposedly.”</li> <li>• Atkins says Byrom was put in charge of reviewing investigation into Darryl Hunt and criticizing WSPD in Hunt case. He did a very good job of exposing it and devoted his life to uncovering all of the bad things WSPD did. He has a high level of integrity and very good heart. Atkins interviewed him for 3 hours, not about this case specifically but about different examples of “corrupt shit” he saw. Atkins tried to explain to him that the next time he calls (tomorrow), he wants go over how some of those things affected this investigation. Byrom doesn’t realize at all that the things he is saying may have happened the exact same way in how this crime was investigated. Atkins says what’s complicated is that he doesn’t think Byrom is lying at all. WSPD was really mean, really bad, and believed that every theory they liked the most was the truth. They had blinders on and tunnel vision and didn’t pay attention to facts.</li> <li>• Cauthen says maybe they didn’t want to. Cauthen makes an analogy about kids doing stuff they’re not supposed to do and guilty consciences. Atkins says it would take a lot for people in this case to confess their sins.</li> <li>• Atkins says Banner called him. Cauthen says “that’s what up.” Atkins says he’s doing well.</li> <li>• Atkins says he hasn’t spoken to Banner enough to really understand him. Atkins has a really tough time understanding Banner’s level of intelligence. Banner has a cluelessness and obliviousness to him. There is something missing in terms of his level of intelligence.</li> <li>• Cauthen says Banner hasn’t had much affection in his life. He’s only known this life. He’s been locked up since he was 11 years old. He was in group homes. He hasn’t seen much of life as Cauthen did. Atkins asks when Banner was in a group home.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says Banner was more of a strategy thinker. Cauthen is fundamentally sound. Banner is fundamentally sound when it comes to sports and being active. As far as talking, no. Banner doesn't know how to relate. They love each other, know they're brothers. Banner has "no sense of thinking."</li> <li>• Atkins and his mother talked to Banner about Commission and Banner was clueless. He said he was interested but hasn't done anything about it. In one ear and out the other.</li> <li>• Cauthen says Banner is stagnated. This is really inhumane. Prison takes you of the actual person you are and conforms you to a system. You become programmed and stagnated from the real world. Banner doesn't know how to comprehend. Cauthen was mad when his mom told him Banner didn't the fill paper out. That shocked him. People don't know how to get out. It's hard to learn how the law works.</li> <li>• Atkins says he has said before that the fight for innocence is a fight that can never stop. You have to constantly fight, you can't take your foot off the pedal. It's really hard.</li> <li>• Cauthen says you constantly get denied. Atkins sent Cauthen information about Vernetta Alston.</li> </ul>
69.	9/2/2019 20:35	Nathaniel Cauthen (Using PIN of Rashon Brooks)	<ul style="list-style-type: none"> <li>• Cauthen said this is last phone call and Atkins may have to put more money on phone. Atkins just put more money on.</li> <li>• They talk about Brayboy's death. Tolliver told Atkins. The Journal is reporting it too. His cousin hasn't been caught.</li> <li>• Cauthen wouldn't wish prison on anyone. Atkins says if the cousin killed Brayboy, he should be in prison and Cauthen should be out. Cauthen would rather it be in Brayboy's family's hands.</li> <li>• Talk about a book Cauthen is reading about universal laws.</li> <li>• Atkins asks about his reading level when Cauthen came to prison. Cauthen could read as a 5<sup>th</sup> grader. They talk about school in prison.</li> <li>• Cauthen talks about depression in prison.</li> <li>• Cauthen talks about not taking school seriously as a child. Prison has a been a hard road but it hasn't been hard. Atkins says Cauthen has credited it for giving him focus.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>Cauthen says he had to. Atkins asks for copy of something Cauthen did in prison about Black History.</p> <ul style="list-style-type: none"> <li>• Cauthen is going to write a letter to Banner and have Atkins send it to him. Atkins agrees.</li> <li>• Cauthen talks about religion. They discuss Brayboy's death again. They talk about jobs in prison and horoscopes.</li> <li>• Atkins asks Cauthen to call him back when he gets the mail with pictures.</li> </ul>
70.	9/4/2019 20:08	Nathaniel Cauthen (Using PIN of Rashon Brooks)	<ul style="list-style-type: none"> <li>• Cauthen got the pictures. Atkins asks what's on Cauthen's mind.</li> <li>• Cauthen doesn't remember Lovejoy as part of the investigation. He remembers a black lady. Lt. Weavil was a lot skinnier.</li> <li>• Atkins got pictures from Facebook.</li> <li>• Cauthen says Poe was "the little fucker" that was in the room with him with Lt. Weavil. Rowe was the one that came in there the third time and had grabbed Banner.</li> <li>• Atkins asks about Rowe. Cauthen says Rowe told him about natural life in prison and lethal injection and never seeing home again. That's about it.</li> <li>• Atkins clarifies Cauthen is talking about Weavil re: death penalty, etc.</li> <li>• Atkins asks about Rowe and the pad of paper. Cauthen says the guy in the room with Rowe the second time was Griffin. He had spiky hair. Cauthen says Atkins didn't send a picture of Griffin.</li> <li>• Atkins asks about Flynn. He was a significant contributor to investigation. Will send picture as well. The only one Cauthen doesn't recognize is Lovejoy. She was nowhere around him all day at all. Atkins says alright.</li> </ul>
71.	9/4/2019 20:32	Nathaniel Cauthen (Using PIN of Dyrick Morgan)	<ul style="list-style-type: none"> <li>• NOTE: Some audio issues with call.</li> <li>• Cauthen says he is ready for Atkins to drop story and everything to go as planned. God has a plan.</li> <li>• Atkins talks about Cauthen not remembering Lovejoy. The first statement Cauthen gave was with Rowe and Lovejoy. You can see there are questions attributed to her in the</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>transcript. Atkins asks if there's a chance he forgot. Cauthen doesn't remember her at all. If she was there, he forgot. It was probably 2<sup>nd</sup> statement. Cauthen was dead tired and crying. He doesn't know who was in front of him or seeing her or hearing her voice.</p> <ul style="list-style-type: none"> <li>• Atkins asks if he included Sgt. Smith. Cauthen says no. Cauthen says he doesn't remember that lady. Atkins will send another.</li> <li>• Atkins sent 2<sup>nd</sup> letter with juvenile PISTOL report. Cauthen hasn't gotten that. They talk about prison mail rules. As long as it isn't gang material, Cauthen can have anything.</li> <li>• Atkins is worried someone would realize he's sending him police reports and data and he shouldn't be. Cauthen says prison can't dictate what he gets if it doesn't cause harm.</li> <li>• Cauthen says Rowe came into the room the third time. He went to the bathroom with Byrom and didn't talk. Byrom took him to a two-way mirror room. Rowe crossed the line on paper and said start a new slate and write a new statement to tell him everything. Mustache was dark and didn't have as much hair. He "hates that bastard."</li> <li>• Cauthen hasn't seen Lovejoy at all. Atkins says to ignore it and focus on whatever it is he remembers. Atkins likes details about mustache being darker.</li> <li>• Atkins asks if he remembers them saying anything specifically. Cauthen says not really. Same story. Lt. Weavil told Cauthen about lethal injection and life in prison. Weavil was main interrogator.</li> <li>• Atkins wants to focus on Poe. Asks what Cauthen remembers specifically that was bad or unfair. Cauthen says Poe didn't say much. He smirked, like yeah we got these little bastards. Remembers Poe as the cop sitting in the chair. He would copycat what Weavil would say 2-3 times. Cauthen doesn't remember specifics. Atkins asks for small details about breath smell or voices sound like. To think of the five senses.</li> <li>• Cauthen says Lt. Weavil smoked. You could smell it on his breath. Weavil is older in the pictures Atkins sent. He was slim and skinny.</li> </ul>
72.	9/4/2019 20:40	Nathaniel Cauthen	<ul style="list-style-type: none"> <li>• Cauthen asks Atkins if Byrom has a brother. Atkins doesn't know and guesses he doesn't have a brother in correctional system. Cauthen said he showed a couple of</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
		(Using PIN of Xavier Scott)	<p>people from Winston-Salem the pictures to see if they remembered the detectives. One thinks Byrom has a brother married to the man's cousin or sister. He'll ask Byrom.</p> <ul style="list-style-type: none"> <li>• Cauthen is speaking to someone off the phone that Byrom was a detective on case. Atkins says he's retired. He was a sergeant. He was a supervisor to other detectives.</li> <li>• Atkins sent a letter with previous arrest records/profiles of Cauthen and Banner. Atkins' assumption is that they'll see how they got a lot of the information wrong and wants to go over it.</li> <li>• Cauthen asks for the news article about Brayboy and pictures of him. Atkins agrees to do both.</li> </ul>
73.	9/10/2019 17:35	Nathaniel Cauthen (Using PIN of Reco Kamson)	<ul style="list-style-type: none"> <li>• NOTE: Some audio issues with call.</li> <li>• Atkins sent him statements, transcripts, police profiles of Banner and Cauthen. Cauthen makes jokes about reading. Atkins thought Cauthen would be curious.</li> <li>• Atkins has follow-up questions. Atkins asks if before the police came on 11/19/2002, had Cauthen heard that Tolliver was at police station. Cauthen says his sister came and told them. Atkins asks for more details about Lillie. Cauthen says Lillie said they picked up her brother. Cauthen has a smart mouth and said "that's your brother's fault." It had nothing to do with him and Banner. That was it.</li> <li>• Atkins asks if Lillie specifically mentioned Victim. Cauthen says yes. Atkins says this came up when Cauthen testified at Motion to Suppress hearing. Cauthen was asked and said Lillie came over and told. Atkins wonders if as time passed before trial, Cauthen might have added to that memory the reason police picked Tolliver up. Cauthen says no. That's what she said. He's positive.</li> <li>• Atkins reached out to Lillie today. It struck him that the police didn't tell Tolliver when they picked him up and until he's in an interview room at the police station. Atkins wonders how Lillie found out so quickly. Cauthen thinks her mother probably.</li> <li>• Atkins was wondering about that. He wondered if Arlene told Lillie. It got Atkins' mind racing. Asks if Lillie expressed it in a concerned way/bad thing or was she casual. Cauthen can't tell him. He didn't see Tolliver the day they were picked up (until</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>detention center). Cauthen doesn't know when Tolliver got picked up. The only reason he knew was Lillie.</p> <ul style="list-style-type: none"> <li>Atkins asks about Lillie's tone. Cauthen says she was anxious and said it was about the murder around the corner. Cauthen, Barry, Banner, Bryant, and Bryant's niece were there. Cauthen said he had nothing to do with that. And then all hell "went loose." Lillie said that and left. Someone in house told her or she saw it herself.</li> <li>Atkins says when the police picked up Tolliver, they didn't tell him the reason they picked him up and he wants to know how Lillie knew. Maybe Arlene told her. When Arlene lets police pick Tolliver up, it's not like she thinks they're going to get him for the murder. She makes him available because she doesn't think he has anything to do with murder. She has nothing to hide, or so she says. He's trying to sort through psychology and missing reliability in this story. Cauthen says he is following Atkins.</li> <li>Atkins has a far-fetched theory he isn't close to proving about what the Tollivers might have been thinking or known when Arlene called police that day. He wonders if it was reward money offered for anyone who called police with the tip and that motivated her.</li> <li>Cauthen says probably did. Atkins says you have to have proof. He wonders if Lillie was in on the plan and knew (she was the oldest). Atkins says maybe.</li> </ul>
74.	9/10/2019 17:53	Nathaniel Cauthen (Using PIN of Reco Kamson)	<ul style="list-style-type: none"> <li>Continuing from the last call, Cauthen asks if Atkins has the same suspicions. Atkins says Cauthen's are much bigger. Atkins tries to be open minded to what he knows or does not know. There's something that doesn't sit right when he thinks about that phone call and he tries to theorize why she made it. Suddenly, a new theory has a little bit of weight to Atkins. He has not found any proof of a reward. If he finds something that a reward was publicized, the theory becomes more credible. Cauthen thinks it was but is not sure.</li> <li>Atkins doesn't think there was a reward. He would have come across some kind of proof by now and the chances are small. It's an idea that he's more open-minded to than he was a month ago. It didn't stick so hard with him until he saw the fact about Lillie telling them why Tolliver had been picked up. Atkins wonders how she would have</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>known. That's why he asked Cauthen about his memory changing as memory is very fragile.</p> <ul style="list-style-type: none"> <li>• Cauthen says he remembers what she said and that's how it all began. He repeats the story. Atkins says he will ask Lillie if he gets her on the phone.</li> <li>• Cauthen asks how Atkins came about wanting to know story. Atkins will keep explanation short. Two years ago Chris Paul got traded to the Rockets. Atkins remembered the story about his grandfather as a big part of Paul's life and story. Atkins thinks he was the only person in Houston that remembered and told his boss he wanted to look into it. He did the math and realized three of the five would've been out of prison and hadn't been interviewed. He thought maybe he could find one and tell an interesting story. It took more than a year to get the ball rolling to connect with people and credit goes to Cauthen's mom. He spoke to her on the phone for five and a half hours on a Sunday. She seemed credible and honest and persuaded him to much more seriously consider their innocence. Before that, he trusted the courts and nothing substantial ever came out to suggest they were innocent. The more he talked to everybody, the more they kept saying the same thing. He started listening more and took time and "here we are."</li> <li>• Cauthen says see how that works. Atkins says it takes time, patience, and effort. Getting to co-defendants was a difficult thing to pull off. Atkins gets it.</li> <li>• Atkins asks why Cauthen never said Tolliver was involved. Cauthen says because he didn't know. Something kept telling him not to mention Tolliver, he doesn't know what it was.</li> <li>• Atkin says it is unusual. The police were repeatedly, aggressively explaining crime. Cauthen blurted something out to go home and names the others but not Tolliver. It's very strange. Cauthen says it doesn't fit the story and what everyone else was saying.</li> <li>• Atkins is trying to do his best to understand the thought process. It was a strange/stressful environment 17 years ago. He asks Cauthen if he has any idea why he had impulse and asks if the police didn't mention Tolliver. Cauthen says someone said</li> </ul>



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			<p>Tolliver walked to the crime scene. Something kept telling him not to use Tolliver's name. Atkins asks if any of the detectives specifically told him Tolliver ratted him out. Cauthen says yes, that's how it all came about. Police played Cauthen a recording of Tolliver, then brought him piece of paper from Bryant. Cauthen didn't give a statement until after they told him Banner was down there.</p> <ul style="list-style-type: none"> <li>• Atkins says what puzzles him is that Cauthen wasn't motivated to name Tolliver. Cauthen again says something kept telling him not to say his name. The police asked Cauthen what Tolliver did repeatedly. Cauthen said he was not with them.</li> <li>• Atkins says what is weird is that Tolliver was with them the whole time. It's a weird lie under pressure. Of all the lies he was pressured to say, strange he chose to lie about something that was real or true and didn't have anything to do with the murder. It's a weird thing to choose. Cauthen knows what Atkins means but he can't figure it out.</li> <li>• Atkins says he will speak to Lillie and is sending Cauthen several letters.</li> </ul>
75.	9/13/2019 15:45	Nathaniel Cauthen	<ul style="list-style-type: none"> <li>• Cauthen read the first part of something Atkins sent him in the mail. Atkins asks if anything stood out specifically. Cauthen now remembers Lovejoy.</li> <li>• It takes Cauthen time to read it. Atkins just wanted to provide it to him. Cauthen says it shows him how stupid he was 15 years ago. Cauthen says none of it makes sense. No facts add up. Cauthen had his own transcript.</li> <li>• Cauthen sees why he was convicted. He can tell from his statements and the other statements that something isn't right. He remembers Lovejoy and being asked questions. The first statement was when the detective started getting really "belligerent" and angry. Cauthen was answering because he was truly scared. Cauthen says he had to go through torment to be provoked into a lie. Cauthen says the police should've known this couldn't possibly be right. They were using adulthood against Cauthen and they knew it was the wrong thing to do. Cauthen says the detective took the recorder and slammed it against the table and got to him.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins asks about Rowe. Atkins thinks Rowe was responding to how difficult Cauthen was being. Cauthen says you know when a kid is lying. Cauthen says this is not acceptable.</li> <li>Atkins asks if there's any detail that sounded the most ridiculous. Cauthen says the clothes and the shoes. He says nothing presented in the trial had anything to do with his statement. The police said Banner was wearing the shoes Cauthen said he was wearing.</li> <li>Cauthen says they tested the shoes for blood. That's a "major major" situation. Cauthen initially denied anything about any weapon until they asked him about the pole. Cauthen says they took his life and knew what they were doing. Lovejoy let this go down. There was no sympathy in the situation. He says Tolliver did 14-16 years and Cauthen doesn't even say he was involved.</li> <li>Atkins says looking at all the statements together, it is baffling how the statements were the fundamental part of the argument against them. The only thing needed was that all admitted to being there and Jessicah Black. Cauthen says that's all they wanted and that's all it took.</li> <li>Atkins asks about store called WIC. Cauthen says it was an Arab store on the corner. Atkins says the store was robbed multiple times. Atkins asks if Cauthen and Banner ever got into trouble there. Cauthen says no but he went into the store once. Atkins asks because of Yolanda, Gizmo, and Lillie. They tell the police that Banner and Cauthen robbed the WIC one time. Atkins thinks maybe the police encouraged the Tollivers to say that in trying to establish Banner and Cauthen had a habit of robbing places. Cauthen says they never robbed the WIC.</li> <li>Atkins says everything is heading in a positive direction. Cauthen got letter with pictures and letter with a statement. Cauthen should be getting more.</li> </ul>
76.	9/13/2019 21:00	Nathaniel Cauthen (Using PIN of	<ul style="list-style-type: none"> <li>Cauthen is thinking about testimony (transcribed statement) and asks Atkins what he thinks of it. Atkins doesn't think Cauthen told the truth. It seems very clear based on a lot of reporting that police took advantage of them.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
		Christopher Surles)	<ul style="list-style-type: none"> <li>• Atkins says Cauthen sounds very sad and down. Cauthen says it isn't that. He's just more and more humble now. His capabilities of being vulnerable, he can only allow it so much. Cauthen says he knows he is blessed. It took for Cauthen to come to prison for 17 years to actually know what like it really like.</li> <li>• Cauthen says it is hard to be in prison for something he didn't do and they took advantage of him. He didn't do it. He was forced into saying it because he was scared. He's been through several appeals, writing newspapers, NAACP, PLS, Darryl Hunt. PLS "fucked" him over like the same people that put him into prison.</li> <li>• Atkins agrees with everything Cauthen says and is sorry reading the documents dragged Cauthen into an emotion space.</li> <li>• Cauthen talks about prison. Everything is an enterprise in prison. Citizens aren't doing anything but funding these enterprises. Everything he uses is prison enterprises. He's not emotional in prison. Cauthen says prison is teaching him how to use money.</li> <li>• Atkins asks if Cauthen went back and read the transcript.</li> <li>• Cauthen says that's just how it is. He's going to get out and have an opportunity to sue these people. He has the opportunity to do music, write own movie script, raise money for homeless, charities. It's amazing. He learns and he absorbs. Cauthen says it's crazy how he can manipulate the system to lighten anything he does. He knows the difference between wrong and right. He's an entrepreneur. He has no one to thank but God. He set this up for him. Cauthen talks about how his co-defendant was killed and left a little girl behind.</li> <li>• Atkins says Cauthen talked about having a vision right after verdict and asks what the message was. Cauthen says you're going to have to continue on and fight to make it back off the island and get back to life you used to live. They continue to talk about vision. Cauthen talks about going to the beach.</li> <li>• Atkins says he has to get back to working on story. Every day. Cauthen asks when story will be done. Atkins doesn't know. Hopefully soon. The goal was out by late October, but he doesn't know. It won't take forever but may take a little longer. He needs to get it</li> </ul>



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			done. Atkins sent a letter with a news article about Brayboy and another with more transcripts.
77.	9/23/2019 18:05	Nathaniel Cauthen (Using PIN of Lawrence Johnson)	<ul style="list-style-type: none"> <li>• Atkins says he is writing story as they speak and has follow-up questions. They talk about places Cauthen traveled as a child.</li> <li>• He talked to Cauthen's mom two days ago.</li> <li>• Atkins asks about time Cauthen drives his mom's car around and she calls the police, which comes back to haunt him in this case. Cauthen relates the story and says Arlene Tolliver called the police. Atkins says Cauthen's mom said she called the police.</li> <li>• Atkins got a look at juvenile records from Cauthen's mom. The good news about that is that it shows PISTOL reports are "total bullshit" and the way Saunders used them in court was unethical. He can see criminal activity Cauthen and Banner got into, which was only taking the car and violating probation. Cauthen agrees. Atkins says there's lots of stuff about missing school. Cauthen says the only crime he has ever been convicted of prior to this murder was driving without a license.</li> <li>• Atkins asks Cauthen if he was handcuffed. Cauthen says the man put him in the back of his car and asked him who's car it was. It was his mom's. Atkins asks if officer brought Cauthen to the police station. Cauthen says he was too young to go to detention center. They asked for next of kin and brought him back home. Cauthen says he was handcuffed to search the car and then put in officer's car.</li> <li>• Atkins wants to talk about Banner's juvenile reports. He went to interview Banner with their mom and he was sweet and gentle. The kind of kid he was was "much worse." The level of misbehavior was pretty bad for his age. Banner stole and vandalized/damaged Hill Middle School. Atkins reads over details. He's Not suggesting Banner is a psychopath or violent criminal. Cauthen says that wasn't just Banner. It was cousins and others. It was the first charge Banner ever had and everyone told on him. They caught two kids that lived around the corner and they end up telling on the cousins and Banner. The cousins told on Banner and put it all on him. Cauthen wasn't involved.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins asks about “small crime” of Banner being arrested for stealing spray paint and crab meat. Cauthen doesn’t know this story then says “oh yeah.” Cauthen begins to explain story.</li> </ul>
78.	9/23/2019 18:36	Nathaniel Cauthen (Using PIN of Lawrence Johnson)	<ul style="list-style-type: none"> <li>Atkins says they first spoke in March when Atkins was visiting Cauthen’s mom in his person. They spoke on speakerphone. Cauthen was very cautious about what he wanted to say and the Commission. Atkins asks what made Cauthen so optimistic that the Commission was being active in looking into his case. He asks if there was a change in level of communication and asks why the sudden optimism.</li> <li>Cauthen says he didn’t contact the Commission. Bryant did. Cauthen was skeptical about the whole thing. Two females came to see him and explained the situation. Atkins asks when the visit was. Cauthen says 2018.</li> <li>Atkins says up until Commission visited, Cauthen didn’t have much idea of what it was or how serious the opportunity was. Cauthen agrees.</li> <li>Atkins asks if Cauthen felt more optimistic after 2018 visit about where things could go. Cauthen says it went from Point A to Point B. When he got the letter his case was accepted and he had to fill out forms, Cauthen knew what time it was. God blessed him.</li> <li>Julie Boyer came to see Cauthen personally around May 2018. Atkins asks about any other communication with Boyer. Cauthen says other than sending the information from Atkins he hasn’t had any other contact.</li> <li>Atkins doesn’t know what it means, but is asking because it’s been difficult for Atkins to figure out at what point in the process the Commission is at. It can take the Commission up to 9 years to complete review. It’s a lot more of a disadvantage for inmate to think he has to wait another “fucking 10 years.” He’s trying to figure out where in process the Commission is. There are cases where it has only taken us 18 months. It varies.</li> <li>Atkins says if Boyer has not been communicating every 6 months, it’s not a great sign that Commission is anywhere close to submitting its findings. It means, “who knows?”</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Atkins says when Cauthen has expressed confidence and optimism, most of that is based on his own spirit of positivity. Cauthen says to a certain extent. Atkins says it's not based on any communication from Boyer. He hasn't got updates on case.</li> <li>• Cauthen says he doesn't want an update. It will make him impatient. Atkins says it is also a right he has as the subject of review. The agreement that Cauthen signed is a very serious, strict agreement with a lot of sacrifices on the inmate's end. The Commission is supposed to be doing all of these things in return: giving update every 6 months. He wonders if Boyer hasn't heard from the Commission. It's part of the agreement Cauthen signed and a right he has.</li> <li>• Atkins suggests (and can provide address) to Julie Boyer or call her. Cauthen can't mention anything about conversations they have had. He should say he hasn't heard an update. Cauthen can be demanding in that way. Atkins would do that if he was Cauthen.</li> <li>• Cauthen says that's where you come in. Atkins thinks his story will have positive affect. It would help Hunter to know because Cauthen can relay the information to him. Wants to know how come Cauthen hasn't been getting updates from lawyer every 6 months.</li> <li>• Cauthen has been wondering about this. Atkins says see what she says. For all they know, she'll say I have no idea or got an update but no progress but not going to bother him. Atkins thinks it's good to establish steady line of communication.</li> <li>• Cauthen says he doesn't want to do that. He just actually came to an epiphany of a whole new thing. He needs Atkins to create him a website. Atkins says he can't do that. Atkins says it would be unethical to do that as a reporter. Cauthen says it's not unethical for him to get someone else to do it. Play the game how you want to play the game.</li> <li>• Cauthen asks Atkins if he thinks Cauthen is innocent. Atkins says he hates when Cauthen asks that question like. The reporting Atkins has done will strongly support that they did not do it. Cauthen asks if Atkins knows if Cauthen is innocent. Atkins says that is a weird question to ask a reporter. He wouldn't write it if he didn't know it was true and he's taking a step back from answering directly because he has to maintain certain level of non-bias. He can't be advocate, it's a very weird but important part of being</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>report and he can't really say things like that. Cauthen says yes or no. They're two men. Atkins says Cauthen knows the answer to that question.</p> <ul style="list-style-type: none"> <li>• Cauthen asks how much Atkins wants to help him. Atkins says he's in a tough spot because it isn't something a reporter can do. Atkins got so far in this story because he's been able to maintain integrity, focus, non-bias. He never would've discovered all of the things he discovered. He's learned the nuances and complications. Cauthen says this is a call to go outside means. Atkins says he can't. He feels awful but can't do a favor or pull strings in that way. He can report and asks Cauthen politely to let go. Cauthen says not a problem.</li> <li>• Atkins says there are two reasons why he thinks it's important to establish communication it would be helpful for Atkins to know where case is so he can report it and put pressure on the Commission and it's also thought because he thinks Cauthen should know.</li> </ul>
79.	10/11/2019 15:55	Nathaniel Cauthen	<ul style="list-style-type: none"> <li>• They talk about baseball playoffs and Atkins asks if there's anything new.</li> <li>• Cauthen asks about writing to people at the Commission. Cauthen is going to wait. Atkins doesn't think it makes much of a difference. Cauthen can write to us or Julie Boyer and ask for an update. Atkins says the Commission is supposed to give Boyer updates every 6 months. Cauthen can write if he is interested in update.</li> <li>• Cauthen says he is always negative about stuff like this. Atkins thinks it is realistic for Commission process to take a long time. Atkins leaves it in Cauthen's hands and doesn't want to be pushy or disrespectful.</li> <li>• Atkins thinks the story is going really well but playoffs are taking up a lot of his life. It is more than halfway written but needs fact checking and legal process. He doesn't know how close he is to publishing. Atkins has confidence in his reporting.</li> <li>• Cauthen says he will let Atkins know if he does contact the Commission. Atkins says it is not essential and is something Cauthen should do for Cauthen. He would want to know any updates, but it is not super important.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
80.	10/22/2019 17:55	Nathaniel Cauthen (Using PIN of Justin Mitchell)	<ul style="list-style-type: none"> <li>Atkins talks about World Series and being busy. Atkins asks if Cauthen got mail and Cauthen says he got “the Brayboy joint.” Atkins sent some things that were sent back. He can’t send images or photographs. Cauthen says how are they going to stop him from getting a picture. Atkins suggests logic behind this (gang, etc.) but it is a shame as it includes photos of friends and mom.</li> <li>Cauthen is ready to come home and go to the studio. The whole world is waiting for him. He’s patiently waiting. Atkins says he’s been patient for 17 years. Cauthen can continue to be patient.</li> <li>Atkins is still working on everything but baseball is priority. He will get back to the story after.</li> <li>Cauthen got one of the pictures of his mom and appreciates it. He got the letter, the Brayboy report, and a picture of his mom. Atkins is glad. Atkins asks about pictures of co-defendants. Cauthen says yes. Atkins also sent letter with images of detectives. He wasn’t sure if Cauthen would recognize them.</li> </ul>
81.	10/31/2019 17:46	Nathaniel Cauthen (Using PIN of Joshua Evans)	<ul style="list-style-type: none"> <li>Atkins asks if Cauthen has heard from Boyer. Cauthen is writing letters right now. Atkins says he should write to her or Commission for update. Cauthen said he is writing to both.</li> <li>They talk about baseball/World Series and traveling.</li> <li>Atkins is getting to work on story. Atkins says the original target date was the previous Monday but he was too far behind for that to be a reality. Chris Paul coming back to play was less publicity opportunity than he imagined. Cauthen asks when and Atkins says he’s still writing. January is a good target or sometime after that. There’s another big Chris Paul game in January.</li> <li>Cauthen says to take his time. Atkins doesn’t want to take his time too much. Cauthen says it only matters to the ones who already know the truth. He has tricks up his sleeve and isn’t going to just lay down.</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins tells Cauthen to write the letters and get an update. Cauthen is a client and needs to be updated. Cauthen says especially after Brayboy was murdered he needs an update.</li> </ul>
82.	11/5/2019 17:13	Nathaniel Cauthen (Using PIN of Kelvin Hargrove)	<ul style="list-style-type: none"> <li>Atkins asks what is new and Cauthen says blessings.</li> <li>Cauthen asks what happens with Brayboy if they're exonerated. Atkins doesn't know how this works. His assumption is that anything would go to next of kin and he thinks someone in Brayboy's family has to contact Commission. Cauthen says it is automatic. If they're exonerated, the check would go to daughter. If the Commission is involved, it automatically contacts next of kin.</li> <li>Cauthen says he got a response and it was more than good. Atkins asks what and Cauthen says he's not snitching.</li> <li>Cauthen says he hasn't dealt with Atkins on the Commission. Atkins says according to Cauthen's agreement with the Commission, he's not even supposed to be speaking to Atkins "so we're far past that" and asks what the Commission told him.</li> <li>Cauthen isn't going to tell Atkins what's going on because it's very good.</li> <li>Atkins says Cauthen has called him up and asks him about Brayboy and won't tell Atkins this positive thing. Cauthen says he cannot allow Atkins to report that. Atkins won't report he heard it from Cauthen. Cauthen says publicity wouldn't matter if Atkins printed it in his story, because it will go viral.</li> <li>Atkins asks what happened and if Cauthen found new evidence. Cauthen says that doesn't matter. Cauthen says he's been straight and Atkins says he's being secretive. Cauthen says he hasn't spoken on anything the Commission has done.</li> <li>Atkins says he spoke to Bryant last week. A guy from the Commission got an affidavit.</li> <li>Atkins wants to know if the Commission has found new evidence and if we have told the Victim's family. Once those two steps happen "then you're really cooking with something."</li> <li>Hunter says "unfortunately," the Commission is not transparent with "clients," which he thinks is unfair. Hunter wants to know what the Commission has accomplished. Cauthen asks if Bryant told him. Atkins says Bryant said the Commission couldn't tell</li> </ul>



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	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>him what happened. Cauthen says if Bryant can't tell him, Cauthen can't tell him. Atkins says he's not being truthful.</p> <ul style="list-style-type: none"> <li>• Cauthen says he's not going to tell him. Atkins says he can and there's no reason he can't tell him. Atkins is asking politely. Cauthen says just because he can doesn't mean he has to.</li> <li>• Atkins has poured a lot of effort into doing the right thing and has to know somehow, someway how far the Commission has gotten.</li> <li>• Cauthen says Atkins "has been found out." Atkins says it sounds like Cauthen knows.</li> <li>• Cauthen says if he could he would. Atkins says he can and if the reason is he's not supposed to be speaking to Atkins they've been speaking for months and it's too late. Atkins wouldn't put Cauthen in that position in his story.</li> <li>• Cauthen says there nothing else to talk about. Atkins says this is a big deal. Atkins would be curious to know and asks if there is anything Cauthen can tell him. Obviously, the Commission called him, got an affidavit from him. He wants to know the timeline for next step. Cauthen says they never spoke on that.</li> <li>• Atkins asks if Cauthen is allowed to ask questions. Cauthen says he's through with this conversation and to let it go. Atkins asks why. Atkins says whole point of them speaking is the same cause/matter of the Commission. It is all related. For Cauthen to call him, he knew Atkins would have a lot of questions. He is not trying to upset Cauthen. He cares a lot and wants to know Cauthen's fears.</li> <li>• Cauthen has no fears. Atkins asks what holds him back. The only thing that holds Cauthen back is Cauthen's word to himself. He doesn't have to answer to anyone but God. Cauthen says it wouldn't matter if he wanted to or could tell him. If he doesn't want to tell him, he won't tell him. He's a Sagittarius.</li> <li>• Atkins asks why he called him. Cauthen says he's been calling him. Atkins says Cauthen knows him well enough by now. Atkins says they're allowed to disagree.</li> </ul>



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2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen says he asks questions about Atkins being truthful, trustworthy. That's a very big problem for Cauthen. When Cauthen asks for help and Atkins says he can't help, he loses interest.</li> <li>• Cauthen says he was a 15 year old kid. "You're doing the very thing they did," pressuring him to do something he doesn't want to do. Continually. He's already told Atkins no. Atkins doesn't want to recommit those sins and apologizes. Cauthen says there is no need to apologize. They have different perceptions of life. Atkins apologizes again.</li> <li>• Cauthen says to continue on to do what he's doing with his story. Certain things may go right. Atkins asks if Cauthen has spoken to Boyer on the phone. Atkins then says "okay, so it was just the Commission that called you."</li> <li>• Atkins asks if they were able to say who else they interviewed. Cauthen laughs. "You're still pressing on about questions." Atkins says he was trying to be more delicate but understands. This is important to him.</li> </ul>
83.	12/16/2019	Nathaniel Cauthen (Using PIN of Robert Clement)	<ul style="list-style-type: none"> <li>• They talk about holidays, birthdays, and astrological signs.</li> <li>• Atkins says he found out there is major movement with the case. Bryant was assigned an attorney. Someone gave him a prediction that case could move forward to hearing in later winter or early spring. Cauthen is excited.</li> <li>• Atkins says this is positive, phenomenal, jaw-dropping news. Good things come to those who wait.</li> <li>• Cauthen says he got in trouble recently. Cauthen got a little bit ahead of himself and tried to talk to a woman. Atkins said it's best to be on best behavior. Cauthen is trying to avoid any kind of physical confrontation.</li> <li>• Atkins is trying his hardest to write story before potential hearing. It would benefit the co-defendants.</li> <li>• Cauthen believes this is going to be over for them. He made a prediction that it'd be the end of March or early April when he walks out of these doors. Atkins says there's a 3-judge panel after hearing. It can take a while to schedule and to try to stay even-keeled.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Atkins thinks it would be interesting to know if the Commission found new DNA evidence. That would be a groundbreaking discovery. Cauthen does not know that. Atkins doesn't know if the attorneys know either.</li> <li>• Cauthen said the Commission sent a paper moving to second phase but doesn't know what we found. His lawyer contacted him about staying his attorney. Cauthen doesn't want to change. Wants to finish it out.</li> <li>• Atkins says to bring it to a hearing, it typically indicates Commission found reason enough to debate innocence but he doesn't know to what degree.</li> <li>• Cauthen wants to stay out of the way as much as possible and stay under the radar.</li> <li>• Atkins says he is expressing heart and care for everyone involved and doesn't know the solution to getting Banner more involved. Since Banner didn't originally sign the same paperwork when Bryant and Cauthen did, he's not considered a "client" in this case. It's difficult because he's directly involved. Atkins doesn't know what happens to Banner and his sentence if there's a favorable ruling for Cauthen.</li> <li>• Cauthen says he had to do a questionnaire when they accepted his case. Not knowing what's going on, he's thinking it is to the point where (call breaks up). The Commission gave all co-defendants opportunity to fill out same questionnaire. Banner denied it the first time, he's pretty sure. He hopes Banner filled it out this time.</li> <li>• Atkins hasn't spoken to Banner about it but talked to their mom, who is under the impression Banner is not being represented and hasn't filled out questionnaire.</li> <li>• Atkins' suggestion is that next time Cauthen speaks to Boyer, Cauthen should bring up as a question (call breaks up) if Banner is involved and has a chance to also be exonerated. He gets the impression that Banner is unaware exactly how this works and doesn't think he has filled out paperwork Cauthen mentioned. A lawyer may help.</li> <li>• Cauthen asks Atkins to call his mother and talk immediately. Banner only has 60 days. The Commission automatically sends him questionnaire or Banner needs to ask for one that he wants to file a claim. This is not a dispute. This is not something to be half-looked at. She needs to tell him to fill the paperwork out no matter if he thinks it's right</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>or wrong. They won't accept his claim after the fact. Brayboy is deceased and cannot fill out the questionnaire. Atkins says he explained all this to Cauthen's mom last week and is more than happy to contact her again and re-emphasize. Cauthen doesn't know why his mother would even take the notion to believe Banner won't do this.</p> <ul style="list-style-type: none"> <li>• Atkins' thinks Banner is not knowledgeable about this. He told Cauthen's mom to call Commission itself to establish a relationship and figure out what Banner needs to do.</li> <li>• Cauthen doesn't think Banner believes the Commission will help him. Banner thinks it's random "woop woop and the third." Atkins will get in touch with Cauthen's mother.</li> <li>• They talk about Cauthen's birthday. Cauthen says getting exonerated would be the best thing that could happen to him.</li> </ul>
84.	12/19/2019	Nathaniel Cauthen (Using PIN of Jose Agustiniano)	<ul style="list-style-type: none"> <li>• They talk about Atkins' work and Cauthen's birthday.</li> <li>• Atkins spoke to Cauthen's mom and reinforced importance of getting through to Banner to fill out paperwork for the Commission. He thinks she understood. He took a long time to emphasize importance of miraculous opportunity. Cauthen says everyone knows about their innocence.</li> <li>• Atkins doesn't want Cauthen to be disappointed. Cauthen has been positive and right up to this point. There is no such thing as him not continuing to have faith. Faith of a mustard seed. The truth shall set you free.</li> <li>• Cauthen says if Atkins finds otherwise, he has no problem saying he did this.</li> <li>• Atkins says to call any time. He is happy and eager to stay involved.</li> </ul>
85.	12/29/2019 18:43	Nathaniel Cauthen (Using PIN of Robert Clement)	<ul style="list-style-type: none"> <li>• Atkins has updates. On Friday, Banner got a prison visit from Mumma. Cauthen says he was pretty sure it was going to happen.</li> <li>• Atkins says what was unexpected is that Mumma would take an interest and jump in because her organization is different from the Commission. Because Banner didn't get paperwork in on time to the Commission, the Commission can't give him a lawyer the same way others got one and Mumma said "forget it" and she would represent him if</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>the Commission wouldn't give him a lawyer. Atkins doesn't know how the process works with Banner getting an attorney a different way.</p> <ul style="list-style-type: none"> <li>Atkins and Cauthen talk about how fast everything is moving. Atkins says the case went from no one outside fighting for their innocence to people competing to fight for their innocence.</li> <li>Mumma told Atkins it is her opinion that the Commission must have persuasive evidence if a case is moving forward to a hearing.</li> <li>Cauthen asks Atkins to call his dad to give money to his mom because he can't get a hold of his dad. Atkins says he can't fulfill that request.</li> </ul>
86.	1/8/2020 17:44	Nathaniel Cauthen (Using PIN of Jesse Edwards)	<ul style="list-style-type: none"> <li>They talks about time difference and daylight.</li> <li>Atkins asks if Cauthen has spoken to Joseph Cauthen. He says this morning, the Commission interviewed Joseph Cauthen and their mother. Atkins says Banner got his paperwork in in time and will be represented at the panel in March. Cauthen says "that's what up."</li> <li>Atkins says it took a village to make that happen (make sure Banner was involved). Cauthen says everyone thought he was crazy.</li> <li>Call gets cut off while Atkins is talking about the Merritt Williams case.</li> </ul>
87.	1/8/2020	Nathaniel Cauthen (Using PIN of Jesse Edwards)	<ul style="list-style-type: none"> <li>Atkins says the Merritt Williams 3-judge panel hasn't been scheduled and says this to tell Cauthen it can be a long time to fight for innocence. Cauthen says "nah." He's not stressing that.</li> <li>Atkins says Cauthen's mom is doing well and she said Banner is doing well. She wants to visit them soon.</li> <li>Cauthen asks about Williams case. Atkins explains hearing was in June and 3-judge panel hasn't been scheduled. He says this to Cauthen because Williams is still waiting. Atkins doesn't know the process for how long it takes to schedule and how it works. It could be normal amount of time. He imagines himself in Williams' shoes.</li> <li>Cauthen asks how long he's been locked up. Atkins says 1984. Cauthen says "damn."</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says Williams was part of Darryl Hunt case. Atkins says they bungled it and did a lot of bad police work. Weavil was involved in that case. Cauthen says everything Weavil gets involved in. Atkins says that seems more and more as these cases come out. Cauthen says Weavil should get his retirement taken away.</li> <li>Cauthen wants to know when he's going to get his hearing scheduled. Atkins says there is a lot of positivity going on right now. Cauthen says he's always been positive. 18 years is a long time to change someone's thinking. Cauthen says it's taken this long for anyone to think they were telling the truth. Atkins can't ever imagine waiting so long</li> <li>Atkins wants to revisit Anjuan. He was never able to track him down, but his name came up in a lot of rumors and speculation. Asks if Cauthen thinks he was involved. Cauthen says he can't tell Atkins (meaning he doesn't know).</li> <li>Atkins asks based on his character, what are the chances he was involved. Cauthen says slim to none. Cauthen says you can't put "nothing past nobody," but it's a gut feeling. Anjuan is in between Cauthen and Banner being the youngest males in family. They grew up together.</li> <li>Atkins' counterpoint is that in Anjuan's life, he did get into a lot of trouble with the law. Cauthen says you can say that about a lot of people. Cauthen says the caliber of people they grew up around, he doesn't think Anjuan would physically harm another person.</li> <li>Atkins asks if Anjuan is part of a small group that might have done this. Cauthen doesn't think so. Cauthen and Banner are youngest males on both sides. Anjuan is a good person. He used to cut his grandma's grass. He got hurt and stayed with grandma. He didn't like staying with mother.</li> <li>Cauthen says you can't put anything past anyone, but Anjuan hung around oldest cousins. He knows a lot of people. A lot of people know their family in Winston-Salem.</li> <li>Atkins says that doesn't explain crimes he may have committed with a small 2-3 person group. Cauthen says Anjuan didn't commit any crimes against a younger/older/female person unless he was defending himself. Cauthen guarantees Anjuan doesn't have any type of assault on female.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>Atkins says that after they were charged, Anjuan got in trouble for stealing cars. Cauthen says probably after the fact. Cauthen says his first charge was driving a vehicle.</li> <li>Atkins wonders “hypothetically” if Anjuan is part of a group of 2-3 people and Anjuan’s role is not to hurt but to get the car or get in the car. With a person who was an enforcer. Get it, get in and out, and run away. Atkins says it would mean he’s supporting. Cauthen means that that would be someone out of the norm of who they hung around gave them the idea. That’s the only way he could see doing that.</li> <li>Atkins says to keep him posted and he will keep Cauthen posted.</li> <li>Cauthen wants to write and see what’s going on. Atkins says that’s not a bad idea.</li> </ul>
88.	1/14/2020 20:13	Nathaniel Cauthen (Using PIN of Xavier Farrell)	<ul style="list-style-type: none"> <li>Cauthen asks Atkins to call his mom about a holiday package. Cauthen doesn’t have her number and know how to get in touch with her.</li> <li>As a matter of professionalism, Atkins will pass on message but will suggest she call and connect with case manager. It is best for them to have conversations than have Atkins has middle man. It feels awkward as a reporter and a touch unethical.</li> <li>Cauthen says he’s in a stationary place. Atkins says no reason for them not to talk between each other. Cauthen says he’ll have his dad do it. Dad has to go through his mom.</li> <li>Atkins says a reporter can’t be doing family to family messenger service thing. But agrees to pass message to his mom. He has to be ethical at the end of the day.</li> <li>Cauthen says his mom is hard-headed. Atkins says that’s where Cauthen gets it from. Atkins wants to step outside of it, but will let her know Cauthen called. Cauthen doesn’t want her phone number.</li> <li>Cauthen asks what’s up with the story. Atkins says it’s in his best interest to try and get it published before March before the hearing. He works on it every single day.</li> </ul>
89.	1/25/2020 18:06	Nathaniel Cauthen (Calling from	<ul style="list-style-type: none"> <li>Atkins informs him of date of Commission hearing. Cauthen was not aware. Atkins says the Commission is a compassionate group.</li> <li>Cauthen talks about plans for if he gets out and jobs he might get.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
		PIN of Domminick Crandall)	<ul style="list-style-type: none"> <li>Atkins informs him Mumma is now representing Banner. Atkins thinks this is positive but isn't sure how long process will take.</li> <li>Cauthen thinks this was a sure thing and would go through, or he would still be planning on his parole. Cauthen knows he and brother are going to come home and the case will be overturned. Getting out would be a blessing for him and others in prison.</li> <li>Cauthen says Black got "the break of her life."</li> <li>Cauthen has run into other people in prison who said the same things Black did and went to prison (i.e. at the crime but didn't know it was going to happen and didn't participate).</li> <li>Cauthen says the case was a high-profile case. It will be viewed all over the world. Cauthen has a chance to help a lot of people.</li> <li>Atkins thinks Cauthen and Banner will appear at Commission hearing. This is a big opportunity. Cauthen is fine with this and can answer any question. He stands firm in his innocence.</li> </ul>
90.	2/12/20 17:05	Nathaniel Cauthen (Using PIN of Steven Riley)	<ul style="list-style-type: none"> <li>Atkins talks about things heading in a positive and productive direction. Atkins knows the Commission was deposing police officers this week. He knows one said pretty unflattering things about his fellow officers and this investigation. It's all coming together.</li> <li>Cauthen says he is blessed and thankful. Cauthen had been in trouble around the Super Bowl.</li> <li>Cauthen talks about his optimism.</li> <li>Cauthen asks how story is coming along and Atkins says it's slow and coming. He asks what new things Cauthen has learned lately.</li> <li>Cauthen talks about issues with mom improving. Atkins says there is "scuttlebutt" about an alternate trail of blood that is new evidence. Cauthen doesn't know about that but his mom told him about it. Cauthen says they sent him pictures of a few people. Atkins says he knows it's about Shelton. He heard about that, it didn't seem to be that big of a deal.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<p>Commission is doing their best to speak with literally everybody who's name has ever come up. Shelton's name came up a few times, but it doesn't mean that much.</p> <ul style="list-style-type: none"> <li>• Atkins says it's worth asking Boyer exactly how the Commission has new evidence that could exonerate them. Cauthen says he can't even call her, doesn't think she'll accept the call. Atkins asks why she wouldn't accept. Cauthen doesn't know. "You know how it goes."</li> <li>• Atkins says a person in Cauthen's position can forget that Boyer works for him. It's important to have the conversation.</li> <li>• Cauthen says he'll have his mom do it and wonders what is up with this trail of blood everyone is talking about. Atkins is hearing about it from conversations, not something he knows for certain.</li> <li>• Cauthen says as long as God gets it done, he's good. Atkins says there's nothing wrong with asking and wants him to try to have a strong relationship with his lawyer. Atkins says Cauthen wants lawyer to care about him. Bryant has a good relationship with his lawyer. It means a lot to Bryant. He's devoted to doing a good job.</li> <li>• Atkins says Mumma is representing Banner. She's very involved. It means a lot to his mom and Banner. Cauthen says he'll do what he can. She was cool as a fan when he met her.</li> <li>• Atkins says he can write a letter if he didn't get her on the phone.</li> <li>• Atkins says to hear about the depositions, that's huge. Atkins is intrigued. Cauthen says he doesn't know why that guy didn't come clean years ago. Atkins says the detectives probably don't think they did anything wrong. The point is that if the Commission is so devoted to interviewing all of them the right way, the Commission can understand the mistakes. That can contribute positively to hearing. He wasn't sure Commission was going to take an interest in that aspect.</li> <li>• Cauthen says he hopes they get exposed. Atkins says when the situation goes public, it may make effort to show how WSPD treated people for years and years.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen just wants the money. He doesn't care. If the truth comes out, so be it. Everyone knows the truth. Someone just needs to speak the truth. Cauthen talks about his autobiography and music. He thinks about how he and his co-defendants' lives could have gone differently. Police knew what they were doing and are acting like they didn't do anything wrong. If they understand they did something wrong now, they still lost 18 years of their lives.</li> <li>• Cauthen talks about things he's seen in prison and what their families have gone through.</li> <li>• Atkins is getting back to working on story and asks Cauthen to keep him posted on new evidence.</li> </ul>
91.	2/18/2020 19:33	Nathaniel Cauthen (Using PIN of Mychael King)	<ul style="list-style-type: none"> <li>• Atkins has nothing new to report.</li> <li>• Cauthen is winding down his time.</li> <li>• Atkins asks if Cauthen talked to his lawyer. He hasn't.</li> <li>• Atkins doesn't have anything new. Atkins tells him hearing is 3/9. On a Monday.</li> <li>• Cauthen says this is killing him. Atkins is sorry it's not sooner. Atkins says everyone is interested in knowing how it will go.</li> <li>• Cauthen is getting along better with his mom and calls her every day. Atkins says everyone is waiting.</li> <li>• Cauthen says he is so anxious he's ready to have a heart attack. He's trying to get to the motive of why this all started and came about.</li> <li>• Atkins thinks there's going to be a lot of information about contributing factors. Cauthen wants to know why they didn't let them go and pressured them. Atkins says it'll be interesting to see how much Commission gets into the police work. The Commission's work is limited to what happened and new evidence. They don't typically "unzip" police work in that way.</li> <li>• Cauthen knows for certain we found something that actually makes a difference.</li> </ul>



## Phone Calls Made to Number for Hunter Atkins

2/20/2019 – 1/25/2020

	Date/Time	Inmate Calling Atkins	Relevant Discussion
			<ul style="list-style-type: none"> <li>• Cauthen talks about Chris Paul. Fame surrounded by relationship with grandpa. Publicized game dedicated to grandpa.</li> <li>• Cauthen's mom is thinking her kids didn't do this and they'll be traumatized for the rest of their lives. Cauthen talks about Brayboy's daughter. Brayboy's childhood was stolen. Cauthen talks about how prison has affected them.</li> <li>• Atkins, in reporting, has tried to put himself in their shoes. It's too horrifying. He has respect for their toughness.</li> <li>• Cauthen says that's called love. He talks about his mindset. He still loves his co-defendants to death. They stay in contact with his mom. Atkins brings up punching him in the face. Cauthen says he did feel "some type of way."</li> <li>• Cauthen talks about his first day in prison and crying himself to sleep. He was beat up by police the next day. Cauthen talks about assaults he has seen in prison.</li> <li>• Atkins asks about good jobs for inmates.</li> <li>• Cauthen talks about music.</li> </ul>



# Handout 22



# HOUSTON★CHRONICLE

HoustonChronicle.com | Chron.com

Dear Nathaniel,

I'm glad you got my letter. Your mom told me.

Unfortunately, you did the **exact opposite** of what I asked you to do.

I was trying to work without the Commission's involvement. Your mom told me that you sent my letters to the Innocence Commission.

That is like ~~planning~~ surprise birthday party for a friend, and then you told that friend about the surprise party.

I tried to explain in my letter that I had found a way to benefit your case without the Commission being informed. But then you went ahead and sent the Commission my letters...

I understand that you want to follow the Commission's rules about not speaking with media. And I respect that.

Still, my story can add credibility to your claims of innocence — if you would let me.

There is a folder of 300 documents — some explain how the police might have wrongfully investigated you five — which I want to see. These are not documents from the Commission. They are from Christine Mumma's organization, the Center for Actual Innocence.

But Mumma's organization will not share them with me without your permission. Again, this is not the Commission.

I'm just trying to help. But I can't if you don't let me.

Thanks and I hope to hear from you,

Hunter Atkins

230 W. Alabama St. #1001

Houston, TX 77006

917-774-5674



# Handout 23



9:09



Hunter

+19177745674



Sunday, January 26, 2020



Quick question, if you might remember...

When detectives interrogated you and showed you photos of the crime scene, did they ever show you anything bloody? Did they show you how Jones looked after his attack?

8:13 PM

I can't recall if they showed me a picture of him like that but I know they showed me a picture of him when they got aggressive and told me I was lying the,





slam the picture on the  
table

8:58 PM

H Got it. Thank you.

9:00 PM

Wednesday, January 29, 2020

H Checking in. I learned  
a bit more about the  
potential alternative  
suspect in the case.

8:47 PM



MMS







MMS



MMS





MMS



MMS

Let me know if you're  
able to download  
these photos and see  
them clearly.

9:2





H



MMS 9:36 PM

I don't think he was the  
one he the one I did my  
take confession with

9:59 PM

H

He did NOT take your  
confession.

I'm wondering if he  
ever came in the



room. At any point.

10:06 PM

I remember him hunter  
and yes he did

10:08 PM



Excellent. Thank you.

10:08 PM



Also, I just heard  
from Ms. Teresa.  
I got more  
clarification.

The "Shelton" news  
sounds much more  
boring, actually.



The Commission is attempting to find the Shelton y'all knew back in the day. Because, in 2002, y'all said he was there that day.

I don't think there's more to it than that.

10:10 PM

Yeah he was round us that day

10:11 PM



I think that's all the Commission is trying to do.





Apparently, the two images are of two men names Shelton who live in the county.

But Rayshawn and Stinky don't recognize the images.

So, the search goes on.

Named\*

10:12 PM

So they trying to find Sheldon the one that we know

10:13 PM



Correct.





Is it Shelton? Or  
Sheldon?

10:13 PM

I remember it being  
spelled with a t but I  
could be wrong

10:14 PM

H

Well, the two guys  
in the photos are  
named:

Shelton Lewis  
Watkins

Shelton Denard Davis

10:15 PM

Out of all the Shelton's  
why did they send the  
picture of these two  
guys

10:44 PM





Their names are  
Shelton. They live  
in Forsyth County.  
They're just seeing if  
they get a correct hit

11:22 PM

Thursday, January 30, 2020

4:27 PM

Ok



Thursday, February 13, 2020



MMS

Put the date on there  
and I throw in an extra  
\$5

2:18 PM



It's excellent.

2:18 PM



Okay nevermind yeah  
it's good I don't want to  
overdo it

2:19 PM



Looks sharp. And  
tasteful.

2:19 PM

2:48 PM

Lol



# Handout 24



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
<b>WSPD #1817365:</b> Twelve (12) Latent Prints from Victim's Lincoln	<b>2004 Winston-Salem Police Department Testing</b> <ul style="list-style-type: none"> <li>3/19/2004: Fingerprint analysis. Banner, Brayboy, Bryant, Cauthen, and Tolliver excluded as source of latent prints.</li> </ul> <b>2019 NC State Crime Lab Testing</b> <ul style="list-style-type: none"> <li>6/27/2019: Crime Lab noted 5 identifiable latent fingerprints and four identifiable latent palmprints.               <ul style="list-style-type: none"> <li>The Victim could not be conclusively compared to any of the identifiable latent prints due to insufficient detail in known inked impressions for the Victim.</li> <li>Lift from driver door entered into SAFIS and was identified as right little finger of Calvin Scriven. Scriven was one of the people who found the Victim's body.</li> <li>Remaining eight lifts entered into SAFIS and AFIT. No identifications were effected on seven lifts.</li> <li>Lift from driver door identified as right index finger of Tarshia Caprice Coleman after being searched on SAFIS. Coleman is one of the people who found the body.</li> <li>Remaining 7 lifts compared to Scriven and Coleman. No identifications effected as to any of the lifts for either Scriven or Coleman except for one. One lift from front driver door identified as the right palm of Tarshia Coleman. Major case inked impressions needed for some comparisons for each individual.</li> </ul> </li> </ul>
<b>State's Exhibit #17:</b> Right Shoeprint Collected from Hood of Victim's Lincoln	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Footwear Impression Examination: Compared to three (3) pairs of Nike tennis shoes from Cauthen and Banner's residence and one (1) pair of Nike tennis shoes collected from Joseph Cauthen's person. One (1) portion of a questioned footwear impression (toe and ball areas) corresponded in physical size, design, and wear with the known right shoe submitted from NCIC Item #77 (pair of size 9 white Nike shoes collected from Banner and Cauthen's residence) and could have been made by that shoe or another shoe of the same physical size, design, and general condition. Due to the limited detail in the impression, a more positive association could not be made.</li> <li>12/3/2003: Footwear impression examination. The questioned impression could not have been made by the white and red Nike tennis shoes collected from Joseph Cauthen at the jail (NCIC #73), the black leather Nike tennis shoes from Banner and Cauthen's residence (NCIC #70), and the size 9.5 white Nike tennis shoe from Banner and Cauthen's residence (NCIC #67).</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
	<p><b>2019 Marty Ludas Analysis</b></p> <ul style="list-style-type: none"> <li>7/26/2019: The right shoe from NCIIC #77 (pair of size 9 white Nike shoes collected from Banner and Cauthen's residence) was noted to display the same size, shape and sole design that exists on the right footwear impression. Additionally, the wear pattern on the right shoe corresponds to the wear pattern displayed on the photographs of the right footwear impressions. The right shoe could have been the source of the footwear impressions. It is possible that another pair of shoes could have been the source of the impressions, but they have to display the exact wear pattern characteristics as noted in NCIIC #77.</li> </ul> <p>Ludas excluded NCIIC #73 (Nike shoes collected from Joseph Cauthen at jail), NCIIC #70 (pair of size 7.5 Nike shoes collected from Banner and Cauthen's residence), NCIIC #67 (pair of size 9.5 Nike shoes collected from Banner and Cauthen's residence), NCIIC #58 (two pairs of Nike shoes collected from Tolliver's residence), NCIIC #69 (pair of Timberland boots collected from Banner and Cauthen's residence), NCIIC #71 (pair of blue/white Nike shoes collected from Banner and Cauthen's residence), NCIIC #74 (one pair of white Nike shoes collected from Banner and Cauthen's residence, and NCIIC #76 (pair of Reebok tennis shoes collected from Tolliver's person) as being the source of the footwear impression.</p>
<p><b>State's Exhibit #18:</b> Left Shoeprint Collected from Hood of Victim's Lincoln</p>	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>12/3/2003: Footwear Impression Examination. Footwear Impression Examination: Compared to three (3) pairs of Nike tennis shoes from Cauthen and Banner's residence and one (1) pair of Nike tennis shoes collected from Joseph Cauthen's person. One (1) portion of a questioned footwear impression (outer arch and heel areas) corresponded in physical size, design, and wear with the known right shoe from State's Exhibit 77 (pair of size 9 white Nike shoes collected from Banner and Cauthen's residence) and could have been made by that shoe or another shoe of the same physical size, design, and general condition. Due to the limited detail in the impression, a more positive association could not be made.</li> <li>12/3/2003: Footwear impression examination. The questioned impression could not have been made by the white and red Nike tennis shoes collected from Joseph Cauthen Joseph Cauthen at the jail (State's Exhibit 73), the black leather Nike tennis shoes from Banner and Cauthen's residence (State's Exhibit 70), and the size 9.5 white Nike tennis shoe from Banner and Cauthen's residence (State's Exhibit 67).</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
	<p><b>2019 Marty Ludas Analysis</b></p> <ul style="list-style-type: none"> <li>7/26/2019: The left shoe from NCIIC #77 (pair of size 9 white Nike shoes collected from Banner and Cauthen's residence) was noted to display the same size, shape and sole design that exists on the left footwear impression. Additionally, the wear pattern on the left shoe corresponds to the wear pattern displayed on the photographs of the right footwear impressions. The left shoe could have been the source of the footwear impressions. It is possible that another pair of shoes could have been the source of the impressions, but they have to display the exact wear pattern characteristics as noted in NCIIC #77.</li> </ul> <p>Ludas excluded NCIIC #73 (Nike shoes collected from Joseph Cauthen at jail), NCIIC #70 (pair of size 7.5 Nike shoes collected from Banner and Cauthen's residence), NCIIC #67 (pair of size 9.5 Nike shoes collected from Banner and Cauthen's residence), NCIIC #58 (two pairs of Nike shoes collected from Tolliver's residence), NCIIC #69 (pair of Timberland boots collected from Banner and Cauthen's residence), NCIIC #71 (pair of blue/white Nike shoes collected from Banner and Cauthen's residence), NCIIC #74 (one pair of white Nike shoes collected from Banner and Cauthen's residence, and NCIIC #76 (pair of Reebok tennis shoes collected from Tolliver's person) as being the source of the footwear impression.</p>
NCIIC Item #68: Inside Back Pockets of One Pair of Black Jeans (from Cauthen and Banner's home)	<p><b>2020 Bode Technology Testing</b></p> <ul style="list-style-type: none"> <li>3/10/2020: STR DNA testing conducted.</li> </ul> <p>Left rear pocket: A partial STR DNA profile consistent with a mixture of three individuals including at least one male contributor was developed. Cauthen was included as a possible contributor. Likelihood ratios suggest strong support for exclusion of the Victim and limited support for exclusion of Rayshawn Banner.</p> <p>Right rear pocket: A partial STR DNA profile consistent with a mixture of at least three individuals including at least one male contributor was developed. Cauthen is included as a possible contributor to this mixture. The Victim and Banner are excluded as contributors. Due to limited data obtained, no conclusions could be made on the uninterpretable minor alleles present.</p>
NCIIC #75: Inside Back Pockets of One Pair of Black Jeans (from Cauthen and Banner's home)	<p><b>2020 Bode Technology Testing</b></p> <ul style="list-style-type: none"> <li>3/10/2020: STR DNA testing conducted.</li> </ul> <p>Left rear pocket: A partial STR DNA profile consistent with a mixture of at least two individuals including at least one male contributor was developed. Due to the possibility of allelic dropout, no conclusions can be made on this profile.</p>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
	Right rear pocket: A partial STR DNA profile consistent with a male contributor was developed. The Victim, Cauthen, and Banner are excluded as possible contributors to this profile.
<b>State's Exhibit #66:</b> Aluminum Baseball Bat from Tolliver's Residence	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <p><b>2019 Bode Technology Testing</b></p> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. <ul style="list-style-type: none"> <li>From Wide/Blunt End to Middle: Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> <li>From Middle to Towards Handle: Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> <li>Rubber Handle: Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul> </li> </ul>
<b>State's Exhibit #6:</b> Broken Watch	<p><b>2018 Bode Cellmark Forensics Testing</b></p> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Partial STR DNA profile obtained from this sample is consistent with a male contributor and matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded.</li> </ul>
<b>WSPD #210746.1:</b> Red Substance Collected from Hood of Lincoln ( <b>Substance</b> )	<p><b>2018 Bode Cellmark Forensics Testing</b></p> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Partial STR DNA profile developed consistent with a male contributor and one additional allele. Major profile matches the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded from major profile. No conclusions can be made on the minor allele.</li> </ul>
<b>WSPD #210746.2:</b> Standard (associated with red substance) Collected from hood of Lincoln ( <b>Standard</b> )	<p><b>2018 Bode Cellmark Forensics Testing</b></p> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
<b>NCIC #121:</b> Red Substance- Marker #3 (Substance)	<b>2020 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. The partial DNA profile obtained from this sample is consistent with a male contributor. This DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded as contributors of this profile.</li> </ul>
<b>WSPD #210747:</b> Red Substance- Marker #2 (Substance)	<b>2020 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. The partial DNA profile obtained from this sample is consistent with a male contributor. This DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded as contributors of this profile.</li> </ul>
<b>WSPD #210747.2:</b> Standard (associated with red substance) Marker #2 (Standard)	<b>2020 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. This sample was screened for human DNA. The results were below the limit of detection.</li> </ul>
<b>WSPD #210748:</b> Red Substance from Carport Step (Substance)	<b>2020 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. The partial DNA profile obtained from this sample is consistent with a male contributor. This DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded as contributors of this profile.</li> </ul>
<b>WSPD #210748.2:</b> Standard (associated with red substance) from Carport Step (Standard)	<b>2020 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. This sample was screened for human DNA. The results were below the limit of detection.</li> </ul>
<b>State's Exhibit #23.1:</b> Black Electrical Tape from Left Hand of Victim (Non-Adhesive Side)	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <b>2018 Bode Cellmark Forensic Testing</b> <ul style="list-style-type: none"> <li>11/19/2018: STR DNA analysis. The partial DNA profile obtained from sample is consistent with mixture of at least 2 individuals including at least 1 male contributor. No conclusions can be made on mixture profile due to possible allelic drop out.</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
<b>State's Exhibit #23.2:</b> Black Electrical Tape from Left Hand of Victim (Adhesive Side and Embedded Piece of String)	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <b>2018 Bode Cellmark Forensic Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Partial DNA profile is consistent with mixture of 3 or more individuals including a major female and at least 1 male contributor. The Victim, Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded from major female profile, but no conclusion on minor alleles can be made due to possible allelic drop out.</li> </ul> <b>2019 NC State Crime Lab CODIS Evaluation</b> <ul style="list-style-type: none"> <li>6/12/2019: The partial major DNA profile was entered into CODIS with no results. Regular searches will be performed.</li> </ul> <b>2020 Clement Consulting Analysis:</b> <ul style="list-style-type: none"> <li>2/29/2020: Victim cannot be excluded as a possible minor contributor the mixture profile developed by Bode.</li> </ul>
<b>State's Exhibit #24:</b> Black Electrical Tape from Face/Head of Victim (Non-Adhesive Side)	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. The partial profile is consistent with mixture of at least 2 individuals including a major male contributor of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded from the major profile. No conclusions can be made on the minor alleles due to possible allelic dropout.</li> </ul>
<b>State's Exhibit #26.1:</b> Black Electrical Tape (Non-Adhesive Side) from Carport Steps	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Alleles were obtained from sample at the Amelogenin and TH01 loci. Due to limited data obtained, no conclusions can be made on these alleles.</li> </ul>
<b>State's Exhibit #26.2:</b> Black electrical tape (Adhesive Side) from Carport Steps	<b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Alleles were obtained from sample at the Amelogenin and D3S1358 loci. Due to limited data obtained, no conclusions can be made on these alleles.</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
<b>WSPD #210835.1:</b> One Piece of Black Tape (Non-Adhesive Side) Collected from Backyard Under Porch	<b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>The partial DNA profile obtained is consistent with mixture of at least 2 individuals including at least 1 male contributor. No conclusions can be made on mixture profile due to possible allelic drop out.</li> </ul> <b>2020 Clement Consulting Analysis</b> <ul style="list-style-type: none"> <li>2/29/2020: Excludes the Victim, Christopher Bryant, Jermal Tolliver, Dorrell Brayboy, Nathaniel Cauthen, Rayshawn Banner, Jessicah Black, Teresa Hier, and Tarshia Coleman as contributors to the mixture profile developed by Bode.</li> </ul>
<b>WSPD #210835.2:</b> One Piece of Black tape (Adhesive Side) Collected from Backyard Under Porch	<b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>
<b>WSPD #210837.1:</b> One Piece of Black Tape (Non-Adhesive Side) Collected from Backyard	<b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>
<b>WSPD #210837.2:</b> One Piece of Black Tape (Adhesive Side) Collected from Backyard	<b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>
<b>WSPD #210838.1:</b> One Piece of Black Tape (Non-Adhesive Side) Collected from Backyard	<b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>
<b>WSPD #210838.2:</b> One Piece of Black Tape (Adhesive Side) Collected from Backyard	<b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>
<b>WSPD #210840.1:</b> One piece of Black Tape (Non-Adhesive Side) Collected from Under Porch	<b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
<b>WSPD #210840.2:</b> One piece of Black Tape (Adhesive Side) Collected from Under Porch	<b>2018 Bode Cellmark Forensics Testing</b> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>
<b>State's Exhibit #87.1:</b> Right Rear Interior Pocket of Victim's Pants	<b>2019 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. The partial DNA profile obtained from this sample is consistent with a mixture of at least two individuals including a major male contributor. The major component DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded from major component DNA profile. Due to the possibility of allelic drop out, no conclusions can be made on the minor alleles present in this sample.</li> </ul>
<b>State's Exhibit #87.2:</b> Left Rear Interior Pocket of Victim's Pants	<b>2019 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. The partial DNA profile obtained from this sample is consistent with a male contributor. The DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded as possible contributors.</li> </ul>
<b>State's Exhibit #87.3:</b> Left Front Interior Pocket of Victim's Pants	<b>2019 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. Partial DNA obtained from this sample is consistent with a mixture of at least one male major contributor. The major DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded from the major component of the DNA profile. Due to the possibility of allelic drop out, no conclusions can be made on the minor alleles present in this sample.</li> </ul>
<b>State's Exhibit #87.4:</b> Right Front Interior Pocket of Victim's Pants	<b>2019 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. The partial DNA profile obtained from this sample is consistent with a mixture of at least two individuals including a major male contributor. This major component DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessicah Black, Tarshia Coleman, and Teresa Hier are excluded from the major component of the DNA profile. Due to the possibility of allelic drop out, no conclusions can be made on the minor alleles present in this sample.</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
<b>State's Exhibit #87.5:</b> Entire Exterior Waist Area of Victim's Pants	<b>2019 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>9/26/2019: The partial DNA profile obtained from this sample is consistent with a mixture of at least two individuals including a major male contributor. This major component DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessica Black, Tarshia Coleman, and Teresa Hier are excluded from the major component of the DNA profile. Due to the possibility of allelic drop out, no conclusions can be made on the minor alleles present in this sample.</li> </ul>
<b>WSPD #210756.1:</b> Interior of Bag A of Two Paper Bags from the Victim's Hands	<b>2019 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. The partial DNA profile obtained from this sample is consistent with a male contributor. This DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessica Black, Tarshia Coleman, and Teresa Hier are excluded as contributors to the partial DNA profile.</li> </ul>
<b>WSPD #210756.2:</b> Interior of Bag B of Two Paper Bags from the Victim's Hands	<b>2019 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. The partial DNA profile obtained from this sample is consistent with a male contributor. This DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessica Black, Tarshia Coleman, and Teresa Hier are excluded as contributors to the partial DNA profile.</li> </ul>
<b>WSPD #210756.3:</b> Interior of Bag B of Two Paper Bags from the Victim's Hands	<b>2019 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>9/26/2019: The partial DNA profile obtained from this sample is consistent with a mixture of at least two individuals including a major male contributor. The major component DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessica Black, Tarshia Coleman, and Teresa Hier are excluded as contributors of the major component DNA profile. Due to the possibility of allelic drop out, no conclusions can be made on the minor alleles present in this sample.</li> </ul>
<b>NCIIC #124:</b> Chapstick	<b>2020 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. The partial DNA profile obtained from this sample is consistent with a male contributor. This DNA profile matches the DNA profile of the Victim. Christopher Bryant, Nathaniel Cauthen, Dorrell Brayboy, Jermal Tolliver, Rayshawn Banner, Jessica Black, Tarshia Coleman, and Teresa Hier are excluded as contributors of this profile.</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
<b>NCIIC #28.1:</b> “Monumental Life Insurance Company” Piece of Mail	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <b>2020 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. The partial DNA profile obtained is consistent with a mixture of three or more individuals including at least one male contributor. Due to possible allelic dropout, no conclusions can be made on mixture profile.</li> </ul>
<b>NCIIC #28.2:</b> “City/County Utilities” Piece of Mail	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <b>2020 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. The partial DNA profile obtained is consistent with a mixture of three or more individuals including at least one male contributor. Due to possible allelic dropout, no conclusions can be made on mixture profile.</li> <li>3/10/2020: STRMix mixture interpretation results. Likelihood ratios were calculated assuming a mixture of four individuals. Only contributors 1 and 2 are comparable. Likelihood ratios suggest limited support for inclusion of the Victim, limited support for exclusion of and Tolliver, strong support for exclusion of Brayboy, Cauthen, and Banner, and moderate support for exclusion of Bryant, Teresa Hier, and Tarshia Coleman. The statistical result for Jessicah Black was uninformative.</li> </ul>
<b>NCIIC 28.3:</b> “Triad Clinical Laboratory, LLC” Piece of Mail	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <b>2020 Bode Technology Testing</b> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. The partial DNA profile obtained is consistent with a mixture of three or more individuals including at least one male contributor. Due to possible allelic dropout, no conclusions can be made on mixture profile.</li> </ul>
<b>State’s Exhibit #34:</b> Two (2) Floodlight Bulbs from Carport	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul>
<b>State’s Exhibit #34.1:</b> Floodlight 1 from Carport	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <b>2018 Bode Cellmark Forensics Testing</b>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
	<ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>
<b>State's Exhibit #34.2:</b> Floodlight 2 from Carport	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <p><b>2018 Bode Cellmark Forensics Testing</b></p> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. No DNA profile was obtained from this sample</li> </ul>
<b>State's Exhibit #31:</b> Piece of Storm Door Handle from Carport	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>12/3/2003: Fingerprint analysis. No identifiable latent prints noted or developed.</li> </ul> <p><b>2018 Bode Cellmark Forensics Testing</b></p> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. Due to limited amount of DNA, stopped at quant stage. No further testing conducted.</li> </ul> <p><b>2019 Bode Technology Testing</b></p> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. The partial DNA profile obtained included at least one male contributor. Due to the limited data obtained, no conclusions can be made on this partial profile.</li> </ul>
<b>WSPD #210845:</b> Business Card "Jon Bishop" from Near Neighbor's Driveway Behind House	<p><b>2019 Bode Technology Testing</b></p> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. Sample was screened for human DNA and the results were below the limit of detection; therefore, this sample was not processed further.</li> </ul>
<b>NCIIC #146:</b> Business Card "Hanes Electric Installation and Service" from Near Neighbor's Driveway Behind House	<p><b>2019 Bode Technology Testing</b></p> <ul style="list-style-type: none"> <li>9/26/2019: STR DNA analysis. No DNA profile was obtained from this sample.</li> </ul>
<b>NCIIC #144:</b> One Piece of Wire	<p><b>2020 Bode Technology Testing</b></p> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. This sample was screened for human DNA. The results were below the limit of detection.</li> </ul>
<b>NCIIC #148:</b> Black Hair Substance (10 Apparent Hairs/Fibers)	<p><b>2020 Bode Technology Testing</b></p> <ul style="list-style-type: none"> <li>1/9/2020: STR DNA analysis. This sample was screened for human DNA. The results were below the limit of detection.</li> <li>Microscopy performed at Bode indicated two apparent human hairs that may be suitable for nuclear DNA analysis, three apparent human hairs that may be suitable for mtDNA analysis, and 169</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
	<p>apparent fibers not suitable for further testing. The two hairs suitable for nuclear DNA analysis were submitted to the NC State Crime Lab for testing.</p> <p><b>2020 NC State Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>3/10/2020: STR DNA analysis. No DNA profiles obtained from either hair.</li> </ul>
<p><b>NCIIC #141:</b>  <b>Blue Toboggan</b>  <b>Collected from Center of Belview Park</b></p>	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul> <p><b>2018 Bode Cellmark Forensics Testing</b></p> <ul style="list-style-type: none"> <li>11/9/2018: STR DNA analysis. At partial STR DNA profile consistent with a mixture of at least two individuals, including at least one male contributor was developed. No conclusions can be made on mixture profile due to possible allelic drop out.</li> </ul>
<p><b>State's #Exhibit 71:</b>  Pair of Blue and White White Nike Tennis Shoes from Banner and Cauthen's Residence</p>	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<p><b>State's Exhibit #74:</b>  Pair of White Nike Tennis Shoes from Banner and Cauthen's Residence</p>	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<p><b>State's Exhibit #69:</b>  Pair of Timberland Boots from Cauthen and Banner's Residence</p>	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<p><b>State's Exhibits #68 and 74:</b>  Jeans from Cauthen and Banner's Residence</p>	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<p><b>State's Exhibit #72:</b>  Green Jersey from Cauthen and Banner's Residence</p>	<p><b>2003 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
<b>State's Exhibit #55:</b> Jeans Collected from Brayboy's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #56:</b> Blue Adidas Jacket from Brayboy's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #60:</b> Red and Black T-Shirt from Bryant's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #59:</b> Orlando Magic Jersey from Bryant's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #61:</b> Atlanta Baseball Cap from Bryant's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #65:</b> Red Sweatpants from Bryant's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #64:</b> Red/Black Sweatshirt from Bryant's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #63:</b> Camouflage Pants, Two (2) lighters, and Three Candy Suckers from Bryant's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #62:</b> Camouflage Sweatpants from Bryant's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #58:</b>	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>



# FORENSIC TESTING CHART

(NOTE: All testing done after 2003 is at the request of the Commission)

Item Tested	Results
Two Pairs of Nike Tennis Shoes from Tolliver's Residence	
<b>State's Exhibit #57:</b> Green Bugle Boy Sweatshirt from Tolliver's Residence	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #76:</b> Pair of Reebok Tennis Shoes Collected from Tolliver at PSC	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #51:</b> Seat Cover from Jessica Black's Mercury Cougar	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #52:</b> Seat Cover Cutting from Jessica Black's Mercury Cougar	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>
<b>State's Exhibit #53:</b> Seat Cover Cutting from Jessica Black's Mercury Cougar	<b>2003 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>8/1/2003: Blood examination. Failed to reveal the presence of blood.</li> </ul>



# Handout 25





**Name:** Christopher J. Cavazos  
**Laboratory:** Raleigh Crime Laboratory  
**Job Title:** Forensic Scientist II  
**Date:** 11.16.2018

## CASEWORK

**Laboratory Section:** Latent Evidence  
**Discipline(s) of Casework:** Latent Prints

## EDUCATION

Institution	Dates Attended	Major	Degree Completed
Purdue University	2005-2009	Sociology Forensic Science; Psychology	B.A. Minor
Syracuse University	2010-2011	Forensic Science	M.S.

## PROFESSIONAL AFFILIATIONS AND CERTIFICATIONS

- The International Association for Identification, January 2015-Present
- Certified Latent Print Examiner, International Association for Identification (July 10, 2017)

## COURTROOM TESTIMONY

Discipline	Date Authorized	Approximate Testimony Appearances
Latent Prints	March 2015	1

## TRAINING AND EXPERIENCE

### Latent Prints

Date	Title
October 2018	Phase 2 Footwear Impression Training <i>Sirchie, Youngsville, NC</i>
July 2018	Phase 1 Footwear Impression Training <i>Sirchie, Youngsville, NC</i>
January 2018	Quality Assurance for Latent Print Examiners <i>Osceola Co. Sheriff's Office, Kissimmee, FL</i>
November 2017	NCIAI CSI Training Seminar <i>Justice Academy, Edneyville, NC</i>
March 2017	LAAL-IC Communicating with Your Team <i>OSHR, Raleigh, NC</i>
February 2017	Foundations of Forensic Photography <i>Texas A&amp;M Engineering Extension System online course</i>
February 2017	LAAL-IC Foundations <i>OSHR, Raleigh, NC</i>

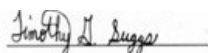
Handwritten signature of Timothy M. Suggs in blue ink.

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February 2017	LAAL-IC: Exploring Supervision: Is This Role for You? <i>OSHR, Raleigh, NC</i>
December 2016	LAAL-IC: Dealing with Change <i>OSHR, Raleigh, NC</i>
December 2016	LAAL-IC: Out of the Box Thinking <i>OSHR, Raleigh, NC</i>
September 2016	IPTES Series: Error Rates & Implications of the Quality <i>RTI International online course</i>
September 2016	IPTES Series: Fingerprint Image Complexity <i>RTI International online course</i>
August 2016	Analysis of Distortion in Latent Prints <i>Alice Maceo, Durham PD</i>
July 2016	New Paradigm Fingerprint Reporting w/o Individualization <i>RTI International online course</i>
April 2016	Logical Latent Analysis <i>Mack Brazelle, Raleigh, NC</i>
January 2014 to March 2015	NCSCSCL in-house training program for Latent Prints <i>Raleigh, NC</i>
November 2014	Advanced Latent Ridgeology <i>Sirchie, Youngsville, NC</i>
November 2014	Forensic Science Academy <i>NCSCSCL, Raleigh</i>
October 2014	Advanced Latent Palm Print Comparison <i>Sirchie, Youngsville, NC</i>
September 2014	Basic Latent Fingerprint Comparison <i>Sirchie, Youngsville, NC</i>
September 2014	The Emperor's New Clothes: A Guide to Latent Print Testimony <i>RTI International online course</i>
August 2014	Universal Latent Workstation Software Workshop <i>FBI, CJIS</i>
July 2014	Understanding Basic Statistical Concepts <i>RTI International online course</i>
July 2014	An Introduction to Digital Imaging <i>Foray Technology, Durham, NC</i>
July 2014	Introduction to the Science of Fingerprints <i>Sirchie, Youngsville, NC</i>
June 2014	Workplace Hazard Training <i>Raleigh, NC</i>
May 2014	Fundamentals of Latent Print Examination <i>WVU online course</i>
April 2014	Answering the NAS: The Ethics of Leadership and the Leadership of Ethics <i>RTI International online course</i>
April 2014	Sure Footing: Fundamentals of Forensic Science Research, Part II <i>RTI International online course</i>







March 2014	The Science of Fingerprints <i>WVU online course</i>
February 2014	Preventing Harassment <i>Raleigh, NC</i>
February 2014	Fingerprint Identification: Reliability and Accuracy <i>RTI International online course</i>
February 2014	Latent Fingerprints: Developing Methods and New Technology <i>RTI International online course</i>
February 2014	Latent Fingerprints: Reducing Erroneous Exclusions <i>RTI International online course</i>
January 2014	To Hell and Back: The Ethics of Stewardship and the Stewardship of Ethics <i>RTI International online course</i>

### Meetings and Conferences

Date	Title
November 2018	Latent Print Examiner Meeting <i>Greensboro, NC</i>
May 2018	NCIAI Educational Conference <i>Winston-Salem, NC</i>
October 2017	Latent Print Examiner Meeting <i>Raleigh, NC</i>
April 2017	NCIAI Educational Conference <i>Wilmington, NC</i>
November 2016	Latent Print Examiner Meeting <i>Raleigh PD, Raleigh, NC</i>
May 2016	NCIAI Educational Conference <i>Raleigh, NC</i>
November 2015	Latent Print Examiner Meeting <i>CCBI, Raleigh, NC</i>
May 2015	NCIAI Educational Conference <i>Greensboro, NC</i>
August 2014	IAI Educational Conference <i>Minneapolis, MN</i>
March 2014	NCIAI Educational Conference <i>Fayetteville, NC</i>

### EMPLOYMENT HISTORY

**Tenure:** January 2014 – Present

- **Employer:** North Carolina State Crime Laboratory
- **Job Title:** Forensic Scientist
- **Primary Duties:**
  - Receive evidence and process for the presence of latent prints
  - Compare any prints of value to known standards
  - Run latent prints through SAFIS system

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- Testify in court as needed
- Respond to crime scenes upon request

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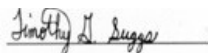
## OTHER QUALIFICATIONS

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### Qualification #1

- Completed in-house training (blood print processing, porous/non-porous processing, fluorescent/dye stain processing)
- Passed written, practical, and final exams
- Successfully passed a moot court

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# Handout 26





NCIIC #58 (Collected from Tolliver's Home)



NCIIC #58 (Collected from  
Tolliver's Home)







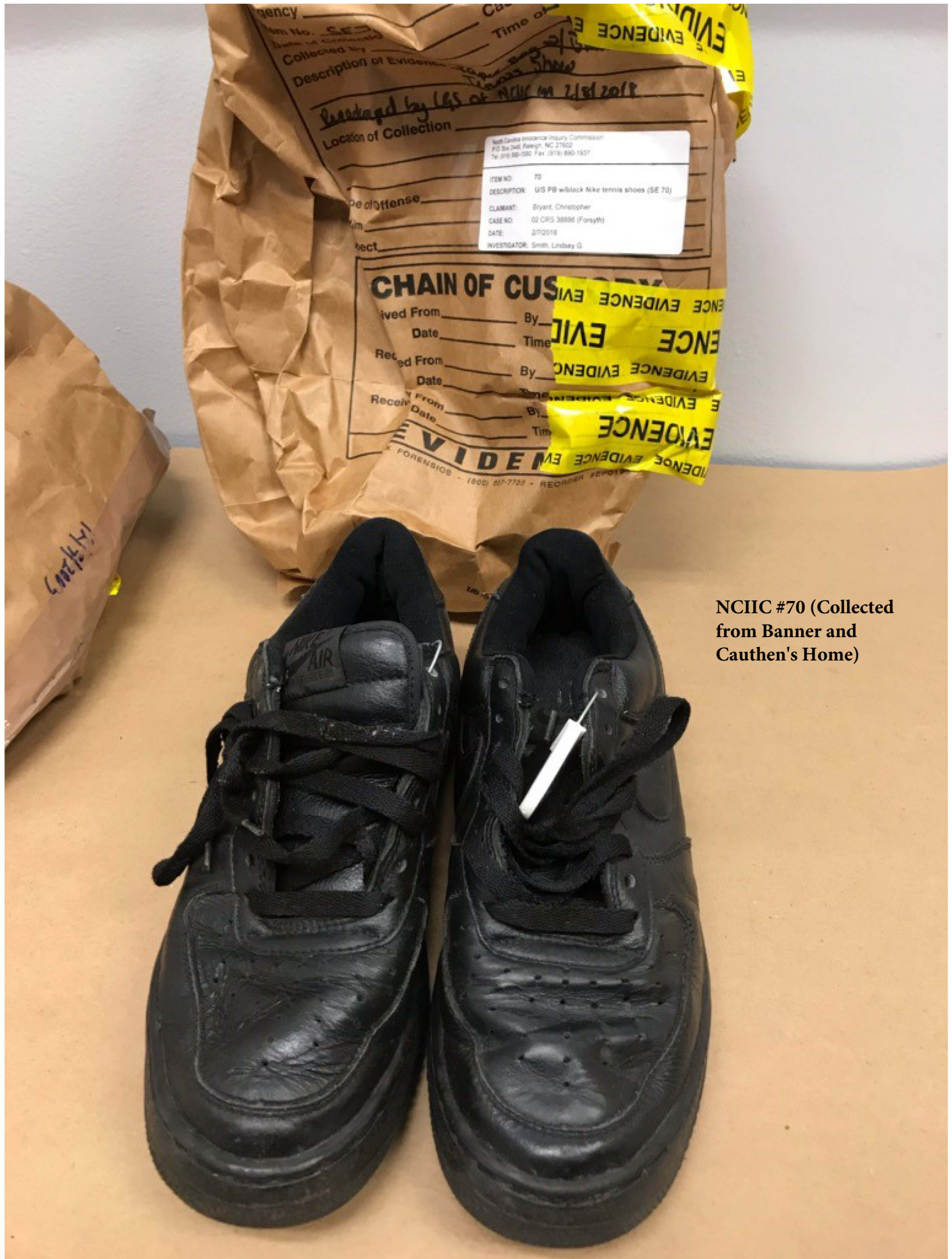
NCIIC #67 (Collected from Banner and Cauthen's Home)





NCIIC #67  
(Collected from  
Banner and  
Cauthen's Home)





NCIIC #70 (Collected from Banner and Cauthen's Home)





NCIIC #70 (Collected from Banner and Cauthen's Home)





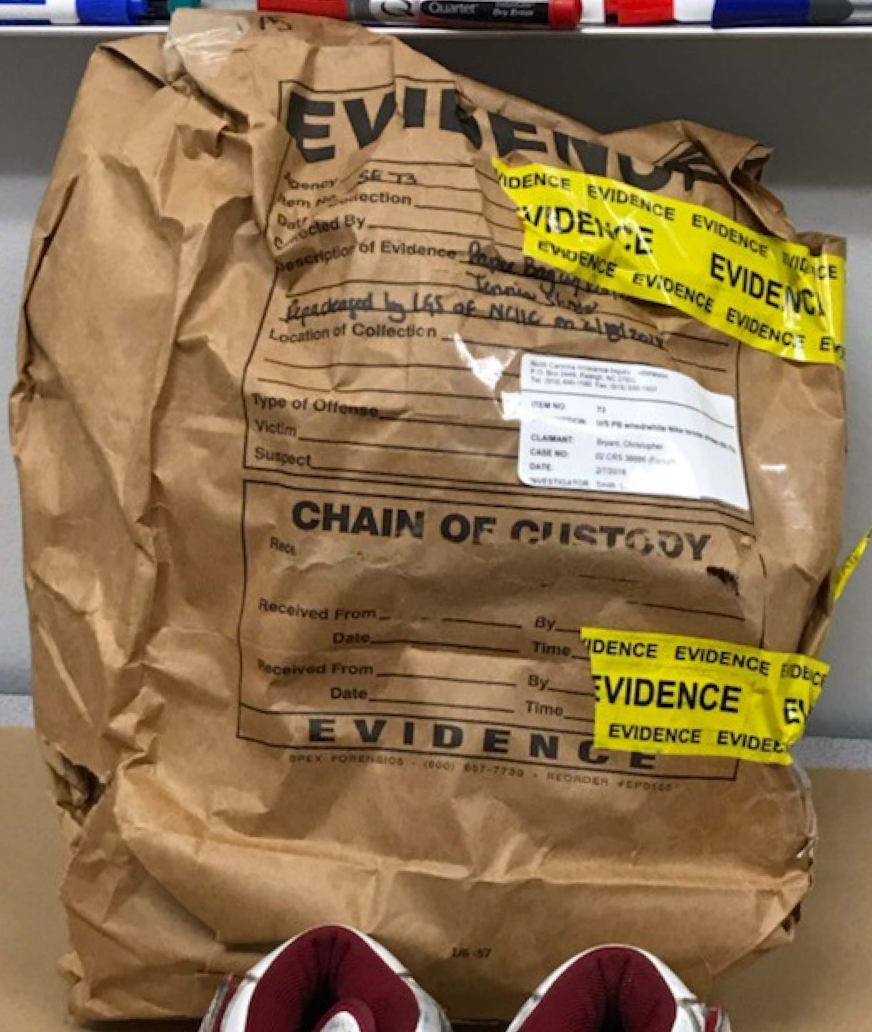
NCIIC #71 (Collected from Banner and Cauthen's Home)





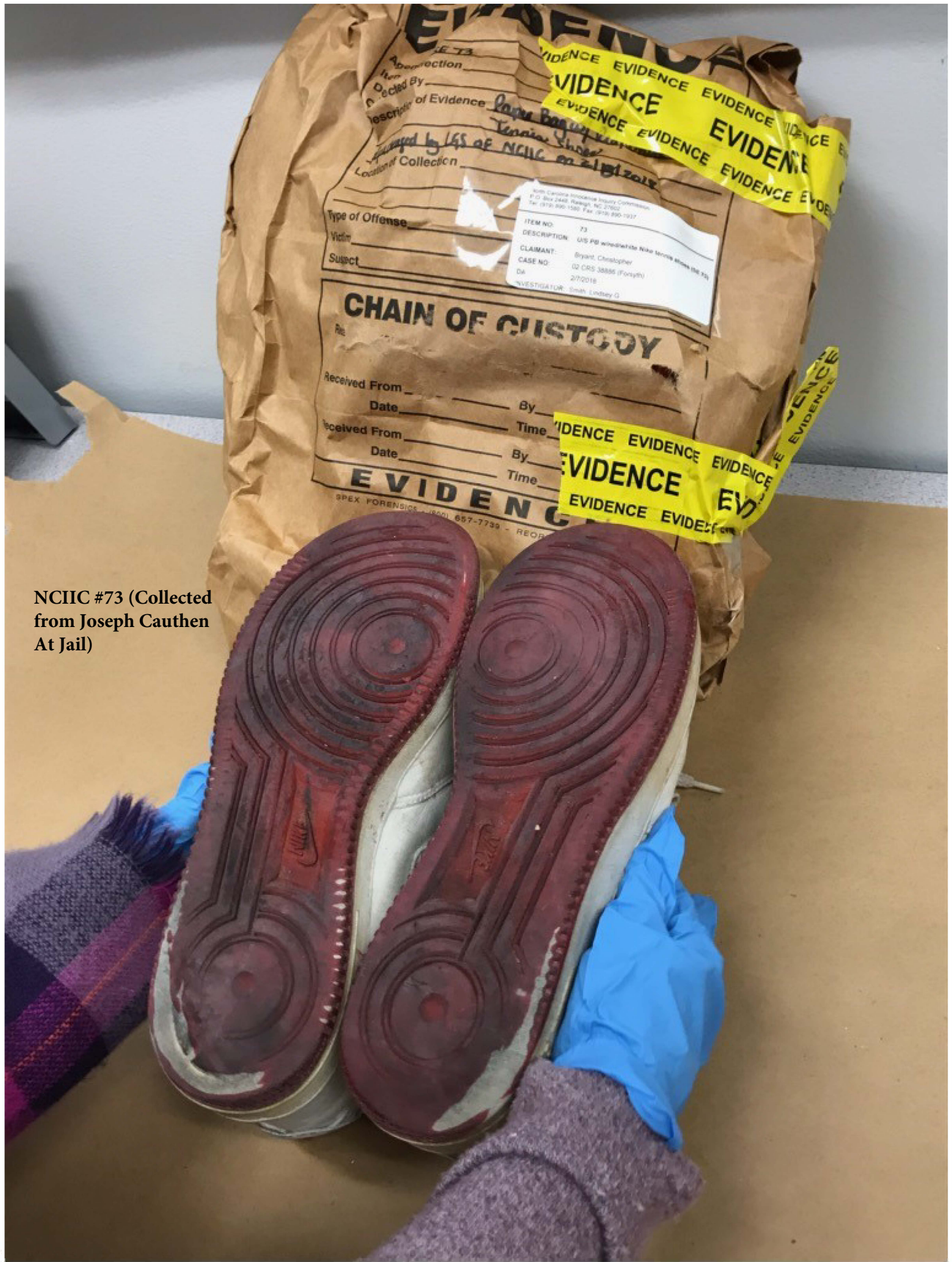
NCIIC #71 (Collected from Banner and Cauthen's Home)





NCIIC #73 (Collected from Joseph Cauthen At Jail)





**EVIDENCE**

Item No. 73  
Description Pair of white and red Nike sneakers  
Collected By Tennia Shree  
Location of Collection NCIIC on 2/7/2018

Type of Offense \_\_\_\_\_  
Victim \_\_\_\_\_  
Suspect \_\_\_\_\_

**CHAIN OF CUSTODY**

Received From \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_ Time \_\_\_\_\_  
Received From \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_ Time \_\_\_\_\_

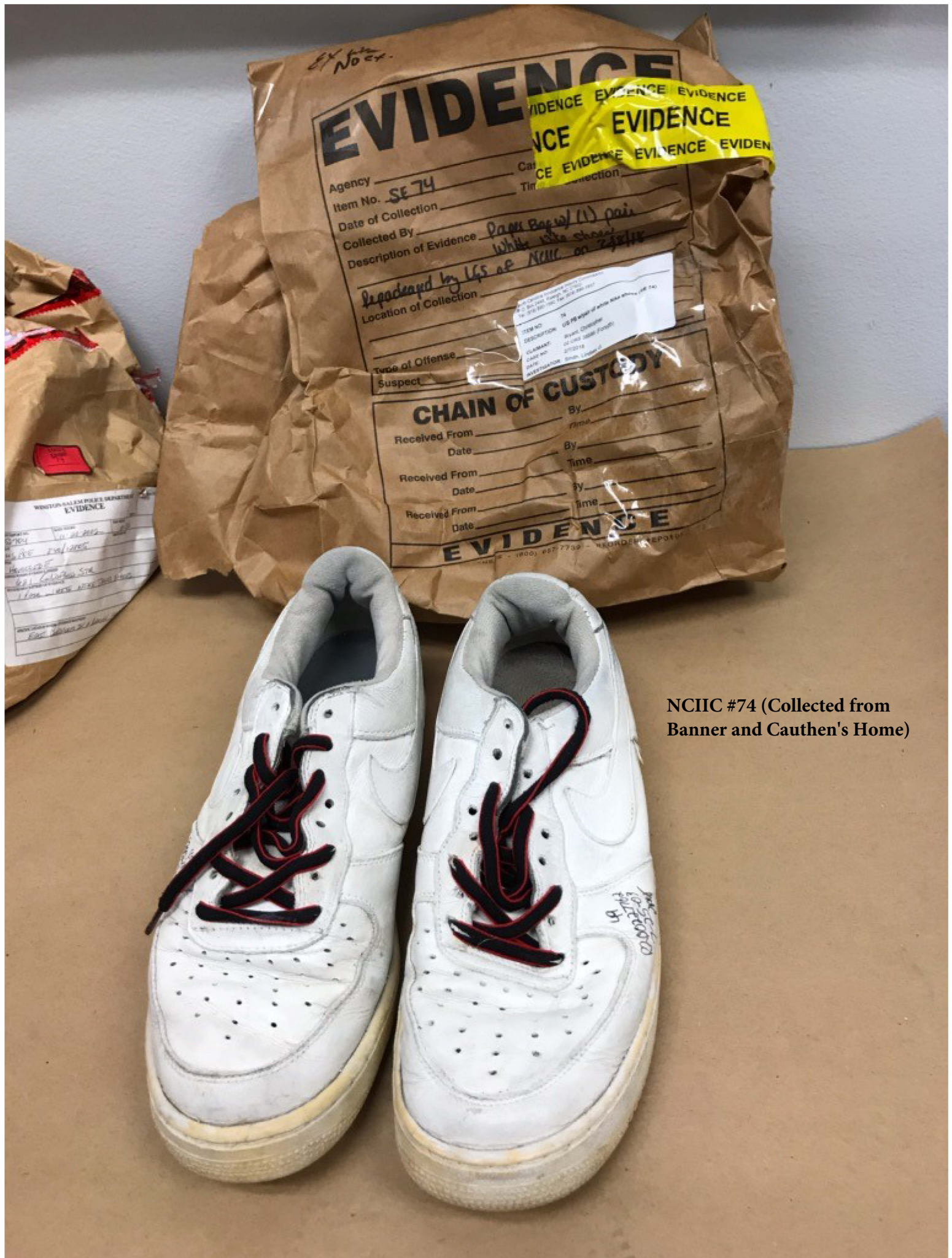
**EVIDENCE**

ITEM NO: 73  
DESCRIPTION: 015 PB white/red Nike tennis shoes (size 10)  
CLAIMANT: Bryant, Christopher  
CASE NO: 02 CRS 38895 (Forsyth)  
DA: 2/7/2018  
INVESTIGATOR: Smith, Lindsey G

SPEX FORENSICS - (800) 657-7739 - RECORDED

NCIIC #73 (Collected from Joseph Cauthen At Jail)





**EVIDENCE**

EVIDENCE EVIDENCE EVIDENCE  
EVIDENCE EVIDENCE EVIDENCE EVIDENCE

Agency \_\_\_\_\_  
Item No. SE 74  
Date of Collection \_\_\_\_\_  
Collected By \_\_\_\_\_  
Description of Evidence White sneakers  
Reported by LPS of NCIC on 2/24/18  
Location of Collection \_\_\_\_\_  
Type of Offense \_\_\_\_\_  
Suspect \_\_\_\_\_

ITEM NO. \_\_\_\_\_  
DESCRIPTION White Sneakers  
CLAIMANT US Coast Guard (Pond)  
DATE 2/24/18  
INVESTIGATOR Smith, Lindsay

**CHAIN OF CUSTODY**

Received From \_\_\_\_\_ By \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_  
Received From \_\_\_\_\_ By \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_  
Received From \_\_\_\_\_ By \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_

**EVIDENCE**

NCIIC #74 (Collected from Banner and Cauthen's Home)





**EVIDENCE**

Agency \_\_\_\_\_  
Item No. SE 74  
Date of Collection \_\_\_\_\_  
Collected By \_\_\_\_\_  
Description of Evidence Pair of white sneakers  
Reported by LPS of NCIC on 2/28/11  
Location of Collection \_\_\_\_\_

Case \_\_\_\_\_  
Time \_\_\_\_\_

**CHAIN OF CUSTODY**

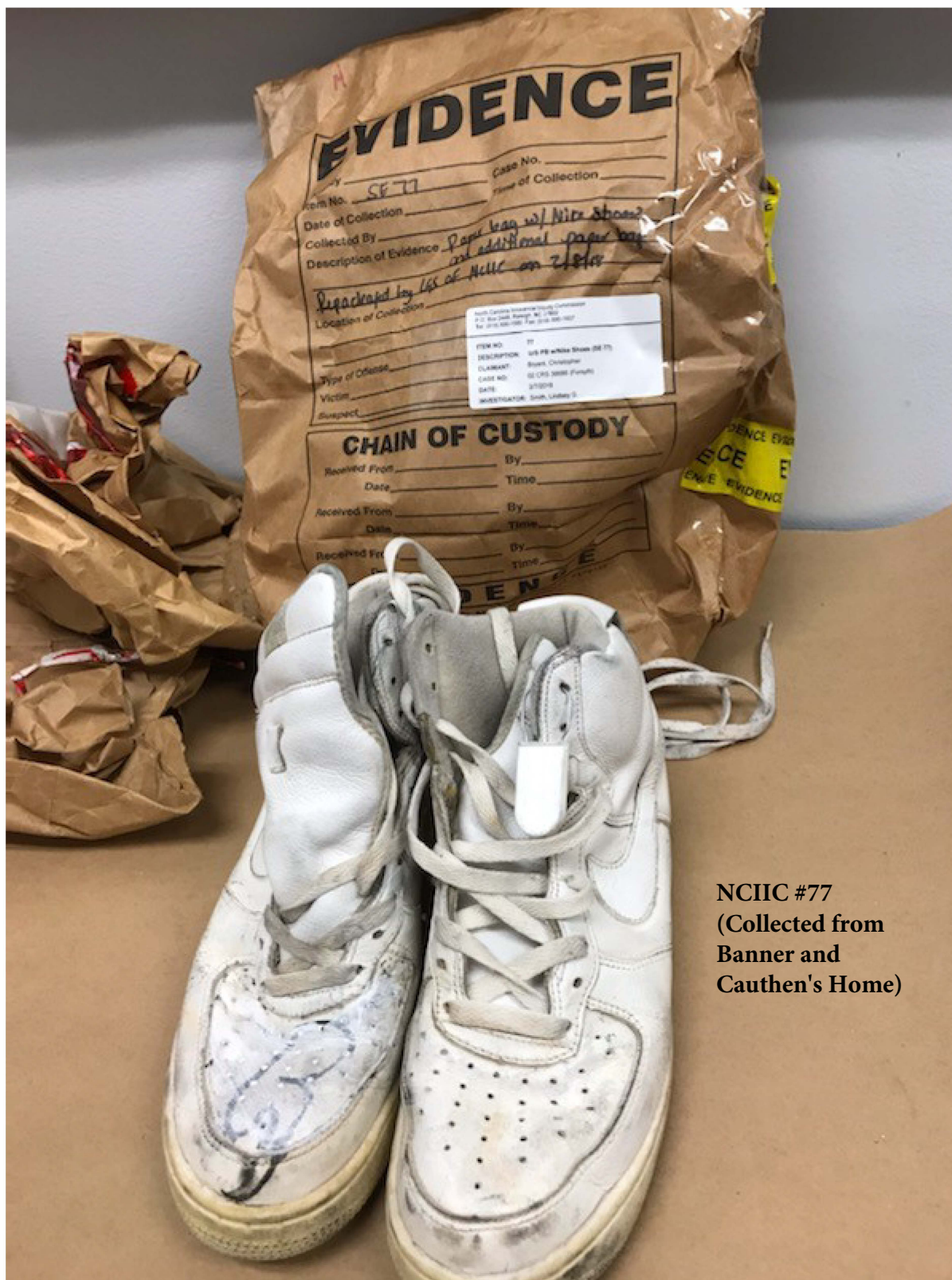
Received From \_\_\_\_\_  
By \_\_\_\_\_  
By \_\_\_\_\_  
Time \_\_\_\_\_

**CE**

ORDER REPORT

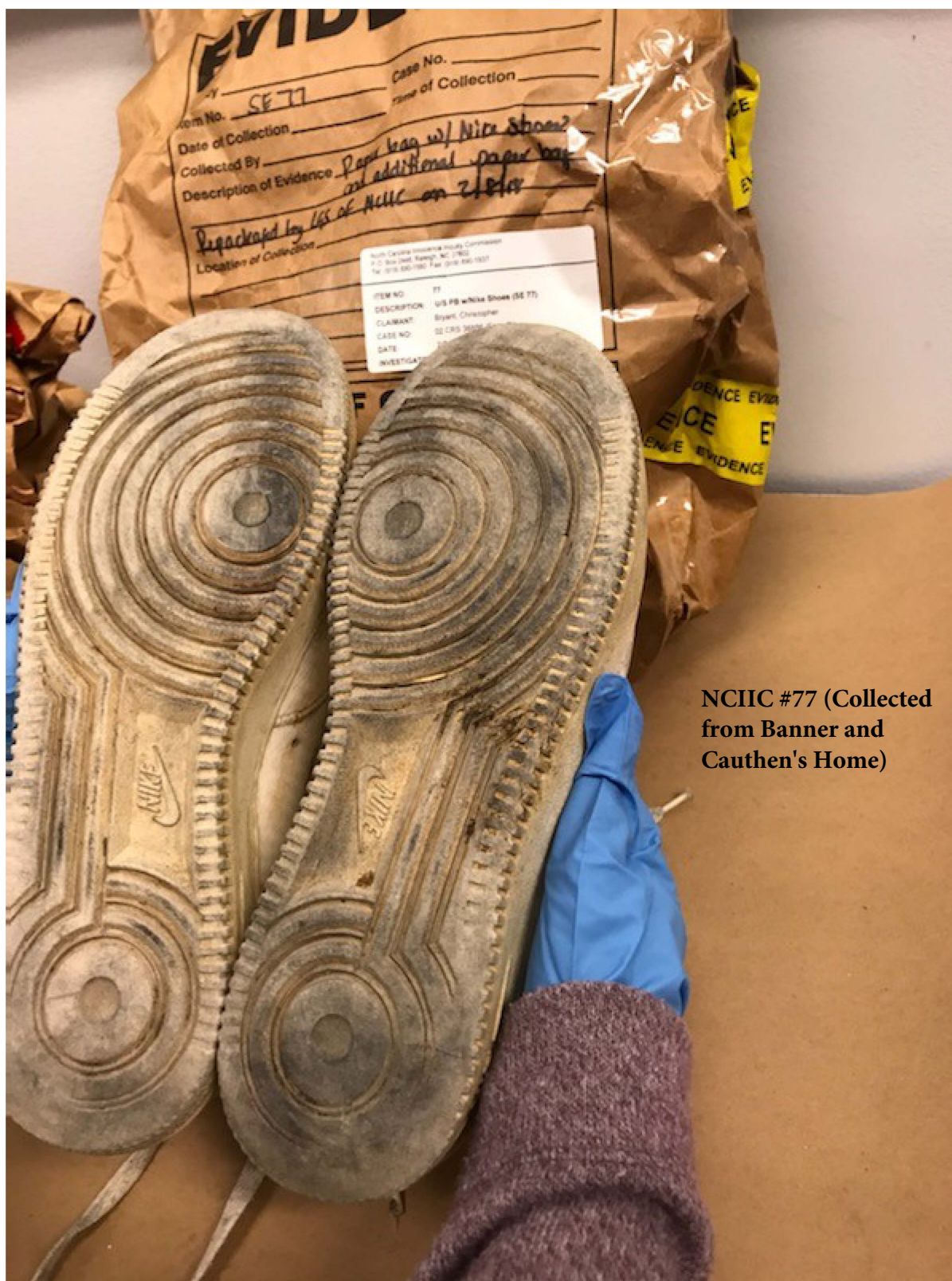
NCIC #74 (Collected from Banner and Cauthen's Home)





NCIIC #77  
(Collected from  
Banner and  
Cauthen's Home)





NCIIC #77 (Collected from Banner and Cauthen's Home)



# Handout 27



# Determining the Significance of Outsole Wear Characteristics During the Forensic Examination of Footwear Impression Evidence

***William J. Bodziak*<sup>1</sup>**

***Lesley Hammer*<sup>2</sup>**

***G. Matt Johnson*<sup>3</sup>**

***Rodney Schenck*<sup>4</sup>**

**Abstract:** This paper will define terms used in the forensic footwear examination and comparison of outsole wear, summarize past research in the area of wear, and discuss the various considerations that should be taken into account when evaluating general wear in casework comparisons. Considerations include factors that limit clarity of the impression, manufactured characteristics, and time intervals between when the impression was deposited and when the shoes were seized. A variety of general wear is encountered in footwear casework and can be used to limit the population of shoes that could have made the impression. However, general wear may appear similar on shoes of the same person and between shoes belonging to different people and therefore general wear alone should not be used to identify a shoe as the particular source of an impression. A survey conducted as part of this project indicates that general wear is not used to individualize footwear impressions by the international community of footwear examiners.

<sup>1</sup> Bodziak Forensics, Palm Coast, FL

<sup>2</sup> Hammer Forensics, Anchorage, AK

<sup>3</sup> Sheriff-Coroner Department, Orange County Crime Lab, CA

<sup>4</sup> United States Army Criminal Investigation Laboratory - Expeditionary Forensics Division, Forest Park, GA



## Introduction

Wear, in the simplest description, is *the gradual erosion of the shoe's outsole material that occurs during contact with the substrate*. This erosion is due to friction, which, over time, results in the elimination and degradation of portions of the outsole material. When that happens, the appearance of the outsole changes (Figure 1).

Wear should be considered in all footwear examinations in the same manner as design, physical size, and individual characteristics. In some cases, general wear may allow for exclusion of the footwear. In other cases, correspondence of general wear between the questioned impression and the shoe will contribute to reducing the population of shoes that could have made an impression. In other instances, the wear features may be too subtle or simply may not be present with sufficient clarity to enable their reliable use in an examination.

Erosion of the shoe's outsole is influenced by many factors, including but not limited to the way a person stands and walks; the amount of time the shoe has been worn; the surfaces over which the shoe passed; the type of soling material; the weight and flexibility of the wearer; and whether the footwear is used for jogging, walking, tennis, or just everyday usage. These and other factors influence the degree and position of wear on the shoe outsole. As the shoe continues to be worn, general wear continues to increase. For the footwear examiner, it is not important, nor is it possible, to determine the combination of factors that contributed to the wear on a well-worn shoe, but rather it is the goal of the examination to determine the level of correspondence of the position and degree of wear to the crime scene impression.

Although the precise location and degree of wear varies considerably among the population, even in those cases of extensive general wear, sufficient uniqueness does not exist to allow for individualization based on general wear alone (Figure 1). Important factors for the proper evaluation of general wear in a forensic comparison include the proper use of terms; an understanding of the significance of wear including background information and research, manufacturing issues, time intervals between the crime and seizure of the shoes; and any other limitations or considerations of distortion or degradation as a consequence of both the impression making and the recovery process.



## Terminology

To aid in defining and discussing the topic of wear and to assist in expressing observations and conclusions, a standard set of terminology recommended by the Scientific Working Group for Footwear and Tire Track Evidence (SWGTTREAD) [1] is included:

*Class Characteristics:* A feature that is shared by two or more shoes or tires. The shoe outsole or tire tread design and the physical size features of a shoe outsole or tire tread are two common manufactured class characteristics. General wear of the outsole or tire tread is also a class characteristic. Agreement of class characteristics alone does not provide a basis for identification however they reduce the possible number of shoes or tires that could have made an impression.

*Degree of Wear:* The extent to which a shoe outsole or tire tread has been eroded. Examples of degree of wear range from a shoe outsole or tire tread that is in a new and unworn condition to those that have considerable wear. The degree of wear continues to change as a shoe outsole or tire tread is worn.

*General Wear:* The overall condition of a shoe outsole or tire tread related to its degree of use. General wear is a class characteristic that may be used to include or exclude shoe outsides and tire treads based on similar or different degrees and positions of wear.

*Holes:* The result of erosion of a shoe outsole or tire tread that is so extreme that it results in removal of the outer layers of sole or tread materials, often resulting in irregular edges. These irregular edges are individual characteristics. Random holes due to punctures are also individual characteristics.

*Individual Characteristics:* Features that have occurred randomly on a footwear outsole or tire tread. Examples of individual characteristics include cuts, scratches, tears, holes, stone holds, abrasions and the acquisition of debris from random events. The position, orientation, size and shape of individual characteristics contribute to the uniqueness of a shoe outsole or tire tread. Individual characteristics are essential for an identification of a particular shoe or tire as the source of an impression. (Note: Schallamach pattern may result from abrasion and is used as an individualizing feature.)







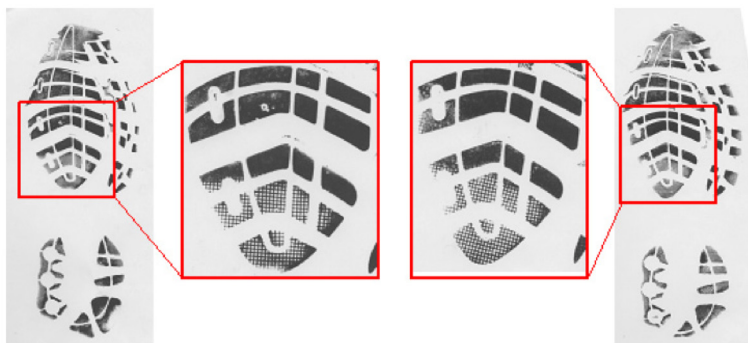
## **Appearance of General Wear**

Most footwear impressions from crime scenes reflect at least some evidence of general wear. Because some shoes are new whereas others have a more advanced condition of wear, and because not all persons wear their shoes the same, a large variety of both the degree and position of wear is encountered in forensic footwear evidence. Because heels typically strike the ground first with each step, the heel area will usually reflect the first signs of wear. Depending on the outsole design, wear on other areas of outsoles may not be as easily noticeable until it has become more advanced. For outsoles that have been worn extensively, the total erosion of the original design may occur in localized areas on the shoes of some whereas the wear on the outsoles of others will occur across the entire outsole.

In case applications, wear is examined along with the design, physical dimensions, and individual characteristics. In instances where general wear features present in a crime scene impression correspond with a suspect's shoe, the hypothetical question may be asked, Could another shoe contain general wear that is indistinguishable? But for many reasons, this question can never be definitively answered. Examples of these reasons include the variables in the quality of reproduction from one impression to the next, that wear is constantly changing on shoes that continue to be worn, and that most wear on footwear is minimal to moderate and is not particularly distinctive. Although there is considerable empirical evidence and overall acceptance that frequency, features, and combined strength of random individual characteristics (damage such as holes and scratches) provide a basis for individualization of a single shoe sole, the same cannot be said for the general wear on a shoe.

Shoes in the closet of an individual, assuming they have many varied types of footwear and wear them for a range of purposes, will have general wear that appears similar when compared to some shoes and different from other shoes. For example, wear may appear similar on shoes of the same design belonging to the same person if the shoes have been used for a similar purpose (Figure 2). Wear may also appear visually similar on shoes of the same design worn by different people for a similar activity range (Figure 3). General wear may also appear different on shoes belonging to the same person, even if they use them for the same purpose, often because of the degree of wear. Wear may also appear different on shoes belonging to the same person, if used for different purposes.





*Figure 2*

*Test impressions depicting similar wear on the forefoot area of different shoes of the same design worn by the same person for a similar range of activity (running).*



*Figure 3*

*Test impressions depicting similar wear on the heel area of different shoes of the same design worn by different people for a similar range of activity (work).*



## Literature and Studies Regarding Wear

The main texts in the area of footwear examination discuss wear in an interesting progression that reflects growth in research, information, and consideration of this characteristic throughout the years. Abbott's book *Footwear Evidence*, published in 1964, mentions wear as a characteristic to be considered during examination but does not discuss the significance [2]. Cassidy's *Footwear Identification*, published in 1980, evaluates wear as a result of his research and concludes that identifications should not be made using wear alone [3]. Bodziak's second edition of *Footwear Impression Evidence*, published in 2000, includes an entire chapter on wear that covers terminology, discusses factors that cause wear, and the use and value of wear in forensic examinations. Bodziak, as did Cassidy, notes that general wear alone is not sufficient evidence for individualization [4].

A 1977 survey of men's footwear examined both the trace evidence encountered on a population of shoes and the evidence of wear on the outsole. The survey found that some areas of the shoe, for instance the bottom of heels, tend to be very commonly worn. A protractor was utilized to measure the common areas of wear and defined the area of most occurring wear as toward the bottom insides of most shoes [5].

Another study utilized a method of precise measurements to determine the discriminating power of general wear between a population of military boot impressions. These boots were of the same size and had been exposed to wear under the same conditions for the same length of time. The results of this study indicate that there are measureable differences in general wear between similarly worn shoes [6]<sup>1</sup>.

A recent test was conducted by the Expert Working Group Marks (EWGM)<sup>2</sup> to determine the range of answers on a sample test involving wear differences. The test involved a known shoe and two crime scene impressions that had been made by a shoe with a greater degree of wear than was present on the shoe

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<sup>1</sup> Note: Care should be taken when the results of the Blackledge study are extrapolated to a casework application. It is significant that the impressions compared were all inked impressions taken under controlled conditions. Additionally, the measurements were precise and the differences found, discussed, and used to discriminate are in tenths and hundredths of a centimeter. These minute differences, when considered in practical crime scene conditions, would be of limited value for discrimination because they may not be able to be attributed specifically to differences in general wear.

<sup>2</sup> The Expert Working Group Marks (EWGM) is one of the forensic science working groups of the European Network of Forensic Science Institutes (ENFSI).



provided for comparison. The large majority of the responding examiners properly eliminated or concluded that it was not the shoe or not likely the shoe [7].

Literature and research in the area of the significance of outsole wear indicate that although there may be detectable differences in general wear between shoes, there are also significant similarities in the appearance of wear between impressions. Large differences may allow for a clear elimination of a shoe from making a particular crime scene impression, but similarities may be common and limited in discriminating value. None of the studies provide support for the identification of shoe impressions based on general wear alone.

The Scientific Working Group on Shoe Print and Tire Tread Evidence (SWGTHREAD) has published 15 guidelines for footwear examination<sup>3</sup>. Two of these guidelines address the use of general wear in the examination of footwear evidence. They are the *Guide for the Examination of Footwear and Tire Impression Evidence* and the *Standard Terminology for Expressing Conclusions of Forensic Footwear and Tire Impression Examinations*. Both of these guides include general wear as significant for elimination and inclusion conclusions. Neither guide indicates that general wear alone may be used to determine an identification conclusion.

### **Proper Evaluation of Wear in Forensic Footwear Examinations**

The proper evaluation of wear is an integral step in the comparison process. Throughout the examination, footwear examiners will encounter similarities or dissimilarities in the characteristics available. Each characteristic will have a certain value, assisting an examiner to reach a conclusion. The primary focus of the evaluation process is to determine the significance of the characteristics available in a given impression.

The two questions that must typically be answered to aid in the formation of a conclusion regarding two impressions are:

- Is there an agreement between the position and degree of general wear, or lack thereof, in both the questioned and known impressions?
- What is the relative value of the wear present?

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<sup>3</sup> SWGTHREAD website: [www.swgtread.org](http://www.swgtread.org).



## **Factors to Take into Consideration During the Evaluation of Wear**

The evaluation stage in the footwear comparison process needs to take into account any and all available information that could affect the outcome of a conclusion. It is at this stage in the comparison process that an examiner should be aware of and consider all factors that might relate to how or when a shoe left its impression. These factors can include case-related information, factors in the impression-making process (deposition), and some relate to the manufacturing or construction of the shoe. Examples follow.

### *Changes Between Date of Crime and Date Shoes are Obtained*

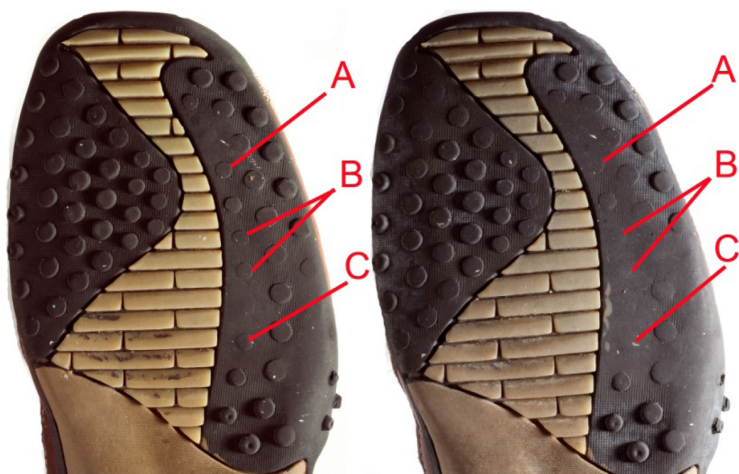
An important consideration in the comparison of footwear impression evidence is the change in the degree of wear over time. Information about the time between the crime and seizure of the footwear is necessary to evaluate any differences in wear. Typically in casework, the shoes of a suspect are seized as evidence within hours or days after a crime, allowing for a comparative analysis of the general wear represented in the crime scene impression. However, in some cases, the shoes of a suspect may not be seized until many weeks or months after the date of the crime, allowing for the possibility that additional wearing of those shoes occurred. In these cases, the possibility that the general condition of wear may have changed since the date of the crime due to additional wearing of the shoes is a factor in the examination.

The image in Figure 4 depicts the change in degree of general wear in one particular shoe over a five-month period. The photo on the left depicts an outsole bearing general wear on the lateral side of the toe area. The image of the outsole on the right is the same outsole photographed five months later. A significant change in the degree of wear is depicted in corresponding areas A, B, and C of Figure 4. A similar noticeable change could result in an erroneous exclusion without information regarding relevant time intervals available for consideration during an examination.



### *Substrate and Impression-Making (Deposition) Factors*

Another consideration is the accuracy and clarity of the wear as it was reproduced in the crime scene impression as well as any limitations or considerations of distortion or degradation as a consequence of both the impression-making and the recovery processes. Some examples of substrate and matrix conditions that may limit an examiner's ability to evaluate wear characteristics are depicted in Figure 5. For example, mud or snow may collect in design elements and prevent the formation of an accurate impression (Figure 5a). Also, excess material, such as blood, may prevent a clear recording of outsole detail and condition of wear (Figure 5b). Any other factors such as photo distortion, problems with casting or lifting, and distortion from movement during the impression deposition should all be considered in terms of clarity. Only impressions with sufficient quality and quantity of detail to determine the condition of wear should be used in an evaluation of wear characteristics.



*Figure 4*

*Example of increased general wear on an outsole over time.*



*Manufacturing Characteristics that Occur for Reasons  
Unrelated to Wearing of the Shoe but that may be Mistaken  
for Causes Relating to Wear*

Mold Warp

Another important aspect to take into consideration during the evaluation process is the issue of mold warp. Mold warp is not uncommon with many compression-molded, flat-bottomed outsoles that are in new or relatively new condition. This occurs in the compression molding of outsoles when they are stacked upon one another after removal from the molds, but prior to cooling. This can result in outsoles that do not print perfectly on a flat surface during their initial weeks of wear. This may not be apparent in three-dimensional impressions but is usually apparent when the shoe leaves its impression on a smooth, two-dimensional surface and void areas occur where small portions of the shoe sole did not make contact (Figure 6).

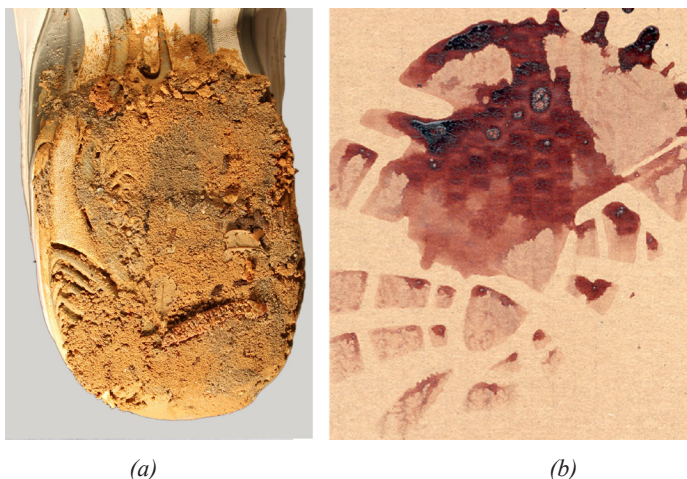
Foxing Strips, Toe and Heel Guards

Foxing strips, along with toe and heel guards, are wrapped around soles after the sole is attached and vary in their position. If wrapped low, they will contact the ground prior to the sole and keep a portion of the sole of newer shoes from making contact with the ground, producing a void or “nonprinting” area as seen in Figure 7.

Sole Designs that Imitate Worn Shoes

Some shoe designs are made to imitate areas of wear. An example is featured in Figure 8. Although this feature may be obvious on a new shoe, once the sole is worn for a while, it may be difficult to distinguish this manufactured characteristic as part of the design versus having occurred from wearing the shoe.



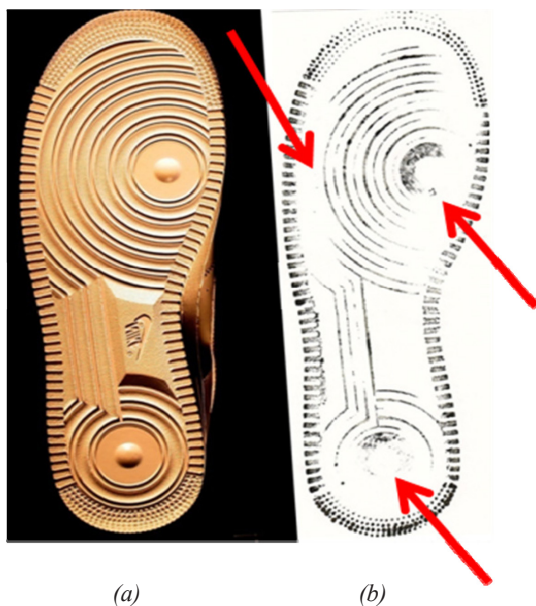


(a)

(b)

*Figure 5*

*Impression detail may be limited by (a) substrate (e.g., mud); (b) excess matrix (e.g., blood).*



(a)

(b)

*Figure 6*

*Mold warp on an outsole (a) and the appearance of mold warp in a test impression (b). Void areas are indicated by red arrows.*





(a)



(b)

*Figure 7*

*Low foxing strip on outsole (a) and effect on the appearance of the test impression (b).*





(a)



(b)

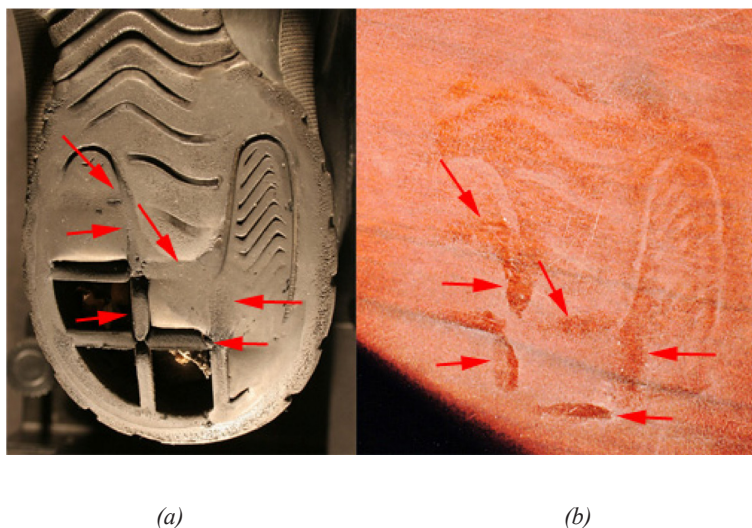
*Figure 8*

*Outsole with manufactured simulated worn areas (a) and appearance of this characteristic in test impression (b).*



### *Honeycomb or Pattern in the Shoe Sole Construction*

The top of the mold in both compression molds and unit sole injection molds will often have a honeycomb or grid pattern. Although more common in the heel area, it can also cover the majority of the shoe outsole area. This honeycomb pattern reduces the amount of soling material needed to fill the mold, reduces the weight of the sole, and provides some cushioning effect. When the shoe outsole is worn excessively and the outer layers of soling materials are worn thin, the areas directly beneath the walls of the honeycomb or grid pattern will bear most of the weight and will erode faster. In these cases, the wear becomes apparent and in more extreme cases, portions of the honeycomb or grid area might be exposed and visible in an impression (Figure 9).



*Figure 9*

*Extreme wear of an outsole with grid pattern construction inside sole (a) and appearance in an impression (b).*



## **International Survey Regarding the Use of Wear in Casework**

In a small assessment conducted in conjunction with this paper, thirteen forensic footwear examiners in ten countries were surveyed regarding their use and evaluation of general wear (Appendix). The examiners were selected based on their experience level and involvement in European footwear meetings.

### **Survey Results**

Question #1 asked whether they agreed that general wear is considered a class characteristic. Only two answered “no”. However, they did not disagree that general wear is a class characteristic by definition, as much as they prefer to call it either a wear or manufacturing characteristic. Questions #2 through #5 provided some hypothetical casework examples. Question #2 involved the impression of a nearly new heel area. All but three answered they would consider this as having some relevance. Question #3 involved the outer area of a heel showing some wear. Eleven found this had some significance whereas the other two took a more conservative approach and did not feel this was worthy to comment on. Question #4 involved an outsole worn in a more specific area. All believed this degree of wear in this same area had significance in the examination, although their answers implied that they weighed this to different degrees ranging from simply agreeing it reduced the amount of shoes of this size and design that would be similarly worn (answer A) to an answer that it was highly probable (very strong support) that the shoe made the impression. Most significant was the fact that no one believed this specific area of wear could justify identification. One other reason that the answers were more scattered in this example is because the examiners were only provided with one test impression. Figure 10 depicts three impressions made of the same shoe used in the survey example in question #4 and illustrates how the area of wear recorded in the test impression varies as the pressure varies. Had the examiners in the survey had the shoe and the ability to make their own impressions, a more universal answer would have been likely. Finally, regarding question #5, they were asked, If a tear or hole occurs in the outsole, would the irregularities of the torn edges of that hole now become individual characteristics? All thirteen respondents answered, “Yes.”



The results of this survey are shown in Table 1 and were consistent with current practices in this forensic discipline in that clear distinctions were made between general wear features and their insufficient degree of uniqueness, as opposed to a significantly worn and degraded outsole that had acquired holes, tears, or other abrasions that are considered to fit under the category of individual characteristics.

Respondent	Question #1	#2	#3	#4	#5
England #1	No	A	B	A	Yes
England #2	Yes	A	B	B	Yes
Canada #1	Yes	A	B	A	Yes
Canada #2	Yes	B	B	B	Yes
Scotland	Yes	B	A	C	Yes
Netherlands	Yes	A	B	B	Yes
Switzerland	No	B	B	A	Yes
Denmark	Yes	A	B	C	Yes
Austria	Yes	A	A	A	Yes
Sweden #1	Yes	A	B	B	Yes
Sweden #2	Yes	A	B	B	Yes
Poland	Yes	A	B	B	Yes
Israel	Yes	A	B	B	Yes

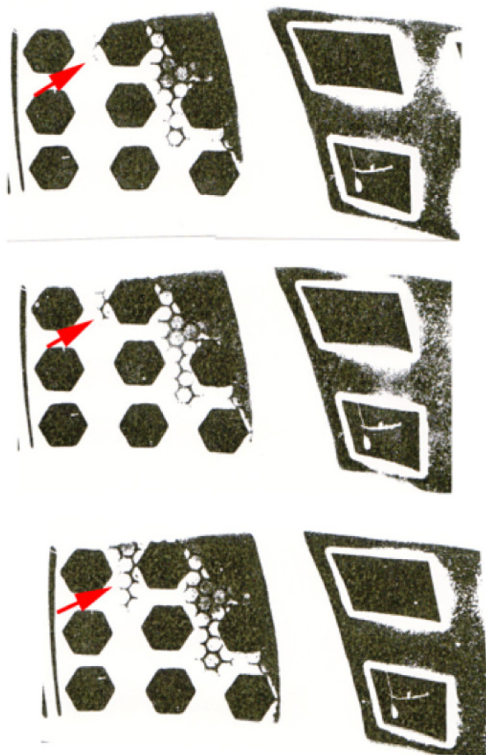
*Table 1*

*Responses from the international survey on forensic use of wear.*

## Conclusion

General wear is an important and necessary aspect that must be evaluated during the examination of footwear evidence. Although thousands of shoe soles of the same design and size may be manufactured and in circulation, they are not all worn in the same precise areas or to the same degree. The evaluation of general wear requires careful consideration of the possible variables and interferences in the impression-making process, the time that has elapsed since the date of the crime, manufacturing information, and any other factors that might affect the accurate representation of the general wear in the crime scene impression. If correspondence of general wear can be established, it contributes to reducing the overall number of footwear that potentially could have produced an impression at the scene of the crime; however, general wear alone is insufficient to establish an identification. The survey conducted and discussed in this paper supports that this is generally the practice among the international community of footwear impression experts. General wear characteristics utilized in support of a conclusion must be clearly observable, confirmable, and noted in terms that relate to their value.





*Figure 10*

*Three impressions of the same shoe that was used for survey sample #4. The pressure used to make each impression above was varied.*



## Acknowledgment

The authors would like to extend appreciation to State of Alaska Crime Lab, Cheryl Duda, [Alaska DPS (who provided shoes as she trained for a marathon)] and all the survey participants who gave generously of their time.

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Disclaimer: The opinions or assertions contained herein are the private views of the authors and are not to be construed as official or as reflecting the views of the Department of the Army or the Department of Defense.

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# Appendix

## Survey Content and Directions

Dear Fellow Footwear Examiner

I along with several other associates currently are preparing a comprehensive presentation on The Significance of Wear Characteristics of Footwear in the Forensic Examination of Footwear Impression Evidence. This will be presented at the International Association for Identification (IAI) meeting in Tampa, Florida next year.

In connection with this presentation, it is important for us to know how others evaluate Wear during footwear examinations and to also see how Wear is treated in forensic footwear examinations around the world. We are interested in how you treat Wear in a physical comparison.

### **Terminology (the following terminology is provided for these questions)**

#### **WEAR**

Erosion of the surfaces of a footwear outsole or tire tread during use.

#### **GENERAL WEAR**

The overall condition of a shoe outsole or tire tread related to its degree of use. General wear may be used to include or exclude shoe outsoles and tire treads based on similar or different degrees and positions of wear.

#### **POSITION AND ORIENTATION OF WEAR**

The location and direction of an area of erosion on a shoe outsole or tire tread. Examples of location of wear include wear along the medial edge of the shoe outsole and wear along the outer edge of a tire tread. The position and orientation of wear can change as a shoe outsole or tire tread is worn.

#### **SPECIFIC LOCATION OF WEAR**

A defined area of erosion on a shoe outsole or tire tread. Examples of a specific location of wear are a worn tire sipe or a small area of worn stippling on a shoe outsole. Specific locations of wear may allow for a greater level of discrimination or association between shoe outsoles or tire treads.



## DEGREE OF WEAR

The extent to which a shoe outsole or tire tread is eroded. Examples of degree of wear range from a shoe outsole or tire tread that is in a new and unworn condition to those that have considerable wear. The degree of wear continues to change as a shoe outsole or tire tread is worn.

## INDIVIDUAL CHARACTERISTICS

Features that have occurred randomly on a footwear outsole or tire tread. Examples of individual characteristics include cuts, scratches, tears, holes, stone holds, and abrasions. The position, orientation, size, and shape of individual characteristics contribute to the uniqueness of a shoe outsole or tire tread. Individual characteristics may be used to identify a particular shoe or tire as the source of an impression.

## HOLES

The result of erosion of a shoe outsole or tire tread that is so extreme that it results in removal of the outer layers of sole or tread materials, often resulting in irregular edges. These irregular edges are individual characteristics. Random holes due to punctures are also individual characteristics.

## TEARS

Fractures that have occurred in shoe outsoles or tire treads that reflect irregular edges. Tears are individual characteristics.

## SCHALLAMACH PATTERN / FEATHERING

Very fine patterns or micro ridges that develop on rubber material as a result of repeated abrasive forces. These patterns are highly individual and continue to change as affected by continued abrasion. Schallamach patterns are individual characteristics.

## Questions:

1. A Class Characteristic is a feature that is shared by two or more shoes. The shoe outsole design and the physical size features of a shoe outsole are both class characteristics which are acquired in the manufacturing process. General Wear of the outsole is also a class characteristic. Agreement of class characteristics alone does not provide a basis for Identification however they reduce the possible number of shoes that could have made an impression.



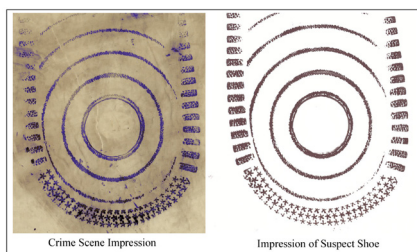
Do you agree with the above definition of Class Characteristics?

(check one) YES \_\_\_\_\_ NO \_\_\_\_\_

If you do not agree, please explain \_\_\_\_\_

NOTE: With regard to the following Questions 2, 3 and 4, the hypothetical examination has already determined that the (1) Design and (2) Physical Size of the design of both the crime scene impression and the known shoe correspond. The questions below pertain only to the Wear and your evaluation of that.

2. If you were to make a physical comparison between an impression and a shoe sole in the below illustrated case where the shoe is in new or nearly new condition (thus there is virtually no wear evident), please indicate which of the following would be closest to your evaluation regarding Wear? The following pictures depict the crime scene impression and the known impression of the suspect's shoe.



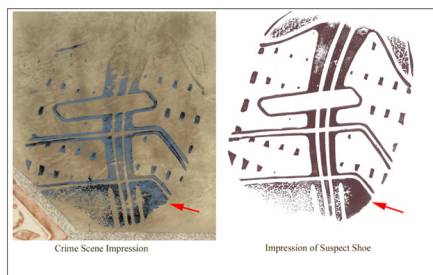
Which statement below most closely reflects your evaluation of Question #2, choice "A" or choice "B"? *Please circle or indicate your answer.*

- A. The General Wear corresponds, i.e. the shoe is virtually new and this is reflected in the crime scene impression
- B. No comment on Wear would be included as part of your opinion because the shoe sole is essentially new and does not reflect any wear and/or there is no wear evident in the crime scene impression.

Other comments \_\_\_\_\_



3. You are making a physical comparison between an impression and a shoe sole in the below illustrated case in which the shoe contains some general wear on the outer edge of the heel and wear also appears in the same area in the crime scene impression (see arrows). Please indicate below which of the following would be closest to your evaluation regarding Wear. The following pictures depict the crime scene impression and the known impression of the suspect's shoe.

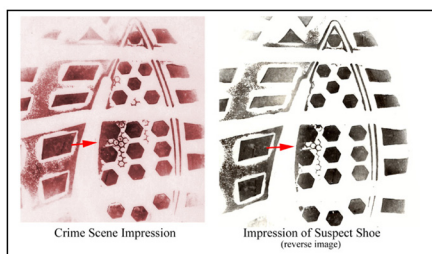


Which statement below most closely reflects your evaluation, choice “A” or choice “B” or choice “C”?  
*Please circle or indicate your answer.*

- A. The General Wear corresponds but is not significant enough to comment on.
- B. The General Wear corresponds and helps to reduce the remaining population of shoes that could have made that impression and is worthy of some comment in your opinion but is not highly significant.
- C. The General Wear is significant to say it is probable (there is strong support) this shoe made the impression
- Other comments \_\_\_\_\_
- \_\_\_\_\_



4. You have made a physical comparison between an impression and a shoe sole in the below illustrated case where the shoe contains general wear across the outside of the heel and also in a specific area of the sole where the texture pattern is beginning to show as the tread is worn away (as pictured below with arrows). Please indicate which of the following would be closest to your opinion regarding that wear? The following pictures depict the crime scene impression and the known impression of the suspect's shoe.



Which one statement below most closely reflects your evaluation, choice A, B, C or D?  
*Please circle your answer.*

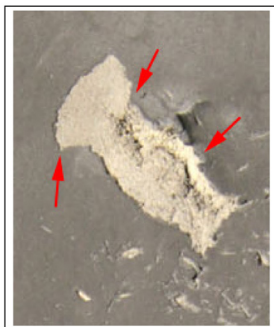
- A. The General Wear of the crime scene impression and shoe correspond and reduces the remaining population of shoes that could have made this impression.
- B. Same as answer “A” plus the General Wear is sufficient to say it is probable (strong support) that this shoe made the impression.
- C. The General Wear is so specific (Specific Location and Degree of Wear) that it is sufficient to justify saying it is highly probable (very strong support) that this shoe made the impression.
- D. The General Wear is so specific (Specific Location and Degree of Wear) that it is sufficient to justify Identifying this shoe as the only shoe that could have made this impression, based on those wear characteristics.

Other comments \_\_\_\_\_  
\_\_\_\_\_



5. Do you agree with the following statement? “When a shoe is worn to the extent that a tear or hole occurs in the sole (see below photos), the irregularities (see arrows) of the size and shape features of that tear or hole now become Individual Characteristics.”

YES \_\_\_\_\_ NO \_\_\_\_\_



Other comments \_\_\_\_\_  
\_\_\_\_\_



# Handout 28



## **Curriculum Vitae**

Joseph M. Ludas (Marty)  
Forensic Press  
112 North Avenue  
Wake Forest, North Carolina 27587  
martyludas@aol.com / tel: 919-671-3024

### **Forensic Evidence Examiner: Latent Fingerprint and Footwear Impression Analysis**

#### **2001-present**

##### **Forensic Press / Wake Forest, North Carolina**

Latent print and footwear evidence defense expert for North Carolina Indigent Defense Services.  
North Carolina Innocence Inquiry Commission Footwear and Fingerprint Evidence Consultant.  
Duke Law School Innocence Project consultant.  
Wake Forest Law School evidence consultant.  
Forensic Press pro bono casework review and consultation.  
Multimedia video production and instructional fingerprint tutorial development.

#### **1982-2001**

##### **City/County Bureau of Identification / Raleigh, North Carolina**

Latent fingerprint, automated fingerprint identification and footwear evidence examiner, retired 2001.  
Primary duties consisted of fulltime casework analysis in latent print and footwear evidence.  
Testified in state and federal courts in approximately 350 cases as an expert in the comparative analysis of latent print and footwear evidence. Retired in 2001.

#### **1975-1982**

##### **North Carolina State Bureau of Investigation Crime Laboratory**

Special Agent, latent print and footwear evidence examiner, assistant latent evidence section supervisor.  
Testified in approximately 50 cases as an expert in the comparative analysis of latent print and footwear evidence.

#### **1972-1975**

##### **Federal Bureau of Investigation / Washington D.C.**

Fingerprint technician assigned to the Technical Section of the Identification Division.  
Searched arrest fingerprint cards in FBI database utilizing the Henry Classification System.

### **Specialized Training, Professional Affiliations and Certifications**

- 1972: FBI Science of Fingerprints Course: 540 hours
- 1979: SBI Latent Evidence Section Latent Print Apprenticeship Training, 18 months
- 1981: Awarded the North Carolina Advanced Law Enforcement Certificate
- 1993-present: Member of the International Association of Identification (IAI)
- 1994-2007: International Association for Identification Certified Latent Print Examiner (CLPE)
- 1996-2010: International Association for Identification Certified Footwear Examiner (CFWE)
- 1983-2002: North Carolina Basic Law Enforcement Certified Instructor (BLET)

### **Education**

1972 Graduate of Carmel High School for Boys / Mundelein, Illinois  
1977 Wake Technical Community College: Associate in Arts, Police Science Technology  
1981 North Carolina Wesleyan College: Bachelor of Science Criminal Justice, cum laude and departmental honors



## Academic Curricula Development and Publications

### 2013-present

- Authored the Fingerprint Paradigm Training Program for Wake Technical Community College
- Authored the Friction Ridge Examiner Competency Training Initiative certified by International Association for Identification for professional training certification and re-certification training credits.
- Published **Fingerprint Practitioner Workbook**, ISBN 0-9650202-3-1

### 2010-2012

Awarded DOJ earmark grant from Wake Tech for the *Friction Ridge Examiner Competency Training Initiative*. Designed digital classroom, latent print workstations, video-based tutorial lesson plans and PrintScore™ operative assignments and training exercises.

### 2007-2010

Developed and instructed fingerprint curriculum for the Wake Tech Criminal Justice Program: *Friction Ridge Analysis CJC 245 Introduction and CJC 246 Advanced*.

### 2004-2008

Developed forensic curriculum with operative exercises for college-level instruction and professional crime lab training. Publications with lesson plans:

- The Illustrated Lecture of Fingerprint Identification
- Fingerprint Comparison
- Latent Print Development with Magnetic Powder
- Latent Print Processing with Ninhydrin
- Cyanoacrylate Fuming
- Footwear Identification
- Mock Crime Scene Investigation

### 2004-present

Developed forensic evidence curriculum for Law Tech Custom Publishing, San Clemente, Ca.

Publication with lesson plans: **Fingerprint and Impression Analysis Workbook**, ISBN: 978-1-889315-95-9

### 2004-2007

Developed forensic evidence curricula for Holt, Rinehart & Winston science textbooks, Austin, Texas.

Publications and Lesson Plans: Classroom Forensics™ & Scientific Inquiry

### 1996-2007

Joint publication, training and product development with John Carrington at Sirchie Finger Print Labs, Inc. Youngsville, NC. Publications, lesson plans and operative assignments

- The AFIS Curriculum (Three day instructional workshop) 2000-2003
- The Science at Your Fingertips Educational Series
- PrintScore™ 100-300 Fingerprint Comparison Exercises
- TrakScore™ Footwear Comparison Exercises

### 1996

Established Forensic Press / Raleigh, NC.

Authored Classroom Forensics™ publications, lesson plans and operative assignments.

- **Fingerprint Discoveries: The Illustrated Textbook of Fingerprint Identification**. ISBN 0-9650202-0-7
- **Fingerprint Discoveries Workbook: Assignments, Projects and Tests**. ISBN 0-9605202-2-03

September 5, 2018



# Handout 29



## Curriculum Vitae

**Meghan E. Clement, MS, D-ABC**

### Education

- 1985            Master of Science, Forensic Science**  
University of New Haven, West Haven, Connecticut  
Honors: Graduate Fellow, 1984
- 1983            Bachelor of Science, Biology**  
Westfield State College, Westfield, Massachusetts  
Graduated Cum Laude

### Professional Experience

#### **FORENSIC SEROLOGY/ DNA CONSULTANT** April 2017-Present

Clement Consulting, LLC  
Owner

Provide Forensic Serology and DNA consultation to civil and military attorneys, law enforcement and civilian clients. Review case files and raw data to assist in understanding the serological and STR, Y-STR or mtDNA testing performed, suggest potential new and/or additional testing if applicable, educate as to what conclusions can and cannot be drawn by the testing results, explain the limitations of testing results and assist with trial preparation as well as cross-examinations.

Lead teams during assessments of laboratories for accreditation by ANSI National Accreditation Board (ANAB)

#### **DIRECTOR OF OPERATIONS** June 2015- April 2017

Bode Cellmark Forensics, LabCorp Specialty Testing Group  
Lorton, VA

Responsibilities:    Oversee all forensic laboratory operations, quality assurance aspects, applied research endeavors and work closely with the General Manager on other aspects of the business, perform case consultations, case reviews and provide expert testimony.

#### **SENIOR DIRECTOR** July 2012- December 2015

Cellmark Forensics, LabCorp Specialty Testing Group



Dallas, TX

Responsibilities: Manage the daily responsibilities of laboratory personnel and flow of both contract and independent casework, manage implementation of new tests, participate in analysis of casework and interpretation of results of STR, Y-STR and mtDNA analysis, perform technical reviews and administrative reviews, provide expert testimony, participate in marketing and sales functions.

**TECHNICAL DIRECTOR, FORENSIC IDENTITY** May 2000- July 2012

Laboratory Corporation of America  
Research Triangle Park, North Carolina

Responsibilities: Manage the daily responsibilities of laboratory personnel and flow of casework, as well as implementation of new tests, participate in analysis of casework and interpret results of DNA analysis, prepare reports, provide expert testimony, direct and coordinate marketing and sales functions.

**ASSOCIATE DIRECTOR, FORENSIC IDENTITY** Aug. 1998- May 2000

Laboratory Corporation of America  
Research Triangle Park, North Carolina

Responsibilities: Direct and participate in the DNA analysis of samples submitted to the laboratory, prepare reports of results and provide expert testimony, supervise and direct laboratory technologists and lab clerk positions, direct and coordinate marketing and sales functions.

**ASSISTANT DIRECTOR, FORENSIC IDENTITY** Nov. 1994- Aug. 1998

Laboratory Corporation of America (formerly Roche Biomedical Laboratories)  
Research Triangle Park, North Carolina

Responsibilities: Conduct forensic DNA analysis on biological samples using both RFLP and PCR techniques, oversee and direct the laboratory technologists in the production of forensic DNA casework, prepare reports of results and provide expert testimony, assist in laboratory operations to ensure timely handling of cases and QA/QC measures, assist in the marketing and sales aspects of the Forensic Identity department.

**FORENSIC BIOLOGIST** March 1991 - Nov. 1994

Tarrant County Medical Examiner's Office  
Fort Worth, Texas

Responsibilities: Forensic analysis of biological samples using traditional serological techniques as well as RFLP DNA profiling, conduct research and validation of new techniques in the forensic biology field, provide expert testimony, provide training to officer's in various law enforcement agencies



concerning the collection and preservation of evidence, crime scene investigation.

**SENIOR CRIMINALIST** March 1985 - March 1991

City of Albuquerque, Police Department, Criminalistics  
Albuquerque, New Mexico

Responsibilities: Assisted in implementing a DNA section including setting up quality control measures and population data bases, as well as performing validation studies, traditional serological analysis, blood/breath alcohol concentration analysis, provide expert testimony, crime scene investigation, train new personnel, officers and detectives.

**TEACHING ASSISTANT, FORENSIC SCIENCE** Sept. 1984- Mar. 1985

University of New Haven, West Haven, Connecticut

Responsibilities: Assist in teaching serological techniques to graduate students in the Criminalistics laboratories, assist in research projects being conducted.

**TEACHING ASSISTANT, BIOLOGY** Sept. 1983 - Sept. 1984

University of New Haven, West Haven, Connecticut

Responsibilities: Set up and assist in teaching various biology laboratories to undergraduate students.

**FORENSIC SCIENCE INTERNSHIP** August 1984

New Mexico State Police Crime Laboratory,  
Santa Fe, New Mexico

Observed and participated in case analysis under the supervision of New Mexico State Police forensic analysts in the serology, trace, drugs and firearms sections.

**Affiliations**

American Academy of Forensic Sciences, Member

American Society of Crime Laboratory Directors, Retired Member

ANAB Lead Assessor

**Expert Testimony and Depositions**

Testified 380+ times in 33 states

Testified in local, state, military and federal courts



Forensic Laboratory Experience	Qualified
• RFLP	1989
• PCR Analysis and Interpretation	1990
• DQ Alpha + Polymarker Testing	1995
• Paternity Testing	1995
• Mitochondrial DNA Analysis	1997
• Commercial Kit STR Analysis	2002
• Y-STR Analysis	2003

## Certifications

Molecular Biology Diplomate - American Board of Criminalistics (**ABC**)

## Publications and Oral Presentations

Budowle, B., Monson, K., Anoe, K.S., Baechtel, S., Bergman, D.L., Buel, E., Campbell, P.A., Clement, M.E. et al (1991) A Preliminary Report on Binned General Population Data on Six VNTR Loci in Caucasians, Blacks and Hispanics from the United States. Crime Lab Digest 18:9-26.

Validation of Multiplex STR Profiling Systems for Forensic Casework Specimens  
American Academy of Forensic Sciences, Feb. 1998

Developing a DNA Laboratory on a Shoestring Budget  
Southwestern Association of Forensic Scientists, Spring Meeting 1991

## Continuing Education

July 2019	<b><i>Green Mountain Conference</i></b> , Burlington, VT
July 2018	<b><i>Green Mountain Conference</i></b> , Burlington, VT
Feb 2018	<b><i>AAFS Workshops: Moving from CPI to Probabilistic Genotyping for DNA Mixtures and Proposed Revisions to the FBI QA Standards</i></b> , Seattle, WA
Feb 2017	<b><i>AAFS Annual Meeting</i></b> , New Orleans, LA
Sept 2016	<b><i>International Symposium on Human Identification</i></b> , Minneapolis, MN
Oct 2015	<b><i>International Symposium on Human Identification</i></b> , Grapevine, TX



Feb 2015	<b><i>AAFS Annual Meeting</i></b> , Orlando, FL
Sept 2014	<b><i>Genome ID Forum</i></b> , Greensboro, NC <b><i>Forensic Genomic Applications</i></b>
May 2014	<b><i>ASCLD Annual Meeting</i></b> , Scottsdale, AZ <b><i>Workshop-Solving Mixtures Genome-wide: Practical, Measureable Solutions</i></b>
Feb 2014	<b><i>AAFS Annual Meeting</i></b> , Seattle, WA
Oct 2013	<b><i>International Symposium on Human Identification</i></b> , Atlanta, GA
Feb 2013	<b><i>AAFS Annual Meeting</i></b> , Washington, DC
June 2012	<b><i>2012 NIJ Meeting</i></b> , Arlington, VA
Feb 2012	<b><i>AAFS Annual Meeting</i></b> , Atlanta, GA
Oct 2011	<b><i>Mixture Interpretation Workshop-Promega International Symposium on Human Identification</i></b> , National Harbor, DC
Nov 2011	<b><i>CODIS Meeting</i></b> , Jasonville, FL
Feb 2010	<b><i>AAFS Annual Meeting</i></b> , Seattle, WA
Aug 2009	<b><i>HID Future Trends in DNA Technology</i></b> , Applied Biosystems, Richmond, VA
Ape 2009	<b><i>FBI DNA Auditor's Refresher Training</i></b> , Raleigh, NC
Feb 2009	<b><i>AAFS Annual Meeting</i></b> , Denver, CO
July 2008	<b><i>NIJ Meeting</i></b> , Arlington, VA
Feb 2007	<b><i>AAFS Annual Meeting</i></b> , San Antonio, TX
Aug 2006	<b><i>AFDAA Summer Meeting</i></b> , Austin, TX
May 2006	<b><i>ABI Human Identity University</i></b> , Research Triangle Park, NC
Feb 2006	<b><i>AAFS Annual Meeting</i></b> , Seattle, WA
Jun 2005	<b><i>6<sup>th</sup> Annual DNA Grantees Workshop</i></b> , Arlington, VA
Apr 2004	<b><i>FBI DNA Auditor's Training</i></b> , Quantico, VA



Feb 2004	<i>AAFS Annual Meeting</i> , Dallas, TX <i>Forensic Human mtDNA Analysis Workshop</i>
Oct 2003	<i>International Symposium on Human Identification</i> , Phoenix, AZ <i>Making Sense of Popstats Workshop</i>
Apr 2003	<i>ASCLD/LAB-Laboratory Inspector Training Course</i> , Raleigh, NC
Feb 2003	<i>AAFS Annual Meeting</i> , Chicago, IL <i>Low Copy Number DNA Analysis Workshop</i>
Jun 2002	<i>DNA Grantees Workshop</i> , Arlington, VA
Oct 2001	<i>7<sup>th</sup> Annual CODIS User's Conference</i> , Arlington, VA
Feb 2001	<i>AAFS Annual Meeting</i> , Seattle, WA
Feb 2000	<i>AAFS Annual Meeting</i> , Reno, NV
Oct 1999	<i>NIJ Meeting</i> , Arlington, VA
Apr 1998	<i>Mitochondrial DNA Analysis and Data Basing</i> , presented by Mark Wilson and Clint Stauffer
Feb 1998	<i>AAFS Annual Meeting</i> , San Francisco, CA
Sept 1997	<i>International Symposium on Human Identification</i> , Phoenix, AZ
Feb 1997	<i>AAFS Annual Meeting</i> , NYC, NY
Oct 1996	<i>English Speaking Working Group International Society for Forensic Haemogenetics</i>
Sept 1996	<i>International Symposium on Human Identification</i> , Phoenix, AZ

### **Specialized Schools and Training**

Nov 2018	<i>ANAB LEAD ASSESSOR TRAINING</i> Denver, CO
Dec 2011	<i>ASCLD/LAB TECHNICAL ASSESSOR REFRESHER TRAINING</i> <i>(June 2011 revision-on line training)</i>
Apr 2009	<i>DNA AUDITOR REFRESHER TRAINING</i> , Presented by the FBI, Research Triangle Park, NC



- Jan 2006      ***ASCLD/LAB-International ASSESSOR TRAINING COURSE***,  
Houston, TX
- Apr 2004      ***DNA AUDITOR TRAINING***, FBI Academy, Quantico, VA
- Apr 2003      ***ASCLD-LAB INSPECTOR TRAINING***, Raleigh, NC
- Mar 1995      ***FORENSIC AMPLITYPE PM + HLA DQA1 PCR WORKSHOP***,  
Perkin-Elmer Training Dept., Foster City, CA
- June 1991      ***ADVANCED FORENSIC DNA TYPING SCHOOL***, FBI Academy,  
Quantico, Virginia
- Mar-Jun1990 ***VISITING SCIENTIST PROGRAM***, FBI Academy, Quantico,  
Virginia
- Assisted in numerous DNA research projects being conducted by the  
FBI Research and Training Center including data base compilation,  
ethidium bromide use in DNA analysis, quantitation of human DNA  
using slot blot techniques, effect of glycerol concentration on DNA,  
studies on possible ladders for amplified fragment length  
polymorphisms (amp-FLPs)/variable number tandem repeats  
(VNTRs), and population data base compilation of amp-Flp MCT118.
- Dec 1989      ***FORENSIC APPLICATIONS OF DNA TYPING***, FBI Academy,  
Quantico, Virginia
- Fall 1988      ***MOLECULAR GENETICS AND FORENSIC SCIENCE***, University  
of New Mexico, Albuquerque, New Mexico
- May 1988      ***DNA POLYMORPHISM AND DNA TYPING***  
***COURSE/WORKSHOP***, University of New Haven, West Haven,  
Connecticut



# Handout 30







# Handout 31



# IDENTIFICATION UNIT

## CRIME SCENE SKETCH

252704

1. Complaint No.

2. Complainant/Victim <b>JONES, Nathaniel F.</b>	3. Offense or Incident <b>HOMICIDE</b>	4. Date of Incident <b>11-15-02</b>	5. Time of Incident <b>2025</b>
6. Location <b>905 MORAVIA ST.</b>	7. Date Drawn <b>11-26-02</b>	8. Time Drawn <b>1130</b>	9. Drawn by <i>BB Frady</i> Code # <b>730-14692</b>

\* Sketch Not Drawn to Scale \*



DECK/PORCH

M-1

M-2

KITCHEN  
DOOR

M-3

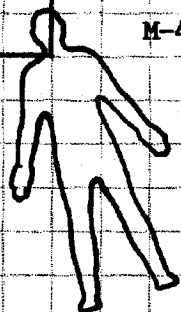
STORAGE  
ROOMV-1: GRAY LINCOLN  
NC TAG KRK-5755FLOWER  
BED

Commission Note:  
Crime scene sketch  
includes location  
of V's body after it  
was moved by  
EMS.

M-4

**LEGEND**

- M-1: MARKER #1 PIECE OF BLACK TAPE  
M-2: MARKER #2 RED SUBSTANCE ON FLOOR, GOLD WATCH LOCATED IN THIS AREA  
M-3: MARKER #3 RED SUBSTANCE ON STEP LEADING INTO KITCHEN, TUBE OF BLISTEX CHAP STICK  
M-4: AREA WHERE THE VICTIM WAS LOCATED  
A: SAMPLE OF RED SUBSTANCE ON HOOD OF VEHICLE  
B: SHOE IMPRESSIONS ON HOOD OF VEHICLE

FLOWER  
BED



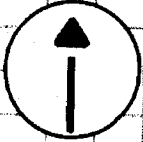
# IDENTIFICATION UNIT

## CRIME SCENE SKETCH

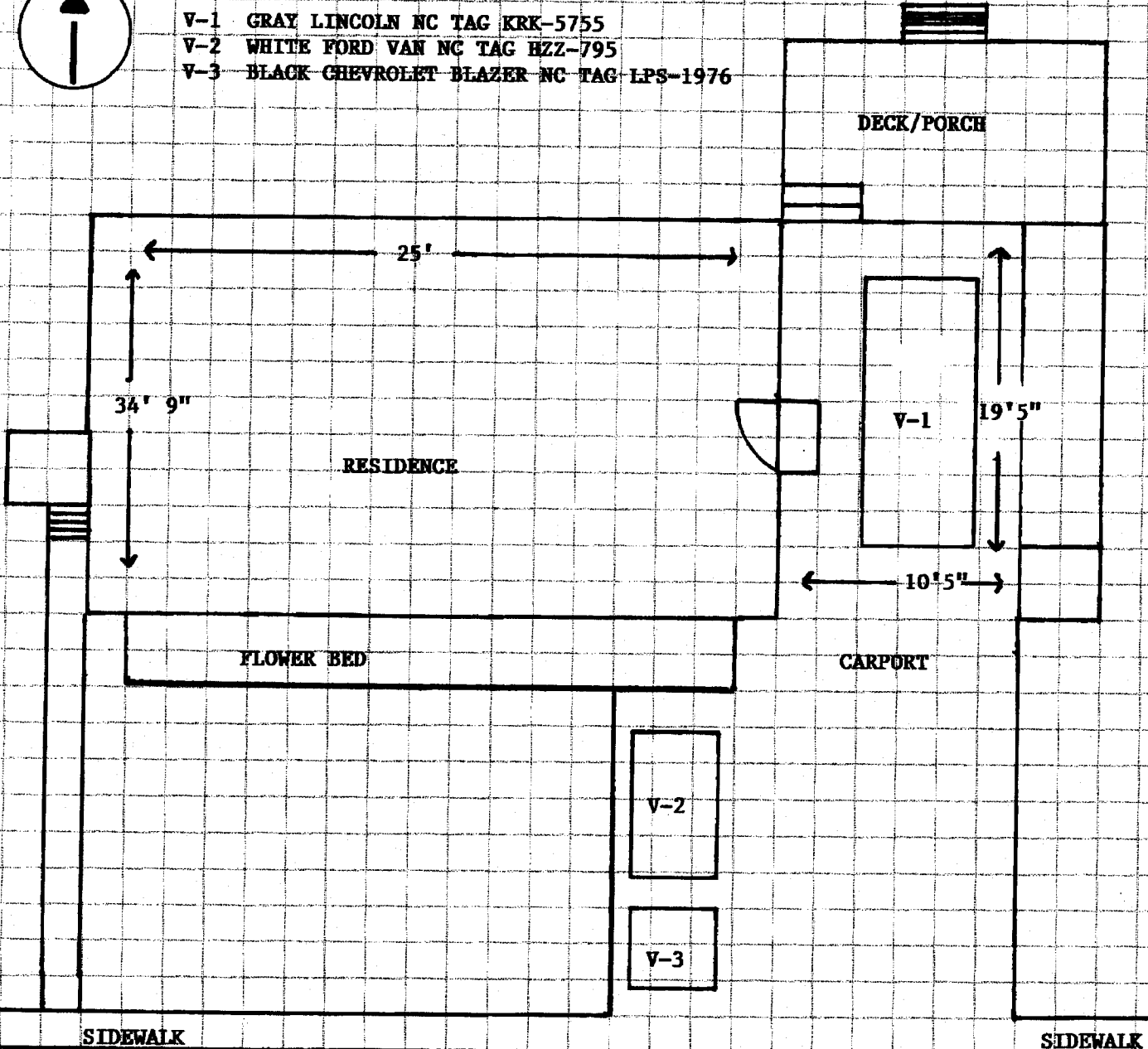
 1. Complaint No.  
252704

2. Complainant/Victim <b>JONES, Nathaniel F.</b>		3. Offense or Incident <b>HOMICIDE</b>		4. Date of Incident <b>11-15-02</b>	5. Time of Incident <b>2025</b>
6. Location <b>905 MORAVIA ST.</b>		7. Date Drawn <b>11-26-02</b>	8. Time Drawn <b>1000</b>	9. Drawn by <i>BB Brady</i> Code # <b>730-14692</b>	

\* Sketch Not Drawn to Scale \*



V-1 GRAY LINCOLN NC TAG KKK-5755  
 V-2 WHITE FORD VAN NC TAG HZZ-795  
 V-3 BLACK CHEVROLET BLAZER NC TAG LPS-1976



SIDEWALK

SIDEWALK

MORAVIA ST / ROADWAY

PAGE 1 of 3

10. See back for additional information ☐ Yes ☒ No



# Handout 32

















10000 1000 1000 1000

10000 1000 1000 1000

10000 1000 1000 1000

10000 1000 1000 1000

10000 1000 1000 1000







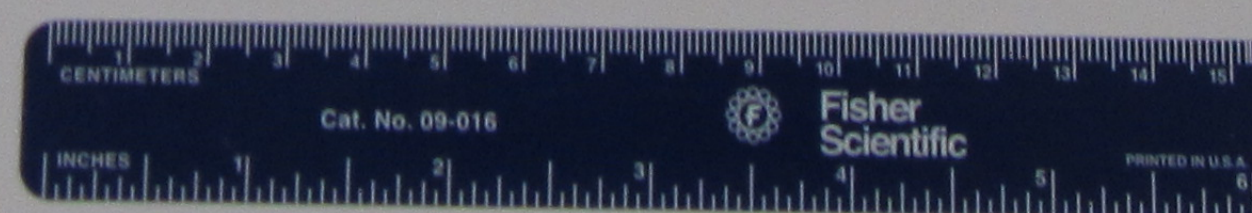
12

12



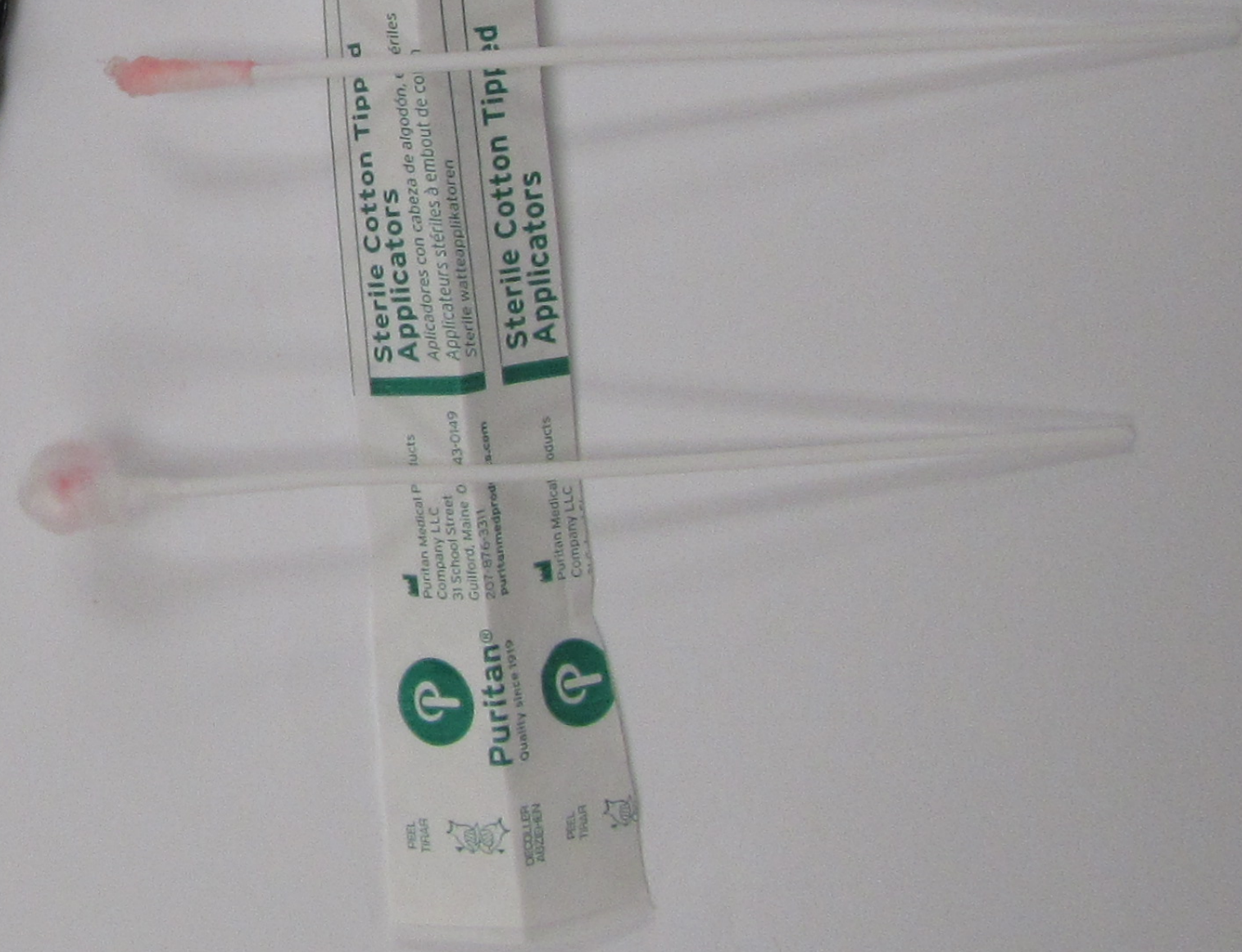






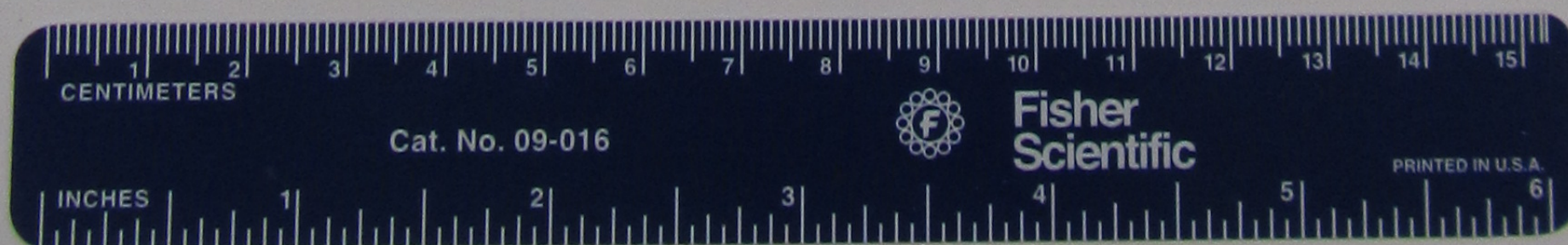
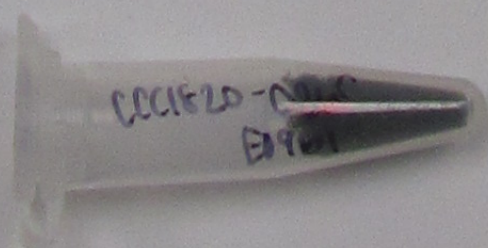
CCC1820-0265  
ED9  
10161mm





CCC1820-0265  
ED9  
10161mmf





CCC1820-0265

ED9

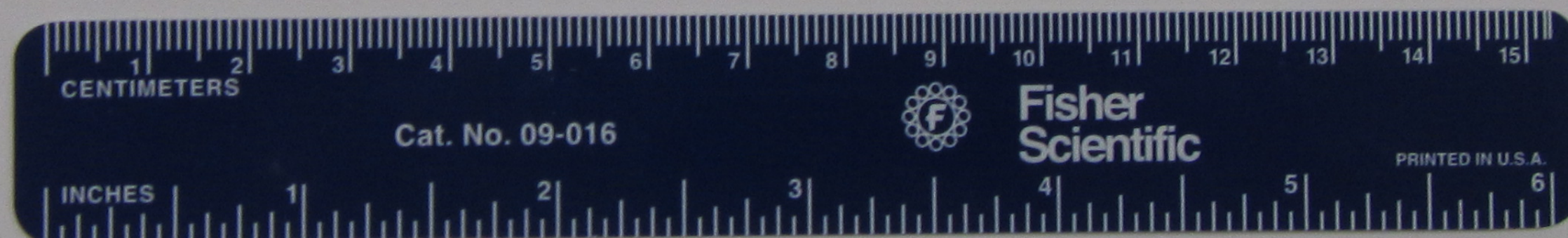
10161mm





CCC1820-0265  
E70  
101618mmP





CCC1820 - 0265

EDX

101618mmP



# Handout 33



## November

15

2002

Friday, November 15, 2002

4



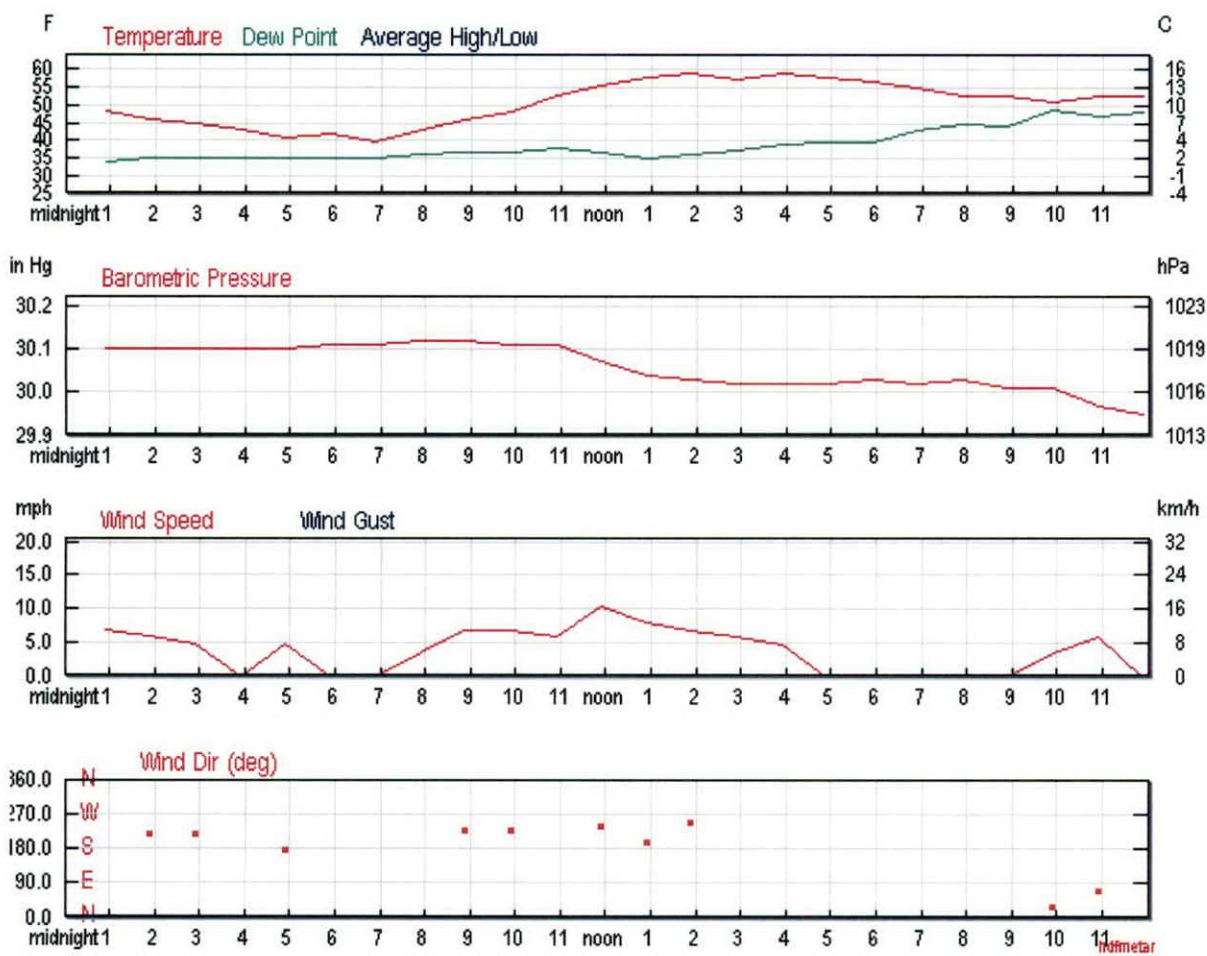
	Actual	Average	Record
Wind Speed	4 mph (SW)		
Max Wind Speed	10 mph		
Max Gust Speed	-		
Visibility	10 miles		
Events	Rain		

Averages and records for this station are not official NWS values.

T = Trace of Precipitation, MM = Missing Value

Source: NWS Daily Summary

## Daily Weather History Graph



## Search for Another Location

Airport or City:

KINT

Submit

## Astronomy



Nov. 15, 2002

Rise

Set

Actual Time

6:57 AM EST

5:13 PM EST

Civil Twilight

6:30 AM EST

5:40 PM EST

Nautical Twilight

5:59 AM EST

6:11 PM EST

Astronomical Twilight

5:28 AM EST

6:41 PM EST

Moon

3:20 PM EST (11/15)

2:43 AM EST (11/15)

Length of Visible Light

11h 10m

Length of Day

10h 15m

Waxing Gibbous, 84% of the Moon is Illuminated

Nov 15

Nov 19

Nov 27

Dec 4

Dec 11

Waxing Gibbous

Full

Last Quarter

New

First Quarter

## Hourly Weather History &amp; Observations

Time (EST)	Temp.	Windchill	Dew Point	Humidity	Pressure	Visibility	Wind Dir	Wind Speed	Gust Speed	Precip	Events
12:54 AM	48.0 °F	-	34.0 °F	58%	30.10 in	10.0 mi	SW	6.9 mph	-	N/A	
1:54 AM	46.0 °F	43.1 °F	35.1 °F	66%	30.10 in	10.0 mi	SW	5.8 mph	-	N/A	
2:54 AM	45.0 °F	42.6 °F	35.1 °F	68%	30.10 in	10.0 mi	SW	4.6 mph	-	N/A	
3:54 AM	43.0 °F	-	35.1 °F	74%	30.10 in	10.0 mi	Calm	Calm	-	N/A	
4:54 AM	41.0 °F	38.0 °F	35.1 °F	79%	30.10 in	10.0 mi	South	4.6 mph	-	N/A	
5:54 AM	42.1 °F	-	35.1 °F	76%	30.11 in	10.0 mi	Calm	Calm	-	N/A	
6:54 AM	39.9 °F	-	35.1 °F	83%	30.11 in	10.0 mi	Calm	Calm	-	N/A	
7:54 AM	43.0 °F	41.3 °F	36.0 °F	76%	30.12 in	10.0 mi	Variable	3.5 mph	-	N/A	
8:54 AM	46.0 °F	42.5 °F	37.0 °F	71%	30.12 in	10.0 mi	SW	6.9 mph	-	N/A	
9:54 AM	48.0 °F	-	37.0 °F	66%	30.11 in	10.0 mi	SW	6.9 mph	-	N/A	
10:54 AM	53.1 °F	-	37.9 °F	57%	30.11 in	10.0 mi	Variable	5.8 mph	-	N/A	



Time (EST)	Temp.	Windchill	Dew Point	Humidity	Pressure	Visibility	Wind Dir	Wind Speed	Gust Speed	Precip	Events
11:54 AM	55.9 °F	-	37.0 °F	49%	30.07 in	10.0 mi	WSW	10.4 mph	-	N/A	
12:54 PM	57.9 °F	-	35.1 °F	42%	30.04 in	10.0 mi	SSW	8.1 mph	-	N/A	
1:54 PM	59.0 °F	-	36.0 °F	42%	30.03 in	10.0 mi	WSW	6.9 mph	-	N/A	
2:54 PM	57.2 °F	-	37.4 °F	48%	30.02 in	10.0 mi	Variable	5.8 mph	-	N/A	
3:54 PM	59.0 °F	-	39.0 °F	48%	30.02 in	10.0 mi	Variable	4.6 mph	-	N/A	
4:54 PM	57.9 °F	-	39.9 °F	51%	30.02 in	10.0 mi	Calm	Calm	-	N/A	
5:54 PM	57.0 °F	-	39.9 °F	53%	30.03 in	10.0 mi	Calm	Calm	-	N/A	
6:54 PM	55.0 °F	-	43.0 °F	64%	30.02 in	10.0 mi	Calm	Calm	-	N/A	
7:54 PM	53.1 °F	-	45.0 °F	74%	30.03 in	10.0 mi	Calm	Calm	-	N/A	
8:54 PM	53.1 °F	-	44.1 °F	71%	30.01 in	10.0 mi	Calm	Calm	-	0.00 in	Rain
9:54 PM	51.1 °F	-	48.9 °F	92%	30.01 in	8.0 mi	NNE	3.5 mph	-	0.00 in	Rain
10:54 PM	53.1 °F	-	46.9 °F	80%	29.97 in	10.0 mi	ENE	5.8 mph	-	0.00 in	
11:54 PM	53.1 °F	-	48.0 °F	83%	29.95 in	9.0 mi	Calm	Calm	-	0.00 in	



# Handout 34



11.20.2002

**9<sup>th</sup> grade at Independence. Has 3 brothers, Joseph, Monterio, and Rayshaun Banner.**

## INTERROGATION AND ARREST

Yesterday, 11-19-2002 detectives came to Bubba's house on Devonshire, where Nathan was sitting on the porch along with RB and Donovan. Apparently, police had also picked up Jamael Tolliver at his place.

Officers told RB, "We're going to take you downtown." Bubba's sister, Nikki, who is 17YO, told Nathan that they were about to arrest Rayshaun. Bubba's older brother called, "Big Man," was also there. One policeman started grabbing Nathan by the shoulder while Nathan was standing in the drive way. The officer told Nathan, "You have to go downtown for questioning." Nathan asked him what it was about and the officer told him that it was confidential. At one point there was as many as ten detectives, and several police cars. Nathan got loud and started screaming when the detective held him. Officers did not ask him if he wanted to go but instead told him, "If you don't go, we will get a warrant for your arrest."

A lady named **Betty Joe** lives next door but he doesn't know if she saw any of this.

Nathan got in the police car b/c they said if he didn't they would get a warrant for him. He sat in the front. Nothing of importance was said as they traveled. When they got to the PSC, they took Nathan to a lady's office and told him to sit and wait. After a while, a white male and a white female detective came in and closed the door. The man said, "Do you know why you are down here?" Nathan told him that he thought it might be about a murder case and the officer responded, "You're right." Nathan told him that he didn't have anything to do with it. The officer told him that he wanted Nathan to tell him the truth, but again Nathan told him he didn't know anything.

These officers left and after a while they returned and the man said, "You little shit." The officer called him an asshole and made Nathan mad, and Nathan cursed back at him. The officer said that, "Jessica Jamael, Bubba and Dorrell were saying that Nathan hit the man and knocked him down."

The police again left Nathan alone, for about an hour and a half. The police returned with another white male detective, who was called "Mike," who said that all the other defendants were blaming everything on Nathan. The officer said, "Tell me something and I'll let you leave." Nathan again said that he didn't know anything. This officer brought in a hand-held tape recorder, the officer cursed Nathan and Nathan continued to tell him that he didn't know anything. The officer got mad, and said, "I hope your ass stays in jail for the rest of your life," and then he threw the tape recorder down and slammed the door and left.

**NCHC-Kevin Mauney**



After a while a black male officer, who was more cool, came in after Nathan had waited a good while. The officer asked Nathan if he had been at the murder and he told him that he had not.

Nathan was allowed to go to a bathroom near the front of the PSC, but the black officer accompanied him, stood inside the bathroom door and took him back to the room. He waited another 15 minutes or so and the officer brought his mother in. They cried and his mother told him that if he knew anything, he should tell the officers. Nathan got very angry and kicked the chairs. After that his mother left the room and the BM came in and told him that his mother wanted him to tell the truth. **Nathan did not ask to see his mother, but his mother came in a second time and told him that she loved him and said that she had to go.**

His mother and then the white male officers returned with "Mike." Later, the white female officer came in with a tape recorder. It was during this discussion with the white officer that Nathan began telling them lies, saying "We were there." (At this point they were in a black room with a black mirror.) Nathan told him that he threw five punches and heard a siren and ran. He told them this b/c he wanted to go home. He thinks he may have told them that Dorrell might have hit the man. He also thinks that the officer told other defendants what Nathan had said when he was lying.

Nathan recalls that during the questioning officers asked him questions about who turned off the lights and said that someone hit the man in the head. Nathan learned from Dorrell that they told him that Nathan hit the man with a bat. But, officers asked Nathan if Dorrell hit the man with a pole.

#### FRIDAY, NOVEMBER 15

On the day that the man was killed, Nathan had been with Jessica, who had a black car, and several other friends. First, they picked up Sheldon and went to the park, and then they went to Sheldon's house and got a CD and Jessica went to get gas on Waughtown. They dropped Sheldon off and picked up Jamael. Then, they went to Crosslanes Bowling Alley at Trade Mart at about 5:30 P.M. Nathan was with Jessica, Bubba, Jamael, and Dorrell. They didn't bowl but just hung out. They witnessed a confrontation between a white female and male. The white girl had a friend named Jennifer that Nathan knew from Parkland. There was also a police officer at the bowling alley.

After they left the bowling alley, Jessica drove on their way to Bellview Park. Between 7:30 and 8:00 P.M., they saw a bunch of police cars. They turned around in a driveway and stopped and got out. They saw a lady and a man who were standing there looking; the man said that someone had beaten the man up. Nathan has seen the man walking up and down the street and thinks that he may be a drunk. The lady was standing in her bedroom shoes, indicating that she probably lived on that street. They got back in the car and left. They then went to ~~Jedds~~ house "Sherman" to see if they could get some money from his father. Later, they went back to the park and saw detectives in

*near Jeri (Sherman) - same street*



the area. They left and went to Midway, N. C., b/c Jessica wanted to go there.



# Handout 35



STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE  
COUNTY OF FORSYTH SUPERIOR COURT DIVISION  
2020 FEB 25 P 12:38 02 CRS 38884

STATE OF NORTH CAROLINA, )  
 )  
v. BY pm )  
 )  
NATHANIEL CAUTHEN )

**AFFIDAVIT OF ATTORNEY  
KEVIN MAUNEY**

NOW COMES Kevin Mauney being first been duly sworn, who deposes and says the following:

1. I am an attorney first licensed to practice law in North Carolina in 1976 . I practiced law in this state for over 38 years. I am currently retired from the practice of law.
2. I represented Nathaniel Cauthen after he was arrested on charges of First Degree Murder and Robbery with a Dangerous Weapon in this case on November 20, 2002 until I withdrew as his counsel in April 2003.
3. I was first contacted by the North Carolina Innocence Inquiry Commission in November 2019 regarding my case file. I provided all documents in my possession related to my representation of Nathaniel Cauthen to the North Carolina Innocence Inquiry Commission.
4. I had no clear, specific recollection of Nathaniel Cauthen claiming innocence to me. However, notes from my case file indicate that Nathaniel Cauthen claimed innocence to me and did not make any admissions of any involvement in the robbery or death of Nathaniel Jones.

FURTHER THE AFFIANT SAYETH NOT.

This the 25 day of January, 2020

Kevin Mauney

STATE OF NORTH CAROLINA  
COUNTY OF Wake

Sworn to and subscribed before me,  
this 25 day of February, 2020.

Mackenzie C. Myers (Seal)  
Notary Public  
My Commission Expires: 1/29/24





# Handout 36



7 MS. BRIDENSTINE: The two D.A.s who  
8 were on this case were Eric Saunders and Beirne  
9 Harding.

10 MS. HIER: Uh-huh.

11 MS. BRIDENSTINE: What were you  
12 interactions like with them and what was your  
13 opinion of them?

14 MS. HIER: Eric -- they're both  
15 excellent, excellent trial attorneys. They are  
16 very tough. They're both now deceased. They --  
17 Eric was very crafty. You couldn't trust him.  
18 You really couldn't. Beirne was more  
19 trustworthy, but Eric, I mean, I tried to hold --  
20 almost all of my cases were with -- murder cases  
21 that I tried were with Eric. So he's --

22 Here's an example, not -- and, I mean,  
23 I'm just going to use this. It was that other --  
24 the false confession case that I had that was  
25 going on at the same time. That client was



1 completely -- was found not guilty of all  
2 charges, and in that case there was -- the  
3 officer that was testifying, there were three  
4 officers that were involved in his interrogation,  
5 and on -- at the end of whatever the day, the  
6 first day of my cross-examination of the main  
7 officer, he was answering all of my questions  
8 yes, like, "Did you do this? Did you do that?"  
9 I mean, and so it was a great ending of that day.

10           The next day I completed my cross-  
11 examination. I could have asked him if the sky  
12 was blue and he would have said no. And I  
13 learned after the trial it's because Eric just  
14 read him the riot act. I mean -- and I learned  
15 this from the other -- one of the other officers  
16 after the trial was completed. And Eric  
17 threatened him, "If you answer any questions  
18 favorably --," I don't know what the consequences  
19 were, but -- so Eric would do whatever it takes  
20 to win. I mean, he always felt that he was doing  
21 justice and he would, you know -- I mean, I'm not  
22 sure if he ever violated any rules of ethic --  
23 well, I had -- no, I had another trial that was a  
24 murder trial that was reversed because of his  
25 closing argument because it was unethical. And



1    so he, you know, he's going to do whatever it  
2    takes.

3                   MS. BRIDENSTINE:  Were you aware of  
4    him having any sort of issues with any witnesses  
5    in this case like you -- it sounds like he had a  
6    lot of control over that officer you're talking  
7    about in your other case.

8                   MS. HIER:  Yeah.  I don't recall that  
9    in this case.



# Handout 37



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38884

STATE OF NORTH CAROLINA,

v.

NATHANIEL CAUTHEN

)  
)  
)  
)  
)  
)

**AFFIDAVIT OF ATTORNEY  
TERESA L. HIER**

NOW COMES Teresa L. Hier being first been duly sworn, who deposes and says the following:

1. I am an attorney first licensed to practice law in North Carolina in 1992. I have been practicing law for almost 28 years.
2. I represented Nathaniel Cauthen prior to his trial in 2003 and at his trial in 2004 on charges of First Degree Murder and Robbery with a Dangerous Weapon in this case.
3. I was first contacted by the North Carolina Innocence Inquiry Commission in July of 2019 regarding my case file. I do not have a file for this case because I provided my entire file to the attorney who represented Mr. Cauthen on his appeal. I believe said attorney was with the Office of the Appellate Defender.
4. During the course of my representation, Nathaniel Cauthen did not admit guilt to me at any time.
5. During the course of my representation, Nathaniel Cauthen maintained his innocence to me related to this crime.

FURTHER THE AFFIANT SAYETH NOT.

This the 21st day of January, 2020



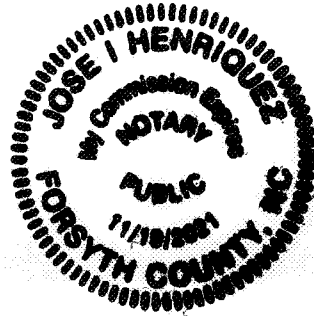
*Teresa L. Hier*



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

Sworn to and subscribed before me,  
this 21st day of January, 2020.

Jose I. Henriquez (Seal)  
*Notary Public*  
My Commission Expires: 11/19/2021





# Handout 38



# **ROBERT LEONARD**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
OBTAIN PROPERTY FALSE PRETENSE >=\$100,000 (F)	FORSYTH	07/15/2014	12/13/2016
EMBEZZLEMENT >=\$100,000 (F)	FORSYTH	07/30/2012	12/13/2016
EMBEZZLEMENT >=\$100,000 (F)	FORSYTH	09/22/2011	12/13/2016
EMBEZZLEMENT >=\$100,000 (F)	FORSYTH	04/12/2011	12/13/2016



# Handout 39



2709

WAKE COUNTY  
NORTH CAROLINA

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
04 DHC 38

THE NORTH CAROLINA STATE BAR  
PLAINTIFF

v.

ROBERT K. LEONARD, ATTORNEY  
DEFENDANT

)  
)  
) FINDINGS OF FACT  
) CONCLUSIONS OF LAW  
) AND ORDER OF DISCIPLINE  
)  
)  
)

THIS MATTER came on to be heard and was heard on May 16 - 17, 2005 before a duly assigned hearing committee of the Disciplinary Hearing Commission composed of Carlyn Poole, Chair; M. Ann Reed and Johnny Freeman. Carolin Bakewell and Katherine E. Jean appeared for the North Carolina State Bar. David Freedman and Dudley Witt represented the defendant, Robert K. Leonard. Based upon the pleadings herein and the evidence introduced at trial, the hearing committee hereby makes the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina and the rules and regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, Robert K. Leonard, ("Leonard"), was admitted to the North Carolina State Bar in 1970 and is, and was at all relevant times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all periods relevant hereto Leonard was engaged in the practice of law in Winston-Salem, North Carolina.

4. Prior to July 1999, Leonard undertook to represent Betty Wilson ("Ms. Wilson") regarding a personal injury claim.



5. Leonard and Ms. Wilson agreed that Leonard would be paid 25% of any damages recovered for Ms. Wilson if Leonard settled her claim without filing a lawsuit.

6. Leonard settled Ms. Wilson's claim for \$52,000 without filing a lawsuit. He deposited the settlement proceeds into his attorney trust account at Branch Banking & Trust Co. ("BB&T trust account") on July 1, 1999.

7. On July 6, 1999, Leonard paid himself his entire \$13,000 attorney fee from Ms. Wilson's settlement funds.

8. After Leonard withdrew his attorney fee, he knew that he was not entitled to receive any further payments from the remaining funds on deposit for Ms. Wilson in his BB&T trust account.

9. On Jan. 28, 2000, Leonard disbursed \$21,927 of Ms. Wilson's settlement funds to her.

10. On Dec. 26, 2000, Leonard disbursed \$489 of Ms. Wilson's settlement funds to Forsyth Radiology to pay a portion of Ms. Wilson's health care expenses related to the accident.

11. At all times after Dec. 26, 2000 a total of \$16,584 should have remained in Leonard's BB&T trust account for Ms. Wilson.

12. By no later than April 2000, Leonard knew that Ms. Wilson would be entitled to receive at least \$13,066.92 of the settlement funds even after Medicare and her medical bills were paid.

13. Leonard did not disburse any additional funds to Ms. Wilson until April 2003.

14. For the period July 1999 forward, Leonard handled all of the bookkeeping for his law practice and handled all disbursements from and deposits into his trust and operating accounts.

15. Between Dec. 26, 2000 and June 30, 2002, Leonard knowingly and intentionally wrote a number of checks drawn on his BB&T trust account that were payable to himself and to the Forsyth County Clerk of Superior Court. Funds belonging to Ms. Wilson were used to pay these checks, although the payments were made for Leonard's benefit and the benefit of clients other than Ms. Wilson without her knowledge or consent.

16. Between May 2001 and May 30, 2002, Leonard knowingly and intentionally disbursed all but \$110.20 of Ms. Wilson's funds to himself and other clients without Ms. Wilson's knowledge or consent.



17. The balance in the BB&T trust account remained below \$16,584 between May 25 – July 8, 2001 and July 17, 2001 – June 30, 2002.

18. Leonard made no deposits to or disbursement from his BB&T trust account between Nov. 11, 2001 and May 30, 2002.

19. The fact that there was no activity in the BB&T trust account between Nov. 11, 2001 and May 30, 2002 is evidence that Leonard was aware that he had misappropriated Ms. Wilson's funds.

20. In late June 2002, Leonard received a check for \$50,077.52 from the Administrative Office of Courts ("AOC") in payment of work he had done in one or more appointed criminal matters. Leonard deposited the AOC check into a personal bank account at Piedmont Federal on June 26, 2002.

21. On June 28, 2002, Leonard wrote a check on his personal Piedmont Federal bank account in the amount of \$19,750. On June 28, 2002, Leonard deposited the personal check into his BB&T trust account, which brought the balance in the BB&T trust account above the sum he should have held for Ms. Wilson. The \$19,750 deposited into the BB&T trust account was Leonard's personal funds.

22. The fact that Leonard deposited personal funds into the BB&T trust account immediately after receiving a large fee from AOC indicates that Leonard knew that he had misappropriated funds belonging to Ms. Wilson and that he did not have enough funds on hand in the BB&T trust account to reimburse her.

23. On Oct. 4, 2002, Leonard transferred \$17,260 from the BB&T trust account to his trust account at Southern Commercial Bank ("Southern Commercial trust account").

24. On Jan. 21, 2003, Leonard paid \$2,840.31 from the funds in the Southern Commercial trust account to Medicare on Ms. Wilson's behalf.

25. On April 22, 2003, Leonard paid to Ms. Wilson the remaining \$14,232.69 owed to her from the personal injury settlement.

26. Leonard never told Ms. Wilson that he had used her funds for his benefit or that of other clients and never provided an annual accounting to her regarding the funds.

27. In April 1996, Leonard undertook to represent Olin C. Robinson ("Robinson") in a domestic relations case.

28. Leonard did little, if anything, to prepare for the Robinsons' equitable distribution trial on Jan. 26, 1999. Consequently, an order was entered on April 18, 2000 awarding most of the Robinsons' marital property to Robinson's ex-wife, including a significant portion of Robinson's retirement benefits.



29. On Dec. 28, 2001, Leonard filed a notice of appeal on Robinson's behalf.
30. Also on or about Dec. 28, 2001, at Leonard's request, Robinson paid Leonard \$2,650 "to finance the appeal."
31. Leonard failed to take any steps to perfect the appeal.
32. Leonard provided very little information about the status of the case to Robinson, despite Robinson's requests for information.
33. In May 2003, Robinson discharged Leonard and, when he received the client file, learned for the first time that Leonard had withdrawn the notice of appeal without Robinson's consent.
34. In 1997 or 1998, Leonard met Richard Mears ("Mears"), a convicted felon who had served 11 years in a federal prison for fraud.
35. Despite his knowledge of Mears' conviction, Leonard agreed to work with Mears to handle motions for appropriate relief for prison inmates and their families.
36. Between late 1997 or early 1998 and April 2002, Leonard worked with Mears on 15 - 20 post-conviction cases. Mears charged inmates and their families \$5,000 - \$6,000 for each post-conviction case. In most cases, Mears and Leonard divided the fee equally.
37. The fees paid to Mears were not based on the amount of work Mears actually performed in a given case.
38. Between late 1997 or early 1998 and April 2002, Mears maintained an office in his home in Mount Airy, N.C. and only periodically visited Leonard's office.
39. Leonard did not supervise Mears' activities, including communications with clients and his handling of fees collected by Mears from clients.
40. In mid-2000, Mears proposed that he and Leonard engage in a scheme whereby Mears would promise to have inmates released from prison via use of Mears' alleged political contacts, in return for payment of a substantial sum of money.
41. Leonard told Mears that his proposal was illegal and declined to participate in it. Leonard continued to handle ordinary post-conviction cases with Mears, however.
42. By early 2001, Mears told Leonard that he had actually proceeded with his illegal scheme and that he had received substantial sums from inmates and their families by promising to obtain the inmates' release from prison through Mears' political contacts. Although there was no evidence that Leonard directly participated in Mears' illegal influence peddling scheme or that Leonard received any of the funds Mears collected



from the inmates in the influence peddling cases, Leonard did not report Mears' conduct to law enforcement officials and he continued to handle post-conviction cases jointly with Mears.

43. Mears was later charged with and convicted of various federal criminal offenses relating to his illegal influence peddling scheme.

44. On May 12, 1999, Leonard signed a contract with Rev. D. L. Chatham ("Rev. Chatham"), whereby Leonard agreed to seek post-conviction relief on behalf of Johnny Chatham ("Chatham"), Rev. Chatham's brother, who was and is serving a prison sentence with the N.C. Department of Corrections.

45. Pursuant to the May 12, 1999 contract, Leonard agreed to file a motion for appropriate relief for Chatham and a petition for certiorari in the appellate courts if the MAR was denied.

46. Rev. Chatham paid Leonard a \$5,000 fee on his brother's behalf. Leonard received half of the fee and paid half to Mears.

47. Leonard did not visit Chatham or otherwise communicate with him.

48. In May 2000, a year after undertaking the case, Leonard filed a motion for appropriate relief on Chatham's behalf.

49. Leonard attended a hearing on the motion for appropriate relief in 2001, which was the first time he had met or communicated with Chatham.

50. The motion for appropriate relief was denied in January 2002.

51. Leonard failed to file a petition for certiorari on Chatham's behalf and declined to refund any portion of the \$5,000 fee.

52. In February 2001, Leonard signed a contract of employment to represent Clifton Ferrell ("Clifton Ferrell"), then an inmate in the N.C. Department of Corrections, "in his State criminal appeal known as a 'motion for appropriate relief.' "

53. Wilbert Ferrell, Clifton Ferrell's brother, paid Leonard a total of \$3,500 toward a \$5,000 fee. Leonard paid \$1,500 of the fee to Mears and retained the remaining \$2,000.

54. Leonard did not visit or communicate with Clifton Ferrell.

55. Leonard did not file any pleadings on behalf of Clifton Ferrell nor did he produce any evidence that he or Mears performed any work for Clifton Ferrell when Wilbert Ferrell requested this information.



56. Leonard did not return the client file to Clifton Ferrell or his family when it became clear that Clifton Ferrell's family was not going to pay the remaining \$1,500 fee.

57. Leonard did not refund the unearned portion of the \$3,500 fee paid by Wilbert Ferrell on his brother's behalf.

58. In March 2001, Carolyn Stover ("Ms. Stover"), paid Mears \$15,500 to file a clemency proceeding for her son, Larry Allred ("Allred"), who was and is serving a prison sentence in the N.C. Department of Corrections.

59. Mears promised Ms. Stover that he would refund the \$15,500 fee if he was unable to obtain Allred's release by Dec. 31, 2001.

60. In January 2002, when Allred had not been released from prison, Ms. Stover contacted Leonard and told him about her problems with Mears.

61. Leonard agreed to file a motion for appropriate relief on Allred's behalf and, if that proved unsuccessful, agreed to file a petition for certiorari in the appellate court.

62. On April 22, 2002 Leonard filed a motion for appropriate relief that had been prepared by Mears and that was unaccompanied by affidavits or supporting documents. Leonard failed to take adequate steps to determine whether the motion prepared by Mears was legally sufficient.

63. Leonard did not meet with Allred or communicate with him and did little, if anything, to assist Allred.

64. The motion for appropriate relief was denied as legally insufficient.

65. Leonard did not file a petition for certiorari for Allred or take any other action on his behalf.

#### CONCLUSIONS OF LAW

1. By using funds that he received on behalf of Betty Wilson for his benefit and/or the benefit of third parties, Leonard used entrusted funds for personal benefit or for the benefit of a person or persons other than the beneficial owner of the property in violation of Rule 1.15-2(j) and failed to hold a client's funds in trust in violation of Rule 1.15-2(a).

2. By knowingly and intentionally disbursing funds that he should have held in trust for Betty Wilson for his benefit and/or the benefit of third parties without Ms. Wilson's knowledge and consent, Leonard committed criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c).



3. By depositing \$19,750 of his personal funds into the BB&T trust account to replenish funds belonging to Betty Wilson, Leonard commingled personal and trust funds in violation of Rule 1.15-2(a).

4. By waiting until April 2003 to disburse all funds owed to Ms. Wilson, Leonard failed to promptly disburse client funds in violation of Rule 1.15-2(a) and (m).

5. By failing to take sufficient steps to prepare for Robinson's domestic trial and by failing to perfect an appeal on his behalf, Leonard failed to act with reasonable competence, diligence and promptness in representing a client in violation of Rules 1.1 and 1.3.

6. By failing to keep Robinson informed about the status of his case and the appeal, Leonard violated Rule 1.4(a).

7. By failing to explain matters pertaining to the case and the appeal to the extent reasonably necessary to permit Robinson to make informed decisions about the representation, Leonard violated Rule 1.4(b).

8. By failing to file a motion for appropriate relief on behalf of Clifton Ferrell and by failing to pursue appellate review of the denial of the motions for appropriate relief filed for Johnny Chatham and Larry Allred, Leonard neglected client matters in violation of Rule 1.3.

9. By failing to refund the unearned portion of the fees paid to him by the relatives of Clifton Ferrell and Johnny Chatham, Leonard violated Rule 1.5(d).

10. Leonard failed to undertake an adequate, independent review of the motion for appropriate relief drafted by Mears on behalf of Allred, in violation of Rules 1.1 and 1.3.

11. Leonard failed to make reasonable efforts to ensure that Mears, a non-lawyer with whom he was associated, conducted himself in a fashion that was compatible with Leonard's ethical obligations to Allred, Chatham and Ferrell, in violation of Rule 5.3.

12. Leonard divided fees that he received from or on behalf of Chatham and Ferrell with a non-lawyer, Richard Mears, in violation of Rule 5.4(a).

Based upon the foregoing Findings of Fact, the Conclusions of Law and the evidence presented at the hearing, the hearing committee also makes the following:



## ADDITIONAL FINDINGS OF FACT REGARDING DISCIPLINE

1. Leonard received \$2,650 from Olin Robinson in late December 2001 to "finance the appeal" for Robinson from an equitable distribution judgment.
2. Leonard failed to hold any portion of the \$2,650 which he received from Robinson in trust and diverted the funds to his own use and benefit without Robinson's knowledge or consent.
3. After Robinson discharged Leonard, he asked Leonard to return the \$2,650 to him. When Leonard did not respond, Robinson filed a grievance against Leonard with the N.C. State Bar.
4. Although Leonard advised the Grievance Committee in a letter dated October 17, 2003 that he would "attempt to resolve" the refund issue with Robinson, he did not do so. In July 2004, Robinson filed suit against Leonard and ultimately obtained a judgment against him in small claims court. Leonard then appealed to district court and it was not until October 2004, on the eve of arbitration, that Leonard reimbursed the \$2,650 to Robinson.
5. By January 2000, Leonard had opened a trust account at Piedmont Federal which he designated as a "cost account" ("Piedmont Federal cost account") to hold funds entrusted to him by clients whose traffic matters Leonard was handling.
6. From January 1, 2000 forward, Leonard regularly deposited into the Piedmont Federal cost account funds that had been paid to him by clients for the purpose of paying the clients' court costs.
7. On 17 occasions between January 2000 and July 2001, Leonard paid his personal American Express bill with client funds in the Piedmont Federal cost account.
8. Leonard did not have his clients' consent to use funds in the Piedmont Federal cost account for his personal benefit.
9. Leonard temporarily misappropriated \$90 in costs that he should have held in trust for a client named James K. Culbertson in late 2000.
10. Leonard's conduct is aggravated by the following facts:
  - a) He was motivated in part by a dishonest or selfish motive.
  - b) He engaged in a pattern of misconduct.
  - c) He engaged in multiple violations of the Rules of Professional Conduct.



- d) He failed to make timely restitution to all clients.
- e) He has substantial experience in the practice of law.
- f) He failed to acknowledge wrongdoing.
- g) Several of the victims of his misconduct were elderly, uneducated or in prison and thus were particularly vulnerable.
- h) Leonard was uncooperative with Bar Counsel's attempts to conduct discovery in this matter and failed to produce copies of his American Express monthly statements and related documents as commanded by a subpoena.

11. The Hearing Committee found that Leonard's misconduct is mitigated by the following facts:

- a) He has no prior discipline.
- b) A number of lawyers and judges from his home county and surrounding counties testified as to his good character.

12. The aggravating factors outweigh the mitigating factors.

Based on the foregoing findings of fact, the Committee enters the following:

1. Leonard's dishonest conduct has caused significant harm and posed the threat of significant potential harm to his clients.

2. Leonard's misconduct has also harmed the standing of the legal profession by undermining trust and confidence in lawyers and the legal system.

3. Disbarment is the only sanction that can adequately protect the public for the following reasons:

- a) An attorney's duty to preserve client funds entrusted to the attorney is one of the most sacred that an attorney undertakes. An attorney should never violate that duty or the trust that the client has in the attorney.
- b) An order of discipline less than disbarment would not sufficiently protect the public because Leonard committed misdeeds involving moral turpitude and violations of the public trust.
- c) Leonard's misconduct occurred over a substantial period of time and therefore appears to be the result of a character flaw, rather than an aberration.



d) Leonard has failed to show any evidence that he has addressed whatever trait or flaw contributed to his misconduct and therefore the Committee concludes that there is a risk that he would continue to engage in further misconduct if he were to remain licensed to practice law.

e) Entry of an order imposing lesser discipline would fail to acknowledge the seriousness of the offenses that Leonard committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar in North Carolina.

f) The protection of the public requires that Leonard not be permitted to resume the practice of law unless and until he demonstrates that he has reformed, that he understands his obligations to his clients, the public, the courts and the legal profession, and that reinstatement would not injure the standing of the legal profession. Disbarred attorneys must show reformation among other things, before they may resume the practice of law, whereas no such showing of reformation is required of attorneys whose licenses are suspended for a term certain.

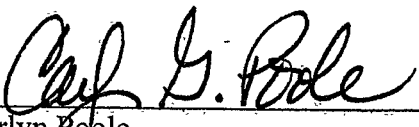
Based upon the foregoing Findings of Fact, Conclusions of Law and Findings of Fact Regarding Discipline, and any mixed findings of fact and conclusions of law howsoever designated, the Hearing Committee hereby enters the following:

#### ORDER OF DISCIPLINE

1. Robert K. Leonard is hereby DISBARRED from the practice of law.
2. Leonard shall surrender his law license and membership card to the Secretary of the State Bar no later than 30 days from service of this order upon him.
3. Leonard shall pay the costs of this proceeding, including the cost of all depositions taken by the N.C. State Bar, as assessed by the Secretary of the N.C. State Bar no later than 30 days from service of this order upon Leonard.
4. Leonard shall comply with all provisions of 27 NCAC 1B § .0124 of the North Carolina State Bar Discipline & Disability Rules ("Discipline Rules").
5. Prior to seeking reinstatement of his law license, Leonard must present satisfactory written evidence to the Office of Counsel that he has made restitution of the sum of \$3,500 to Wilbert Ferrell.



Signed by the undersigned Committee Chair with the full knowledge and consent  
of the other Hearing Committee members, this the 14 day of June  
2005.

  
\_\_\_\_\_  
Carlyn Poole  
Chair, Disciplinary Hearing Committee



# Handout 40



12 MS. BRIDENSTINE: I'm going to hand you your closing  
13 statement and just have you review that. That is Exhibit 23.

14 MR. LEONARD: Okay.

15 MS. BRIDENSTINE: All right. I just had a couple of  
16 questions about those, specifically if you look at page 32,  
17 there's some -- there's some discussion where you indicate  
18 that Rayshawn might have been there but he wasn't part of what  
19 was taking place, he stayed out in the road, he did not  
20 involve himself in this. Was that based on something that  
21 Rayshawn Banner told you?

22 MR. LEONARD: I mean obviously I would have some  
23 reason for saying that but I don't know what -- Rayshawn's,  
24 let's just say his account was fluid.

25 MS. BRIDENSTINE: How was it fluid?



1 MR. LEONARD: It changed.

2 MS. BRIDENSTINE: Did his account ever put him  
3 there?

4 MR. LEONARD: His account -- his account was that he  
5 didn't participate in the actual physicality of it, that he  
6 was, that he saw it but didn't do it.

7 MS. BRIDENSTINE: He told you he saw it?

8 MR. LEONARD: That's my recollection now. He's --  
9 he's -- he'd gone from I wasn't there to maybe I was. Like I  
10 say, you're asking a memory that's not going to remember that.

11 MS. BRIDENSTINE: Do you actually remember him  
12 saying that?

13 MR. LEONARD: The only reason I'm saying that is I  
14 would have had some basis for arguing that. I wouldn't argue  
15 just for the hell of it. So, you know, I had to have some  
16 reason to do that because I think that was where the evidence  
17 was coming from.

18 You're trying to save a kid from first degree murder  
19 and you got a jury, you want to give them something to hang  
20 on. If they can hang on, well, maybe the kid was there but he  
21 didn't really do it, we'll let it go. If you just stick with  
22 I wasn't there period and all the evidence says he was, what's  
23 a jury going to look at you like.

24 MS. BRIDENSTINE: And that to me -- I just want to  
25 make sure I understand -- that sounds like something you would



1     have made as a choice as a lawyer looking at the evidence  
2     that's presented at trial. But what I'm trying to figure out  
3     is if Rayshawn Banner actually told you he saw it or was  
4     there?

5                 MR. LEONARD: Well, here again, my -- my belief  
6     would be that he told me but if you ask me specifically I  
7     would say I don't know.

8                 MS. BRIDENSTINE: You don't know.

9                 MR. LEONARD: Right.

10                MS. BRIDENSTINE: Okay.

11                MR. LEONARD: I cannot with 100 percent certainty  
12     look at you and say, yes, he looked me in the eye and told me  
13     that.

14                MS. BRIDENSTINE: Okay.

15                MR. LEONARD: I mean -- but I would have had some  
16     reason for doing that.



# Handout 41



6           Q.       What did you think about Jessica Black and her  
7 testimony?

8           A.       I can't recall if she said that she was with  
9 them right beforehand and testified that she was, she was  
10 there when the plan was hatched. I just don't remember.  
11 Her, her demeanor and so forth, I can't recall.

12                   Really what I, I want to say I had an impression  
13 that she was -- I don't know -- it's hard for me to  
14 remember, but reluctant almost. That's about the, that's  
15 about the best I can do in terms of remembering my  
16 impressions of her.

17           Q.       What do you mean by reluctant?

18           A.       Just wasn't, just wasn't very eager or, or may  
19 have had some affinity for the, the young man. I don't --  
20 you know, it wasn't, it wasn't like a witness that was -- I  
21 didn't get the impression is the best that I can recall. It  
22 wasn't like she was somebody that was just raring to  
23 testify. That's, that's about all I can remember.

24           Q.       How important, how important was  
25 Jessica Black's testimony?



1           A.       I think very important because I, I -- my  
2 recollection is that, you know, she testified to things that  
3 would have been the basis for not only felony murder but  
4 premeditation of deliberation, so forth. And I remember I  
5 was concerned that if she was believed, it was going to be a  
6 real problem.

7           Q.       Jessica Black was never charged in this case?

8           A.       Not, not that I recall. That, that -- and just  
9 now that you asked me that. I don't believe she ever was.

10          Q.       She's referred to as an uncharged accomplice --

11          A.       Okay.

12          Q.       -- in the testimony.

13          A.       Um-hmm.

14          Q.       Why wasn't she charged?

15          A.       I don't know why. But back then it seemed not  
16 that unusual to be honest. If they were going to use  
17 somebody they would, they would not charge them.

18          Q.       Was that a practice for the Police to not arrest  
19 an accomplice?

20          A.       I don't know. I think in a case like this  
21 normally what the Police would do is call the DA's Office  
22 and ask for advice about what to do.

23          Q.       Was that --

24          A.       Who to arrest and what to charge them with.

25          Q.       Was that a practice of the DA's Office not to



1 charge an accomplice?

2 A. I'd seen it before.

3 Q. Was it common?

4 A. I don't know if it was common or not, but it  
5 wasn't necessarily uncommon I guess, I mean.



# Handout 42



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38886

STATE OF NORTH CAROLINA,  
v.  
CHRISTOPHER BRYANT

)  
)  
)  
)  
)  
)  
**AFFIDAVIT OF ATTORNEY  
NILS GERBER**

NOW COMES Nils Gerber being first been duly sworn, who deposes and says the following:

1. I am an attorney first licensed to practice law in North Carolina in 1990. I have been practicing law for over 29 years.
2. To the best of my knowledge, I represented Christopher Bryant prior to his trial from December 2002 until his trial in 2005 on charges of First Degree Murder and Robbery with a Dangerous Weapon in the above captioned case.
3. To the best of my knowledge, I was first contacted by the North Carolina Innocence Inquiry Commission in July 2019 regarding my case file. I do not have a file for this case. I normally destroy files after maintaining them for ten years. I do not have records showing that Christopher Bryant's file was destroyed, but I believe based on my practice that his file has been destroyed. I am unable to locate any files regarding Christopher Bryant.
4. I do not recall any specific conversations with Christopher Bryant and I do not recall whether Christopher Bryant ever admitted to me any involvement in the robbery or death of Nathaniel Jones. I do not recall whether he explicitly claimed innocence to me.
5. I believe that Christopher Bryant was offered a plea in this case, but I cannot be sure of that assertion. He obviously did plead not guilty. To the best of my recollection, I recall that this case seemed destined for trial. I was not certain of that during my representation. Based on my experience clients can change their mind. I don't recall specific conversations with Mr. Bryant.

FURTHER THE AFFIANT SAYETH NOT.

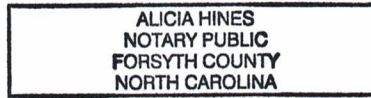
This the 4<sup>th</sup> day of February, 2020

  
Nils Gerber



STATE OF NORTH CAROLINA  
COUNTY OF Forsyth

Sworn to and subscribed before me,  
this 4<sup>th</sup> day of February, 2020.



Alicia Hines (Seal)  
*Notary Public*

My Commission Expires: 10/06/2021



# Handout 43



Clark Fischer - by Ms. Bridenstine - January 29, 2020

25

MS. BRIDENSTINE: Okay. Earlier you said that



**Clark Fischer - by Ms. Bridenstine - January 29, 2020**

1 Jermal Tolliver's family was difficult.

2 MR. FISCHER: Yes.

3 MS. BRIDENSTINE: What do you mean about that?

4 MR. FISCHER: Just, again, that they didn't --  
5 did not want to hear anything in terms of possible negative  
6 outcomes in the case, brought the NAACP in to have an  
7 interview, talk to me about the case, about possible  
8 things. And actually the NAACP representative I remember  
9 was telling them, you know, you really need to think about  
10 a plea in this case.

11 And I remember they were screaming and yelling  
12 out loud in the streets afterward. We got finished late on  
13 a Friday night, as I recall.

14 So yes, they were very difficult. I never  
15 thought that Jermal had a particularly supportive or  
16 helpful mother.

17 MS. BRIDENSTINE: Okay. And can you think of  
18 anything else regarding his mother, any other interactions?

19 I mean, I'm just trying to figure out what about  
20 her made you think she was not supportive or helpful.

21 MR. FISCHER: Well, when somebody mainly just  
22 wants to argue with you instead of having objective  
23 discussion about the pros and cons of a case, I do not  
24 consider that helpful.

25 MS. BRIDENSTINE: Did you interact with his



**Clark Fischer - by Ms. Bridenstine - January 29, 2020**

1 mother more than once?

2 MR. FISCHER: I'm sure it was more than once.  
3 Could not tell you how many times.

4 MS. BRIDENSTINE: And what was this NAACP  
5 representative brought in for?

6 MR. FISCHER: I think that was that the family  
7 had gone to the NAACP, and they asked if we could arrange a  
8 meeting, and I said sure.

9 MS. BRIDENSTINE: Was that just one meeting that  
10 you had with the NAACP or more than one?

11 MR. FISCHER: I don't -- I think it was one. I'm  
12 pretty sure that's true.

13 MS. BRIDENSTINE: What was the meeting for? Like  
14 what did you guys talk about during that meeting?

15 MR. FISCHER: About the case and what are the  
16 possible outcomes and what could be done to avoid a  
17 first-degree murder verdict.



# Handout 44



STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38884

STATE OF NORTH CAROLINA,

v.

NATHANIEL CAUTHEN

)  
)  
)  
)  
)  
)  
**AFFIDAVIT OF ATTORNEY**  
**BARBARA S. BLACKMAN**

NOW COMES Barbara S. Blackman being first been duly sworn, who deposes and says the following:

1. I am an attorney first licensed to practice law in North Carolina in 2002. My license is now inactive because I am retired and live out-of-state. I represented Nathaniel Cauthen on his appeal of convictions of First Degree Murder and Robbery with a Dangerous Weapon in this case.

2. I was first contacted by the North Carolina Innocence Inquiry Commission in July of 2019 regarding my case file. I worked for the Appellate Defender's Office at the time I represented Mr. Cauthen. I do not have a file for this case because all client files were retained by the Office of the Appellate Defender.

3. I have no specific recollection of meeting Mr. Cauthen and do not recall whether he claimed innocence to me. To the best of my recollection, he did not make any admissions of any involvement in the robbery or death of Nathaniel Jones.

FURTHER THE AFFIANT SAYETH NOT.

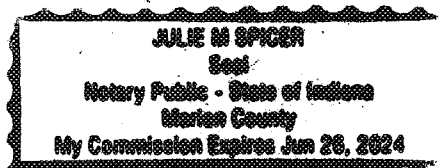
This the 8<sup>th</sup> day of January, 2020

Barbara S. Blackman

Barbara S. Blackman

STATE OF INDIANA  
COUNTY OF MARION

Sworn to and subscribed before me,  
this 8 day of January, 2020.



Julie M. Spicer  
Notary Public

(Seal)

My Commission Expires: June 26, 2024



STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
COUNTY OF FORSYTH 02 CRS 38886

STATE OF NORTH CAROLINA, )  
 ) AFFIDAVIT OF ATTORNEY  
v. ) HARAL E. CARLIN  
 )  
CHRISTOPHER BRYANT ))

NOW COMES Haral E. Carlin being first been duly sworn, who deposes and says the following:

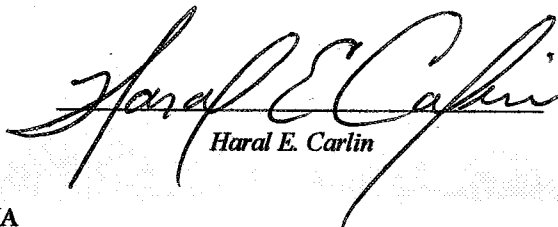
1. I was an attorney first licensed to practice law in North Carolina in 1990. I am now retired. I represented Christopher Bryant for his appeal of convictions for Second Degree Murder and Common Law Robbery in this case.

2. I was first contacted by the North Carolina Innocence Inquiry Commission in 2015 regarding trial transcripts. At that time I informed the Commission that I did not have the trial transcripts. My records indicate that I destroyed my case file on November 14, 2014. It was my practice to destroy old files after seven years.

3. I have no recollection of whether Mr. Bryant made any representations about his guilt or innocence during the course of my representation. I did not interview him in person and all of our communication was through correspondence.


FURTHER THE AFFIANT SAYETH NOT.

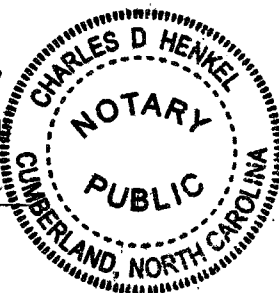
This the 14<sup>th</sup> day of January, 2020

  
Haral E. Carlin

STATE OF NORTH CAROLINA  
COUNTY OF Cumberland

Sworn to and subscribed before me,  
this 14<sup>th</sup> day of January, 2020.

  
Notary Public  
My Commission Expires: 18 August 2024



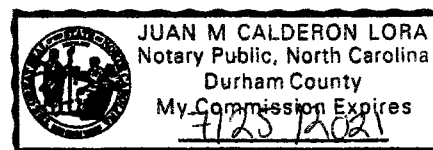


IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38883

V.

AFFIDAVIT OF ATTORNEY  
RICHARD B. GLAZIER

My Commission Expires: 7/25/2021





IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38885

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AFFIDAVIT OF ATTORNEY  
PAUL F. HERZOG

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Journal compilation © 2006 Blackwell Publishing Ltd

1. I have been an attorney licensed to practice law in North Carolina since 1978. I represented Dorrell Brayboy on his appeal of convictions of Second Degree Murder and Common Law Robbery in this case.

2. I was first contacted by the North Carolina Innocence Inquiry Commission regarding this case on January 9, 2020. My current case file consists only of Mr. Brayboy's trial transcript, legal research, pleadings and other public records documents, and several letters that I sent to Mr. Brayboy.

3. One of my letters in the file includes instructions for how to file a Petition for Discretionary Review in the North Carolina Supreme Court. These instructions were provided at Mr. Brayboy's request after relief was denied by the North Carolina Court of Appeals.

4. Sometime in February 2019 I was contacted by a journalist, Hunter Atkins, who informed me he was investigating and writing an article about this case. He provided me with a release signed by Mr. Brayboy allowing me (Paul Herzog) to provide any documents contained in my file on Mr. Brayboy's appeal file to Mr. Atkins.

5. I do not recall any specific conversations with Mr. Brayboy, nor do I recall receiving many letters from him during the course of my representation. My file today does not include any letters from Mr. Brayboy.

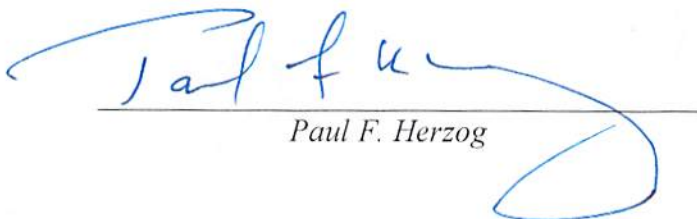


6. I do not recall whether Mr. Brayboy ever admitted any involvement in the robbery or death of Nathaniel Jones. I do not recall whether he explicitly claimed innocence to me.

7. Based on the fact that Mr. Brayboy wanted to pursue relief in the North Carolina Supreme Court and wanted me to provide a copy of my trial transcript to a journalist, I infer that he was claiming innocence and believed he was wrongfully incarcerated.

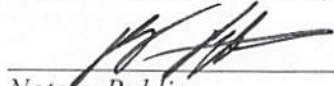
FURTHER THE AFFIANT SAYETH NOT.

This the 15<sup>th</sup> day of January, 2020

  
Paul F. Herzog

STATE OF NORTH CAROLINA  
COUNTY OF Cumberland

Sworn to and subscribed before me,  
this 15 day of January, 2020.

  
\_\_\_\_\_  
Notary Public (Seal)  
My Commission Expires: 8.21.2024





STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38882

STATE OF NORTH CAROLINA,

v.

JERMAL TOLLIVER

)  
)  
)  
)  
)  
)  
)  
**AFFIDAVIT OF ATTORNEY**  
**JAMES R. PARISH**

NOW COMES James R. Parish being first been duly sworn, who deposes and says the following:

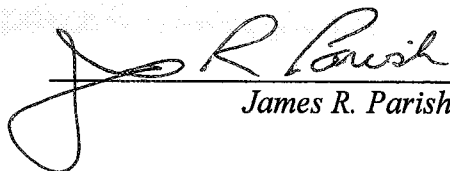
1. I have been an attorney licensed to practice law in North Carolina since 1976. I represented Jermal Tolliver for his appeal of a conviction of Second Degree Murder in this case.

2. I was first contacted by the North Carolina Innocence Inquiry Commission in July of 2019 regarding my file related to this case. I no longer have a file in this case. It is my practice to destroy old case files after seven years. I returned the trial transcripts to Mr. Tolliver at the end of his appeal.

3. During the course of my representation, Mr. Tolliver maintained his complete factual innocence and did not make any admissions of any involvement in the robbery or death of Nathaniel Jones

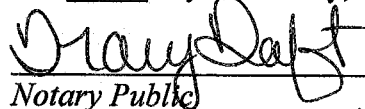
FURTHER THE AFFIANT SAYETH NOT.

This the 8 day of January, 2020

  
James R. Parish

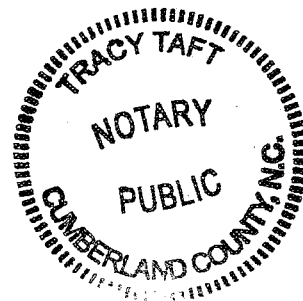
STATE OF NORTH CAROLINA  
COUNTY OF Cumberland

Sworn to and subscribed before me,  
this 8 day of January, 2020.

  
Notary Public

(Seal)

My Commission Expires: 10/20/24





# Handout 45



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38886

STATE OF NORTH CAROLINA,  
v.  
CHRISTOPHER BRYANT

---

)  
)  
)  
)  
)  
)  
**AFFIDAVIT OF ATTORNEY**  
**Beth McNeill**

NOW COMES Beth McNeill being first been duly sworn, who deposes and says the following:

1. I am an attorney first licensed to practice law in North Carolina in 1993. I have been practicing law for 16 years.

2. As a member of the Post-Conviction Team at N.C. Prisoner Legal Services, I evaluated and investigated Christopher Bryant's case for post-conviction relief. I did not file any motions on Mr. Bryant's behalf.

3. N.C. Prisoner Legal Services conducted a search for the physical file and did not find a physical file related to Mr. Bryant. I provided a copy of our electronic file for Mr. Bryant to the Commission in January 2020.

4. There are several unfinished reports in the electronic file. I have checked with the author of those reports, paralegal Kimber Seawell, and she no longer has the information necessary to complete those reports. Our work on Mr. Bryant's file was completed before Ms. Seawell had the opportunity to add completed reports to the electronic file.

5. I met with Mr. Bryant in person during the course of my evaluation. Mr. Bryant always maintained his innocence in this case to me.

6. To my recollection, N.C. Prisoner Legal Services investigated whether there was any information to prove or disprove Mr. Bryant's confession in this case as well as reviewed his court documents to see if there were any errors that would provide grounds for relief. Mr. Bryant's case closed with N.C. Prisoner Legal Services because we did not feel we had enough to file anything on his behalf prior to the passing of his federal habeas deadline. It was not closed because we discovered anything pointing to Mr. Bryant's guilt.



FURTHER THE AFFIANT SAYETH NOT.

This the 2<sup>nd</sup> day of March, 2020

Beth McNeill

Beth McNeill

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn to and subscribed before me,  
this 2 day of March, 2020.

[Signature]  
Notary Public

(Seal)

My Commission Expires: 01/05/2025

Joshua E. Stallings, Notary Public  
Granville County, North Carolina  
My Commission Expires 1/5/2025



# Handout 46



STATE OF NORTH CAROLINA  
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

FILED

2011 MAY 13 PM 12:19

STATE OF NORTH CAROLINA

v.

NATHANIEL CAUTHEN,  
Defendant.

File number  
02 CRS 38884

FORSYTH COUNTY, C.S.C.

*Yvonne Bungle*

\* \* \* \* \*

MOTION FOR APPROPRIATE RELIEF

\* \* \* \* \*

Pursuant to N.C. Gen. Stat. § 15A-1415(b)(4), (8), Defendant through undersigned counsel respectfully requests this Court to arrest his sentence and impose a constitutionally permissible sentence. Defendant's sentence of life imprisonment without parole, for the offense of felony murder which happened when he was less than 18 years of age, violates U.S. Const. amend. VIII and N.C. Const. art. I, § 27 and is contrary to the U.S. Supreme Court's dictates in *Graham v. Florida*, 130 S. Ct. 2011 (2010).

PROCEDURAL HISTORY

At fifteen years old, Nathaniel Cauthen was charged with first degree murder and robbery with a dangerous weapon for offenses committed on November 15, 2002. (Exhibit 1)

On August 9, 2004, Nathaniel's case was joined for



trial with his fourteen year old brother, Rayshawn Banner's, case in Forsyth County Superior Court before the Honorable Judge W. Douglas Albright. *State v. Cauthen*, 178 N.C. App. 562, 631 S.E.2d 892 (2006). (Exhibit 2)

On August 19, 2004, Nathaniel was convicted of first degree murder based on felony murder, and robbery with a dangerous weapon. (Exhibit 3) Nathaniel was sentenced to life without parole for first degree murder. (Exhibit 3) Judge Albright arrested judgment on the robbery with a dangerous weapon conviction. (Exhibit 2)

Nathaniel appealed his convictions to the North Carolina Court of Appeals. (Exhibit 2) The Court issued its opinion on July 18, 2006, finding no error with Nathaniel's convictions. (Exhibit 2)

#### FACTS

##### **1. Nathaniel's Background**

On November 15, 2002, Nathaniel was fifteen years old. (Exhibit 4) On the date of his conviction, having spent two years in jail, Nathaniel was seventeen years old. (Exhibit 3) He is now twenty-four years old and has been incarcerated for more than a third of his life. If his sentence is not amended according to United States Supreme Court mandates, Nathaniel will perish in prison, having



only been afforded the first fifteen years of his life to grow and mature.

Throughout his young life, Nathaniel struggled to express himself, or find proper guidance at home or at school. Prior to his arrest, Nathaniel was a freshman in high school. As he had his whole life, he struggled to perform at grade level there. (Exhibit 5) As a result of his prolonged difficulties, Nathaniel was frequently suspended and occasionally expelled from different schools.

According to Nathaniel's mother, his difficulties in school and at home could be explained by a pattern of behavior related to his inability to cope with school and the absence of his father. That pattern being - when Nathaniel recognized that he could not perform in school, he would misbehave to avoid confronting his limitations. (Exhibit 6) Whenever Nathaniel acted out, he was forced to leave school either temporarily or permanently. This was the result Nathaniel wanted because it meant that he would not be forced to do school work that he could not understand. (Exhibit 6)

Nathaniel's misbehavior at school was not a product of a naturally aggressive disposition. It was the only tool he knew to use to cope with the mounting frustration of moving from school to school, and being promoted from grade



to grade without the proper academic foundation to succeed.

The school system, whose job it was to teach Nathaniel and address his difficulties in school from the time he was a small child, repeatedly chose to kick Nathaniel out instead of helping him learn and adapt socially. As a result of their neglect, Nathaniel came to understand that if he did not understand something, he could act out and then he would no longer have to go to school. The school system failed Nathaniel by routinely ignoring their obligation to help nurture his development.

Nathaniel also struggled to navigate his adolescence without the presence, attention, or nurturing of his father. His mother, Teresa, who is described by all as a hard-working person, did her best to provide support and stability for all of her sons but she could not make up for the void left by Nathaniel's father. In her estimation, Nathaniel acted out and misbehaved in hopes that his behavior would serve as a signal to his father that his son needed him. (Exhibit 6)

At the time of the incident that led to his incarceration, Nathaniel was in the throes of adolescence, living with mounting frustration at school and at home. (Exhibit 6) The only way Nathaniel knew to manage this stress was to act out. The assault on Mr. Nathaniel Jones



on November 15, 2002 was part of that pattern of behavior.

Nathaniel behaved recklessly on November 15, 2002 and his actions contributed to the loss of a life. It is not suggested here that Nathaniel not be held responsible for his conduct that night. But, while he should be held responsible, it is important to emphasize that Nathaniel is not the heartless killer that was portrayed in the media or that Judge Albright described him as at the close of his trial.<sup>1</sup> (Trial Tr. vol. 9, 149) Nathaniel had never seriously hurt anyone before this incident and did not calculate to seriously injure, let alone, kill Mr. Jones. Nathaniel was a child who, through his behavior, was crying out for attention in the only way he knew how.

Our response as a society cannot be to throw this young man away. It should be to take responsibility for not addressing Nathaniel's needs as a young child, to acknowledge the limitations on what Nathaniel was capable of understanding as a teenager, and finally, to recognize that the sentence he received for behavior driven by teenage impulse does not observe the standards of decency

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<sup>1</sup> After the verdict was handed down in Nathaniel's trial, Judge Albright stated that "hardened criminals of advanced years could not have hurled a more vicious, careless, indifferent attack." (Trial Tr. vol. 9, 149-50)



that our laws and morals require for the punishment of children in this state.<sup>2</sup>

## 2. Impressions of Nathaniel's Maturity

Ms. Ava Boulware, who was close to Nathaniel and Mr. Jones, considered herself a "neighborhood mom" to Nathaniel. She has strong impressions about Nathaniel's maturity as a young child. (Exhibit 7) She stated that, at trial, Nathaniel and his younger brother, Rayshawn, "did not understand what was going on. They were incapable of understanding the seriousness of the situation because they . . . cannot appreciate what the rest of their lives means to them." (Exhibit 7)

Nathaniel did not understand the nuances of the felony murder rule nor did he understand, at fifteen, that his childish and impulsive decision to rob someone could subject him to first degree murder prosecution and a sentence of life without parole. He protested that he never intended to kill Mr. Jones and those protestations were not prideful nor did they evidence an unwillingness to

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<sup>2</sup> The other children charged with offenses related to their involvement in the incident pled guilty to second degree murder and were sentenced to 157 months to 198 months.



accept responsibility for his actions. They were the honest statements of a fifteen year old boy who did not and could not appreciate the legal implications of his actions.

### 3. Felony Murder Rule Applied to Nathaniel's Conduct

In North Carolina, "a murder . . . committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree." N.C. Gen. Stat. § 14-17 (2010). (Exhibit 8) "[O]ne who inflicts an injury on another and thereby accelerates his death shall be held criminally responsible therefor." *State v. Luther*, 285 N.C. 570, 575, 206 S.E.2d 238, 241-42 (1974). (Exhibit 9)

In addressing unintended and accidental homicide, North Carolina courts have held that a defendant must accept their victim in the condition that he finds him in. *State v. Cummings*, 46 N.C. App. 680, 685, 265 S.E.2d 923, 936, *aff'd*, 301 N.C. 374, 271 S.E.2d 272 (1980). (Exhibit 10)

In Nathaniel's case, he and the other children committed a botched robbery on November 15, 2002. They wandered around together on the day of the assault, without



the supervision that children their age should have had, saw Mr. Jones and, together, made a regrettable decision to try to rob him. The children assaulted Mr. Jones and stole his wallet. Sometime after the children ran away, Mr. Jones, in his sixties and in undetectably poor health, suffered a tragic cardiac arrhythmia and died.

North Carolina's felony murder statute applies to Nathaniel's conduct. A murder occurred "in the perpetration or attempted perpetration of . . . a robbery." N.C. Gen. Stat. § 14-17. (Exhibit 8) An injury was inflicted and the death of the victim was accelerated, subjecting Nathaniel to criminal prosecution. See *State v. Luther*, 285 N.C. 570, 206 S.E.2d 238. (Exhibit 9)

The expected consequences of Nathaniel's actions were that the children would get money from Mr. Jones. The children could not and did not expect that Mr. Jones would die as a result of their conduct. None of the injuries administered by the children would have been life threatening to anyone. It was determined by the medical examiner that Mr. Jones suffered a cardiac arrhythmia in the hour and a half between the assault and discovery of his body.

There is no dispute that Nathaniel's actions proximately caused the death of Mr. Jones. And, there is



no dispute that Nathaniel should be held responsible for the conduct that preceded Mr. Jones's death because, by law, he has to "accept [the] victim in the condition that he finds him in." *State v. Cummings*, 46 N.C. App. at 685, 265 S.E.2d at 936. (Exhibit 10)

In this case though, none of the actions of these boys were severe enough to cause death and no intent to kill ever developed in the minds of any of these children.

In considering the proportionality of the punishment imposed on Nathaniel, it is important to consider first, that that he did not intend to kill Mr. Jones. He stated repeatedly in his statements to law enforcement and in open court during his trial that he did not intend to kill anyone. (Trial Tr. vol. 9, 146) He did not know that Mr. Jones was hurt badly as a result of the assault.

Second, it is important to consider that due to Nathaniel's youth, he could not appreciate the potential consequences of his actions. See *Graham v. Florida*, 130 S.Ct. at 2026 ("developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds. For example, parts of the brain involved in behavior control continue to mature through late adolescence.") (Exhibit 11) Throughout his prosecution, Nathaniel remained adamant that he was not



guilty of first degree murder. (Trial Tr. vol. 9, p146-148) He was so adamant, that when he and his fourteen year old brother were offered pleas to second degree murder, they refused to accept them because to them it amounted to an admission that they killed Mr. Jones which they did not believe they had done.<sup>3</sup>

The consequences of the kids' decisions are easy for adults to forecast but they are so less obvious to children that the United States Supreme Court decided that the punishment levied on Nathaniel for the kind of conduct he engaged in is so cruel and unusual as to be unconstitutional. *Graham v. Florida*, 130 S.Ct. 2011, 2026, 2028 (2010) (quoting *Roper v. Simmons*, 543 U.S. 551 (2005), "As compared to adults, juveniles have a 'lack of maturity and an underdeveloped sense of responsibility' . . . retribution does not justify imposing the second most

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<sup>3</sup> After Nathaniel was found guilty of first degree murder and robbery with a dangerous weapon, he was permitted to address the court and the families. He said, in part, that "I spent two years of my life in jail. . . I am sorry. I really am . . . It's not my fault. Don't nobody know me . . . fifteen year old kids done done this or fourteen year old kids done done this . . . I'm sorry that this man lost his life, I really am . . . I got to spend the rest of my life in prison . . . That's not right . . . This is not justice." (Trial Tr. vol. 9, 146-148)



severe penalty on the less culpable juvenile nonhomicide offender.") (Exhibit 11)

**4. Events of November 15 - 19, 2002**

On November 15, 2002, Nathaniel, age fifteen, his younger brother, Rayshawn, age fourteen, Christopher Bryant, age sixteen, Dorrell Brayboy, age fifteen, Jermel Tolliver, age fifteen, and Jessica Black, age seventeen, spent the evening together unsupervised. (Exhibit 12) They rode around town together in Jessica's car, visiting several stores before making their way to a park where the boys loitered and joked around. At some point, the group saw Mr. Jones pull into his driveway. (Exhibit 12) Without discussion or planning, they ran over to Mr. Jones's house. (Exhibit 12) The boys, thinking that Mr. Jones would be an easy target to steal money from, punched and kicked him, bound his mouth and hands and tried to steal money from him. Someone stole Mr. Jones's wallet but before the boys had time to discover the more than \$2300 on and around Mr. Jones, they ran and continued their juvenile jaunts into the late evening hours. (Exhibit 12)

The boys and Jessica, not having any idea that their actions could have possibly caused Mr. Jones's condition, continued on to the mall, and then on to a bowling alley.



(Exhibit 12) They did not conduct themselves as if they had just perpetrated a homicide because they did not engage in conduct that was ever intended to, or that they could have conceived would, result in someone's death.

On the afternoon of November 19, 2002, Nathaniel, Rayshawn Banner, Dorrell Brayboy, and Jermel Tolliver were sought out by law enforcement based on information obtained from Jermel Tolliver's mother. (Exhibit 12)

At around 4:00 p.m. on November 19, 2002, law enforcement officials went to Christopher Bryant's home looking for the boys. They took Christopher Bryant out of the home and requested that Nathaniel go with them to the police station. (Trial Tr. vol. 6, 188-189)

Nathaniel, without being given an opportunity to talk to his mother and not understanding what he was being accused of left with the detectives. He denied having any knowledge of Mr. Jones's death. (Trial Tr. vol. 6, 196) The fifteen year old was taken, alone, to the police station around 4:30 p.m. (Exhibit 12) Once there, Nathaniel continued to deny involvement in the death. The police detectives, employing an interrogation tactic commonly used with adult suspects, terminated the interview so as to intimidate Nathaniel instead of taking the child home to his mother. The detectives escorted Nathaniel to a



closed room and left him there, alone, for two hours, without explanation. (Trial Tr. vol. 6, 196)

After sitting in the room for hours, not believing that he could leave, Nathaniel was interrogated further. During that time he was told by a detective that he would get a lethal injection and never see his family again if he did not confess.<sup>4</sup> (Exhibit 12; Mot. to Suppress Tr. p. 136) Nearly four hours after Nathaniel was initially isolated at the police station, his mother, Teresa Foley was permitted to see her son. (Exhibit 2) After being escorted to talk with her son, Teresa, frightened and upset, pleaded with Nathaniel to tell the detectives the truth about his involvement in the incident on November 15, 2002. (Exhibit 2)

After using Nathaniel's mother to coerce a confession from her son, police detectives exploited Nathaniel's vulnerability by, denying the child an adequate meal, attempting to make him feel more isolated by telling him that all of his friends had confessed and given statements,

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<sup>4</sup>At trial, none of the police officers admitted to threatening Mr. Nathaniel. One detective testified at the hearing on Defendants' motion to suppress that Jermel Tolliver and Christopher Bryant were threatened with the death penalty in their interrogations. (Mot. to Suppress Tr. p. 217-218).



threatening him with lethal injection, and suggesting that they would go after his fourteen year old brother if he did not confess.

The techniques used have been recognized as unreliable when employed on adolescents because children are more likely to consent to police intrusion out of fear and based on inferior psychological development. See Robert E. Shepard, Jr., *The Relevance of Brain Research to Juvenile Defense*, 19 Crim. Just. 15, Winter 2005. (Exhibit 13)

Nathaniel provided a recorded statement to police. Responding to suggestive questions by detectives, Nathaniel told the police that he was involved in the assault on Mr. Jones.<sup>5</sup> (Exhibit 2)

In that statement, Nathaniel admitted to being picked up by his seventeen year old friend, Jessica Black. (Trial Tr. vol. 7, 16-17) He admitted running over to Mr. Jones's

---

<sup>5</sup> "[Adolescents are] ... inherently more vulnerable than adults to the processes of police investigations, and to the procedures of trial and sentencing ... [and that] the techniques widely used in police encounters with teenagers, combined with the adolescent's psychological and neurological vulnerability, make them more likely to consent to police intrusions into their liberty and to break down during police interrogations, and even lead to false confessions that result in the conviction of the innocent." Robert E. Shepard, Jr., *The Relevance of Brain Research to Juvenile Defense*, 19 Crim. Just. 15, Winter 2005.



house and punching Mr. Jones several times in the stomach after someone else started hitting him. (Trial Tr. vol. 7, 22) Nathaniel quickly ran away after someone starting kicking Mr. Jones. (Trial Tr. vol. 7, 22)

The other children apprehended on November 19, 2002 provided statements to law enforcement officials after being interrogated, threatened with the death penalty, and told that the other children implicated them in the assault.<sup>6</sup>

Jessica Black, who was never charged with anything stemming from her involvement in the incident, gave a sworn statement and later testified that on November 15, 2002, she was hanging out with Nathaniel, Banner, Bryant, Brayboy, and Tolliver. (Trial Tr. Vol. 6, 10) She said that the boys joked about robbing someone. (Trial Tp. vol.6, 12). Early on the evening on November 15<sup>th</sup>, she drove Bryant, Tolliver, and Nathaniel to Maxways, a retail store. (Trial Tr. vol. 6, 22-24) She remembered one of the boys returned to the vehicle with tape.<sup>7</sup> (Trial Tr. vol.

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<sup>6</sup> Supra note 1.

<sup>7</sup> At trial, Ms. Black testified that the tape purchased was a different color than the tape found at the scene. It was determined by Winston-Salem police detectives that the tape used on Mr. Jones could not have



6, 22-24)

According to Black, the group then made a trip to Dollar General, then to Belview Park, near Mr. Jones's house. (Trial Tr. vol. 6, 26) She stated that when the boys saw Mr. Jones pull into his driveway they all left the park and ran over to Mr. Jones's carport. (Trial Tr. vol. 6, 36) Ms. Black testified further that she heard sounds like someone was being hit and heard the boys taunting Mr. Jones. (Trial Tr. vol. 6, 36-41). When the boys returned to her vehicle, she said that she drove Dorrell Brayboy home, dropped off Bryant and Tolliver at Bryant's house, then dropped off Nathaniel and Banner at their house to change clothes. (Trial Tr. vol. 6, 42-44).

After dropping all of the boys off at their respective residences, Ms. Black testified that she picked all of them up again and drove them to a mall and then to a bowling alley at the end of the night. (Trial Tr. vol. 6, 46-47)

##### **5. Victim's Health and Cardiac Arrhythmia**

Mr. Jones died from cardiac arrhythmia and not from the injuries sustained during the assault on November 15, 2002. (Trial Tr. vol. 5, 896) The final diagnosis was  

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been purchased from the stores visited by the boys on November 15, 2002.



that the "immediate cause of death was a cardiac arrhythmia." (Trial Tr. vol. 5, 896) Mr. Jones sustained several contusions and shallow lacerations to his head, face, right shoulder and arm, none of which were life threatening.<sup>8</sup> (Trial Tr. vol. 5, 918)

The cardiac arrhythmia was caused by, what the medical examiner found to be, "a markedly enlarged heart."<sup>9</sup> (Trial Tr. vol. 5, 919) Mr. Jones also suffered from high blood pressure, severe coronary arteriosclerosis, diabetic nephritis, and clogged arteries at the time of his death. (Trial Tr. vol. 5, 920)

Mr. Jones was in poor health and, while his death was tragic and unexpected, it is possible that any manner of stress could have triggered a fatal arrhythmia.

The actions that preceded Mr. Jones's death were spontaneous and childish. The children's actions were haphazard, uncalculated, and they were never designed to cause the kind of harm that resulted.

Nathaniel was not and is not a cold-blooded person. The sentence of life without parole for the commission of a

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<sup>8</sup> Mr. Jones did not sustain any fractures on his body or injuries to his skull. (Trial Tr. vol. 5, 927)

<sup>9</sup> Mr. Jones heart was approximately 770 grams. A normal heart for someone of Mr. Jones's size is 400 grams. (Trial Tr. vol. 5, 919)



botched robbery by a fifteen year old cannot merit the second most severe punishment in our penal system. Nathaniel deserves to have his punishment adjudged based on, the compelling standards of decency required, and the United States Supreme Court's enunciation of the constitutional limitations on the punishment of juvenile, non-homicide offenders.

REASONS WHY THE MOTION SHOULD BE GRANTED

The Eighth Amendment to the United States Constitution, applicable to the states through the Fourteenth Amendment, prohibits cruel and unusual punishments. U.S. Const. amend. VIII; *Roper v. Simmons*, 543 U.S. 551, 560 (2005). (Exhibit 14) "The concept of proportionality is central to the Eighth Amendment." *Graham*, 130 S. Ct. at 2021. (Exhibit 11) Consequently, "[a]n offender's age is relevant to the Eighth Amendment, and criminal procedure laws that fail to take defendants' youthfulness into account at all would be flawed." *Id.* at 2031.

The U.S. Supreme Court has categorically struck down punishments that are disproportionate to the capacity of the offender. See *Roper*, 543 U.S. 551 (prohibiting the death penalty for defendants who committed murder before



the age of 18); *Atkins v. Virginia*, 536 U.S. 304 (2002) (prohibiting the death penalty for defendants with low intellectual functioning); *Graham*, 130 S. Ct. 2011 (prohibiting the sentence of life without parole for nonhomicide offenses committed by offenders under eighteen). (Exhibits 11, 14, 15)

In *Graham*, the Court provided three justifications for adopting the categorical approach, rather than the case-by-case proportionality analysis, for nonhomicide cases involving juveniles serving a sentence other than death. First, juvenile offenders are less culpable and more capable of change than adult offenders, and the court cannot identify "with sufficient accuracy" the "few incorrigible juvenile offenders" who might theoretically deserve life without parole ("LWOP"). *Graham*, 130 S. Ct. at 2032. (Exhibit 11) Second, juveniles generally are less able than adults to work effectively with their counsel, and that "a case-by-case approach . . . does not take account of special difficulties encountered by counsel in juvenile representation." *Id.* Third, "a categorical rule gives all juvenile nonhomicide offenders a chance to demonstrate maturity and reform." *Id.* These justifications apply equally to juveniles committing homicide, who similarly merit categorical treatment. Such



a treatment is even more necessary in the homicide context, given the *Graham* Court's concern that excessive weight might be given to the nature of the offense and insufficient attention might be accorded to the personal qualities of the offender. See *id.* at 2031-32.

Under the categorical approach, the Court first looked at "objective indicia of society's standards, as expressed in legislative enactments and state practice" to determine whether a national consensus against the sentencing practice at issue exists. *Roper*, 543 U.S. at 572; *Graham*, 130 S. Ct. at 2022. (Exhibits 11, 14) The Court recognized that society's standards evolve through time and are thus not limited by historical conceptions. *Graham*, 130 S. Ct. at 2021. (Exhibit 11)

Next, the Court exercised its own independent judgment and determined the constitutionality of the punishment, taking into consideration the characteristics of the offender, the crime, and the severity of punishment. *Id.* at 2022, 2026. Such a determination involves a moral judgment. *Id.* at 2021.

1. State sentencing practices indicate a national consensus against the imposition of life without parole for juveniles.



The *Graham* Court's finding of a national consensus against juvenile LWOP rested on actual sentencing practices. *Id.* at 2023-26. The evidence of consensus was not undermined by the fact that thirty-seven states, the District of Columbia, and federal law permitted LWOP on juvenile nonhomicide offenders. *Id.* at 2023.

The *Graham* Court concluded juvenile LWOP was rarely imposed given that:

- 1) Only 123 juvenile nonhomicide offenders served LWOP. Because these offenders were sentenced when they were young and had languished in prison for decades, the total number is the result of decades of aggregation.
- 2) 77 of these 123 offenders were serving sentences imposed in Florida, and the remaining 46 were imprisoned in just 10 states.
- 3) The high number of crimes comparable to those of Petitioner Graham (over 380,480 juvenile offenses of aggravated assault, forcible rape, robbery, burglary, drug offenses, arson in the year 2007 alone) suggests that juvenile LWOP was imposed on a very small percentage of those eligible for it, even in the absence of precise information on the proportion of LWOP-eligible nonhomicide offenses.



*Id.* at 2024-25.

Information on actual sentencing practices reveals that juvenile LWOP is likewise rarely imposed even in homicide cases:

- 1) As of 2010, 2,445 juveniles were serving LWOP for homicide.<sup>10</sup>
- 2) Only 7 of the 44 states that authorize juvenile LWOP for homicide have 100 or more offenders serving that sentence.<sup>11</sup> 27 states and the District of Columbia each have ten or fewer juvenile homicide offenders serving LWOP.<sup>12</sup>
- 3) For a 28-year period from 1980 to 2008, juvenile

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<sup>10</sup> National Conference of State Legislatures, *Juvenile Life Without Parole (JLWOP)*, 16 (Feb. 2010), available at <http://www.ncsl.org/documents/cj/jlwopchart.pdf>. (Exhibit 16)

<sup>11</sup> Only nine states, including North Carolina, impose mandatory juvenile LWOP for felony murder. Ark. Code Ann. § 5-10-101; Colo. Rev. Stat. §§ 18-3-102, 18-1.3-401; Del. Code Ann. tit. 11, §§ 636, 4029; Fla. Stat. Ann. §§ 782.04, 775.082; Iowa Code §§ 707.2, 902.1; La. Rev. Stat. Ann. § 14:30.1; Mass. Gen. Laws Ann. ch. 265, §§ 1, 2; Neb. Rev. Stat. §§ 28-303, 29-2520; N.C. Gen. Stat. § 14-17. (Exhibit 8)

<sup>12</sup> *Id.* As the *Graham* Court found a national consensus against imposing LWOP on juvenile nonhomicide offenders even though 37 states authorized the sentence through legislation, the fact that an additional 7 states authorize LWOP for juvenile homicide offenders would not preclude a finding of a national consensus against it.



offenders committed over 44,000 homicides.

As in *Graham*, the total number of juveniles serving LWOP for homicide is the result of decades of aggregation; homicide juvenile LWOP sentences are heavily concentrated in a few states; and the sentence seems to have been imposed on a very small percentage of those eligible for it. Although juvenile LWOP sentences for homicide are more common than juvenile LWOP sentences for nonhomicide, the statistics shows that the imposition of LWOP on juveniles convicted of homicide is likewise rare in practice, despite statutory authorization. See *id.* (finding juvenile LWOP sentences to be rare, even though such sentences were more common than some of the Court's other Eighth Amendment cases involving capital punishment).

The direction of change in state laws further underscores the national consensus against juvenile LWOP. *Roper* and *Atkins* make clear that a legislative trend against imposing the sentence in question provides further evidence of the national consensus against it. See, e.g., *Roper*, 543 U.S. at 565-67 (considering as important the "direction of change" in state statutes); *Atkins*, 536 U.S. at 315 (same). (Exhibits 14-15) In *Roper*, for example, five states had abolished the death penalty in the prior fifteen years. *Roper*, 543 U.S. at 565. (Exhibit 14)



Here, the rate of change is even faster. Seven states and the District of Columbia prohibit LWOP for juveniles.<sup>13</sup> In the last seven years, four states have outlawed juvenile LWOP altogether: Kansas in 2004, Colorado in 2006, Montana in 2007, and Texas in 2009.<sup>14</sup>

Furthermore, a growing number of states are considering abolishing LWOP for juveniles. Tresa Baldas, *More States Rethinking Life Sentences for Teens*, NAT. LAW J. (2010), available at <http://www.law.com/jsp/article.jsp?id=1202446216111&slreturn=1&hbxlogin=1>. (Exhibit 17) Connecticut's recent legislation, effective January 2010, ended automatic prosecution of sixteen and seventeen-year-olds as adults, leaving North Carolina and New York as the only two states that permit such a practice. *Id.* Early this year, a North Carolina task force created by the legislature recommended raising the age at which a teenager may be prosecuted as an

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<sup>13</sup> Alaska Stat. § 12.55.125(a), (h), (j) (2010); Colo. Rev. Stat. §§ 17-22.5-104 (d) (IV), 18-1.3-401(4) (b) (I) (2009); Kan. Stat. Ann. § 21-4622 (2000); Ky. Rev. Stat. Ann. § 640.040 (2010); *Shepherd v. Commonwealth*, 251 S.W.3d 309, 320-21 (Ky. 2008); Mont. Code Ann. § 46-18-222(1) (2010); Ore. Rev. Stat. § 161.620 (2010); Tex. Penal Code Ann. § 12.31 (2010); D.C. Code. Ann. § 22-2104(a) (2010).

<sup>14</sup> Kan. Stat. Ann. § 21-4622; Colo. Rev. Stat. § 17-22.5-104(IV); Mont. Code Ann. § 46-18-222; Tex. Penal Code Ann. § 12.31.



adult to eighteen. Michael Hewlett, *State Should Raise Age for Charging Juveniles as Adults, Study says*, WINSTON SALEM JOURNAL, January 15, 2011, available at <http://www2.journalnow.com/news/2011/jan/15/wsmet01-state-should-change-raise-of-juveniles-tre-ar-696539/>. (Exhibit 18)

Thus, the rarity of homicide juvenile LWOP and the trend against its use demonstrate the national consensus against the sentence.

2. The sentence of life without parole is unconstitutional in light of juveniles' characteristics, the crime of felony murder, the severity of the punishment, and the absence of legitimate penological goals for it.

While community consensus is accorded great weight, the constitutionality of the challenged sentence must be further considered in light of the characteristics of the offender, the crime, and the severity of the punishment. *Graham*, 130 S. Ct. at 2026 (citations omitted). (Exhibit 11) In this inquiry, the court also determines whether the punishment in question serves legitimate penological goals. *Id.* at 2028-29.

**a. Characteristics of juveniles**

A major principle in *Roper* and *Graham* is that the



mental development of a juvenile is different than that of an adult. Juveniles lack maturity and a sense of responsibility and are more vulnerable to outside pressures. *Id.* at 2026. In recognition of the relative immaturity and irresponsibility of juveniles, North Carolina prohibits, as does almost every other state, children under 18 from voting, serving on juries, or marrying without parental consent. N.C. Gen. Stat. §§ 163-55(a)(1), 9-3, 51-2; *Roper*, 543 U.S. at 579-87. (Exhibits 14, 19-21)

Because of their less well formed characters, juveniles have lessened culpability, and their actions are "not as morally reprehensible as that of an adult." *Roper*, 543 U.S. at 569-70. (Exhibit 14) Juveniles also possess a great possibility of reform, and "[f]rom a moral standpoint it would be misguided to equate the failings of a minor with those of an adult." *Graham*, 130 S. Ct. at 2026-27 (citations omitted). (Exhibit 11) Accordingly, "juvenile offenders cannot with reliability be classified among the worst offenders[,]" *id.* at 2038 (citation omitted), and are thus less deserving of the most severe punishments. *Roper*, 543 U.S. at 570. (Exhibit 14) This basic principle holds true especially with regard to a juvenile participating in a felony that subsequently resulted in the death of the



victim, which is the situation before this Court.

*Roper* and *Graham* are thus helpful in this case and do not foreclose the sentencing relief Mr. Nathaniel seeks here. *Graham* is important for reaffirming the U.S. Supreme Court's heavy reliance on the unique characteristics of juveniles in determining what juvenile sentences are constitutionally permissible. *Graham* is also important in that it does not hold that a sentence of LWOP for felony murder is constitutional.

**b. Felony murder**

"[W]hen compared to an adult murderer, a juvenile offender who did not kill or intend to kill has a twice diminished moral culpability." *Graham*, 130 S. Ct. at 2027. (Exhibit 11) For juveniles convicted of felony murder, the constitutional problems with LWOP sentences are even more pronounced. Felony murder is a legal fiction that allows a conviction for murder even though the defendant lacked the intent to kill or did not kill. *State v. Gardner*, 315 N.C. 444, 456-57, 340 S.E.2d 701, 710 (1986); *State v. Stokes*, 308 N.C. 634, 650-51, 304 S.E.2d 184, 194 (1983). (Exhibits 22-23) It requires only the intent to commit or be an accomplice to the underlying felony. *Gardner*, 315 N.C. at 456-57, 340 S.E.2d at 710; *Stokes*, 308 N.C. at 650-51, 304 S.E.2d at 194. (Exhibits 22-23) Primary justifications



for the felony murder rule include deterrence and retribution: because a felony could result in LWOP, a prospective offender should avoid the underlying felony in the first instance; and because the offender committed a felony, society is less concerned that he lacked the intent to kill. *State v. Richardson*, 341 N.C. 658, 666-67, 462 S.E.2d 492, 498 (1995) (citation omitted). (Exhibit 24) These justifications are inapt for juveniles, who are less culpable because they lack the maturity and judgment of fully competent adults to carefully consider their future actions and possible consequences and punishment. See *Roper*, 543 U.S. at 571; *Graham*, 130 S. Ct. at 2028-29. (Exhibits 11, 14) Therefore, a juvenile convicted of felony murder who did not kill or intend to kill does not deserve LWOP.

Furthermore, the severity and irrevocability of murder has never prevailed over considerations of the lessened culpability of the offenders. For example, the U.S. Supreme Court has struck down the death penalty against juveniles and the mentally retarded who committed murders. *Roper*, 543 U.S. 551; *Atkins*, 536 U.S. 304. (Exhibits 14-15) The Court indicated that "even a heinous crime committed by a juvenile" is less blameworthy than that of an adult. *Roper*, 543 U.S. at 553. (Exhibit 14) The



Court's own independent moral judgment in *Roper* and *Graham* thus placed a greater weight on youth than the nature of the offense and would not permit a juvenile murderer to be irrevocably sentenced to die in prison - a punishment that is akin to the death penalty in the context of a juvenile, as elaborated below.

**c. The severity of the sentence of life without parole**

LWOP is a reprehensible sentence for a juvenile offender. *Graham*, 130 S. Ct. at 2028. (Exhibit 11) The sentence "'means denial of hope; it means that good behavior and character improvement are immaterial; it means that whatever the future might hold in store for the mind and spirit of [the convict], he will remain in prison for the rest of his days.'" *Id.* at 2027 (citation omitted) (alteration in original). Mr. Nathaniel's young age, 15, at the time he committed his offenses makes the idea that he will now serve the remainder of his life in prison all the more devastating. Certainly the idea that Mr. Nathaniel is incapable of growth and maturity conflicts with our country's conception of evolving standards of decency. *Id.* at 2021. Like *Graham*, Mr. Nathaniel's young age means that the State must give him some "meaningful opportunity to obtain release based on demonstrated



maturity and rehabilitation." *Id.* at 2030.

Furthermore, this Court should consider the similarities between the death penalty and LWOP. Though the death sentence is "unique in its severity and irrevocability," some striking similarities are shared by the death sentence and LWOP. *Id.* at 2027. A sentence of LWOP "alters the offender's life by a forfeiture that is irrevocable" and deprives the offender "of the most basic liberties without giving hope of restoration." *Id.* True, a convict could be given executive clemency, but this is a very remote possibility and does very little to detract from the harshness of the sentence. *Id.* The sentence of LWOP is even more akin to a death sentence in the case of a juvenile because a juvenile offender will spend a disproportionately long amount of time incarcerated than would an older offender who receives LWOP after he has had the chance to spend a more significant portion of his existence outside of prison. *Id.* at 28. For a juvenile offender, LWOP can truly be defined as a death sentence because the young person knows that he will live and die in prison without the chance to realize his potential as a free and mature individual.

**d. Penological goals**

Finally, the state's penological goals of retribution,



deterrence, incapacitation, and rehabilitation are not served by sentencing a juvenile offender to LWOP. *Id.* at 2028-29.

At "[t]he heart of the retribution rationale is that a criminal sentence must be directly related to the personal culpability of the criminal offender." *Id.* at 2028 (citation omitted) (alteration in original). LWOP is an inappropriate sentence for a minor because "[w]hether viewed as an attempt to express the community's moral outrage or as an attempt to right the balance for the wrong to the victim, the case for retribution is not as strong with a minor as with an adult," given the minor's lessened culpability. *Id.* (quoting *Roper*, 543 U.S. at 571) (alteration in original).

Deterrence is also not properly served by LWOP because of "juveniles' lack of maturity and their 'underdeveloped sense of responsibility,'" which "often results in impetuous and ill-considered actions and decisions." *Id.* at 2028. Because of their young age and the characteristics that are intrinsic to their youth, juveniles are "less likely to take a possible punishment into consideration when making decisions." *Id.* This lack of foresight means that juveniles, unlike adults, are far less likely to comprehend the magnitude of a sentence and



be deterred from committing a crime.

The harshness and finality of LWOP also does little to nothing to further the goals of incapacitation and rehabilitation. "[E]ven if the State's judgment that [the juvenile] was incorrigible were later corroborated by prison misbehavior or failure to mature, the sentence was still disproportionate because that judgment was made at the outset." *Id.* at 2029. The assumption that Mr. Nathaniel is incorrigible and must be locked away for life is an incredibly harsh assumption for a person who is too young to have reached his maximum potential as a moral, mature citizen.

LWOP completely defies the rehabilitative ideal. "By denying the defendant the right to reenter the community, the State makes an irrevocable judgment about that person's value and place in society." *Id.* at 2030. Mr. Nathaniel's sentence of LWOP forecloses any chance of reentering society as a valuable and mature individual. This result is unacceptable for such a young offender and does not serve the penological goal of rehabilitation.

Because LWOP for a juvenile lacks any legitimate penological justification, it is by its nature disproportionate to the offense of felony murder. See *id.* at 2028 ("A sentence lacking any legitimate penological



justification is by its nature disproportionate to the offense.").

3. The laws and practices of other countries evidence global consensus that life without parole for juveniles is cruel and unusual.

"[T]he climate of international opinion concerning the acceptability of a particular punishment" is relevant as to the meaning of the Eighth Amendment and may support the court's ruling. *Id.* at 2033 (citations omitted). The overwhelming weight of international opinion is against LWOP for offenses committed by juveniles, including felony murder. At least 135 countries have outright rejected the sentence for juvenile offenders. Michelle Leighton & Connie de la Vega, *Sentencing Our Children to Die in Prison*, UNIV. OF SAN FRANCISCO SCHOOL OF LAW 4 (2007), <http://www.scribd.com/doc/2074105/Sentencing-Our-Children-to-Die-in-Prison-Univ-of-San-Francisco-School-of-Law>.

Although the sentence is lawful in eleven countries, only two of them, the United States and Israel, impose it in practice. *Id.* at 2033. All countries in the world, except the United States and Somalia, ratified Article 37(a) of the United Nations Convention on the rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into forces Sept. 2, 1990), which prohibits LWOP for juveniles. *Id.* at



2034. The United States is responsible for more than 99.9% of all child offenders serving this sentence. Leighton, *supra*, at 4. (Exhibit 25) The overwhelming global consensus thus provides "respected and significant confirmation" that juvenile LWOP, including that for felony murder, is cruel and unusual. See *Roper*, 543 U.S. at 527. (Exhibit 14)

PRAYER FOR RELIEF


WHEREFORE, Mr. Nathaniel Cauthen respectfully requests that this Court:

1. Grant Mr. Cauthen's Motion for Appropriate Relief;
2. Issue an order arresting Mr. Cauthen's sentence and impose a constitutionally permissible punishment based on the offense of second-degree murder;



3. Grant such other relief as this Court may deem just and proper;
4. Alternatively, conduct a hearing pursuant to N.C. Gen. Stat. § 15A-1420(c)(1).

This the 11th day of May, 2011.



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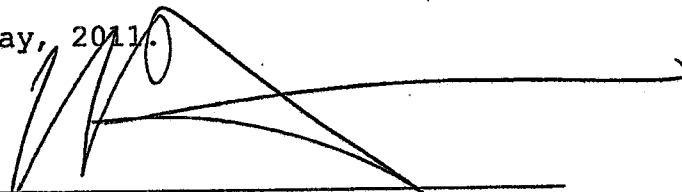


CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Appropriate Relief, together with attached exhibits, have this day been served by first class mail upon the following counsel:

David. L. Hall  
Assistant District Attorney, Forsyth County  
200 North Main Street  
Post Office Box 20083  
Winston-Salem, NC 27120-0083

This the 11th day of May, 2011.



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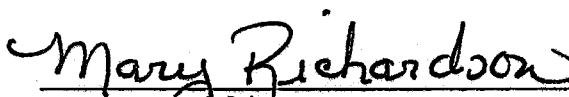
VERIFICATION

I, Vernetta R. Alston, being first duly sworn, depose and says that I have prepared the foregoing Motion for Appropriate Relief, and it is accurate to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Vernetta R. Alston

Sworn and subscribed before me  
this 11 day of May, 2011.



  
\_\_\_\_\_  
Notary Public

My commission expires:

3/9/13

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NCIIC-Cauthen Clerk File



EXHIBITS

1. Indictment (02 CRS 38884);
2. *State v. Cauthen*, 178 N.C. App. 562, 631 S.E.2d 892 (2006);
3. Judgment and Commitment Form;
4. Order for Arrest (02 CRS 38884);
5. North Carolina Public High School Standardized Transcript;
6. Affidavit of Teresa Foley;
7. Affidavit of Ava Boulware;
8. N.C. Gen. Stat. § 14-17 (2010);
9. *State v. Luther*, 285 N.C. 570, 206 S.E.2d 238 (1974);
10. *State v. Cummings*, 46 N.C. App. 680, 265 S.E.2d 923, *aff'd*, 301 N.C. 374, 271 S.E.2d 272 (1980);
11. *Graham v. Florida*, 130 S. Ct. 2011 (2010);
12. Appellant Brief in *State v. Cauthen*, 178 N.C. App. 562, 631 S.E.2d 892 (2006);
13. Robert E. Shepard, Jr., *The Relevance of Brain Research to Juvenile Defense*, 19 Crim. Just. 15, Winter 2005;
14. *Roper v. Simmons*, 543 U.S. 551 (2005);
15. *Atkins v. Virginia*, 536 U.S. 304 (2002);



16. National Conference of State Legislatures, *Juvenile Life Without Parole (JLWOP)*, (Feb. 2010), available at <http://www.ncsl.org/documents/cj/jlwopchart.pdf>;
17. Tresa Baldas, *More States Rethinking Life Sentences for Teens*, NAT. LAW J. (2010), available at [http://www.law.com/jsp/article.jsp?id=1202446216111&slretur  
n=1&hbxlogin=1](http://www.law.com/jsp/article.jsp?id=1202446216111&slretur<br/>n=1&hbxlogin=1);
18. Michael Hewlett, *State Should Raise Age for Charging Juveniles as Adults, Study says*, WINSTON SALEM JOURNAL, January 15, 2011, available at [http://www2.journalnow.com/news/  
2011/jan/15/wsmet01-state-should-change-raise-of-juveniles-  
tre-ar-696539/](http://www2.journalnow.com/news/<br/>2011/jan/15/wsmet01-state-should-change-raise-of-juveniles-<br/>tre-ar-696539/);
19. N.C. Gen. Stat. § 163-55(a) (1) (2010);
20. N.C. Gen. Stat. § 9-3 (2010);
21. N.C. Gen. Stat. § 51-2 (2010);
22. *State v. Gardner*, 315 N.C. 444, 340 S.E.2d 701 (1986);
23. *State v. Stokes*, 308 N.C. 634, 304 S.E.2d 184 (1983);
24. *State v. Richardson*, 341 N.C. 658, 462 S.E.2d 492 (1995).



STATE OF NORTH CAROLINA  
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 038884

STATE OF NORTH CAROLINA,       )  
                                      )  
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                                      )  
                                      )  
NATHANIEL CAUTHEN,                )  
Defendant.                         )

AFFIDAVIT OF TERESA FOLEY

1. I am an adult over age 18, have never been adjudged incompetent and, in fact, suffer from no mental or emotional illness, and make this affidavit of my own free will stating facts of which I have personal knowledge.
2. My name is Teresa Foley and I reside in Winston-Salem, North Carolina.
3. I have three sons, Joseph Cauthen, Nathaniel Cauthen, and Rayshawn Banner. I remember that in November 2002, my son, Nathaniel Cauthen, was fifteen years old.
4. I was born and raised in Winston-Salem and I have worked in my hometown for more than thirty years. I have always worked hard and I have dedicated my life to caring for and supporting my children. From the time they were born to this day, and with the help of their grandmother and my brothers, I have provided a stable, consistent, and supportive environment for my children.
5. I have always demanded respect from my children, and of them, Nathaniel did his best as a young child to listen to me. It has always been clear to me that Nathaniel loved his family. When Nathaniel sensed that I needed help or love, he was the first of my children to provide it. He



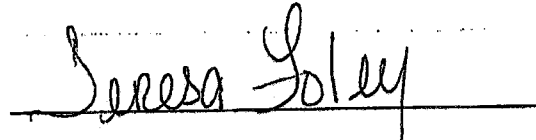
showed the same kind of compassion to his grandmother, whom he would help in the summertime.

6. Nathaniel and his brothers were tight knit. The boys were never apart. As far as they were concerned, you could not take one and leave the other two - they did everything together.
7. There were times in Nathaniel's young life when he acted out and behaved badly. I am certain, from watching all of my sons grow up, that this kind of behavior was a result of them trying to cope with their father not being present in their lives.
8. Because they were young, and did not know how to communicate how they were feeling, they engaged in some bad behavior to get attention. They needed their father and their struggle with that loss resulted in significant turmoil for them.
9. Nathaniel also had a hard time at school. When he did not understand what was going on in the classroom, he dealt with that by acting out. He understood that if he acted out, he would not have to stay in school. His behavior in school was another way for him to cope. The ways that he coped reflected the impulsivity displayed by teenage boys, and not the compassionate personality that I know he has.
10. In November 2002, Nathaniel, was only fifteen years old. He lived with me and his brother Rayshawn in Winston-Salem.
11. In November 2002, Nathaniel was arrested by Winston-Salem police.
12. When Nathaniel was arrested and taken to the Winston-Salem Public Safety Center, he was interrogated there for more than five hours. I remember that, after Nathaniel had been at the police station for several hours, the police told me to tell Nathaniel to tell the truth. This was a stressful time for me and my son. I was overwhelmed by the experience and by what they had accused my two youngest sons of doing.
13. On August 19, 2004, Nathaniel was convicted of first degree murder and robbery with a dangerous weapon in Forsyth County. Nathaniel was sentenced to life without parole for these convictions.
14. I recognize that what happened to Mr. Jones was a terrible thing. I know that Nathaniel understands, having spent the

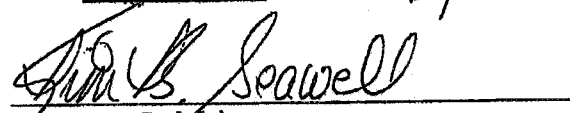


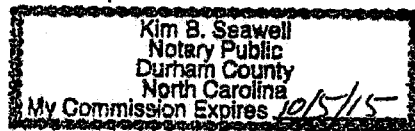
last nine years behind bars, how serious this event was for everyone involved.

15. Since Nathaniel has been incarcerated, I have continued to stay in my son's life and try to emphasize to him the importance of treating people well, being fair and working hard. I often tell Nathaniel to stay out of trouble while he is incarcerated and to make the most of his time. I find that while Nathaniel continues to struggle to cope with his situation, he is just as strong-willed and loving as he has always been.
16. Now that Nathaniel is in his twenties, I see him growing and maturing. I am certain that as he gets older, he will learn more about himself and how to deal better with his environment and be the person I know he is capable of being.
17. I understand that Nathaniel has to be held responsible for his conduct because someone did lose their life. He was fifteen years old, though. And, life without the possibility of parole is far too harsh a sentence for a child to receive.

  
TERESA FOLEY

Sworn to and subscribed before me this  
the 29th day of April, 2011.

  
Notary Public  
My commission expires: 10/5/15





STATE OF NORTH CAROLINA  
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 038884

STATE OF NORTH CAROLINA,

v.

NATHANIEL CAUTHEN,  
Defendant.

AFFIDAVIT OF AVA BOULWARE

1. I am an adult over age 18, have never been adjudged incompetent and, in fact, suffer from no mental or emotional illness, and make this affidavit of my own free will stating facts of which I have personal knowledge.
2. My name is Ava Boulware, formerly Williams, and I reside in Winston-Salem, North Carolina.
3. I remember that Nathaniel Frederick Jones died in November 2002 and that Nathaniel Cauthen was convicted of first degree murder and robbery with a dangerous weapon for his involvement in the assault that preceded Mr. Jones's death.
4. I was very close to Mr. Jones; he was my godfather. We were so close I often referred to him as "daddy."
5. I was also acquainted with Nathaniel Cauthen and the other young boys who were involved with the robbery of Mr. Jones. The incident really put me between a rock and a hard place because I knew Mr. Jones and the boys so well. I cared about everyone that was involved in this case.
6. At Nathaniel's trial, I was called to testify about the events that I witnessed on the day that Mr. Jones passed away. I remember testifying that on November 15, 2002, I stopped by Mr. Jones's house during the day to check on him but that he was not there. Later on that evening, I drove by Mr. Jones's house and saw someone sitting in Mr. Jones's car. I honked my car horn and kept driving. On my way back to my house that night, I saw police and medical response teams at Mr. Jones's house. When I arrived at home, I was told that Mr. Jones had died.

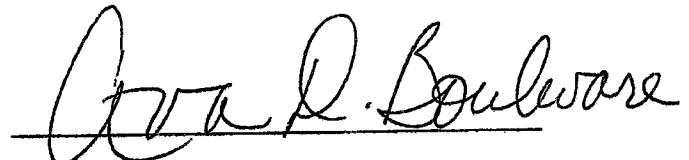


7. It was devastating to learn that Mr. Jones died. It was also devastating to find out that a group of children that I knew so well, including Nathaniel, had been involved in the incident.
8. I became acquainted with Nathaniel and the other children through volunteer work that I have done at numerous Winston-Salem area schools. I have participated in parent-teacher associations, Pop-Warner Football leagues, and special school improvement boards.
9. I watched Nathaniel and the other boys grow up. Nathaniel, himself, went to school with my daughters. I remember that Nathaniel respected me and always listened to what I told him to do.
10. I am considered a neighborhood mother in my community. I had many interactions with these adolescents over the years, as well as many other pre-teen and teenage children in the Winston-Salem area. I take responsibility for helping teach all of the children in my community because they need guidance. And, the children, because they are children, listen when I speak.
11. I am familiar with teenage behavior through my volunteer work and through the time I spent raising my own children. I think that Nathaniel, and the rest of the boys that were involved in the 2002 incident, were immature and the types of children that needed close adult attention and guidance.
12. At Nathaniel and Rayshawn's trial, when I walked in the courtroom, both of the boys were excited to see me and instantly began waving at me. I was there to testify for the State about what I witnessed on the day that Mr. Jones died. It was apparent to me then, that the boys did not understand what kind of trouble they were in; that they were facing life without parole. They did not understand what was going on. They were incapable of understanding the seriousness of the situation because they, like most children, cannot appreciate what the rest of their lives means to them.
13. I still ask the mothers of the boys how their children are doing now. Since the incident, I have befriended Teresa Foley, Nathaniel and Rayshawn's mother. She is a hard working person and I see her continuing to work hard for her children.
14. Nathaniel Cauthen was fifteen when the incident involving Mr. Jones occurred and only seventeen when he was sentenced to life without parole. Nathaniel was young, having not



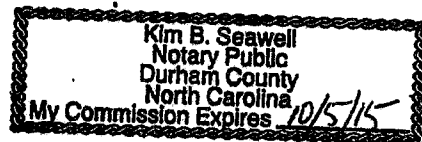
had the opportunity to learn from his childish and reckless actions. If Nathaniel is given the opportunity to mature and benefit from the guidance that people like myself, and his mother try to provide, he would no doubt make wiser decisions today.

15. What Nathaniel and the other children did to Mr. Jones was wrong. I lost someone that I have cared about deeply. I do think that they should be held accountable for what they did. I understand, though, Nathaniel and the other children could not have understood what the consequences of their actions were. For that reason, I do not think that a sentence of life without the possibility of parole was an appropriate punishment for Nathaniel Cauthen or Rayshawn Banner.

  
AVA BOULWARE

Sworn to and subscribed before me this  
the 29<sup>th</sup> day of April, 2011.

  
Notary Public  
My commission expires: 10/5/15





# Handout 47



STATE OF NORTH CAROLINA  
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 038884

STATE OF NORTH CAROLINA, )  
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 )  
 )  
 v. )  
 )  
 )  
 NATHANIEL CAUTHEN, )  
 Defendant. )

AFFIDAVIT OF JOSEPH CAUTHEN

1. My name is Joseph Cauthen and I am 28 years old. I reside in Winston-Salem, North Carolina.
2. I was born and raised in Winston-Salem, North Carolina and have chosen to work and raise my family in my hometown.
3. I am kept busy by my two young sons, Neasean and Jamone.
4. Nathaniel Cauthen and Rayshawn Banner are my younger brothers. Now, Nathaniel is 24 years old and Rayshawn is 22 years old. I have always been close with my younger brothers and I continue to check in on them now that they are incarcerated.
5. I was living in Winston-Salem in November 2002, when the incident involving Nathaniel and Rayshawn occurred. I remember when they were arrested and when they were convicted and sentenced to life without parole in 2004.
6. I knew my brother Nathaniel well. Nathaniel has a big heart and was always obedient and helpful to his family, including his grandmother who suffered from complications related to her diabetes. Nathaniel did get into minor fights as a child but he was never really violent toward anyone.
7. I remember that when I came home to my mother's house on the night of November 15, 2002, our mother, Teresa Foley, left money for the boys to have. The fact that our mother left money for the boys that night, which she did every week for them, makes the robbery motive for the assault on



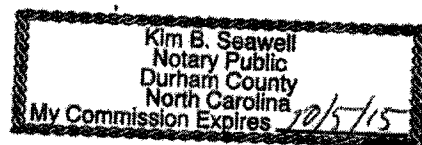
Mr. Jones difficult to understand. The boys never needed money. Our mother worked hard to provide for them and to make sure that they had small amounts of money throughout the week.

8. I do not think that Nathaniel or Rayshawn understood the consequences of participating in the assault of Mr. Jones. I was at their trial, and based on my observations, it did not seem that the boys had a grasp of the kind of time they could and did receive. I remember that they thought that someone would believe they were innocent and that they would get to go home.
9. There was a significant amount of publicity surrounding this case and the boys could not comprehend how that publicity would affect the prosecution of their cases. They continued to think that they would get to go back home with their mother.
10. I think that the State wanted to make examples out of my younger brothers by pursuing life without the possibility of parole as a sentence. Based on what I know my brothers did and did not understand about their actions and the consequences of their actions, I do not think that life without the possibility of parole was an appropriate sentence.

  
JOSEPH CAUTHEN

Sworn to and subscribed before me this  
the 29<sup>th</sup> day of April, 2011.

  
Notary Public  
My commission expires: 10/5/15





# Handout 48



STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
FORSYTH COUNTY SUPERIOR COURT DIVISION

2011 MAY 16 PM 3:37

STATE OF NORTH CAROLINA )  
FORSYTH COUNTY C.S.C.

v. BY *George Robinson* File number  
02 CRS 38883

RAYSHAWN DENARD BANNER,  
Defendant.

\* \* \* \* \*  
MOTION FOR APPROPRIATE RELIEF  
\* \* \* \* \*

Pursuant to N.C. Gen. Stat. § 15A-1415(b)(4), (8), Defendant through undersigned counsel respectfully requests this Court to arrest his sentence and impose a constitutionally permissible sentence. Defendant's sentence of life imprisonment without parole, for the offense of felony murder which happened when he was less than 18 years of age, violates U.S. Const. amend. VIII and N.C. Const. art. I, § 27 and is contrary to the U.S. Supreme Court's dictates in *Graham v. Florida*, 130 S. Ct. 2011 (2010).

PROCEDURAL HISTORY

At fourteen years old, Rayshawn Banner was charged with first degree murder and robbery with a dangerous weapon for offenses committed on November 15, 2002. (Exhibit 1)

On August 9, 2004, Rayshawn's case was joined for



trial with his fifteen year old brother, Nathaniel Cauthen's, case in Forsyth County Superior Court before the Honorable Judge W. Douglas Albright. *State v. Banner*, 178 N.C. App. 562, 631 S.E.2d 892 (2006). (Exhibit 2)

On August 19, 2004, Rayshawn was convicted of first degree murder based on felony murder, and robbery with a dangerous weapon. (Exhibit 3) Rayshawn was sentenced to life without parole for first degree murder. (Exhibit 3) Judge Albright arrested judgment on the robbery with a dangerous weapon conviction. (Exhibit 2)

Rayshawn appealed his convictions to the North Carolina Court of Appeals. The Court issued its opinion on July 18, 2006, finding no error with Rayshawn's convictions. (Exhibit 2)

#### FACTS

##### **1. Rayshawn's Background and Impressions on His Maturity**

On November 15, 2002, Rayshawn was fourteen years old. (Exhibit 4) On the date of his conviction, having spent two years in jail, Rayshawn was sixteen years old. He is now twenty-three years old and has been incarcerated for more than a third of his life. If his sentence is not amended according to United States Supreme Court mandates, Rayshawn will perish in prison, having only been afforded



the first fourteen years of his life to grow and mature.

At the time of the incident, Rayshawn and the other children involved in the incident that resulted in Nathaniel Jones's death, were all children in desperate need of guidance. According to those that knew them, they were immature and "the types of children that needed close adult attention." (Exhibit 5)

Ms. Ava Boulware, who was close to Rayshawn and Mr. Jones, considered herself a "neighborhood mom" to Rayshawn. She has strong impressions about Rayshawn's maturity as a young child. She stated that, at trial, Rayshawn and his brother, Nathaniel, "did not understand what was going on. They were incapable of understanding the seriousness of the situation because they . . . cannot appreciate what the rest of their lives means to them."

Rayshawn and the other children behaved recklessly on November 15, 2002 and his actions contributed to the loss of a life. It is not suggested here that Rayshawn not be held responsible for his conduct that night. But, while he should be held responsible, it is important to emphasize that Rayshawn is not the heartless killer that was portrayed in the media or that Judge Albright described him



as at the close of his trial.<sup>1</sup> (Trial Tr. vol. 9, 149) Rayshawn had never seriously hurt anyone before the incident on November 15, 2002 and did not calculate to seriously injure, let alone, kill Mr. Jones. Rayshawn was a child who, through his behavior, was crying out for attention in the only way he knew how.

Our response as a society cannot be to throw this young man away. It should be to take responsibility for not addressing Rayshawn's needs a young child, to acknowledge the limitations on what Rayshawn was capable of understanding as a teenager, and finally, to recognize that the sentence he received for behavior driven by teenage impulse does not observe the standards of decency that our laws and morals require for the punishment of children in this state.<sup>2</sup>

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<sup>1</sup> After the verdict was handed down in Rayshawn's trial, Judge Albright stated that "hardened criminals of advanced years could not have hurled a more vicious, careless, indifferent attack." (Trial Tr. vol. 9, 149-50)

<sup>2</sup> The other children charged with offenses related to their involvement in the incident pled guilty to second degree murder and were sentenced to 157 months to 198 months.



### 3. Felony Murder Rule Applied to Rayshawn's Conduct

Rayshawn did not understand the nuances of the felony murder rule nor did he understand, at fourteen, that his childish and impulsive decision to rob someone could subject him to first degree murder prosecution and a sentence of life without parole.

In North Carolina, "a murder . . . committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree." N.C. Gen. Stat. § 14-17 (2010). (Exhibit 6) "[O]ne who inflicts an injury on another and thereby accelerates his death shall be held criminally responsible therefor." *State v. Luther*, 285 N.C. 570, 575, 206 S.E.2d 238, 241-42 (1974). (Exhibit 7)

In addressing unintended and accidental homicide, North Carolina courts have held that a defendant must accept their victim in the condition that he finds him in. *State v. Cummings*, 46 N.C. App. 680, 685, 265 S.E.2d 923, 936, *aff'd*, 301 N.C. 374, 271 S.E.2d 272 (1980). (Exhibit 8)

In Rayshawn's case, he and the other children committed a botched robbery on November 15, 2002. They



wandered around together on the day of the assault, without the supervision that children their age should have had, saw Mr. Jones and, together, made a regrettable decision to try to rob him. The children assaulted Mr. Jones and stole his wallet. Sometime after the children ran away, Mr. Jones, in his sixties and in undetectably poor health, suffered a tragic cardiac arrhythmia and died.

North Carolina's felony murder statute applies to Rayshawn's conduct. A murder occurred "in the perpetration or attempted perpetration of . . . a robbery." N.C. Gen. Stat. § 14-17. An injury was inflicted and the death of the victim was accelerated, subjecting Rayshawn to criminal prosecution. See *State v. Luther*, 285 N.C. 570, 206 S.E.2d 238.

The expected consequences of Rayshawn's actions were that the children would get money from Mr. Jones. The children could not and did not expect that Mr. Jones would die as a result of their conduct. None of the injuries administered by the children would have been life threatening to anyone. Instead, it was determined by the medical examiner that Mr. Jones suffered a cardiac arrhythmia in the hour and a half between the assault and discovery of his body.

There is no dispute that Rayshawn's actions



proximately caused the death of Mr. Jones. And, there is no dispute that Rayshawn should be held responsible for the conduct that preceded Mr. Jones's death because, by law, he has to "accept [the] victim in the condition that he finds him in." *State v. Cummings*, 46 N.C. App. at 685, 265 S.E.2d at 936.

In this case though, none of the actions of these boys were severe enough to cause death and no intent to kill ever developed in the minds of any of these children.

In considering the proportionality of the punishment imposed on Rayshawn, it is important to consider first, that that he did not intend to kill Mr. Jones. He did not know that Mr. Jones was hurt badly as a result of the assault.

Second, it is important to consider that due to Rayshawn's youth, he could not appreciate the potential consequences of his actions. See *Graham v. Florida*, 130 S.Ct. at 2026 ("developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds. For example, parts of the brain involved in behavior control continue to mature through late adolescence.") (Exhibit 9)

Throughout his prosecution, Rayshawn remained adamant that he was not guilty of first degree murder. (Trial Tr.



vol. 9, p146-148) He was so adamant, that when he and his fifteen year old brother were offered pleas to second degree murder, they refused to accept them because to them it amounted to an admission that they killed Mr. Jones which they did not believe they had done.

The consequences of the kids' decisions are easy for adults to forecast but they are so less obvious to children that the United States Supreme Court decided that the punishment levied on Rayshawn for the kind of conduct he engaged in is so cruel and unusual as to be unconstitutional. *Graham v. Florida*, 130 S.Ct. 2011, 2026, 2028 (2010) (quoting *Roper v. Simmons*, 543 U.S. 551 (2005), "As compared to adults, juveniles have a 'lack of maturity and an underdeveloped sense of responsibility' . . . retribution does not justify imposing the second most severe penalty on the less culpable juvenile nonhomicide offender.")

#### 4. Events of November 15 - 19, 2002

On November 15, 2002, Rayshawn, age fourteen, his brother, Nathaniel, age fifteen, Christopher Bryant, age sixteen, Dorrell Brayboy, age fifteen, Jermel Tolliver, age fifteen, and Jessica Black, age seventeen, spent the evening together unsupervised. (Exhibit 10) They rode



around town together in Jessica's car, visiting several stores before making their way to a park where the boys loitered and joked around. (Exhibit 10) At some point, the group saw Mr. Jones pull into his driveway. (Exhibit 10) Without discussion or planning, they ran over to Mr. Jones's house. The boys, thinking that Mr. Jones would be an easy target to steal money from, punched and kicked him, bound his mouth and hands and tried to steal money from him. Someone stole Mr. Jones's wallet but before the boys had time to discover the more than \$2300 on and around Mr. Jones, they got scared, ran and continued their juvenile jaunts into the late evening hours. (Exhibit 10)

The boys and Jessica, not having any idea that their actions could have possibly caused Mr. Jones's condition, continued on to the mall, and then on to a bowling alley. (Exhibit 10) They did not conduct themselves as if they had just perpetrated a homicide because they did not engage in conduct that was ever intended to, or that they could have conceived would, result in someone's death.

On the afternoon of November 19, 2002, Rayshawn, Nathaniel Cauthen, Dorrell Brayboy, and Jermel Tolliver were sought out by law enforcement based on information obtained from Jermel Tolliver's mother. (Exhibit 10)

At around 4:00 p.m. on November 19, 2002, law



enforcement officials went to Christopher Bryant's home looking for the boys. They took Christopher Bryant and Nathaniel out of the home and to the police station. (Trial Tr. vol. 6, 188-189)

Later that evening, police detectives went to Rayshawn's home. Rayshawn, not understanding what he was being accused of, refused to voluntarily leave with the police officers. (Exhibit 10) The two police detectives then followed the fourteen year old a few steps into his house and placed him under arrest. (Exhibit 10) He denied having any knowledge of Mr. Jones's death. (Trial Tr. vol. 6, 196)

The police detectives, employing interrogation tactics commonly used with adult suspects, isolated Rayshawn while questioning him. (Exhibit 10) The fourteen year old was taken, alone, to the police station around 10:00 p.m. and pressured into giving a statement. (Exhibit 10) He was told that his brother, who Rayshawn was extremely close to, had given a statement. (Exhibit 10)

Rayshawn provided a recorded statement after listening to the recorded statement of his big brother, Nathaniel. (Exhibit 10) In that statement, Rayshawn admitted to being picked up by his seventeen year old friend, Jessica Black. (Exhibit 10) He admitted to seeing Mr. Jones in his



carport and running over to the house when the other children did. (Exhibit 10) He said that he did not participate in the assault, did not rob Mr. Jones, and did not know that Mr. Jones had died. (Exhibit 10) At the conclusion of the statement, the exhausted fourteen year old expressed remorse for what occurred to Mr. Jones. (Exhibit 10) He stated that "it was not his intent to rob Mr. Jones nor did he make any plans to do so." (Exhibit 10)

The techniques used by the police detectives on this child have been recognized as unreliable when employed on adolescents because children are more likely to consent to police intrusion out of fear and based on inferior psychological development. See Robert E. Shepard, Jr., *The Relevance of Brain Research to Juvenile Defense*, 19 Crim. Just. 15, Winter 2005.<sup>3</sup>

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<sup>3</sup> "[Adolescents are] ... inherently more vulnerable than adults to the processes of police investigations, and to the procedures of trial and sentencing ... [and that] the techniques widely used in police encounters with teenagers, combined with the adolescent's psychological and neurological vulnerability, make them more likely to consent to police intrusions into their liberty and to break down during police interrogations, and even lead to false confessions that result in the conviction of the innocent." Robert E. Shepard, Jr., *The Relevance of Brain Research to Juvenile Defense*, 19 Crim. Just. 15, Winter 2005.



The other children apprehended on November 19, 2002 provided statements to law enforcement officials after being interrogated, threatened with the death penalty, and told that the other children implicated them in the assault.<sup>4</sup>

Jessica Black, who was never charged with anything stemming from her involvement in the incident, gave a sworn statement and later testified that on November 15, 2002, she was hanging out with Rayshawn, Cauthen, Bryant, Brayboy, and Tolliver. (Trial Tr. Vol. 6, 10) She said that the boys joked about robbing someone. (Trial Tp. vol.6, 12). Early on the evening on November 15<sup>th</sup>, she drove Bryant, Tolliver, and Rayshawn to Maxways, a retail store. (Trial Tr. vol. 6, 22-24) She remembered one of the boys returned to the vehicle with tape.<sup>5</sup> (Trial Tr. vol. 6, 22-24)

According to Black, the group then made a trip to

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<sup>4</sup> Supra note 1.

<sup>5</sup> At trial, Ms. Black testified that the tape purchased was a different color than the tape found at the scene. It was determined by Winston-Salem police detectives that the tape used on Mr. Jones could not have been purchased from the stores visited by the boys on November 15, 2002.



Dollar General, then to Belview Park, near Mr. Jones's house. (Trial Tr. vol. 6, 26) She stated that when the boys saw Mr. Jones pull into his driveway they all left the park and ran over to Mr. Jones's carport. (Trial Tr. vol. 6, 36) Ms. Black testified further that she heard sounds like someone was being hit and heard the boys taunting Mr. Jones. (Trial Tr. vol. 6, 36-41). When the boys returned to her vehicle, she said that she drove Dorrell Brayboy home, dropped off Bryant and Tolliver at Bryant's house, then dropped off Rayshawn and Nathaniel at their house to change clothes. (Trial Tr. vol. 6, 42-44).

After dropping all of the boys off at their respective residences, Ms. Black testified that she picked all of them up again and drove them to a mall and then to a bowling alley at the end of the night. (Trial Tr. vol. 6, 46-47)

##### **5. Victim's Health and Cardiac Arrhythmia**

Mr. Jones died from cardiac arrhythmia and not from the injuries sustained during the assault on November 15, 2002. (Trial Tr. vol. 5, 896) The final diagnosis was that the "immediate cause of death was a cardiac arrhythmia." (Trial Tr. vol. 5, 896) Mr. Jones sustained several contusions and shallow lacerations to his head, face, right shoulder and arm, none of which were life



threatening.<sup>6</sup> (Trial Tr. vol. 5, 918)

The cardiac arrhythmia was caused by, what the medical examiner found to be, "a markedly enlarged heart."<sup>7</sup> (Trial Tr. vol. 5, 919) Mr. Jones also suffered from high blood pressure, severe coronary arteriosclerosis, diabetic nephritis, and clogged arteries at the time of his death. (Trial Tr. vol. 5, 920)

Mr. Jones was in poor health and, while his death was tragic and unexpected, it is possible that any manner of stress could have triggered a fatal arrhythmia.

The actions that preceded Mr. Jones's death were spontaneous and childish. The children's actions were haphazard, uncalculated, and they were never designed to cause the kind of harm that resulted.

Rayshawn was not and is not a cold-blooded person. The sentence of life without parole for the commission of a botched robbery by a fourteen year old cannot merit the second most severe punishment in our penal system. Rayshawn deserves to have his punishment adjudged based on, the compelling standards of decency required, and the

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<sup>6</sup> Mr. Jones did not sustain any fractures on his body or injuries to his skull. (Trial Tr. vol. 5, 927)

<sup>7</sup> Mr. Jones heart was approximately 770 grams. A normal heart for someone of Mr. Jones's size is 400 grams. (Trial Tr. vol. 5, 919)



United States Supreme Court's enunciation of the constitutional limitations on the punishment of juvenile, non-homicide offenders.

REASONS WHY THE MOTION SHOULD BE GRANTED

The Eighth Amendment to the United States Constitution, applicable to the states through the Fourteenth Amendment, prohibits cruel and unusual punishments. U.S. Const. amend. VIII; *Roper v. Simmons*, 543 U.S. 551, 560 (2005). "The concept of proportionality is central to the Eighth Amendment." *Graham*, 130 S. Ct. at 2021. Consequently, "[a]n offender's age is relevant to the Eighth Amendment, and criminal procedure laws that fail to take defendants' youthfulness into account at all would be flawed." *Id.* at 2031.

The U.S. Supreme Court has categorically struck down punishments that are disproportionate to the capacity of the offender. See *Roper*, 543 U.S. 551 (prohibiting the death penalty for defendants who committed murder before the age of 18); *Atkins v. Virginia*, 536 U.S. 304 (2002) (prohibiting the death penalty for defendants with low intellectual functioning); *Graham*, 130 S. Ct. 2011 (prohibiting the sentence of life without parole for nonhomicide offenses committed by offenders under



eighteen).

In *Graham*, the Court provided three justifications for adopting the categorical approach, rather than the case-by-case proportionality analysis, for nonhomicide cases involving juveniles serving a sentence other than death. First, juvenile offenders are less culpable and more capable of change than adult offenders, and the court cannot identify "with sufficient accuracy" the "few incorrigible juvenile offenders" who might theoretically deserve life without parole ("LWOP"). *Graham*, 130 S. Ct. at 2032. Second, juveniles generally are less able than adults to work effectively with their counsel, and that "a case-by-case approach . . . does not take account of special difficulties encountered by counsel in juvenile representation." *Id.* Third, "a categorical rule gives all juvenile nonhomicide offenders a chance to demonstrate maturity and reform." *Id.* These justifications apply equally to juveniles committing homicide, who similarly merit categorical treatment. Such a treatment is even more necessary in the homicide context, given the *Graham* Court's concern that excessive weight might be given to the nature of the offense and insufficient attention might be accorded to the personal qualities of the offender. See *id.* at 2031-32.



Under the categorical approach, the Court first looked at "objective indicia of society's standards, as expressed in legislative enactments and state practice" to determine whether a national consensus against the sentencing practice at issue exists. *Roper*, 543 U.S. at 572; *Graham*, 130 S. Ct. at 2022. The Court recognized that society's standards evolve through time and are thus not limited by historical conceptions. *Graham*, 130 S. Ct. at 2021.

Next, the Court exercised its own independent judgment and determined the constitutionality of the punishment, taking into consideration the characteristics of the offender, the crime, and the severity of punishment. *Id.* at 2022, 2026. Such a determination involves a moral judgment. *Id.* at 2021.

1. State sentencing practices indicate a national consensus against the imposition of life without parole for juveniles.

The *Graham* Court's finding of a national consensus against juvenile LWOP rested on actual sentencing practices. *Id.* at 2023-26. The evidence of consensus was not undermined by the fact that thirty-seven states, the District of Columbia, and federal law permitted LWOP on juvenile nonhomicide offenders. *Id.* at 2023.



The *Graham* Court concluded juvenile LWOP was rarely imposed given that:

- 1) Only 123 juvenile nonhomicide offenders served LWOP.

Because these offenders were sentenced when they were young and had languished in prison for decades, the total number is the result of decades of aggregation.

- 2) 77 of these 123 offenders were serving sentences imposed in Florida, and the remaining 46 were imprisoned in just 10 states.

- 3) The high number of crimes comparable to those of Petitioner *Graham* (over 380,480 juvenile offenses of aggravated assault, forcible rape, robbery, burglary, drug offenses, arson in the year 2007 alone) suggests that juvenile LWOP was imposed on a very small percentage of those eligible for it, even in the absence of precise information on the proportion of LWOP-eligible nonhomicide offenses.

*Id.* at 2024-25.

Information on actual sentencing practices reveals that juvenile LWOP is likewise rarely imposed even in homicide cases:

- 1) As of 2010, 2,445 juveniles were serving LWOP for



homicide.<sup>8</sup>

2) Only 7 of the 44 states that authorize juvenile LWOP for homicide have 100 or more offenders serving that sentence.<sup>9</sup> 27 states and the District of Columbia each have ten or fewer juvenile homicide offenders serving LWOP.<sup>10</sup>

3) For a 28-year period from 1980 to 2008, juvenile offenders committed over 44,000 homicides.

As in *Graham*, the total number of juveniles serving LWOP for homicide is the result of decades of aggregation; homicide juvenile LWOP sentences are heavily concentrated in a few states; and the sentence seems to have been

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<sup>8</sup> National Conference of State Legislatures, *Juvenile Life Without Parole (JLWOP)*, 16 (Feb. 2010), available at <http://www.ncsl.org/documents/cj/jlwopchart.pdf>. (Exhibit 16)

<sup>9</sup> Only nine states, including North Carolina, impose mandatory juvenile LWOP for felony murder. Ark. Code Ann. § 5-10-101; Colo. Rev. Stat. §§ 18-3-102, 18-1.3-401; Del. Code Ann. tit. 11, §§ 636, 4029; Fla. Stat. Ann. §§ 782.04, 775.082; Iowa Code §§ 707.2, 902.1; La. Rev. Stat. Ann. § 14:30.1; Mass. Gen. Laws Ann. ch. 265, §§ 1, 2; Neb. Rev. Stat. §§ 28-303, 29-2520; N.C. Gen. Stat. § 14-17. (Exhibit 8)

<sup>10</sup> *Id.* As the *Graham* Court found a national consensus against imposing LWOP on juvenile nonhomicide offenders even though 37 states authorized the sentence through legislation, the fact that an additional 7 states authorize LWOP for juvenile homicide offenders would not preclude a finding of a national consensus against it.



imposed on a very small percentage of those eligible for it. Although juvenile LWOP sentences for homicide are more common than juvenile LWOP sentences for nonhomicide, the statistics shows that the imposition of LWOP on juveniles convicted of homicide is likewise rare in practice, despite statutory authorization. See *id.* (finding juvenile LWOP sentences to be rare, even though such sentences were more common than some of the Court's other Eighth Amendment cases involving capital punishment).

The direction of change in state laws further underscores the national consensus against juvenile LWOP. *Roper* and *Atkins* make clear that a legislative trend against imposing the sentence in question provides further evidence of the national consensus against it. See, e.g., *Roper*, 543 U.S. at 565-67 (considering as important the "direction of change" in state statutes); *Atkins*, 536 U.S. at 315 (same). (Exhibits 14-15) In *Roper*, for example, five states had abolished the death penalty in the prior fifteen years. *Roper*, 543 U.S. at 565.

Here, the rate of change is even faster. Seven states and the District of Columbia prohibit LWOP for juveniles.<sup>11</sup>

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<sup>11</sup> Alaska Stat. § 12.55.125(a), (h), (j) (2010); Colo. Rev. Stat. §§ 17-22.5-104 (d) (IV), 18-1.3-401(4) (b) (I) (2009); Kan. Stat. Ann. § 21-4622 (2000); Ky. Rev. Stat. Ann. § 640.040 (2010); *Shepherd v. Commonwealth*,



In the last seven years, four states have outlawed juvenile LWOP altogether: Kansas in 2004, Colorado in 2006, Montana in 2007, and Texas in 2009.<sup>12</sup>

Furthermore, a growing number of states are considering abolishing LWOP for juveniles. Tresa Baldas, *More States Rethinking Life Sentences for Teens*, NAT. LAW J. (2010), available at <http://www.law.com/jsp/article.jsp?id=1202446216111&slretur n=1&hbxlogin=1>. (Exhibit 17) Connecticut's recent legislation, effective January 2010, ended automatic prosecution of sixteen and seventeen-year-olds as adults, leaving North Carolina and New York as the only two states that permit such a practice. *Id.* Early this year, a North Carolina task force created by the legislature recommended raising the age at which a teenager may be prosecuted as an adult to eighteen. Michael Hewlett, *State Should Raise Age for Charging Juveniles as Adults, Study says*, WINSTON SALEM JOURNAL, January 15, 2011, available at <http://www2.journalnow.com/news/>

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251 S.W.3d 309, 320-21 (Ky. 2008); Mont. Code Ann. § 46-18-222(1) (2010); Ore. Rev. Stat. § 161.620 (2010); Tex. Penal Code Ann. § 12.31 (2010); D.C. Code. Ann. § 22-2104(a) (2010).

<sup>12</sup> Kan. Stat. Ann. § 21-4622; Colo. Rev. Stat. § 17-22.5-104(IV); Mont. Code Ann. § 46-18-222; Tex. Penal Code Ann. § 12.31.



2011/jan/15/wsmet01-state-should-change-raise-of-juveniles-tre-ar-696539/.

Thus, the rarity of homicide juvenile LWOP and the trend against its use demonstrate the national consensus against the sentence.

2. The sentence of life without parole is unconstitutional in light of juveniles' characteristics, the crime of felony murder, the severity of the punishment, and the absence of legitimate penological goals for it.

While community consensus is accorded great weight, the constitutionality of the challenged sentence must be further considered in light of the characteristics of the offender, the crime, and the severity of the punishment. *Graham*, 130 S. Ct. at 2026 (citations omitted). In this inquiry, the court also determines whether the punishment in question serves legitimate penological goals. *Id.* at 2028-29.

a. Characteristics of juveniles

A major principle in *Roper* and *Graham* is that the mental development of a juvenile is different than that of an adult. Juveniles lack maturity and a sense of responsibility and are more vulnerable to outside pressures. *Id.* at 2026. In recognition of the relative



immaturity and irresponsibility of juveniles, North Carolina prohibits, as does almost every other state, children under 18 from voting, serving on juries, or marrying without parental consent. N.C. Gen. Stat. §§ 163-55(a)(1), 9-3, 51-2; *Roper*, 543 U.S. at 579-87.

Because of their less well formed characters, juveniles have lessened culpability, and their actions are "not as morally reprehensible as that of an adult." *Roper*, 543 U.S. at 569-70. Juveniles also possess a great possibility of reform, and "[f]rom a moral standpoint it would be misguided to equate the failings of a minor with those of an adult." *Graham*, 130 S. Ct. at 2026-27 (citations omitted). Accordingly, "juvenile offenders cannot with reliability be classified among the worst offenders[,] *id.* at 2038 (citation omitted), and are thus less deserving of the most severe punishments. *Roper*, 543 U.S. at 570. This basic principle holds true especially with regard to a juvenile participating in a felony that subsequently resulted in the death of the victim, which is the situation before this Court.

*Roper* and *Graham* are thus helpful in this case and do not foreclose the sentencing relief Mr. Rayshawn seeks here. *Graham* is important for reaffirming the U.S. Supreme Court's heavy reliance on the unique characteristics of



juveniles in determining what juvenile sentences are constitutionally permissible. *Graham* is also important in that it does not hold that a sentence of LWOP for felony murder is constitutional.

**b. Felony murder**

"[W]hen compared to an adult murderer, a juvenile offender who did not kill or intend to kill has a twice diminished moral culpability." *Graham*, 130 S. Ct. at 2027. For juveniles convicted of felony murder, the constitutional problems with LWOP sentences are even more pronounced. Felony murder is a legal fiction that allows a conviction for murder even though the defendant lacked the intent to kill or did not kill. *State v. Gardner*, 315 N.C. 444, 456-57, 340 S.E.2d 701, 710 (1986); *State v. Stokes*, 308 N.C. 634, 650-51, 304 S.E.2d 184, 194 (1983). It requires only the intent to commit or be an accomplice to the underlying felony. *Gardner*, 315 N.C. at 456-57, 340 S.E.2d at 710; *Stokes*, 308 N.C. at 650-51, 304 S.E.2d at 194. Primary justifications for the felony murder rule include deterrence and retribution: because a felony could result in LWOP, a prospective offender should avoid the underlying felony in the first instance; and because the offender committed a felony, society is less concerned that he lacked the intent to kill. *State v. Richardson*, 341



N.C. 658, 666-67, 462 S.E.2d 492, 498 (1995) (citation omitted). These justifications are inapt for juveniles, who are less culpable because they lack the maturity and judgment of fully competent adults to carefully consider their future actions and possible consequences and punishment. See *Roper*, 543 U.S. at 571; *Graham*, 130 S. Ct. at 2028-29. Therefore, a juvenile convicted of felony murder who did not kill or intend to kill does not deserve LWOP.

Furthermore, the severity and irrevocability of murder has never prevailed over considerations of the lessened culpability of the offenders. For example, the U.S. Supreme Court has struck down the death penalty against juveniles and the mentally retarded who committed murders. *Roper*, 543 U.S. 551; *Atkins*, 536 U.S. 304. The Court indicated that "even a heinous crime committed by a juvenile" is less blameworthy than that of an adult. *Roper*, 543 U.S. at 553. The Court's own independent moral judgment in *Roper* and *Graham* thus placed a greater weight on youth than the nature of the offense and would not permit a juvenile murderer to be irrevocably sentenced to die in prison - a punishment that is akin to the death penalty in the context of a juvenile, as elaborated below.

c. The severity of the sentence of life without



parole

LWOP is a reprehensible sentence for a juvenile offender. *Graham*, 130 S. Ct. at 2028. The sentence "'means denial of hope; it means that good behavior and character improvement are immaterial; it means that whatever the future might hold in store for the mind and spirit of [the convict], he will remain in prison for the rest of his days.'" *Id.* at 2027 (citation omitted) (alteration in original). Mr. Rayshawn's young age, 15, at the time he committed his offenses makes the idea that he will now serve the remainder of his life in prison all the more devastating. Certainly the idea that Mr. Rayshawn is incapable of growth and maturity conflicts with our country's conception of evolving standards of decency. *Id.* at 2021. Like *Graham*, Mr. Rayshawn's young age means that the State must give him some "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." *Id.* at 2030.

Furthermore, this Court should consider the similarities between the death penalty and LWOP. Though the death sentence is "unique in its severity and irrevocability," some striking similarities are shared by the death sentence and LWOP. *Id.* at 2027. A sentence of LWOP "alters the offender's life by a forfeiture that is



irrevocable" and deprives the offender "of the most basic liberties without giving hope of restoration." *Id.* True, a convict could be given executive clemency, but this is a very remote possibility and does very little to detract from the harshness of the sentence. *Id.* The sentence of LWOP is even more akin to a death sentence in the case of a juvenile because a juvenile offender will spend a disproportionately long amount of time incarcerated than would an older offender who receives LWOP after he has had the chance to spend a more significant portion of his existence outside of prison. *Id.* at 28. For a juvenile offender, LWOP can truly be defined as a death sentence because the young person knows that he will live and die in prison without the chance to realize his potential as a free and mature individual.

**d. Penological goals**

Finally, the state's penological goals of retribution, deterrence, incapacitation, and rehabilitation are not served by sentencing a juvenile offender to LWOP. *Id.* at 2028-29.

At "[t]he heart of the retribution rationale is that a criminal sentence must be directly related to the personal culpability of the criminal offender.'" *Id.* at 2028 (citation omitted) (alteration in original). LWOP is



an inappropriate sentence for a minor because "[w]hether viewed as an attempt to express the community's moral outrage or as an attempt to right the balance for the wrong to the victim, the case for retribution is not as strong with a minor as with an adult," given the minor's lessened culpability. *Id.* (quoting *Roper*, 543 U.S. at 571) (alteration in original).

Deterrence is also not properly served by LWOP because of "juveniles' lack of maturity and their 'underdeveloped sense of responsibility,'" which "'often results in impetuous and ill-considered actions and decisions.'" *Id.* at 2028. Because of their young age and the characteristics that are intrinsic to their youth, juveniles are "less likely to take a possible punishment into consideration when making decisions." *Id.* This lack of foresight means that juveniles, unlike adults, are far less likely to comprehend the magnitude of a sentence and be deterred from committing a crime.

The harshness and finality of LWOP also does little to nothing to further the goals of incapacitation and rehabilitation. "[E]ven if the State's judgment that [the juvenile] was incorrigible were later corroborated by prison misbehavior or failure to mature, the sentence was still disproportionate because that judgment was made at



the outset." *Id.* at 2029. The assumption that Mr. Rayshawn is incorrigible and must be locked away for life is an incredibly harsh assumption for a person who is too young to have reached his maximum potential as a moral, mature citizen.

LWOP completely defies the rehabilitative ideal. "By denying the defendant the right to reenter the community, the State makes an irrevocable judgment about that person's value and place in society." *Id.* at 2030. Mr. Rayshawn's sentence of LWOP forecloses any chance of reentering society as a valuable and mature individual. This result is unacceptable for such a young offender and does not serve the penological goal of rehabilitation.

Because LWOP for a juvenile lacks any legitimate penological justification, it is by its nature disproportionate to the offense of felony murder. See *id.* at 2028 ("A sentence lacking any legitimate penological justification is by its nature disproportionate to the offense.").

3. The laws and practices of other countries evidence global consensus that life without parole for juveniles is cruel and unusual.

"'[T]he climate of international opinion concerning the acceptability of a particular punishment'" is relevant



as to the meaning of the Eighth Amendment and may support the court's ruling. *Id.* at 2033 (citations omitted). The overwhelming weight of international opinion is against LWOP for offenses committed by juveniles, including felony murder. At least 135 countries have outright rejected the sentence for juvenile offenders. Michelle Leighton & Connie de la Vega, *Sentencing Our Children to Die in Prison*, UNIV. OF SAN FRANCISCO SCHOOL OF LAW 4 (2007), <http://www.scribd.com/doc/2074105/Sentencing-Our-Children-to-Die-in-Prison-Univ-of-San-Francisco-School-of-Law>.

Although the sentence is lawful in eleven countries, only two of them, the United States and Israel, impose it in practice. *Id.* at 2033. All countries in the world, except the United States and Somalia, ratified Article 37(a) of the United Nations Convention on the rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into forces Sept. 2, 1990), which prohibits LWOP for juveniles. *Id.* at 2034. The United States is responsible for more than 99.9% of all child offenders serving this sentence. Leighton, *supra*, at 4. The overwhelming global consensus thus provides "respected and significant confirmation" that juvenile LWOP, including that for felony murder, is cruel and unusual. See *Roper*, 543 U.S. at 527.




PRAYER FOR RELIEF

WHEREFORE, Mr. Rayshawn Banner respectfully requests that this Court:

1. Grant Mr. Banner's Motion for Appropriate Relief;
2. Issue an order arresting Mr. Banner's sentence and impose a constitutionally permissible punishment based on the offense of second-degree murder;
3. Grant such other relief as this Court may deem just and proper;
4. Alternatively, conduct a hearing pursuant to N.C. Gen. Stat. § 15A-1420(c)(1).

This the 13th day of May, 2011.



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VERNETTA R. ALSTON  
Attorney for Defendant  
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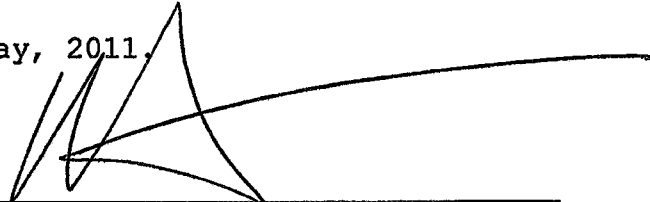


CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Appropriate Relief, together with attached exhibits, have this day been served by first class mail upon the following counsel:

David. L. Hall  
Assistant District Attorney, Forsyth County  
200 North Main Street  
Post Office Box 20083  
Winston-Salem, NC 27120-0083

This the 13th day of May, 2011.

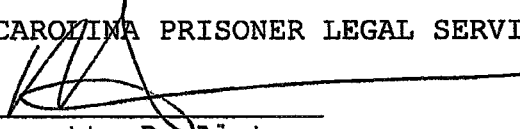


VERNETTA R. ALSTON  
Attorney for Defendant  
N.C. Bar No. 40658  
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I also certify that there is a sound legal basis for the motion for appropriate relief, that it is being made in good faith, and that I have also notified the attorney who initially represented the defendant of the motion.

This the 13<sup>th</sup> day of May, 2011.

NORTH CAROLINA PRISONER LEGAL SERVICES, INC.

By:   
Vernetta R. Alston  
NC State Bar 40097  
North Carolina Prisoner Legal Services, Inc.  
1110 Wake Forest Road  
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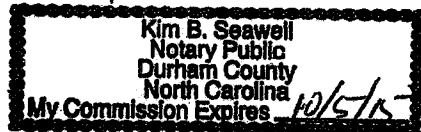
VERIFICATION

I, Vernetta R. Alston, being first duly sworn, depose and says that I have prepared the foregoing Motion for Appropriate Relief, and it is accurate to the best of my knowledge, information, and belief.

  
Vernetta R. Alston

Sworn and subscribed before me  
this 13<sup>th</sup> day of May, 2011.

  
Notary Public



My commission expires: Oct 5, 2015



EXHIBITS

1. Indictment (02 CRS 38883);
2. *State v. Banner*, 178 N.C. App. 562, 631 S.E.2d 892 (2006);
3. Judgment and Commitment Form;
4. Order for Arrest (02 CRS 38883);
5. Affidavit of Ava Boulware;
6. N.C. Gen. Stat. § 14-17 (2010);
7. *State v. Luther*, 285 N.C. 570, 206 S.E.2d 238 (1974);
8. *State v. Cummings*, 46 N.C. App. 680, 265 S.E.2d 923, *aff'd*, 301 N.C. 374, 271 S.E.2d 272 (1980);
9. *Graham v. Florida*, 130 S. Ct. 2011 (2010);
10. Appellant Brief in *State v. Banner*.



IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 038883

V.

1. I am an adult over age 18, have never been adjudged incompetent and, in fact, suffer from no mental or emotional illness, and make this affidavit of my own free will stating facts of which I have personal knowledge.
2. My name is Ava Boulware, formerly Williams, and I reside in Winston-Salem, North Carolina.
3. I remember that Nathaniel Frederick Jones died in November 2002 and that Nathaniel Cauthen was convicted of first degree murder and robbery with a dangerous weapon for his involvement in the assault that preceded with Mr. Jones's death.
4. I was very close to Mr. Jones; he was my godfather. We were so close I often referred to him as "daddy."
5. I was also acquainted with Nathaniel Cauthen and Rayshawn Banner and the other young boys who were involved with the robbery of Mr. Jones. The incident really put me between a rock and a hard place because I knew Mr. Jones and the boys so well. I cared about everyone that was involved in this case.
6. At Nathaniel and Rayshawn's trial, I was called to testify about the events that I witnessed on the day that Mr. Jones passed away. I remember testifying that on November 15, 2002, I stopped by Mr. Jones's house during the day to check on him but that he was not there. Later on that evening, I drove by Mr. Jones's house and saw someone sitting in Mr. Jones's car. I honked my car horn and kept driving. On my way back to my house that night, I saw



police and medical response teams at Mr. Jones's house. When I arrived at home, someone told me that Mr. Jones had died.

7. It was devastating to learn that Mr. Jones died. It was also devastating to find out that a group of children that I knew so well had been involved in the incident.
8. I became acquainted with Rayshawn and the other children through volunteer work that I have done at numerous Winston-Salem area schools. I have participated in parent-teacher associations, Pop-Warner Football leagues, and special school improvement boards.
9. I am considered a neighborhood mother in my community. I had many interactions with these adolescents over the years, as well as many other pre-teen and teenage children in the Winston-Salem area. I take responsibility for helping teach all of the children in my community because they need guidance. And, the children, because they are children, listen when I speak.
10. I am familiar with teenage behavior through my volunteer work and through the time I spent raising my own children. ~~I think that Rayshawn and the rest of the boys that were involved in the 2002 incident were immature and the types of children that needed close adult attention and guidance.~~
11. At Nathaniel and Rayshawn's trial, when I walked in the courtroom, both of the boys were excited to see me and instantly began waving at me. I was there to testify for the State as to what I had witnessed on the day that Mr. Jones died. It was apparent to me then, that the boys did not understand what kind of trouble they were in; that they were facing life without parole. They did not understand what was going on. They were incapable of understanding the seriousness of the situation because they, like most children, cannot appreciate what the rest of their lives means to them.
12. I still ask the mothers of the boys how their children are doing now. Since the incident, I have befriended Teresa Foley, Nathaniel and Rayshawn's mother. She is a hard working person and I see her continuing to work hard for her children.
13. Rayshawn Banner was fourteen years old when the incident involving Mr. Jones occurred and only sixteen when he was sentenced to life without parole. Rayshawn was young, having not had the opportunity to learn from his childish and reckless actions. If Rayshawn was given the



opportunity to mature and benefit from the guidance that people like myself, and his mother try to provide, he would no doubt make wiser decisions today.

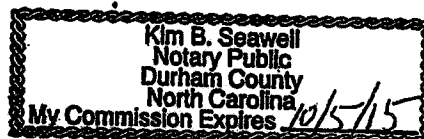
14. What Rayshawn and the other children did to Mr. Jones was wrong. I lost someone that I have cared about deeply. I do think that they should be held accountable for what they did. I understand, though, that Rayshawn and the other children could not have understood what the consequences of their actions were. For that reason, I do not think that a sentence of life without the possibility of parole was an appropriate punishment for Nathaniel Cauthen or Rayshawn Banner.

Ava Boulware

AVA BOULWARE

Sworn to and subscribed before me this  
the 29th day of April, 2011.

Kim B. Seawell  
Notary Public  
My commission expires: 10/5/15





# Handout 49



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38884 (CAUTHEN)  
02 CRS 38883 (BANNER)

STATE OF NORTH CAROLINA,

v.

NATHANIEL CAUTHEN  
&  
RAYSHAWN BANNER

---

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**AFFIDAVIT OF ATTORNEY**  
**VERNETTA R. ALSTON**

NOW COMES Vernetta R. Alston being first been duly sworn, who deposes and says the following:

1. I am an attorney first licensed to practice law in North Carolina in 2010.
2. I represented both Nathaniel Cauthen and Rayshawn Banner in post-conviction Motions for Appropriate Relief, although neither case was settled during the course of my representation.
3. Both Mr. Cauthen and Mr. Banner were juveniles sentenced to mandatory life without parole based on the felony murder rule.
4. The motions I filed were specifically related to the then-recent United States Supreme Court decision in *Graham v. Florida* relating to the constitutionality of juveniles being sentenced to life without parole.
5. My representation was narrowly focused solely on trying to win new sentences allowing for the possibility of parole for Mr. Cauthen and Mr. Banner. Because I was focused exclusively on a procedural sentencing issue under *Graham*, I did not discuss the underlying facts of the case with Mr. Cauthen or Mr. Banner or investigate any additional issues or claims.
6. Because these motions were not based on an innocence claim and I had not discussed the underlying facts with my clients, the motions I filed accepted the trial record as legal fact and as relevant basis for a post-conviction claim under *Graham*.
7. Neither Mr. Cauthen nor Mr. Banner admitted any involvement in the death of Nathaniel Jones to me. I do not recall if either or both explicitly claimed innocence.
8. Any reference in the motions I filed to either Mr. Banner or Mr. Cauthen accepting responsibility for the crime is based only on the trial record. I made this reference

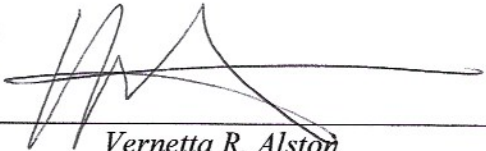


because I was seeking parole eligibility for my clients and in my experience accepting responsibility for one's actions is often considered to be positive in a parole context, including under *Graham* which placed emphasis on the rehabilitation of juveniles.

9. Neither Mr. Cauthen nor Mr. Banner represented to me that they accepted responsibility in the death of Mr. Jones.

FURTHER THE AFFIANT SAYETH NOT.

This the 20<sup>th</sup> day of February, 2020

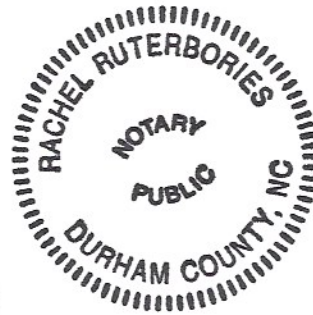
  
\_\_\_\_\_  
Vernetta R. Alston

STATE OF NORTH CAROLINA  
COUNTY OF Durham

Sworn to and subscribed before me,  
this 20<sup>th</sup> day of ~~January~~ February, 2020.  
February -RR

Rachel Ruterbories (Seal)  
Notary Public

My Commission Expires: June 9, 2024





# Handout 50



Reviewer: Cheryl Sullivan

Date: 2/1/2013

Re: Bryant, Christopher #0896384

**Phone Call with Attorney Nils Gerber**

Nils called me back to discuss Bryant's case. He was going off of memory, but was pretty certain the boys were guilty. He said all five had made a plan and followed through with it. He said that after deliberating for awhile the jury said they had reached a decision on one of the three co-defendants, but not the others. Nils knew in his gut it was Bryant and he was getting Murder 1. The judge said to continue deliberating as to the other two and then come back with all three. In the meantime, the jury asked for a new verdict form for the one that they had previously decided. After all three were found guilty, Nils spoke to at least one of the jurors and they confirmed that Bryant was originally going to get Murder 1. There was an older black woman on the jury who didn't want to send the boys away for the rest of their lives. The other jurors were not happy with the compromise.

I asked Nils if Jessica Black was believable. He said he vaguely remembers her. He said he thinks she was disgusting, but believable.

He said the case was tried without the confessions being used because he ADA knew there were some questionable tactics used in obtaining the confessions and that the verdict would likely be overturned if he used them. He said the confessions were coerced, but that they were still truthful.

**Recommendation:** Close Bryant and Tolliver's case. Both attorneys have basically said innocence wasn't an issue and both have no doubt as to the boys' guilt. That, combined with the numerous different versions of events each defendant and their families have given, convinces me they are likely guilty. I don't see any avenues to pursue to prove innocence.



# Handout 51



Reviewer: Cheryl Sullivan  
Date: 1/28/2013  
Re: Tolliver, Jermal #0896083

**Phone Call from Clark Fischer**

Fischer, Tolliver's trial attorney, called me back to discuss the case. He was going off of memory, but remembered the case because it had been so high profile and had such young defendants. When I asked what he thought about the case, his first response was that Jermal was lucky he only got second degree murder. He said innocence was not an issue in this case as far as he could tell. He said Jermal always admitted to being with the others boys right before and right after the crime and the evidence suggested as much. He said there was some evidence that Tolliver had hung back at the picnic table at first, so he was potentially not as involved in the actual beating. He said he believes that is why the jury gave him less than a life sentence. He also believes the other two co-defendants tried with Tolliver were given lighter sentences because Tolliver was.

He said there was a good plea offer that Tolliver refused to accept. He believes they should have taken it. He said the family brought in a representative from the NAACP, and after discussing the case with him, also encouraged Tolliver to take the plea.

He remembered the family being difficult to deal with. He said they were screaming and yelling outside the courthouse after the verdicts came in.

He said Jermal was a nice kid and if there is anything we can do to help him, he hopes we will.

Fischer never had a copy of the TT.



# Handout 52



3 Q. I'm going to hand you what I'm marking as  
4 Exhibit 48. It's a memo of a phone call with you written by  
5 Cheryl Sullivan. It also has some documents attached from  
6 the Center on Actual Innocence as filed. If you'll take a  
7 minute to review that.

8 A. I don't recall ever saying I was pretty certain  
9 the boys were guilty. I'm looking at the memo.

10 (Exhibit Number 48 was identified.)

11 Q. And I've shown you everything I have regarding  
12 this phone call.

13 A. Okay. And there's some --

14 Q. You said you don't recall telling her that?

15 A. I, I don't recall telling her that. And I don't  
16 believe that that's something I would necessarily have said  
17 at all. I may have made a comment that there was evidence  
18 to support a guilty verdict.

19 But I don't remember ever saying my opinion.  
20 That's not normally something I would do. All five made a  
21 plan and followed through with it. That's what the State's  
22 theory was, that they had a plan and followed through with  
23 it.

24 Again, this is not really consistent with what I  
25 would normally say with somebody over the phone, especially



1 somebody I don't know. He said after deliberating for a  
2 while, the jury knew they had reached a decision on one of  
3 the Co-Defendants but not the others.

4 I didn't know in my gut it was Bryant. I thought  
5 that it may have well been Bryant. But I did not know that  
6 and never said that I knew that.

7 [Indiscernible] continued deliberating, two came  
8 back [indiscernible]. In the meantime, jury asked for a new  
9 Verdict Form. That's what we talked about.

10 I remember that. All three for guilty. I don't  
11 recall speaking to any of the jurors. I'm not saying I  
12 didn't, but I don't recall.

13 Maybe I had a better memory back in 2013. It was  
14 possible. And I don't -- another one of the Lawyers might  
15 have spoken to the jury and -- I don't know.

16 Q. Was it your practice to speak to jurors  
17 following a jury trial?

18 A. Not usually. Sometimes if they want to speak  
19 with me, I'll talk with them. But I don't go back there and  
20 seek out to speak with them. There was an older black woman  
21 on the jury, I do remember that.

22 And I don't know that, that this was her statement  
23 or opinion. But I do remember that she appeared to be  
24 sympathetic to the Defendants.

25 Asked if Jessicah Black was believable, and



1 remember -- I don't, I don't recall saying I thought she was  
2 disgusting but believable. I, I thought she was certainly  
3 not going down the right path in terms of what she was all  
4 about. But --

5 Q. Did you think she was believable?

6 A. I don't recall saying that I thought she was  
7 believable. I certainly think she could have been  
8 believable. And I didn't think she was on her face or on --  
9 her testimony on its face was not preposterous or  
10 unbelievable.

11 And the jury evidently did believe it, at least,  
12 at least to some extent. [Indiscernible] confessions  
13 [indiscernible] overturned. I did not say that the  
14 confessions were -- I said the confessions were coerced, I'm  
15 sure, or something to that effect.

16 But I didn't say they were still truthful. I  
17 didn't -- they might have been truthful, they might not  
18 have been. But I'm not -- I wouldn't have given that  
19 statement, I don't believe.

20 And then that's her recommendation I suppose at  
21 the end of it. That's about all I can recall about that.  
22 And I, I don't really remember the phone call.

23 I'm just looking at this memo. And some of the  
24 things that are contained in here do not sound like  
25 something I would have said.



1 Q. I just want to go back through a couple points  
2 with that memo.

3 A. Um-hmm.

4 Q. Did you tell Ms. Sullivan that you were certain  
5 the boys were guilty?

6 A. I can't recall, but I don't think I said  
7 something like that. That's not something I would normally  
8 say.

9 Q. Are -- is that how you feel now? Are you  
10 certain that the boys are guilty?

11 A. No. I have no opinion whether they are or  
12 aren't.

13 Q. That part about Jessica Black being disgusting  
14 but believable, did you tell Ms. Sullivan that part?

15 A. I don't recall saying that. And it's not  
16 something that I would normally say. I don't -- it doesn't  
17 sound like me to, you know, use a term disgusting talking  
18 about somebody else, especially over the phone. I don't  
19 even know this person, Ms. Cheryl Sullivan.

20 In terms of being believable, I don't know what I  
21 said to her. But I'll say now it's, it's possible she was  
22 believable.

23 Her testimony did not come across, like I said, as  
24 just ridiculous that has to be ignored. It's also possible  
25 it wasn't believable. But the jury apparently did believe



1 it, so -- or at least some of it.

2 Q. Do -- right now do you have an opinion on  
3 whether or not Jessicah Black's testimony was believable or  
4 not at the time of the trial?

5 A. Well, in my opinion or -- I mean, the jury found  
6 it believable. My opinion was that it, it -- it's very  
7 possible she was telling the truth. It's possible she  
8 wasn't. I don't know.

9 Q. Did you tell Ms. Sullivan that the confessions  
10 were coerced, but that they were still truthful?

11 A. I don't know if I used those terms coerced or  
12 that term coerced. I probably said something to that  
13 effect, though, because I believe that they were.

14 I don't think I said they were still truthful.  
15 That's not something I would -- I don't know whether they  
16 were truthful or not. And I wouldn't have said they were.

17 Q. Looking at that last part --

18 A. Um-hmm.

19 Q. -- under the recommendation --

20 A. Um-hmm.

21 Q. -- she's referring to both Attorneys who  
22 represented Christopher Bryant and Jermal Tolliver, so that  
23 would be presumably you and Clark Fischer?

24 A. Um-hmm.

25 Q. Did you tell Ms. Sullivan that innocence wasn't



1 an issue in this case?

2 A. I don't think I said something like that, no.  
3 That would not be something I would say. Both Attorneys  
4 have basically said -- so I mean, she's not quoting me. I  
5 think that's her opinion. I would --

6 Q. Did you say anything similar to that?

7 A. Not that I recall.

8 Q. Right now, is that how you feel, that innocence  
9 wasn't an issue in this case?

10 A. No. That's why we tried it. Of course, whether  
11 or not they could prove their case was an issue. In terms  
12 of whether or not Mr. Bryant had anything to do with this, I  
13 don't know.

14 So, you know, and I certainly -- when I try a case  
15 I, I try it to win. I don't try it to -- just to waste  
16 time. So, I, I was hoping that they would be found not  
17 guilty.

18 Q. Did you tell Ms. Sullivan that you have no doubt  
19 as to the boys' guilt?

20 A. No. I didn't say that. That's -- again, that's  
21 not something I would have said. If, if I said that, then,  
22 then that was certainly an error. But that's not something  
23 I would have said. And that's not what I think. I don't  
24 know.



# Handout 53



Clark Fischer - by Ms. Bridenstine - January 29, 2020

10 MS. BRIDENSTINE: Turning to Exhibit 52 that I  
11 sent to you, you've had a chance that review that; right?

12 It's the one-page document I sent to you with the  
13 title "Phone Call From Clark Fischer." It's dated --

14 MR. FISCHER: Yes, I did look at -- I looked at  
15 that, yes.

16 MS. BRIDENSTINE: All right. Do you remember  
17 that conversation with Cheryl Sullivan?

18 MR. FISCHER: Specifically, no, I do not.

19 MS. BRIDENSTINE: Going through this  
20 conversation, did you tell her that innocence was not an  
21 issue in this case?

22 MR. FISCHER: I probably did. In fact, it's on  
23 there, I don't have any reason to doubt that. And, again,  
24 I never -- I certainly never thought -- was that, you know,  
25 Jermal was somewhere else or Jermal didn't have anything to



**Clark Fischer - by Ms. Bridenstine - January 29, 2020**

1 do with it in terms of you want me to go purely factual  
2 innocence.

3 Now, (indiscernible) it legally, was he guilty of  
4 premeditated and deliberated first-degree murder with  
5 malice aforethought, or was he at something less than that?  
6 Well, that's for the jury to determine. But no, did I  
7 think they just got to get out and had nothing to do with  
8 this? No.

9 MS. BRIDENSTINE: What is that based on?

10 MR. FISCHER: Well, again, that would have been  
11 based on my entire familiarity with the case.

12 MS. BRIDENSTINE: Is it based on anything Jermal  
13 Tolliver has ever said to you?

14 MR. FISCHER: I don't know. Again, you're asking  
15 me to reconstruct -- I don't know exactly.

16 MS. BRIDENSTINE: The phone call indicates that  
17 you told Ms. Sullivan that Jermal always admitted to being  
18 with the other boys right before and right after the crime.

19 MR. FISCHER: Yeah. And that would have been  
20 closer than our conversation now so that sounds right.

21 MS. BRIDENSTINE: All right. So you believe you  
22 said that?

23 MR. FISCHER: Mm-hmm.

24 MS. BRIDENSTINE: Is that something that you  
25 remember now that Jermal admitted to being with the other



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1 boys right before and right after the crime?

2 MR. FISCHER: Again, that -- that -- that  
3 certainly is the impression I have. But, you know, here  
4 in 2020, I'm probably not going to recall any specific  
5 conversation. But, again, I don't think he ever  
6 disassociated himself from -- he knew these boys. Well,  
7 they hung out. I do have that recollection.

8 And I have three more minutes before I got to go.

9 MS. BRIDENSTINE: And the rest of the  
10 conversation that's listed in this phone call, do you  
11 remember talking to her about that?

12 MR. FISCHER: Well, let me look it up.

13 MS. BRIDENSTINE: And I guess -- let's make it  
14 easier. Is there anything inaccurate, like, that you're  
15 looking at now?

16 MR. FISCHER: I know that I looked at it before.  
17 I did not see anything that I thought was particularly  
18 inaccurate.

19 MS. BRIDENSTINE: Moving on to Exhibit Number 48,  
20 which was the documents from the North Carolina Center on  
21 Actual Innocence that went over the phone call with Nils  
22 Gerber. I'm --

23 MR. FISCHER: Yes, I remember I saw Nils's  
24 statement.

25 MS. BRIDENSTINE: Right. If I go back down, I'm



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1 just going to read the recommendation to you. It says,  
2 "Close Bryant and Tolliver's case. Both attorneys have  
3 basically said innocence wasn't an issue and both have no  
4 doubt as to the boys' guilt."

5 Did you tell Cheryl Sullivan that you had no  
6 doubt as to the boys' guilt? Meaning did you tell her that  
7 you had no doubt as to Jermal Tolliver's guilt?

8 MR. FISCHER: Was I -- was I comfortable that I  
9 thought second -- I remember being relieved when it came  
10 back second instead of first. I think we were all prepared  
11 for it to be first just like the other two had gotten. So  
12 did I think that was just a horrible result? No, I thought  
13 it was a win.

14 MS. BRIDENSTINE: And I understand that, but did  
15 you actually tell her that you had no doubt as to the boys'  
16 guilt?

17 MR. FISCHER: I may have. Again, I don't  
18 remember -- I'm not going to say that I didn't. I'm sure  
19 she tried to transcribe that accurately. And, again, to --  
20 to him being involved at the periphery of a very horrible  
21 crime, no, I don't think I ever had any personal doubt as  
22 to that.

23 MS. BRIDENSTINE: What do you mean by  
24 that "involved at the periphery"?

25 MR. FISCHER: Well, acting in concert,



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1 accomplice, accessory, you can have levels of culpability  
2 in any crime that falls -- specific intent more  
3 particularly, of course, in first-degree murder. If he  
4 is -- I certainly thought -- and, again, I think that is  
5 what we got out of the pregnant girl, that his -- he was  
6 very reluctant unlike these others who were determined to  
7 go do what they were going to do. He looked back, he  
8 didn't want to leave, but he reluctantly followed them.

9 So I certainly can see him on the edge of  
10 whatever happened or rather what did happen with Mr. Jones.  
11 Is that enough? Cause being present at the scene and  
12 encouraging is enough under the law. But I certainly think  
13 he was far and away the least culpable. That is, of  
14 course, it's not like he stayed home that day.

15 MS. BRIDENSTINE: What is that --

16 MR. FISCHER: As best we can tell.

17 MS. BRIDENSTINE: I guess I'm trying to get at  
18 what is that belief based on? Is that something that  
19 you --

20 MR. FISCHER: Again, you're asking me to  
21 reconstruct -- I will not be able to give you details here  
22 in 2020. I will say that is my general impression and  
23 recollection going back to the time of the case.

24 MS. BRIDENSTINE: Do you have --

25 MR. FISCHER: Best I can give you.



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1 MS. BRIDENSTINE: Do you have any --

2 MR. FISCHER: Can't give you any better than  
3 that.

4 MS. BRIDENSTINE: Do you have any recollection  
5 that Jermal Tolliver told you that he was either involved  
6 in this crime or that he knew about it?

7 MR. FISCHER: Well, you're asking the same  
8 question different ways, but I -- I've answered that as  
9 best as I can.

10 MS. BRIDENSTINE: And I don't want to put words  
11 in your mouth, but my understanding of our conversation is  
12 that you don't have a recollection of Jermal Tolliver  
13 telling you that he had responsibility regarding this crime  
14 or that he admitted guilt to you regarding this crime.

15 MR. FISCHER: I -- without a file in front of me,  
16 I cannot tell you exactly what he told me. That's the best  
17 answer I can give you.

18 MS. BRIDENSTINE: Do you remember anything that  
19 he told you about the case?

20 MR. FISCHER: I'm -- specifically no. I'm sure  
21 that he did tell me about knowing these guys, hanging out  
22 with them, being in the car, being at the park, that was my  
23 recollection. But, again, as to the specifics, I'm not  
24 going to be do it here 18 years later.



# Handout 54



18 Q. When did you decide it was time to record a witness or a  
19 suspect?

20 A. At the point when that was going to be their final  
21 statement.

22 Q. How did you know it was time to record?

23 A. Uh, Nathaniel?

24 Q. Let's go in general first.

25 A. Uh, once the information was either corroborated by other



1 statements, other witnesses, evidence from the scenes, uh, you knew then that  
2 the information was likely to be truthful and accurate, that's when it is  
3 time to take a recorded statement. The other side of that spectrum, uh,  
4 somebody's continual denial all the way through, never changed their  
5 statement in any way, shape, or form, that could also be a recorded  
6 statement.

7 Q. If someone is denying having involvement in a crime that  
8 you are investigating, when would you determine it was time to tape that  
9 denial versus I'm gonna keep interviewing this person and see if I can  
10 determine if this person is gonna change their story?

11 A. That's really a judgement call and that would be, you know,  
12 in this case my judgment was Nathaniel. Uh, it was obvious that -- to me  
13 that he was not being truthful because information from the original witness,  
14 Jermal, uh, was not the same. So people don't lie to get into trouble. They  
15 lie to get out of trouble. So Nathaniel's trying to lie to get out of  
16 trouble, he's obviously not being truthful.

17 Q. How did know Nathaniel Cauthen was lying?

18 A. His information was not the same as the other defendants.

19 Q. Which defendants?

20 A. And -- and also, you know, some of the comments that he  
21 made, uh, during the interview about, uh, that's my story and I'm sticking  
22 with it until I hear from somebody else and then, uh, wants to (inaudible)  
23 take a lie detector test. Obviously, at that point I knew he was lying.

24 Q. What about that made it obvious to you that he was lying?

25 A. That his statement was completely different than the rest.



1 He had nothing to do with it. He went to the bowling al -- alley. He went  
2 to the mall. He was home. He came back to the park at 11:00, saw the police  
3 everywhere and went home. As of then, nobody else was saying that.

4 Q. Who were you aware of, at that point, who was talking about  
5 this case to other detectives?

6 A. The rest.

7 Q. Everybody else?

8 A. Mm-hmm. So bits and pieces were coming back to me. As I  
9 said earlier, you know, that would be part of the interviews and Lieutenant  
10 Weavil's position would be to jump in an interview and see where it was  
11 going, bring that information back and then determine what is lining up with  
12 other information or not. So, trying to determine truthfulness.

13 Q. Now, you were getting information from other detectives  
14 about what was going on during these interviews, right?

15 A. Mm-hmm.

16 Q. What information were you specifically getting and -- and I  
17 guess what I'm trying to get at is were you reviewing notes? Were you  
18 listening to tapes? Were you getting, um, information conveyed in a  
19 conversation?

20 A. Conversations.



# Handout 55



Mike Poe - by Ms. Myers - February 12, 2020

1           So back on November 19th of 2002, that would have  
2       been the day that the defendants had been brought down to  
3       the station. Do you remember that, generally speaking?

4           MR. POE: I do.

5           MS. MYERS: Okay.

6           MR. POE: And the reason I -- I can -- that would  
7       not stand out in any case because there's so many cases  
8       we're involved in, but days prior myself, Detective Nieves,  
9       Detective Flynn, and Detective Rose went out -- we were in  
10      one or two cars, and we were looking for these guys. And  
11      one of the guys, I don't remember which one, one of the  
12      detectives got information that these four guys were  
13      robbing -- or five guys.

14           I couldn't -- well, let me correct that. I don't  
15      know how many of them, but I know --

16           MS. MYERS: Sure.

17           MR. POE: -- it was based around Rayshawn Banner  
18      and Nathaniel Cauthen and their friends. And I know  
19      Tolliver was involved because we went to his house.

20           We went looking for them because we were having a  
21      bunch of robberies in that area, and their names popped up  
22      in it. And it -- being a robbery detective, when that  
23      starts happening, there's going to be one, five, maybe ten,  
24      you know, and -- so once we see a trend, we try to -- we  
25      focus on that.



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1 MS. MYERS: Mm-hmm.

2 MR. POE: We ended up going to that area riding  
3 around, and we found a couple of them at Jermal Tolliver's  
4 house.

5 MS. MYERS: Okay.

6 MR. POE: And I wouldn't remember which one it  
7 was without reading either the summary of the report or --  
8 or -- but that day we went there, and Jermal Tolliver's  
9 mother came out on the porch.

10 MS. MYERS: Mm-hmm.

11 MR. POE: I was standing there with the other  
12 detectives. Nathaniel Cauthen, who goes by Stinky, was  
13 sitting on the porch, and Jermal came outside. And we told  
14 all them, we know what you guys are up to. We know  
15 you're -- we say like doing dirt out here and, you know,  
16 we're going to catch you if you do it. If -- if you keep  
17 it up, you need to stop.

18 And we told -- we told Jermal Tolliver's  
19 mother -- this is my quote. This is exactly what I told  
20 her. I said, "If you want your son to get in a whole hell  
21 of a lot of trouble, you let him keep hanging around Stinky  
22 and Rayshawn, and he's going to get in trouble ." And I  
23 told her that. David Rose handed her a business card, and  
24 that was the last we heard of it. You know, we figured we  
25 put them on notice.



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1           A few days later David got a call in the  
2 office --

3           MS. MYERS: Right.

4           MR. POE: -- and it was Mrs. Tolliver, and she  
5 said, "Come get my son, he knows something about this old  
6 man's murder." And she said that, she said, "Come get  
7 him."

8           MS. MYERS: Were you there when she made that  
9 call to him.

10          MR. POE: I was in the office because he came  
11 over to my -- he actually sat right beside me. I don't  
12 know if he made the call from another phone because we  
13 were -- I mean, we cut up, and we were loud in there, but I  
14 know he told me immediately. He said, "That was Tolliver's  
15 mother, and she said for us to come get him. He knows  
16 something about this thing."

17          MS. MYERS: Okay. What day would that have been  
18 when you guys were out in that neighborhood?

19          MR. POE: I don't know because -- it was before  
20 the homicide.

21          MS. MATOIAN: Before.

22          MS. MYERS: Okay. It was.

23          MR. POE: About -- yeah.

24          MS. MYERS: From what you remember?

25          MR. POE: Because we were just riding around kind



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1 of doing as we call almost preventive maintenance, you  
2 know, it was one of those things that -- unless -- and I  
3 can't find any notes, I don't know if you guys have them --

4 MS. MYERS: Yeah, I might have some.

5 MR. POE: -- or if the case officer has them.

6 MS. MYERS: Right.

7 MR. POE: I haven't seen my notes since then.

8 MS. MYERS: Okay.

9 MR. POE: And that was back before we scanned all  
10 of our notes into records and all that stuff.

11 MS. MYERS: Sure.

12 MR. POE: But I wouldn't know what day. But, you  
13 know, it was before the homicide and --

14 MS. MYERS: Okay.

15 MR. POE: And like I said, and we told his  
16 mother, you know, what's going on, and we're like you guys  
17 need -- whatever you're doing, you need to stop doing it.  
18 And if you keep doing it, we're going to get you.

19 MS. MYERS: Did you know -- his mother's name is  
20 Arlene Tolliver.

21 MR. POE: Mm-hmm.

22 MS. MYERS: Just -- did you have -- had you  
23 talked to Arlene Tolliver before or --

24 MR. POE: No.

25 MS. MYERS: -- ever come in contact with her



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1 before?

2 MR. POE: Not that I know of.

3 MS. MYERS: After you said that to her about  
4 Jermal, did -- what was her response to you?

5 MR. POE: I can't really remember. She wasn't  
6 disrespectful to us. I -- I think she's -- best of my  
7 recollection, appreciative that we -- you know, it's not  
8 like your son's under arrest for armed robbery, it's your  
9 son's hanging around the wrong people, and one of them is  
10 sitting on the porch there. I don't know if Rayshawn was  
11 there or not, but I know Nathaniel was.

12 MS. MYERS: Okay.

13 MR. POE: And we were telling her, he's going  
14 down the wrong path with the wrong people.

15 MS. MYERS: Why did -- so it sounds like you had  
16 contact with Stinky and Rayshawn prior to even that date  
17 in -- or why did you say that to her? Why did you say that  
18 he was hanging out with the wrong people, and one of them  
19 was on the front porch?

20 MR. POE: That I don't know unless it was  
21 conversation -- I remember him sitting there and -- and it  
22 could have been one of the other detectives called him  
23 Stinky or it's something, you know, it's so long ago.

24 MS. MYERS: Sure.

25 MR. POE: I know they had been -- those guys had



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1 contact with the police -- it's very good chance of that or  
2 it could have been our conversation before we went out  
3 there.

4 MS. MYERS: Okay.

5 MR. POE: There's Nathaniel -- you know, us  
6 talking, you know, 'cause we're not -- I'm not getting --  
7 wasting my time getting in the car unless I know where  
8 we're going, you know.

9 MS. MYERS: Sure.

10 MR. POE: And it may have been we kind of  
11 informally briefed each other in the car.

12 MS. MYERS: Okay.

13 MR. POE: I just can't be sure.

14 MS. MYERS: But to your recollection -- I don't  
15 want to put words in your mouth -- but you do not remember  
16 having direct contact --

17 MR. POE: No.

18 MS. MYERS: -- yourself with Stinky or Rayshawn?

19 MR. POE: I don't remember, no.

20 MS. MYERS: Okay.

21 MR. POE: Without and -- had I still been at the  
22 police department, I would have been able to do a little  
23 more research on that.

24 MS. MYERS: Okay. And I might have some reports  
25 and documents that might help kind of trigger your memory



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1 with some of that, and we'll get to some of that. Let  
2 me make sure that I'm -- I'm going to skip around a little  
3 bit 'cause -- all right.

4 MR. POE: I do remember this, when I was talking  
5 to his mother, Cauthen was laughing. He thought it's  
6 funny, and that could've had something to do with what I  
7 said too.

8 MS. MYERS: Okay.

9 MR. POE: That -- 'cause that stands out in my  
10 mind. And the only thing to stand out in my mind that day,  
11 and I can tell you and if there's anything I could tell you  
12 for sure, that's exactly how we solved this case is that  
13 interaction with her right there because she's the one that  
14 called and told us. We didn't -- we didn't know that they  
15 had anything to do -- I wasn't on the call out but they  
16 weren't suspects until she called.

17 MS. MYERS: Okay. All right.

18 MR. POE: From --

19 MS. MYERS: And that was --

20 MR. POE: From my recollection.

21 MS. MYERS: Right. Sure.

22 MS. MATOIAN: So all of that was at least before  
23 they were suspects and probably before the homicide as  
24 well?

25 MR. POE: Yeah.



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1 MS. MATOIAN: Okay.

2 MR. POE: Yeah.

3 MS. MYERS: All right. So I'm going to show you  
4 what we have labelled as Exhibit 83, which I believe is  
5 what Captain Tollie had sent to you as well, which was the  
6 case summary homicide; is that right?

7 MR. POE: Yeah.

8 MS. MYERS: Does it look like this?

9 MR. POE: It does.

10 MS. MYERS: Okay. All right. So if you would go  
11 to page -- so it would be the second page, 266, and I'm  
12 going to have you read that fourth paragraph down where it  
13 starts at -- yeah, that "prior to the murder."

14 MR. POE: Yep. "Prior to the murder of Nathaniel  
15 Jones, Detective S.P. Flynn and D.L. Rose had been working  
16 the Belview Park area in lieu of a recent string of  
17 robberies in the area. Included in a list of potential  
18 suspects in robberies were Rayshawn Banner. While  
19 conducting the robbery investigation, Detective Rose had  
20 provided Arlene Tolliver with a business card."

21 MS. MYERS: Okay. So I know that your name is  
22 not mentioned in there obviously --

23 MR. POE: But I was one of the four.

24 MS. MYERS: -- but is this -- okay. So this is  
25 what the --



Mike Poe - by Ms. Myers - February 12, 2020

1 MR. POE: And it was Flynn and Rose, one of the  
2 two of them is the ones that said, hey, somebody's telling  
3 us these are the guys we need to go see. So we -- you  
4 know, we all worked together as a group --

5 MS. MYERS: Okay.

6 MR. POE: -- so that's how we all ended up -- and  
7 I had some robberies in that area too --

8 MS. MYERS: You did.

9 MR. POE: -- but I didn't have the information --

10 MS. MYERS: That he did.

11 MR. POE: That he did at that point.

12 MS. MYERS: Okay. So you found out that  
13 information from Detective Flynn but --

14 MR. POE: Or Rose.

15 MS. MYERS: Or Rose.

16 MR. POE: I don't remember which one.

17 MS. MYERS: Okay.

18 MR. POE: But I know we were all together.

19 MS. MYERS: Gotcha.

20 MR. POE: Somebody got that information.

21 MS. MYERS: Okay. But where they got that  
22 information, you do not know?

23 MR. POE: I don't know.



Handout # 56

Juvenile Contacts Charts

Sealed by Order of the Court



# Handout 57



**From:** Sean Flynn  
**To:** Southern, Connie  
**Date:** 11/18/02 1:32PM  
**Subject:** ROBBERY SUSPECTS

LAYMON HAIRSTON  
 BOBBY LEE CRAWFORD JR  
 STEPHEN BROOKS  
 ANTONIO BURCH  
 AHMED BRIM  
 RAKEEM BRIM  
 MALCOLM SURLES

THESE ARE ALL BLACK MALES WHO ARE LINKED TO ROBBERIES ON THE SOUTHSIDE AND  
 WESTSIDE OF TOWN. IF YOU NEED PISTOL PRINTOUTS ON THEM LET ME KNOW....



# Handout 58



24 Q. Who was in charge on November 19th, 2002?

25 A. I believe Sergeant Cozart was there. But I think



1 there were other members, uh, lieutenants that were, uh,  
2 ap -- there were two there, also. But I'm not exactly sure  
3 who.

4 Q. Would Lieutenant Weavil be one of them?

5 A. Yes, I believe so.

6 Q. Who was directing what was happening on November  
7 19th, 2002?

8 A. My interactions was, I believe, with Sergeant  
9 Cozart. But I'm not sure who was actually doing the  
10 directing at that time.

11 Q. So is it fair to say you were not in charge on  
12 November 19th, 2002, in this case?

13 A. At that time, no.

14 Q. Were you aware that notes that were taken during  
15 Christopher Bryant's interview were shown to Jermal Tolliver  
16 on November 19th, 2002?

17 A. No, ma'am.

18 Q. Who authorized that?

19 A. I don't know.

20 Q. Were you aware that part of Nathaniel Cauthen's  
21 taped interview was played for his brother, Rayshawn Banner,  
22 on November 19th, 2002?

23 A. I don't remember that; no.

24 Q. Who authorized that?

25 A. I don't know.



1 Q. What would be the purpose of giving a suspect  
2 information from another suspect, and what they were saying  
3 regarding the case?

4 MR. DILLS: Objection. Speculation.

5 A. I, uh -- to get them to tell the truth, I guess.  
6 I don't --

7 Q. How would that get them to tell the truth?

8 A. I can't -- I can't speculate why we do it, but  
9 other than someone else is saying they done it.

10 Q. Did you ever do that where you would give one  
11 suspect information that you learned from another witness or  
12 suspect in the case?

13 A. No, ma'am. Not that I recall.

14 Q. In 2002, were you recording the entire interviews  
15 you conducted with suspects and witnesses in a case?

16 A. I'm not sure. There was a time frame that that  
17 changed, too.

18 Q. If you look at your report in Exhibit 60.

19 A. Okay.

20 Q. And if you turn to page 7, and if you look at the  
21 last -- start at the last three paragraphs on that page with  
22 "I concluded."

23 A. (Witness reviews the exhibit.) Okay.

24 Q. All right. You interviewed Jessica Black on  
25 November 19th, 2002.



1 A. Correct.

2 Q. And your report indicates that you did not tape  
3 the entire interview. Is that right?

4 A. Correct.

5 Q. In November 2002, were you required to record the  
6 entire interview?

7 A. No.

8 Q. Why didn't you record the entire interview in  
9 2002?

10 A. I'm trying to remember where we did the interview,  
11 whether we had the -- where it was done. But, uh,  
12 generally, it was just a conversation, and we got -- we  
13 discussed it and then we went over it on tape. Uh, ask that  
14 question again.

15 Q. Why didn't you tape the entire interview of  
16 witnesses and suspects in 2002?

17 A. We didn't have the setup to do it.

18 MR. DILLS: Objection. I think that we were  
19 talking specifically, and then you went very general on that  
20 last question.

21 Q. Why didn't you tape the entire interview of  
22 Jessica Black on November 19th, 2002?

23 A. I don't know.

24 Q. When would you decide it was time to record a  
25 witness or a suspect?



1 A. Once we've identified that they were involved.

2 Q. How did you know it was time to record a  
3 statement?

4 A. Once we felt like that we had discussed it and we  
5 had gotten -- that we had determined that they were  
6 involved, that they did have involvement in the incident,  
7 and then we would put it, uh -- we would go back and tape  
8 it.

9 Q. Was that a rule that you were following at the  
10 Winston-Salem Police Department?

11 A. It's a practice.

12 Q. What was the policy in 2002 at the Winston-Salem  
13 Police Department regarding the recording of interviews as  
14 you understood it?

15 A. I mean, that was the practice. Uh, at the time,  
16 we didn't have the interview rooms and the videos and stuff  
17 of that nature to use. We were just basic -- we had just  
18 a -- a little tape recorder that we had.

19 Q. I understand that that policy changed in 2007  
20 regarding the recording of witnesses, suspects and victims,  
21 and that the policy became you had to record the entire  
22 interaction.

23 A. I assume. I don't know.

24 Q. Do you remember the policy changing?

25 A. I remember something being said, but I was on and



1 out of CID at that time.

2 Q. Do you know what caused that policy to change?

3 A. I'm sure it was something to do with some cases.  
4 But, uh, I don't specifically.

5 Q. When you were taping an interview back in 2002,  
6 did you ever stop the tape, other than having to flip it  
7 over?

8 A. Not that I recall.

9 Q. Are you ware -- are you aware of any other  
10 officers starting and stopping tapes during interviews?

11 A. I don't -- don't recall any.

12 Q. On November 19, 2002, what were the juveniles  
13 doing when they weren't being interviewed by police  
14 officers?

15 A. Uh, they would either be in the interview room or  
16 going to the bathroom or -- I don't know for sure. I'm  
17 just -- that is the general rule. If they're there, they're  
18 in an interview room, and -- or they're -- if they need to  
19 go to the restroom, they're escorted. If they want  
20 something to drink, they can have something to drink.  
21 That's in -- that's -- as I said, that's in general.

22 Q. If a juvenile was in an interview room, and he or  
23 she was not being interviewed, would that juvenile be alone  
24 in the room?

25 A. Could be.



1 Q. What were the juveniles on November 19th, 2002,  
2 doing from the time they arrived at the Public Safety Center  
3 until they were being interviewed by police officers?

4 A. I don't have any idea when I wasn't there.

5 Q. What was your role on November 19th, 2002, during  
6 Jessica Black's interview?

7 A. Uh, I conducted the interview. Uh, I think  
8 another detective was also there.

9 Q. Was the other officer the person who was taking  
10 notes?

11 A. I think there was a switch on this one, because,  
12 uh, as I had just been briefed and wasn't quite up to --  
13 up -- quite up to the speed on what all had happened, uh, I  
14 would do some of it and he would do some of it, if I recall  
15 correctly.

16 Q. If you'll look at your report in Exhibit 60, on  
17 page 4.

18 A. "At this point?"

19 Q. Yeah, "At this point in the briefing," that  
20 paragraph. Your report indicates you started the interview  
21 with Detective Rose. Is that right?

22 A. That's correct.

23 Q. And it started at 19:03 hours?

24 A. That's correct.

25 Q. And that's 7:03 p.m.?



1 A. Yes, ma'am.

2 Q. Earlier you said that you had learned that, uh,  
3 suspects had been identified at 5:00 p.m. that day. What  
4 were you doing from 5:00 p.m. to 7:00 p.m.?

5 A. Being briefed. And again, I don't know what  
6 time -- I know it was at five o'clock, I made a phone call.  
7 As my report indicates, I made a phone call. So I don't  
8 know what time I got back to the Public Safety Center, which  
9 was the Police Department. And by then I just went straight  
10 into briefings. I was told they were there.

11 Q. Uh, I haven't seen a Personal History Form for  
12 Jessicah Black. Was one done for her?

13 A. I don't know.

14 Q. If you had done a Personal History Form for  
15 Jessicah Black, would you have indicated that in your notes  
16 or on -- or in your report?

17 A. That is correct. Yes.

18 Q. Did you ever get any, uh, information about  
19 Jessicah Black from anyone else before you interviewed her?

20 A. (Witness reviews the exhibit.) In my briefing I  
21 was told that her name was mentioned by the, uh -- the five  
22 suspects, that she had drove them to the park.

23 Q. Did you talk to anyone who knew Jessicah Black  
24 before you interviewed her?

25 A. Knew her personally?



1 Q. Uh-huh (yes).

2 A. No.

3 Q. Did you get any personal information about  
4 Jessica Black other than what she self-reported during her  
5 interview?

6 A. Not that I recall; no.

7 Q. Did you give her any information about this case?

8 A. As far as the figure information, we asked about  
9 it. Just basically confronted her with what the facts that  
10 I have, or the information that I have pick -- gleaned from  
11 the other detectives in the briefing.

12 Q. What information did you confront her with?

13 A. Uh, about the incident and driving the five  
14 suspects to the house.

15 Q. And did Detective Rose give her any -- any  
16 information about this case?

17 A. According to my report, he did.

18 Q. What information did Detective Rose give Jessica  
19 Black?

20 A. He gave her information obtained from, uh, Jermal  
21 Tolliver, that she drove them to Belview Park and waited  
22 while they went and robbed the old man in a nearby house.

23 Q. And you just testified you gave her some  
24 information, as well.

25 A. I just basically just went with that information



1 that I had -- basically the same information. This is the  
2 information I have been given, uh, that I was aware of from  
3 my -- once I got back to the Police Department, information  
4 that I had been given in my briefings. And that's -- and  
5 Detective Rose just went with it from there.

6 Q. Why did you give her this information?

7 A. To make her aware of why she was there, and to  
8 get -- to solicit information from her as to what happened.

9 Q. Did you tell her anything else?

10 A. I mean, basically just confronted her with the  
11 inner -- information that she had, uh -- that it was alleged  
12 that she drove them to the park while they went and robbed  
13 Mr. Jones.

14 Q. Did you tell her anything other than that?

15 A. Uh, everything -- anything that I would have told  
16 her would have been related to her role, as far as her role  
17 in this incident.

18 Q. Did anyone else give her any information about the  
19 case?

20 A. Uh, now, she was escorted to the restroom at  
21 approximately 8:42. And when she returned to -- Detective  
22 Flynn brought more information, gave more information to  
23 her. But I don't have that information that he did. That  
24 would be in his report.

25 Q. Your report does not detail what information



1 Detective Flynn gave Jessica Black. Is that right?

2 A. That's correct.

3 Q. I'm going to hand you what has been previously  
4 marked as Exhibit 74. This is Detective Flynn's report. If  
5 you'd just review that.

6 A. (Witness reviews the exhibit.)

7 Q. Detective Flynn's report does not mention Jessica  
8 Black's interview. Is that right?

9 A. That's correct.

10 Q. And your report does not detail what information  
11 Detective Flynn gave Jessica Black. Is that right?

12 A. That's correct.

13 Q. Do you remember what information Detective Flynn  
14 gave her?

15 A. Not specifically, no.

16 Q. You said "Not specifically?"

17 A. Correct.

18 Q. Do you have some sort of general idea of what he  
19 told her?

20 A. I can only assume. And that would be assuming.  
21 Just information or facts that he had gleaned from -- from  
22 the other interviews or other briefings.

23 Q. What was the purpose of Detective Flynn coming in  
24 and confronting Jessica Black with information from other  
25 interviews?



1 MR. DILLS: Objection. Calls for speculation.

2 Go ahead.

3 A. To get her to be truthful.

4 Q. Did you ask or direct Detective Flynn to come into  
5 the interview room?

6 A. My report indicates he entered. I don't -- I  
7 never asked him. I would have been sitting in the  
8 interview.

9 Q. Do you know who -- do you know why Detective Flynn  
10 came into the interview room?

11 A. Uh, just to give information, I would speculate.

12 Q. Do you know if anyone asked him or directed him to  
13 come into the interview room?

14 A. I do not.

15 Q. Did anyone else give Jessica Black information  
16 about the case?

17 A. As far -- did they come into the interview room,  
18 or participate?

19 Q. Uh, just anyone else.

20 A. Not that I recall. I mean, is there any -- any  
21 report that I can refresh my memory?

22 Q. So let's go through the timeline of that  
23 interview. You started off that interview with Detective  
24 Rose. Is that right?

25 A. Yes.



1 Q. And then, uh, Detective Rose left, and Detective  
2 Flynn came in. Is that correct?

3 A. Yes.

4 Q. And, uh, Detective Bishop then joined you after  
5 Detective Flynn left to complete the interview?

6 A. Yes.

7 Q. Was anyone else part of that interview?

8 A. Not that I recall.

9 Q. Uh, did Detective Bishop or Detective Rose or  
10 Detective Flynn give Jessica Black any other information  
11 about the case or any information learned from anyone else?

12 A. I don't remember.

13 Q. Uh, I want you to take a look at, uh, Detective  
14 Rose's report, Exhibit 53. And on page 10, in the middle  
15 paragraph, or second paragraph. Detective Rose's paragraph,  
16 uh, states that Detective Flynn entered the room at 8:05  
17 p.m., or 20:05 hours.

18 A. Okay.

19 Q. Is that right?

20 A. Do I need to start "After the hearing," second  
21 paragraph?

22 Q. Uh, it's kind of the bottom of that paragraph.  
23 Yes.

24 A. I see it. (Witness reviews the exhibit.) Okay.

25 Q. And if we look at your report in Exhibit 60, on



1 page 5 at the top, your -- yeah, the first paragraph. And  
2 then the first line of the second paragraph.

3 A. Uh-huh (yes).

4 Q. Your report indicates that, uh, after Jessica  
5 Black used the bathroom at approximately 20:42 hours, or  
6 8:42 p.m., Detective Flynn came into the interview room.

7 A. Uh-huh (yes).

8 Q. That is -- that contradicts Detective Rose's  
9 report, which stated that Detective Flynn entered the room  
10 at 8:05 p.m.

11 A. Uh-huh (yes).

12 Q. Do you know why there is that discrepancy in the  
13 time?

14 A. I do not. I --

15 Q. Do you know which time is correct?

16 A. I would go by -- my time would be correct.

17 Q. Okay.

18 A. Detective Lovejoy's report may be able to -- she'd  
19 document it.

20 Q. Hers is more consistent with yours. So, okay.

21 A. Mine is right.

22 Q. Okay. Uh, did Detective Flynn come in more than  
23 once?

24 A. According to the report, one is all I recall. And  
25 then, there's something in here that --



1 Q. Did anyone ever tell Jessica Black that the --  
2 that they thought she was lying?

3 A. I told her that she needed to be truthful. That's  
4 what I told her.

5 Q. Why didn't you think she was telling the truth?

6 MR. DILLS: Objection. Go ahead.

7 A. Uh, based on the information in the briefings that  
8 I had gotten, and the consistency of those, her story, if I  
9 don't know, did not -- did not add up, didn't make sense.

10 Q. What's -- what information did you have when you  
11 told Jessica Black that?

12 A. At the briefings I had, we had the five young men,  
13 and they had implicated her as being the one that drove them  
14 to -- to the park when they went and did the -- had -- when  
15 they went and committed the crime.

16 Q. What information was consistent?

17 A. The fact that she drove them there. That was the  
18 main thing.

19 Q. Why did Detective Rose leave the interview?

20 A. I think -- I'm going back from his exhibit. He  
21 went and gleaned -- got some more information.

22 Q. He left to get more information?

23 A. He went to -- he left to go do something else.  
24 Not trying to be vague.

25 Q. Why did --



1 MR. DILLS: Just for the record, I'm going to  
2 withdraw that last objection to the form.

3 Q. Why did the -- why did Detective Bishop come in?

4 A. Just assist me on the in -- the interview.

5 Q. Was that to be more in line with the interview  
6 policy of having two officers conduct an interview together?

7 A. Yes.



# Handout 59



## Sean Flynn - By Ms. Bridenstine

1

2

3

4

5 Q. Okay. Did you speak to mall security about  
6 getting video surveillance of the suspects?

7 A. Yeah. And the reason that is, is I run the off  
8 duty at Hanes Mall for 20-something years, so I have  
9 contacts at the mall. However, they didn't get anything,  
10 so we didn't retrieve any video from the mall.

11 Q. What do you mean you didn't get anything?

12 A. They -- I don't believe they retrieved any  
13 surveillance.

14 Q. Did they have surveillance cameras?

15 A. They do.

16 Q. Did you --

17 A. I don't know what it was back then, but they've  
18 updated and need to re-update again. But they used to have  
19 surveillance there. I don't recall what it was in 2002.

20 Q. Did you ask them about a specific ATM, or were  
21 you asking to see if they had surveillance for a specific  
22 ATM?

23 A. I assumed we would want all the video we could,  
24 and they couldn't provide any. So that would include the  
25 ATM as well as the exits and entrance.



**Sean Flynn - By Ms. Bridenstine**

1 Q. Now you say you assumed. Do you know if you  
2 talked to them about all that surveillance?

3 A. I don't know it specifically, but it -- it would  
4 make sense that we wanted all the information, so I would  
5 have relayed ATM entrance, exit, or any videos of these  
6 young men at the mall.

7 Q. Did someone check video for you?

8 A. Yeah. They have their own system.

9 Q. Does that mean that somebody actually watched  
10 surveillance for you and reported back to you at the Hanes  
11 Mall?

12 A. I would assume that's what it means.

13 Q. Does that mean that they were looking for someone  
14 who matched the description of -- of the defendants in this  
15 case?

16 A. I would think so, yeah. Or any young black males  
17 at the ATM.

18 Q. They reported to you that they didn't see any  
19 footage involving young black males --

20 A. There was none -- yeah, there was no surveillance  
21 to be obtained.

22 Q. Okay. I just want to clarify, does that mean  
23 there was no video footage from the dates that you were  
24 looking for, or does that mean that they looked at it, and  
25 they did not see a description of juvenile black males



**Sean Flynn - By Ms. Bridenstine**

1     trying to use an ATM machine?

2           A.    They did not see anything -- they did not record  
3     anything of -- that would help us in this investigation.  
4     They didn't record any black males at the ATM or coming or  
5     going, or we would have retrieved the --

6           Q.    Okay.

7           A.    -- video surveillance.

8           Q.    So I just want to make this clear.  Your  
9     understanding is that somebody watched the surveillance  
10    from the time periods that you were looking for, and they  
11    did not see any black males matching the descriptions of  
12    the defendants in this case using ATM machines at the mall?

13          A.    Or they did not have any video or no video would  
14    capture the areas we were talking about.  I don't recall  
15    exactly whether it wasn't working or there was no -- we  
16    didn't obtain any video.  That's all I remember from it.

17

18

19

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# Handout 60



- BLOOD ON ALL 5 PLUS JESSICA
- EMS
- WHO AT BOWLING ALLEY
- WHO RETURNED TO SCENE PASADENA 10-20
- JED
- JESSICA
- FIND SPREE (BLK) OR (BLUE)
- TAPE/DO-RAGS STORES
- SERIAL SHOTS
- ANWAN & BLACK
- MARCUS ?
- STREET LIGHT



# Handout 61



# **DARTANYA EATON**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
CARRYING CONCEALED WEAPON (M)	FORSYTH	03/03/2010	06/14/2010
1 <sup>st</sup> DEG TRESPASS ENTER/REMAIN (M)	FORSYTH	04/06/2009	11/17/2009
1 <sup>st</sup> DEG TRESPASS ENTER/REMAIN (M) (x3)	FORSYTH	03/27/2009	11/17/2009
INT CHILD ABUSE-SER BOD INJ (F)	FORSYTH	06/06/2008	03/10/2011
PWISD COCAINE (F)	FORSYTH	08/28/2006	04/11/2007
DWLR (M)	FORSYTH	08/28/2006	04/11/2007
POSSESSION OF COCAINE (F)	FORSYTH	05/09/2006	04/11/2007
RESISTING PUBLIC OFFICER (M)	FORSYTH	05/09/2006	04/11/2007
RESISTING PUBLIC OFFICER (M)	FORSYTH	02/12/2005	07/14/2005
DISORDERLY CONDUCT (M)	FORSYTH	01/19/2005	05/02/2005
COMMUNICATING THREATS (M)	FORSYTH	01/19/2005	05/02/2005
RESISTING PUBLIC OFFICER (M)	FORSYTH	03/29/2001	06/27/2001
ASSAULT ON A FEMALE (M)	FORSYTH	05/28/1998	06/30/1998
POSSESSION OF COCAINE (F)	DAVIDSON	05/15/1996	03/11/1998
ASSAULT ON A CHILD UNDER 12 (F)	DAVIDSON	05/15/1996	03/11/1998
ASSAULT ON A FEMALE (M)	DAVIDSON	05/15/1996	03/11/1998



RESISTING PUBLIC OFFICER (M)	FORSYTH	04/21/1995	07/18/1995
DWLR (M)	FORSYTH	09/17/1994	12/06/1994
RESISTING PUBLIC OFFICER (M)	FORSYTH	09/17/1994	12/06/1994
PROBATION VIOLATION (M) (FOR: RECKLESS DRIVING TO ENDANGER AND NO OPERATORS LICENSE)	FORSYTH	03/21/1991	12/17/1991
PROBATION VIOLATION (M) (FOR: SPEED TO ELUDE ARREST AND FAIL TO HEED LIGHT OR SIREN)	FORSYTH	03/21/1991	12/17/1991
PWISD COCAINE (F)	FORSYTH	01/10/1991	06/10/1991



# Handout 62



# **CARLA DANIELS**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
POSSESSION OF COCAINE (F)	FORSYTH	09/01/2015	12/04/2015
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	09/01/2015	12/04/2015
LARCENY (M)	FORSYTH	05/20/2014	08/28/2014
CONTRIBUTING TO DELINQUENCY OF JUVENILE (M)	FORSYTH	06/07/2008	03/10/2011
ACCESSORY AFTER THE FACT (F)	FORSYTH	06/07/2008	03/10/2011
CHILD ABUSE (M)	FORSYTH	05/13/2004	03/17/2005
CHILD ABUSE (M)	FORSYTH	11/27/2001	02/18/2002



# Handout 63



# **JAMES ALEXANDER DAVIS**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
INJURY TO PERSONAL PROPERTY (M)	FORSYTH	12/24/2016	03/31/2017
UNSEALED WINE/LIQ IN PASS AREA (M)	FORSYTH	02/24/2009	0/02/2009
BREAKING AND OR ENTERING (F)	FORSYTH	12/19/1990	07/06/1995
FELONY LARCENY >\$400 (F)	FORSYTH	12/19/1990	07/06/1995
BREAKING AND OR ENTERING (F) (x2)	FORSYTH	02/04/1990	08/01/1990
UNAUTHORIZED USE OF MOTOR VEH (M)	FORSYTH	12/10/1989	08/01/1990



# Handout 64



# **THOMMETRIUS (PHOMMETRIUS) ROBINSON**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
CONSP TO COMMIT MV RENTAL FRAUD (M)	WAKE	08/21/2019	02/26/2020
RESISTING PUBLIC OFFICER (M)	FORSYTH	08/10/2019	11/12/2019
HABITUAL FELON (F)	FORSYTH	10/28/2013	04/29/2014
POSSESSION OF COCAINE (F)	FORSYTH	08/01/2013	04/29/2014
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	08/01/2013	04/29/2014
POSSESSION OF COCAINE (F)	FORSYTH	07/26/2012	10/18/2012
POSSESSION OF COCAINE (F)	FORSYTH	01/28/2011	05/19/2011
ASSAULT ON FEMALE (M)	FORSYTH	02/22/2010	08/16/2010
FALSE REPORT TO POLICE STATION (M)	FORSYTH	08/21/2008	11/20/2008
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	09/11/2007	11/14/2007
DV PROTECTIVE ORDER VIOLATION (M)	FORSYTH	03/25/2004	05/07/2004
BREAKING AND OR ENTERING (F)	FORSYTH	03/25/2004	05/07/2004
DWI – LEVEL 5 (M)	FORSYTH	09/22/2003	01/09/2004
ASSAULT ON FEMALE (M)	FORSYTH	06/19/2003	10/28/2003
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	10/27/2002	07/14/2003



2 <sup>nd</sup> DEG TRESPASS (M)	FORSYTH	10/27/2002	07/14/2003
PWISD COCAINE (F)	FORSYTH	10/24/2002	02/03/2003
SELL COCAINE (F)	FORSYTH	10/24/2002	02/03/2003
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	10/24/2002	02/03/2003
RESISTING PUBLIC OFFICER (M)	FORSYTH	03/13/2002	04/05/2002
DISORDERLY CONDUCT (M)	FORSYTH	03/13/2002	04/05/2002
COMMUNICATING THREATS (M)	FORSYTH	03/13/2002	04/05/2002
ASSAULT ON FEMALE (M)	FORSYTH	07/24/2001	10/01/2001
RESISTING PUBLIC OFFICER (M)	FORSYTH	07/24/2001	10/01/2001
FISHING WITHOUT A LICENSE (M)	SURRY	04/08/2001	09/27/2001
ASSAULT ON FEMALE (M)	FORSYTH	08/30/2001	09/18/2001
ATTEMPT ROBBERY WITH DANGEROUS WEAPON (F)	FORSYTH	03/10/1995	05/04/1995
ROBBERY WITH DANGEROUS WEAPON (F)	FORSYTH	03/10/1995	05/04/1995
SIMPLE ASSAULT (M)	FORSYTH	07/19/1993	08/04/1993
LARCENY (M)	FORSYTH	05/20/1993	07/02/1993
LARCENY (M)	FORSYTH	03/03/1992	06/01/1992



# Handout 65



# **DEDRICK CRUMP**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
INDECENT LIBERTIES WITH CHILD (F)	FORSYTH	09/01/2003	08/23/2005
1 <sup>st</sup> DEG SEX EXPLOIT MINOR (F)	FORSYTH	09/01/2003	08/23/2005
2 <sup>nd</sup> DEG RAPE (F)	FORSYTH	11/01/2002	08/23/2005
HABITUAL FELON (F)	FORSYTH	08/02/2003	10/12/2004
POSSESSION OF FIREARM BY FELON (F)	FORSYTH	05/30/2003	10/12/2004
ASSAULT INFLICT SERIOUS INJURY (M)	FORSYTH	01/24/2001	03/23/2001
POSSESSION OF FIREARM BY FELON (F)	FORSYTH	02/16/1998	09/03/1998
LARCENY OF MOTOR VEHICLE (F)	FORSYTH	07/09/1996	01/13/1997
ASSAULT ON A GOVERNMENT OFFICIAL (M)	FORSYTH	03/14/1995	04/19/1995
DWLR (M)	FORSYTH	02/01/1995	03/14/1995
RESISTING PUBLIC OFFICER (M)	FORSYTH	02/01/1995	03/14/1995
ASSAULT ON FEMALE (M)	FORSYTH	02/01/1995	03/14/1995
CONTRIBUTING TO DELINQUENCY OF JUVENILE (M)	FORSYTH	02/01/1995	03/14/1995
DWLR (M)	FORSYTH	09/04/1994	03/14/1995
SIMPLE ASSAULT (M)	FORSYTH	08/29/1993	09/16/1993
PWISD SCH II CS (F)	FORSYTH	08/08/1990	01/02/1991



CARRYING CONCEALED WEAPON (M)	FORSYTH	08/08/1990	01/02/1991
PROBATION VIOLATION (M) (FOR: ASSAULT WITH DEADLY WEAPON)	FORSYTH	03/19/1989	01/02/1991
ANIMAL CONTROL VIOLATION (M)	FORSYTH	07/26/1990	09/18/1990
ALLOW DOG RUN AT LARGE/NIGHT (M)	FORSYTH	07/26/1990	09/18/1990
ASSAULT WITH A DEADLY WEAPON (M)	FORSYTH	03/19/1989	04/26/1989
ASSAULT/AFFRAY (M)	FORSYTH	01/13/1989	03/13/1989
ASSAULT ON FEMALE (M)	FORSYTH	12/08/1988	12/28/1988
ILLEGITIMATE CHILD/NON- SUPPORT (M)	FORSYTH	06/10/1988	11/01/1988
UNAUTHORIZED USE OF MOTOR VEHICLE (M)	FORSYTH	05/30/1987	03/28/1988
TRESPASS ON SCHOOL GROUNDS (M)	FORSYTH	03/26/1985	04/11/1985



# Handout 66



# **SHERMAN WILLIAMS**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
RESISTING PUBLIC OFFICER (M)	FORSYTH	12/25/2017	11/27/2018
DWLR IMPAIRED REV (M)	FORSYTH	06/10/2017	02/28/2018
CARRYING CONCEALED WEAPON (M)	FORSYTH	07/10/2016	02/22/2017
RESISTING PUBLIC OFFICER (M)	FORSYTH	03/23/2016	05/27/2016
DWI LEVEL 4 (M)	FORSYTH	12/26/2014	10/06/2015
COMMUNICATING THREATS (M)	FORSYTH	01/23/2013	04/02/2013
POSSESSION OF FIREARM BY FELON (F)	FORSYTH	04/05/2012	10/30/2012
POSSESSION OF COCAINE (F)	FORSYTH	08/04/2009	09/17/2009
POSSESSION OF COCAINE (F)	FORSYTH	03/25/2009	04/02/2009
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	03/25/2009	04/02/2009
POSSESSION OF COCAINE (F)	DAVIDSON	02/02/2009	07/08/2009
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	05/22/2008	01/08/2009
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	09/19/2006	11/08/2006



# Handout 67



# **MARCUS SHAVERS**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
MAINTAIN VEH/DWELL/PLACE CS (F)	FORYSTH	05/27/2011	06/09/2011
PWISD MARIJUANA (F)	FORSYTH	05/27/2011	06/09/2011
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	05/27/2011	06/09/2011
CONTRIBUTING TO DELINQUENCY OF JUVENILE (M) (x2)	FORSYTH	05/21/2011	06/09/2011
PWISD MARIJUANA (F)	FORSYTH	05/21/2011	06/09/2011
MAINTAIN VEH/DWELL/PLACE CS (F)	FORSYTH	05/21/2011	06/09/2011
PRINCIPAL TO BURGLARY OF A CONVEYANCE (F)	FLORIDA	04/12/2009	07/23/2009
BURGLARY OF A CONVEYANCE (F)	FLORIDA	04/12/2009	07/23/2009
PETIT THEFT PROP VALUE 100 TO UNDER 300 (M)	FLORIDA	04/12/2009	07/23/2009
GRAND THEFT STATUTORY PROPERTY (F)	FLORIDA	04/12/2009	07/23/2009
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	01/18/2006	03/20/2006
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	12/21/2004	02/23/2005
COMMON LAW FORGERY (M)	FORSYTH	01/13/2005	02/11/2005
LARCENY (M)	FORSYTH	05/28/2004	07/23/2004



BREAK OR ENTER A MOTOR VEHICLE (F)	FORSYTH	05/27/2004	07/23/2004
POSSESS STOLEN MOTOR VEHICLE (F)	FORSYTH	05/04/2004	07/23/2004



# Handout 68



# **JOSEPH CAUTHEN**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
BREAKING OR ENTERING (M)	FORSYTH	12/24/2017	03/16/2018
ASSAULT ON FEMALE (M)	FORSYTH	12/24/2017	03/16/2018
DWLR NOT IMPAIRED REV (M)	FORSYTH	10/11/2017	02/16/2018
DWI LEVEL 5 (M)	FORSYTH	03/29/2015	09/27/2016
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	10/13/2014	10/31/2014
PWISD MARIJUANA (F)	FORSYTH	10/13/2014	10/31/2014
INJURY TO REAL PROPERTY (M)	FORSYTH	08/10/2008	09/15/2008
ASSAULT ON FEMALE (M)	FORSYTH	08/10/2008	09/15/2008
BREAKING OR ENTERING (M)	FORSYTH	08/10/2008	09/15/2008
INJURY TO REAL PROPERTY (M)	FORSYTH	06/16/2008	09/15/2008
ASSAULT ON A FEMALE (M)	FORSYTH	06/16/2008	09/15/2008
LARCENY (M)	FORSYTH	06/16/2008	09/15/2008
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	06/23/2008	08/28/2008
RESISTING PUBLIC OFFICER (M)	FORSYTH	06/23/2008	08/28/2008
DWLR (M)	FORSYTH	06/23/2008	08/28/2008
RESISTING PUBLIC OFFICER (M)	FORSYTH	07/03/2005	02/17/2006
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	07/03/2005	02/17/2006



POSSESS DRUG PARAPHERNALIA (M)	FORSTYH	03/25/2004	08/16/2005
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	03/25/2004	08/16/2005
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	01/28/2001	02/28/2001
BREAKING OR ENTERING (M) (x2)	FORSYTH	02/14/2000	02/28/2001
LARCENY (M) (x2)	FORSYTH	02/14/2000	02/28/2001



# Handout 69



# **LAYMOND HAIRSTON**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
ASSAULT GOVERNMENT OFFICIAL/EMPLY (M)	FORSYTH	09/30/2015	05/31/2017
ASSAULT ON FEMALE (M)	FORSYTH	08/25/2015	03/08/2017
FINANCIAL CARD THEFT (F)	FORSYTH	08/25/2015	03/08/2017
POSSESSION OF COCAINE (F)	FORSYTH	08/25/2015	03/08/2017
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	08/25/2015	03/08/2017
1 <sup>st</sup> DEG BURGLARY (F)	FORSYTH	08/25/2015	03/08/2017
ROBBERY WITH DANGEROUS WEAPON (F)	FORSYTH	08/25/2015	03/08/2017
ASSAULT BY POINTING A GUN (M)	FORSYTH	08/25/2015	03/08/2017
HABITUAL FELON (F)	FORSYTH	08/25/2015	03/08/2017
OPEN CNT MBV/UNFWN PROP CY/CTY (M)	FORSYTH	08/02/2014	02/12/2015
RESISTING PUBLIC OFFICER (M)	FORSYTH	08/02/2014	02/12/2015
RESISTING PUBLIC OFFICER (M)	FORSYTH	01/07/2013	08/08/2013
BREAKING AND OR ENTERING (F)	FORSYTH	07/01/2012	08/31/2012
LARCENY (M)	FORSYTH	01/05/2012	01/11/2012
RESISTING PUBLIC OFFICER (M)	FORSYTH	04/27/2012	08/11/2011



DISORDERLY CONDUCT (M)	FORSYTH	04/27/2011	08/11/2011
COMMUNICATING THREATS (M)	FORSYTH	04/27/2011	08/11/2011
DISORDERLY CONDUCT (M)	FORSYTH	03/19/2010	11/02/2010
RESISTING PUBLIC OFFICER (M)	FORSYTH	07/02/2010	07/06/2010
ASSAULT ON FEMALE (M)	FORSYTH	10/06/2009	10/22/2009
COMMUNICATING THREATS (M)	FORSYTH	10/06/2009	10/22/2009
LARCENY (M)	FORSYTH	10/06/2009	10/22/2009
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	10/11/2008	01/14/2009
RESISTING PUBLIC OFFICER (M)	FORSYTH	10/11/2008	01/14/2009
SIMPLE AFFRAY (M)	FORSYTH	09/13/2007	01/14/2009
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	07/30/2005	12/01/2005
ROBBERY WITH DANGEROUS WEAPON (F)	FORSYTH	11/03/2002	09/08/2003
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	06/05/2002	08/01/2003
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	08/26/2002	09/18/2002
RESISTING PUBLIC OFFICER (M)	FORSYTH	02/08/2002	06/26/2002
CARRYING CONCEALED GUN (M)	FORSYTH	10/19/2000	01/11/2001
POSSESSION OF COCAINE (F)	FORSYTH	09/02/2000	10/26/2000



# Handout 70



# **ANJUAN TERRY**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
FELONY SPEEDING TO ELUDE ARREST (F)	FORSYTH	12/15/2015	06/15/2017
POSSESS FIREARM BY FELON (F)	FEDERAL	09/07/2010	02/02/2012
POSSESSION OF COCAINE (F)	FORSYTH	12/01/2006	11/17/2008
MANUFT, POSSESS OTHER SUB SCH I,II,III WITD-1 <sup>st</sup> (M)	GREENVILLE (SC)	05/09/2006	01/14/2009
AWDW SERIOUS INJURY (F)	FORSYTH	04/15/2006	11/17/2008
POSSESSION OF FIREARM BY FELON (F)	FORSYTH	04/15/2006	11/17/2008
PWISD COCAINE (F)	FORSYTH	01/12/2005	05/12/2005
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	01/15/2004	02/05/2004
UNAUTHORIZED USE OF MOTOR VEHICLE (M)	FORSYTH	04/29/2002	07/19/2002



# Handout 71



## Moravia Street Area Map



● Nathaniel Jones  
905 Moravia Street

● Brian Lindsey  
901 Moravia Street

● Shaquitta Moore  
911 Moravia Street

● Calvin Scriven  
824 Moravia Street

● Arnaldi "BJ" Lowery  
821 Moravia Street



# Handout 72



# **LISA BRAYBOY**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
SCHOOL ATTENDANCE LAW VIOLATION (M)	FORSYTH	04/11/2001	06/29/2001
SIMPLE WORTHLESS CHECK (M)	DAVIDSON	11/28/2000	04/16/2001
ASSAULT AND BATTERY	SOUTH CAROLINA	06/08/1993	06/10/1993
CONSPIRACY TO COMMIT SHOPLIFTING MORE THAN \$50	SOUTH CAROLINA	10/14/1992	01/20/1993



# Handout 73



# **DEONIA COLE**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
CRIMINAL CONTEMPT (M)	FORSYTH	12/17/2010	08/11/2011



# Handout 74



# **WILLIE BRYANT**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
TRESPASS WITHOUT A LICENSE (M)	FORSYTH	03/15/1984	04/02/1984



# Handout 75



# **TERESA MCCANTS**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
THEFT OF CABLE TV SERVICE (M)	FORSYTH	03/21/2003	11/19/2003
DWLR (M)	FORSYTH	05/10/1993	06/22/1993
DWLR (M)	FORSYTH	01/13/1991	02/05/1991



# Handout 76



# **ARLENA TOLLIVER**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
ASSAULT GOVT OFFICIAL/EMPLY (M)	FORSYTH	12/27/2006	07/12/2007



# Handout 77



# **LILLIE WATLINGTON**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
TRESPASS OR SLEEP IN PARK VIOLATION (M)	FORSYTH	05/24/2013	07/03/2013
CRIMINAL CONTEMPT (M)	FORSYTH	04/15/2010	06/04/2012
PWISD COCAINE (F)	FORSYTH	11/20/2001	12/06/2001
DELIVER COCAINE (F)	FORSYTH	10/16/2001	12/06/2001
PWIMSD COCAINE (F)	FORSYTH	11/10/2000	02/01/2001
MAINTAIN VEHICLE / DWELL / PLACE CS (F)	FORSYTH	11/10/2000	02/01/2001
MAINTAIN VEHICLE / DWELL / PLACE CS (F)	FORSYTH	07/11/1997	11/06/1997
PWISD COCAINE (F)	FORSYTH	07/11/1997	11/06/1997
HARASSING PHONE CALL (M)	FORSYTH	02/28/1993	04/13/1993



# Handout 78



# **THAYERS TOLLIVER**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
COMMUNICATING THREATS (M)	FORSYTH	06/03/2019	06/24/2019
INJURY TO PERSONAL PROPERTY (M)	FORSYTH	03/03/2017	07/06/2017
INJURY TO REAL PROPERTY (M)	FORSYTH	03/03/2017	07/06/2017
POSSESS MARIJUANA >1/2 TO 1 ½ OZ (M)	FORSYTH	05/19/2016	07/06/2017
POSSESS MARIJUANA PARAPHERNALIA (M)	FORSYTH	05/19/2016	07/06/2017
ASSAULT ON FEMALE (M)	FORSYTH	01/04/2015	05/29/2015
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	01/04/2015	04/13/2015
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	09/14/2013	01/21/2014
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	11/08/2012	02/20/2013
PWISD MARIJUANA (F)	FORSYTH	08/19/2010	12/02/2010
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	08/19/2010	12/02/2010
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	05/05/2010	07/14/2010
CRIMINAL CONTEMPT (M)	FORSYTH	06/25/2003	06/25/2003
LARCENY (M)	FORSYTH	08/27/2002	11/22/2002
SIMPLE ASSAULT (M)	FORSYTH	05/23/2000	06/14/2000



# Handout 79



1 ATTORNEY BRIDENSTINE: What do you mean?

2 MR. TOLLIVER: They trying basically tell me what  
3 to do and tell me what to write. And I wouldn't do it, so  
4 they got real hostile with me, talking about what they going  
5 to do to me --

6 ATTORNEY BRIDENSTINE: What do you mean when you  
7 say they were telling you what to do and what to write?

8 MR. TOLLIVER: Basically, they wanted me to write  
9 a statement that I -- it wasn't true.

10 ATTORNEY BRIDENSTINE: That what wasn't true?

11 MR. TOLLIVER: They wanted me to say stuff about  
12 my brother and about the other guys that wasn't true.

13 ATTORNEY BRIDENSTINE: That wasn't true?

14 MR. TOLLIVER: Yes.

15 ATTORNEY BRIDENSTINE: And --

16 MR. TOLLIVER: And when I wasn't, when I wasn't  
17 going to do it, they talking about what they going to do to  
18 me. And I said no. And we both stood up. I grabbed a  
19 chair, and I'm, like, no. You're not going to physical harm  
20 me or nothing.

21 ATTORNEY BRIDENSTINE: What did they want you to  
22 say that wasn't true?

23 MR. TOLLIVER: Basically, wanted me to lie and say  
24 that my brother made the -- did the murder and stuff and I  
25 wasn't going to do it.



# Handout 80



2           ATTORNEY BRIDENSTINE: Did you ever hear anything  
3 about the case?

4           MS. TOLLIVER: I was at trial.

5           ATTORNEY BRIDENSTINE: Did you ever hear of maybe  
6 who else could have committed the crime if not your brother  
7 and the other defendants?

8           MS. TOLLIVER: I know it wasn't my brother. I  
9 know that for a fact. I heard it was Jed. I also heard it  
10 was Stinky and Rayshawn and Black. That's just hearsay  
11 though, so I don't know.

12          ATTORNEY BRIDENSTINE: When did you hear that?

13          MS. TOLLIVER: That was during the time where I  
14 guess my brother was hanging out with -- well, my brother  
15 and Ray -- I mean my brother and Rayshawn had got locked up,  
16 the five defendants got locked up.

17          ATTORNEY BRIDENSTINE: Um-hmm.

18          MS. TOLLIVER: I was hearing it. I heard Jed had  
19 something to do with it, but like I said I don't know.

20          ATTORNEY BRIDENSTINE: Who did you hear that from?

21          MS. TOLLIVER: Hearsay throughout the  
22 neighborhood. I heard Ms. Geneva talking about it. That's  
23 Christopher's mama. I heard his sister, Nikki, talking  
24 about it. And that was like news traveling [indiscernible]  
25 around the neighborhood so --



1           ATTORNEY BRIDENSTINE: Did you ever hear of any of  
2 the five defendants talk about the case?

3           MS. TOLLIVER: When they were around the police  
4 was doing their investigation, but I don't think they really  
5 -- they was like some man had gotten murdered, but they  
6 didn't know exactly who it was.

7           ATTORNEY BRIDENSTINE: Did you ever hear of any of  
8 the five defendants -- did you ever hear any of the five  
9 defendants admit any sort of a responsibility or  
10 participation in this crime?

11          MS. TOLLIVER: No.

12          ATTORNEY BRIDENSTINE: Did you ever hear any of  
13 the five defendants ever talk about committing robberies?

14          MS. TOLLIVER: No.

15          ATTORNEY BRIDENSTINE: Did you ever know of them  
16 to do anything like that?

17          MS. TOLLIVER: They used to steal a lot of Family  
18 Dollar's kind of stuff. They wouldn't rob a human being.

19          ATTORNEY BRIDENSTINE: So, they wouldn't -- you  
20 never knew or heard of them taking something from someone by  
21 force?

22          MS. TOLLIVER: It's like I said, they wouldn't,  
23 they wouldn't rob somebody. They used to steal like little  
24 petty stuff out of Family Dollar's and stuff, sewing  
25 machines at the store.



1           They wouldn't rob somebody. They didn't like -- or  
2 Christopher and Jermal and Dorrell, I knew them like really  
3 well, like really well. I knew they didn't have the heart  
4 to do anything like that.

5           So they did like little petty stuff like as far as  
6 Family Dollar's and at the Citgo. Other than that, no, not  
7 robbing nobody.

8           ATTORNEY BRIDENSTINE: Did you ever hear of  
9 Rayshawn Banner and Nathaniel Cauthen to --

10          MS. TOLLIVER: Now them --

11          ATTORNEY BRIDENSTINE: -- commit robbery?

12          MS. TOLLIVER: -- are two different breeds, so I  
13 don't know. They a little bit more hard core than  
14 Christopher, Jermal, and Brayboy.

15          ATTORNEY BRIDENSTINE: Did you ever know of them  
16 to commit robberies?

17          MS. TOLLIVER: I mean, like I said, they were a  
18 little -- a lot rough around the edges from Jermal, Bubba,  
19 and Brayboy.

20          ATTORNEY BRIDENSTINE: Then -- I guess what I'm  
21 trying to say, is do you have any personal knowledge of them  
22 committing robberies?

23          MS. TOLLIVER: No, I don't.

24          ATTORNEY BRIDENSTINE: Did you ever know of any of  
25 the five defendants to ever brag about committing robberies?



1 MS. TOLLIVER: No.

2 ATTORNEY BRIDENSTINE: Did you ever hear about any  
3 of the five defendants in connection with the robbery of a  
4 WIC store?

5 MS. TOLLIVER: Huh-uh. No.

6 ATTORNEY BRIDENSTINE: What about Anjuan or  
7 Joseph Black who -- I'm sorry, Joseph Cauthen who you knew  
8 as Black? Those two individuals. Did you ever hear about  
9 them in connection with committing robberies?

10 MS. TOLLIVER: I heard about it, but like I said,  
11 Ms. Geneva and Nikki, they talk a lot. So I don't know how  
12 true it was or --

13 ATTORNEY BRIDENSTINE: Okay. Did you have any  
14 personal knowledge of those --

15 MS. TOLLIVER: No, I didn't.

16 ATTORNEY BRIDENSTINE: -- two individuals  
17 committing robbery?

18 MS. TOLLIVER: They never walked up to me and said  
19 hey, I robbed a store. No.

20 ATTORNEY BRIDENSTINE: Did Joseph Cauthen ever  
21 talk about committing robberies in front of you? That was  
22 Black.

23 MS. TOLLIVER: No.

24 ATTORNEY BRIDENSTINE: Did you ever hear anyone  
25 talk about planning a robbery of an old man prior to this



1 case happening?

2 MS. TOLLIVER: No.

3 ATTORNEY BRIDENSTINE: Did Joseph Cauthen or who  
4 you know as Black, ever ask either you or Thayers or anyone  
5 else in your family for help in committing a robbery?

6 MS. TOLLIVER: No.

7 ATTORNEY BRIDENSTINE: What about Rayshawn and  
8 Nathaniel?

9 MS. TOLLIVER: No.

10 ATTORNEY BRIDENSTINE: Were there any problems  
11 before this case happened between your family and Rayshawn  
12 and Nathaniel's family?

13 MS. TOLLIVER: They weren't getting -- I mean they  
14 were boys. They used to fight like here and there. Like as  
15 far as like serious like getting the police involved, no.

16 ATTORNEY BRIDENSTINE: Did you ever hear or  
17 witness anything between Thayers and Joseph Cauthen or  
18 Black?

19 MS. TOLLIVER: They got into it one time behind  
20 Stinky and Rayshawn's.

21 ATTORNEY BRIDENSTINE: And what was that? What  
22 happened there?

23 MS. TOLLIVER: A fight.

24 ATTORNEY BRIDENSTINE: Did Joseph Cauthen ever  
25 threaten your family?



1 MS. TOLLIVER: Um-hmm. I'm talking right now. Go  
2 back to Sonada if you need something.

3 ATTORNEY BRIDENSTINE: I'm sorry. You said what?

4 MS. TOLLIVER: I mean, yeah.

5 ATTORNEY BRIDENSTINE: Were there -- what happened  
6 there?

7 MS. TOLLIVER: He threatened to shoot up our  
8 house, but it never happened.

9 ATTORNEY BRIDENSTINE: When was that? When did  
10 that happen?

11 MS. TOLLIVER: When Black and Gizmo had got --  
12 well Black and Thayers had got into that fist fight over at  
13 Stinky and Rayshawn's. I think it -- if I'm, I'm thinking  
14 it had something to do about Stinky and Rayshawn hitting  
15 Jermal in the face. And Gizmo and Black had ended up  
16 getting into it.

17 ATTORNEY BRIDENSTINE: So is it fair to say they  
18 were -- they got into a fight because they were protecting  
19 their --

20 MS. TOLLIVER: Their brothers.

21 ATTORNEY BRIDENSTINE: -- younger brothers?

22 MS. TOLLIVER: Yes.

23 ATTORNEY BRIDENSTINE: Did you have any issues  
24 between you and Nathaniel Cauthen or Rayshawn Banner?

25 MS. TOLLIVER: I mean I went out there cussing



1   them out because they hit my brother, so -- but I never like  
2   got into a fistfight with them.

3           ATTORNEY BRIDENSTINE: Did you ever threaten  
4   either one of them with a knife?

5           MS. TOLLIVER: Probably so.

6           ATTORNEY BRIDENSTINE: Do -- what was that about?

7           MS. TOLLIVER: Because he threatened to shoot up  
8   my house, so, I mean, yeah.

9           ATTORNEY BRIDENSTINE: Who did you threaten with a  
10   knife?

11          MS. TOLLIVER: Black. He spit at me, I think, and  
12   I think that's why I really reacted the way I did.

13          ATTORNEY BRIDENSTINE: How close in time did this  
14   fight happen with this case?

15          MS. TOLLIVER: It was like in -- I don't think it  
16   was close together.

17          ATTORNEY BRIDENSTINE: It happened previous to  
18   this?

19          MS. TOLLIVER: Um-hmm.

20          ATTORNEY BRIDENSTINE: All right. I am going to  
21   show you what I'm going to mark as Exhibit 49, right?

22                   (Exhibit Number 49 was identified.)

23          INVESTIGATOR MYERS: Um-hmm.

24          ATTORNEY BRIDENSTINE: Forty-nine and it is the  
25   transcript of your recorded statement with the police.



1 Okay. If you could just review that. I have a couple  
2 questions about that.

3 MS. TOLLIVER: This is my statement, I think,  
4 Hunter went over with me. It's like I told Hunter, most of  
5 this stuff is before they had started recording it's kind of  
6 leading.

7 ATTORNEY BRIDENSTINE: Was leading?

8 MS. TOLLIVER: Yeah. It's like they wouldn't let  
9 me go or in the interview the cops said pretty much what  
10 they wanted me to say. Because half this stuff right here  
11 I, I really didn't hear them saying none of this stuff.

12 Hunter also let me know that they really didn't arrest  
13 my brothers until my statement. And that kind of made me  
14 feel bad even though I was saying what they -- what the  
15 officers pretty much wanted to hear.

16 ATTORNEY BRIDENSTINE: What makes you say that you  
17 knew what they wanted you to say?

18 MS. TOLLIVER: What they wanted to hear.

19 ATTORNEY BRIDENSTINE: What they wanted to hear?

20 MS. TOLLIVER: Because like no matter, like no  
21 matter how many times I went over that they didn't have  
22 anything to do with it, they wasn't down there. They just  
23 really wasn't trying to hear what I was, I was saying until  
24 I actually said what I wanted -- until I actually said what  
25 they -- I felt like they wanted to hear so I could go home



1 and so my brothers can go home. So -- well, my brother,  
2 because I, I think of Christopher as my brother, too, so --

3 ATTORNEY BRIDENSTINE: So you said what you said  
4 because you thought it would allow --

5 MS. TOLLIVER: All of us to go home.

6 ATTORNEY BRIDENSTINE: -- all of you to go home?

7 MS. TOLLIVER: Um-hmm.

8 ATTORNEY BRIDENSTINE: Did they ever talk to you  
9 about going home or allowing anyone else to go home?

10 MS. TOLLIVER: Yes, and after I gave the  
11 statement, they asked me about a robbery or something -- I  
12 knew nothing about.

13 ATTORNEY BRIDENSTINE: What did the  
14 police officers specifically say to you that you made you  
15 think that you would get to go home once you said what they  
16 wanted to hear?

17 MS. TOLLIVER: The faster we get over -- I mean  
18 the faster we do the interview, the faster everybody can get  
19 out of here and go home.

20 ATTORNEY BRIDENSTINE: Do you remember which  
21 officer said that?

22 MS. TOLLIVER: I think I had a man and a woman in  
23 there and it was the man. This thing's so irritating. I  
24 don't remember that.

25 ATTORNEY BRIDENSTINE: What part?



1 MS. TOLLIVER: That my brother saying he was  
2 supposed to been going bowling, with Jessicah. And I was  
3 like, like I said I knew, I went over there because I went  
4 with her dad. It was her dad.

5 ATTORNEY BRIDENSTINE: Really went to --

6 MS. TOLLIVER: To bowling.

7 ATTORNEY BRIDENSTINE: -- to bowling.

8 MS. TOLLIVER: Um-hmm.

9 ATTORNEY BRIDENSTINE: And when you say you were  
10 with her dad, you're talking about you were with the father  
11 of your oldest child?

12 MS. TOLLIVER: Um-hmm. I was over at his house.  
13 So I don't really know if they -- what happened that -- I  
14 don't know who they was with.

15 ATTORNEY BRIDENSTINE: So you were with --

16 MS. TOLLIVER: Sonada's dad.

17 ATTORNEY BRIDENSTINE: -- on the day of the crime?

18 MS. TOLLIVER: Um-hmm. I really don't remember  
19 them talking or going downstairs either. Like I said, I was  
20 just pretty much saying what they wanted to hear so I could  
21 go home.

22 I was tired. I had been sitting there for hours. I  
23 really wasn't thinking Rayshawn or Stinky were out robbing  
24 nobody either.

25 Just sitting here looking at this statement and



1 thinking, back then I was 17 years old. I got two  
2 detectives sitting in my face and what I was telling them  
3 for like the first 30, 45 minutes, they not trying to hear  
4 me.

5 They not trying to record nothing. They not trying to  
6 do nothing. They not really listening to me. So I'm going  
7 to say what I need to say so me and my brothers can go home.

8 And I didn't know anything about this case until they  
9 told me like specifics of what was going on. I didn't know  
10 nothing about the WIC store, I didn't know nothing about a  
11 robbery.

12 I like didn't know this man. My brothers didn't know  
13 this man. Like we didn't even know -- we didn't even know  
14 where he stayed a until all of this.

15 ATTORNEY BRIDENSTINE: When you say your brothers,  
16 you're talking about Jermal --

17 MS. TOLLIVER: Jermal and Bubba.

18 ATTORNEY BRIDENSTINE: -- and Bubba? Okay.

19 MS. TOLLIVER: They were [indiscernible] I don't  
20 even remember -- I don't even remember saying this.

21 ATTORNEY BRIDENSTINE: Saying what?

22 MS. TOLLIVER: They were [indiscernible] me.

23 UNIDENTIFIED FEMALE: Mama --

24 MS. TOLLIVER: Okay. Yeah. Thank you. To say --  
25 I wasn't scared of none of them in the neighborhood.



1 Because I would, I would fight anybody at that time, male,  
2 female, kid, anybody in the neighborhood knew Gizmo and  
3 Jermal's sister, know I didn't care.

4 So like I said, I was pretty much saying what they  
5 wanted to hear so I could go. So we could go. I don't, I  
6 don't remember nobody named T.

7 ATTORNEY BRIDENSTINE: T?

8 MS. TOLLIVER: Um-hmm.

9 (Phone ringing.)

10 MS. TOLLIVER: This is my fiancé --

11 (On the phone.)

12 MS. TOLLIVER: Yes, honey. I'm sitting here  
13 talking to these -- the innocence project for my brother.  
14 Okay. I love you, too. What? What is wrong with you? You  
15 childish.

16 (Off the phone.)

17 MS. TOLLIVER: I'm not even sure Jessica was  
18 really Black's girlfriend. I think she was just like a --  
19 somebody used to just give him -- they used to just drive  
20 her car to like ride around with her.

21 So I don't think that was really Black's girlfriend. I  
22 don't -- I'm not, she might have been. I'm not quite sure  
23 because this was so long ago.

24 ATTORNEY BRIDENSTINE: Do you remember  
25 Jessica Black?



1 MS. TOLLIVER: Yeah, I do. She used to try to be  
2 my friend but that wasn't my cup of tea. Like I always been  
3 alone, like stay to myself.

4 Oh, I do remember Opie. Opie stayed right next door to  
5 Bubba, with his dad. I don't believe I remember saying half  
6 of this stuff. [Indiscernible.] I was probably never home  
7 anyway. I was always with her.

8 ATTORNEY BRIDENSTINE: Your daughter?

9 MS. TOLLIVER: Her dad, at his house -- so he  
10 stayed in Lincoln Apartments at the time. So I was probably  
11 -- like I said, I was probably just saying some stuff so we  
12 can all go home.

13 Because they was pretty much like it, the sooner we get  
14 this interview over, the sooner everybody can go home. So I  
15 just said something so we could go home.

16 ATTORNEY BRIDENSTINE: Is that true just during  
17 the, the recorded statement or also true when you were being  
18 interviewed earlier?

19 MS. TOLLIVER: When they tried to make me write a  
20 statement?

21 ATTORNEY BRIDENSTINE: Before they recorded your  
22 statement were you just --

23 MS. TOLLIVER: They tried to make me write a  
24 statement and I didn't write the statement. So then that's  
25 when he pulled out the recorder.



1           ATTORNEY BRIDENSTINE: But during that time -- so  
2 the whole time that you were talking to the cops, were you  
3 just saying what you thought you needed to say to go home?

4           MS. TOLLIVER: Um-hmm. Pretty much.

5           ATTORNEY BRIDENSTINE: So, it's -- is it fair to  
6 say that what you told the police was not completely  
7 accurate?

8           MS. TOLLIVER: It wasn't accurate.

9           ATTORNEY BRIDENSTINE: And at the time that you  
10 were talking to the police, did you know that what you were  
11 saying was not accurate?

12           MS. TOLLIVER: I did. It was just so we can go  
13 home. And like I said, I was 16 or 17 at the time and I'm  
14 sitting up here with these two detectives that seem really  
15 irritated. And seem like they just had enough of our shit  
16 that day.

17           So I was just, I'm tired, too, and I want to go home  
18 with my -- I want them to go home. So I'm going to say what  
19 I feel like they want to hear so we can go home.

20           ATTORNEY BRIDENSTINE: All right. I just want to  
21 go over a few of the things that were said in this interview  
22 and also in other reports.

23           And just ask you if it's accurate or not. Did you  
24 overhear while in bed, Christopher Bryant and Jermal talking  
25 about going to a park on Friday night?



1 MS. TOLLIVER: The only time I recall them going  
2 to a park was when the officers and stuff was around the  
3 corner investigating, I guess, what was going on. They was  
4 basic being nosy, like everybody else.

5 ATTORNEY BRIDENSTINE: Did you hear Christopher  
6 Bryant and Jermal talking about Stinky, Banner, Anjuan, and  
7 Black watching a man as he drove down a street, driving down  
8 to his house, laying up at the man's house, and waiting  
9 until he was going inside and shutting the door?

10 MS. TOLLIVER: No.

11 ATTORNEY BRIDENSTINE: Did you hear Christopher  
12 Bryant and Jermal talking about how Banner then peeked at  
13 the man in the window. That Brayboy had been with them and  
14 knew about it but did not go all -- but did not go down to  
15 the house?

16 MS. TOLLIVER: Huh-uh.

17 ATTORNEY BRIDENSTINE: So that's not accurate?

18 MS. TOLLIVER: No.

19 ATTORNEY BRIDENSTINE: Did Christopher and Jermal  
20 tell you that they were supposed to go bowling but that that  
21 did not happen?

22 MS. TOLLIVER: I wasn't there.

23 ATTORNEY BRIDENSTINE: Have you ever heard  
24 Rayshawn Banner and Stinky or Nathaniel Cauthen talk about  
25 robberies before, but they were just -- you thought they



1 were just playing?

2 MS. TOLLIVER: No.

3 ATTORNEY BRIDENSTINE: Did Black ever threaten  
4 Jermal?

5 MS. TOLLIVER: Like I said, when they got into a  
6 fight before was years ago with Thayers.

7 ATTORNEY BRIDENSTINE: Did you -- is it accurate  
8 that you understood that they were at the park, but they  
9 were with a white girl?

10 MS. TOLLIVER: Everybody knew they was always with  
11 her.

12 ATTORNEY BRIDENSTINE: Did Jermal tell you that  
13 Black and Anjuan were threatening him?

14 MS. TOLLIVER: No.

15 ATTORNEY BRIDENSTINE: Did you see all of the  
16 defendants with a white girl on that Friday -- with  
17 Jessicah?

18 MS. TOLLIVER: I wasn't there.

19 ATTORNEY BRIDENSTINE: That's not accurate?

20 MS. TOLLIVER: No. I'm talking so what is it?

21 UNIDENTIFIED FEMALE: Can I get some  
22 [indiscernible] food?

23 MS. TOLLIVER: Can you tell Sonada because she's  
24 the big one?

25 UNIDENTIFIED FEMALE: Yeah.



1 MS. TOLLIVER: Okay. Bye. What'd I tell you  
2 about yeah? You don't say yeah, what do you say?

3 UNIDENTIFIED FEMALE: Yes.

4 MS. TOLLIVER: Okay, well, go tell your sister.  
5 She's in the kitchen. Bye.

6 ATTORNEY BRIDENSTINE: Did Jermal cry in his bed?

7 MS. TOLLIVER: No. That's not funny, but I don't  
8 recall him ever crying unless me and him got like in a  
9 fistfight or something from me scratching him or something.  
10 But other than that, no. I just, not just -- no.

11 ATTORNEY BRIDENSTINE: That weekend after the  
12 crime happened, was Jermal acting differently?

13 MS. TOLLIVER: No, I mean they were all acting the  
14 same. I mean they was just being kids, being nosy. Trying  
15 to find out what was going on.

16 ATTORNEY BRIDENSTINE: Did you overhear  
17 Christopher say, and this is a quote, "At least we didn't go  
18 down there. We were with the girl. At least we got a  
19 witness"?

20 MS. TOLLIVER: No. I don't recall.

21 ATTORNEY BRIDENSTINE: Did Brayboy ever tell them  
22 that you're aware of, about an old man having money?

23 MS. TOLLIVER: No.

24 ATTORNEY BRIDENSTINE: Did anyone try to pull  
25 Thayers Tolliver into this robbery, but Thayers said no?



1 MS. TOLLIVER: No.

2 ATTORNEY BRIDENSTINE: Did --

3 MS. TOLLIVER: No, go ahead.

4 ATTORNEY BRIDENSTINE: Sorry. Did Rayshawn Banner  
5 ever talk about this plan for a robbery back in October  
6 before it happened?

7 MS. TOLLIVER: I don't recall.

8 ATTORNEY BRIDENSTINE: Did Rayshawn Banner ever  
9 talk to Thayers about wanting to get quick money. And that  
10 he told Thayers that he, Rayshawn, his brother, and his  
11 cousin were going to rob a man?

12 MS. TOLLIVER: I really don't recall because like  
13 I said, nine times out of 10, I was probably at my  
14 boyfriend's house at the time. I just kept saying what they  
15 wanted to hear so I could -- so we can go home.

16 ATTORNEY BRIDENSTINE: Did you hear from anyone  
17 that Nathaniel Cauthen, Rayshawn Banner, Black, Anjuan, and  
18 Dorrell Brayboy were involved in this case?

19 MS. TOLLIVER: No. I heard -- not Brayboy but the  
20 other ones.

21 ATTORNEY BRIDENSTINE: And is that part of the --  
22 what you told us earlier when you said that you didn't know  
23 where you heard that information from, it was just talk on  
24 the street?

25 MS. TOLLIVER: Right.



1                   ATTORNEY BRIDENSTINE: Did you hear that the white  
2 girl drove all the boys to the park?

3                   MS. TOLLIVER: I don't recall.



# Handout 81



# **NELSON HARTMAN**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
HABITUAL FELON (F)	FORSYTH	10/07/2011	11/15/2012
1 <sup>st</sup> DEG. RAPE (F)	FORSYTH	10/07/2011	11/15/2012
1 <sup>st</sup> DEG. SEXUAL OFFENSE (F)	FORSYTH	10/07/2011	11/15/2012
POSSESS FIREARM BY FELON (F)	FORSYTH	10/07/2011	11/15/2012
BREAKING AND/OR ENTERING (F)	DAVIDSON	09/07/2010	02/10/2011
LARCENY AFTER BREAK/ENTER (F)	DAVIDSON	09/07/2010	02/10/2011
BREAKING AND/OR ENTERING (F) (x3)	DAVIDSON	09/03/2010	02/10/2011
LARCENY (F)	DAVIDSON	08/23/2010	02/10/2011
POSS MARIJ > 1/2 TO 1 ½ OZ (M)	FORSYTH	03/28/2009	06/29/2009
BREAKING OR ENTERING (M)	FORSYTH	03/19/2009	06/19/2009
ASSAULT BY POINTING GUN (M)	FORSYTH	03/19/2009	06/19/2009
BREAKING AND/OR ENTERING (F)	FORSYTH	02/17/2009	05/21/2009
LARCENY AFTER BREAK/ENTER (F)	FORSYTH	02/17/2009	05/21/2009
BREAKING AND/OR ENTERING (F)	FORSYTH	10/16/2008	05/21/2009
LARCENY AFTER BREAK/ENTER (F)	FORSYTH	10/16/2008	05/21/2009
ASSAULT ON GOVT OFFICIAL/EMPLOY (M)	FORSYTH	08/26/2007	05/14/2008



MALICIOUS CONDUCT BY PRISONER (F)	FORSYTH	08/26/2007	05/14/2008
ASSAULT ON FEMALE (M)	FORSYTH	08/26/2007	05/14/2008
2 <sup>nd</sup> DEG TRESPASS (M)	FORSYTH	07/23/2007	10/26/2007
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	07/23/2007	10/26/2007
CARRYING CONCEALED WEAPON (M)	FORSYTH	07/23/2007	10/26/2007
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	04/20/2007	07/10/2007
CARRYING CONCEALED WEAPON (M)	FORSYTH	07/28/2006	08/31/2006
POSSESSION OF COCAINE (F)	FORSYTH	07/28/2006	08/31/2006
ALTER/REMOVE NMV SERIAL NUMBER (M)	FORSYTH	07/28/2006	08/31/2006
POSSESS MTBV / U-WN BY 19/20 (M)	FORSYTH	12/14/2005	01/18/2006
BREAKING OR ENTERING (M)	FORSYTH	05/20/2004	08/13/2004



# Handout 82



# **DONAVAN WEST**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
HABITUAL FELON (F)	FORSYTH	12/10/2016	09/09/2019
CARRYING CONCEALED GUN (M)	FORSYTH	12/10/2016	09/09/2019
PWISD COCAINE (F)	FORSYTH	12/10/2016	09/09/2019
RESISTING PUBLIC OFFICER (M)	FORSYTH	12/10/2016	09/09/2019
POSSESSION OF FIREARM BY FELON (F)	FORSYTH	12/10/2016	09/09/2019
DWLR (M)	FORSYTH	10/24/2013	12/03/2014
RESISTING PUBLIC OFFICER (M)	FORSYTH	10/24/2013	12/03/2014
FLEE/ELUDE ARREST (M)	FORSYTH	10/24/2013	12/03/2014
AWDW GOVERNMENTAL OFFICIAL (F)	FORSYTH	10/24/2013	12/03/2014
POSS/CON BEER/WINE UNAUT PREM (M)	FORSYTH	06/19/2011	08/29/2011
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	02/04/2009	07/07/2009
RESISTING PUBLIC OFFICER (M)	FORSYTH	02/04/2009	07/07/2009
BREAKING AND/OR ENTERING (F)	FORSYTH	10/16/2008	08/21/2009
LARCENY AFTER BREAK/ENTER (F)	FORSYTH	10/16/2008	08/21/2009
POSSESSION OF COCAINE (F)	FORSYTH	05/29/2007	07/13/2007



BREAKING AND/OR ENTERING (F)	FORSYTH	10/30/2006	03/23/2007
LARCENY AFTER BREAK/ENTER (F)	FORSYTH	10/30/2006	03/23/2007
BREAKING AND/OR ENTERING (F)	FORSYTH	10/30/2006	03/23/2007
BREAKING AND/OR ENTERING (F)	FORSYTH	10/30/2006	03/23/2007
LARCENY AFTER BREAK/ENTER (F)	FORSYTH	10/30/2006	03/23/2007
BREAKING OR ENTERING (M)	FORSYTH	08/24/2006	10/27/2006



# Handout 83



# **DERRICK GARLINGTON**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
ASSAULT ON A FEMALE (M)	FORSYTH	12/20/2016	04/13/2017
BREAKING AND OR ENTERING (F)	FORSYTH	06/26/2015	09/10/2015
LARCENY OF MOTOR VEHICLE (F)	FORSYTH	06/26/2015	09/10/2015
POSSESS DRUG PARAPHERNALIA (M)	FORSTYH	08/09/2014	01/09/2015
2 <sup>nd</sup> DEG TRESPASS (M)	FORSYTH	08/06/2014	01/09/2015
ASSAULT ON A FEMALE (M)	FORSTYH	05/25/2014	08/04/2014
LARCENY (M)	FORSYTH	02/17/2014	03/20/2014
ASSAULT ON A FEMALE (M)	FORSYTH	12/18/2013	01/20/2014
ASSAULT ON FEMALE (M)	FORSYTH	10/20/2013	01/12/2014
INTOXICATED AND DISRUPTIVE (M)	FORSYTH	10/12/2013	10/15/2013
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	07/30/2013	09/10/2013
RESISTING PUBLIC OFFICER (M)	FORSYTH	03/01/2011	08/14/2012
RESISTING PUBLIC OFFICER (M)	FORSYTH	11/01/2011	12/12/2011
LARCENY FROM THE PERSON (F)	FORSYTH	04/25/2011	06/03/2011
RESISTING PUBLIC OFFICER (M)	FORSYTH	10/15/2008	11/06/2008



PWISD COUNTERFEIT CS (F)	FORSYTH	07/01/2008	08/28/2008
BREAKING AND OR ENTERING (F) (x2)	FORSYTH	09/28/2007	05/09/2008
LARCENY AFTER BREAK/ENTER (F) (x2)	FORSYTH	09/28/2007	05/09/2008
CARRYING CONCEALED WEAPON (M)	FORSYTH	08/21/2007	09/06/2007
PWISD COUNTERFEIT CS (F)	FORSYTH	08/21/2007	09/06/2007
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	08/21/2007	09/06/2007
POSSESS MARIJUANA >1/2 TO 1 ½ OZ (M)	FORSYTH	04/20/2007	07/10/2007
LARCENY OF MOTOR VEHICLE (F)	FORSYTH	03/25/2003	04/16/2004
UNAUTHORIZED USE OF MOTOR VEHICLE (M)	ROWAN	12/31/2003	03/23/2004
RESISTING PUBLIC OFFICER (M)	ROWAN	12/31/2003	03/23/2004
LARCENY (M)	FORSYTH	11/13/2002	03/14/2003
LARCENY OF MOTOR VEHICLE (F)	FORSYTH	11/02/2002	03/14/2003
LARCENY (M)	FORSYTH	07/21/2002	10/18/2002
POSSESS STOLEN GOODS/PROP (M)	FORSYTH	07/12/2002	10/18/2002



# Handout 84



# **DWAYNE HOUSE**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
LARCENY (M)	FORSYTH	08/04/2012	11/21/2012
SHOPLIFTING CONCEALMENT GOODS (M)	FORSYTH	05/28/2010	11/05/2010
AWDW SERIOUS INJURY (F)	FORSYTH	05/12/2005	06/29/2009
CONSPIRE TO COMMIT RWDW (F)	FORSYTH	05/12/2005	06/29/2009
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	05/04/2008	09/23/2008



# Handout 85



# **BRANDON ODOM**

## **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
RESISTING PUBLIC OFFICER (M)	FORSYTH	04/05/2012	05/03/2012
PWISD COCAINE (F)	FORSYTH	03/17/2011	03/26/2012
SELL COCAINE (F)	FORSYTH	03/17/2011	03/26/2012
SELL/DELIVER COCAINE (F)	FORSYTH	03/17/2011	03/26/2012
DELIVER COCAINE (F)	FORSYTH	03/17/2011	03/26/2012
ELUDE ARREST MV 2 AGGRAVATING FACTORS (F)	FORSYTH	03/17/2011	03/26/2012
HABITUAL MISDEMEANOR ASSAULT (F)	FORSYTH	11/15/2010	03/26/2012
PWISD COCAINE	FORSYTH	08/26/2010	03/26/2012
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	08/26/2010	03/26/2012
POSSESS DRUG PARAPHERNALIA (M)	FORSYTH	08/26/2010	03/26/2012
PWISD COCAINE (F)	FORSYTH	08/26/2010	03/26/2012
HABITUAL FELON (F)	FORSYTH	05/12/2010	03/26/2012
PWISD COCAINE (F)	FORSYTH	05/26/2010	03/26/2012
PWISD COCAINE (F)	FORSYTH	03/18/2010	03/26/2012
DWLR (M)	FORSYTH	12/28/2010	09/16/2011
RESISTING PUBLIC OFFICER (M)	FORSYTH	12/31/2009	09/14/2010
ASSAULT ON FEMALE (M)	FORSYTH	04/11/2010	08/03/2010



POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	07/10/2009	04/15/2010
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	04/08/2009	04/15/2010
POSSESSION OF COCAINE (F)	FORSYTH	04/08/2009	04/15/2010
POSS F- WN/LG/MXBV <21 (M)	FORSYTH	01/08/2009	03/16/2009
DWLR (M)	FORSYTH	12/29/2008	03/16/2009
ALLOW UNLICENSED TO DRIVE (M)	FORSYTH	12/29/2008	03/16/2009
RESISTING PUBLIC OFFICER (M)	FORSYTH	07/31/2008	03/16/2009
RESISTING PUBLIC OFFICER (M)	FORSYTH	09/18/2008	01/21/2009
POSSESS MARIJUANA UP TO ½ OZ (M)	FORSYTH	04/16/2008	09/04/2008
BREAKING AND OR ENTERING (F) (x3)	FORSYTH	10/30/2006	02/23/2007
LARCENY AFTER BREAK/ENTER (F) (x2)	FORSYTH	10/30/2006	02/23/2007
ASSAULT ON GOVERNMENT OFFICIAL/EMPLOY (M)	FORSYTH	09/20/2004	05/09/2005
LARCENY (M)	FORSYTH	12/16/2004	02/23/2005
SOLICIT TO COMMIT ASSAULT OF DEADLY WEAPON (F)	ROWAN	10/20/2004	11/10/2004
ELUDE ARREST MV >=3 AGGRAVATING FACTORS (F)	ROWAN	10/20/2004	11/10/2004
POSSESS STOLEN VEHICLE (F)	ROWAN	10/20/2004	11/10/2004



# Handout 86



2 March 2020

North Carolina Innocence Inquiry Commission  
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Re: *State v. Christopher Bryant* (02 CRS 38886); *State v. Nathaniel Cauthen* (02 CRS 38884)  
*State v. Rayshawn Banner* (02 CRS 38883); *State v. Jermal Tolliver* (02 CRS 38882)

## I. INTRODUCTION

I have been asked to examine case material in the matter of **Rayshawn Banner, Dorrell Brayboy (deceased), Christopher Bryant, Nathaniel Cauthen, and Jermal Tolliver** in order to identify the potential presence of factors that could have contributed to false or unreliable confessions. In retaining me to examine this case, the North Carolina Innocence Inquiry Commission staff explained that NCIIC is a neutral state agency that seeks all relevant information pertaining to the case and that my report will be forwarded to the Commission regardless of its content or conclusions.

In the following report, I describe the general problem of false confessions in police interrogations, particularly among juvenile suspects. I discuss the scientific research on factors associated with false confessions that are relevant to this case. In doing so, I do not express an opinion about the veracity any specific confession involved in this case. Rather, the research findings I summarize—many of which are not only beyond common knowledge but are actually counterintuitive—can hopefully assist the Commission in its assessment of the interrogations and confessions that occurred in this case.

## II. QUALIFICATIONS

I am an Associate Professor of Criminal Justice in the L. Douglas Wilder School of Government & Public Affairs at Virginia Commonwealth University in Richmond, Virginia. I hold a master's degree in Public Policy and a PhD in Developmental Psychology from Georgetown University. My areas of training and research expertise include adolescent development in legal contexts. I specialize in the study of police interrogation, particularly interrogation of juvenile suspects. My



research contributes to and draws upon the extensive scientific literature on police interrogation and its associated components, including confessions and false confessions, police interrogation tactics, developmentally based vulnerabilities during interrogation, and police use of coercion.

I have authored or co-authored more than twenty (20) peer-reviewed scientific publications, primarily in my field's leading academic journals. I have presented or co-presented over thirty (30) research papers at academic conferences. I have given invited lectures regarding police interrogation, adolescent development, and juvenile justice to police departments and attorney organizations at the local, state, and federal levels, including the Federal Bureau of Investigation, The Virginia state legislature, and statewide public defender conferences in Georgia, Mississippi, and Virginia. My research has been featured in national news outlets such as the *New York Times*, and I have won several awards for my interrogation-related scholarship. Detailed information about my qualifications is available in my curriculum vitae, included as an appendix to this report.

### **III. MATERIALS REVIEWED**

During my preparation for this report, I reviewed the following case materials:

- 1) Case timeline prepared by NCIIC (100 pp.)
- 2) School records of Christopher Bryant (44 pp.)
- 3) School records of Nathaniel Cauthen (37 pp.)
- 4) School records of Jermal Tolliver (274 pp.)
- 5) School records of Rayshawn Banner (142 pp.)
- 6) Prison educational records of Dorrell Brayboy (13 pp.)
- 7) Prison educational records of Rayshawn Banner (15 pp.)
- 8) Prison educational records of Nathaniel Cauthen (18 pp.)
- 9) Prison educational records of Jermal Tolliver (15 pp.)
- 10) Prison educational records of Christopher Bryant (16 pp.)
- 11) Audio recording of Winston-Salem Police Department (WSPD) interview with Jessicah Black (11/19/2002; 33 mins)
- 12) Transcript of WSPD interview with Jessicah Black (35 pp.)
- 13) Audio recording of Jermal Tolliver's confession statement (11/19/2002; 29 mins)
- 14) Transcript of Jermal Tolliver's confession statement (28 pp.)
- 15) Audio recording of Jermal Tolliver's Bruton statement (11/20/2002; 29 mins)
- 16) Transcript of Jermal Tolliver's Bruton statement (8 pp.)
- 17) Audio recording of Rayshawn Banner's confession statement (11/20/2002; 25 mins)
- 18) Transcript of Rayshawn Banner's confession statement (25 pp.)
- 19) Audio recording of Rayshawn Banner's Bruton statement (11/20/2002; 7 mins)
- 20) Transcript of Rayshawn Banner's Bruton statement (8 pp.)
- 21) Audio recording of Nathaniel Cauthen's confession statement (11/19/2002; 20 mins)



- 22) Transcript of Nathaniel Cauthen's confession statement (33 pp.)
- 23) Audio recording of Nathaniel Cauthen's Bruton statement (11/19/2002; 6 mins)
- 24) Transcript of Nathaniel Cauthen's Bruton statement (6 pp.)
- 25) Audio recording of Christopher Bryant's confession statement (11/19/2002; 11 mins)
- 26) Transcript of Christopher Bryant's confession statement (14 pp.)
- 27) Audio recording of Christopher Bryant's Bruton statement (11/19/2002; 9 mins)
- 28) Transcript of Christopher Bryant's Bruton statement (11 pp.)
- 29) Audio recording of Dorrell Brayboy's first confession statement (11/19/2002; 20 mins)
- 30) Transcript of Dorrell Brayboy's first confession statement (25 pp.)
- 31) Audio recording of Dorrell Brayboy's second confession statement (11/19/2002; 9 mins)
- 32) Transcript of Dorrell Brayboy's second confession statement (9 pp.)
- 33) Audio recording of Dorrell Brayboy's Bruton statement (11/20/2002; 5 mins)
- 34) Transcript of Dorrell Brayboy's Bruton statement (7 pp.)
- 35) Transcript of Bryant and Tolliver suppression hearing (263 pp.)
- 36) FSR report of Bryant and Tolliver suppression hearing (10 pp.)
- 37) Transcript of Banner suppression hearing (46 pp.)
- 38) FSR report of Banner suppression hearing (4 pp.)
- 39) Transcript of Cauthen suppression hearing (292 pp.)
- 40) FSR report of Cauthen suppression hearing (16 pp.)
- 41) Transcript of Brayboy suppression hearing (131 pp.)
- 42) FSR report of Brayboy suppression hearing (7 pp.)
- 43) WSPD partial file (429 pp.)
- 44) FSR report of WSPD partial file (22 pp.)
- 45) WSPD full file (1,440 pp.)
- 46) FSR report of WSPD full file (43 pp.)
- 47) WSPD policies and procedures (44 pp.)
- 48) WSPD crime scene photos
- 49) Transcript of NCIIC interview with Dorrell Brayboy (59 pp.)
- 50) Audio recording of NCIIC interview with Dorrell Brayboy (3/1/18; 62 mins)
- 51) Transcript of NCIIC interview with Rayshawn Banner (45 pp.)
- 52) Audio recording of NCIIC interview with Rayshawn Banner (2/21/18; 52 mins)
- 53) Transcript of NCIIC interview with Jermal Tolliver (50 pp.)
- 54) Audio recording of NCIIC interview with Jermal Tolliver (2/19/18; 51 mins)
- 55) Transcript of NCIIC interview with Nathaniel Cauthen (64 pp.)
- 56) Audio recording of NCIIC interview with Nathaniel Cauthen (2/19/18; 113 mins)
- 57) Transcript of NCIIC interview with Christopher Bryant (84 pp.)
- 58) Audio recording of NCIIC interview with Christopher Bryant (2/23/18; 119 mins)
- 59) CrimeStoppers database entry from 11/16/02 (4 pp.)
- 60) CrimeStoppers database entry from 11/19/02 (4 pp.)
- 61) FSR report of the trial of Bryant, Tolliver, and Brayboy (66 pp.)
- 62) FSR report of the trial of Cauthen and Banner (74 pp.)
- 63) Transcript of Jessicah Black's deposition (volume 1, 172 pp.)



- 64) Transcript of Jessica Black's deposition (volume 2, 123 pp.)  
65) NCIIC case brief, Appendix J (6 pp.)

#### **IV. SCIENTIFIC RESEARCH ON FALSE CONFESSIONS**

##### **A) The occurrence of false confessions**

It is widely accepted in the scientific and law enforcement communities that false and unreliable confessions do occur. While calculating the precise prevalence of false confessions is not possible, researchers have learned a great deal about the extent of the false confession problem using numerous methods, including examination of documented false confession cases, studies with wrongful conviction databases, field studies, clinical studies of individual susceptibility to false confessions, and laboratory studies of the causes and consequences of false confessions. Archival studies of documented false confessions and wrongful conviction cases have also shed light on this phenomenon. For example, in one study of 340 exonerations between 1989-2003, fifteen percent (15%) of the exonerees had falsely confessed.<sup>1</sup> The Innocence Project now maintains a database of wrongful conviction cases, including individuals who were exonerated by DNA evidence. As of the time of this writing, 103 of the 362 DNA exonerees (28%) made false statements to police.<sup>2</sup> Finally, the National Registry of Exonerations is an inter-university collaboration that “collects, analyzes and disseminates information about all known exonerations of innocent criminal defendants in the United States, from 1989 to the present.”<sup>3</sup> Among the 2,145 known exonerations through 2017, twelve percent (12%) involved a false confession.<sup>4</sup> While it is not possible to compute a “rate” of false confessions because police agencies do not maintain records of all interrogations or their eventual outcomes, it is likely—for numerous reasons—that these figures underestimate the actual frequency with which false confessions occur.

Some studies have specifically examined false confession cases to better understand the characteristics and consequences of false confessions. For example, we know that false confessions have occurred in both brief and long interrogations, for serious and relatively non-serious crimes, and in suspects young and old.<sup>i</sup> We also know that false confessors have experienced severe, long-term, and sometimes—in the case of wrongful executions—irreparable harm.<sup>5</sup> It is also important to note that false confessions are often more than just a basic affirmation or acquiescence (“I did it”); many false confessions contain specific details or even lengthy, vivid accounts of the incident which are later confirmed to be untrue.<sup>6</sup> This typically results from confession contamination, which is discussed in more detail below.

<sup>i</sup> Scholars have articulated four ways of proving that a confession is false: 1) it is objectively established that the crime in question did not actually occur; 2) it is objectively established that the defendant could not have committed the crime; 3) the true perpetrator becomes known and his or her guilt confirmed; or 4) scientific evidence (e.g., DNA evidence) confirms the defendant's innocence.



## **B) False confessions among juvenile defendants**

The archival studies described above have also yielded important information about false confessions among juveniles. It is clear that juveniles are overrepresented in cases of documented false confessions. In both of Gross et al.'s studies of exoneration cases in the National Registry of Exonerations (2005 and again in 2012), 42% of juvenile exonerees had falsely confessed, compared to 8% of adults with no known mental disabilities.<sup>7</sup> In Drizin and Leo's (2004) study of 125 proven, police-induced false confessions, a full third (33%) were juveniles, and 33/40 juvenile false confessors were between ages 14-17, indicating that older youth are also vulnerable. Interview studies with adolescents indicate that youth also self-report giving false statements to police.<sup>8</sup> Decades of research in developmental and social psychology, together with recent advancements in cognitive neuroscience, have illuminated the developmental underpinnings of youths' heightened vulnerability to police coercion and false confession. This research is summarized in Section V below.

## **C) Types of false confessions**

Interrogation and confession researchers typically articulate three categories of false confessions: *voluntary*, *coerced-compliant*, and *coerced-internalized*.<sup>9</sup> Voluntary false confessions occur when an individual volunteers or willingly admits guilt to a crime they did not commit in the absence of pressure from police, often to gain notoriety or to protect someone else. Coerced-compliant false confessions are the product of psychologically coercive interrogations; in these cases, suspects ultimately provide an incriminating statement to escape mounting police pressure. These types of confessions are frequently recanted shortly after the interrogation. Coerced-internalized false confessions, sometimes called persuaded false confessions, also result from high pressure interrogations wherein the suspect eventually comes to believe they actually committed the crime.

## **D) Multiple false confessions for the same crime**

Not all false confession cases involve a single suspect; false confessions can occur with multiple co-defendants for the same crime. We have seen this in several proven false confession cases. Perhaps most famously, five teenagers (ages 14-16) later known as the Central Park 5 falsely confessed and implicated one another in a series of attacks in New York's Central Park in 1989. Police isolated the youth and played them against one another, telling each adolescent that the others had implicated him in a rape and assault. The boys were led to believe they could "go home" if they provided incriminating information. All five boys were convicted in two separate trials and sentenced to prison. Not until 2002, when another person admitted to the crime, did investigators conduct DNA testing on evidence from the crime scene. Test results excluded the defendants and matched the more recent confessor.

False confession experts Steven Drizin and Richard Leo published an analysis of 125 proven



false confession cases.<sup>10</sup> In that 2004 study, several cases involved multiple co-defendants falsely confessing to the same crime. One such case involved a brutal rape and murder of a medical student in Chicago. Drizin and Leo (2004) observed that the savage nature of the crime reverberated throughout the community and created significant pressure on police to clear the case. Although there are no recordings of the interrogations, the defendants (one of whom had a learning disability) claimed that they were interrogated for hours, lied to, and threatened before they eventually falsely confessed. Nearly fifteen years later, DNA evidence excluded the defendants and linked two other individuals to the crime. Thus, there have been documented cases where “a single false confession can have a cascade-like effect, embroiling numerous other innocents in its net” (p. 981).

### **E) Public (mis)understanding of false confessions**

It is important to note that neither the extent of false confessions, nor their correlates or consequences, is common knowledge. Research consistently demonstrates that people have difficulty accepting that someone would confess to a crime they did not commit. Although people to some extent recognize the general occurrence of false confessions, people nearly unilaterally believe that they, themselves, would never falsely confess to a crime.<sup>11</sup> Resistance to the idea of false confessions is an example of the *fundamental attribution error*—a psychological phenomenon supported by scores of scientific studies in which people attribute others’ behaviors to internal characteristics and underestimate the power of situational influences. Numerous scholars have discussed the counterintuitive nature of false confessions and the psychological factors at play therein.

Potential jurors have also demonstrated an insufficient understanding of the police interrogation techniques associated with false confessions. While jurors may somewhat recognize the coercive nature of psychological interrogation techniques, most studies on this topic found they do not believe those techniques are likely to elicit false confessions.<sup>12</sup> One recent study reported that potential jurors did recognize that certain tactics (e.g., false evidence ploys, shutting down denials) were more likely to lead to false confessions than true confessions, which may signal a shift in public perceptions.<sup>13</sup> However, in the same study (which assessed knowledge of extensive array of interrogation factors), respondents’ perspectives on the subject of juvenile interrogations were the most inconsistent with existing research of all the factors assessed. The authors concluded: “nearly one third of respondents indicated that it is appropriate to use adult suspect tactics on adolescents 17 or younger, and a little over 40% of respondents indicated that confessions elicited from adolescent suspects ages 17 or younger, despite such suspects’ requests to have a parent or guardian present being denied, should be admissible in court. Overall, it seems that a considerable proportion of potential jurors do not recognize the full extent to which age is a risk factor for false confession.”

Additionally, potential jurors harbor misunderstandings about police interrogators themselves. In one large-scale study using participants matched to actual jury pools, more than half (53%)



believed that police officers are better than laypeople at detecting lies and that this ability improves with experience,<sup>14</sup> yet research consistently demonstrates that police are no better than laypersons at detecting deceptive statements—even though police are more confident in their presumed abilities.<sup>15</sup> In essence, both police and the public believe that interrogators have special abilities to detect truth from lies when in fact they do not. Relatedly, research also shows that people’s poor credibility assessment skills operate in the courtroom as well. For example, in one study pertaining specifically to juvenile false confessions, respondents were unable to differentiate false statements and true statements made by juvenile detainees.<sup>16</sup>

Understanding the public’s mistaken beliefs about false confessions is important because research also demonstrates that confession evidence in general is especially influential on jurors’ decision making. For example, one study compared three types of evidence—eyewitness, character, and confession—and found that confessions resulted in the highest conviction rates among mock jurors.<sup>17</sup> In another study experimentally examining the harmless error rule, mock jurors were unable to discount confession evidence, even when they understood that the interrogation was coerced and that the judge ruled the confession inadmissible.<sup>18</sup> This empirical evidence of the power of confession evidence is borne out in the archival studies described above; of the 37 false confessors in Drizin and Leo’s (2004) study of proven false confessions, 30 of the defendants—81%—were convicted.

## **V. SCIENTIFIC RESEARCH ON RELEVANT FACTORS AND APPLICATION TO THE CASES OF RAYSHAWN BANNER, DORRELL BRAYBOY, CHRISTOPHER BRYANT, NATHANIEL CAUTHEN, AND JERMAL TOLLIVER**

Based on my review of the case materials, I conclude that there are numerous factors present in this case that could have contributed to false, unreliable, or coerced statements from the five defendants and Jessica Black. In the following subsections, I briefly outline the scientific research on each specific risk factor and then discuss relevant examples from case material. It should be noted that these examples are not necessarily an exhaustive list of instances where evidence of the risk factor was present. For some risk factors I was able to discuss all relevant instances; for other risk factors that were extensively present, I selected particular examples that are especially illustrative.

### **A) Dispositional risk factors for false confessions: Adolescence**

Scholars and courts have both recognized that research on adolescent development and decision making is directly relevant to the interrogation context.<sup>ii19</sup> Psychological research has identified

ii Police officials and researchers both distinguish between *interviews*, which are non-accusatorial and factfinding in nature, and *interrogations*, which are accusatorial interactions designed to elicit confessions. The police interrogation research summarized in this report generally focuses on custodial interrogations, and the developmental science research summarized in the report speaks to psychological



two overarching categories of risk factors associated with false confessions: *dispositional risk factors*, meaning characteristics inherent to the suspect, and *situational risk factors*, meaning characteristics of the interrogation environment or process. The primary dispositional risk factors that increase the likelihood of a false confession are *juvenile status* (i.e., suspect is an adolescent) and *mental impairment* (which includes both mental illness and intellectual disability). This report section addresses the first dispositional risk factor: adolescence. There is abundant scientific evidence that, compared to adults, adolescents are more susceptible to psychologically coercive interrogation techniques and more likely to give false statements.<sup>20</sup> All five defendants were middle-adolescents at the time of their interrogations: Rayshawn Banner was 14 years old and the other four were 15 years old. Thus, all five defendants were members of a class that researchers consider especially vulnerable to interrogative pressures.

*Adolescent neurobiological development.* There are numerous reasons why adolescents are more vulnerable to coerced and/or false confessions compared to adults. The first relates to adolescent brain development. The last few decades have witnessed a rapid proliferation of developmental neuroscientific research on the adolescent brain and its relation to and decision making—both decision making in general and decision making in legal contexts. This research comes from the fields of developmental, cognitive, and social psychology as well as cognitive neuroscience. Neuroscientists have documented structural and functional changes in the adolescent brain that directly impact adolescents’ ability to process information, regulate their emotions and behavior, and make decisions under stress. It is now widely known among scientists—and increasingly among the general public—that the human brain is not fully developed until early adulthood. Importantly, the brain’s different systems develop along different timetables; the brain structures that govern sensitivity to reward develop earlier than the structures that govern self-regulation.<sup>21</sup> In other words, adolescents are primed to act on impulses, seek rewards, and engage in risks before they have developed adult-like capacities for self-control. Executive function refers to higher-order cognitive functions such as impulse control, planning ahead, working memory abilities, and thinking before acting. As a group, adolescents show deficits in executive function skills compared to adults because the brain systems that control these abilities do not fully develop until, on average, one’s early 20s.<sup>22</sup> Relatedly, it is important to note that based on the extensive body of scientific research on human development, scientists characterize the developmental period of “adolescence” much more broadly than the legal demarcation of age 18 (in most states). Leading developmental scientists generally portray the adolescent period as ages 10-25.<sup>23</sup>

*Adolescent future orientation.* In parallel to the cognitive neuroscience research on adolescent brain development, psychologists have studied developmental and psychosocial constructs stemming from those neurobiological deficits that are relevant to youths’ decision making capacities, including capacities for legal decision making. One such psychosocial factor is called future orientation. Future orientation is the ability to think and reason about the future or connect

factors that shape individuals’ perceptions of custody. For those reasons, I use the term *interrogation* throughout this report.



current behavior with future events. Research shows that youths' abilities to think about the future relative to the present begin to resemble adult-like levels around age 16, but the developmental capacity to plan ahead (i.e., make plans before acting) continues to increase throughout early adulthood.<sup>24</sup> Studies with delinquent samples have found that incarcerated youth are less future oriented than non-incarcerated youth and that growth in future orientation among serious juvenile offenders increases well into early adulthood.<sup>25</sup> In sum, capacities for future orientation are still developing during adolescence, and justice-involved youth show deficits relative to their peers.

Future orientation is highly relevant to false confessions from juveniles. Studies examining archival data and youth self-reports frequently report that juvenile false confessors gave statements to police as a way to extricate themselves from a stressful situation; that is, they felt that if they gave police a statement they would be allowed to "go home."<sup>26</sup> In fact, the desire to "go home" is a painfully common refrain in documented false confession cases. As Dr. Saul Kassin, the world's foremost expert in false confessions, recently stated in a podcast: "The most common comment you hear when a microphone is put into the face of an exoneree who had confessed is, 'So why did you confess?' The typical thing they say is because they wanted to go home."<sup>27</sup> This is exponentially the case for adolescent false confessors, who are literally less able, due to incomplete brain development, to think about the future consequences of confessing to a crime they did not commit. The immediate "reward" of relief from a stressful situation exerts a more powerful influence on youth than adults. Youths' limited future orientation renders them especially vulnerable to false confessions when it is combined with additional risk factors such as intellectual disability, lengthy and/or stressful interrogations, and psychologically manipulative interrogation techniques.

1. **Nathaniel Cauthen.** Cauthen testified that he changed his story from denial to admission expressly in order to go home. At his suppression hearing, he described Detectives as using aggressive, threatening tactics such as yelling at him, calling him names, cursing at him, and telling him he would never go home again. Cauthen still denied. When counsel asked him why he changed his story, he said the Detective told him "if you tell me anything concerning this man's case, I will let you go home" (Cauthen suppression hearing, p. 147).
2. **Jermal Tolliver.** Tolliver also testified that he asked to go home "about three times" (Tolliver suppression transcript, p. 183) and each time, detectives told him "they still got more questioning to do" (p. 184).
3. **Christopher Bryant.** Like Tolliver, Bryant asked detectives when he could go home was told "they've got to finish questioning [him]" (Bryant suppression transcript, p. 199). In fact, the judge at Bryant's hearing directly asked him "So you're telling this Court that the reason you said you were there and knew anything at all about it because you just wanted to go home?" and Bryant replied "Yeah, I just wanted to go home" (p. 201).

The power of a police detective telling an adolescent suspect that he can go home if he provides



information cannot be overstated. It can be difficult for a rational adult to understand how “going home” could ever outweigh falsely confessing to murder. But to a suspect who is 15 years old, intellectually disabled, frightened, confused, less able to think about events in the future, and (in Cauthen’s case) upset because his own mother believes he was involved in a violent crime, the prospect of ending the stressful situation by making a statement can be extraordinarily compelling.

*Adolescent interrogative suggestibility.* Suggestibility refers to a general vulnerability to outside influence. In the interrogation context, researchers have defined interrogative suggestibility as the tendency to change one’s narrative account of events in response to misleading information or perceived pressure during formal questioning.<sup>28</sup> An extensive body of work confirms that interrogative suggestibility increases among youth and is correlated with false confessions.<sup>29</sup> Researchers have devised ways to measure interrogative suggestibility in the context of interrogation statements, including the tendency to yield to leading questions or to change one’s statements in response to negative feedback (i.e., statements that explicitly or implicitly communicate the interrogators’ dissatisfaction with an answer). Negative feedback can be severe and overt (e.g., “you are a liar”) or gentle and implied (e.g., “are you sure it wasn’t daylight yet?”). Research demonstrates that adolescents are more susceptible than adults to negative feedback and more likely to change their statements in response to it.<sup>30</sup>

One example concerns whether Jessica Black drove the defendants to the mall on the night in question. At first Jessica said the defendants took a bus to the mall on the night in question. She states she took them to the mall earlier in the week, but not that night. Det. Bishop then asks her again if she took them to the mall on Friday night. At this point her story shifts and she says she stopped by the mall to meet her friend Jordan. Specifically, she states: “I remember—yeah, I did have to make a pit stop at the mall cause I was going to go and meet one of my friends, Jordan and she wasn’t there and then I had to *find them in the mall* and tell them to come on cause they wanted a ride” (Black interview transcript, p. 14, emphasis added). Det. Bishop then replies: “When did you have time to *take them to the mall* if y’all were out doing all this other stuff?” (emphasis added). While this may seem like a minor distinction, it could have communicated to Black that interrogators believed (and expected her to say) that she drove the defendants to the mall. At this point Black begins crying and says “y’all kept saying—you know—‘Didn’t you take them to the mall?’ ‘Did you take them to the mall?’ and I didn’t remember going to the mall.”

Additionally, Black’s language throughout her interview indicates the potential for guessing, speculating, or attempting to provide information investigators wanted to hear. For example, Det. Griffin asked Black several questions about wallets. Black never said she saw an actual wallet but she saw “an imprint in Stinky’s pocket. I mean, it looked like a wallet, but none of them ever carry around wallets” (Black interview transcript, p. 28). Det. Griffin asked if it was thick or thin and whether it stuck out of his pocket. Black replies: “It...maybe an inch, two inches...I don’t know.” When Griffin asked which pocket, she replied “*I want to say his left back pocket*” (emphasis added). Griffin then reiterates that he “needs [her] to be honest” and offers positive



feedback by saying “we talked about this earlier and you’ve done very well so far” (p. 29). Such language could have communicated to Black that her statements so far were satisfactory and encouraged her to keep talking. Later Det. Griffin asked “Based on what you had heard and based on what they were saying and based on what was going on at the park, what were they going to do?” and Black replies “I’m gonna say they were going to rob somebody...because they were carrying sticks earlier that day they’re talking about jacking somebody and then...you hear that yelling and the banging...what else am I supposed to think” (p. 29-30). Black appeared to exhibit confusion and distress throughout the recorded interview.

In Jessicah Black’s 2019 deposition, she directly admits that police were feeding her details and making suggestive statements, which she tried to answer in the manner they wanted to hear. For example, she told NCIIC investigators “I changed the color of the tape [that the defendants allegedly bound the victim with] three damn times because I was trying to guess at what color [the tape was]” (Black deposition, vol 1., p. 126). She said police stated to her “you said it was grey and it wasn’t grey, Ms. Black. Are you sure it was grey and it wasn’t some other kind?” So then she began thinking maybe the tape was black. She said that she had no idea police could or would lie, and thought people were supposed to trust the law because they are there to serve and protect.

Although Black is not a defendant in this case, indications of her interrogative suggestibility are relevant because over the course of questioning, her story shifts to that of implicating the defendants, and later she plays a critical role in their trials. This example does not confirm the accuracy or inaccuracy of the statements themselves, but rather it illustrates the empirically supported notion of statement shifts during interrogations, which adolescents are more likely to exhibit than adults, and which call into question the veracity of the subject’s statements. It is important to note that interrogative suggestibility can be at play without conscious realization on the suspect’s part or deliberate intent to mislead on the interrogator’s part. Rather, interrogative suggestibility is related to a complex array of psychological and situational factors.

*Adolescent compliance.* Compliance is the tendency to acquiesce to requests from others in order to avoid confrontation or conflict. Individuals of any age who have compliant personalities are more predisposed to false confessions, and youths’ subordinate social status may put them at heightened risk. The social and legal power asymmetry between interrogator and youth suspects likely compels many youth to exhibit compliance-oriented behaviors during interrogations, such as waiving *Miranda* rights, following interrogators’ instructions, or failing to advocate for themselves or express their true preferences (e.g., by requesting an attorney). Coupled with their poor impulse control, underdeveloped capacity for self-regulation, and limited ability to think about future consequences, youths’ predisposition toward compliance with authority is one reason why they are less able to resist interrogative pressures than adults.

Compliance-related interrogation behaviors have been demonstrated empirically in both incarcerated and community youth samples under age 16.<sup>31</sup> In an experimental study of youth



and false admissions, compliance rates for signing a false statement of guilt decreased with age and were as high as 78% for 12- to 13-year-olds.<sup>32</sup> It is important to note that youth are socially and developmentally predisposed toward compliance in interrogations even in the absence of psychologically coercive interrogation techniques. That is, the interrogation interaction itself—by virtue of the process and the social and legal roles of those involved—likely fosters perceived compulsory compliance with authority. These developmentally driven vulnerabilities can still be operating even if an interviewer asks the suspect to confirm they are present voluntarily, waiving Miranda voluntarily, and/or giving a statement of their own free will. Youth routinely provide such confirmations,<sup>33</sup> but a youth answering “yes” to rote questions such as “Do you understand these rights?” or “Do you agree to talk with me today?” may be exhibiting compliance with authority instead of actual comprehension or volition.

Case records indicate numerous instances where the four defendants’ behaviors may have been driven by an adolescent proclivity toward compliance. In addition to indicators of compliance with Detectives, several defendants were pressured by their own mothers to cooperate with police. The mothers may have unknowingly colluded with police to facilitate the defendants’ interrogations and confessions.

1. **Jermal Tolliver.** Jermal Tolliver’s mother, Arlene Tolliver, had met Det. Rose several weeks prior to the murder when he was canvassing the neighborhood (Tolliver suppression hearing, p. 7). On 11/19/02, Arlene Tolliver spontaneously called Det. Rose and told him Jermal had been acting differently ever since the murder, and she was “convinced that he at least knew something about it” (p. 7). She told Det. Rose that Jermal was not home but that she would call him back when Jermal returned. When Det. Rose asked Arlene whether Jermal would talk with him, she replied “He doesn’t have any choice” (p. 8). Det. Rose interpreted that comment to mean that Arlene would ensure that Jermal would talk to police (p. 8-9). Jermal Tolliver accompanied detectives to the police station and remained there until early the next day. During that time, he was questioned multiple times (duration unknown) and repeatedly denied his involvement. At one point while Det. Rose was at the police station interrogating Jermal Tolliver, Arlene Tolliver called Det. Rose and “wanted to know what Jermal had told us; even in that conversation she said if she needed to come down and have him tell the truth she would” (p. 23). Rose then told Tolliver “that his mother wanted him to tell the truth, and he, I guess that’s – following that is when he started telling us the...his final act” (p. 24). At that point, Tolliver had been at the police station for approximately five hours or more. Given Tolliver’s circumstances at the time, as well as his intellectual disability (discussed below), Tolliver’s shift toward incriminating admission could have stemmed from a desire to provide the information he thought was being requested of him.
2. **Christopher Bryant.** Det. Taylor testified that Bryant “was not under arrest, but we *needed to speak with him* about an incident” (Bryant suppression hearing, p. 111, emphasis added). Bryant’s testimony corroborated that language and indicated that police opened the patrol car door and instructed him to get in. He stated “I didn’t open the door,



and they told me to get in, and I just got in” (Bryant suppression hearing, p.192). He further stated “Cause they just told me to get in, so I just got in. They said they *had to interview me* downtown. I didn't know that, you know what I'm saying, that you supposed to ask your parent or have rights, you know what I'm saying” (Bryant suppression hearing, p. 193, emphasis added). This indicates that Bryant did not recognize that he had a choice, and by getting in the patrol car he was following instructions. Moreover, when police first came to Bryant’s house, they found Bryant down the street and asked him to come to the police station, Bryant’s “mom yelled out at that time, you go on with them, and you better tell the truth” (Bryant suppression hearing p. 82). Adolescents are more likely than adults to exhibit compliance when given instructions from an adult, particularly an authority figure. In this situation, both police and Bryant’s own mother instructed him to go to the police station and answer questions. Developmentally speaking, it is reasonable to expect that Bryant would have felt he had little choice in the matter.

Additionally, once Bryant began talking to police, there is evidence to suggest that Bryant’s confession itself was a product of compliance, as he finally relented to mounting police pressure. This is very common in documented cases of false confessions. Bryant testified that he gave incriminating statements “because they was telling me if I don't tell them something I was going to get the death penalty cause the man was on the phone right now asking which arm I wanted it in, and they was pointing out the vein and all this stuff, and I ain't never been through nothing like this, so I just thought if *whatever I said would satisfy them*” (Bryant suppression hearing, p. 201, emphasis added). At that point, Bryant has been at the PSC between 8-9 hours. The Court then asked Bryant, “So you're telling this Court that the reason you said you were there and knew anything at all about it because you just wanted to go home?” and Bryant replied “Yeah, I just wanted to go home.” As discussed above, adolescents’ (lack of) future orientation can render the prospect of escaping police pressure and extremely appealing. Of course, relenting to police pressure by providing incriminating statements occurs in true confessions as well. Although I cannot opine as to whether Bryant’s incriminating statements were factually false, his scenario is consistent with numerous other documented cases of false confessions from juveniles. It is also consistent with developmental science evidence that youth are more likely than adults to comply with request from authority figures. Bryant’s testimony seemingly indicates that he was telling police what he thought they wanted to hear. He testified that when he told detectives that he was a lookout for the crime, “they was happy with that, they was satisfied with that” (Bryant suppression hearing, p. 215).

3. **Dorrell Brayboy.** Brayboy’s mother, Lisa Brayboy, gave consent for her son to accompany detectives to the police station. He repeatedly denied knowledge of the murder or involvement in it. At one point he asked detectives to get his mother so she could “straighten everything out.” However, when Lisa Brayboy arrives at the police station, police sequester her and tell her that Dorrell has been lying to them about not being involved. Lisa Brayboy then “pleaded with him to tell the truth” (Brayboy suppression transcript, p. 35).



While all the defendants' Bruton statements reflect compliance in that the officers were guiding each youth through a recreation of his own personal involvement, Brayboy's Bruton statement was especially problematic. He appeared to have difficulty following Det. Smith's instructions to not use other defendants' names. Det. Smith says to Brayboy, "let's exclude what anybody else is saying, just tell me what—*say, "I did this, and I did this"*" (Brayboy Bruton transcript, p. 1, emphasis added). Thus, the Detective is literally setting up Brayboy's narrative statements of guilt for him. While I understand the purpose of a Bruton statement is to obtain a record of each suspect's individual involvement, leading questions like these communicate to suspects what, and how, they are expected to say and leave little room for disagreement. Throughout the Bruton statement, Det. Smith asks controlled questions to elicit a narrative, many of which are yes/no questions. Brayboy usually responds with "yes, sir" or "no, sir." Moreover, at this point Brayboy had already given two recorded confession statements in which his mother was present. Lisa Brayboy said nothing while Detectives questioned her son until the very end of the statements. At the end of Brayboy's second statement, he indicated that the clothes he was wearing on 11/19/02 were at his house. Det. Smith asked Brayboy whether he would have a problem with his mother giving police the clothing and Brayboy replies "unh-unh" (no). Det. Smith, in attempt to secure a verbal yes or no for the record, asks Brayboy again "That's a 'yes'?" and Lisa Brayboy says "You better say 'yes'" (Brayboy 2<sup>nd</sup> confession transcript, p. 8-9). Thus Brayboy may have felt that he had little decision-making autonomy in his interactions with police.

4. **Nathaniel Cauthen.** Cauthen's mother, Theresa McCants, also facilitated Cauthen's interrogation. McCants was not with her son Nathaniel Cauthen when he was picked up by police. She first heard Nathaniel was with police when her other son, Rayshawn Banner, called her at work and told her that police were questioning people in the neighborhood (Cauthen suppression transcript, p. 95). McCants asked Banner "where was Nathaniel and he said that he was talking to the detectives, and I said, 'well, is he going with them?' And he stated, 'yes, he was going with them,' and I said, 'well, okay.' I said, 'you go home, because like I said, if he feels like he didn't do anything, then let him go on down.' I had no objections to it at all" (p. 95-96). When she returned home from work and Nathaniel still was not home, she called a detective and said she would come to the police station. At that point, Nathaniel had been adamantly denying his involvement. Det. Rowe testified that he overheard McCants, who was alone in the interrogation room with Cauthen, "pleading with him to tell the truth, telling him that she believed he was involved, and they were very verbally aggressive towards each other, with her telling him to tell the truth" (Cauthen suppression hearing, p. 30). McCants testified that when she saw Cauthen, she could tell he was upset and had been crying, and he looked tired. Cauthen told her "they are trying to say that I killed somebody. He said I haven't killed nobody. I say, well, you need to tell the truth." At that point McCants testified that she began lecturing Cauthen for hanging out with "people that I told you to stay away from" (p. 104). When Cauthen continued to deny, McCants told him the victim was "somebody's father, grandfather, and somebody's uncle, and if you would like for



nobody to come and do your mother like that, so I want you to tell the truth” (p. 105).

McCants’s repeated invocations to “tell the truth” could have had the same effect as an interrogator using this tactic to elicit a confession (described below). They can wear down a suspect who is already tired, confused, or distressed. Such repeated invocations communicate to suspects that their statements to that point have not been “the truth” and that it is expected they will change their story. McCants herself even exhibited compliance with police against her own preferences. She testified that she wanted to stay with Cauthen, but Det. Byrum came in and said “what I need for you to do is go tell your son goodbye and turn around and walk out the room” (pp. 106-107), which she did. It can be difficult even for adults to resist a request from legal authority figures.

In sum, the scientific evidence for juveniles’ developmentally-driven vulnerability to police pressure and false confessions is clear and widely agreed upon. The American Psychological Association, in its amicus brief in the matter of Brendan Dassey, explained “studies based on real-world and experimental data demonstrate conclusively that juveniles—because they lack mature judgment and are especially vulnerable to pressure—are far more likely than adults to make false confessions.”<sup>34</sup> A recent study specifically surveying interrogation experts confirmed this scientific consensus. Kassin and his colleagues (2018) recently surveyed 87 interrogation experts from all over the world about their perceptions of the scientific reliability of various components of the interrogation and confession research literature. Ninety-four percent (94%) of these experts agreed that the scientific literature demonstrating that adolescents are at greater risk for false confession than adults is reliable enough for experts to present in trial testimony.<sup>35</sup>

## **B) Dispositional risk factors for false confessions: Mental impairment**

In addition to adolescence, a second well-established dispositional risk factor for false confession is mental impairment. This designation includes both intellectual disability (ID; formerly called mental retardation) as well as diagnosed psychiatric conditions. As with juvenile status, persons with ID are also overrepresented in documented cases of false confessions.<sup>36</sup> The symptoms of ID involve cognitive and interpersonal problems that can increase vulnerability to false confessions. For example, persons with ID are more suggestible than persons without ID,<sup>37</sup> and suggestibility is a known risk factor for false confessions.<sup>38</sup>

- 1. Rayshawn Banner.** Banner’s school records indicate that he received a psychological evaluation at the age of 10 (4<sup>th</sup> grade). Evaluation results indicated a Full-Scale IQ of 71 (3<sup>rd</sup> percentile, p. 22) which is considered borderline mental deficiency. Stated differently, the WISC-III (the intelligence test that was administered) indicates that 97% of 10-year-olds would be expected to score higher than Banner. The evaluation specifically noted that Banner was “slow in processing verbal material” (p. 22). Although IQ is not “fixed” and measurement controversy exists, IQ is generally considered stable across time in the absence of significant changes in circumstances. Banner scored similarly (FSIQ 72) on related full-scale IQ test (WAIS-III) administered in a correctional



facility in 2005.

2. **Christopher Bryant.** Bryant's school records did not include IQ evaluations but did include several reading comprehension tests, which indicated very low reading ability (ranging from 5<sup>th</sup>-28<sup>th</sup> percentile depending on the year). His report cards indicate severe academic difficulties as well as conduct problems. Though his 8<sup>th</sup> grade IEP did not indicate Bryant was mentally disabled, educators noted "weaknesses in expressive and receptive language skills...[his]language delay has a negative impact socially and academically" (p. 33). Reports specifically note vocabulary comprehension problems and difficulty understanding cause and effect relationships. Bryant scored a 79 on an IQ test administered in a correctional facility in 2005, which is considered borderline mental disability.
3. **Nathaniel Cauthen.** A psychological evaluation from March 2002 (8<sup>th</sup> grade) indicated that Cauthen tested at FSIQ of 70 (2<sup>nd</sup> percentile), which is considered borderline mentally handicapped (p. 13). He was reported as experiencing "severe academic deficiencies" (p. 16) including poor reading comprehension, and his 9<sup>th</sup> grade IEP lists him as Educationally Mentally Disabled. Cauthen scored 76 on an IQ test administered in a correctional facility in 2004.
4. **Jermal Tolliver.** Tolliver also experienced numerous academic and conduct problems in school. In 9<sup>th</sup> grade he read at the 7<sup>th</sup> percentile. An IQ test administered in 1998 indicated a FSIQ of 66, which is considered extremely low mental ability. Tolliver scored a 62 on an IQ test administered in a correctional facility in 2005.

In sum, all four living defendants experienced consistent academic failures. Three of the four have documented intellectual disabilities, one of whom (Tolliver) is considered extremely low functioning. All four defendants had particular weaknesses in verbal comprehension and expression. These capacities directly relate to individuals' abilities to process information, understand contextual cues, and navigate complex and stressful social interactions. Collectively, intellectual disabilities diminish suspects' ability to withstand interrogative pressures and make them more vulnerable to coercive interrogation techniques and oppressive interrogation circumstances described below.

### **C) Situational risk factors for false confessions: Maximization techniques**

Situational risk factors are characteristics of the interrogation process or environment that are associated with false confessions.<sup>39</sup> Some involve manipulation of the suspect's environment (e.g., prolonged custody and isolation) and others involve specific interrogation techniques used to manipulate the suspect's decision making. Researchers broadly group these psychologically coercive techniques into categories called maximization and minimization. The term maximization refers to a collection of confrontational interrogation techniques designed to emphasize the seriousness of the situation, overcome the suspect's denials, and eventually make the suspect feel as though they have no choice but to confess. By contrast, minimization techniques involve downplaying the severity of the offense, expressing sympathy, or offering



moral justifications for the crime. Research indicates that both maximization and minimization techniques can change the suspect's view about what might happen if they confess. Maximization techniques carry an implicit threat of punishment for noncooperation—that is, the consequences will be worse if the suspect does not confess. Minimization techniques carry an implicit threat of leniency if the suspect cooperates (i.e., confesses). There is little if any evidence of minimization tactics in this case. It is unclear whether that is because minimization tactics were not used or because we do not have a record of the suspects' "real" interrogations, only their final confession statements. However, there is extensive evidence of numerous maximization techniques used with these defendants.

*Accusations of lying/Shutting down denials.* Two commonly used techniques that experts consider to be psychologically coercive are to accuse the suspect of lying and shut down the suspect's denials.<sup>40</sup> Leading police interrogation training programs such as the Reid Technique explicitly teach these approaches,<sup>41</sup> and law enforcement personnel self-report using these tactics on both adolescent and adult suspects.<sup>42</sup> These strategies can co-occur, as interrogators will reject interviewees' claims of innocence and limit their opportunities to continue denying involvement in the crime. Importantly, accusing the suspect of lying need not be a direct, overt, or aggressive tactic or even necessarily involve the word "lying." Multiple invocations to "tell the truth," delivered repeatedly after a suspect denies involvement in or knowledge of a crime, communicate to the suspect that their statements heretofore have not been true.

There is extensive evidence that detectives accused the defendants of lying when they claimed ignorance or innocence, and Jessicah Black as well.

1. **Christopher Bryant.** Bryant testified at his suppression hearing that he told police he didn't know anything about a homicide on Moravia Street, and the officers said "quit bullshitting" because "Mr. Tolliver already told [the police]" (Bryant suppression hearing, p. 196)
2. **Nathaniel Cauthen.** Det. Rowe testified in Cauthen's hearing that when Cauthen was upset that his mother didn't believe him, Rowe told Cauthen he didn't believe him either. Det. Rowe then told Cauthen "we could start this interview again by drawing a line on my notes and start telling the truth" (Cauthen suppression hearing, p. 31).
3. **Jermal Tolliver.** Tolliver testified at his suppression hearing that he told detectives he had nothing to do with the crime, and they said that was "bullshit" (Tolliver suppression hearing, p. 152).
4. **Dorrell Brayboy.** Detectives communicated to both Brayboy and his mother that they thought he was lying. Det. Smith told her police "had spoken with her son and he wasn't being truthful with us" (Brayboy suppression transcript, p. 33). Lisa Brayboy testified that Det. Poe "was telling Dorrell, 'I know you're lying, I know you're lying'" (p. 107).
5. **Jessicah Black.** In Jessicah Black's first interrogation (7:03pm on 11/19/02), she told Detectives she had driven by the victim's house on 11/15/02 and saw police cars but denied participating in the incident. She told detectives that during the course of the



evening she met up with several of the defendants and then left them to visit a friend in Lexington, back and forth several times, before driving past the victim's house and seeing police cars. Det. Rose accuses her of lying as he writes "After hearing this account, I explained to her that Jermael [sic] had told us that she had driven them to the bowling alley. She adamantly denied this and maintained that she did not know anything about the murder. Det. Griffin then explained to her that it is important that she be truthful and she immediately began crying. As Det. Griffin continued, Jessica continued to cry but maintained that she was being truthful" (Det. Rose supplemental report on 6/13/03, WSPD partial file, pp. 231-232).

Similarly, Det. Griffin wrote that "after Jessicah returned from the restroom, Detective Flynn entered the interview room and confronted her with more information obtained from the interviews of the juveniles...I told Jessicah that she needed to be truthful about her involvement in this event. Jessicah started crying and admitted that she was involved" (WSPD partial file, pp. 242-245). At that point, Jessicah's story changed to a story of driving the defendants around; stopping at two stores and the park; and hearing the boys beating and banging in the park (Det. Bishop supplemental report on 3/31/03, WSPD partial file, pp. 153-155). Together, these police reports indicate that officers did not accept Jessicah's initial story that she was not involved. They implicitly accused her of lying by responding to her denial by saying it is important she be truthful.

In her later deposition in 2019, Jessicah Black provided a more detailed recollection of her questioning by police. She told the NCIIC attorney: "when I went for interrogation, there was a room full of officers or detectives or whatever. I mean, they were all around. And there was this one – I can't remember his name. I remember what his hair looked like and I remember how he come across and he was so aggressive and hollered at me. He was hollering so much that he was spitting and he was in my face. I mean, I could feel that spit hit my face. And I was crying. And he had me broke down. And I was like, 'This is what we did. I saw them walking down the road. You know, I picked them up.' And went on and -- to tell him what it was that was – 'No. You're lying. You're lying, you're lying'" (Black deposition, vol. 1). Black told NCIIC investigators that detectives kept telling her she was "leaving shit out" and to think about it some more. She admitted to listening to what the detectives said and incorporating it into her statements.

*Exaggerate seriousness of consequences.* Maximization techniques are intended to heighten the suspect's anxiety and make them feel as though denial is a futile effort.<sup>43</sup> It is especially common for interrogators to invoke the threat of harsher consequences as a response to suspects' denials.<sup>44</sup> This case involves multiple references to the death penalty across multiple suspects' interrogations. It is important to note here that, developmentally speaking, it is reasonable for an adolescent suspect to perceive references to the death penalty as threatening (and subsequently alter their decision making), even if a court determines that such references do not constitute a legally prohibited threat.



1. **Jermal Tolliver.** Tolliver testified at his suppression hearing that more than once a Detective “grabbed my arm and told me this is where the lethal injections would go” (p. 159). Det. Rose testified that Det. Flynn referenced Jermal’s arm and said “this is where the lethal injection goes” but disputes that Flynn touched Tolliver. Regardless of whether anyone touched Tolliver’s arm, it appears that the maximization tactic had the intended effect, as Tolliver testified this made him feel “scared” (p. 160). Tolliver testified that detectives were acting like they were mad at him (Tolliver suppression hearing, p. 153)
2. **Christopher Bryant.** Like Tolliver, Bryant reported that Detectives were aggressive and threatening toward him. Bryant testified that a Detective “came back in there and he sat down in the chair real fast and pulled it up and got in my face...and was telling me that the man – that I better tell them something, because the man on the phone was asking which arm I want the death penalty (Bryant suppression hearing, p. 199). Bryant said he “felt intimidated and scared” and started crying (p. 199). In the suppression hearing Bryant actually used the word “threat” to describe interrogators’ actions (“they was over there threatening me, and I ain’t never been through a situation like this, I never been involved in the law;” p. 215). Detectives admitted referencing the death penalty to Bryant; Det. Taylor testified that Det. Nieves said “something to the effect that he [Bryant] needed to tell the truth, because he didn’t want to get the death penalty” (Bryant suppression hearing, p. 112). This is important because it marks a shift in Bryant’s statements away from denial. After that threat, Bryant continued to deny his involvement “just a little bit, but not much” (p. 113). Bryant then began changing his story. Bryant’s version of the encounter is that for about 30-45 minutes he told Detectives he didn’t know anything, and then they told him to hold out his arm and said “I’m going to get a needle injection right there in my vein” (Bryant suppression hearing, p. 208).
3. **Nathaniel Cauthen.** Cauthen testified that Det. Weavil made several threatening remarks, including reference to life in prison and the death penalty. He stated: “[the Detective] started cussing at me saying that, yes, you know what I’m saying, we’re going to put you in jail for the rest of your life. We going to give you a lethal injection. You will never see your family again” (Cauthen suppression hearing, p. 136).
4. **Dorrell Brayboy.** Brayboy was also told he could “get the needle injection or the death penalty” (Brayboy suppression transcript, p. 70). Brayboy testified that Lt. Weavil told him “that if I didn’t say nothing, I’m gonna come down to the county jail” (p. 71). Lisa Brayboy testified that Lt. Weavil told Dorrell “I’m gonna make the judge give you the maximum” (p. 91).

*Confrontation with evidence.* Confronting suspects with evidence of their guilt (whether real or fabricated) is a mainstay of adversarial police interrogations. Researchers who study the psychology of interrogations and false confessions are particularly concerned about the false evidence ploy, in which police present suspects with supposedly incontrovertible evidence of their guilt (e.g., physical evidence such as blood or fingerprints; eyewitness evidence that someone identified them as the perpetrator, or “scientific” evidence such as a failed polygraph) as a means to induce confession. This tactic is legally permissible, and police do report using it.<sup>45</sup>



Research using a variety of methods confirms that manipulating suspects' perceptions of the weight of evidence against them is an exceptionally powerful method of altering their decision making and behavior. This is compounded by the fact that youth (and many adults) do not know that police are allowed to lie during interrogations.<sup>46</sup> Notably, the false evidence ploy was used in numerous cases of documented false confessions.

The term *false evidence ploy* usually refers to situations in which interrogators intentionally fabricate evidence to pressure suspects into confessing. In the present case, police confronted several of the suspects with "evidence" of their guilt by showing them police notes or playing them excerpts of their friends' taped statements that implicated them in the murder. It is entirely possible that this strategy had the effect of a false evidence ploy even if it was not intended as such (i.e., police believed the statements to be true).

1. **Jermal Tolliver.** After Detectives made references to the legal penalties for murder (including the death penalty), they presented Tolliver with "notes taken by another detective in another interview" (Tolliver suppression hearing, p. 42). Later in the interrogation, they told Tolliver "what Jessica [had said] and what we knew the other defendants had said" (Tolliver suppression hearing, p. 23). Tolliver himself testified that police had "given [him] information about things other people were saying," "told [him] things they thought might have happened," and "told him somebody [was] saying [Tolliver was] a lookout" (Tolliver suppression transcript, p. 162). Eventually they leave Tolliver alone in the interrogation room, and he begins writing a confession statement. He told police that he was a lookout. Thus, Tolliver may have incorporated details provided by detectives into his eventual confession statement.
2. **Dorrell Brayboy.** Like all four other suspects, Brayboy initially denied involvement in the crime. According to Det. Griffin's report, "It was then explained to Dorrell and his mother that the other suspects were implicating him in the incident and he needed to tell the truth" (WSPD full file, p. 6). Det. Poe testified that Det. Weavil "told [Brayboy] that other people were being interviewed in reference to this case and that they were telling their side of the story" (Brayboy suppression transcript, p. 19). In my experience, this is a euphemism for police using an evidence ploy to persuade suspects that their co-defendants have "ratted them out." However, because there is no recording of the interrogation, I cannot say for certain how police presented the situation to Brayboy. Det. Poe denied that Det. Weavil provided any specific details, but again that is undetermined.
3. **Rayshawn Banner.** Det. Clark testified that police told Banner that Nathaniel Cauthen (notably, his brother) had "given a statement" and they played the recording for Banner.

*Prolonged detention and isolation.* Physical isolation is a particularly powerful interrogation strategy because it engenders feelings of hopelessness. Interrogation trainers recognize this and explicitly teach police to physically isolate suspects in a small room.<sup>47</sup> Surveys of experienced interrogators indicate that physical isolation is a very common interrogation tactic.<sup>48</sup> In citing the psychological research on humans' need for social interactions and support in times of stress, the



scientific white paper on police-induced interrogations and confessions notes that “prolonged isolation from significant others in this situation constitutes a form of deprivation that can heighten a suspect’s distress and incentive to remove himself or herself from the situation” (p. 16).<sup>49</sup> Case records indicate that defendants experienced prolonged detention in which they were isolated from family members or supportive adults. They experienced intermittent accusatorial interrogations and isolation within these detention periods.

1. **Jermal Tolliver.** Tolliver’s first contact with police was on his porch on 11/19/02 around 3:00pm, where he speaks with Det. Rose and Det. Flynn for about 15 minutes and then goes to the police station with them. His first taped statement occurred around 11:00pm on 11/19/02 and Bruton statement at 12:37am on 11/20/02. Tolliver was left alone in the interrogation room to write out a confession statement. At one point he was escorted to the mall area where he said someone threw a wallet out the window of a city bus, but then he was transported back to the police station. Tolliver’s voice and responses are very slow on his first interrogation recording (11/19/02 at 11:05pm), and he can be heard yawning throughout the audio. By the time his Bruton statement begins, his statements are virtually unintelligible and he has difficulty understanding and responding to the interviewer’s questions. After an exchange in which Tolliver denies jumping on the victim and Detectives reply that earlier he did say that he jumped on him, Tolliver replies “I know. I’m tired” (Tolliver Bruton statement, p. 8).
2. **Christopher Bryant.** Bryant was picked up by Det. James and Det. Sawyer on the street near his house sometime between 3:00-4:30pm 11/19/02. Bryant was on his own at the police station for about half an hour before he was questioned (Bryant suppression hearing, p. 195). Bryant’s taped interrogation begins at 10:21pm and his taped Bruton statement at 12:18am on 11/20/02.
3. **Rayshawn Banner.** Detectives Taylor, Rose, Shelton, and Wilkinson find Rayshawn Banner and Nathaniel Cauthen on Devonshire Street between 4:00-4:30pm. Banner refuses to accompany police to the station. Detectives return to Banner’s house around 10:30pm and there is some form of altercation between Banner and police. Banner is arrested, handcuffed, and transported to the police station. Banner’s taped interrogation begins at 12:17am on 11/20/02 and his taped Bruton statement at 12:58am on 11/20/02.
4. **Nathaniel Cauthen.** Detectives Taylor, Rose, Shelton, and Wilkinson find Rayshawn Banner and Nathaniel Cauthen on Devonshire Street between 4:00-4:30pm. Cauthen accompanies Detectives to the police station. Cauthen’s taped interrogation begins at 10:14pm and his taped Bruton statement at 11:52pm. Det. Rowe specifically used isolation as an interrogation strategy. He stated that he left Cauthen alone because he was denying involvement in the crime (Cauthen suppression hearing, p. 77). At one point Cauthen was left alone in the interrogation room for an hour and a half (Attorney Mauney’s notes). In Cauthen’s audiotaped confession statement his responses sound lethargic and slow.
5. **Dorrell Brayboy.** Brayboy is picked up at a hospital following his mother’s surgery between 3:30-4:00pm on 11/19/02. His interrogation begins around 5:00pm. Around



6:10-7:00pm he is left alone in the interrogation room. His taped interrogation begins at 9:34pm. A second taped interrogation begins at 10:07pm. His taped Bruton statement begins at 12:09am on 11/20/02. Brayboy can be heard yawning throughout his second taped statement.

Overall, four of the five suspects (all but Banner) were physically inside the police station for 8-9 hours between their initial apprehension and their taped confession statements. During that period, they experienced intermittent, sometimes repeated interrogation sessions by multiple interrogators. It is difficult to pinpoint exactly how much of the detention period was spent in interrogations, since there are no recordings of the interrogations. However, at least in Dorrell Brayboy's case, it can be inferred from detectives' testimony at his suppression hearing that he was interrogated for 2.5 to 3.5 hours (p. 53). At least four defendants were isolated in the interrogation room for various lengths of time, and one Detective testified as to using isolation specifically as an interrogation tactic.

*Other strategies for intimidation.* Maximization strategies are tactics designed to elevate the suspect's anxiety, and American interrogation styles are characterized by direct and often aggressive confrontation. Yelling and cursing at suspects can be anxiety producing, especially if the suspect is a juvenile. Suspects can perceive interrogation by multiple officers as police "ganging up" on them. There is a consistent pattern of aggressive confrontation among the interrogations in this case.

1. **Christopher Bryant.** Det. Rose testified that "As far as yelling we may have raised our voice a little bit to let him know that we were serious about this interview, and we wanted to know what his involvement was" (Bryant suppression hearing p. 136). Bryant said that at one point, when police were threatening him with the death penalty, he was being questioned by three officers simultaneously (p. 198).
2. **Nathaniel Cauthen.** Cauthen testified that Det. Weavil and Det. Rowe "came back in and then that's when they were started yelling at me again, calling me names, cussing me out, telling me that I will never get home again" (Cauthen suppression hearing, p. 146). He told his attorney that the officers called him "asshole" and "you little shit" (NCIIC timeline, p. 72).
3. **Jermal Tolliver.** Det. Rose admitted that he "raised his voice" at Tolliver "to show the seriousness of the incident" (Tolliver suppression hearing, p. 58), though he denied actually yelling (and this was corroborated by Tolliver, p. 153).

Police also manipulate the physical environment as a strategy to control the interrogation space and affect suspects' emotions and perceptions. My observational study of juvenile interrogations found that juvenile suspects in my sample were usually positioned in a corner of the interrogation room or against a wall.<sup>50</sup> In half of the interrogations, police positioned themselves either close enough to touch the suspect or just beyond arm's length. Interrogation training programs explicitly teach interrogators to physically encroach upon suspects' personal space as a



way to create tension and intimidation. In Christopher Bryant's suppression hearing, Det. Taylor testified that he moved physically closer to Bryant as a form of intimidation. Specifically, he admits "I may have sat up like this and got just a little bit closer to him, to let him know that I was serious and I wanted him to tell us the truth" (Bryant suppression transcript, p. 136).

Other situational factors could serve to intimidate suspects even if they are not explicitly designed to. For example, in my observational study I also found that more than half of interrogators were visibly armed during the questioning session. Wearing a firearm is often standard operating procedure for detectives and is not necessarily a planned tactic to intimidate a suspect. However, it can still have effect of intimidation, even if that effect is unintended. Visible firearms can create fear or apprehension in adolescent suspects and reinforce their subordinate positions relative to law enforcement authority figures.<sup>51</sup> Det. Taylor testified that both he and Det. Nieves were armed when they interrogated Christopher Bryant (Bryant suppression transcript, p. 109). Det. Smith was armed when he questioned Dorrell Brayboy (Brayboy suppression transcript, p. 25). Nathaniel Cauthen testified that he felt threatened and scared; he said "I was coerced to [confess] and pressured into saying something I did not want to say...they had guns on them...I just sat in the room until, they were going to let me go home" (Cauthen suppression transcript, p. 150).

Multiple, related types of psychologically coercive interrogation tactics can co-occur and have a cumulative effect on suspects, especially vulnerable suspects such as youth and persons with mental impairment. For example, Christopher Bryant testified at his suppression hearing that he confessed "because they was telling me if I don't tell them something I was going to get the death penalty cause the man was on the phone right now asking which arm I wanted it in, and they was pointing out the vein and all this stuff, and I ain't never been through nothing like this, so I just thought if whatever I said would satisfy them" (Bryant suppression transcript, p. 201). At that point, Bryant had been at the PSC for 8-9 hours already. This statement illustrates maximization via implying Bryant would receive the most severe punishment, police use of deception in that juveniles are not eligible for the death penalty, prolonged custody and isolation in that Bryant had been at the PSC for 8 hours, the imbalance of power and knowledge about interrogations that disadvantages adolescents, and youths' compliance with authority.

#### **D) Miranda rights comprehension and waiver**

A mature body of research consistently demonstrates that youth fail to understand the words and content comprising Miranda warnings and do not grasp the inherent rights the warnings convey. In particular, age and IQ are related to youths' Miranda comprehension. Some of the Miranda research has examined the linguistic components of the warnings themselves. Some police jurisdictions use juvenile-specific versions of Miranda warnings, while others use the same language when Mirandizing adult and juvenile suspects. Large-scale studies systematically comparing juvenile-specific warnings to general (i.e., non-age specific) Miranda warnings have found that youth versions are actually longer and more linguistically complex than general



warnings. For example, one large study of nearly 300 juvenile-specific Miranda warnings from across the United States reported that nearly two-thirds were very long (where length can impede comprehension) and more than half required at least an 8<sup>th</sup> grade reading level.<sup>52</sup> However, a few experimental studies presenting youth with simple versus complex Miranda versions found that youth did not perform differently, leading researchers to suspect that Miranda comprehension is a function of youths' conceptual capacities, not merely the Miranda language itself, and linguistic complexity adds an additional complicating layer.<sup>53</sup>

Additionally, justice system-involved youth have shown deficits in language processing and comprehension, reading levels, vocabulary and grammar, and listening comprehension abilities compared to non-offending youth.<sup>54</sup> Moreover, research drawn from content analyses of written Miranda forms or psychological assessments of Miranda comprehension conducted in a presumably safe, low-stakes clinical setting may underestimate the comprehension problems that juvenile suspects—even developmentally typical youth—experience in real interrogations, particularly if they are fatigued, stressed, or under the influence of drugs or alcohol.

1. **Rayshawn Banner.** As Rayshawn Banner was the only defendant to be Mirandized before some portion of his interrogation, the question of Miranda comprehension and waiver is directly relevant only to Banner. A few elements of linguistic complexity are present in the Miranda language used with Rayshawn Banner. For example, the WSPD juvenile Miranda form (WSPD full file, pp. 716-717) states “before asking you any questions we want to advise you of your rights.” One study found that the legal sense of the term right requires at least an 8<sup>th</sup> grade reading level to adequately comprehend (where grade level is defined as the grade at which 67-84% of youth in that grade can identify the correct meaning).<sup>55</sup> The WSPD warning also states “You have the right to talk with a lawyer and to have a lawyer present while you're being questioned. If you do not have a lawyer and want one, a lawyer will be appointed for you. You have the right to have a parent, guardian, or custodian present during questioning.” According to the same study, readability estimates for lawyer, parent, and present requires 4<sup>th</sup> grade reading level, guardian requires 6<sup>th</sup> grade level, and appointed requires 13<sup>th</sup> (beyond high school) reading level.<sup>iii</sup>

As discussed above, Rayshawn Banner's school records indicate that he received a psychological evaluation in the 4<sup>th</sup> grade. The report noted he was referred for evaluation because “his basic academic skills are below grade level and he has difficulty following directions” (Banner school records, p. 21). Evaluation results indicated a Full-Scale IQ of 71 (3<sup>rd</sup> percentile, p. 22) and is considered borderline mental deficiency. The evaluation specifically noted that Banner was “slow in processing verbal material” (p. 22).

Also, it is important to underscore that merely asking a juvenile suspect whether he or she

<sup>iii</sup> The terms *custodian* and *questioning* were not graded in that study.



understands the Miranda warnings is not a reliable indicator of the youth's actual comprehension and should not be taken as such. Scholars have noted "the paradox of asking suspects with potentially compromised abilities to affirm their competencies and then using these affirmations (e.g., I understand my rights) as proof of competency to waive Miranda rights... if juvenile suspects are experiencing coercion to comply, then what value can be given to their coerced affirmations of no coercion?"<sup>56</sup> It is common practice for police to ask juvenile suspects "Do you understand?" or some variant during Miranda presentation.<sup>57</sup> Detectives testified to asking Rayshawn Banner if he understood his rights (Banner suppression hearing, pp. 17-18). While such requests may be sincere on the part of investigators, they have no bearing on youths' actual verbal, reading, or listening comprehension abilities.

### **E) Youths' perceptions of custody and appreciation of legal jeopardy**

When considering police interactions with youth, it is important to consider the knowledge, experience, and desired goals or outcomes each party brings to that interaction. The two parties' knowledge and experience are not equal, nor their desired outcomes identical. Youth are members of a socially restricted class—required to attend school, subjected to community curfews, and prohibited from engaging in behaviors that adults deem dangerous such as driving, smoking, or drinking alcohol. Societal expectations for youth involve following rules and respecting adults' authority. Police officers, by contrast, are not only adults but also authority figures endowed with legal privileges (e.g., to carry a weapon). Police also have extensive knowledge about the legal parameters of interrogation that juveniles—and many adults<sup>58</sup>—do not have. Police officers—especially detectives—are trained in specific techniques to encourage suspects to confess to crimes. Thus, there are multiple facets to the power imbalance between interrogator and juvenile suspect that systematically and cumulatively disadvantage the juvenile.

One area of concern is when citizens do not understand what it means to be suspected of a crime or what it means to be in police custody. This is especially pertinent to adolescent suspects. Social and developmental psychologists, noting the inherent coercion and power differential involved in police interrogations, emphasize the importance of evaluating perceptions of custody, irrespective of courts' legal custody determinations. A recent experimental study with college students tested participants' perceptions of custody when questioned in a mock interrogation about a staged theft. Even in brief interviews conducted in a college campus building by a civilian authority figure (i.e., security guard instead of police detective), participants reported not feeling free to leave.<sup>59</sup> Notably, even participants who were explicitly told they were free to leave reported that, although they *knew* they were free to leave, did not *feel* that they could actually leave.

Psychologists who study legal decision making have conceptualized and studied the distinct constructs of understanding (i.e., the ability to comprehend basic information relevant to the legal decision) versus appreciation (i.e., the ability to apply that comprehension to one's own legal situation). Though these constructs are most often studied in matters of competence to



stand trial, they are also relevant to interrogation decision making. In one study, approximately half of 14-15 year olds (including both detained youth and community youth) showed mild to moderate impairment on a standardized measure of legal understanding and about 40% of the same sample showed mild to moderate impairment in appreciation.<sup>60</sup>

1. **Jermal Tolliver.** Case records indicate numerous reasons why Jermal Tolliver may not have felt free to leave or understood the nature of legal jeopardy. Police come to his house and ask, in the presence of his mother, if he will go to the police station and answer questions. His mother consents. Then Tolliver is transported by two detectives in an unmarked police car to a police station. Police escort him into the station. Tolliver testified that the detectives never told him he could go home (Tolliver suppression hearing, p. 154), and when he asked, they told him “they still had more questions for me” (p. 155). Tolliver testified that he asked three times to go home and each time they told him they still had more questioning to do (pp. 183-184). This suggests that Tolliver may not have understood that he did not have to answer questions. Moreover, in his taped confession statement that begin at 9:35pm on 11/19/02, he reiterates a previous statement that he planned to wait until he got home to use the restroom (Tolliver interrogation transcript, p. 2) and wait until he got home to talk to his mother (p. 4). Hours before this point, Tolliver had already implicated himself and the other four defendants in a murder and provided a written confession statement. This suggests Tolliver may not have understood the consequences of his incriminating statements.
2. **Christopher Bryant.** Bryant testified that police “told me they needed to question me downtown” (Bryant suppression transcript, p. 191). Police opened the door to the patrol car, and Bryant got in (pp. 94-95). These situational cues can communicate to adolescents that they are expected to comply. Further, there is evidence to suggest Bryant (and his mother) did not understand the seriousness of the situation or the potential consequences of submitting to police questioning; when Bryant’s mother asked if she could come with him, Bryant said “they was like it’s not necessary, we’re going to bring him right back, we’ve got no reason not to” (Bryant suppression, p. 191). Notably, at that point Detectives already knew that Bryant had been implicated in the murder, but they did not tell Bryant or his mother.

Once questioning had commenced, Bryant “asked them when they were going to let me go, and then they were hold on, and then they had left out and told me to stay right there and don’t touch nothing” and they continued to question him. The phrase *let me go* suggests that Bryant felt he was at the mercy of the police and did not think he could decide to leave. Like Tolliver, Bryant asked when he could go home and was told that questioning wasn’t finished (p. 199). During his suppression hearing, Bryant’s attorney asked him “Did there ever come a time where you felt like you were free to just get up and walk out and leave?” and Bryant said no (p. 199). Possibly adding to Bryant’s confusion was that even at his taped confession statement starting at 10:21pm—after he had been at the police station for approximately 7 hours—he was still being told he wasn’t under arrest. Youth may equate “arrest” with “in trouble,” particularly if



interrogators threaten arrest as a consequence for not providing what they feel is useful information.

3. **Dorrell Brayboy.** Brayboy was picked up outside the hospital, where he had been with his mother during surgery. Detectives “told him he was not under arrest and we would be driving him back home” (Brayboy suppression transcript, p. 5). Despite the fact that Det. Poe already knew that Brayboy was a suspect in a homicide investigation, he did not share this with Lisa Brayboy or Dorrell Brayboy at the time (Brayboy suppression transcript, p. 10). Notably, Lisa Brayboy was medicated at the time she consented for her son to accompany detectives to the police station. An exchange between Dorrell Brayboy and attorney Harding at Brayboy’s suppression hearing illustrates how youth (and even adults) can misunderstand the nature of police custody. Brayboy responded to Harding that no one ever told him he wasn’t under arrest. When Harding read to Brayboy a verbatim excerpt from the affidavit he signed—*the officers told me I was not under arrest and was free to leave*—Brayboy said “they ain’t never told me I could go home” (p. 73).

It is important to underscore that adolescents may not respond to situational cues about custody in the manner that adults assume. There was considerable discussion in the suppression hearings about comparatively minor details such as whether police cars were marked or unmarked, whether PSC doors were locked, whether suspects knew doors were locked, whether the suspects went to the bathroom alone, etc. From a developmental or social psychological perspective, these distinctions are not particularly meaningful. Such distinctions may appear important to adults but, given youths’ developmental vulnerabilities, likely have little effect on adolescents. Rather, the broader situational context is more relevant. From the juvenile suspect’s perspective, each youth was an adolescent male; approached by a legal authority figure; physically transported to a police station in a police vehicle; instructed where to sit and what to do; interrogated by multiple, armed officers; asked a litany of questions about a serious matter; and repeatedly told they were lying. Based on what we know about adolescent development and decision making, it is simply inappropriate and inaccurate to assume that a 14- or 15-year-old adolescent would feel free to get up and leave a police facility simply because he was allowed to use the restroom or was given something to drink.

As another example, Det. Poe even described his transport of Brayboy to the police station as follows: “It was a warm day. We don’t ride with the doors locked and he could have gotten out at any time, any place he wanted to” (p. 12). He said of Brayboy at the police station: “he wasn’t behind any locked doors that he couldn’t get out of” (p. 22). From a developmental and social psychological perspective, it is baseless to believe that a 15-year-old is going to get out of a police vehicle or walk away from multiple, armed adult police officers and exit a police station. Moreover, as demonstrated in one recent study with young adults in a relatively low-stress context, merely telling people they are not under arrest or are free to leave does not necessarily alter their perceptions of custody.<sup>61</sup> Detectives in this case repeatedly emphasized, in written reports and courtroom testimony, that Tolliver, Bryant, Cauthen, and Brayboy were told they were free to leave. However, given the defendants’ developmental stage and the environmental



cues, they may not have had the knowledge or wherewithal to assert themselves and discontinue questioning.

#### **F) Interrogators' presumption of suspects' guilt**

Interrogation is, by its very nature, a guilt presumptive process. Police are trained to differentiate between an interview, the purpose of which is to gather information, and an interrogation, which is designed to elicit a confession. If the investigator decides during the interview phase that the interviewee is a suspect, the investigator proceeds to an accusatorial interrogation. Reid & Associates, creator of the copyrighted Reid Technique of interviewing and interrogation, arduously maintains that the purpose of an interrogation is to “learn the truth,” not to elicit a confession.<sup>62</sup> However, the Reid Technique—in which hundreds of thousands of investigators worldwide have been trained—also argues that interrogators should only interrogate when they are “reasonably certain” of the suspect’s guilt and should repeatedly assert their certainty of the suspect’s guilt. According to this logic, police only interrogate guilty parties.

Even without an electronic recording of the defendants’ earlier interrogation(s), it is abundantly clear that detectives in this case were convinced the five adolescents were guilty of the murder. All five suspects fervidly denied knowledge of or involvement in the crime, and all five were effectively (or explicitly) told they were lying. Once Jermal Tolliver implicated the other four suspects, the detectives convened to divide up assignments for tracking down the other four and questioning them. Given that the remaining four suspects were apprehended quickly and interrogated more or less simultaneously, the detectives’ presumptions of all five suspects’ guilt may have propagated rapidly, as several times detectives would take one boy’s statement into another boy’s interrogation and present that statement as certainty of the second boy’s guilt.

There are numerous examples in all five defendants’ case materials that detectives presumed they were guilty, and interrogated them under that presumption.

1. **Christopher Bryant.** Det. Taylor testified that Christopher Bryant had been denying his involvement for about 45 minutes. When Det. Nieves mentioned the death penalty, Bryant “acted as if he was a little bit nervous and he was realizing what he was facing as far as *what he had done*” (Bryant suppression hearing, p. 116, emphasis added). Here, the detective is assuming Bryant’s demeanor is a manifestation of his guilty knowledge. The detective does not appear to recognize or acknowledge that Bryant’s behavior could reflect something else entirely, such as fear, confusion, or intimidation. Taylor interpreted Bryant’s shift toward self-incrimination as Bryant “realiz[ing] that he needed to tell us the truth about the homicide, his involvement in it” (Bryant suppression transcript, p. 126).
2. **Jermal Tolliver.** A Detective testified that during Tolliver’s first interview he “pretended or acted as if he didn’t know anything about what was going on” (Tolliver suppression transcript, p. 15). Here the Detective is assuming that Tolliver did have incriminating



information, and his denials were pretense.

3. **Nathaniel Cauthen.** Counsel in Cauthen's suppression hearing asked Det. Rowe a series of questions about when police began taping Cauthen's statements and why taping did not start sooner. Det. Rowe stated "the purpose of a recorded statement is to summarize what was said verbally, so we take the verbal statement..." and the Court interjected: "That you're looking for?" Det. Rowe replied: "Right. In other words, we don't get into extensive details about untrue parts. We talk about what their involvement is" (Cauthen suppression transcript, p. 59). This suggests the Detective assumed Cauthen was lying when Cauthen claimed he was not involved.
4. **Dorrell Brayboy.** Det. Poe testified that when he first questioned Brayboy at the PSC, Brayboy appeared happy and "unremorseful" (Brayboy suppression transcript, p. 9). This may suggest that Det. Poe assumed Brayboy was guilty and, thus, had something on his conscience that he should be remorseful for.

## **G) Confirmation bias**

Once investigators are convinced a particular suspect(s) is guilty, they may overlook contradictory details or dismiss information that is inconsistent with their beliefs. This is called confirmation bias, and it is a widely accepted psychological phenomenon. In the specific context of police interrogation it is sometimes called interviewer bias—that is, interrogators' tendency to dismiss evidence or statements that are inconsistent with their beliefs about the suspect's guilt.<sup>63</sup> Interviewer bias shapes the kinds of questions interrogators ask and colors their perceptions of the veracity of suspects' statements. For example, in one laboratory study, interrogators who believed their suspect interviewee was guilty used more guilt-presumptive questioning strategies and applied more interrogative pressure than interrogators without guilty expectations.<sup>64</sup> This presumption of guilt also leads interrogators to use adversarial strategies intended to overcome suspects' denials.

Confirmation bias in police interrogations can lead to "tunnel vision" in which police pursue leads that are consistent with their theory of the crime and disregard others. In this case, WSPD had several other leads in their investigation. First, a CrimeStoppers call on 11/16/02 at 11:04pm stated that Monticello Mitchell's son had seen a Hispanic male running from the victim's house. Second, on the afternoon of 11/18/02, Det. Flynn sent a list of names of people suspected of other robberies in the area. The list contained seven names, none of which were the five defendants. Third, at a briefing on 11/18/02, Detectives discussed the victim's former employee Reginald. The victim's family suspected this individual of other crimes and told police Reginald and the victim had had disagreements. Fourth, the name Anjuan/Anwon Terry surfaced as someone who may have knowledge or involvement, and despite initial attempts to locate him, when police did get in touch with him, they told him he was no longer needed.

It wasn't until 11/19/02 that the five defendants' names surfaced. Sometime before 2:30pm that day, Arlene Tolliver (Jermal's mother) called police to say Jermal had been acting differently



since the crime occurred and that Jermal, Nathaniel Cauthen, and Rayshawn Banner were acting "panicked" and "paranoid" (WSPD partial file, p. 190). When Tolliver is first questioned he names the other four suspects, and Detectives divide up assignments for locating them. Finally, and perhaps most importantly, police received a CrimeStoppers tip at 7:57pm on 11/19/02 that that Dartonya Eaton, James Alexander Higgins, and Brian (last name unknown) killed the victim. The (anonymous) caller stated they are "pretty sure these are the subjects" and that they carry guns and are very dangerous (WSPD full file, p. 875). When this information was passed on to Griffin, he replied that five subjects were arrested in this case. Other than pulling the police records of Eaton and Higgins, I see no evidence of police attempts to locate these individuals or pursue this lead. Even a decade after the crime, as police prepared a case summary dated 9/2/12, police concluded that "All five of the suspect's homes were searched and various items of evidence were seized, including several pairs of athletic shoes. The SBI subsequently *matched the shoe impression found on the hood of Nathaniel Jones' car to a shoe belonging to Rayshawn Banner*" (WSPD partial file, p. 271, emphasis added). In fact, the SBI report stated that the shoe impression on the car "could have been made by that shoe or another shoe of the same physical size, design and general condition. Due to the limited detail in the impression, a more positive association could not be made" (WSPD full file, p. 844).

#### **H) Confession contamination and inconsistencies in suspects' statements**

Scholars and police officials universally agree that confession contamination is a negative investigative outcome that should be avoided. Confession contamination occurs when non-public information about the crime—details known only to police and the true perpetrator—are provided to the suspect and become incorporated into the suspect's eventual (false) confession. To understand confession contamination, it is important to distinguish between an incriminating admission ("I did it" or "I was there") and a full confession generated via a post-admission narrative. From the police perspective, the interrogator uses the interrogation process to move the suspect from denial to incriminating admission, using whatever array of psychological interrogation techniques necessary to elicit an admission. Once the suspect admits his or her involvement, the interrogator endeavors to elicit a detailed narrative explaining how the crime occurred and the suspect's motives and mindset. Police are trained that a mere "I did it" admission has little evidentiary value unless it is accompanied by this post-admission narrative that provides detailed information about where, when, how, and why the suspect committed the crime. Police are also taught that confessions should be independently corroborated by other types of evidence gathered during a thorough investigation.

Contamination can occur in both the pre-admission and the post-admission phases. In the pre-admission phase, a common interrogation strategy is the "evidence ploy" in which interrogators express their certainty in the suspect's guilt and claim to have evidence of that guilt. They may present the suspect with information or evidence (either real or fabricated) in an effort to convince the suspect that their guilt is a foregone conclusion and that confession and cooperation is therefore in the suspect's best interest. Evidence ploys can contain anything from basic facts of



the incident to crime scene photos, murder weapons, surveillance footage, etc. This strategy is intended to convince the suspect that the interrogator already knows the suspect's involvement and pressure the suspect to confess. When the suspect is actually innocent, however, it has the unintended effect of feeding him or her crime-specific details, which may be later incorporated into a false narrative.

Even if contamination does not occur in the pre-admission phase, it can still occur in the post-admission phase. In their eagerness to document a thorough, detailed confession statement, interrogators may inadvertently communicate case information in their attempts to elicit missing details from the suspect's account (the suspect who, in the interrogator's view, has already "confessed").<sup>65</sup> Interrogators often adopt a question-and-answer format for the confession narrative, especially if they are turning on a recording device to document the confession. As in the pre-admission accusatory questioning phase, interrogators in the post-admission narrative may use leading or suggestive questions and/or negative feedback in their attempt to elicit a narrative that is consistent with their expectations of the suspect's guilt. Contaminated confessions can be difficult to detect when only the post-admission confession statement is recorded, and not the interrogation in its entirety. However, suspects' and officers' later accounts of the interrogation (via courtroom hearings or conversations with attorneys or family) can offer clues that contamination may have occurred.

1. **Jermal Tolliver.** Tolliver said during his confession statement someone had shown him a picture of some shoes (Tolliver confession statement, p. 25). Notably, I found no mention in the police files of detectives showing photographs to the suspects. Other indications emerged in Tolliver's suppression hearing; he testified that he started making the statements that appear on the taped conversation "after they told me the story first" (Tolliver suppression transcript, p. 183). Tolliver also testified that police told him someone said he was the lookout, and that's what he told back to police (p. 162). Additionally, he testified that police told him or asked him about a bat, so he told about a bat. They told him a wallet was "out there by the mall," and he told them that because "they kept asking me about a wallet" (165-166).
2. **Christopher Bryant.** Bryant testified that the detectives told him they already knew a lot of facts about the case, and they were telling him those facts (Bryant suppression transcript, p. 201). He said that police "came in there yelling at me, talking about Miss Jessica already said that you was there, and y'all beat him with some sticks" (p. 214). He testified that "basically, I was just agreeing to whatever they was telling me" (p. 214). He appears to have accepted the narrative interrogators provided to him: "When they...told me what happened, and I just agreeing with them" (pp. 208-209).
3. **Nathaniel Cauthen.** Detective Rowe testified that he provided Nathaniel Cauthen with "information" he had gleaned from Jermal Tolliver's interrogation, though he denied that the information he provided contained "details" (Cauthen suppression hearing, p. 49-50). He told Cauthen that others were implicating him in the crime.



Confession contamination is an inevitable byproduct of the presumption of guilt that typifies typical American police interrogations, discussed in a previous section. If investigators begin an interrogation under the assumption that the suspect is guilty—which occurs by definition in interrogations—then any suspect who is actually innocent of the crime is misclassified as guilty. This misclassification error causes interrogators to treat suspects’ denials of involvement—even repeated, unequivocal, fervent denials—as further evidence of the suspect’s guilt.

Misclassification of innocent suspects is the first step toward eliciting a false confession, and it is inherent in confession contamination.<sup>66</sup> It is important to note that contamination is not always malevolent or even deliberate; sometimes police officers disclose crime details (or provide them via evidence ploys) unintentionally during the course of questioning. This is increasingly likely to occur in longer interrogations.

Because we do not have documentation of the interrogations themselves, it is not possible to determine who first provided details about the crime: a suspect himself, the Detectives who questioned him, or a co-defendant (by virtue of police playing co-defendants’ taped statements to elicit a confession). However, it is possible to identify 1) inconsistencies among the suspects’ statements and 2) inconsistencies between confession statements and physical evidence. Numerous inconsistencies present just in the taped confession statements cast doubt on the veracity of all the suspects’ statements. This relates to the maximization tactic called *evidence ploy* described above. If detectives told the defendants how they thought the crime occurred and/or played excerpts of co-defendants’ narrative accounts—both of which case records suggest did occur—then each suspect’s own confession statement could have been contaminated.

The inconsistencies among the defendants’ statements are extensive. They gave different accounts regarding numerous aspects of the afternoon in question, the crime itself, and their activities after their alleged assault—and these are only in the relatively brief, taped confession statements. Below is a summary of inconsistent details across the various recorded statements:

*Who was present the night in question.*

- Christopher Bryant, Dorrell Brayboy, and Jessicah Black named the five defendants in this case.
- Nathaniel Cauthen said it was Banner, Bryant, Brayboy and himself and Jed was in the yard. Cauthen said Jermal Tolliver was not there.
- Jermal Tolliver said it was himself Banner, Cauthen, someone named Chris, and someone named Craig. Later he said Brayboy was there.
- Rayshawn Banner said it was the five defendants, plus Shelton, G, and Jed.

*How they arrived at the victim’s house.*

- Jermal Tolliver, Christopher Bryant, and Dorrell Brayboy gave similar accounts that involved Jessicah Black driving the group to the park, parking her car at the rec center, and the defendants walking on the sidewalk to the victim’s house.



- Rayshawn Banner said they went to the victim's house in Black's car. Black parked on the side of Belview on the curve.
- Jessica Black said she drove the defendants to Maxway's and Dollar General, and they came out with duct tape. She then drove them to the park and she sat on a bench while they walked off.

How they approached the victim.

- Jermal Tolliver said that the group walked up to the house, and the victim came out the front door.
- Rayshawn Banner said everyone jumped out of the car, and Christopher Bryant ran to the house. The victim was taking in some groceries. Banner said he was standing in the middle of the street and Nathaniel Cauthen was there with him, then Nathaniel ran over to the group. By the time Nathaniel got over there, the victim was already on the ground.
- Nathaniel Cauthen said they were in the park and just saw the victim going into his house, so they all said "let's go get him" and ran up to the front of his house. The victim was by his van.
- Christopher Bryant said that Nathaniel Cauthen knocked on the door, and Rayshawn hit the victim.
- Dorrell Brayboy said he was standing by the fence and couldn't see anything, but could hear the others hitting the victim.

Who hit the victim/details of the assault.

- Jermal Tolliver said that the group saw the victim outside, and Rayshawn Banner, Nathaniel Cauthen, and Dorrell Brayboy "jumped" him. Banner and Cauthen held the victim down and Brayboy taped his hands in front of his body. Banner and Cauthen took his wallet. Jessica Black was waiting in the car. Tolliver said he and Bryant were the lookouts and Banner, Cauthen, and Brayboy hit the victim.
- Dorrell Brayboy said that he was the designated lookout and he did not see the assault, but heard the sound of someone getting beaten up. He told Detectives that later on Nathaniel Cauthen and Rayshawn Banner were bragging about beating up someone. When Det. Smith told Brayboy that the others were suggesting he taped up the victim, Brayboy denied this and said he knew nothing about any tape. In his Bruton statement, Brayboy stated that Nathaniel Cauthen, Christopher Bryant, and Jermal Tolliver hit the victim, but Rayshawn Banner did not.
- Nathaniel Cauthen said that Bryant, Brayboy, Banner, and himself were hitting the victim. Bryant, Brayboy, and Banner tied up the victim. Jed stood in the yard. In his Bruton statement, Cauthen said he was standing on the street, then walked up the sidewalk, past the van, and into the carport where he hit the victim several times in the stomach.
- Rayshawn Banner said that Bryant and Tolliver were beating the victim and he "guessed" that Bryant tied him up. Banner said that he did not touch the man. He said Bryant took the victim's wallet, and Jed kicked him in the face.



- Christopher Bryant said that he was the lookout. He said Cauthen, Banner, and Brayboy were hitting the victim with a baseball bat and their fists. Brayboy tied him up with duct tape. Banner took his wallet.

Whether the defendants went onto the victim's carport.

- Jermal Tolliver said they did not go onto the carport.
- Nathaniel Cauthen said that he did go on the carport.
- Christopher Bryant first said he did not go on the carport, then he later said he did.

What (if anything) the victim said during the assault.

- Christopher Bryant said the victim was yelling "help, help, help."
- Jermal Tolliver said the victim screamed "Help, get off me" about 10 times.
- Dorrell Brayboy said the victim said "stop."
- Nathaniel Cauthen said the victim wasn't yelling when Cauthen hit him, but then victim said "stop, stop, stop."
- Banner said the victim did not "holler" or say anything or appear to be unconscious.

Whether weapons were involved.

- Jermal Tolliver, Dorrell Brayboy, and Nathaniel Cauthen said that no weapons were involved. (Police reports indicated that earlier Cauthen had said Brayboy hit the victim in the head with a pole.)
- Rayshawn Banner said that Tolliver had a small garden tool.
- Christopher Banner said that Cauthen had a baseball bat.
- Jessica Black said that Cauthen and Bryant had sticks.

Where the victim was left.

- Dorrell Brayboy said the victim was left in the grass in his yard. Rayshawn Banner also said this and stated the victim was laying on his back.
- Christopher Bryant said the defendants left the victim between his car and the door of his house.

How they left victim's house.

- Jermal Tolliver said they ran away through Belview Park, past the basketball court then to Dacian street. Tolliver stated he then went to Chris's house.
- Nathaniel Cauthen said they ran to the park and got in Jessica Black's car.
- Rayshawn Banner said they jumped in Black's car and she drove away, then dropped them off.
- Christopher Bryant said they all ran back across the street. Someone dropped the tape over by the bench and trees in the rec center. Then they got back into Jessica's car and went back to Cauthen's house and changed clothes



- Dorrell Brayboy said that Bryant and Tolliver were at the front of the house, and Cauthen and Banner jumped the fence. They went back to the park and left in Jessica's car

What the defendants were wearing.

- Jermal Tolliver reported that he was wearing a green pullover, army fatigue Reebok shoes, and blue jeans. Christopher Bryant gave the same description of Tolliver's clothing but added he was also wearing a shirt with gold teeth on the front. Dorrell Brayboy's description of Tolliver's shoes was the same, but said Tolliver was wearing green army fatigue pants (not blue jeans) and a white shirt with a Starter sign on it (not a green pullover).
- Nathaniel Cauthen said that he was wearing blue jeans, a blue shirt, and white/red Air Force One shoes. Dorrell Brayboy said that Cauthen was wearing black jeans, a white shirt, and Timberland boots. Christopher Bryant said that Cauthen was wearing dirty black jeans and a light blue jacket.
- Dorrell Brayboy said he was wearing a blue Orlando Magic jersey, a light and dark blue Adidas jacket, blue jeans, and black Air Force One shoes. Cauthen said Brayboy was wearing a Falcons jersey. Bryant said Brayboy wore a 76ers hat, blue jeans, 76ers jersey, and light and dark blue Adidas jacket.
- Rayshawn Banner said he was wearing blue jeans, white Air Force Ones, and a Carolina blue t-shirt. Dorrell Brayboy said that Banner was wearing blue jeans, white/red Air Force One sneakers, a black shirt, and a dark blue coat. Jermal Tolliver said Banner was wearing jeans, white/red Air Force One sneakers, and a red long-sleeved shirt. Nathaniel Cauthen said Banner was wearing black jeans, a red shirt, and white Air Force One shoes with no jacket. Christopher Bryant said Banner wore black jeans and a green Falcons jersey.
- Christopher Bryant did not report on his own clothing. Dorrell Brayboy said Bryant was wearing a black/red G hat, black/red/white pullover, black sweatpants, and black Air Force One shoes.

Whether the assault was planned.

- Jessica Black said when she was driving the defendants around in her car, they were joking about "wouldn't it be funny to jack somebody."
- Christopher Bryant said that Cauthen, Brayboy, and Banner came over to his house with a duct tape and bat. Someone was swinging the bat and saying he was gonna knock the man's head off. In his Bruton statement, Bryant said the others said they were going to rob the man, but he didn't know they were going to kill him.
- Jermal Tolliver said they intended to go to the victim's house to rob him because they heard the victim had a lot of money.
- Rayshawn Banner said that Christopher Bryant planned the assault and gave the rest of the group instructions about where to go and what to do.
- Nathaniel Cauthen said the group had no plan and was just driving around. They were in the park talking and they saw the victim, so they all said "let's go get him" and just ran



up to him.

Whether they returned to the crime scene after they left.

- Dorrell Brayboy and Rayshawn Banner said they themselves never went back to the crime scene.
- Jermal Tolliver said that he and Bryant stayed at his house and did not return to the crime scene. He stated that others said they went back.
- According to Det. Griffin's report, Nathaniel Cauthen said that after the group left the bowling alley, they returned to the neighborhood and watched police at the crime scene (WSPD full file, p. 44).
- Christopher Bryant said that after the group left the bowling alley, they went back and "looked at the scene." Police were there and the whole neighborhood was looking at the victim. Bryant said he saw the victim in a body bag.
- Jessicah Black said that after they left the bowling alley, they returned to Moravia street and went part of the way down the street. She stopped the car at Jed's house. She got out of the car and asked someone what was happening, and a lady told her some old man was beaten and robbed and his hands were tied together.

Additional details not appearing in other suspects' statements.

- Rayshawn Banner said that Christopher Bryant went into the house, but no one else did. He said Bryant brought out a chair from the kitchen and stood on it to unscrew a lightbulb on the carport.
- Christopher Bryant said there was blood on the floor and on the victim's chest. He said the victim was wearing a white t-shirt.
- When police asked Christopher Bryant if the victim was gagged, Christopher Bryant said yes, but no other suspects mentioned this in their accounts.
- Nathaniel Cauthen said the victim was wearing glasses.
- Jermal Tolliver said there were no lights on inside or outside the victim's house.
- Rayshawn Banner mentioned a doorknob being pulled off.

In addition to potential contamination via other suspects' statements, the five defendants' statements could have been contaminated by local news consumption or neighborhood gossip. It was clear that information about the crime was circulating quickly, as several defendants and detectives stated that a large crowd had gathered at the crime scene. There was also local news coverage, as Reginald Thomas told police that he had heard through the media and the family that the victim had been tied up and beaten as he was putting groceries in the house" (Det. Rowe supplemental report, WSPD partial file, p. 189). Thayers Tolliver also said that they had watched the news. In his taped confession statement, Dorrell Brayboy said he heard about the murder on the news. He told detectives that he learned the victim had died when "I just hear them talking about it on the news, and the police standing there that night said they found a man in the ditch" (Brayboy confession statement, p. 14). He said he had seen the victim's face on TV.



## **I) Confession statements not corroborated by physical evidence**

Confession statements—even colorful, detailed ones—should not stand alone. Researchers and police trainers agree that suspects’ confessions should be independently corroborated by independent evidence,<sup>67</sup> ideally scientific evidence. The Reid Technique training manual instructs interrogators that “proper corroboration of a confession...represents the best measure of the trustworthiness of a confession....every investigator should strive to not only develop independent corroboration within a confession, but to actually go out and verify it as well” (pp. 354-355). In the present case, there were numerous inconsistencies among the suspects’ statements and the physical evidence.

- Jermal Tolliver told detectives in an earlier interrogation that Dorrell Brayboy tied the victim’s hands behind his back (WSPD partial file, p. 234). Tolliver later told detectives that Brayboy tied the victim’s hands in front of his body (Tolliver interrogation transcript, p. 6-7). However, witnesses and first responders reported that the victim was found with his hands bound behind his body (WSPD partial file, p. 103).
- Claude Walker, the painter who first discovered the victim’s body, found the body lying on the carport between the victim’s Lincoln and the door of the house. This is the location Christopher Bryant said the defendants left the victim, but Dorrell Brayboy and Rayshawn Banner said the defendants left the victim in the grass in his yard.
- Cauthen stated that he saw blood on Brayboy and Banner’s clothing. The North Carolina State Bureau of Investigation laboratory tested clothing from all five defendants and failed to find blood on any of the clothing tested.
- Jessicah Black stated that the defendants came out of Maxway’s or Dollar General with duct tape, but those stores did not sell duct tape (WSPD partial file, p. 156).
- Multiple defendants stated that they left the scene of the crime in Jessicah Black’s car. Although police found “visible blood present at the crime scene,” (WSPD full file, p. 695), no blood was found in Black’s car.
- The crime lab compared the defendants’ shoes with shoe impressions found on the hood of the victim’s Lincoln. They reported that “could have been made by that shoe [Rayshawn Banner’s] or another shoe of the same physical size, design and general condition. Due to the limited detail in the impression, a more positive association could not be made” (WSPD full file, p. 844). The other suspects’ shoes were ruled out as matches.
- The medical examiner report noted that the victim sustained defensive wounds on his hand, yet Det. Poe’s written request for examination of physical evidence noted that “All suspects were arrested within four days of the murder and there was no indication that any of them had any type of injury from which they would have bled at the crime scene” (WSPD full file, p. 682).
- At least 10 fingerprints were lifted from the crime scene, and none of the prints matched the defendants.



In addition to direct confession contamination in which interrogators (knowingly or unknowingly) feed crime details to the suspect, it is important to note that false confessors sometimes get some details about the crime right purely by guessing, especially among a limited number of options presented in leading fashion. For example, questions such as “Did you go in the front door or the back door?” yield a 50% chance of being answered accurately purely by chance. There is evidence that the suspects may have been simply guessing or complying with interrogators’ suggestions. For example, Nathaniel Cauthen’s recorded confession statement contained utterances such as “I guess so” and “probably” responses. This is one of many reasons why independent corroboration of details in the confession narrative is essential.

## **J) False confessions and the phenomenology of innocence**

A subset of the interrogation research literature explores the “phenomenology of innocence,” meaning innocent individuals who are falsely implicated are sometimes surprisingly cooperative with police because they believe their innocence will prevail and the situation will be justly resolved. That is, they cooperate because they believe they have nothing to hide. Paradoxically, their innocence leads them into situations of legal jeopardy, as experimental studies show that innocent suspects are more likely than guilty suspects or control-condition suspects to waive their Miranda rights, agree to speak with investigators, and sign confession statements.<sup>68</sup> One potential underlying factor is that innocent suspects may fail to appreciate the gravity of the situation or even recognize that they are considered suspects.<sup>69</sup>

There is reason to believe the judge presiding over the Bryant/Tolliver suppression hearing was not familiar with the phenomenology of innocence or how innocence can relate to suspects’ responses to police coercion. The judge stated, “Now my problem with that would be why would anyone make a false statement implicating themselves after being told that the punishment of what they are accused of doing is death? That would make somebody make up a lie about they were in China at the time this they were involved in it” (Suppression hearing, pp. 166-167). He later stated “If you're going to tell a story the story ought to put you away from the scene of the crime, in my opinion” (Suppression hearing, p. 223). While that argument has logical appeal, it has no foundation in developmental science or psychological research on interrogations and confessions.

## **K) Role of parents in juvenile interrogations**

Parents can potentially play an important role in juvenile interrogations, and this can add a layer of complexity to disputed juvenile confession cases that is not relevant to disputed adult confession cases. Laws and policies requiring or encouraging a parent’s consent or presence in juvenile interrogations are based on the assumption that parents can and will serve a protective function,<sup>70</sup> but recent research suggests that may not be the case. Regarding knowing, intelligent, and voluntary Miranda waivers, parents themselves often lack a functional understanding of rights as well as the legal protections that Miranda warnings convey. In one study, half of adults



could not provide a sufficient definition of the term *right* and nearly one-quarter displayed inadequate Miranda comprehension.<sup>71</sup>

In addition to conceptual understanding of the Miranda warnings, recent work has also explored parents' understanding of the implications of waiving Miranda and the parameters of police interrogation practices. In other words, whether parents understand the legal rights to silence and counsel is an important first step, but if they do not understand, for example, that police can lie to suspects during interrogations, then a basic conceptual understanding of the rights to silence and counsel is not particularly useful. New research demonstrates numerous, sometimes severe, inaccuracies in parents' knowledge about juvenile interrogations. For example, parents in several studies (incorrectly) believed that police cannot lie during interrogations and that police must notify them if their child is considered a suspect.<sup>72</sup>

As described above, several of the defendants' mothers either consented to, or actively facilitated, their sons' interrogations. Arlene Tolliver actually voluntarily contacted detectives and told them she thought her son might be involved or have knowledge of the crime. Lisa Brayboy, a high school dropout who was on pain medication from a recent surgery, said she permitted Dorrell to accompany detectives to the police station because they said they needed to talk with him but would bring him right back. When she later called to inquire about Dorrell's status, police transported her to the station (because she was still medicated) and then controlled her presence and participation in the interrogations. Dorrell Brayboy said "they kept telling her to leave out the room" (Brayboy suppression hearing, p. 81). However, they let her remain in the room during the final taped confession statement, which can lend credibility to a confession statement's voluntariness if it is later challenged. Lisa Brayboy, who by her own admission did not understand police procedures, testified that "they sent me out the room," and "every five minutes they was sending me out" (p. 92). Each time she did as she was told. Lisa testified that "I was sent out the room so many times and it as hard for me to keep up with the times" (p. 106). Some youth will request a parent's assistance during interrogation. Dorrell Brayboy said he wanted his mother present so that she's "gonna straighten everything out" (Brayboy suppression transcript, p. 32). But as evidenced by Lisa Brayboy's experience with police, some parents are not able to play a protective role in their children's interrogations.

Moreover, as described in a previous section, four of the five defendants were told or "pleaded with" to "tell the truth" by their mothers, sometimes as police drove the youth away in police cars and at other times sitting in the interrogation room with detectives looking on. Not only does this behavior communicate to adolescents that they are expected to cooperate with police, it can effectively serve to accuse youth of lying, just as interrogators are trained to do as they reject suspects' denials.



## **L) Law enforcement policy and practice regarding electronic recording of interrogations and/or confession statements**

Interrogation researchers and experts have long claimed that, due to the potential for manipulation and coercion discussed above, all custodial interrogations should be electronically recorded (preferably videorecorded) in their entirety.<sup>73</sup> This case exemplifies the importance of recording in full because it illustrates law enforcement's advantage in controlling the narrative in the absence of an electronic record. All five defendants in this case, along with Jessica Black, were interrogated for some time prior to their recorded statements. There is no way to verify what actually transpired during those interrogations, and the detectives and defendants in this case give very different accounts. The recurring theme throughout the defendants' accounts (via their suppression hearing testimonies) is that of verbal aggression, threats, and repeated accusations of lying. By contrast, the detectives consistently characterize their actions as considerate and appropriate (i.e., bathroom breaks, food, frequent reminders that the suspects are not under arrest). It is very important to consider that police and suspects—particularly adolescent suspects—are very differently situated in legal settings.<sup>74</sup> Not only are police (generally) trained and experienced in conducting interrogations and obtaining confessions, they are also positioned to understand the procedural elements necessary to uphold confessions in court (e.g., obtaining Bruton statements) and to know what to emphasize in police reports and suppression and trial testimony (e.g., suspects were told they were free to leave). In contrast, youth (generally) have limited understanding of standard police interrogation practices<sup>iv</sup>.<sup>75</sup> They have difficulty understanding legal terminology and applying legal knowledge to their own situations. Moreover, youths' prior justice system contacts does not necessarily translate to "savviness" in interrogations, as often presumed; one study found that previous justice system experience was not associated with, for example, knowledge that police are allowed to lie during interrogations.<sup>76</sup> The Supreme Court's opinion in *Gallegos v. Colorado* (1962) summarizes the problem well:

*But a 14-year-old boy, no matter how sophisticated, is unlikely to have any conception of what will confront him when he is made accessible only to the police. That is to say, we deal with a person who is not equal to the police in knowledge and understanding of the consequences of the questions and answers being recorded, and who is unable to know how to protect his own interests or how to get the benefits of his constitutional rights.*

More than fifty years later, we now have ample scientific evidence to support this assertion. In the present case, it seems clear that the defendants (and likely their mothers as well) did not understand the nature of police custody, the implications of their actions or inactions, or the long term consequences of their statements. As one example from case records, Det. Smith asks Brayboy in his taped confession statement about whether Brayboy taped up the victim. When

<sup>iv</sup> Though studies are few, this appears to be true of adults as well (specifically parents of adolescents); see Woolard et al. (2008); Cleary & Warner (2017)



Brayboy denied knowledge of any tape, Det. Smith says “be 100% with this...I mean this is the story we’re allowing you. I mean, you wanted to give us a statement, right?” (Brayboy confession transcript, p. 21). A few moments later he says “This is your statement...you wanted to give it. I’m giving you this opportunity, you’re not in custody, this is your time to give it” (p. 25). The Detective is characterizing police interrogation and Brayboy’s taped confession statement as a courtesy to Brayboy, and Brayboy gives no indication during this statement that he conceptualizes it differently. Neither does his mother, who is present during the recorded confession.

Another key consideration is when, specifically, WSPD detectives decided to begin recording. There is indication that detectives turned on the audio recording only after the interviewees made incriminating statements. For example, in Rayshawn Banner’s suppression hearing, the Court raised the question of which portion of Banner’s story was recorded, and the judge asked Det. Clark whether the recording is “just the good stuff from your perspective and not all the denials?” and Det. Clark responded “Right. This would have been actual statement.” Collectively, case documents indicate that detectives would intentionally question suspects “off the record” to extract the information they desired, and then they would turn on the recording when they were satisfied with what they had heard. As the judge in Nathaniel Cauthen’s suppression hearing put it, “A pattern has developed that the interviewers basically talk until they hear the story they want to record, and then they bring the recorder out” (Cauthen suppression hearing, p. 59). For example, when Det. Clark was asked when he decided to start recording, he replied “Once we felt like we had the truth” (Rayshawn Banner suppression transcript, p. 30). This is important for several reasons: first, it implies that interrogators’ decisions about when to record are made strategically; and second, it suggests that detectives did not believe the information provided by defendants earlier in the interrogation (namely, their denials). As described previously, detectives’ “certainty” in a suspect’s guilt can lead to confirmation bias, aggressive questioning, and confession contamination.

Although states are moving toward requiring electronic recordings of custodial interrogations,<sup>77</sup> the practice is far from universal. It is common practice (and was likely even more common in 2002) for police to record only the final confession statement. Interrogators often adopt a rote question-and-answer format to reconstruct the information generated previously into a coherent, documented narrative. WSPD did not require electronic recording in 2002, though they implemented this requirement in 2007. WSPD did have written policies and procedures in place governing the conduct of field interviews, custodial interrogations and Miranda warnings. If the interrogations of Jermal Tolliver, Christopher Bryant, Dorrell Brayboy, and Nathaniel Cauthen were indeed non-custodial as Detectives claimed in this case, then their actions were compliant with existing department policy. However, this report highlights scientific research on adolescent development and youths’ decision making that raises questions about whether the defendants felt free to leave.



In the absence of an electronic recording, we are left to rely on officers' and suspects' verbal accounts of the interrogation and police officers' written reports. It is underscored here that police notes about an interrogation—particularly long after that interaction occurred—should be viewed with extreme caution. There are numerous psychological and operational reasons why police notes summarizing an interrogation are unlikely to be complete and accurate accounts of that interaction. Long delays can degrade memory recall. Written reports cannot capture participants' nonverbal behaviors. Commonsense dictates that if police (intentionally or unintentionally) dismissed a suspect's denials, ignored information that ran counter to their hypotheses about the crime, or psychologically manipulated a suspect, they are unlikely to relay that information in a report. Without an electronic recording of the full interrogation session (not just the confession statement), we are forced to rely (in part) on the officers' accounts of the interaction. This is not to say that detectives in this case were intentionally deceptive, but it does mean that one should consider the veracity of suspects' taped statements within the context that the interrogations preceding those taped statements (and any problematic techniques used therein) are unknown.

In fact, there are indicators that police selectively represented events and statements from the unrecorded interrogations. Multiple detectives in multiple police reports note that they emphasized that the defendants were not under arrest and were free to leave. However, it is noteworthy that all four defendants who testified in their suppression hearings told the court that detectives threatened them with the death penalty. (Rayshawn Banner did not testify at his suppression hearing.) These interrogations involved multiple officers over multiple occasions, yet references to the death penalty do not appear in any detective's written report. This is despite the fact that several detectives conceded in court that references to the death penalty were made.

Moreover, even if a video- or audio-recording of the interrogation exists, it is important to remember that coercive interrogation techniques are not always readily apparent to a layperson. While glaring instances of coercion certainly do sometimes "jump out" at the observer (e.g., shouting, threats), the absence of overt coercion does not mean that the suspect does not perceive the experience as psychologically coercive. Using psychologically coercive interrogation strategies repeatedly and/or in multiple forms, combined with a suspect's individual vulnerabilities, can result in a false confession.

## **VI. SUMMARY AND CONCLUSIONS**

This report summarizes the scientific research on factors associated with false confessions that are relevant to the matter involving four living defendants Rayshawn Banner, Christopher Bryant, Nathaniel Cauthen, and Jermal Tolliver as well as Dorrell Brayboy (deceased). This case involves five mid-adolescent boys who were transported to a police station, four of whom remained there for 8-9 hours. Detectives interrogated the suspects both serially and simultaneously between the hours of approximately 3:00pm on 11/19/02 and early in the



morning of 11/20/02, alternating periods of isolation with aggressive, threatening interrogation tactics. Though Detectives claimed that four of the five suspects (all but Banner) were not under arrest and thus the interviews were non-custodial, all four of those suspects testified that they did not feel free to leave. The suspects, all five of whom had documented cognitive or intellectual impairments, reported feeling scared, threatened, coerced, or confused. While I cannot opine whether the five defendants' or Jessica Black's confessions were factually false, I conclude that this case involves many factors associated with known false confessions, namely:

- *Adolescence*: All five defendants were middle adolescents (ages 14-15 years), a known dispositional risk factor for false confession.
- *Intellectual disability*: All five defendants had documented intellectual disabilities, a second known risk factor for false confession. All five had cognitive and verbal difficulties.
- *Prolonged custody and isolation*: Four of the five defendants were physically in police custody (or perceived themselves to be) for 8-9 hours. Lengthy detentions and interrogations increase feelings of isolation and degrade suspects' abilities to withstand police pressure—especially adolescent suspects and people with intellectual disabilities.
- *Confirmation bias*: Police exhibited confirmation bias in the interrogations when they assumed the defendants were guilty and rejected defendants' claims that they were innocent. They also exhibited confirmation bias in their failure to pursue other leads.
- *Coercive interrogation techniques*: Police used aggressive "maximization" techniques to obtain confessions from the defendants, including accusing the defendants of lying, isolating them from others, and threatening with the death penalty. Maximization manipulates suspects' perceptions of their situation by threatening harsher punishments if they continue to deny. It creates feelings of hopelessness and despair, and makes suspects feel as though confession is the best means of escaping a stressful situation.
- *Inconsistencies in suspects' statements*: The five defendants' confession statements were more different than alike. This is consistent with documented false confession cases in which co-defendants succumbed to police pressure by creating a false narrative of their involvement in a crime.
- *Confession contamination*: Defendants' statements could have been contaminated when detectives played them recordings of their co-defendants' incriminating narratives, when detectives told suspects how they thought the crime occurred (including showing photographs), when the defendants viewed the crime scene after the crime occurred, and/or when defendants heard about the crime via local news or neighborhood gossip.
- *Lack of confession corroboration by physical evidence*: No physical evidence reliably linked the defendants to the crime. No blood was found on the suspects' clothing or Jessica Black's car. Fingerprints found at the crime scene did not match the defendants.

The opinions expressed in this report are based upon my own scientific training, research, and publications; my knowledge of the scientific literature; and my review of the case-specific information noted above. I reserve the right to modify any opinions expressed in this report in



the event that new or additional information comes to my attention. Thank you for the opportunity to assist the North Carolina Innocence Inquiry Commission on this matter. I truly hope the information I have provided in this report is helpful for your investigation.

Sincerely,



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<sup>1</sup> Gross, S. R., Jacoby, K., Matheson, D. J., Montgomery, N., & Patil, S. (2005). Exonerations in the United States: 1989-2003. *Journal of Criminal Law and Criminology*, 95(2), 523-560.

<sup>2</sup> <https://www.innocenceproject.org/all-cases/#exonerated-by-dna>

<sup>3</sup> <http://www.law.umich.edu/special/exoneration/Pages/mission.aspx>

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## EDUCATION

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- |      |   |
|------|---|
| 2010 | PhD in Developmental Psychology, Georgetown University                      |
| 2007 | MPP in Public Policy, Georgetown University                                 |
| 2004 | BA with Distinction in Psychology & Russian Studies, University of Virginia |

## ACADEMIC POSITIONS

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- |                |   |
|----------------|---|
| 2019 – present | Associate Professor of Criminal Justice, Virginia Commonwealth University, Richmond, VA<br><br>Affiliate faculty, Center for Cultural Experiences in Prevention, Virginia Commonwealth University |
| 2012 – 2019    | Assistant Professor of Criminal Justice, Virginia Commonwealth University, Richmond, VA   |
| 2011 – 2012    | Assistant Professor of Psychology (teaching faculty), Virginia Commonwealth University, Richmond, VA  |

## PUBLICATIONS

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### Refereed Journal Articles

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**Cleary, H. M. D.**, & Najdowski, C. J. (advance online publication). Awareness of sex offender registration policies and self-reported sexual offending in a community sample of adolescents. *Sexuality Research and Social Policy*. doi: <https://doi.org/10.1007/s13178-019-00410-3>

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**Cleary, H. M. D.** (2014). Police interviewing and interrogation of juvenile suspects: A descriptive examination of actual cases. *Law and Human Behavior*, 38, 271-282. doi:10.1037/lhb0000070

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Tenney, E. R., **Cleary, H. M. D.**, & Spellman, B. A. (2009). Unpacking the doubt in “beyond a reasonable doubt”: Plausible alternative stories increase Not Guilty verdicts. *Basic and Applied Social Psychology*, 31, 1-8. doi: 10.1080/01973530802659687

Woolard, J. L., **Cleary, H. M. D.**, Harvell, S. A. S., & Chen, R. (2008). Examining adolescents’ and their parents’ conceptual and practical knowledge of police interrogation: A family dyad approach. *Journal of Youth and Adolescence*, 37, 685-698. doi: 10.1007/s10964-008-9288-5

Woolard, J. L., Odgers, C., Lanza-Kaduce, L., & **Daglis, H.** (2005). Juveniles within adult correctional settings: Legal pathways and developmental considerations. *International Journal of Forensic Mental Health*, 4, 1-18. doi: 10.1080/14999013.2005.10471209

### **Book Chapters, Reports, and Non-Refereed Publications**

Blandon-Gitlin, I., **Cleary, H. M. D.**, & Blair, A. (forthcoming). Race and juvenile interrogations. In M. Stevenson, B. Bottoms, & K. Burke (eds.), *The legacy of race for children: Psychology, public policy, and law*. Oxford: Oxford University Press.

**Cleary, H. M. D.**, & Vidal, S. (2014). Police interviewing and interrogation of adolescent suspects: Process and outcomes. In M. Miller, J. Chamberlain, & T. Wingrove (Eds.), *Psychology, law, and the wellbeing of children*. New York: Oxford University Press.

Open Science Collaboration. † (2014). The Reproducibility Project: A model of large-scale collaboration for empirical research on reproducibility. In V. Stodden, F. Leisch, & R. Peng (Eds.), *Implementing reproducible computational research (A Volume in The R Series)*. New York, NY: Taylor & Francis.

Youngs, A., & **Cleary, H.** (2011, September). Issues facing law enforcement considering the elderly. In J. Jarvis and A. Scherer (Eds.), *The future of law enforcement: a consideration of potential allies and adversaries*. Volume 7: Proceedings of the Futures Working Group.

Baker, T., & **Cleary, H. M. D.** (2014, August). An examination of risk classification systems in Virginia. Pro bono data analysis and report submitted to the Virginia Department of Juvenile Justice.



## Works in Progress

Smith, J. S., & **Cleary, H. M. D.** (under review). Prescriptive variations in threat assessment: A content analysis of state and federal K-12 threat assessment team legislation.

Lu, C. Y., **Cleary, H. M. D.**, & Broda, A. (under revision). The role of student voice in college attendance: A multi-group structural model.

**Cleary, H. M. D.**, & Bull, R. (in preparation). Factors associated with jail inmates' interrogation and confession decision making: Results from an American study. Manuscript in preparation.

Warner, T. C., & **Cleary, H. M. D.** (in preparation). Parents' interrogation knowledge and situational decision-making in juvenile interrogations. Manuscript in preparation.

Brubaker, S. J., & **Cleary, H. M. D.** (in preparation). The juvenile correctional staff role under a therapeutic model: A qualitative exploration of the meanings of treatment orientation, role conflict, and role ambiguity. Manuscript in preparation.

Brubaker, S. J., & **Cleary, H. M. D.** (in preparation). Resident-staff relationships under a therapeutic model of juvenile corrections: Resident and staff perceptions of structural and interpersonal dimensions in a youth prison. Manuscript in preparation.

Najdowski, C. J., & **Cleary, H. M. D.** (in preparation). Psychosocial maturity constructs mediate the association between adolescents' registration policy awareness and their sexual offending. Manuscript in preparation.

## HONORS AND AWARDS

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- 2018 Louise Kidder Early Career Award, Society for the Psychological Study of Social Issues (SPSSI; APA Div. 9)
- 2018 VCU Wilder School Excellence in Mentoring Award
- 2017 VCU Wilder School Excellence in Scholarship Award
- 2017 Translational Research Fellow, VCU Office of Public Policy Outreach
  - *VCU OPPO selected 10 faculty from across the University to partner with the Virginia legislature for a program that translates faculty research and expertise into legislation. Participants meet with key legislators and inform public policy on issues relevant to their scholarship and expertise.*
- Co-author of Reproducibility Project: Psychology that was named #8 of Top 100 Stories of 2015 by Discover Magazine, #6 by Science News, #5 in Altmetric100, Nature Magazine's Top Science Stories of 2015, and a runner-up for Breakthrough of the Year by Science Magazine



## CONFERENCE PRESENTATIONS

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### Paper Presentations

*\*denotes student collaborator*

Najdowski, C. N., & **Cleary, H.M.D.** (2020, March). Does perceived net cost reduce sexual offending in adolescents who are aware of registration laws? Paper presented at the annual conference of the American Psychology-Law Society, New Orleans, LA.

Smith, J. S., & **Cleary, H.M.D.** (2020, March). Analyzing legislative proposals for threat assessment teams in K-12 schools: Patterns, best practices, and future directions. Paper presented at the annual conference of the Academy of Criminal Justice Sciences, San Antonio, TX.

Bull, R., & **Cleary, H.M.D.** (2019, July). Jail inmates' perspectives on police interrogation. Paper presented at the biennial conference of the International Congress on Law and Mental Health, Rome, Italy.

**Cleary, H.M.D.** & Brubaker, S. J. (2019, June). Agents of change: Virginia's new therapeutic model for juvenile corrections. Paper presented at the annual conference of the Society for the Psychological Study of Social Issues, San Diego, CA.

**Cleary, H.M.D.**, & Najdowski, C. N. (2019, March). Adolescents' awareness of sex offender registration policies and self-reported sexual offending. Paper presented at the annual conference of the American Psychology-Law Society, Portland, OR.

Warner, T. W., & **Cleary, H.M.D.** (2019, March). Parents' interrogation knowledge and situational decision-making in juvenile interrogations. In L. Malloy (chair), *Do parents know best? The role of parents in juvenile interrogation and plea bargaining contexts*. Paper presented at the annual conference of the American Psychology-Law Society, Portland, OR.

Brubaker, S. J., & **Cleary, H.M.D.** (2018, August). Promises and challenges of a therapeutic model for juvenile justice facilities: Resident and staff perceptions. Paper presented at the annual conference of the Society for the Study of Social Problems, Philadelphia, PA.

**Cleary, H.M.D.**, & Bull, R. (2017, November). Factors influencing jail inmates' interrogation and confession decision making: Results from an American study. Paper presented at the annual conference of the American Society of Criminology, Philadelphia, PA.

\*Naoroz, C.J., & **Cleary, H.M.D.** (2017, November). News media framing of police body-worn cameras: A content analysis. Paper presented at the annual conference of the American Society of Criminology, Philadelphia, PA.

**Cleary, H.M.D.**, & Bull, R. (2017, March). Factors influencing jail inmates' interrogation and confession decision making: Results from an American study. Paper presented at the annual conference of the American Psychology-Law Society, Seattle, WA.

**Cleary, H.M.D.**, & Bull, R. (2017, March). Jail inmates' perspectives on police interrogation. Paper presented at the annual conference of the American Psychology-Law Society, Seattle, WA.



Vidal, S., **Cleary, H.M.D.**, & Woolard, J. (2016, March). Experiences with the police and knowledge about interrogation practices as correlates of legal socialization. In A. Fine (chair), *Exploring mechanisms of legal socialization during adolescence*. Paper presented at the annual conference of the Society for Research on Adolescence, Baltimore, MD.

**Cleary, H.M.D.**, & Warner, T.C. (2015, November). Police training and practice in juvenile interrogation: Techniques used with juvenile suspects. In E. Dumortier (chair), *Police interrogations of young suspects: International perspectives*. Paper presented at the annual conference of the American Society of Criminology, Washington, DC.

**Cleary, H.M.D.** (2014, August). What happens when police question youth? An observational study of actual juvenile interrogations. In C.J. Najdowski (chair), *An integrative analysis of juvenile offenders and their treatment in the justice system*. Paper presented at the annual conference of the American Psychological Association, Washington, DC.

**Cleary, H.M.D.**, Warner, T.C., & Guarnera, L.A. (2014, March). The role of suspect and juror attributes in public perceptions of juvenile confession evidence. In L. Malloy (chair), *Juvenile confessions*. Paper presented at the annual conference of the American Psychology-Law Society, New Orleans, LA.

**Cleary, H.M.D.**, Warner, T.C., Guarnera, L.A., & Nagel, A. (2013, November). The role of support for gang enhancement laws in public perceptions of juvenile interrogation and confession evidence. In H. Cleary (chair), *New directions in police interrogation of juveniles: Jury-eligible community perceptions*. Paper presented at the annual conference of the American Society of Criminology, Atlanta, GA.

Guarnera, L.A., Warner, T.C., Nagel, A., & **Cleary, H.M.D.** (2013, November). Attitudes toward youth gangs predict jurors' evaluations of juvenile interrogation and confession evidence. In H. Cleary (chair), *New directions in police interrogation of juveniles: Jury-eligible community perceptions*. Paper presented at the annual conference of the American Society of Criminology, Atlanta, GA.

**Cleary, H.M.D.**, Woolard, J.L., Jarvis, J., Vidal, S. (2012, March). Observing custodial juvenile interrogations. Paper presented at the annual conference of the American Psychology-Law Society, San Juan, Puerto Rico.

**Cleary, H.M.D.**, Woolard, J.L., Jarvis, J., Vidal, S. (2011, March). An observational study of interview characteristics and Miranda in juvenile interrogations. In J.L. Woolard (chair), *Laying the ground work in juvenile interrogation: perspectives and experiences of and about juvenile offenders*. Paper presented at the annual conference of the American Psychology-Law Society, Miami, FL.

**Cleary, H.M.D.**, Woolard, J.L., Jarvis, J. (2009, March). An observational study of police-juvenile dynamics in custodial interrogations. In J.L. Woolard (chair), *Police interrogation of vulnerable suspects*. Paper presented at the annual conference of the American Psychology-Law Society, San Antonio, TX.

**Cleary, H.M.D.**, Woolard, J.L., Jarvis, J. (2009, March). An observational study of police-juvenile dynamics in custodial interrogations. Paper presented at the annual conference of the Academy of Criminal Justice Sciences, Boston, MA.



Woolard, J.L., & **Cleary, H.M.D.** (2009, March). Parent and youth views on interrogation choices: age differences in consistency and resolution of disagreements. In J.L. Woolard (chair), *Police interrogation of vulnerable suspects*. Paper presented at the annual conference of the American Psychology-Law Society, San Antonio, TX.

**Daglis, H.**, Woolard, J., & Harvell, S. (2008, March). Police interviewing and interrogation of juvenile suspects in custodial and non-custodial settings. In J.L. Woolard (chair), *A developmental approach to juvenile interrogation: Perspectives from parents, cops, kids, and prosecutors*. Paper presented at the annual conference of the American Psychology-Law Society, Jacksonville, FL.

Woolard, J.L., Harvell, S., & **Daglis, H.** (2008, March). Anticipatory injustice among adolescents: Age and racial/ethnic differences in perceived unfairness of the justice system. In J.L. Woolard (chair), *Process matters: The importance of procedural justice and therapeutic jurisprudence for juvenile offenders*. Paper presented at the Annual Conference of the American Psychology-Law Society, Jacksonville, FL.

Woolard, J., **Daglis, H.**, & Harvell, S. (2008, March). Classifying parent-youth pairs' knowledge about police questioning and interrogation: An exploratory analysis. In J.L. Woolard (chair), *A developmental approach to juvenile interrogation: Perspectives from parents, cops, kids, and prosecutors*. Paper presented at the annual conference of the American Psychology-Law Society, Jacksonville, FL.

Harvell, S., Woolard, J., & **Daglis, H.** (2008, March). The impact of authority interactions on youth behavior and legal socialization: does procedural justice affect juvenile offenders? In J.L. Woolard (chair), *Process matters: The importance of procedural justice and therapeutic jurisprudence for juvenile offenders*. Paper presented at the annual conference of the American Psychology-Law Society, Jacksonville, FL.

**Daglis, H.**, & Woolard, J. (2006, March). Individual and family predictors of youth attitudes toward police. In J.L. Woolard (chair), *Police interrogation of juvenile suspects*. Paper presented at the annual conference of the American Psychology-Law Society, St. Petersburg, FL.

**Daglis, H.**, & Woolard, J. (2006, March). Individual and family predictors of youth attitudes toward police. In J.L. Woolard (chair), *Police interrogation of adolescent suspects: Developmental assumptions, practical realities, and policy implications*. Paper presented at the biennial conference of the Society for Research on Adolescence, San Francisco, CA.

Woolard, J., Harvell, S., & **Daglis, H.** (2006, March). Parents as developmental protection for adolescents in interrogation: Perspectives from parents, youth, and law enforcement. In J.L. Woolard (chair), *Police interrogation of adolescent suspects: Developmental assumptions, practical realities, and policy implications*. Paper presented at the biennial conference of the Society for Research on Adolescence, San Francisco, CA.

**Daglis, H.**, & Keller, N. (2005, March). Evaluating competency beyond the legal definition: Examining juveniles' effectiveness as suspects and defendants. In J.L. Woolard (chair), *Advocacy, autonomy, and protection: Capacities to navigate the juvenile justice process among parents, attorneys, and youth*. Paper presented at the annual conference of the American Psychology-Law Society, La Jolla, CA.



## Poster Presentations

\*Mikytuck, A.M., & **Cleary, H.M.D.** (2016, March). Factors that impact turnover decision making among juvenile justice employees: Comparing correctional versus non-correctional staff. Poster presented at the annual conference of the American Psychology-Law Society, Atlanta, GA.

**\*\*Awarded the Outstanding Student Presentation in Corrections Research**

Guarnera, L.A., Warner, T., **Cleary, H.M.D.**, & Nagel, A.G. (2013, March). Attitudes toward youth gangs predict jurors' evaluations of juvenile interrogation and confession evidence. Poster presented at the annual conference of the American Psychology-Law Society, Portland, OR.

Tenney, E., **Daglis, H.**, Schneider, J., & Spellman, B.A. (2005, March). Unpacking a verdict into alternative hypotheses. Poster presented at the annual conference of the American Psychology-Law Society, La Jolla, CA.

## INVITED LECTURES

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Cleary, H. (2019, July). *What attorneys need to know about false confessions*. Georgia Public Defender Council annual conference, Savannah, GA.

Cleary, H. (2019, April). *Inside the interrogation (class)room: When students are questioned at school*. School Safety Panel, VCU Center for Public Policy, Richmond, VA.

Cleary, H. (2018, July). *Incarcerated youth and sexual health*. Virginia League for Planned Parenthood, Richmond, VA.

Cleary, H. (2018, February). *Community-engaged research in action: Challenges, rewards, and lessons learned from a juvenile justice agency-researcher partnership*. University of Virginia, Department of Community Psychology roundtable, Charlottesville, VA.

Cleary, H. (2017, May). *Trauma among youth in juvenile corrections*. Family Impact Seminar on Adverse Effects of Childhood Trauma, Virginia General Assembly's Commission on Youth. Richmond, VA.

Cleary, H. (2017, April). *Police interrogation of adolescents: From research to practice*. Annual Public Defender Conference, Office of the State Public Defender of Mississippi, Biloxi, MS.

Cleary, H. (2016, August). *Adolescent development, procedural justice, and the power of police to shape youths' beliefs*. Richmond Police Department and Art180-Performing Statistics project, Richmond, VA.

Cleary, H. (2015, May). *Juvenile interrogations: From research to practice*. Annual Indigent Defense Seminar, Virginia State Bar Association, Richmond, VA.

Cleary, H. (2015, May). *Criminal justice mythbusting: Psychopathy and criminal profiling*. PSYC 4559: Psychology of Police Investigation and the Justice System. University of Virginia.

Cleary, H. (2014, March). *Criminal justice mythbusting: Psychopathy and criminal profiling*. PSYC 4559: Psychology of Police Investigation and the Justice System. University of Virginia.



Cleary, H. (2013, October). *The role of suspect and juror attributes in public perceptions of juvenile interrogation and confession evidence*. VCU Honors College: Berglund Seminar Series.

Cleary, H. (2012, March). *What happens when police question adolescents?* VCU Honors College: Berglund Seminar Series.

Cleary, H. (2011, November). *An observational study of interview characteristics and Miranda in juvenile interrogations*. University of Virginia, Department of Community Psychology roundtable.

Cleary, H. (2008, August). *Interviewing and interrogation of juveniles: how kids are different and why it matters*. FBI National Academy, 234<sup>th</sup> session, Applied Criminology.

Daglis, H. (2007, October). *High school exit exams and adolescent delinquency*. Georgetown University Department of Psychology.

Daglis, H., & Harvell, S. (2007, September). *Academic-practitioner partnerships: lessons learned*. University of Virginia, Department of Community Psychology roundtable.

Daglis, H. (2007, August). *Interviewing and interrogation of juveniles: how adolescent development can inform police interactions with youth*. FBI National Academy, 230<sup>th</sup> Session, joint presentation to Gangs, Developmental Issues, and Criminal Behavior and Applied Criminology.

Woolard, J., & Daglis, H. (2007, June). *Police interrogation and Miranda: perspectives from parents, youth, and law enforcement*. FBI National Academy, 230<sup>th</sup> Session, Applied Criminology.

## GRANTS

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### Under Review or In Development

National Science Foundation, Law and Science Program (2020, January. \$353,000). *Collaborative Research: Does Registration and Notification Policy Deter Adolescent Sexual Offending? A Prospective Study of Integrated Criminology and Psychology Theories*. Co-PI in collaboration with Cynthia Najdowski (SUNY-Albany).

### Funded

Society for the Psychological Study of Social Issues (2019, November. \$2,000). *Assessing School Safety in the Age of Threat Assessment: A Virginia Policy Study*. PIs: Hayley Cleary, Sarah Raskin, Jessica Smith.

Annie E. Casey Foundation (2016, November. \$27,689). *Resident and Staff Perceptions of Safety and Engagement with the Community Treatment Model*. PIs: Hayley Cleary and Sarah Jane Brubaker.

U.S. Department of Justice, Office of Community Oriented Policing Services (2016, September. \$74,852). *Richmond Law Enforcement Intervention Focusing on Education (LIFE) Program*. PI: Richmond Police Department. (VCU Evaluation team: \$32,000).



Virginia Commonwealth University Presidential Research Quest Fund (2016, April. \$38,248). *Testing the General Deterrent Impact of Adolescent Sex Offender Registration Policies*. PI: Hayley Cleary.

Wilder School Small Grants Program (2015, October. \$5,000). *Parent Perspectives on Youths' Legal Rights: Predicting Parents' Support for Adolescent Self-Determination*. PI: Hayley Cleary.

## TEACHING

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### Courses

#### *Virginia Commonwealth University*

- Applied Research Methods in Public Policy (doctoral)
- Forensic Psychology (masters)
- Criminal Justice Policy Analysis (master capstone)
- Special Issues in Juvenile Detention
- Research Methods in Criminal Justice
- Senior Seminar in Criminal Justice (undergraduate capstone)
- Directed Independent Study (doctoral and undergraduate)
- Contemporary Issues in Juvenile Justice
- Applications of Statistics
- Community Solutions (service-learning)
- Human Services Fieldwork (service-learning)
- Lifespan Developmental Psychology

#### *Georgetown University*

- Juvenile Justice and Violence
- Research Methods and Statistics (laboratory)

#### *Rutgers University*

- Children and the Law

#### *Atlantic Cape Community College*

- Psychology of Adolescence

### Dissertation Committees

#### *Dissertation Chair*

- Kathleen Lee, VCU Public Policy & Administration. *Higher education degree completion as a driver of economic growth*. Anticipated December 2020.
- Jessica Smith, VCU Public Policy & Administration. *Threat assessment team activities and outcomes in K-12 schools: Integrating methods to better understand school safety*. Anticipated August 2020.
- Carolyn Naoroz, VCU Public Policy & Administration. *The association between officer perceptions of organizational justice and perceptions of body-worn cameras: A civilizing effect?* November 2018.
- Jessica Schneider, VCU Public Policy & Administration. *Validation of Virginia's juvenile risk assessment instrument*. November 2018.



### *Committee Member*

- Kristina McGuire, VCU Department of Psychology. Anticipated August 2020.
- Zoey Lu, VCU School of Education. Anticipated July 2020.
- Alyssa Mikytuck, Georgetown University Department of Psychology. Anticipated December 2020.
- Lena Jaggi, VCU Department of Psychology. *Catching up and staying out of trouble: Serious juvenile offenders' educational experiences while incarcerated and their transition back to the community.* August 2016.
- Anna Young, VCU Public Policy & Administration. *Variations in specialized policing response models as a function of community characteristics: A survey of crisis intervention team coordinators.* December 2015.

## **PROFESSIONAL ACTIVITIES AND AFFILIATIONS**

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- American Psychological Association (2005-present)
- American Psychology-Law Society, APA Division 41 (2005-present)
- Society for the Psychological Study of Social Issues, APA Division 9 (2015-present)
- American Society of Criminology (2012-present)
- Academy of Criminal Justice Sciences (2012-present)
- Level I Certification in Service-Learning Pedagogy (2012)
- VCU Junior Faculty Mentorship Program (2011-12)
- Virginia Coalition on Juvenile Justice (2011-12)
- Society for Research on Adolescence (2005-2010)

## **SERVICE**

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### ***Service to the University***

- Virginia Commonwealth University Faculty Mentor (2019-present)
- Virginia Commonwealth University Grievance Panel (2019-present)
- Virginia Commonwealth University Promotion & Tenure Policy Committee (2019-present)
- Wilder School Criminal Justice Faculty Search Committee (2019-20)
- Wilder School PhD Committee (2016-2019)
- Wilder School Curriculum Committee (2013-16)
- Wilder School Scholarship and Awards Committee (2015-16)
- Chair, Criminal Justice Program Awards Committee (2015-16)
- Chair, Criminal Justice MS Curriculum Committee (2015-present)
- Wilder School Diversity and Equity Committee (2014-2015)
- Wilder School Criminal Justice PhD Curriculum Committee (2012-2013)
- Psychology Department Committee on Undergraduate Student Engagement (2012)
- Invited lecturer, Berglund Seminar Series, VCU Honors College (2012, 2013)

### ***Service to the Community***

- Member, Institutional Review Board, Virginia Department of Social Services (2016-present)



- *An Examination of Factors Associated with Juvenile Correctional Officer Retention*. Pro bono research project for the Virginia Department of Juvenile Justice to assess correlates of employee job satisfaction among security staff in attempt to reduce turnover. (2014-15)
- *An Examination of Risk Classification Systems in Virginia*. Pro bono research project for the Virginia Department of Juvenile Justice to assess predictive utility of internal risk assessment tool used to classify offenders' security threat levels. (2013-14)
- VCU-DJJ Summer Basic Skills Student Academy (2013-2014)
- VA Dept of Juvenile Justice-City of Richmond Juvenile Justice Collaborative (2013)

### ***Service to the Discipline***

- Co-chair, American Psychology-Law Society (APA Div. 41) Research Committee (2019-present)
- Member, American Psychology-Law Society (APA Div. 41) Research Committee (2016-19)
- Member, Society for the Psychological Study of Social Issues (APA Div. 9) Early Career Award Committee (2018-present)
- Visiting Scholar, Behavioral Science Unit, Federal Bureau of Investigation (2005-2014)
- Ad hoc manuscript reviews
  - *Applied Cognitive Psychology*
  - *Behavioral Sciences and the Law*
  - *Criminal Justice and Behavior*
  - *Criminal Justice Review*
  - *International Journal of Forensic Mental Health*
  - *Journal of Crime and Justice*
  - *Journal of Experimental Criminology*
  - *Journal of Penal Law and Criminology*
  - *Justice Quarterly*
  - *Law and Human Behavior*
  - *Police Quarterly*
  - *Psychology, Crime, and Law*
  - *Psychology, Public Policy, and Law*
  - *Translational Issues in Psychological Science*
  - *Youth & Society*
- Grant reviews
  - Social Sciences & Humanities Research Council, Government of Canada (2017)
  - American Psychology Law-Society Early Career Professionals Grants-in-Aid (2013)
  - American Psychology Law Society Research to Enhance the Impact and Diversification of Psychology and Law Research (REID) Grants (2017-20)

## **MEDIA**

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### ***Featuring Cleary's Work***

- Scobey-Thal, J. (2018, September 21). [We need to stop using teens as eyewitnesses](#). *Medium.com*.
- Starr, D. (2018, June 6). [In the "Making a Murderer" case, the Supreme Court could help address the problem of false confessions](#). *The New Yorker*.
- Hoffman, J. (2014, October 14). [In interrogations, teenagers are too young to know better](#). *The New York Times*, p. A20.



- [Study: Few Juvenile Suspects Exercise Constitutional Rights During Interrogations](#). APA press release highlighting presentation at APA convention (8 August 2014). APA selected this presentation as one of 10 from the entire convention (approx. 1,200) to highlight with press release.

### **Press Communication**

- Levin, S. (2019, October 16). [‘It breaks down innocent people’: the interrogation method at center of Ava DuVernay lawsuit](#). *The Guardian*.
- Scobey-Thal, J. (2018, September 21). [We need to stop using teens as eyewitnesses](#). *Medium.com*.
- Starr, D. (2018, June 6). [In the “Making a Murderer” case, the Supreme Court could help address the problem of false confessions](#). *The New Yorker*.
- Trihlias, A. (2015, October 11). [Experts say sheriff’s use of racial slurs not accepted practice in interrogations](#). *Petersburg Progress-Index*.
- Hoffman, J. (2014, October 14). [In interrogations, teenagers are too young to know better](#). *The New York Times*, p. A20.
- Guest expert on interrogations, *Virginia Insight* public radio program. 30 June 2014. Audio available at: <http://wmra.org/post/teen-confessions>

### **Press for Open Science Collaboration: Reproducibility Project**

- Carey, B. (2015, August 28). [Psychology’s fears confirmed: Rechecked studies don’t hold up](#). *The New York Times*, p. A1.
- Achenbach, J. (2015, August 27). [Many scientific studies can’t be replicated. That’s a problem](#). *The Washington Post*.
- Sample, I. (2015, August 27). [Study delivers bleak verdict on validity of psychology experiment results](#). *The Guardian*.
- Additional coverage from NPR, *The Atlantic*, *Nature*, *Science*, *The Economist*, 538.com, *Smithsonian*, *Scientific American*, *Slate*, *The Chronicle of Higher Education*, and over 100 other outlets



# Handout # 87

## Chart – DPS Education and Mental Health

Sealed by Order of the Court



# Handout 88



# Calls Made by Rayshawn Banner in Prison

January 2017 – April 2017

	DATE/TIME	TO	RELEVANT PORTION
1.	1/6/2017 18:24	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Banner and Ingram talk about judging other people in prison and how Banner wouldn't want someone judging him for thinking he was a murderer. Banner says that if anyone called him that he would just show them his motion of discovery.</li> <li>Ingram talks about people giving Banner the benefit of the doubt for his side of the story.</li> </ul>
2.	1/12/2017 19:38	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Ingram says that she told Banner and Cauthen not to hang out with Bryant and the others. She says that Banner wasn't with the others that night and that Banner knows in his heart he had nothing to do with Mr. Jones.</li> </ul>
3.	2/11/2017 21:22	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Banner says he can't bear his situation much long. They talk about how Cauthen has hit rock bottom and hopes he stays out of trouble.</li> </ul>
4.	4/3/2017 15:34	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>They talk about Ingram trying to get Banner to take a plea bargain in court. Cauthen refused because he didn't want to sit in jail for something he didn't do. Banner said he would hate to take a plea and get out before Cauthen and have him still be in there, so he would do the same thing he does.</li> </ul>
5.	4/3/2017 15:52	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>They continue talking about the plea bargain. Ingram say they were not going to admit to something they didn't do.</li> <li>Banner says he told Ingram he would never take a plea. He thinks some of his co-defendants took a plea even though they said they didn't.</li> </ul>
6.	4/3/2017 16:00	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Banner says that he wouldn't take a plea now even if they took him back to court. He still says he had nothing to do with it and never did.</li> <li>Banner thinks Cauthen may be holding something back, but that he (Banner) certainly has nothing to do with this case.</li> <li>Banner has a feeling the co-defendants who had been released and took a plea had something to do with it.</li> </ul>



# Calls Made by Rayshawn Banner in Prison

February 2018 – July 31, 2018

	DATE/TIME	TO	RELEVANT PORTION
1.	2/24/2018 18:22	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Banner says that a reporter asked him what happened on the day of the murder and the day before and asked if Banner went to school.</li> <li>Ingram says the reporter is from Houston, TX and tried to get in touch with her. He's trying to write a story about them and the justice system.</li> </ul>
2.	3/19/2018 18:59	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Banner says that he contacted an innocence organization and the parole board.</li> </ul>
3.	4/3/2018 18:28	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Banner asks Ingram if she remembered if he went to school the day detectives wanted to talk to him. She said yes.</li> <li>Banner asks about the timeline of the crime and when "they" went to someone's house (the person's name is unintelligible). Banner asks what time "they" went to (unintelligible)'s house and Ingram says 6:20. Banner says that's the time "they drove around to the stores so they didn't have time to do it. They drove around in the car and dropped their friends off one by one. Banner wonders about security cameras. Ingram says there was one but it wasn't played at the trial. They talk about the evidence in the case in general.</li> </ul>
4.	4/30/2018 18:18	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Banner says someone sent him papers and asked questions about other cases. Ingram tells Banner to have faith.</li> </ul>

December 2019 – Present

	DATE/TIME	TO	RELEVANT PORTION
1.	12/1/2019 20:46	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>None, but at the end of the calls, she says, "I'll let Hunter know you called."</li> </ul>
2.	12/23/19 19:43	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>She tells Banner to call NCIC. He tells her to call and tell them that he is not going to be able to send "it" out in time, but he did the best he could. Ingram tells him he needs to call because a lady wouldn't give her information and he needs to tell them he wants to be a part of the program.</li> <li>Banner tells her to speak to Julie. He said "it" won't be there in time because "it" is due by January 6<sup>th</sup>. A white man from Elizabeth City came to see him to make sure he was doing it.</li> </ul>



## Calls Made by Rayshawn Banner in Prison

	DATE/TIME	TO	RELEVANT PORTION
	Continued.		<ul style="list-style-type: none"> <li>• Ingram asks if Banner has called Hunter Atkins yet. Atkins told Ingram that he didn't want to see "Stinky and them" getting exonerated without Banner.</li> <li>• Banner said he wrote the clerk of court to get all the information about lawyers and things so that it wouldn't seem like he was lying if we went from memory and got something wrong.</li> <li>• Banner said he doesn't know who reported the murder – he doesn't know if it was Jermal's mom or if she just called police because something was wrong with Jermal. He wanted to hear from the clerk of court to get all of his information right "so that it doesn't look like I'm getting caught in a lie and my whole case goes out the window."</li> </ul>
3.	12/28/29 19:09	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>• She asks if Banner sent his paper in. He said no, there's a change of plans. A lady came to see him and wants him to send her the papers first before sending it "to them."</li> <li>• She "just popped up out of the blue" and wants to represent him. She said she came to see him in 2012, but he does not remember. Banner said she will call his mom. Her name is Christine "Mumbo." Ingram corrects him to say Christine Mumma.</li> <li>• Ingram says, "that lady don't believe you all did it." Banner said she was Jermal's lawyer, but she dropped Jermal and picked Banner up. Banner said it is Ingram's call about whether he accepts her representation. Ingram says to "stick with that lady because that lady don't believe you all did it."</li> <li>• Banner said she told him to waive his right to an attorney and she would be his lawyer. She wrote her name down.</li> <li>• Banner told her the deadline and she said for him to get her the papers and she would "turn it in to them." Banner is going to take care of it this weekend. He will "send it straight to her and she's going to turn it in."</li> <li>• The lady came and talked to him "about everything the Actual Innocence people" told him about going up before the eight person panel. She said that all of the defendants are together so anything that happens to "Stinky" is going to happen to Banner since they were charged together.</li> <li>• She told him she is running for Attorney General and so is the DA from Forsyth County. She told him she had a good feeling they had a chance of "getting it overturned" and "beat old buddy's ass."</li> </ul>



## Calls Made by Rayshawn Banner in Prison

	DATE/TIME	TO	RELEVANT PORTION
4.	1/14/2020	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>• Ingram says Christine Mumma called to tell her Banner's letter came on the sixth. Banner says he hasn't talked to her yet.</li> <li>• Ingram says the people from the Innocence Inquiry Commission came and talked to her. Julie and another lady talked to her and "Junior." They asked about Gizmo, Sherman, Jessicah Black, and Anjuan Terry.</li> <li>• Ingram believes NCIIC thinks the people whose names they asked about had something to do with it. They asked Junior if he had anything to do with it. He said no. Banner says he was never asked about Anjuan or Junior.</li> <li>• Ingram "looked it up on the internet" and says the only way to get to the eight person panel means there is new evidence. "They are not telling us what it is."</li> <li>• Banner says he has "met them like three times" and they never mentioned Anjuan, Junior, or Gizmo. "They always mentioned Crump." Banner asks if Ingram remembers visiting him in jail and a dude had information. He said he never told anyone about him, but "they" came up asking about him. Banner says they asked about Jed.</li> <li>• Jed called and asked for Stinky. He said a man was killed by the park. Banner hung up. Banner said Jed came in the house at 3:00 a.m. and told Ingram. Ingram said this was not at 3:00 a.m., it was near 10:00 p.m. Ingram said he remembers wrong and she never let them come home that late. She said it was before the 11:00 news because she saw about the killing on the news.</li> <li>• Ingram says "she asked Junior point blank" if he had anything to do with this crime. Banner said the only person he suspected was Gizmo. Ingram said they had pictures of Sherman and asked about Anjuan. Ingram said she did not see Anjuan that week.</li> <li>• Ingram reads from the NCIIC website to Banner. She said there must be credible and verifiable evidence of innocence. Banner asks what "they" know that no one else knows. Ingram says they won't tell.</li> <li>• Banner asks what they said about Jessicah. Ingram said they just asked if she knew Jessicah and Ingram didn't know her. She said she asked Stinky who dropped him off. He said a white girl and she told him that black people get in trouble, white people don't, and two weeks later this happened.</li> <li>• Ingram tells Banner that Mark Rabil represents Jermal, who is already out. "They got to have found something, because why is this high power lawyer</li> </ul>



## Calls Made by Rayshawn Banner in Prison

	DATE/TIME	TO	RELEVANT PORTION
	Continued.		<p>going to swoop in and try to take over something?” Ingram says Rabil got Darryl Hunt exonerated and Mumma dropped Jermal so Rabil could represent him.</p> <ul style="list-style-type: none"> <li>• Ingram thinks Julie/NCIIC represents Cauthen. Banner asks who represents Bubba and Ingram said she doesn’t know, but he has an attorney.</li> <li>• Banner says why now, and Ingram says they probably just came across the evidence. She thinks it might be fingerprints in a database.</li> </ul>
5.	1/14/2020	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>• Banner asks who Cauthen is talking to, if not Ingram, with “all this going on.” Ingram said she knows what is going on from Banner, and when NCIIC interviewed her, and talking to Hunter Atkins. Banner said he thinks Cauthen is talking to Atkins.</li> <li>• Banner asks when the panel is. Atkins told Ingram they don’t have to be there. They wonder who the people on the panel are. Banner knows there is a DA. Ingram said it is people who don’t know about the case.</li> <li>• Banner wonders “what information they got...what you got now that we didn’t have 18 years ago, because I’m quite sure we’re all still saying the same thing.”</li> <li>• Banner said in the past people came to see them and he never heard back, but now that the Commission is involved, people have come three times. He remembers Julie because she kept asking the same questions in different ways “like she was trying to catch me lying or something.” Ingram says she probably was.</li> <li>• Banner said he was with Marcus, but doesn’t even know where Marcus is. Ingram thinks Banner doesn’t know who he was with. She says he told Hunter Atkins that he was home and went to bed. Banner said he was going to go somewhere with Marcus, “but when he changed his mind, I went home and went to sleep.”</li> <li>• Banner said the next morning, he went to Bubba’s house and Brayboy was there sleeping. Banner said Monday or Tuesday, Ingram walked in a room and said she knew Banner was suspended from school.</li> <li>• Ingram said detectives wanted to talk to him and told him to get money from the table to get something to eat. Ingram says that is not how it happened and if he can’t remember, “it is best you just tell those people that you don’t know.”</li> </ul>



## Calls Made by Rayshawn Banner in Prison

	DATE/TIME	TO	RELEVANT PORTION
	Continued.		<ul style="list-style-type: none"> <li>Banner said he called Ingram when detectives thought he was Stinky. Stinky and Bubba walked out of the house and the man said he needed them to go downtown. "Stinky's stupid self got in the car, went downtown, and he ain't been home since." This was the day Banner didn't go to school. He thinks they got Jermal first, then Stinky and Bubba, then they picked up Dorrell from the hospital, and got Banner last.</li> <li>Banner says the first people they questioned was Jermal, his mom, and his sister. They tried to figure out "why would your momma call the police because you're sitting in the corner crying." That looked suspicious to Banner. He still wants to know why they put his name in it. Ingram says they were just making up stuff, thinking they were going to get to go home.</li> </ul>
6.	1/19/2020	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>Banner said Christine came to see him and that she tried to call Ingram. She told him the hearing is in March and that he has to go to Raleigh for it. She said she will visit him two weeks before.</li> <li>"She" told him "the people at the panel ... will be coming for his neck" when he testifies. She said she will make sure to visit him and keep him up to date. She told Banner he can't be in the room.</li> <li>She told Banner "they" found a blood trail to/from the house and "they know it ain't his." Whoever did it was bleeding. Ingram says they already ran everybody's DNA.</li> <li>Banner asked what to do if Julie comes to talk to him and was advised not to talk to her because he has a lawyer now. Ingram stated that "they got to know" whose it is.</li> <li>Banner said she asked if he trusted her and he said he trusted her a little bit. He said she knows he did not trust her the first time she came to see him. Ingram says he couldn't trust cracker people. Banner doesn't trust them as far as he can throw them, "but we'll see what happens."</li> <li>Banner says "the dude that was running the lab" messed up on a lot of cases and a lot of people were exonerated.</li> </ul>
7.	1/19/2020	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>Ingram asks, "What else did she say good?" and Banner says the only thing she told him was about the blood, which he had never heard about before. He asked if Jessicah would be there and she said she had to be. Banner guesses, "we're all going to be there at the same time."</li> </ul>



## Calls Made by Rayshawn Banner in Prison

	DATE/TIME	TO	RELEVANT PORTION
	Continued.		<ul style="list-style-type: none"> <li>• Banner said his mom won't have to work when he gets home because he "is going to sue them for everything they got."</li> <li>• Discussion of leaving Winston-Salem. Ingram says not Texas, maybe Hawaii or Virgin Islands. Banner says he won't get on a plane.</li> <li>• Ingram asks Banner how he feels about everything. He feels okay. He has had more legal visits this month than in the whole 17 years he has been incarcerated. "Whatever happens, happens. I made it this far...If I win, I win. If I lose, I still come home in six and half years."</li> </ul>
8.	1/29/2020 19:55	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>• Banner says that Julie (Bridenstine) sent him pictures of Shelton. He knows a Shelton, but he is not the Shelton in the pictures. He had seen Shelton when they first got to prison and doesn't know his last name. He describes Shelton.</li> <li>• Banner says that his attorney, Chris Mumma, told him not to talk to Julie and to send the Commission to her.</li> <li>• Ingram says that Cauthen has been telling her that they're going to get paid and that he doesn't know who did it, but knows that he and Banner didn't do it.</li> <li>• Ingram says everyone is trying to figure out the new evidence the Commission has. Banner says he is ready. He's waiting to see what will happen. He thinks something is going to come out that they (Banner and Ingram) don't know anything about.</li> </ul>
9.	1/29/2020 20:11	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>• Banner talks about what Chris Mumma told him was going to happen at the hearing.</li> <li>• Ingram says that Bryant is excited too and told her about everyone's attorneys.</li> <li>• Ingram says Hunter Atkins wants Banner to call him to know how the Commission asked him a question about a trail of blood. Chris Mumma said they found a trail of blood that had never been examined or brought up in court. Atkins wants to make sure Banner heard that right.</li> <li>• Ingram says Atkins says he figured something out but won't tell anyone what it is, but it is a connection between Banner's case, Darryl Hunt's case, and Michael Hayes' case. He won't say because his paper could get sued.</li> <li>• Ingram says that if Banner and Cauthen get money, they need to look out for Atkins because "he has done some damn work."</li> </ul>



## Calls Made by Rayshawn Banner in Prison

	DATE/TIME	TO	RELEVANT PORTION
10.	1/29/2020 21:08	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>• Ingram says that Cauthen is saying he knows he and Banner didn't commit the crime. He doesn't know who did it and doesn't care.</li> <li>• Atkins asked Ingram to ask Mumma about the trail of blood and Ingram refused. Mumma was helping Hunter but she doesn't call him anymore, so he wanted Ingram to find out without saying it came from him.</li> <li>• Ingram asks Banner to go get the letter about Shelton because Atkins wants to know what it says. Banner reads the letter to her.</li> </ul>
11.	1/29/2020 21:31	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>• Ingram asks Banner to read the letter about Shelton again and asks Joseph Cauthen to record it on his phone. Ingram tells Banner to write back.</li> <li>• They talk about the Commission hearing. Atkins said the date had been moved.</li> <li>• Ingram asks if Banner is scared to testify. Banner says, "Why would I be scared?" He's not nervous. He's going to be great and go all out. He's going to make sure they know he's in the courtroom. Ingram tells him not to act like a fool.</li> </ul>
12.	2/5/2020 21:01	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>• Ingram asks Banner why he hasn't called Atkins. Banner says he was going to. He spoke to Mumma about the hearing.</li> <li>• Ingram says Atkins told her that the officers were going through the Commission depositions. Banner says Atkins sent him pictures of the detectives but he already knows them.</li> <li>• Banner says that Weavil came to Tolliver's house before the crime when they were all on the porch. Weavil said something about break-ins and thought they had something to do with it. Arlene Tolliver told Weavil he wasn't taking them anywhere. Weavil said, "When I get you, I'ma get you." The next time he saw Weavil was in the interrogation room. Ingram says Weavil is the one that did all of the shoddy work.</li> <li>• Banner says he never signed anything during his interrogation. He could see Brayboy and his mom through the 2-way mirror. Five minutes later, detectives came back with a tape recorder. He asked for his mom and they told him he couldn't. They said that they knew he had done it and hit the man and played Cauthen's and Brayboy's statements to him. The next time, Banner asked the others who named him and only Cauthen admitted to it.</li> </ul>



## Calls Made by Rayshawn Banner in Prison

	DATE/TIME	TO	RELEVANT PORTION
	Continued.		<ul style="list-style-type: none"> <li>Ingram says one of the detectives is going to tell the truth. Ingram says Weavil made them do bad and illegal stuff.</li> </ul>
13.	2/5/2020 21:37	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Ingram says there was one detective that was all bad and made the rest of them do what they've said and done.</li> <li>They talk about the Commission process. Ingram encourages him to ask Mumma questions.</li> <li>Banner asks if Atkins has told the "big secret"? Ingram thinks it was about the detectives, but he couldn't say anything because the detectives could sue the paper.</li> <li>They talk about who will be at the hearing.</li> <li>Banner thinks someone has to recant their statements. Ingram says Jessica Black is one of them. Banner asks if she has a different statement and Ingram says she doesn't know.</li> </ul>
14.	2/6/2020 21:37	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Banner says he is ready for the hearing. They can't ask him anything he doesn't already know. There's nothing they can say or do that's a mystery. Ingram says they will try to trip him up.</li> <li>Ingram says that Atkins asked her about the trail of blood. Ingram says Bryant and Banner said the same thing about the blood and they don't even talk.</li> <li>Banner talks about getting out of prison. He says they've hurt him enough, what else do they have to hurt him for? There's no need for him to keep lying after 18 years. He's doing the time now and still saying he didn't do it.</li> <li>Banner thinks someone knows what happened and isn't telling. This crime is out of his league. He wants to know the reason they looked at all five. Nine times out of ten, he was hanging out with someone else. He wonders what the outcome would be if he didn't hang out with the others.</li> <li>Banner says if Tolliver's mom put them in it, that was stupid. Ingram thinks it was Weavil. Atkins told her it had a lot to do with bad police work.</li> </ul>
15.	2/20/2020 13:25	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Ingram says Mumma called and said no one else is to talk to Atkins for any reason at all. They have to respect that and they can close the case. She called Atkins and told him they couldn't talk to him anymore and he said that was fine. He knew it would come to that at some point.</li> </ul>



## Calls Made by Rayshawn Banner in Prison

	DATE/TIME	TO	RELEVANT PORTION
	Continued.		<ul style="list-style-type: none"> <li>• Banner asks Ingram if she thinks they'll make it. Ingram says Atkins has said it's all positive. Talks about new evidence being required. She thinks it is two detectives and that Weavil did bad things in this case.</li> <li>• Ingram talks about Commission staff calling her about Jessica Byrd to see if Banner was home. She only knows that Banner was in the house when she got home around 7pm, which is around the time the Victim was killed.</li> <li>• Ingram talks about the sweatshirt Bryant had made and that Bryant is "hyped up" for the hearing.</li> <li>• Ingram thinks the trail of blood belonged to someone else. She says that Jessicah Black told a "damn lie" and Banner says they know that. It's all coming out. He was never at the bowling alley. The officer saw Bryant.</li> <li>• They talk about his arrest.</li> </ul>
16.	3/3/2020 12:51	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>• Ingram tells Banner the case is on the news. Mumma came to see Banner in prison.</li> <li>• Mumma told Banner what she had learned about Jessicah Black recanting. Banner tells her not to tell Cauthen. Banner says Atkins knew that and that's why he got subpoenaed.</li> <li>• Banner says he looked at his statements. There is a lot of stuff he doesn't remember at all. He reminds Ingram that she always used to know when he was lying because he would bounce his leg and walk back and forth. In the statement, they tell Banner to stop rocking back and forth in the chair.</li> </ul>
17.	3/3/2020 13:08	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>• Banner explains to Ingram what Mumma told him about the various outcomes and filing an MAR if the case doesn't go through.</li> <li>• Banner says he doesn't care about the money and just wants to get out of the doors. Ingram says that's "bullshit" and Banner needs money. All of the attorneys got on this case because of the money.</li> <li>• They talk about what might happen to Jessicah Black. Banner doesn't think anything will happen to her, probably probation. He doesn't care what happens to her.</li> <li>• Ingram talks about the Commission trying to talk to Anjuan. Thinks Anjuan's mom was trying to protect him. Banner doesn't see Anjuan having anything to do with it.</li> </ul>



## Calls Made by Rayshawn Banner in Prison

	DATE/TIME	TO	RELEVANT PORTION
18.	3/5/2020	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>• They talk about Banner getting a haircut for the hearing.</li> <li>• Banner says there are things Mumma can't tell him. Ingram tells him that Mumma works for the state. If she was a private attorney, she would tell him everything. She tells him not to sign anything.</li> <li>• They talk about the case being on the news.</li> </ul>



# Handout 89



# Calls Made by Nathaniel Cauthen in Prison

November 2015 – July 2017

	DATE/TIME	TO	RELEVANT PORTION
1.	2/74/2016 17:32	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Cauthen is writing a book.</li> <li>Cauthen wonders when they will send him back to court. He says he learned his lesson and is in prison for not listening to her.</li> </ul>
2.	4/27/2016 10:44	Unknown Female	<ul style="list-style-type: none"> <li>Cauthen talks about his appellate attorneys.</li> <li>Cauthen explains he believes he received ineffective assistance of counsel at his trial. The jury was biased because the sheriff had family members on the jury.</li> <li>Cauthen says he was not there and he did not do it. He needs a lawyer to help him.</li> </ul>
3.	7/1/2017 20:00	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Cauthen and Ingram get into an argument about religion. Ingram tells him he would not be in prison if he followed their religion and he tells her it has nothing to do with that.</li> </ul>

March 2019

	DATE/TIME	TO	RELEVANT PORTION
1.	3/1/2019 7:06	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Cauthen asks her what the reported said to her before he left. Ingram says that the reporter just wanted to talk to Cauthen to find out where his head was out.</li> </ul>
2.	4/15/2019	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>Cauthen's dad told Ingram that Cauthen was "through" with her because she did something he asked her not to do. Cauthen says she's the only one who could have told him that his case was with the Commission. Ingram says she didn't know who Cauthen was dealing with, the reporter found out and hasn't said anything to the Commission about him.</li> <li>Cauthen says he doesn't know that reporter or what he's capable of. The reporter wrote him and said he wouldn't interfere. Ingram says he's a reporter and it's public information. As long as he doesn't overstep his boundary or make her overstep the boundary. She respects Cauthen's decision not to talk to him.</li> </ul>



## Calls Made by Nathaniel Cauthen in Prison

DATE/TIME	TO	RELEVANT PORTION
		<ul style="list-style-type: none"> <li>• Ingram said the reporter said he was not trying to “fuck it up” for them. Cauthen wrote to his lawyer about it.</li> <li>• Cauthen talks about the MAR the reporter sent to him.</li> <li>• Cauthen says Banner wasn’t with them the night of the murder and he doesn’t know where he was. Cauthen got into the car with Jessicah Black and didn’t come back to the neighborhood until after dark. Talks about Jessicah Black running over Banner’s foot. Cauthen says Marcus was the only one of them to match the description of the light-skinned man the little boy saw. He thinks Thayers Tolliver’s fingerprints are on the car.</li> </ul>

### January 2020 – Present

DATE/TIME	TO	RELEVANT PORTION
1. 1/28/2020 21:15	Teresa Ingram (Mother)	<ul style="list-style-type: none"> <li>• Cauthen says he has no problem taking responsibility for something he did. He grew up and matured in prison. There’s no way he would sit in there and keep letting these people live their lives and they know he had nothing to do with us.</li> <li>• Ingram says Banner told her about a trail of blood that didn’t belong to the Victim.</li> <li>• Cauthen talks about Bryant applying to the Commission first. The Commission believed him and have been investigating since he was released. Cauthen says he talked to the Commission for 2 ½ hours and asked him straight out if he had something to do with it. There’s no way he would let his brother or anyone else take the fall for something he didn’t do. There’s nothing you can do to him, he has the most time.</li> <li>• They talk about the form inquiry stage.</li> <li>• Ingram says people tell her that her sons should get out since they’ve been in so long, but if her sons did it, they should spend the rest of their lives in prison. But they didn’t do it. That’s why they should get out.</li> <li>• They talk about future plans.</li> <li>• They talk about the Commission contacting Anjuan. Cauthen says Atkins asks about him all the time.</li> </ul>



## Calls Made by Nathaniel Cauthen in Prison

	DATE/TIME	TO	RELEVANT PORTION
			<ul style="list-style-type: none"> <li>• Ingram thinks they should all get together and put exonerated on Brayboy's headstone when they get out. The other co-defendants are looking out for her.</li> <li>• Ingram says they're coming for Jessicah Black since she put them in there. Black refused to talk to Hunter.</li> </ul>
2.	1/29/2020 20:51	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>• Ingram tells Cauthen about the Commission coming to his house and who the Commission asked about. Cauthen talks about the letter about the Sheltons. He sort of knew Shelton. One of the pictures could be him. He was bigger than Bryant.</li> <li>• Ingram says the Commission isn't telling anyone what they found but they have to have found some new and factual evidence.</li> <li>• They talk about the upcoming hearing. Cauthen says he has no problem going. With the Commission, you can't deny anything, you can't plead the 5<sup>th</sup>. No one has told him about going on the witness stand.</li> <li>• Ingram says Mumma always believed this crime made no sense but couldn't take the case because she isn't as powerful as the Commission.</li> <li>• Cauthen says something isn't right but he doesn't care. He just knows he didn't do it. He only cares about getting out of prison with Banner. He knows his co-defendants didn't take pleas now.</li> <li>• Ingram says Bryant is happy and excited. Cauthen says he has other things to worry about. He talks about his future plans. They talk about the Exonerated 5 and money.</li> </ul>
3.	3/4/2020 9:56	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>• Cauthen says the Commission sent Atkins' letter back. He told the Commission 2-3 times Atkins was contacting him. He already knows what's going on.</li> <li>• Cauthen says he is chilling and preparing.</li> <li>• They talk about future plans and money. Ingram tries to explain what Banner told her about money. Cauthen doesn't care about money. He just wants to get out. He can sue for \$200 million.</li> <li>• Ingram tells him that Jessicah Black recanted and Cauthen says "I told you. That's how that works." Ingram tells him not to tell anyone.</li> </ul>
4.	3/6/2020 11:08	<b>Teresa Ingram (Mother)</b>	<ul style="list-style-type: none"> <li>• Cauthen is angry about Jessicah Black and wants to punch her in the face. He's been thinking about a lot of things and how angry he is. "That girl" had</li> </ul>



## Calls Made by Nathaniel Cauthen in Prison

DATE/TIME	TO	RELEVANT PORTION
		<p>him and his brother locked up for 18 and they aren't going to do anything to her.</p> <ul style="list-style-type: none"><li>• They talk about the hearing and streaming. They're upset that the Victim's family can be in the room but their family can't.</li><li>• Cauthen says he can't wait for this to be over and a lot of this has him angry.</li><li>• They talk about the story being on the news.</li></ul>



# Handout 90



# Calls Made by Jermal Tolliver in Prison

February 2016 – February 2, 2017

	DATE/TIME	TO	RELEVANT PORTION
1.	2/16/2016 16:41	Raven (Girlfriend)	<ul style="list-style-type: none"> <li>Raven says that Tolliver was in a gang and Tolliver denies it. Raven asks him how many people he has killed and he says he hasn't killed anyone. She says he told her he did. Tolliver says he killed one person years ago over something very personal. It was not the person he is serving time for murdering. Raven asks him how he killed the person and he says with a gun. She asks if he meant to do it and he says no.</li> </ul>
2.	2/19/2016 9:55	Unknown Female	<ul style="list-style-type: none"> <li>The woman says she wished the case would get opened back up because Tolliver and the others shouldn't have gotten any time.</li> <li>The woman says Jessica Black should've gotten time for lying.</li> <li>Tolliver talks about his release.</li> </ul>
3.	2/23/2016 15:11	Arlene Tolliver (Mother)	<ul style="list-style-type: none"> <li>Arlene says that the Victim's grandson wants Tolliver to be pardoned and must've got a whiff of what really happened. The people who committed the crime are still walking around committing crimes in the same way.</li> </ul>
4.	2/29/2016 13:53	Arlene Tolliver (Mother)	<ul style="list-style-type: none"> <li>They talk about his probation and the fact that Tolliver is innocent.</li> </ul>
5.	4/6/2016 9:51	Arlene Tolliver (Mother)	<ul style="list-style-type: none"> <li>Arlene says that technically they had nothing to do with the crime, "y'all just knew them." Tolliver says he doesn't think about it anymore because he gets mad. Arlene says Rayshawn Banner always scared her and had no emotion about anything he did because of his older brother. Tolliver says he always saw Banner as a little boy.</li> <li>Tolliver says he doesn't have any faith in the system because he's spent all this time in prison when he's innocent.</li> <li>Arlene says that the police would always mess with Tolliver when he was a kid and she was at work.</li> <li>Arlene says the courthouse was split on Tolliver.</li> <li>Tolliver says he doesn't wish anything bad on Jessica Back or anyone else.</li> </ul>
6.	4/8/2016 18:26	Raven (Girlfriend)	<ul style="list-style-type: none"> <li>Raven says people have been talking about Tolliver and the other guys on social media. Tolliver says he's been in prison for 15 years for nothing.</li> </ul>



## Calls Made by Jermal Tolliver in Prison

	DATE/TIME	TO	RELEVANT PORTION
7.	5/14/2016 14:01	Arlene Tolliver (Mother)	<ul style="list-style-type: none"> <li>Tolliver says he is in prison for something he didn't do. Arlene says the people who did it are still on the street committing crimes.</li> </ul>
8.	7/10/2016 14:51	Arlene Tolliver (Mother)	<ul style="list-style-type: none"> <li>Arlene says there was an article on Facebook about him. Tolliver said a news crew would be there when he got released and he will tell the cameras he didn't do it because he didn't. He doesn't know who did what, "but I know it wasn't me."</li> <li>Arlene says they accounted for every minute where Tolliver was. She saw who was in the car and knows who did it.</li> </ul>
9.	8/13/2016 15:33	Sister (Potentially Arlena)	<ul style="list-style-type: none"> <li>Tolliver says he still doesn't even know what happened. Even if you didn't do anything, they want somebody. His sister says if you don't have money you'll be the one who ends up in prison.</li> <li>Tolliver thinks that even if they found out who really did it the police would cover it up.</li> <li>The sister thinks the jury wasn't listening to what was saying. Someone saw people running and it wasn't Tolliver or the other co-defendants.</li> <li>Tolliver says if he saw Jessicah Black he wouldn't be mad at her because it's been so long.</li> <li>Sister says they should've gotten Yolanda Tolliver to testify because she heard people asking a white girl in the other room "are you gonna let these little n*****s get you in trouble. Tolliver says she was crying when she testified.</li> </ul>
10.	9/27/2016	Unknown Female	<ul style="list-style-type: none"> <li>Tolliver tells her he'll be coming home at the same time as Bryant.</li> <li>She wonders who actually killed the Victim. She says they just found five teenage boys and didn't try to find the people that did it.</li> </ul>
11.	10/8/2016	Sister (Potentially Arlena)	<ul style="list-style-type: none"> <li>Sister says that if she had been in this nursing program earlier and making more money they could have gotten a lawyer for him and he wouldn't have gone to prison.</li> <li>Tolliver says he's not bitter about having to serve time anymore even though he didn't commit the murder.</li> </ul>
12.	10/14/2016	Arlene Tolliver	<ul style="list-style-type: none"> <li>Arlene says the judge didn't want to prosecute when she talked to him. Talks about Bryant and Tolliver's hair.</li> </ul>



# Handout 91



# Phone Calls from Prison to Bryant (2<sup>nd</sup> Number)

January 2018 – March 2020

	DATE/TIME	FROM	RELEVANT PORTION
1.	12/19/19 11:12	Donavan West	<p>NOTE: Commission staff interviewed West in prison on 12/10/2019.</p> <ul style="list-style-type: none"> <li>• Jermal Tolliver is with Bryant during this phone call.</li> <li>• West tells Bryant that the Commission came to interview him. Bryant says they are working on his case and they're about to get exonerated.</li> <li>• West tells Bryant he told NCIIC that he was with them every day and they never did anything.</li> <li>• Bryant talks about his attorney.</li> </ul>
2.	2/7/20 23:26	Franklin Bowden	<ul style="list-style-type: none"> <li>• Bryant tells Bowden that they are about to be exonerated and have a court date on 3/9/2020. Bryant says the Commission "realize the police fucked us over."</li> <li>• Bryant talks about the attorneys assigned to the case.</li> </ul>
3.	3/3/2020 10:34	Donovan West	<ul style="list-style-type: none"> <li>• Bryant tells West that the case has been back in the news and they're going back to court. Bryant says they're going to be exonerated and they deserve it because they didn't do it.</li> <li>• West says that they'll be owed money and Bryant says he wants his name cleared first and everything else will fall back into place.</li> <li>• West and Bryant talk about the Commission interviewing West and "Lil' B."</li> <li>• Both say that West was with Bryant and Tolliver on the day they got locked up.</li> <li>• Bryant says Lil' B said that if they had done it, they would have told him. Bryant says West knows he (Bryant) is "scary on the low" and wouldn't have been around anyone doing that. West says they were young and doing some crazy things but that was extreme.</li> <li>• Bryant says everything is falling into place and people are calling them the Winston-Salem 5. Bryant says the truth is the truth and you can't hide it but for so long. He just wants his name cleared and an apology. He's out living his life but this is still over his head.</li> <li>• Bryant heard the Commission tried to talk to Nelson.</li> </ul>



# Handout 92



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38886

STATE OF NORTH CAROLINA,                    )  
vv.    )  
CHRISTOPHER BRYANT,                        )  
                    Defendant.                )

RECORDED INTERVIEW OF DORRELL BRAYBOY

This is the transcript of the recorded interview taken  
of Dorrell Brayboy, which was conducted by Julie  
Bridenstine, Staff Attorney, from the North Carolina  
Innocence Inquiry Commission. The recorded interview took  
place on March 1, 2018.

APPEARANCES

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

Present: Dorrell Brayboy  
          Unidentified Female



1 MS. BRIDENSTINE: Hello. Are you Dorrell?  
2 MR. BRAYBOY: Yes, ma'am.  
3 MS. BRIDENSTINE: Hi.  
4 MR. BRAYBOY: Let me grab these groceries  
5 (inaudible).  
6 MS. BRIDENSTINE: Sure.  
7 FEMALE: Hi.  
8 MS. BRIDENSTINE: Hi.  
9 FEMALE: How are you?  
10 MS. MATOIAN: Good. How are you?  
11 FEMALE: I'm good.  
12 MS. BRIDENSTINE: Okay, great.  
13 FEMALE: Thank you.  
14 MS. MATOIAN: Do you want us to take our shoes  
15 off?  
16 FEMALE: No, you're good.  
17 MS. MATOIAN: Okay. It's been all raining and  
18 muddy.  
19 FEMALE: I know you're here to talk to Dorrell,  
20 but I'm (inaudible). Go back upstairs.  
21 MS. BRIDENSTINE: I'm Julie Bridenstine.  
22 MS. MATOIAN: I'm Catherine. Nice to meet you.  
23 FEMALE: Go upstairs.  
24 MS. BRIDENSTINE: We work with the North Carolina  
25 Innocence Inquiry Commission. I'm the legal investigator



1       and Catee is the grant staff attorney. And we are  
2       investigating the case involving Christopher Bryant. This  
3       is your case, too. He's applied with our agency. We  
4       investigate cases where people say that they're innocent for  
5       the crimes they've been convicted of in North Carolina.  
6       We're a neutral state agency, and what that means is that we  
7       don't -- we don't take sides; we're not the prosecution,  
8       we're not law enforcement, we're not defense attorneys.  
9       We're just looking for the truth. And when people apply, we  
10      investigate their cases, and if we find factual, credible  
11      evidence of innocence, then people's cases can be heard  
12      before our Commission. And if it passes that stage, it can  
13      go before a three-judge panel and people can be exonerated.

14                So we're investigating Mr. Bryant's case. We  
15      wanted to talk to you since you also were one of the  
16      co-defendants in this case.

17                MR. BRAYBOY: Yes, ma'am.

18                MS. BRIDENSTINE: Do you have any questions about  
19      that?

20                MR. BRAYBOY: No. How were y'all able to get in  
21      contact with me? Y'all been able to get in contact with  
22      everybody who was involved in the case?

23                MS. BRIDENSTINE: Well, part of our investigation  
24      is we like to go back and talk to people who are involved or  
25      witnesses. Sometimes we do things like forensic testing.



1       So we knew that you were a co-defendant and so that's why we  
2       wanted to talk to you to see what you had to say about the  
3       case.

4               Now, I know this happened back in 2002. If you  
5       don't remember something that I ask you, you know, just tell  
6       us you don't remember. We don't want you to guess about  
7       anything.

8               MR. BRAYBOY: Yes, ma'am.

9               MS. BRIDENSTINE: So any other questions?

10              MR. BRAYBOY: No, ma'am.

11              MS. BRIDENSTINE: Okay. All right. So I'd like  
12       to take you back to November 15, 2002. That's the day that  
13       Nathaniel Jones was killed. Why don't you just take us  
14       through that day and what you remember from that day.

15              MR. BRAYBOY: All right.

16              MS. BRIDENSTINE: What grade were you in?

17              MR. BRAYBOY: Eighth.

18              MS. BRIDENSTINE: Eighth grade?

19              MR. BRAYBOY: Eighth grade.

20              MS. BRIDENSTINE: All right. Why don't we start  
21       -- did you go to school that day?

22              MR. BRAYBOY: No, ma'am.

23              MS. BRIDENSTINE: Why don't we start with -- well,  
24       just generally. Do you remember what you did that day?

25              MR. BRAYBOY: Yes. The majority of that day.



1 MS. BRIDENSTINE: Okay.

2 MR. BRAYBOY: My time will probably be a little  
3 off, but I know like around -- I'd say like -- because my  
4 sister and my mother had to go to court that day.

5 MS. BRIDENSTINE: Uh-huh.

6 MR. BRAYBOY: I say we went to the courtroom  
7 about -- well, we ended up about 9:00 something anyway. I  
8 know we was out until about 10:00. Then we went to the  
9 courtroom. We went into the courtroom, we came back. One  
10 little stop -- stops in between.

11 When we got back, I left my house and went to --  
12 who we called Bubba at the time. It was Christopher Bryant.  
13 Went to his house, which is -- I stayed on (inaudible); he  
14 stayed on (inaudible). Somewhere about maybe about  
15 five-minute walk. And when I got up there, we chilled. He  
16 had just -- he didn't -- he probably -- I don't think he  
17 went to school that day though because when we got back --  
18 when we got back from the courtroom, it's probably been --  
19 probably about 2:30.

20 MS. BRIDENSTINE: 2:30?

21 MR. BRAYBOY: Stop. We probably got back from the  
22 courtroom probably about 2:30, I think, 2:30, 3 o'clock.

23 MS. BRIDENSTINE: Okay.

24 MR. BRAYBOY: We went back to his house. We  
25 probably chilled, played video games and (inaudible)



1       probably about an hour. Went outside. Chilled like about  
2       6:00. (Inaudible) we went to the -- went to the Amoco that  
3       day. Went to the Amoco probably about --

4               MS. BRIDENSTINE: Who did you go with?

5               MR. BRAYBOY: I think it was -- Donovan. I don't  
6       know Donovan's last name. Donovan, Bubba, that's  
7       Christopher Bryant, Jermal Tolliver. I think that was it.  
8       I think it was us four.

9               MS. BRIDENSTINE: Did you walk over?

10              MR. BRAYBOY: We walked. Yeah, we walked. When  
11       we got there -- (inaudible) stop. We got there probably  
12       about -- all that time. It was probably about -- we left  
13       the store probably about -- I think it was 3:30, 4 o'clock.  
14       And then Jessicah Black and Nathaniel Cauthen came over  
15       there. It was probably about 6 o'clock.

16              MS. BRIDENSTINE: Do you know how they got -- how  
17       did they come over there?

18              MR. BRAYBOY: She got like a black Mercury. She  
19       had a black Mercury at the time. We chilled in the car.  
20       Then we went to the park off of Moravia Street about  
21       6 o'clock.

22              MS. BRIDENSTINE: Which park was that?

23              MR. BRAYBOY: The park off Moravia Street. I  
24       think it's the one that's supposed to be close by this man  
25       house.



1 MS. BRIDENSTINE: Was that Belview Park?

2 MR. BRAYBOY: Moravia, I think.

3 MS. BRIDENSTINE: On Moravia Street?

4 MR. BRAYBOY: Yeah.

5 MS. BRIDENSTINE: Do you remember the name of the  
6 park as Belview Park?

7 MR. BRAYBOY: Belview, it is Belview Park, yeah.

8 MS. BRIDENSTINE: Okay.

9 MR. BRAYBOY: It is Belview Park. And went to  
10 Belview Park. We stayed out there, probably walked around a  
11 little bit, (inaudible), joked around. Probably stayed  
12 there for about anywhere from 15 -- about 15 -- about 15  
13 minutes.

14 MS. BRIDENSTINE: And who was with you?

15 MR. BRAYBOY: Me -- it was me, Jermal Tolliver,  
16 Nathaniel Cauthen. I want to say it -- it was me, Jermal  
17 Tolliver, I think -- yeah, Christopher Bryant. He was there  
18 with us. We probably -- we stayed there about 15 minutes  
19 and then I left. I left them probably about 6:30 and walked  
20 back to my mom house.

21 MS. BRIDENSTINE: Okay. Where did you leave them?

22 MR. BRAYBOY: At their house. At -- at  
23 Christopher Bryant house. Like all this is like together.  
24 It's not too much apart. It's probably -- all this stuff is  
25 like within walking distance, like five maybe seven, eight



1 minutes at the most, all in the same area. I stayed on the  
2 same -- Jermal Tolliver and Christopher Bryant stayed across  
3 from each other on Devonshire. The two brothers, they  
4 stayed on Goldfloss.

5 I went -- I went back to my mother house probably  
6 about 6:30 and came back about 7 -- probably about 7:00,  
7 about 7:30. I didn't stay home long. I came back. I met  
8 up with this dude named Jed. Got in the car with Jed. He  
9 was driving. We went to his grandma house, which is off of  
10 Waughtown, because we had stopped at the -- it's a gas  
11 station -- it's a gas station on his street and I think it's  
12 on Waughtown. It's a place on the left. At the time it was  
13 called like ServCo or something. We got there and then went  
14 from there -- I don't know -- I don't remember (inaudible)  
15 the street went -- it was like going back toward like Glen  
16 Middle School. I remember he said -- he had to go check on  
17 his grandma and take her some cigarettes. We probably left  
18 there about -- I'd say about -- I'd say about (inaudible)  
19 8:30. We came back and then that's when I seen Nat -- or  
20 not Nathaniel Cauthen, his brother Rayshawn Banner.

21 MS. BRIDENSTINE: Uh-huh.

22 MR. BRAYBOY: Nathaniel Cauthen, he was out there;  
23 Rayshawn Banner was out there; Jermal Tolliver was out  
24 there.

25 MS. BRIDENSTINE: And where were you? Where did



1       you see them?

2                   MR. BRAYBOY:  On Devonshire.  When we got back  
3       from the Jed -- I don't know Jed's last name.  We call him  
4       Jed.  We came back from his grandma house probably about --  
5       about 8:00, about 8:30.  And we probably didn't make it back  
6       to Christopher Bryant house until about -- it was about  
7       about 8:45, 8:50, somewhere there.  We got -- we got -- we  
8       got -- when we back there, Jessicah Black was still there.  
9       Jessicah Black was still there, Nathaniel Cauthen was there.  
10      Rayshawn Banner was there and Jermal Tolliver.  I don't  
11      know -- remember exactly Christopher Bryant was at that  
12      time.  He was probably still in the house.  I don't want to  
13      guess (inaudible).

14                   But we all got in the car and we went to the  
15      bowling alley, which is off Peters Creek Parkway.  We went  
16      to the bowling alley.  Nathaniel Cauthen got into an  
17      altercation with somebody.  When they got into an  
18      altercation, a black officer was there at the time and he  
19      told us we had to leave the premises.

20                   So we -- when we left there, we all went back to  
21      -- Jessicah Black took me back home, dropped me off at  
22      Christopher Bryant house, and I stayed the night at  
23      Christopher Bryant house and that was it.

24                   MS. BRIDENSTINE:  Okay.  When you were at the  
25      Belview Park earlier, do you remember what time that was?



1                   MR. BRAYBOY: Like 6:30. I'd say it was about  
2                   6:30, 6 o'clock, somewhere around there.

3                   MS. BRIDENSTINE: Do you remember if it was light  
4                   or dark out?

5                   MR. BRAYBOY: It was still kind of light and --  
6                   because the --

7                   MS. BRIDENSTINE: What were you guys doing at the  
8                   park?

9                   MR. BRAYBOY: Just chillin', like running around  
10                  laughing, joking, probably smoking or something, just --  
11                  Jessicah Black (inaudible).

12                  MS. BRIDENSTINE: Who was at the park again?

13                  MR. BRAYBOY: It was me, Jessicah Black, Nathaniel  
14                  Cauthen, Rayshawn -- I didn't see Rayshawn Banner  
15                  (inaudible). I don't think I seen Rayshawn Banner until  
16                  later when we came back. And that's when we went --  
17                  Rayshawn Banner, really, I didn't see Rayshawn Banner until  
18                  we went to the bowling alley.

19                  MS. BRIDENSTINE: Okay. And -- and who went to  
20                  the bowling alley?

21                  MR. BRAYBOY: Me, Nathaniel Cauthen, Rayshawn  
22                  Banner and Jermal Tolliver. Yeah. Because Jed -- Jed --  
23                  Jed had left and -- when we got back from his grandma house,  
24                  he left from there and walked back home hisself.

25                  MS. BRIDENSTINE: Okay. And sorry, I didn't mean



1 to cut you off.

2 MR. BRAYBOY: No, you're good.

3 MS. BRIDENSTINE: Was there anyone else at Belview  
4 Park? You said you and Nathaniel Cauthen, Jermal Tolliver.

5 MR. BRAYBOY: I think -- was (inaudible) with us  
6 and (inaudible? (Inaudible) the time, but Jessica Black.  
7 Jessica Black the one that drove us there.

8 MS. BRIDENSTINE: Uh-huh.

9 MR. BRAYBOY: Yeah.

10 MS. BRIDENSTINE: So on the 15th, did you go to  
11 the Dollar General Store that day?

12 MR. BRAYBOY: Uh-uh.

13 MS. BRIDENSTINE: Did you go to Maxway's that day?

14 MR. BRAYBOY: No.

15 MS. BRIDENSTINE: When was the first time that you  
16 heard that Mr. Jones had died or that something had happened  
17 to him?

18 MR. BRAYBOY: I heard -- I heard he got killed  
19 that next day. The story didn't match up with what we were  
20 doing. I heard they were saying like seeing if -- all the  
21 statements come up, like you'll see my first statement. I  
22 finally sat down for a while and they came and told me like  
23 you'll go home and say it. The first person told me the man  
24 got shot with Duct tape (inaudible) in the ditch across from  
25 his house, which they found him up in a ditch across from



1 his house. And that's the story I -- I had heard at the  
2 time.

3 MS. BRIDENSTINE: Where did you hear that story  
4 from?

5 MR. BRAYBOY: Like people talking and they were  
6 like -- I couldn't say exactly who the people were that were  
7 saying it. I heard them all saying they found him in a  
8 ditch.

9 MS. BRIDENSTINE: Do you remember when you heard  
10 that?

11 MR. BRAYBOY: The very next -- like the next day.

12 MS. BRIDENSTINE: Did you hear anything else from  
13 anyone about --

14 MR. BRAYBOY: No.

15 MS. BRIDENSTINE: -- Mr. Jones?

16 MR. BRAYBOY: No. I never even knew his name  
17 until I came about getting locked up.

18 MS. BRIDENSTINE: Did you see anything going on  
19 about Mr. Jones on the 15th?

20 MR. BRAYBOY: No.

21 MS. BRIDENSTINE: Do you remember what you did  
22 that next day on Saturday, the 16th of November?

23 MR. BRAYBOY: It was like a normal day. I  
24 remember it was boring. Like we all -- just always be  
25 there. Like when I'm there, we might be doing little stupid



1 stuff here and there or -- we wasn't like, never -- never  
2 like hurting people or nothing like that. We -- we were  
3 just kids, just like find -- we probably -- most of them  
4 guys that's (inaudible) case like from the neighborhood  
5 something like that.

6 MS. BRIDENSTINE: Okay. Did you guys -- or did  
7 you go to Hanes Mall that day?

8 MR. BRAYBOY: No.

9 MS. BRIDENSTINE: What about Sunday the 17th?

10 MR. BRAYBOY: No.

11 MS. BRIDENSTINE: Did you go to the mall on the  
12 15th?

13 MR. BRAYBOY: No.

14 MS. BRIDENSTINE: What about Monday the 18th?

15 MR. BRAYBOY: No. I -- I was really -- really in  
16 the house that day because I had just met a chick named  
17 Amber.

18 MS. BRIDENSTINE: On which day?

19 MR. BRAYBOY: On -- I met her on Sunday. So I was  
20 back and forth where we really like feeling each other.  
21 From Sunday all the way to that Tuesday morning when I -- I  
22 got locked up.

23 MS. BRIDENSTINE: Uh-huh.

24 MR. BRAYBOY: I got locked up 3 o'clock that  
25 afternoon that Tuesday. But me and her skipped (inaudible).



1 Tuesday I was out of -- I had basically skipped school.

2 MS. BRIDENSTINE: Okay.

3 MR. BRAYBOY: Yeah.

4 MS. BRIDENSTINE: Do you know if anyone else went  
5 to Hanes Mall that weekend? Like did you hear anything or  
6 know if Christopher Bryant went to the mall?

7 MR. BRAYBOY: Not that I know of.

8 MS. BRIDENSTINE: Or Jermal Tolliver?

9 MR. BRAYBOY: No. No, ma'am.

10 MS. BRIDENSTINE: Nathaniel Cauthen?

11 MR. BRAYBOY: No, ma'am.

12 MS. BRIDENSTINE: Or Rayshawn Banner?

13 MR. BRAYBOY: No, ma'am.

14 MS. BRIDENSTINE: Did you see anyone with money or  
15 cash --

16 MR. BRAYBOY: No, ma'am.

17 MS. BRIDENSTINE: -- on the 15th?

18 MR. BRAYBOY: No, ma'am.

19 MS. BRIDENSTINE: So Nathaniel Cauthen?

20 MR. BRAYBOY: No, ma'am.

21 MS. BRIDENSTINE: Or Rayshawn Banner?

22 MR. BRAYBOY: No, ma'am.

23 MS. BRIDENSTINE: Christopher Bryant?

24 MR. BRAYBOY: No, ma'am.

25 MS. BRIDENSTINE: Or Jermal Tolliver?



1 MR. BRAYBOY: No, ma'am.

2 MS. BRIDENSTINE: What about on the 16th, any of  
3 those guys have cash on them?

4 MR. BRAYBOY: No, ma'am. Not that -- if they did,  
5 I wouldn't know unless they were -- it was something like  
6 Tolliver had money, they probably use it to buy like single  
7 cigarettes or something like that. Like there weren't no  
8 money like -- like I didn't see -- I didn't see no money.  
9 Like -- like we have -- at that age, we probably -- we  
10 didn't have too much of nothing at that age.

11 MS. BRIDENSTINE: What would be -- what would have  
12 been significant money-wise to you at that point?

13 MR. BRAYBOY: For us?

14 MS. BRIDENSTINE: Yeah.

15 MR. BRAYBOY: Like four, five dollars.

16 MS. BRIDENSTINE: Okay. All right.

17 MR. BRAYBOY: Maybe. (Inaudible.)

18 MS. BRIDENSTINE: Did you ever see anyone with  
19 like rolls of money?

20 MR. BRAYBOY: No, ma'am.

21 MS. BRIDENSTINE: Do you remember what shoes you  
22 were wearing on the 15th?

23 MR. BRAYBOY: No. Black Forces. Low top Black  
24 Forces.

25 MS. BRIDENSTINE: Black?



1 MR. BRAYBOY: Air Forces.

2 MS. BRIDENSTINE: Is that Air Force One?

3 MR. BRAYBOY: That's (inaudible), yeah.

4 MS. BRIDENSTINE: Okay. Do you remember what  
5 shoes Rayshawn Banner was wearing?

6 MR. BRAYBOY: I probably didn't pay it no mind.

7 MS. BRIDENSTINE: Or Nathaniel Cauthen?

8 MR. BRAYBOY: No.

9 MS. BRIDENSTINE: Jermal Tolliver?

10 MR. BRAYBOY: No. Because that's a normal shoe  
11 for us, Air Force One.

12 MS. BRIDENSTINE: Air Force One?

13 MR. BRAYBOY: All of us really had Air Force One.  
14 Like that's what -- at that time when we was out in 2002,  
15 that's what most people wore, Chuck Taylor's, or something  
16 like that. So I don't what they --

17 MS. BRIDENSTINE: Okay.

18 MR. BRAYBOY: -- were wearing.

19 MS. BRIDENSTINE: So Christopher Bryant, do you  
20 remember his shoes that night?

21 MR. BRAYBOY: Uh-uh.

22 MS. BRIDENSTINE: Or Jermal Tolliver?

23 MR. BRAYBOY: No, ma'am.

24 MS. BRIDENSTINE: All right. Did anyone on the  
25 15th -- did you see anyone with tape?



1 MR. BRAYBOY: No, ma'am.

2 MS. BRIDENSTINE: Did you ever hear anyone else  
3 talk about robbing someone or --

4 MR. BRAYBOY: No.

5 MS. BRIDENSTINE: -- committing a robbery?

6 MR. BRAYBOY: No, ma'am.

7 MS. BRIDENSTINE: What about Nathaniel Cauthen?

8 MR. BRAYBOY: No ma'am.

9 MS. BRIDENSTINE: Or Rayshawn Banner?

10 MR. BRAYBOY: No, ma'am.

11 MS. BRIDENSTINE: Did you ever know them to do  
12 anything like that?

13 MR. BRAYBOY: No, ma'am.

14 MS. BRIDENSTINE: What about Christopher Bryant?

15 MR. BRAYBOY: No, ma'am.

16 MS. BRIDENSTINE: Or Jermal Tolliver?

17 MR. BRAYBOY: No, ma'am.

18 MS. BRIDENSTINE: What about you, did you ever do  
19 anything like that?

20 MR. BRAYBOY: No, ma'am.

21 MS. BRIDENSTINE: Or talk about it?

22 MR. BRAYBOY: No, ma'am.

23 MS. BRIDENSTINE: Did you ever hear anyone brag  
24 about committing a robbery?

25 MR. BRAYBOY: No, ma'am.



1 MS. BRIDENSTINE: Or have you heard the term  
2 "making a lick"?

3 MR. BRAYBOY: I heard that term before. I know  
4 what it is.

5 MS. BRIDENSTINE: Okay. Did they -- did anyone  
6 ever talk to you about making a lick or wanting to make one?

7 MR. BRAYBOY: No, ma'am.

8 MS. BRIDENSTINE: How did you know Jessica Black?

9 MR. BRAYBOY: Her and Nathaniel Cauthen met  
10 through -- it's a house like right beside where Jermal  
11 Tolliver stays, there's a guy named -- I know his name. Oh.  
12 I knew the Caucasian guy she was messing with at the time.  
13 They kind of like broke up and she starting talking to  
14 Nathaniel Cauthen.

15 MS. BRIDENSTINE: Okay.

16 MR. BRAYBOY: And she used to always be at the  
17 house beside Jermal Tollier house. And that's how we were  
18 like friends. Nathaniel Cauthen was talking -- going with  
19 Jessica Black at the time.

20 MS. BRIDENSTINE: You mean like talking to her,  
21 going with --

22 MR. BRAYBOY: Relationship,

23 MS. BRIDENSTINE: -- like date -- dating?

24 MR. BRAYBOY: Dating, yeah.

25 MS. BRIDENSTINE: Okay. And how long had they



1       been dating?

2                   MR. BRAYBOY: Not long. Maybe two or three days.

3                   MS. BRIDENSTINE: Okay. And when did you start  
4       hanging out with him?

5                   MR. BRAYBOY: I was on the south side -- just  
6       moved to south side the beginning of that year, 2002, like  
7       February of 2002. I can't -- I went to school like at the  
8       end of the school year like two or three days before the end  
9       of the school year, I was hanging with them. I'd say it was  
10      probably about a (inaudible) when I started hanging out with  
11      him about (inaudible).

12                  MS. BRIDENSTINE: Of 2002?

13                  MR. BRAYBOY: (Inaudible.)

14                  MS. BRIDENSTINE: How often would you see her, a  
15      good guess, on average?

16                  MR. BRAYBOY: Say what?

17                  MS. BRIDENSTINE: How often would you see her?

18                  MR. BRAYBOY: Who, Jessicah Black?

19                  MS. BRIDENSTINE: Uh-huh.

20                  MR. BRAYBOY: Oh, Jessicah Black, a while at that  
21      point. You mean Jessicah Black, so that --

22                  MS. BRIDENSTINE: Oh, were you talking about  
23      Nathaniel Cauthen?

24                  MR. BRAYBOY: Yeah. All the -- all the young boys  
25      around -- like my co-defendants?



1 MS. BRIDENSTINE: Yeah.

2 MR. BRAYBOY: We all started hanging around about  
3 that time.

4 MS. BRIDENSTINE: Okay.

5 MR. BRAYBOY: Jessica Black ain't come into the  
6 picture until about that month, that same month.

7 MS. BRIDENSTINE: So November?

8 MR. BRAYBOY: Yeah.

9 MS. BRIDENSTINE: All right. So --

10 MR. BRAYBOY: They probably knew Jessica Black  
11 before me because they all together before me. They all  
12 been staying in that neighborhood. I didn't stay in that  
13 neighborhood that long.

14 MS. BRIDENSTINE: When did you move to that house  
15 on (inaudible) Street?

16 MR. BRAYBOY: (Inaudible) Street.

17 MS. BRIDENSTINE: Yeah.

18 MR. BRAYBOY: About February of 2002.

19 MS. BRIDENSTINE: Where did you move from?

20 MR. BRAYBOY: Toler Road.

21 MS. BRIDENSTINE: From where?

22 MR. BRAYBOY: Toler Road. (Inaudible) off of  
23 Toler Road.

24 MS. BRIDENSTINE: Okay. So were you friends with  
25 any of those guys before you moved?



1 MR. BRAYBOY: No. Never -- I didn't never meet  
2 them until that year 2002.

3 MS. BRIDENSTINE: All right. And -- and why don't  
4 you tell me a little bit about your relationship with --  
5 with each of them. Like --

6 MR. BRAYBOY: I'm pretty close with Christopher  
7 Bryant. That's (inaudible). I'm cool with -- me and Jermal  
8 Tolliver are close. Nathaniel Cauthen, I'd say on a scale  
9 of 1 through 10, about a 6.

10 MS. BRIDENSTINE: And why is that?

11 MR. BRAYBOY: It's when I first like moved over  
12 there, he was supposed to have been like the tough guy in  
13 the neighborhood and me and him had a few words. And that's  
14 about it. But never really -- they found I never really  
15 had -- well, basically, like they were like always into  
16 something.

17 MS. BRIDENSTINE: Who? Who was?

18 MR. BRAYBOY: Nathaniel Cauthen and his brother  
19 Rayshawn Banner.

20 MS. BRIDENSTINE: What were they into?

21 MR. BRAYBOY: Like fighting. That -- that was  
22 probably about the worse case scenario is fights.

23 MS. BRIDENSTINE: What about Nathaniel Cauthen and  
24 Rayshawn Banner, their older brother, Joseph Cauthen, did --

25 MR. BRAYBOY: Joseph?



1 MS. BRIDENSTINE: -- you know him at all?

2 MR. BRAYBOY: I won't say I know him. I know of  
3 him, like I've been around him, but he and I never like  
4 really conversated.

5 MS. BRIDENSTINE: What did you know of him?

6 MR. BRAYBOY: From being around them.

7 MS. BRIDENSTINE: Anything -- what -- like what  
8 was your impression of him?

9 MR. BRAYBOY: Do you want me to say the first word  
10 that come to my mind or --

11 MS. BRIDENSTINE: Yeah.

12 MR. BRAYBOY: Bum or fighting. That's a guy that  
13 took care of hisself.

14 MS. BRIDENSTINE: Okay. Did you know their cousin  
15 Anjuan?

16 MR. BRAYBOY: Anjuan, I've never really been  
17 around him.

18 MS. BRIDENSTINE: Did you ever hear of Joseph  
19 Cauthen being involved in any robberies?

20 MR. BRAYBOY: No. I never really knew him like  
21 that.

22 MS. BRIDENSTINE: Or Anjuan?

23 MR. BRAYBOY: No.

24 MS. BRIDENSTINE: I want to talk you about  
25 Tuesday, which was the day you were --



1 MR. BRAYBOY: I got (inaudible).

2 MS. BRIDENSTINE: Yeah. Why don't you take me  
3 through what happened that day. Do you remember?

4 MR. BRAYBOY: I remember being -- probably -- I  
5 remember -- I know I had to get up early because Amber  
6 Cooper stayed the night with me in my mom house. And she  
7 finally ended up leaving like about 6:30, 7 o'clock that  
8 morning. So I probably went back to sleep after that  
9 because we ended up like going to the hospital for my mother  
10 because my mother had a knot in her tit, in her breast.

11 MS. BRIDENSTINE: Uh-huh.

12 MR. BRAYBOY: And I don't really know what -- from  
13 that point, from like 7:30 that morning or so, I don't think  
14 I know from that -- I remember from that point, 3 o'clock  
15 that afternoon -- I mean the evening when we were going to  
16 the hospital and I probably can't really say for sure what  
17 happened between that time. Knowing 15 or more were there,  
18 my life changed, so I remember a little bit more that day  
19 than probably two that never -- the only thing (inaudible)  
20 when I got locked up when the two detectives came and got me  
21 in the hospital.

22 MS. BRIDENSTINE: Okay. Why don't we talk about  
23 then.

24 MR. BRAYBOY: Well, I was with my mother. I was  
25 sitting in the emergency room and then my mother was just



1 coming out. She had -- she was like -- they had her drugged  
2 up from when they had to do surgery on her breast and -- but  
3 she told me and her boyfriend at the time, was a dude name  
4 -- I can't remember his real name. They call him the  
5 "dark-skin dude." She told, look, me and him will go get  
6 the car and meet her out front so we can be at the front of  
7 the entrance, the exit door. And when we got out, when we  
8 were leaving out, two detectives walked up towards me like,  
9 Are you Dorrell Brayboy?

10 I'm like, Yes.

11 And they were like, Do you mind if we ask you a  
12 few questions?

13 I'm like, Yeah, I don't care. I don't mind.

14 I'm thinking about like they was going to ask me  
15 right here. And they're like, No, we'll leave. And then,  
16 Will you come down to the police station with us?

17 I said, Okay.

18 And my momma probably was not even out the door  
19 yet, but I'm like -- I'm might as well go down there with  
20 them and see what they want, the questions about.

21 When I got into the police car, they showed me  
22 pictures of a dark-skinned dude with dreads and a dude that  
23 go by the name of Layman. And they were like, Do you know  
24 these guys?

25 I'm like, No.



1                   They said, Have you ever heard anything about them  
2                   robbing -- oh, what's that store in on the corner right  
3                   there on Clemmonsville Road? Oliver's.

4                   MS. BRIDENSTINE: A store called Oliver's?

5                   MR. BRAYBOY: Oliver's, yeah. And I was like, No,  
6                   I've never heard -- I knew a guy like -- knew of the guy  
7                   Layman.

8                   MS. BRIDENSTINE: What was his name?

9                   MR. BRAYBOY: Layman. His nickname like Layman.

10                  MS. MATOIAN: Like L-A-Y-M-A-N? .

11                  MR. BRAYBOY: Yeah. And --

12                  MS. MATOIAN: Do you remember what he looked like?

13                  MR. BRAYBOY: I only see him with (inaudible). I  
14                  was small at that time, so he wasn't that tall. I'd say  
15                  probably no more than about 5'6"/5'7".

16                  MS. BRIDENSTINE: Do you remember how old?

17                  MR. BRAYBOY: He was way older than me. I was 15  
18                  at that time, so he --

19                  MS. MATOIAN: And you said --

20                  MR. BRAYBOY: He was probably (inaudible) at that  
21                  time.

22                  MS. MATOIAN: And you said that the other guy was  
23                  darked-skinned and had dreads?

24                  MR. BRAYBOY: And had dreads. Yeah.

25                  MS. MATOIAN: Did they tell you his name or did



1       you know a nickname for him?

2               MR. BRAYBOY: His name -- I don't -- can't  
3       remember a name. They had a nickname for him, though. They  
4       did. They asked me did I know him. I'm like, No. I've  
5       never heard of him. I just know he was darked skinned. I  
6       know they said a name to me, though. I remember one thing.  
7       He was a little more known in the neighborhood. I'm trying  
8       to think (inaudible). I can't remember the fellow's name.  
9       They said they called him by a nickname. And I -- I can't  
10      really remember his name like that.

11             MS. BRIDENSTINE: And what did they ask you about  
12      him?

13             MR. BRAYBOY: Have you heard about them robbing  
14      Idols? I'm like, No, I never knew Idols got robbed.

15             MS. BRIDENSTINE: And what happened after that?

16             MR. BRAYBOY: They just -- they were just asking  
17      me about robbing and stuff. They never said nothing about  
18      Nathaniel Jones and the guys that did it.

19             And then when I got out the car -- I was in the  
20      backseat. Both of them were in the front. It looked like a  
21      cage and a frame. And when we got out the car, the door  
22      opened and the Pakistani officer got out the car. He on the  
23      right-hand side. I think he was on the right-hand side. I  
24      think that was the driver. He got out, opened the door for  
25      me. The other one came around. I followed the Pakistan



1       dude. The other stood (inaudible). Walked -- they walked  
2       me into the police station. I went in there first. They  
3       put me in one room first. I sat in there for a good little  
4       minute. And then I think Detective Smith that came in and  
5       questioned me first. He didn't question about the murder at  
6       that point. He just asked me what I did. I was only 15.

7               MS. BRIDENSTINE: Okay.

8               MR. BRAYBOY: And I told him. And like he asked  
9       me, like what's my favorite hobby, and stuff like that. He  
10      was asking me like little stuff like what contained my life  
11      basically. And then he left. He went and got the another  
12      man. And then another detective -- another detective came  
13      in there and he started asking little questions like, Have  
14      you ever heard -- do you know a man by the name Nathaniel  
15      Jones?

16              I was like, No, never heard of him.

17              And then he said, Did you hear about somebody  
18      getting killed in the neighborhood?

19              I said, I heard about the man getting Duct taped  
20      and falling in a ditch or something.

21              He was like, Oh, do you know the name?

22              And I said, No, I don't know the man name.

23              He was, Well...

24              Then I think Detective Smith is the one that came  
25      in and questioned me about the crime for the -- for the



1 murder. I think he was the one that questioned me about  
2 that.

3 And he asked me questions like do you -- he said,  
4 Do you remember what happened the night of the 15th of --  
5 November the 15th, 2002?

6 I said, No.

7 So he was like did I remember what I was doing and  
8 who I was with?

9 I was like, Yeah.

10 Then he started questioning me like -- he was  
11 questioning me like -- he got to the point where he was like  
12 kind of getting aggressive like why will you not you not  
13 (inaudible) that night. I know you know what happened or I  
14 need to know what you're talking about.

15 And that was just all the questions, just going  
16 back and forth. I told him -- it was like -- you could tell  
17 like he took bits and pieces of our life and what happened  
18 to what they was telling us. Like the duct tape part came  
19 up with the tape and all this. All this stuff was coming  
20 up. But you can tell like all our stories wasn't adding up  
21 the same. It was just -- as far as taking bits and pieces  
22 and the true pieces are a lie because --

23 MS. BRIDENSTINE: Uh-huh. Where were you getting  
24 information about things like you said the Duct tape?

25 MR. BRAYBOY: Like they might say stuff like you



1 know you duct taped him or -- he was just basically giving  
2 us a little insight on stuff basically. And we took it and  
3 just -- I know I took it and twisted it into a -- the truth  
4 and a lie.

5 MS. BRIDENSTINE: Uh-huh.

6 MR. BRAYBOY: And it -- that's how they convinced  
7 us. I really didn't -- I didn't probably say nothing until  
8 about 8:30, 9 o'clock that night. And my mom -- my mother  
9 probably came about 8:00 and she had already left the  
10 hospital. So she came and like, If you know anything, tell  
11 the truth (inaudible).

12 I'm like, Mom, I don't know nothing. I promise  
13 you I don't.

14 And she just kept telling me like, If you know  
15 something, please, Baby, say something.

16 So we just -- I went finally -- I went for about  
17 an hour back and forth with them. Then Lieutenant -- they  
18 took me to Lieutenant Weavil. And I went in there and sat  
19 in his office with a black woman named -- she had some  
20 tinted shades on. She came to the door and she asked my  
21 mother to come with her.

22 Lieutenant Weavil is like, If you go on and tell  
23 the truth, we'll let you go home.

24 I'm like, I don't know nothing about what y'all  
25 talking about.



1           He's like, Well, if you don't tell us nothing, you  
2           ain't going home. He just kept saying it. Then I finally  
3           like wrote down like -- gave them bits and pieces of what I  
4           did that day and took what they were saying, just put it  
5           together and gave them (inaudible) because I was going to go  
6           home that night.

7           MS. BRIDENSTINE: Okay. Did you say you wrote  
8           something down or did I mishear you?

9           MR. BRAYBOY: Tape recorder statement.

10          MS. BRIDENSTINE: Okay.

11          MR. BRAYBOY: They were tape recording the  
12          statement. They were recording the statement.

13          MS. BRIDENSTINE: Did they ever talk to you about  
14          the death penalty that night?

15          MR. BRAYBOY: No, I don't they -- well, they told  
16          me I probably wouldn't see (inaudible). And I wasn't that  
17          -- I was at the age I didn't understand I couldn't go to  
18          jail. And they was like directing me with like you -- you  
19          going -- you going to jail and stuff like that. I never  
20          really knew about no (inaudible) kids. They was threatening  
21          like you're going to jail, this and that, if you don't tell  
22          us what happened (inaudible) or you won't go on home for a  
23          long time, stuff like that. They -- that's all they said to  
24          me. They threatened (inaudible). They have to tell you the  
25          outcome (inaudible).



1 MS. BRIDENSTINE: Do you remember them telling you  
2 anything -- or any details other than you said Duct tape, a  
3 man was taped up, anything else that you remember?

4 MR. BRAYBOY: Yeah. About the light being  
5 unscrewed. There were a lot of like little parts that would  
6 sound like just dealing with the -- his house and stuff like  
7 the mail and stuff like that, like, you know, if you touched  
8 this, your fingerprints on it, this that. I don't -- I  
9 don't remember about fingerprints, none of that.

10 MS. BRIDENSTINE: Did they show you anything?

11 MR. BRAYBOY: (No audible response.)

12 MS. BRIDENSTINE: Did you have anything to do with  
13 Mr. Jones' death?

14 MR. BRAYBOY: No, ma'am.

15 MS. BRIDENSTINE: Were you there when it happened?

16 MR. BRAYBOY: No, ma'am.

17 MS. BRIDENSTINE: Did you see it?

18 MR. BRAYBOY: No, ma'am.

19 MS. BRIDENSTINE: So you're saying you're  
20 innocent?

21 MR. BRAYBOY: Yes, ma'am.

22 MS. BRIDENSTINE: You're saying you're innocent.  
23 Why did you confess to the police on the 19th?

24 MR. BRAYBOY: I thought I was going to go home  
25 that night. Just to get away from them. I didn't know. If



1 I didn't say -- if I -- I -- I knew if I didn't say nothing,  
2 I wasn't -- I didn't know if -- I didn't know -- I didn't  
3 know what was going on because they'd tell me, I'll let you  
4 go home and this, that. I'm thinking they'll let me go home  
5 after all -- this is all over and done with. That's the  
6 only thing I done -- I been down there since like 3:00. I'm  
7 thinking like, okay, I just wanted to say something to get  
8 it over with so it's over and done with.

9 MS. BRIDENSTINE: After you told the police that  
10 you were involved with Mr. Jones' death, did you tell anyone  
11 else that you were involved?

12 MR. BRAYBOY: No.

13 MS. BRIDENSTINE: Why do you think that Jessicah  
14 Black testified against you guys and said you guys did it?

15 MR. BRAYBOY: I felt like -- I felt like they  
16 kinda like played her against us, like tell her something  
17 like (inaudible) you going to walk clear or something. They  
18 was probably played her. I can't believe you said that.

19 I've known a little bit from reading and since  
20 I've been locked up how they do things, but I can't really  
21 say for sure what they told her. But she was never really  
22 that close to none of us. But she wasn't really that close  
23 to Nathaniel Cauthen because she didn't know him long. So  
24 it's -- it's not too hard just to say, okay, I can just get  
25 them away and then can start free.



1 MS. BRIDENSTINE: And earlier you said that she  
2 had been dating Nathaniel Cauthen like you said like two or  
3 three days?

4 MR. BRAYBOY: Yeah. It wasn't long.

5 MS. BRIDENSTINE: Tell me about your discussions  
6 with your attorney about your case. Were you offered a --

7 MR. BRAYBOY: At first, Danny Ferguson, an older  
8 guy, Caucasian, older, (inaudible) little glasses. Me and  
9 him had a good kind of relationship, but he didn't stay on  
10 my case long. Yeah, me and him -- I think he was more into  
11 it, you know, they say -- I think they said some -- he ended  
12 up becoming like a federal attorney or something. And he  
13 was like the one I think was fighting for me like because he  
14 the one I think came that morning and got my hair fiber from  
15 my brother and stuff to see if it'd match anything at the  
16 man house. But otherwise, I don't feel like he was into it.

17 Me -- well, I had got to the point -- I -- I  
18 didn't meet my other lawyer until like 2000- and -- 2003, I  
19 think.

20 MS. BRIDENSTINE: Is this someone that went to  
21 trial with you?

22 MR. BRAYBOY: Yeah. Just -- and I still couldn't  
23 really -- I just know his name like Bagley or something like  
24 that, last name. And he used to come out, he'd talked to  
25 me -- everybody (inaudible) and he talked to me, too. You



1 know you probably going to end up getting a lot of time.

2 This is a high profile case and probably want to take the  
3 16 years and just get it out of the way.

4 I'm like, No. I told him, I'm not taking no plea  
5 for nothing. I already have.

6 The older guy was telling me like you get a second  
7 chance even if they find you guilty.

8 I'm like, I know I'm not going to give my life  
9 away for 16 years for this. I just knew we was going to  
10 beat the crime, so it was no need for me to take my plea.

11 MS. BRIDENSTINE: Okay. Was that the only plea  
12 they offered you was 16 years?

13 MR. BRAYBOY: 16.

14 MS. BRIDENSTINE: Why did you testify at trial?

15 MR. BRAYBOY: No, I didn't test -- my testify was  
16 about the alibi testify. It was --

17 MS. BRIDENSTINE: Okay.

18 MR. BRAYBOY: They were asking me questions like  
19 did you -- that's when -- if you go back to my statement and  
20 see, it say things like -- I still got a lot of my paperwork  
21 up there and it -- it's saying like -- one thing I said --  
22 they were asking me -- the DA asked me like, Do you have  
23 anything on Nathaniel Cauthen and the other co-defendant?

24 I'm like, No. Cauthen upset at that point when  
25 the intent was -- questioning me like saying Nathaniel



1 Cauthen saying you did this; Rayshawn Banner saying you did  
2 this; Christopher Bryant saying you did this.

3 And I told them that -- only when I got on the  
4 stand, I was like, that's the only (inaudible), but they was  
5 trying to trap me off with. And they was like -- and I told  
6 them I (inaudible). Y'all know I had nothing to do with  
7 this. That's -- the one -- the one -- only one that I can  
8 really speak for would be Cauthen and Tolliver and Bryant  
9 because I know I was with them the majority of that day.

10 But I know -- I told you he didn't really pop up  
11 until about late that night. I'm not saying he probably had  
12 a chance to doing something with him, not what -- I hope --  
13 I hope he wouldn't, hope he didn't, but I just couldn't -- I  
14 just couldn't continuing lying about like, okay, I know he  
15 was there all day. But he -- we done heard different  
16 stories with him saying he went home, they he had a football  
17 game that night or something and he went home asleep. It  
18 was just like a lot of stuff that was being told and they  
19 were like dealing with him, so we were kinda like  
20 (inaudible) him.

21 MS. BRIDENSTINE: Okay. Did Rayshawn Banner ever  
22 tell you he was involved with Mr. Jones' death?

23 MR. BRAYBOY: No. He was (inaudible) had nothing  
24 to do with it.

25 MS. BRIDENSTINE: Nathaniel Cauthen, did he ever



1 tell you he was involved in Mr. Jones' death?

2 MR. BRAYBOY: No.

3 MS. BRIDENSTINE: Did Jermal Tolliver ever tell  
4 you he was --

5 MR. BRAYBOY: No.

6 MS. BRIDENSTINE: -- involved in Mr. Jones' death?

7 MR. BRAYBOY: No, ma'am.

8 MS. BRIDENSTINE: Did Christopher Bryant ever tell  
9 you that he was involved in Mr. Jones' death?

10 MR. BRAYBOY: No.

11 MS. BRIDENSTINE: When is the last time you had  
12 contact with Rayshawn Banner?

13 MR. BRAYBOY: Probably 2008.

14 MS. BRIDENSTINE: And where was that? Do you  
15 remember?

16 MR. BRAYBOY: (Inaudible.)

17 MS. BRIDENSTINE: Did you guys talk about the  
18 case?

19 MR. BRAYBOY: No. Nothing to talk about. We  
20 probably always be like we hope the truth or something come  
21 out. That's probably it by today's standard. Sometimes we  
22 get in our little moods, we'll always question little black  
23 light, which is Rayshawn Banner, be like, you sure you  
24 didn't have nothing to do with it or something like that.  
25 That was while we always were friends and we got along.



1 MS. BRIDENSTINE: Okay. What about Nathaniel  
2 Cauthen, when is the last time you had contact with him?

3 MR. BRAYBOY: Let's see. That morning when I was  
4 at Maury Correctional.

5 MS. BRIDENSTINE: Did you guys talk about the  
6 case?

7 MR. BRAYBOY: Well, we always talked -- he would  
8 try to lift it up, like you know they had a life sentence on  
9 him, like the two brothers had a life sentence on them. And  
10 they were fighting to get the life sentences off of them.  
11 That's what we all -- what we'd always talk about.

12 MS. BRIDENSTINE: Which is what, the life  
13 sentence?

14 MR. BRAYBOY: Trying -- saying get off -- from my  
15 understanding, it's supposed to got off of them. When they  
16 were supposed to go back to court or something down here to  
17 try and -- they (inaudible). And they had a guy from  
18 Winston (inaudible) showed it to me. I seen his  
19 (inaudible). They got like 25 years or something like that.  
20 They just took the life sentence off. And they were hoping  
21 (inaudible) life. They were hoping the truth come out  
22 right.

23 MS. BRIDENSTINE: What about Jermal Tolliver, when  
24 was the last time you had contact with him?

25 MR. BRAYBOY: Do you mean --



1 MS. BRIDENSTINE: Just in general, like last time.

2 MR. BRAYBOY: Yesterday.

3 MS. BRIDENSTINE: Okay. You guys still friends?

4 MR. BRAYBOY: To be honest, yes, yes. All of us  
5 -- like we close. All of us -- we went through this  
6 together.

7 MS. BRIDENSTINE: Did you guys talk about the  
8 case?

9 MR. BRAYBOY: No. It's like -- it's the same  
10 thing. Like -- like me and Christopher Bryant were saying  
11 the other day, like we was together, he was just like --  
12 it's like it's a dream because like -- after you done did  
13 all that time, you get to thinking it's like did I do some  
14 drug and I'm forgetting something in my life or something  
15 like we done did -- we done did so much time for this crime,  
16 we're like it's -- it's scary because it's like we know in  
17 our heart we ain't had nothing to do with it, but the time  
18 -- I guess it's just done messed with us to a certain  
19 extent, like we done did all this time for what, for  
20 nothing.

21 MS. BRIDENSTINE: Do you talk about the fact that  
22 Christopher Bryant applied with us? Have you talked about  
23 that with Christopher Bryant?

24 MR. BRAYBOY: No. We don't -- the only thing he  
25 said some people from Actual Innocence will be calling.



1 Kinda went through the Actual Innocence with Crystal -- I  
2 think her name is Christian (sic) Mumma or something like  
3 that.

4 MS. BRIDENSTINE: Uh-huh.

5 MR. BRAYBOY: She came and seen us in Alexandria  
6 in 2012.

7 MS. BRIDENSTINE: And what happened there?

8 MR. BRAYBOY: She was just asking me questions,  
9 like she gave me an MAR or something and it was about a  
10 questionnaire and just asking him questions on it and stuff  
11 like that. She talked to me behind glass like, do you  
12 remember what happened this day and stuff like that. I told  
13 her about like (inaudible) that day. Like I can remember  
14 the majority of the stuff that I did and as of the hours  
15 like what happened that day. Like I know his court record  
16 has been showing (inaudible) since my mother went to court  
17 on that day. I remember all the -- like the stuff I know  
18 that count like -- I -- I told -- I had told the detective  
19 the same day, like we went to -- we had to do a Jed  
20 (inaudible) and we called him, we stopped at ServCo. I  
21 don't know if they -- the SBI ever went back to this place  
22 and got -- (inaudible).

23 MS. BRIDENSTINE: From where?

24 MR. BRAYBOY: Like it's -- I think it's called  
25 Serv -- ServCo. It's off of Waughtown. Like a little -- it



1       was a little gas station, but it's a big gas station now. I  
2       think it's across from like Boost Mobile. And I told them  
3       like that day, but I don't never think they ever got --  
4       that's where evidence, that place, and got the tape  
5       (inaudible). I think only thing they went off of was  
6       whatever -- I don't know whether Maxway and Dollar General  
7       or Family Dollar came in play at. I think it came from  
8       Jessicah Black though.

9               MS. BRIDENSTINE: Okay.

10              MR. BRAYBOY: Because they had went back to the  
11       store and got camera footage and they were saying that was  
12       on camera footage.

13              MS. BRIDENSTINE: So when Chris Mumma was talking  
14       to you back in you said 2000- --

15              MR. BRAYBOY: 2012.

16              MS. BRIDENSTINE: -- '12, whatever happened with  
17       that?

18              MR. BRAYBOY: I think they already been out or --  
19       let me -- I can't -- I'm not going to lie. I was kinda like  
20       felt there was no hope no more. Like we were going to do  
21       our time. Which we did, we did our time. I just felt like  
22       we was -- just from looking at Darryl Hunt case and how a  
23       lot of stuff turned out, the only reason they really like  
24       kind of found him innocent, because that dude got caught up  
25       in a situation and his fingerprint ended up matching that.



1 Like I just felt like it would have had -- it was going to  
2 have to be a strong -- some strong evidence to pull us  
3 through our -- our (inaudible). Just I've seen a lot of  
4 cases like I -- I just always look at -- read a lot of books  
5 that pertain to stuff like this. And like in "JET  
6 Magazine," you'll see like a lot of people that -- they  
7 don't never end up doing like one or two years for stuff  
8 they didn't do. They all end up doing a lot of time. So I  
9 already knew like it was going to be like -- I just -- a lot  
10 of stuff like this made me gave up hope like it's going to  
11 take a minute.

12 MS. BRIDENSTINE: So do you remember how your case  
13 closed with Ms. Mumma? Like why it closed or did -- did she  
14 tell you what happened?

15 MR. BRAYBOY: Oh, I think it's probably on my end  
16 though because I never responded.

17 MS. BRIDENSTINE: Okay.

18 MR. BRAYBOY: And I still got the -- the MR -- the  
19 MAR in my folder, my paper. I never sent it back. I  
20 answered a lot of the questions, but it was like a lot of  
21 the questions they ask you on there like it's hard to  
22 respond because it's like I don't have what the evidence was  
23 on the fingerprints and all this. Only thing I just know  
24 they didn't match -- they didn't -- they came but not  
25 matching us. But they say -- like said -- like when we was



1 in the courtroom, they say we -- we've got like 11 -- I  
2 think it was 11 supposed to have been fingerprints that  
3 supposed to have been filed at the time and mailed and stuff  
4 like that, but none of them match us.

5 MS. BRIDENSTINE: Was (inaudible).

6 MR. BRAYBOY: It's -- it's a lot of things in our  
7 case, but kids at our age don't do like -- it's hard for a  
8 child that age just to go out and do a crime like that and  
9 not have no evidence there.

10 MS. BRIDENSTINE: Yeah.

11 MR. BRAYBOY: It's just -- it's hard. It's -- it  
12 was a lot of common sense in our case that they could have  
13 seen theirselves that just didn't add up, like y'all going off  
14 word for word what I'm saying and -- but y'all (inaudible)  
15 the evidence, but ain't none of it matching none of it.  
16 Only thing y'all trying to say is an Air Force footprint was  
17 the way Rayshawn Banner walked it could have matched his  
18 shoe or something or the imprint of his shoe. But they  
19 saying this -- the way a person walk in his shoe could go  
20 for other people, too.

21 MS. BRIDENSTINE: Yeah.

22 MR. BRAYBOY: So it -- it still just never added  
23 up in our case, period. Like it -- it was just too much.

24 MS. BRIDENSTINE: Just to be clear, Chris Mumma,  
25 she works for the North Carolina Actual Center on



1 Innocence --

2 MR. BRAYBOY: Okay.

3 MS. BRIDENSTINE: -- and we work with the North  
4 Innocence Inquiry Commission.

5 MR. BRAYBOY: Okay.

6 MS. BRIDENSTINE: So we're a state agency. We're  
7 neutral. Just -- I just want to make clear, we're --

8 MR. BRAYBOY: Okay.

9 MS. BRIDENSTINE: -- not the same --

10 MR. BRAYBOY: Sorry. Okay.

11 MS. BRIDENSTINE: -- organization, but if he's  
12 calling for us to get --

13 MR. BRAYBOY: Okay.

14 MS. BRIDENSTINE: -- because our names just are  
15 similar.

16 MR. BRAYBOY: Yeah. Okay. I didn't know. I  
17 thought you all were the same.

18 MS. BRIDENSTINE: Yeah. Did you ever apply with  
19 any other innocence organization?

20 MR. BRAYBOY: I don't think I ever applied with  
21 them. It was just -- I don't know if Christopher Bryant was  
22 like pushing a lot of this stuff. And he's never really  
23 gave up. And that's what -- he kinda of like motivated us.  
24 He was always like father of mine. He -- he's like a real  
25 good father doing that. He probably -- he don't -- he try



1 not to think negative. He might think negative towards the  
2 sense of life, why is we even going through this, might get  
3 down in spirit or something, but otherwise, he never gave  
4 up. He was always (inaudible) person.

5 MS. BRIDENSTINE: Going back to the 15th, did you  
6 ever see the crime scene that night?

7 MR. BRAYBOY: I think I did. Yes, I did. When we  
8 left the bowling alley.

9 MS. BRIDENSTINE: All right. Tell me about that.

10 MR. BRAYBOY: The way she turned -- the way she  
11 came down -- she came -- the way she came from the bowling  
12 alley, she was going back around to go down Devonshire. She  
13 took Moravia Street and come down right where we were stop.  
14 I think it raining or something that night and the road was  
15 like blocked off. And she had asked like what's going on  
16 and stuff like that. They were like something happened or  
17 something. But we never heard like what happened. They  
18 just -- he was just saying something happened like -- but no  
19 name never came up, nothing like that. But we did -- I'm  
20 not going to lie, we did -- I do remember going down that  
21 street that night and would like tape -- the street was like  
22 taped off.

23 MS. BRIDENSTINE: Okay. Did you get out of the  
24 car?

25 MR. BRAYBOY: No. We stayed in the car the whole



1 time.

2 MS. BRIDENSTINE: Okay. Do you remember -- did  
3 you see anything other than the tape?

4 MR. BRAYBOY: No. Just like the ambulance and  
5 police cars and stuff like, that was it.

6 MS. BRIDENSTINE: Has Jed ever told you that he  
7 was involved in Mr. Jones' death?

8 MR. BRAYBOY: No, ma'am.

9 MS. BRIDENSTINE: Who is Shelton?

10 MR. BRAYBOY: I don't remember Shelton.

11 (Inaudible) guy with glasses.

12 MS. BRIDENSTINE: Was he a friend of yours?

13 MR. BRAYBOY: I didn't know him like that. I had  
14 met him before. Never seen -- I ain't going to say  
15 (inaudible) talk, probably had a little conversation with  
16 him, something like that.

17 MS. BRIDENSTINE: Did you see him on the 15th?

18 MR. BRAYBOY: It's -- it's possible. Like them  
19 days -- I seen him somewhere around the 15th, if not on the  
20 15th. I remember we went to his house. He had a white like  
21 -- one like police cars and we were going to (inaudible),  
22 but I don't think it was on the 15th though.

23 MS. BRIDENSTINE: Okay.

24 MR. BRAYBOY: I do remember seeing him.

25 MS. BRIDENSTINE: What about a Nelson, did you



1 know a Nelson?

2 MR. BRAYBOY: Nelson, Caucasian. Yeah.

3 MS. BRIDENSTINE: I think his last name is  
4 Hartman. Does that sound right?

5 MR. BRAYBOY: Nelson? I think I'm going to get  
6 him messed up with Rob.

7 MS. BRIDENSTINE: With who?

8 MR. BRAYBOY: A Caucasian boy we used to hang  
9 with, his name Rob.

10 MS. BRIDENSTINE: Rob?

11 MR. BRAYBOY: Yeah. Nelson? I'm trying to think  
12 do I remember Nelson? Rob or Nelson was the one that had a  
13 sister named Star.

14 MS. BRIDENSTINE: I think Nelson might have lived  
15 by Christopher Bryant.

16 MR. BRAYBOY: Up the street though.

17 MS. BRIDENSTINE: Yeah.

18 MR. BRAYBOY: On the -- yeah. That's be the one I  
19 do know then, Nelson. (Inaudible.)

20 MS. BRIDENSTINE: Did you see him on the 15th?

21 MR. BRAYBOY: We usually most likely do see him a  
22 lot (inaudible). He can be around, but I mostly see him for  
23 a long period of time, but he used to be -- he'll come  
24 around -- come around us for a couple of minutes (inaudible)  
25 home.



1 MS. BRIDENSTINE: Do you remember if you saw him  
2 on the 15th?

3 MR. BRAYBOY: I don't think I did.

4 MS. BRIDENSTINE: Okay. What about after the  
5 15th, like that weekend, the 16th, 17th?

6 MR. BRAYBOY: Well, usually it -- it's a normal  
7 for us to see him on a day-to-day basis. It's normal for us  
8 to see him on a day-to-day basis.

9 MS. BRIDENSTINE: Do you know who committed this  
10 crime?

11 MR. BRAYBOY: No, ma'am.

12 MS. BRIDENSTINE: Who do you think committed it?  
13 Do you have any idea?

14 MR. BRAYBOY: I have a lot of people that jump to  
15 mind, but I don't like want to wish nothing bad on a person.  
16 But after what I been through is -- I don't think -- I just  
17 been in a predicament where I was -- people trying to say I  
18 did the crime and I don't want to just throw -- throw  
19 people's name up and it's -- that's not what it is. Like  
20 it's -- that's easier to say I think the guy did this  
21 because you might have influence on it or you done see him  
22 do some stuff in life that just wasn't right, but -- but  
23 that don't mean they did it. But we stayed in a violent  
24 neighborhood (inaudible). That neighborhood on south side  
25 was known for a lot of stuff like that. It wasn't gangs at



1       that -- like gangs at the time. They followed the rules,  
2       they wouldn't get (inaudible) like that, but that  
3       neighborhood is known for a lot of stuff.

4               MS. BRIDENSTINE: Have you ever heard any rumors  
5       about who might have been involved or responsible for  
6       Mr. Jones' death?

7               MR. BRAYBOY: I know I did, like but it -- I just  
8       can't remember the name because I had a guy named Andy we  
9       called -- kept in the county with me and he was like  
10      everybody knows that I didn't commit the crime, but it's  
11      people saying -- I'm just trying to remember. I'm trying to  
12      remember the name they're trying to say that did it and I --  
13      but it was guy I never heard of, like never heard of him.

14              MS. BRIDENSTINE: And who is Andy?

15              MR. BRAYBOY: It's that old -- old guy from the  
16      Cleveland Projects. He was in the county jail with me at  
17      the time. He was like we know y'all didn't do that. We  
18      know y'all didn't do it or something like people know who  
19      did it or something. But it -- he was just saying a name.  
20      It was a name like I never really heard of.

21              MS. BRIDENSTINE: Do you know why he was saying  
22      this other person's name (inaudible) the case?

23              MR. BRAYBOY: No, I don't -- I couldn't say. All  
24      I say people say that same person and it can just be a  
25      (inaudible) because they got ill feelings for him or someone



1 or -- (inaudible) know the truth, but I would never know  
2 because I -- I didn't meet this guy in city county jail.

3 MS. BRIDENSTINE: And this Andy, do you know a  
4 last or a nickname?

5 MR. BRAYBOY: Cat.

6 MS. BRIDENSTINE: Cat?

7 MR. BRAYBOY: Yeah. Andy is his real first name.

8 MS. BRIDENSTINE: Did he have tattoos?

9 MR. BRAYBOY: Not that I know of.

10 MS. BRIDENSTINE: How old is he, if you had to  
11 guess?

12 MR. BRAYBOY: I'd say -- I was about 16 at the  
13 time. 30 to 31. He was up there in age. He was up there.  
14 He was older than me.

15 MS. MATOIAN: Do you know what he was in jail for?

16 MR. BRAYBOY: No.

17 MS. MATOIAN: Had you met him before jail?

18 MR. BRAYBOY: No.

19 MS. BRIDENSTINE: Do you remember how tall he was?

20 MR. BRAYBOY: Probably about 6'1", 6'2".

21 MS. BRIDENSTINE: Was he black?

22 MR. BRAYBOY: Yeah. Like had light brown skin.

23 MS. BRIDENSTINE: Anyone else other than Andy ever  
24 talk about the case or say anything about it?

25 MR. BRAYBOY: There was a lot of talk like from a



1 lot of guys, like they were saying like -- yeah, a lot of  
2 people like really thought we did it and -- because you know  
3 when you see this on the news it's like this is just what it  
4 is. It's not -- but we wasn't really going on telling  
5 people. I -- well, I won't say we wasn't, we were going on  
6 telling some people like we didn't do it. But you know, we  
7 didn't tell people like that in jail and prison. You got  
8 people in there that's guilty of a lot of stuff and they're  
9 like I didn't do nothing. So it was just like it was not  
10 really talked about with a lot of people. I never really  
11 talked about my case with a lot people, period.

12 MS. BRIDENSTINE: Anyone else like Andy though say  
13 that they knew somebody else did it and not you guys or that  
14 they heard it?

15 MR. BRAYBOY: Probably like maybe two or three  
16 times some people, but those were guys that we didn't like  
17 really know. Only reason I remember Andy because his cell,  
18 me and my own (inaudible), he sat like right beside me and I  
19 always talked with him like -- I don't know he was saying,  
20 it just enough (inaudible) to keep me (inaudible) motivated  
21 like -- I don't know.

22 MS. BRIDENSTINE: Do you remember the names of the  
23 other people? You said a couple other people.

24 MR. BRAYBOY: No. There was a lot of stuff I just  
25 didn't --



1 MS. BRIDENSTINE: Did you ever --

2 MR. BRAYBOY: I was on -- like he go like --  
3 number 15 was just a changing point for me --

4 MS. BRIDENSTINE: Yeah.

5 MR. BRAYBOY: -- in my life. Like I don't  
6 remember a lot of stuff from that day, but I guess since I  
7 done got out a lot of it was like -- I didn't feel like we  
8 was -- once I done did my time, I did 15 years for something  
9 I didn't do, so it was like -- it -- it's over. Like it's  
10 -- like we had that -- the reporter dude from Houston tried  
11 to contact me about doing a -- some type of show for it or  
12 something like that to try to get our side of the story on,  
13 but, you know, honestly I got -- I got nieces and nephews,  
14 so I don't know if touching a can of worms like that, open  
15 this up.

16 The only reason I've agreed to talk to you all is  
17 because I feel like this is confidential, like dealing was  
18 never more -- I've got to think about my family. You don't  
19 know out there think like we really did this, so I don't --  
20 I've got nieces and nephews, I've got to protect them. I  
21 can't just think about myself. I've got them. I don't want  
22 to open up something that could bring that's something --  
23 and people get to thinking like ain't that the guy that  
24 everybody think did it. And then I know he got family where  
25 I want to say it could turn out either way. Even if it



1       (inaudible) turn out badly. This is a chance, throwing it  
2       up and taking that chance would -- we got family out there.  
3       It just -- that's the only reason I didn't want to talk to  
4       the reporter.

5               MS. BRIDENSTINE: Okay.

6               MR. BRAYBOY: I had to think about my whole  
7       family. This -- this is not about being famous or -- people  
8       think this is -- you go talk to these guys and you get  
9       famous off this. But it's not about that when you got --  
10      not when you got family like. You gotta -- I gotta think  
11      about my nieces and nephews. So they got a -- they got a  
12      life, too, so I can't just think about myself. That's the  
13      only reason I didn't talk to the reporter.

14              MS. BRIDENSTINE: Did you ever know anyone in the  
15      prison by the name of Crump?

16              MR. BRAYBOY: Yes, I did.

17              MS. BRIDENSTINE: Did you ever talk about the case  
18      with this person?

19              MR. BRAYBOY: No.

20              MS. BRIDENSTINE: Do you know Crump's full name?

21              MR. BRAYBOY: I remember -- I know (inaudible). I  
22      know his full name. It was just -- (inaudible). I know --  
23      I do know his -- I know his first name, I just can't  
24      remember (inaudible). But he -- at -- at the time he was in  
25      the county jail with me. He was locked up for some type of



1 child pornography or something because it was supposed to  
2 have been something went wrong with -- he was doing drugs  
3 and a young girl -- he was involved with a young girl. And  
4 I seen him like maybe, what, ten years later at (inaudible)  
5 and he was still locked up. He said he was still fighting  
6 the case. He was supposed to -- (inaudible) because he was  
7 saying he was innocent like -- like he was dealt with, he  
8 didn't never mention (inaudible).

9 MS. BRIDENSTINE: Okay.

10 MR. BRAYBOY: I do remember Crump. He got -- he  
11 got a bald head and he's -- he had gold in his mouth.

12 MS. BRIDENSTINE: Do you remember if anyone bought  
13 anything from that Friday the 15th until that Tuesday the  
14 19th, like any of the boys, like Nathaniel Cauthen, Rayshawn  
15 Banner, Jermal Tolliver or Christopher Bryant?

16 MR. BRAYBOY: Uh-uh.

17 MS. MATOIAN: Have you applied to our agency?

18 MR. BRAYBOY: No. I never even -- all -- I --  
19 like I told you, I thought it was the same as the Actual  
20 Innocence.

21 MS. MATOIAN: Okay.

22 MR. BRAYBOY: And so...

23 MS. MATOIAN: So there's no reason why you  
24 wouldn't have applied to us?

25 MR. BRAYBOY: Well, I'll tell you, I was pretty



1 much like the same boat. I just felt like within 15 years  
2 nobody come in and help us at that point and we didn't get  
3 no help, there wasn't going to be no help. I just really  
4 thought I was just -- it was just nothing we could do. We  
5 ain't -- our family is not rich to go out there and just sit  
6 down and hire lawyers so we can look into this and look into  
7 that. They take money dealing with that type of stuff just  
8 to sit down and go do stuff like that. And it's just -- we  
9 couldn't just jump up and say we gonna -- okay, we gonna  
10 fight our case now.

11 I'm saying we could have went back and tried to  
12 find people, but it -- a lot of people probably wouldn't  
13 have been able to find it -- really -- really not a lot of  
14 like Ava Williams, that little boy, I think BJ. And we've  
15 got these people saying they witnesses and you've got  
16 Jessicah the witness, but you got two witnesses saying  
17 something different from her. They said they seen one  
18 person walk in this man house and she's saying she took five  
19 boys to this man house. So it was just like -- it was a  
20 tossup for the whole case (inaudible). It just -- I just  
21 felt like it was over. I done -- I did 15 years for it.  
22 I'm pretty much like this thing is over. It's -- the time  
23 is over.

24 MS. BRIDENSTINE: And our agency investigates  
25 cases even when someone has finished their sentence.



1 MR. BRAYBOY: (Inaudible response.)

2 MS. BRIDENSTINE: Is there anything additional  
3 about this case that's significant that we haven't gone over  
4 yet that you think we should know?

5 MR. BRAYBOY: No. This -- everything is there. I  
6 just -- I just like -- our case is like the same way the  
7 boys -- Jermal Tolliver said, (inaudible). There's a lot of  
8 holes in this case. Like it's a lot that -- there's a lot  
9 of holes in this case. Like if as a person, like they would  
10 have been able to see -- like look how -- it took them a  
11 long time to convict anyone. When we went to trial, the  
12 last day at trial, they just forced the people to go give a  
13 verdict. I'm just saying they're able -- really need to  
14 look over -- they forced them to give a verdict. And then  
15 what we went through, like we was originally charged with  
16 first-degree murder and kidnapping and armed robbery with a  
17 dangerous weapon. But then we end up getting hit with  
18 common law robbery. This is two different crimes. They  
19 just -- like y'all just want -- want this on a person. Like  
20 y'all just want this so bad on a person, like you just going  
21 to convict somebody and get them out -- get them out the  
22 way. Like they tell you, with no shadow of a doubt and --  
23 which I put three things on them and they dropped, so there  
24 had to be doubt. Like y'all saying we're charged with first  
25 degree murder, then y'all dropped it to second degree murder



1       and y'all -- where are the weapons? Y'all went from armed  
2       robbery to common law robbery. It's -- it was a just too  
3       much. There's a lot of talk of it. It was common sense.  
4       It just didn't add up.

5               MS. BRIDENSTINE: I did think of something. Did  
6       -- was anything going on between Nathaniel Cauthen and  
7       anyone in Jermal Tolliver's family around that time period?  
8       Do you remember anything?

9               MR. BRAYBOY: Jermal Tolliver --

10              MS. BRIDENSTINE: Because a lot of other --

11              MR. BRAYBOY: I don't know, I think Jermal brother  
12       probably got into it with (inaudible) brother. Junior, the  
13       one that is called Joseph.

14              MS. BRIDENSTINE: Who?

15              MR. BRAYBOY: Joseph, you said (inaudible).

16              MS. BRIDENSTINE: Oh, Joseph Cauthen?

17              MR. BRAYBOY: But we call him Junior.

18              MS. BRIDENSTINE: Junior?

19              MR. BRAYBOY: Yeah. That's what I know him by,  
20       Junior. I think they had got into it probably about week or  
21       two ago or something like that, if that was the case.

22              MS. MATOIAN: I know you said you don't want to  
23       throw out names because you don't know the details behind  
24       them. Is there anyone that you think that we should talk to  
25       who would have information about this case?



1                   MR. BRAYBOY: Only thing -- only person I think  
2                   can crack this case would be Jessica Black. If anybody can  
3                   get it to break, it would be her.

4                   MS. MATOIAN: Is there anyone else who has told  
5                   you anything about this case that you think we should talk  
6                   to?

7                   MR. BRAYBOY: (Inaudible.) I just think Jessica  
8                   Black (inaudible) the truth. She thought she -- I really --  
9                   I truly -- like I know they have nothing against Jessica  
10                  Black because I really feel like when we went to trial,  
11                  Jessica Black was -- I really think she was to the point  
12                  where she was going to break down and tell the truth because  
13                  she started crying on the stand and they took her off the  
14                  stand. It was like they were coaching her the whole time,  
15                  like we need you to like tighten up. Like she broke down  
16                  and started crying on the stand and they took her off the  
17                  stand and then they'd go back to her boyfriend and wait for  
18                  like 30 minutes, like they basically giving her time to get  
19                  herself together, like get yourself together before you go  
20                  back up there. There was a lot to it.

21                  MS. BRIDENSTINE: Do you know why your trial --  
22                  why you -- the three of you --

23                  MR. BRAYBOY: Last longer than theirs?

24                  MS. BRIDENSTINE: Well, no, why you even went to  
25                  -- why did you guys --



1 MR. BRAYBOY: Separate trial?

2 MS. BRIDENSTINE: Yeah, separate trials.

3 MR. BRAYBOY: Never knew that. Never really paid  
4 it no mind to be honest with you. Never knew why.

5 MS. BRIDENSTINE: All right. If we think of  
6 anything else, can we contact you?

7 MR. BRAYBOY: Yes, ma'am.

8 MS. BRIDENSTINE: Thank you so much.

9 MR. BRAYBOY: Okay. You're welcome.

10 MS. MATOIAN: You still have her card, right?

11 MR. BRAYBOY: Yes, ma'am.

12 MS. MATOIAN: Okay.

13 MS. BRIDENSTINE: Yeah. You can give us a call if  
14 you have any questions.

15 MR. BRAYBOY: Okay.

16 MS. BRIDENSTINE: Okay.

17 MR. BRAYBOY: Y'all have a nice night.

18 MS. MATOIAN: Thank you.

19 MS. BRIDENSTINE: Thank you so much.

20 MS. MATOIAN: Appreciate it.

21 (End of recording.)

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 59 pages of this transcript of the recorded interview of Dorrell Brayboy that was taken on March 1, 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 21st day of June 2019.

A handwritten signature in blue ink that reads "Donna Rowe". The signature is written in a cursive, flowing style.

---

DONNA ROWE



# Handout 93



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38886

STATE OF NORTH CAROLINA,                    )  
v.    )  
CHRISTOPHER BRYANT,                        )  
                    Defendant.                )

RECORDED INTERVIEW OF JERMAL TOLLIVER

This is the transcript of the recorded interview taken  
of Jermal Tolliver, which was conducted by Julie  
Bridenstine, Staff Attorney, from the North Carolina  
Innocence Inquiry Commission. The recorded interview took  
place on February 19, 2018.

APPEARANCES

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

Present: Jermal Tolliver  
          Arlene Tolliver



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 (Recording started, comments at door.)

2 JERMAL TOLLIVER: Who is it?

3 MS. BRIDENSTINE: Hi. We're looking for Jermal  
4 Tolliver.

5 JERMAL TOLLIVER: Oh, I'm him.

6 MS. BRIDENSTINE: Oh, hi. Jermal?

7 JERMAL TOLLIVER: Come in.

8 ARLENE TOLLIVER: Hi.

9 MS. BRIDENSTINE: Hello.

10 ARLENE TOLLIVER: Hi.

11 MS. MATOIAN: Hi. How are you?

12 ARLENE TOLLIVER: Hi.

13 MS. BRIDENSTINE: I'm Julie Bridenstine. I'm a  
14 legal investigator with the North Carolina Innocence Inquiry  
15 Commission. This is Catee.

16 MS. MATOIAN: Hi. Very nice to meet you.

17 JERMAL TOLLIVER: You're a what?

18 MS. BRIDENSTINE: I'm a legal investigator for the  
19 North Carolina Innocence Inquiry Commission. We're a state  
20 agency and we investigate cases in which people have been  
21 convicted of crimes in North Carolina. They apply when  
22 they -- they say that they -- they're innocent.

23 JERMAL TOLLIVER: Yeah. I've applied twice and  
24 they turned me down.

25 MS. BRIDENSTINE: Oh, okay. Well, Christopher



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 Bryant has applied with our agency, and so we are  
2 investigating his case. We're neutral, which means we are  
3 not prosecutors, law enforcement. We're not defense  
4 attorneys. We don't represent him. We just work for the  
5 State.

6 ARLENE TOLLIVER: It's more to investigate?

7 MS. BRIDENSTINE: Uh-huh. If we find factual  
8 innocence, we find proof of factual innocence, then there's  
9 a process by which people can have their cases heard again  
10 in North Carolina. And so we're looking into Mr. Bryant's  
11 case, which your case as well, and so we wanted to ask you  
12 some questions about that.

13 JERMAL TOLLIVER: Uh-huh. That's fine.

14 MS. MATOIAN: Do you want me --

15 MS. BRIDENSTINE: All right. Are you -- are you  
16 his mom?

17 ARLENE TOLLIVER: Uh-huh.

18 MS. MATOIAN: Do you want us to take our shoes  
19 off?

20 ARLENE TOLLIVER: No. That's a wood floor.

21 MS. MATOIAN: All right. It's been raining. I  
22 wanted to make sure.

23 ARLENE TOLLIVER: No.

24 JERMAL TOLLIVER: You've guys can have a seat.

25 ARLENE TOLLIVER: They couldn't be more dirtier



## Interview of Jermal Tolliver - by Ms. Bridenstine

1       than that.

2               JERMAL TOLLIVER: I'm right here. (Inaudible.)

3               MS. MATOIAN: Yeah. That's a good idea.

4               JERMAL TOLLIVER: I've had them in (inaudible). I  
5       was living by (inaudible).

6               MS. MATOIAN: Yeah. That's a good idea.

7               JERMAL TOLLIVER: Y'all came at the perfect time.  
8       I was just about to go.

9               ARLENE TOLLIVER: Yeah.

10              MS. BRIDENSTINE: Oh.

11              ARLENE TOLLIVER: I mean I --

12              MS. BRIDENSTINE: And you have some time now?

13              JERMAL TOLLIVER: I mean I can go ahead and --

14              MS. BRIDENSTINE: Okay. Okay.

15              ARLENE TOLLIVER: Yeah. We've been talking about  
16       this for years. I mean I started doing investigative work  
17       myself when he was in prison.

18              MS. BRIDENSTINE: If you don't -- if I ask you  
19       something and you don't remember it, just tell me you don't  
20       remember it. I don't want you to guess or anything like  
21       that.

22              But first, you just said you had applied twice  
23       with our agency.

24              JERMAL TOLLIVER: When I was in prison, they sent  
25       me the forms and -- what they send out.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1           ARLENE TOLLIVER: But I did start off working with  
2 Larry -- with Darryl Hunt. Darryl Hunt had taken up the  
3 case, but I -- I fell sick and we lost contact.

4           MS. BRIDENSTINE: Right.

5           ARLENE TOLLIVER: And -- and I heard nothing else  
6 about it. You know, his wife, trying -- trying to stay in  
7 touch with me, but it was just an up-and-down thing then. I  
8 was real sick on and off all the time then, so -- and I  
9 wound up moving on top of it.

10          MS. BRIDENSTINE: Was this an attorney?

11          ARLENE TOLLIVER: No. Darryl worked at  
12 Innocence --

13          MS. BRIDENSTINE: Oh, oh. Okay. So are you  
14 talking about the Center on Actual Innocence of North  
15 Carolina?

16          JERMAL TOLLIVER: (No audible answer.)

17          MS. BRIDENSTINE: Okay. So we're a different  
18 agency. We're a state-run agency and the Center is not. Do  
19 you know why -- you said you applied twice with them?

20          JERMAL TOLLIVER: Yeah.

21          MS. BRIDENSTINE: And what happened the first time  
22 you applied with them?

23          JERMAL TOLLIVER: The second time, well, they said  
24 I couldn't -- they didn't have -- they didn't have my  
25 transcript and I was trying to arrange to get it -- get it



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 in the time frame. I let him know I had to talk to my  
2 lawyer. That's no problem. Right (inaudible) the court. I  
3 did that and got them. Then by the time I got them,  
4 (inaudible).

5 MS. BRIDENSTINE: Okay. Do you remember what they  
6 told you?

7 JERMAL TOLLIVER: They said they couldn't help me.

8 MS. BRIDENSTINE: They couldn't help you. All  
9 right.

10 JERMAL TOLLIVER: Yeah. It was -- it was --  
11 because they were interested. They were interested. They  
12 wrote me twice.

13 MS. BRIDENSTINE: Did they ever come and meet with  
14 you?

15 JERMAL TOLLIVER: Yes. They sent a lawyer.

16 ARLENE TOLLIVER: You know, and some reason they  
17 trying to bury this case when there's any kind of questions  
18 about it.

19 JERMAL TOLLIVER: There's a reporter calling me  
20 now from Houston. And he's like, you know, I really want to  
21 talk with you. I have all his texts on my phone. He's  
22 like, we talked to Chris Paul. He don't believe you did it  
23 and he's sorry we had to do all that time in prison.

24 MS. BRIDENSTINE: And who is this?

25 JERMAL TOLLIVER: A reporter from Houston. I



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 forgot his name. But I have his number and he called me.

2 ARLENE TOLLIVER: Yeah. There was a lot of  
3 evidence --

4 JERMAL TOLLIVER: He texted me every day --

5 ARLENE TOLLIVER: Yeah. The DA --

6 JERMAL TOLLIVER: -- but I was busy working and  
7 stuff.

8 ARLENE TOLLIVER: The DA's office they're -- they  
9 proved their innocence. They made -- one of them was -- a  
10 lot mistakes.

11 JERMAL TOLLIVER: He was wondering why he's the  
12 only reporter that reached out to us since we've -- we've  
13 been out in such a high profile case. They know when we got  
14 out (inaudible). That's the only reason he contacted me.

15 ARLENE TOLLIVER: Well, Chris Paul tried to work  
16 on them things.

17 JERMAL TOLLIVER: Yeah, he tried to get a --

18 ARLENE TOLLIVER: He had a special on HBO, a  
19 special, you know, where they talk to you --

20 MS. BRIDENSTINE: Uh-huh.

21 ARLENE TOLLIVER: -- to these guys in sports. And  
22 he was -- he was talking -- he -- I mean he was talking  
23 like, you know, he just wanted them free. He just wanted  
24 them free. He wanted to get them a pardon and I guess  
25 that's why he -- he -- that was a special show that he did,



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 a special interview.

2 MS. BRIDENSTINE: Do you know remember when they  
3 did that?

4 ARLENE TOLLIVER: Huh?

5 MS. BRIDENSTINE: Do you remember when that came  
6 out?

7 ARLENE TOLLIVER: That was way before they got  
8 out. It's been a couple of years.

9 MS. BRIDENSTINE: It was on HBO?

10 ARLENE TOLLIVER: Yeah. I thought it was a HBO  
11 sport special, I guess. You know, where they interview the  
12 sports people and -- and I guess he was -- he was one of  
13 them guys. That question was always in it all the time  
14 anyway whenever he was interviewed. And I'm finding this  
15 thing -- I mean I come under the conclusion that -- that he  
16 knows they're innocent.

17 MS. BRIDENSTINE: Have you talked to Chris Paul?  
18 No?

19 ARLENE TOLLIVER: You know, I -- I've been too  
20 angry over the years. Just -- I mean -- and a lot of family  
21 members knew. There was even one witness that sit there and  
22 say they were not there.

23 MS. BRIDENSTINE: So other than the Center on  
24 Actual Innocence and this reporter, have you talked to  
25 anyone else about your case?



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: No.

2 MS. BRIDENSTINE: I want to take you back to when  
3 the crime happened, which was November 15, 2002. It was a  
4 Friday. Can you tell me --

5 ARLENE TOLLIVER: I remember that like yesterday.

6 MS. BRIDENSTINE: -- what happened that day?

7 JERMAL TOLLIVER: That day, I remember that.

8 ARLENE TOLLIVER: I remember that --

9 MS. BRIDENSTINE: Did you go to school that day?

10 JERMAL TOLLIVER: No.

11 ARLENE TOLLIVER: -- like it was yesterday because  
12 I got off early.

13 JERMAL TOLLIVER: No. That wasn't -- that wasn't  
14 that day.

15 ARLENE TOLLIVER: That particular day. When I got  
16 home --

17 JERMAL TOLLIVER: That's not the day or the day it  
18 happened. That's the day -- that's the day of the crime,  
19 not the day we got locked up.

20 ARLENE TOLLIVER: No. That was the day of the  
21 crime. I got off early that day.

22 JERMAL TOLLIVER: Well, I know when you got off  
23 though --

24 ARLENE TOLLIVER: Yeah.

25 JERMAL TOLLIVER: -- and I told you --



## Interview of Jermal Tolliver - by Ms. Bridenstine

1                   ARLENE TOLLIVER: And you were --

2                   JERMAL TOLLIVER: -- and you went (inaudible).

3                   MS. BRIDENSTINE: This is hard. It might --

4                   ARLENE TOLLIVER: I (inaudible) you were just  
5                   waking up.

6                   MS. BRIDENSTINE: It might be easier if we talk to  
7                   Jermal first and then maybe we can talk to you so that -- I  
8                   want to make sure I'm getting his memory and what he  
9                   remembers.

10                  ARLENE TOLLIVER: Yeah.

11                  MS. BRIDENSTINE: You might have a different  
12                  memory of things.

13                  ARLENE TOLLIVER: Yeah.

14                  MS. BRIDENSTINE: So if I can interview him --

15                  ARLENE TOLLIVER: Yeah. That's fine.

16                  MS. BRIDENSTINE: Okay. Thank you.

17                  So going back to that day, which --

18                  JERMAL TOLLIVER: So the -- so the day, like the  
19                  early part, I don't really remember --

20                  MS. BRIDENSTINE: All right.

21                  JERMAL TOLLIVER: -- much about that. But I know  
22                  around -- (inaudible) about 6:00 Jessicah, she took -- I  
23                  want to say Dorrell -- Rayshawn, and I think Dorrell. I  
24                  think -- I know it was some people that she took, me a long  
25                  with her house and then we came back.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. MATOIAN: I'm sorry, whose house?

2 JERMAL TOLLIVER: It was where -- across the  
3 street from my house, Bubba's house.

4 MS. BRIDENSTINE: Okay. Christopher Bryant's  
5 house?

6 JERMAL TOLLIVER: We were supposed to go to the  
7 mall or something. And, in fact, we were supposed to catch  
8 the bus or something, but now I forgot.

9 MS. BRIDENSTINE: How do you know they left around  
10 6:00?

11 JERMAL TOLLIVER: I know it was around that time  
12 because it was something we were supposed to do. No, we walked  
13 to the store. Yeah. We walked to the store.

14 MS. BRIDENSTINE: What store is that?

15 JERMAL TOLLIVER: It was the Amoco then, but now  
16 it's -- it's on the south side, now it's a BP.

17 MS. BRIDENSTINE: It was a gas station?

18 JERMAL TOLLIVER: Uh-huh. Down the street.

19 MS. BRIDENSTINE: What time was that?

20 JERMAL TOLLIVER: I think we left between 6:00 and  
21 -- I want to say it's -- I don't -- I'm not sure because I  
22 don't want to say a definite time because I'm not really  
23 sure, but I know it was around that time --

24 MS. BRIDENSTINE: Who did you go with --

25 JERMAL TOLLIVER: -- of the day because it was



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 after school was out and nobody -- a lot of -- I didn't go  
2 to school that day. A lot of people didn't. And...

3 MS. BRIDENSTINE: Was this before Jessicah picked  
4 up the other three or -- when you say you went to the store,  
5 when was that?

6 JERMAL TOLLIVER: It was -- I think that -- I'm  
7 really not sure. See, I don't really know how to answer all  
8 the question because I'm ain't really sure. It's been so  
9 long so I -- I don't know. I don't --

10 ARLENE TOLLIVER: (Inaudible.)

11 JERMAL TOLLIVER: I'm not sure. I mean I don't  
12 really want to -- I don't feel safe answering them type of  
13 questions because I'm not really sure on that.

14 MS. BRIDENSTINE: Do you know the time you were --

15 JERMAL TOLLIVER: Anymore because I -- I've tried  
16 to forget it. It's a pretty big thing (inaudible.)

17 MS. BRIDENSTINE: Okay. Well, just generally, do  
18 you remember what you did that night --

19 JERMAL TOLLIVER: Fourteen years ago, no, I don't  
20 remember.

21 MS. BRIDENSTINE: -- that evening?

22 JERMAL TOLLIVER: Did we go to the ball -- I think  
23 we went to the ballgame.

24 MS. BRIDENSTINE: Do you remember who you went  
25 with?



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: It was me, Bubba, Jessicah,  
2 Rayshawn.

3 ARLENE TOLLIVER: (Inaudible.)

4 JERMAL TOLLIVER: I (inaudible) Jessicah.

5 MS. BRIDENSTINE: Was Nathaniel Cauthen with you?

6 JERMAL TOLLIVER: Nathaniel Cauthen, I can't  
7 remember. That's what I'm saying. I can't recall.

8 MS. BRIDENSTINE: When you say "Jessicah," are you  
9 talking about Jessicah Black?

10 JERMAL TOLLIVER: Yeah.

11 MS. BRIDENSTINE: Did you know the victim, Mr.  
12 Jones?

13 JERMAL TOLLIVER: (Inaudible.)

14 MS. BRIDENSTINE: So before that night, had you  
15 heard of him or did you know him?

16 JERMAL TOLLIVER: Maybe. I mean -- I've never  
17 been over to their house. Like I never even (inaudible) --

18 ARLENE TOLLIVER: Oh, you --

19 MS. BRIDENSTINE: The park that was next to your  
20 -- his house, did you go to that park, Belview Park?

21 JERMAL TOLLIVER: We -- we -- we used to go over  
22 there and play basketball sometimes. You know, we never  
23 paid attention -- or I've never -- I can't say, I can't  
24 speak for anybody else (inaudible), but I know I've never  
25 gone over to their house.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. BRIDENSTINE: Did you go to the park that day?

2 JERMAL TOLLIVER: Yeah. When we dropped Jed off.

3 No. No. We didn't chill up there. We went up there -- all  
4 the time we was on their street that day, the police never  
5 (inaudible).

6 MS. BRIDENSTINE: So the only time you were there  
7 was when --

8 JERMAL TOLLIVER: On their street. That's when we  
9 were dropping Jed off and we seen all the police arrive. I  
10 remember that clearly. I remember that because I asked --  
11 do I remember (inaudible) I was like what happened? Latoya  
12 Mayshack (inaudible) and was talking about --

13 MS. BRIDENSTINE: Okay. Wait, what?

14 JERMAL TOLLIVER: Mayshack.

15 MS. BRIDENSTINE: Can you spell that last name?

16 JERMAL TOLLIVER: M-a-y-s-h-a-c-k, Mayshack.

17 MS. BRIDENSTINE: You saw her and --

18 JERMAL TOLLIVER: Yeah. She was the one that  
19 reported it, her and her (inaudible).

20 MS. BRIDENSTINE: What did Ms. Mayshack say?

21 JERMAL TOLLIVER: I was just I'm like what  
22 happened?

23 MS. BRIDENSTINE: What -- do you remember what  
24 time it was or approximately?

25 JERMAL TOLLIVER: It was nighttime. The crime had



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 already happened, so it was probably about 7:00/8:00,  
2 probably around that time.

3 MS. BRIDENSTINE: And who were you there with?

4 JERMAL TOLLIVER: We were dropping Jed off, so it  
5 was me, Bubba, Jessicah, Jed of course. I can't remember  
6 the others. I can't --

7 MS. BRIDENSTINE: Was it before or after you went  
8 to the bowling alley?

9 JERMAL TOLLIVER: Gosh, bowling alley?  
10 (Inaudible.) See, I don't -- I don't know. But I know all  
11 of this is around the same time.

12 MS. BRIDENSTINE: Okay. So what did you see when  
13 you saw the police there? Can you tell us?

14 JERMAL TOLLIVER: I just seen them, the little  
15 thing cone -- the little cone they have in the yard. The  
16 thing they stand up in there, I seen that. I seen a bunch  
17 of detectives. A whole crowd in the neighborhood were out  
18 there. That's about all. I didn't really look.

19 MS. BRIDENSTINE: What could you see of the crime  
20 scene?

21 JERMAL TOLLIVER: I mean, I think somebody is  
22 living, but I didn't -- I think. I'm not sure.

23 MS. BRIDENSTINE: And what information did you  
24 learn there?

25 JERMAL TOLLIVER: Yeah. A man died.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. BRIDENSTINE: At the crime scene?

2 JERMAL TOLLIVER: Yeah. A man died.

3 MS. BRIDENSTINE: Anything else about it?

4 JERMAL TOLLIVER: No. Just a man died. I didn't  
5 really -- I didn't know him, so it really wasn't  
6 (inaudible).

7 MS. BRIDENSTINE: Had you heard anything about his  
8 death before --

9 JERMAL TOLLIVER: (Inaudible) --

10 MS. BRIDENSTINE: -- you drove by and saw the  
11 police there?

12 JERMAL TOLLIVER: (No verbal response.)

13 MS. BRIDENSTINE: No?

14 So earlier you said that Jessica picked up  
15 Rayshawn, Nathaniel.

16 JERMAL TOLLIVER: I'm not sure. Oh, yeah. Yeah.

17 MS. BRIDENSTINE: And did you say Dorrell?

18 JERMAL TOLLIVER: I'm not sure. But I know me and  
19 Christopher Bryant that night. I know that on that day we  
20 were (inaudible) and --

21 MS. BRIDENSTINE: Do you know where -- where they  
22 were going?

23 JERMAL TOLLIVER: No, I didn't.

24 MS. BRIDENSTINE: How long were they gone?

25 JERMAL TOLLIVER: I don't know.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. BRIDENSTINE: When is the next time you saw  
2 any of them?

3 JERMAL TOLLIVER: Probably about right at the time  
4 we get out of the car to go down there to pick up  
5 (inaudible), the lady that's going to drive me home.

6 MS. BRIDENSTINE: So was Jed with you that  
7 afternoon or that evening?

8 JERMAL TOLLIVER: Yeah. I think he came up there  
9 -- other than -- he didn't come to my house. He came -- he  
10 always came to Bubba's house.

11 MS. BRIDENSTINE: So was Jed at Christopher  
12 Bryant's house that afternoon?

13 JERMAL TOLLIVER: (No audible response.)

14 MS. BRIDENSTINE: And when was the next -- when  
15 did you leave Mr. Bryant's house?

16 JERMAL TOLLIVER: We left Mr. Bryant's house -- I  
17 can't say a specific time. I know --

18 MS. BRIDENSTINE: What --

19 JERMAL TOLLIVER: I -- I think it was about time  
20 we went -- going to drop Jed off. I'm thinking.

21 MS. BRIDENSTINE: Okay. Was that before the  
22 bowling alley or after the bowling alley?

23 JERMAL TOLLIVER: I'm not sure. I don't know if  
24 he went with us. That's what I'm saying. I -- I don't --  
25 I'm not going to just call out someone else's name if I'm



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 not sure.

2 MS. BRIDENSTINE: Do you remember if it was light  
3 out or dark out?

4 JERMAL TOLLIVER: Dark. Well, yeah, dark. Around  
5 that time it was dark.

6 MS. BRIDENSTINE: So when -- do you remember when  
7 you dropped Jed off? Like is -- was it before the bowling  
8 alley?

9 JERMAL TOLLIVER: You just asked me that.

10 MS. BRIDENSTINE: No, I know. I'm just trying to  
11 figure out when you dropped him off.

12 JERMAL TOLLIVER: I told you I can't remember a  
13 specific time.

14 MS. BRIDENSTINE: So you said you went to the --  
15 you saw the crime scene some -- at some point that night.

16 JERMAL TOLLIVER: I didn't tell you -- the only  
17 time I saw that crime scene was when we got on -- when I  
18 dropped Jed off.

19 MS. BRIDENSTINE: When you dropped Jed off?

20 JERMAL TOLLIVER: (Inaudible) when we was going to  
21 Jed's.

22 MS. BRIDENSTINE: After you were at the crime  
23 scene, what happened after that?

24 JERMAL TOLLIVER: When we left the crime scene,  
25 where did we go? I can't recall where we went. I think



## Interview of Jermal Tolliver - by Ms. Bridenstine

1       that's when we started dropping everybody else off. Yeah,  
2       we dropped (inaudible) off at his house and me and Jessicah  
3       were going back (inaudible) drop us off. She drive -- she  
4       had her -- matter of fact, I think -- I think it was  
5       Brayboy's house, she dropped him off after she dropped  
6       Mr. Bryant. That was the last -- (inaudible). They dropped  
7       us off and me and Bubba stayed across the street from each  
8       other. So after that, I don't know.

9               MS. BRIDENSTINE: Did you go home or did you go  
10      back to --

11             JERMAL TOLLIVER: I went home.

12             MS. BRIDENSTINE: Were you with Christopher still?

13             JERMAL TOLLIVER: At home?

14             MS. BRIDENSTINE: Uh-huh.

15             JERMAL TOLLIVER: Christopher went to his house  
16      and I went to mine.

17             MS. BRIDENSTINE: Okay. Were you with Christopher  
18      Bryant that whole afternoon and night?

19             JERMAL TOLLIVER: I'm not going to say. I know  
20      were together a lot of the time.

21             MS. BRIDENSTINE: Did you hear anyone else talk  
22      about what had happened to Mr. Jones --

23             JERMAL TOLLIVER: Not before --

24             MS. BRIDENSTINE: -- that night?

25             JERMAL TOLLIVER: -- the crime happened, no. I've



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 never head anything like as far as going down there and  
2 seeing it, and then my -- when we got -- and then my brother  
3 picked my mom up. She actually came that same way. And  
4 then there was that crowd down there. And back home, my mom  
5 asked me about it. I said, oh, some man got killed. That's  
6 it.

7 MS. BRIDENSTINE: Okay. Did you go to the Dollar  
8 General Store that day?

9 JERMAL TOLLIVER: No.

10 MS. BRIDENSTINE: What about Maxway?

11 JERMAL TOLLIVER: I didn't. I don't recall. No,  
12 I -- I don't think so.

13 MS. BRIDENSTINE: Did you hear if anyone else went  
14 there?

15 ARLENE TOLLIVER: If you're not sure, don't lie.

16 JERMAL TOLLIVER: Not that I recall. I'm not  
17 going to answer that because I'm not sure. I mean like I  
18 said before, (inaudible) the more I think about it.

19 ARLENE TOLLIVER: He was on his way to Clemmons  
20 then.

21 MS. BRIDENSTINE: He was on his way what?

22 ARLENE TOLLIVER: He was on his way to Clemmons  
23 then.

24 JERMAL TOLLIVER: No, I'm not -- she talking about  
25 earlier --



## Interview of Jermal Tolliver - by Ms. Bridenstine

1                   ARLENE TOLLIVER: You all took me to work that  
2                   day.

3                   JERMAL TOLLIVER: That was at 2:30.

4                   ARLENE TOLLIVER: It was you and Brayboy. It was  
5                   three of y'all in there.

6                   JERMAL TOLLIVER: I don't remember. That's why I  
7                   don't to want -- I really don't even -- I'm not trying --

8                   ARLENE TOLLIVER: That's how they knew you were  
9                   not at Maxway.

10                  JERMAL TOLLIVER: -- to tell you something that I  
11                  can't recall.

12                  MS. BRIDENSTINE: Okay. So --

13                  JERMAL TOLLIVER: You're asking the same questions  
14                  (inaudible) because you're asking me the same thing in a  
15                  different way.

16                  MS. BRIDENSTINE: Let's move on to Saturday, the  
17                  day after. Do you remember what you did that day?

18                  JERMAL TOLLIVER: Probably the same thing I do  
19                  every day; wake up, (inaudible) store for my mom  
20                  (inaudible).

21                  MS. BRIDENSTINE: Sunday, do you remember what you  
22                  did Sunday?

23                  JERMAL TOLLIVER: Probably the same Sunday.

24                  MS. BRIDENSTINE: And Monday?

25                  JERMAL TOLLIVER: I probably went to school



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 (inaudible).

2 MS. BRIDENSTINE: Did you see -- did you -- did  
3 you see anyone with money that weekend?

4 JERMAL TOLLIVER: Not that I recall, nothing --

5 MS. BRIDENSTINE: Like Rayshawn Banner?

6 JERMAL TOLLIVER: I don't remember that. I can't  
7 -- like I said, I can't remember. I can't remember that.

8 MS. BRIDENSTINE: Or Nathaniel Cauthen?

9 JERMAL TOLLIVER: I can't say.

10 MS. BRIDENSTINE: Christopher Bryant?

11 JERMAL TOLLIVER: Not that I knew. I never -- I  
12 didn't notice anything unusual like the amount of money that  
13 would be unusual for it to be around.

14 MS. BRIDENSTINE: Okay. Or Dorrell Brayboy?

15 JERMAL TOLLIVER: Nothing unusual.

16 MS. BRIDENSTINE: Did any of the four boys that I  
17 just mentioned like buy anything that -- after that Friday  
18 night?

19 JERMAL TOLLIVER: No.

20 MS. BRIDENSTINE: Did you hear anyone talking  
21 about what had happened to Mr. Jones?

22 JERMAL TOLLIVER: (No audible response.)

23 MS. BRIDENSTINE: No? Did Christopher Bryant or  
24 Dorrell Brayboy or Rayshawn Banner or Nathaniel Cauthen, did  
25 anyone ever tell you that they had robbed him and tied him



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 up and beat him up?

2 JERMAL TOLLIVER: (No audible response.)

3 MS. BRIDENSTINE: Did you ever hear anyone talk  
4 about who they thought might have done it?

5 JERMAL TOLLIVER: No -- you talking about any of  
6 close friends?

7 MS. BRIDENSTINE: Anyone.

8 JERMAL TOLLIVER: Oh, over the years, people I've  
9 been in prison with, yeah.

10 MS. BRIDENSTINE: Any information.

11 JERMAL TOLLIVER: Well, I don't know their names.  
12 I've heard -- I just heard of a dude named Andy. Don't know  
13 his last name or none of that. I have a lawyer on that and  
14 we would like to find him. I've heard Andy, he told me  
15 that, I know you all didn't do it. And then a dude named  
16 Crump (sic), he told me the same thing. But nobody -- it --  
17 they always took it away from him when I -- when I  
18 (inaudible).

19 ARLENE TOLLIVER: The actual people, yeah,

20 MS. BRIDENSTINE: Okay. So Andy, was he in prison  
21 with you?

22 JERMAL TOLLIVER: He was in the jail --

23 MS. BRIDENSTINE: Jail?

24 JERMAL TOLLIVER: The jailhouse, yeah. And then  
25 Crump, he was in prison.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. BRIDENSTINE: So Andy was in jail with you.  
2 This is when you were waiting for your trial?

3 JERMAL TOLLIVER: Yeah.

4 MS. BRIDENSTINE: And how old was Andy at the  
5 time?

6 JERMAL TOLLIVER: Andy was older than me. So he  
7 was probably like -- I'm 30 now. He was probably 38, 40.

8 MS. BRIDENSTINE: So eight years older than you  
9 are?

10 JERMAL TOLLIVER: Yes.

11 MS. BRIDENSTINE: And what race is Andy?

12 JERMAL TOLLIVER: Black.

13 MS. BRIDENSTINE: Do you know where he's from or  
14 where he got sent to?

15 JERMAL TOLLIVER: He's from Winston-Salem, but I  
16 don't know anything more about him. That's all I know.

17 MS. MATOIAN: Did he tell you what he was in jail  
18 for?

19 JERMAL TOLLIVER: No.

20 MS. MATOIAN: No.

21 MS. BRIDENSTINE: And what -- how tall is he?

22 JERMAL TOLLIVER: 5'11".

23 MS. BRIDENSTINE: Does he have any tattoos or  
24 anything?

25 JERMAL TOLLIVER: No. I don't -- no.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. BRIDENSTINE: So --

2 JERMAL TOLLIVER: I wasn't trying to learn him for  
3 life.

4 MS. BRIDENSTINE: Okay. What did he tell you?

5 JERMAL TOLLIVER: Just basically what I just told  
6 you. He was like he know -- he don't want to tell me what  
7 he like -- he can't tell me like -- especially he was being  
8 (inaudible).

9 MS. BRIDENSTINE: Did he tell you he had done it  
10 or did he tell you --

11 JERMAL TOLLIVER: No. He didn't tell -- he didn't  
12 implicate anything -- anyone had done that. He didn't say  
13 any names or who knew (inaudible) people, some names, but I  
14 don't remember now.

15 MS. BRIDENSTINE: All right. You mentioned  
16 someone else named --

17 JERMAL TOLLIVER: Crump.

18 MS. BRIDENSTINE: -- Crump?

19 JERMAL TOLLIVER: Yeah.

20 MS. BRIDENSTINE: And do you know his name?

21 JERMAL TOLLIVER: I want to say is Dedrick. I  
22 think it's Dedrick Crump.

23 MS. BRIDENSTINE: All right. What did you --

24 JERMAL TOLLIVER: I think he just got out of  
25 prison.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. BRIDENSTINE: What did he tell you?

2 JERMAL TOLLIVER: Basically the same. Like he  
3 knowed me since I was a -- like -- like he been hearing some  
4 (inaudible) direct about anything. But nobody never really  
5 told like -- said a person or what. They just said that  
6 they knew. And it's probably about hearsay on the street.  
7 You know how that go. That's (inaudible).

8 MS. BRIDENSTINE: And you don't -- and you say  
9 he's from Winston-Salem?

10 JERMAL TOLLIVER: Everybody -- the two names that  
11 I heard.

12 MS. BRIDENSTINE: This Crump person, how old is  
13 he?

14 JERMAL TOLLIVER: 40, 41.

15 MS. BRIDENSTINE: Is he a black man?

16 JERMAL TOLLIVER: Black. Yeah. Black man, bald  
17 head.

18 MS. BRIDENSTINE: Did -- did Rayshawn Banner ever  
19 tell you that he was involved in Mr. Jones' death?

20 JERMAL TOLLIVER: Are you asking me questions  
21 based on statements that you already know?

22 MS. BRIDENSTINE: Well, I'm just asking you  
23 questions in general.

24 JERMAL TOLLIVER: Because you -- I'm tired of  
25 answering that because if you're asking me based off of --



## Interview of Jermal Tolliver - by Ms. Bridenstine

1       that's a lie.

2               MS. BRIDENSTINE:   And I do want to talk to you  
3       about -- we're going to go through what --

4               JERMAL TOLLIVER:   That's -- that --

5               MS. BRIDENSTINE:   -- the police told you.

6               JERMAL TOLLIVER:   That was coercion, yeah.

7               MS. BRIDENSTINE:   Okay.   But I just wanted -- I'm  
8       just asking you --

9               JERMAL TOLLIVER:   That's why -- yeah.   Because I'm  
10       irritated because you asking me the same thing.   Because I  
11       was like I'm going through it all over.

12              MS. BRIDENSTINE:   I understand.   But I -- these  
13       are questions that I have to ask.

14              JERMAL TOLLIVER:   I understand.

15              MS. BRIDENSTINE:   Did Mr. Banner ever tell you  
16       that he was involved in Mr. Jones' death?

17              JERMAL TOLLIVER:   No.   That's why I took  
18       (inaudible) -- no.

19              MS. BRIDENSTINE:   No?

20              JERMAL TOLLIVER:   He couldn't tell me nothing like  
21       that and be -- already be locked up and (inaudible) put my  
22       hand on (inaudible),   no.

23              MS. BRIDENSTINE:   Okay.

24              JERMAL TOLLIVER:   (Inaudible.)

25              MS. BRIDENSTINE:   Same question.   Did --



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: Nobody could say anything like  
2 that to me and I've been doing that time. I'm innocent.  
3 I'm innocent. No, nobody. (Inaudible).

4 MS. BRIDENSTINE: What about Dorrell Brayboy?

5 JERMAL TOLLIVER: No he didn't.

6 MS. BRIDENSTINE: He had never told you anything  
7 about it?

8 JERMAL TOLLIVER: I don't compare my (inaudible)  
9 with him.

10 MS. BRIDENSTINE: Did anybody ever tell you  
11 anything about that?

12 JERMAL TOLLIVER: I know -- I know before -- I  
13 mean I couldn't -- I know. Like I just know. Like I know  
14 him. Like these are people I hang with every day. I know  
15 what they're capable of, incapable of. You (inaudible).

16 MS. BRIDENSTINE: I do want to talk to you about  
17 your interaction with the police. And I know that they  
18 talked to you on that Tuesday, which was the -- November  
19 19th. So why don't you take me through that. What -- what  
20 was the first time you had contact with the police?

21 JERMAL TOLLIVER: It was about -- I think it was  
22 about 3:00/4:00 something. I was in the room talking with  
23 you.

24 ARLENE TOLLIVER: About 3:00 or 4:00. I had  
25 come --



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: I had just came in the house.

2 ARLENE TOLLIVER: Right after school after 3:00.

3 MS. BRIDENSTINE: Okay. And what happened?

4 JERMAL TOLLIVER: Yeah. I think they called my  
5 mom ahead of time and told them they were on their way. And  
6 she was --

7 ARLENE TOLLIVER: Yeah. To talk to him.

8 JERMAL TOLLIVER: -- like, Well, the police want  
9 to question you about something. So I'm like, Yeah, cool.  
10 I ain't did it. That was -- so I was sitting here and they  
11 come to (inaudible). They like, Well, we've gotta take him  
12 downtown. I'm like, Man. Well, he ain't did nothing.  
13 Well, why he gotta ride downtown. They were like, Well,  
14 let's just (inaudible). I'm like, Well, I ain't did  
15 nothing. (Inaudible.) I mean that's like (inaudible).

16 We're riding downtown and he says, You know what  
17 you're going downtown for? I'm like, No. Questioning, I  
18 hope.

19 So he told me they was going to question me. I'm  
20 like, No. This is my first time. He said, Well, what's  
21 been going on in that neighborhood? Well, the sad thing I  
22 gather. I don't know. You know you've been charged with  
23 Murder, right? I said, For what? I didn't kill nobody.  
24 What did I do?

25 ARLENE TOLLIVER: That's what they did say, too.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: They said, You known in the  
2 town, you know. Basically trying to intimidate, trying to  
3 make me scared before they really started asking about where  
4 I gone. They were really prequestioning me all the way  
5 down.

6 The whole time I'm saying, No, I don't know what  
7 you're talking about. No, No. And they're like, oh, you're  
8 talking about what happened to (inaudible). Oh, no. I  
9 didn't have anything to do with that. So it was basically  
10 we a conversation like that for a while.

11 (Inaudible.) That's exactly how they did me, man.  
12 (Inaudible.) And they put me in a room where they put both  
13 of us. I think one of them at the time -- one was Rose and  
14 I can't remember the other. I'm telling them for hours and  
15 hours I didn't do anything. I didn't do it.

16 ARLENE TOLLIVER: (Inaudible) said he do it.

17 JERMAL TOLLIVER: So then the captain or somebody  
18 come up there and like, Look, this is serious, right? You  
19 did -- dah, dah, dah, dah. Just say it. Then I'm like, No,  
20 I didn't do it. I didn't do it.

21 By this time I'm like, Look, can I call my mom?  
22 They were like, No, you can't call your mom right now.  
23 We're not done questioning you. I'm like, Oh, okay. How  
24 long is this going to take? We'll let you know when we're  
25 done. We're still talking and talking and talking.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1           ARLENE TOLLIVER: And they were still down there  
2     like 1 -- 1:00 in the morning.

3           JERMAL TOLLIVER: (Inaudible.)

4           ARLENE TOLLIVER: Yeah. One of them from our  
5     neighborhood.

6           JERMAL TOLLIVER: (Inaudible.) And then they  
7     started -- so now I'm mad and I start messing with them. I  
8     said, You know, yeah. I said, Somebody throw a wallet out  
9     by the mall. So I get them out there by the mall. I got  
10    them looking stupid out there searching for stuff. And I'm  
11    like, I'm hungry. So I'm like I hope you're going to buy me  
12    something to eat. So I make them buy me something to eat.  
13    It's like the same thing again.

14          ARLENE TOLLIVER: He like a cool day.

15          JERMAL TOLLIVER: They're like -- they're like,  
16    Okay. Make -- you know, we're going back here to the --  
17    back to the station.

18          ARLENE TOLLIVER: If I would have had (inaudible).

19          JERMAL TOLLIVER: (Inaudible.)

20          ARLENE TOLLIVER: They didn't want to see me until  
21    Friday.

22          JERMAL TOLLIVER: (Inaudible.) The whole time --  
23    they made me tell me bits and pieces about the murder.

24          ARLENE TOLLIVER: (Inaudible.)

25          JERMAL TOLLIVER: But now I'm just saying what I



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 think they want to hear me say.

2 ARLENE TOLLIVER: (Inaudible.)

3 JERMAL TOLLIVER: (Inaudible.) They was like,  
4 Okay. He ask me, Well, what about this? Well, I'm like  
5 that, too.

6 MS. BRIDENSTINE: Do you remember what they told  
7 you about the case? (Inaudible.)

8 JERMAL TOLLIVER: Basically everything that  
9 (inaudible) related to the case they told me.

10 MS. BRIDENSTINE: So why did you say you had  
11 anything to do with Mr. Jones' death if you didn't?

12 JERMAL TOLLIVER: I just told them that so I could  
13 go home (inaudible). I remember thinking that (inaudible),  
14 they're not going to lie. Of course (inaudible) telling --  
15 they're not letting (inaudible). And they didn't even let  
16 me call.

17 MS. BRIDENSTINE: Okay.

18 JERMAL TOLLIVER: But I'm just going to  
19 (inaudible.)

20 MS. BRIDENSTINE: Did they tell you -- did they  
21 talk to you about anything else other than the case that --

22 JERMAL TOLLIVER: Other than that crime?

23 MS. BRIDENSTINE: Uh-huh.

24 JERMAL TOLLIVER: No.

25 MS. BRIDENSTINE: What about did he ever talk to



## Interview of Jermal Tolliver - by Ms. Bridenstine

1       you about the death penalty.

2               JERMAL TOLLIVER: Oh, yeah. All that stuff about  
3 another related crime, yeah. They -- yeah. (Inaudible.)  
4 Yeah, after the report (inaudible) the shoes. Take my  
5 clothes and put (inaudible) for evidence. Like you going to  
6 jail. (Inaudible.) That was the end of my (inaudible).

7               MS. BRIDENSTINE: After you talked to the police  
8 that night, I understand you told them that you were  
9 involved, did you tell anyone after that that you were  
10 involved?

11              JERMAL TOLLIVER: (No audible response.)

12              MS. BRIDENSTINE: So when you saw your lawyer,  
13 tell me about your conversations with your -- your attorney.

14              JERMAL TOLLIVER: My attorney they appointed me?

15              MS. BRIDENSTINE: Yeah.

16              JERMAL TOLLIVER: Well, we -- he kept coming in  
17 and was like, we'll -- we'll plea and try to make me take a  
18 plea. And then he'll come back again and I'd say, What's  
19 you gonna do? Like he -- he never wanted me to go to trial.

20              MS. BRIDENSTINE: Did you tell your lawyer that  
21 you were innocent?

22              JERMAL TOLLIVER: Yeah. All the time.

23              MS. BRIDENSTINE: So other than the police when  
24 they were questioning you on the 19th, have you told anyone  
25 else that you were involved with Mr. Jones' death?



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: Not involved, no.

2 MS. BRIDENSTINE: Or have anything to do with it?

3 JERMAL TOLLIVER: Charged with it, yeah.

4 MS. BRIDENSTINE: Okay.

5 JERMAL TOLLIVER: Like somebody that I was talking  
6 with was like, What -- what's you going to court for?  
7 There's nobody I -- I've never claimed to be guilty, even to  
8 this day. Like I don't -- I'm not -- and if I did it, I've  
9 done the time, so why would I still say I'm not -- I'm done.  
10 (Inaudible.)

11 MS. BRIDENSTINE: So I understand that Rayshawn  
12 Banner and Nathaniel Cauthen, they went to trial first  
13 before you guys, right, and they were convicted of First  
14 Degree Murder. Was there a plea agreement still open to you  
15 after they went to trial? Like could you have pled guilty  
16 to the plea --

17 JERMAL TOLLIVER: Yeah. Even -- even when we were  
18 in trial, they said -- they gave me one last chance to take  
19 a 16 year and then gave us 16 years anyway for the  
20 (inaudible).

21 MS. BRIDENSTINE: Who is Shelton?

22 JERMAL TOLLIVER: Shelton, that's one of my old  
23 friends.

24 MS. BRIDENSTINE: What -- do you know his full  
25 name?



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: Shit, I can't remember his name.

2 I want to say Milton.

3 MS. BRIDENSTINE: Milton?

4 JERMAL TOLLIVER: Yeah.

5 MS. BRIDENSTINE: So Shelton's the first name?

6 JERMAL TOLLIVER: Yes. I think -- is that right?

7 I think that's the one, Shelton. I just know the guy

8 because I went to school with his sister (inaudible).

9 MS. MATOIAN: Is he the same age as you?

10 JERMAL TOLLIVER: No, he's little older. I think

11 like one or two years.

12 MS. BRIDENSTINE: Do you remember if he was around

13 that night on the 15th of November?

14 JERMAL TOLLIVER: I don't recall. He might have

15 been.

16 MS. BRIDENSTINE: What about --

17 JERMAL TOLLIVER: I don't -- I just -- I can't

18 remember every detail now. You know, maybe you all

19 (inaudible) thinking about it every day.

20 MS. BRIDENSTINE: Who is -- who went by the

21 nickname Black?

22 JERMAL TOLLIVER: Rayshawn.

23 MS. BRIDENSTINE: Rayshawn?

24 JERMAL TOLLIVER: Yeah. The --

25 ARLENE TOLLIVER: Oldest brother.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: Oh, that's his big -- that's the  
2 other brother.

3 ARLENE TOLLIVER: The oldest brother.

4 MS. BRIDENSTINE: What was his name?

5 JERMAL TOLLIVER: Joseph Clark. Joseph something.

6 MS. BRIDENSTINE: Did he have anything to do with  
7 this case?

8 JERMAL TOLLIVER: I can't say. I mean I believe  
9 (inaudible). I can't say, I don't --

10 ARLENE TOLLIVER: I do.

11 JERMAL TOLLIVER: What about --

12 CHILD: Grandma --

13 MS. BRIDENSTINE: Who is Anjuan?

14 JERMAL TOLLIVER: That's his cousin. (Inaudible.)

15 MS. BRIDENSTINE: Did you know them to ever like  
16 bribe people or heard anything like that?

17 JERMAL TOLLIVER: I've heard of it, but --

18 MS. BRIDENSTINE: So like --

19 JERMAL TOLLIVER: -- I can't say I saw them.

20 MS. BRIDENSTINE: What about Rayshawn Banner and  
21 Nathaniel Cauthen, were they ever involved in like -- not  
22 this case --

23 JERMAL TOLLIVER: I mean that's their (inaudible).

24 MS. BRIDENSTINE: -- but other robberies?

25 JERMAL TOLLIVER: They used to hang with him



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 sometimes, but I don't know -- I've never seen them do  
2 anything and try to (inaudible) people.

3 MS. BRIDENSTINE: Did they ever talk about it?

4 JERMAL TOLLIVER: I guess, but I didn't have  
5 anything to do with it. (Inaudible).

6 ARLENE TOLLIVER: I used to get off like 11:00 at  
7 night and I -- and I never went straight to sleep. I'd just  
8 put my bedroom light off and just look out the window. They  
9 was coming down the street bragging about robbing somebody.

10 MS. BRIDENSTINE: Who?

11 ARLENE TOLLIVER: Just walking by. The oldest  
12 brother come up the street and take the money from him.

13 MS. BRIDENSTINE: Which -- who was that? Who was  
14 that?

15 ARLENE TOLLIVER: Rayshawn and -- and the other  
16 brother. What his name? What's the other brother name?

17 JERMAL TOLLIVER: (Inaudible.)

18 ARLENE TOLLIVER: No. It's Rayshawn and --

19 JERMAL TOLLIVER: Stinky.

20 ARLENE TOLLIVER: Yeah, Stinky.

21 JERMAL TOLLIVER: (Inaudible.)

22 ARLENE TOLLIVER: They'd go out and commit it and  
23 the brother take the money.

24 MS. BRIDENSTINE: They'd what?

25 ARLENE TOLLIVER: They'd go out and commit it and



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 the brother take the money.

2 MS. MATOIAN: And the brother meaning Black?

3 ARLENE TOLLIVER: The older Black. He was the  
4 orchestrator.

5 CHILD: Somebody's calling you.

6 MS. BRIDENSTINE: When you were talking to the  
7 police, you said that they were giving you like bits and  
8 pieces of information. Did they show you anything?

9 JERMAL TOLLIVER: Yeah. They showed me pictures.

10 MS. BRIDENSTINE: Do you know what they were of?

11 JERMAL TOLLIVER: Yeah. I remember that vividly.

12 MS. BRIDENSTINE: Okay. Do you remember like  
13 anything else?

14 JERMAL TOLLIVER: No. My only vivid memory is the  
15 -- is the -- because I saw them (inaudible). They did the  
16 same thing for --

17 MS. BRIDENSTINE: Now, Jessica Black testified  
18 against you. Why do you think that she testified or she  
19 said --

20 JERMAL TOLLIVER: Because she broke down.

21 MS. BRIDENSTINE: -- you guys were involved?

22 JERMAL TOLLIVER: They stopped -- oh, she was  
23 wanting to tell the truth. She broke down. They stopped --  
24 they're like, Listen. Yeah. She broke down.

25 MS. BRIDENSTINE: When was that?



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: In the trial. I can't remember  
2 the exact date. I don't know if it was the day before. I  
3 know that they were asking about me. They were like, Well,  
4 what about Mr. Tolliver? And she would stop and think.  
5 She's like (inaudible).

6 MS. BRIDENSTINE: Why do you think she testified  
7 against you guys?

8 JERMAL TOLLIVER: Because they bribed her or  
9 something. She said they (inaudible) give her some time.

10 ARLENE TOLLIVER: They gave her (inaudible).

11 JERMAL TOLLIVER: Now, I don't know how that's  
12 possible. She was there (inaudible) she said she was, but  
13 she --

14 ARLENE TOLLIVER: (Inaudible.)

15 JERMAL TOLLIVER: -- remember, if she can place  
16 people here at (inaudible).

17 ARLENE TOLLIVER: (Inaudible.)

18 MS. BRIDENSTINE: Who did you hear that from?

19 JERMAL TOLLIVER: I want to say my lawyer. No, it  
20 was somebody else.

21 MS. BRIDENSTINE: Let's go back -- back -- back on  
22 November 15th, how well did you know Jessica Black?

23 JERMAL TOLLIVER: She (inaudible) -- I know she  
24 had a little crush on me, but I didn't know -- I never  
25 (inaudible). Like I didn't even like her, but she was cool.



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. BRIDENSTINE: Were you guys friends?

2 JERMAL TOLLIVER: I wouldn't say friends. We had  
3 known each other for a long time. I would say she was  
4 (inaudible).

5 MS. BRIDENSTINE: Do you know how old you were at  
6 that point.

7 JERMAL TOLLIVER: Probably about -- probably about  
8 (inaudible).

9 ARLENE TOLLIVER: Here we go. (Inaudible.)

10 JERMAL TOLLIVER: You guys going to find out  
11 (inaudible.)

12 MS. BRIDENSTINE: Who is Marcus?

13 JERMAL TOLLIVER: Marcus Shavers.

14 MS. BRIDENSTINE: Marcus what?

15 JERMAL TOLLIVER: Marcus Shavers. He -- he was  
16 the guy that used to hang around.

17 MS. BRIDENSTINE: Do you remember what shoes you  
18 were wearing on November 15th?

19 JERMAL TOLLIVER: My Army fatigue green Reeboks.  
20 (Inaudible.)

21 MS. BRIDENSTINE: Do you remember -- do you  
22 remember what shoes everyone else was wearing?

23 JERMAL TOLLIVER: No.

24 MS. BRIDENSTINE: Rayshawn Banner?

25 JERMAL TOLLIVER: No. But I know they said that



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 the shoe print they found matched Rayshawn Banner's shoe  
2 print. I know (inaudible) shoes (inaudible).

3 MS. BRIDENSTINE: And what?

4 JERMAL TOLLIVER: That (inaudible) was the same  
5 size shoe.

6 MS. BRIDENSTINE: There was a lot of discussion  
7 about like Air Force One.

8 JERMAL TOLLIVER: They said (Inaudible.)

9 MS. BRIDENSTINE: Were they a popular shoe back  
10 then?

11 JERMAL TOLLIVER: Yeah. Still now, too.

12 MS. BRIDENSTINE: Why didn't you testify at trial?

13 JERMAL TOLLIVER: My lawyer said it was best I  
14 didn't because they would make our statement -- they were  
15 like -- the part that was coerced, they were making that  
16 look terrible. So my lawyer said that it's better  
17 (inaudible).

18 MS. BRIDENSTINE: Back on the 19th when you were  
19 talking to the police, do you remember how long or do you  
20 know about how long you were talking to them before you  
21 started telling them that you were involved in the case?

22 JERMAL TOLLIVER: Wow. Nah. I'd say about nine  
23 hours (inaudible).

24 MS. BRIDENSTINE: Did you see anyone else at the  
25 police station when you were there?



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: I was in a room at the time.

2 Every time they transferred us to the room, they kept us in  
3 that the whole time. Like I might have (inaudible.) We  
4 never went in (inaudible).

5 But I heard Christopher Bryant got in a fight over  
6 it. I think (inaudible).

7 MS. BRIDENSTINE: You've been on what?

8 JERMAL TOLLIVER: Prison camp with Chris family  
9 member (inaudible).

10 MS. BRIDENSTINE: Who is he?

11 JERMAL TOLLIVER: Chris Paul's.

12 MS. BRIDENSTINE: Oh, who is that?

13 JERMAL TOLLIVER: Actually, he's the uncle.

14 Mr. Paul was one of the guards at the detention center that  
15 he knew.

16 MS. BRIDENSTINE: You said that they were present.  
17 Do you remember which family room that they were meeting in?

18 JERMAL TOLLIVER: I don't remember nothing  
19 (inaudible). That's their job.

20 MS. BRIDENSTINE: So where did you hear about  
21 Mr. Bryant being present (inaudible)?

22 JERMAL TOLLIVER: I just heard that.

23 MS. BRIDENSTINE: Do you have any contact now with  
24 Mr. Bryant?

25 JERMAL TOLLIVER: Now?



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. BRIDENSTINE: Uh-huh.

2 JERMAL TOLLIVER: I can't.

3 MS. BRIDENSTINE: No, do you now?

4 JERMAL TOLLIVER: Yeah.

5 MS. BRIDENSTINE: Okay. When is the last time you  
6 had contact?

7 JERMAL TOLLIVER: Probably about (inaudible.)

8 MS. BRIDENSTINE: What about Dorrell Brayboy?

9 JERMAL TOLLIVER: Oh, he just got out.

10 MS. BRIDENSTINE: What about Rayshawn Banner?

11 JERMAL TOLLIVER: No. I didn't talk to him.

12 MS. BRIDENSTINE: When is the last time you talked  
13 to him?

14 JERMAL TOLLIVER: Who?

15 MS. BRIDENSTINE: Rayshawn Banner.

16 JERMAL TOLLIVER: I haven't talked to him.

17 MS. BRIDENSTINE: Since?

18 JERMAL TOLLIVER: Since 2009. We were  
19 (inaudible.)

20 MS. BRIDENSTINE: You talked about (inaudible).

21 JERMAL TOLLIVER: I mean we were (inaudible)

22 talking about (inaudible). Me and him weren't really

23 talking about it. (Inaudible.) Me and him -- (inaudible)

24 Chris and Dorrell, they talked and his brother.

25 MS. BRIDENSTINE: What did you guys say about him?



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 JERMAL TOLLIVER: We were going to try to figure  
2 it out. (Inaudible.) Okay, you (inaudible.)

3 MS. BRIDENSTINE: So you said that was Dorrell  
4 Brayboy and --

5 JERMAL TOLLIVER: Dorrell and Rayshawn.

6 MS. BRIDENSTINE: So Nathaniel and Dorrell and you  
7 would talk about it? When is the last time you guys talked  
8 about it?

9 JERMAL TOLLIVER: Back (inaudible) stepfather  
10 probably is the one that -- I called him and told him my  
11 report. It's now and then. He tell -- he tells me that  
12 he's working on it (inaudible) and (inaudible) if you need  
13 me to do anything, let me know.

14 MS. BRIDENSTINE: And what did Christopher Bryant  
15 tell you about his application with our organization?

16 JERMAL TOLLIVER: (Inaudible), but I don't know  
17 anything that they doing to help him or anything.

18 MS. BRIDENSTINE: (Inaudible.)

19 JERMAL TOLLIVER: (Inaudible.)

20 MS. BRIDENSTINE: Was Christopher Bryant involved  
21 in Mr. Jones' death?

22 JERMAL TOLLIVER: I don't think -- I don't -- I  
23 don't -- I hope not. We were kids. We weren't even  
24 thinking about it.

25 MS. BRIDENSTINE: Did you ever talk about getting



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 committing robberies together?

2 JERMAL TOLLIVER: We used to cut grass and stuff  
3 in the neighborhood. Because me and him now -- my mom  
4 always (inaudible) made sure I had money (inaudible).

5 UNIDENTIFIED SPEAKER: I don't even know  
6 (inaudible).

7 MS. BRIDENSTINE: Back on the November 19th when  
8 you were with the police and they -- tell me about how they  
9 were talking to you about the case and them taping. How did  
10 that come about?

11 JERMAL TOLLIVER: It was different on the -- on  
12 the tape thing, they had to go over here and record the  
13 thing. They were like -- like -- they was like no or  
14 (inaudible).

15 UNIDENTIFIED SPEAKER: Like (inaudible).

16 JERMAL TOLLIVER: Yeah. You're talking too low.  
17 They they'd say like you're going to (inaudible). And then  
18 they would stop recording.

19 MS. BRIDENSTINE: When were they walking you  
20 through it?

21 JERMAL TOLLIVER: The whole time.

22 UNIDENTIFIED SPEAKER: (Inaudible.)

23 JERMAL TOLLIVER: The whole time they tried to  
24 record that and then record what the detective was saying.  
25 Did you just say that? Is that what you said?



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 UNIDENTIFIED SPEAKER: Were they talking recording  
2 (inaudible) to get you to -- -- yeah, that's the way  
3 (inaudible).

4 JERMAL TOLLIVER: I didn't remember (inaudible).  
5 Yeah, I'd -- I'd always say something where (inaudible).  
6 Here and I'd watch people get out every day. And they'd  
7 tell me whoever did do it. I know I didn't kill no one.

8 MS. BRIDENSTINE: (Inaudible.)

9 MS. MATOIAN: I know you -- you talked earlier  
10 about how you had applied to the Center. Have you ever  
11 applied to the Innocence Inquiry Commission, our state  
12 agency?

13 JERMAL TOLLIVER: Are you out of Durham?

14 MS. MATOIAN: No, we're not.

15 MS. BRIDENSTINE: No.

16 JERMAL TOLLIVER: No. I did the one in Durham.

17 MS. MATOIAN: Okay. Is there a reason why you  
18 haven't applied to us?

19 JERMAL TOLLIVER: I didn't know about you.

20 MS. MATOIAN: Okay.

21 JERMAL TOLLIVER: I stopped and (inaudible) figure  
22 out. (Inaudible.) Christopher Bryant telling me that he  
23 was talking with you guys (inaudible).

24 MS. BRIDENSTINE: Can you think of anything that  
25 -- additional about this case that we haven't gone over yet



## Interview of Jermal Tolliver - by Ms. Bridenstine

1       that we should know?

2               JERMAL TOLLIVER: I mean I didn't (inaudible).

3               MS. BRIDENSTINE: Who -- who do you think killed  
4       Mr. Jones?

5               JERMAL TOLLIVER: I heard Banner did. He's  
6       (inaudible).

7               MS. BRIDENSTINE: And I -- I know I asked this  
8       before, but other than -- you said the person Crump -- have  
9       you heard any information about anyone who might have been  
10      involved?

11              JERMAL TOLLIVER: Either (inaudible).

12              MS. BRIDENSTINE: I know you mentioned Andy and  
13      the Crump person. Other than those two, do --

14              JERMAL TOLLIVER: Have I heard any -- no. I heard  
15      -- when people found out that I was in prison for that, I  
16      heard what they heard about it.

17              MS. BRIDENSTINE: What did you hear?

18              JERMAL TOLLIVER: Like half the prison was telling  
19      me like I heard y'all beat that man (inaudible). I'm like,  
20      Yeah. I heard them talk about like when and how it went.  
21      And they start spreading it kind of thing, how it went. I  
22      done heard (inaudible) something about what happened or how.  
23      Like I didn't do it.

24              MS. BRIDENSTINE: So have you heard of anyone  
25      else -- like I know -- are you talking about who they



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 thought might have done it?

2 JERMAL TOLLIVER: I heard that -- I have heard  
3 that Banner done it. Somebody that (inaudible). That's  
4 (inaudible) prison. He said, He did that. Yeah, I heard  
5 that. I heard that. I've heard that before.

6 MS. BRIDENSTINE: Rayshawn Banner?

7 JERMAL TOLLIVER: I've heard that, but I don't --  
8 he might have been lying. I don't think -- I can't say  
9 nothing, but I heard that.

10 MS. BRIDENSTINE: Anything else?

11 JERMAL TOLLIVER: That's what I can remember right  
12 now.

13 MS. BRIDENSTINE: Okay. Can I get your number,  
14 your phone number?

15 JERMAL TOLLIVER: 3-3-6 --

16 MS. BRIDENSTINE: 3-3-6 --

17 JERMAL TOLLIVER: -- 4-7-3 --

18 MS. BRIDENSTINE: -- 4-7-3 --

19 JERMAL TOLLIVER: -- 9-6-4-0.)

20 MS. BRIDENSTINE: Do you have anything else,  
21 Catee?

22 MS. MATOIAN: No.

23 MS. BRIDENSTINE: If we have any questions, can we  
24 give you a call?

25 JERMAL TOLLIVER: (No audible answer.)



## Interview of Jermal Tolliver - by Ms. Bridenstine

1 MS. BRIDENSTINE: Let me give you my card. And if  
2 you think of anything else, please get in contact with me.

3 JERMAL TOLLIVER: Yeah. You -- I hope something  
4 comes of it. I don't even care about nothing but proving  
5 that I (inaudible).

6 MS. MATOIAN: Thank you for speaking with us.

7 MS. BRIDENSTINE: Thank you so much.

8 JERMAL TOLLIVER: I'm going out the door with you  
9 guys. I'm going out the door (inaudible).

10 (Inaudible) a long time.

11 MS. BRIDENSTINE: Thank you for talking to us.

12 MS. MATOIAN: (Inaudible) all we care about is the  
13 truth, so whatever you remember is --

14 JERMAL TOLLIVER: That's why I didn't want to say  
15 -- I didn't want to say this time and then --

16 MS. BRIDENSTINE: That's all right.

17 JERMAL TOLLIVER: -- somebody did it this time.

18 MS. MATOIAN: Thank you, Mr. Tolliver.

19 (The recording ended.)

20

21

22

23

24

25



Interview of Jermal Tolliver - by Ms. Bridenstine

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 50 pages of this transcript of the recorded interview of Jermal Tolliver that was taken on February 19, 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 21st day of June 2019.



---

DONNA ROWE



# Handout 94



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38886

State of North Carolina,                     )  
v   )  
CHRISTOPHER BRYANT,                         )  
Defendant.   )

RECORDED INTERVIEW OF CHRISTOPHER BRYANT

This is the transcript of the recorded interview taken of Christopher Bryant, which was conducted by Julie Bridenstine, Staff Attorney, from the North Carolina Innocence Inquiry Commission. The recorded interview took place on February 23, 2018.

APPEARANCES

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Also Present: Geneva Bryant

Transcribed by: Victoria L. Pittman  
AOC-Approved Transcriber



1 (Indiscernible comments.)

2 MS. MATOIAN: Mr. Bryant? Hi. How are you.  
3 I'm Catee. Nice to meet you.

4 MS. BRIDENSTINE: We wanted to talk to you  
5 about your (indiscernible) (indiscernible) an hour  
6 (indiscernible) is there a place where we can  
7 (indiscernible) (indiscernible).

8 (Indiscernible comments.)

9 MS. MATOIAN: They keep you busy?

10 MR. BRYANT: I'm supposed to be  
11 (indiscernible) (indiscernible).

12 MS. MATOIAN: They keep you busy.

13 MR. BRYANT: Yeah, they do. Yeah, they do.  
14 Y'all drive long?

15 MS. BRIDENSTINE: Well, it takes us like an  
16 hour and 45 minutes from Raleigh.

17 MR. BRYANT: (indiscernible) oh, okay.

18 MS. BRIDENSTINE: So just to go over a few  
19 things, because you are a claimant with our agency, you must  
20 be completely honest with us --

21 MR. BRYANT: Yeah.

22 MS. BRIDENSTINE: -- and answer any questions  
23 that we have as truthfully and completely as you can. We  
24 don't want you to guess.

25 MR. BRYANT: No, I'm not going to.



1 MS. BRIDENSTINE: If you don't remember  
2 something or you --

3 MR. BRYANT: I'll let, you know.

4 MS. BRIDENSTINE: Just tell us that.

5 MR. BRYANT: Yeah.

6 MS. BRIDENSTINE: Do you have any questions  
7 about us?

8 MR. BRYANT: Not really, but -- but later on,  
9 probably, I will.

10 MS. BRIDENSTINE: Okay. Okay. Well, just  
11 stop me if you have any questions. And we are a neutral  
12 state agency. We don't represent you.

13 MR. BRYANT: Uh-huh.

14 MS. BRIDENSTINE: We are just looking for the  
15 truth.

16 MR. BRYANT: Yeah.

17 MS. BRIDENSTINE: We're investigating your  
18 case, and that's why we're here, just asking you some  
19 questions about that.

20 MR. BRYANT: Uh-huh.

21 It was a news reporter out of Houston that  
22 contacted me and he wanted to talk about the case because of  
23 Chris Paul or something. I don't know.

24 MS. BRIDENSTINE: When did that happen?

25 MR. BRYANT: This has been a few days ago.



1 MS. BRIDENSTINE: Okay. Do you remember --  
2 do you know his name?

3 MR. BRYANT: His name -- Hunter Atkins,  
4 Atkins Hunter, Hunter Atkins. Yeah. He's from Houston.

5 MS. BRIDENSTINE: Did he say why he wanted to  
6 talk to you?

7 MR. BRYANT: He had called Jermal Tolliver  
8 mother and --

9 MS. BRYANT: (indiscernible).

10 MR. BRYANT: -- wanted to speak to Tolliver,  
11 but Tolliver wasn't there. And then he end up talking to  
12 him, and then he got my number, called me, and then wanted  
13 to like go over the case type thing like -- but I was like,  
14 "I can't talk to you about that," like ...

15 MS. BRIDENSTINE: Yeah.

16 MR. BRYANT: Yeah.

17 MS. BRIDENSTINE: Well, and that's actually  
18 one of our rules, is that you can't speak to the media about  
19 your case.

20 MR. BRYANT: Yeah.

21 MS. BRIDENSTINE: You can't talk to anyone  
22 about it. Okay?

23 MR. BRYANT: I understand.

24 MS. BRIDENSTINE: Just -- and I'll just read  
25 it aloud.



1                   Once a claim is initiated with the  
2 Commission, the claimant or his counsel shall not directly  
3 or indirectly relate information about the Commission's  
4 investigation to members of the media or the public unless  
5 specifically authorized by the Executive Director or his or  
6 her designee.

7                   You, your family, or friends are not  
8 permitted to communicate with the media about the  
9 Commission's investigation or the fact that the Commission  
10 is reviewing your claim. Media coverage has the potential  
11 to jeopardize the Commission's investigation --

12                  MR. BRYANT: Uh-huh.

13                  MS. BRIDENSTINE: -- and your claim may be  
14 closed if you fail to comply. So if anyone contacts you,  
15 you can't talk to them.

16                  MR. BRYANT: I won't.

17                  MS. BRIDENSTINE: Can you let us know if  
18 people reach out to you, though?

19                  MR. BRYANT: I will.

20                  MS. BRIDENSTINE: Do you have this person's  
21 information?

22                  MR. BRYANT: I do.

23                  MS. BRIDENSTINE: Can we have a -- can you  
24 find it for us?

25                  MR. BRYANT: It's in my --



1 MS. BRIDENSTINE: Did he say what paper he  
2 was from or what organization?

3 MR. BRYANT: Uh-uh. He -- he had a lot of --  
4 he tried to give me things so I could see the stories he --  
5 he had -- right here. Because I was around Jermal Tolliver  
6 the other -- a few weeks ago, whatever, and he had called.

7 "I can't believe y'all around each other,"  
8 da, da, da, da, da, da, da, da.

9 MS. BRIDENSTINE: Okay. So (917)774-5674,  
10 that's his phone number?

11 MR. BRYANT: Uh-huh.

12 MS. MATOIAN: Can you say that again, Julie?

13 MS. BRIDENSTINE: (917)774-5674.

14 And what else did he tell you? What did you  
15 talk about?

16 MR. BRYANT: He was just like how did -- how  
17 can, you know -- how Chris Paul felt about it and then how  
18 could he feel how he feel now. And he was like, "What's  
19 all" -- how -- how -- how have I like been since this  
20 happened and stuff and, you know, Jermal, he told him it's  
21 like, you know, hard to find me a job and -- because he  
22 didn't get his GED while he was in there and stuff.

23 So I took up a lot of trades and stuff. And  
24 so when I came home, I got -- I was working when I was  
25 incarcerated. You know, I was on work release.



1 MS. BRIDENSTINE: Uh-huh.

2 MR. BRYANT: Yeah. But we just tell them,  
3 you know, it done messed his life up and he didn't have no  
4 childhood. He just, you know -- and I feel him, though.

5 MS. BRIDENSTINE: That's what Jermal Tolliver  
6 told the reporter?

7 MR. BRYANT: Yeah. That's what he told him.  
8 He was just like, "You can call me anytime and talk to me"  
9 and -- naw, but he ain't been calling him, though. He ain't  
10 been calling him.

11 MS. BRIDENSTINE: Jermal Tolliver hasn't been  
12 calling him?

13 MR. BRYANT: Naw. I don't think he be  
14 calling. He told me he haven't.

15 MS. BRIDENSTINE: Did you hear that from the  
16 reporter that Jermal Tolliver told him about his life? Or  
17 did Jermal Tolliver tell you?

18 MR. BRYANT: No. I was right there. I was  
19 right there when he told him.

20 MS. BRIDENSTINE: Okay.

21 MR. BRYANT: Yeah. I was right there.

22 MS. BRIDENSTINE: All right. Do you know how  
23 long the conversation lasted?

24 MR. BRYANT: Probably about ten minutes.

25 MS. BRIDENSTINE: And what day was that?



1 MR. BRYANT: See, it was like, "If you guys  
2 want to see any of the past work I've done for the news,  
3 www.hunteratkins.com, New York Times, ESPN, Rolling Stone,  
4 you know, he had ESPN is --

5 MS. BRIDENSTINE: Yeah.

6 MR. BRYANT: NBA, you know ...

7 MS. BRIDENSTINE: Right. Right. Right.

8 MR. BRYANT: Yeah.

9 MS. BRIDENSTINE: All right.

10 MR. BRYANT: Yeah.

11 MS. BRIDENSTINE: Anyone else contact you  
12 about this case?

13 MR. BRYANT: No. Uh-uh.

14 MS. BRIDENSTINE: Since you got out?

15 MR. BRYANT: Uh-uh.

16 MS. BRIDENSTINE: Okay. All right. Let's go  
17 back to November 15, 2002.

18 MR. BRYANT: Uh-huh.

19 MS. BRIDENSTINE: That's the night that  
20 Nathaniel Jones died.

21 MR. BRYANT: Uh-huh. Right.

22 MS. BRIDENSTINE: So that was a Friday.

23 MR. BRYANT: Uh-huh.

24 MS. BRIDENSTINE: What grade were you in?

25 MR. BRYANT: I was in ninth grade.



1 MS. BRIDENSTINE: All right. Did you go to  
2 school that day?

3 MR. BRYANT: Uh-huh.

4 MS. BRIDENSTINE: What time did you get out  
5 of school?

6 MR. BRYANT: I got out of school around  
7 2-something.

8 MS. BRIDENSTINE: What happened after you got  
9 out of school?

10 MR. BRYANT: Yeah. I was told like -- I  
11 don't know like how the -- what time he -- this happened  
12 like to him. But at the end of the day, I only know what I  
13 was told from when I got locked up because I'm involved in  
14 it as far as having to go through the courts and all this  
15 stuff so ...

16 I know I was here for a while before I even  
17 left the house.

18 MS. BRIDENSTINE: Okay. Just tell us where  
19 you --

20 MR. BRYANT: Okay. Well, you want me to tell  
21 you today about --

22 MS. BRIDENSTINE: I want you to tell me the  
23 truth. So whatever it is --

24 MR. BRYANT: Yeah, yeah, yeah, yeah.

25 MS. BRIDENSTINE: -- about that day, you tell



1 me --

2 MR. BRYANT: Okay. November 15, 2002. I  
3 went to school. I came home. My sister's two friends,  
4 LaShawnda Vico -- Shawnda Vico and Tisha Adams had came over  
5 here. And they was on probation for something, and they had  
6 to be home by 8:00 o'clock. And when their mother,  
7 Ms. Teresa, came over here to pick her daughter and her  
8 cousin up -- the cousin up, it was 8:00 o'clock. I was  
9 still at home.

10 But Jessicah Black --

11 MS. BRIDENSTINE: Uh-huh.

12 MR. BRYANT: Jessicah Black, Nathaniel  
13 Cauthen --

14 MS. BRIDENSTINE: Uh-huh.

15 MR. BRYANT: -- and Rayshawn Banner -- no,  
16 Rayshawn Banner wasn't with us. That's the thing, Rayshawn  
17 Banner was never with us none that day.

18 MS. BRIDENSTINE: Okay.

19 MR. BRYANT: But he had came over like --  
20 like in the evening. He -- he had got into a altercation  
21 with a guy named Robert. He was supposed get in a fight  
22 with him at the school or something, but he wasn't never --  
23 he didn't hang out with us none that day.

24 MS. BRIDENSTINE: Did you see him that day?

25 MR. BRYANT: I seen him when -- after school,



1 like in the evening time around like 4:00 o'clock or  
2 something. But after that, he wasn't never with us none.

3 MS. BRIDENSTINE: Okay.

4 MR. BRYANT: So that's whey I'm like how did  
5 they -- you know what I'm saying, how did they put that  
6 together?

7 Anyway, that happened.

8 So my sister got sick. She threw up. And my  
9 first niece that's Lakisha, she 15 right now, she was like  
10 four months old at the time, and I watched my niece. I  
11 watched my niece while I fixed my sister some beans or  
12 something. And I had spilled it on the floor, and the stain  
13 was still there and the stuff. And she -- she was laying  
14 down. And then Jermal Tolliver, he was over there. He  
15 stays right there across the street where y'all parked at.

16 MS. BRIDENSTINE: Uh-huh.

17 MR. BRYANT: He stayed right here.

18 MS. BRIDENSTINE: Okay.

19 MR. BRYANT: So when Jessicah Black pulled  
20 up, he was over there. I was here. This is like around  
21 8:00 o'clock, you understand what I'm saying. So after  
22 that, they -- it was her, Nathaniel Cauthen, and Dorrell  
23 Brayboy who had all came over here to my house. This was  
24 later on. This is a -- this after whatever done happened,  
25 you understand what I'm saying?



1 MS. BRIDENSTINE: Yeah. Yeah, yeah.

2 MR. BRYANT: So they had came to my house --  
3 they came to my house. We went to go, and Jed -- Sherman  
4 Williams were with them too, and this dude named Shelton,  
5 he's from Hickory. I don't know his last name. He stayed  
6 on this corner house down here.

7 MS. BRIDENSTINE: Do you know what street?

8 MR. BRYANT: He was talking about -- right  
9 down here on this corner house. It's right off Belview.  
10 Right there where the man they say -- Mr. Jones passed.  
11 Right there. It's the corner house.

12 But after this happened, he moved. He moved  
13 back to Hickory or something. But he was about my height,  
14 (indiscernible) had big lips, name Shelton.

15 MS. BRIDENSTINE: How old was he?

16 MR. BRYANT: He was the same age as me  
17 because we went to Eastern Elementary School together.

18 MS. BRIDENSTINE: And his first name was  
19 Shelton?

20 MR. BRYANT: Shelton. I don't know his last  
21 name. They stayed in this corner house in 2001 all the way  
22 down the street.

23 MS. BRIDENSTINE: All right. What's his  
24 race?

25 MR. BRYANT: Oh, he's black.



1 MS. BRIDENSTINE: Okay.

2 MR. BRYANT: So they go to drop -- we go -- I  
3 get in the car then.

4 MS. BRIDENSTINE: And who was in the car?

5 MR. BRYANT: Okay. Now, we've got me, Jermal  
6 Tolliver, Dorrell Brayboy, and Nathaniel Cauthen and  
7 Jessicah Black. These the only people that was with each  
8 other this night, you understand what I'm saying?

9 So we go down here to drop Jed -- Sherman  
10 Williams -- off, because he stayed right here on the main  
11 street. He stayed on the main street or whatever.

12 When we go down there, that's when we see  
13 police and everything. But that's when we see everybody --  
14 I didn't see no body or nothing, but I seen -- I thought  
15 somebody got hurt because when I came (indiscernible), when  
16 I came back home, I told them I said, "Somebody got hurt  
17 down the street." I didn't know nothing about nobody dying.  
18 I didn't know nothing about -- I ain't never got in trouble.  
19 I ain't never had no run-ins with the law like they's  
20 locking me up and stuff like that. I ain't never had none  
21 of that.

22 Like I don't -- you don't understand, from  
23 not doing that to just killing somebody, you don't -- and  
24 then the way I heard it was done like ain't no 15-year-old  
25 doing that. Like they ain't advanced in the years to do



1 something like that, you know, you understand what I'm  
2 saying?

3 MS. BRIDENSTINE: Uh-huh.

4 MR. BRYANT: But we went down there. And I  
5 asked one of the female -- it was a female -- it was like a  
6 stop sign, and then they had a lot of crowd out there. And  
7 then, you know, we came out there like, "Man, what's going  
8 on out here?" So they was like, "Oh, somebody done got  
9 hurt."

10 But ain't nobody know nothing about nobody  
11 dying until the 19th, when they came and picked Jermal  
12 Tolliver up, and then that was all she wrote. They came  
13 picked me -- I was up the street. I seen a car down here;  
14 so I -- if I had did something, I'm not going to walk right  
15 into it, you understand what I'm saying?

16 I come down the street. There's two  
17 detectives on my front porch. I come over here. I say,  
18 "How y'all doing?" I don't know they detectives or nothing.  
19 I ain't never been in no trouble, do you understand what I'm  
20 saying?

21 So they like "You Christopher Bryant?"

22 "Yeah."

23 "Come here. Come here."

24 So I go -- my mama and my niece and my -- my  
25 mama, my niece, and my sister were standing in the door. So



1 I said, "Yeah. What's going on?"

2 They was like, "Yeah. We need to take you  
3 down to the public safety center. Do you mind if we take  
4 you downtown?"

5 I said, "Yeah, sure. What's going on?"

6 They was like, "Oh, they just give us the  
7 names and we come get them, you know."

8 I said, "Okay."

9 Well, my mom was like, "Well, can I go with  
10 him?"

11 They was like, "Well, we're going to bring  
12 him right back. We ain't got no reason not to."

13 I'm 15 at the time. I remind y'all, I was 15  
14 at the time. And I got in the police car with no problem.

15 Nathaniel Cauthen was in my house in that  
16 room right here playing a video game.

17 MS. BRIDENSTINE: Uh-huh.

18 MR. BRYANT: Another detective pulled up. As  
19 I'm getting in the car, an altercation with him -- he just  
20 like --

21 MS. BRIDENSTINE: Nathaniel Cauthen?

22 MR. BRYANT: Yeah. They're trying to grab  
23 him like, "You going with me" da, da, da, da, like -- I  
24 don't like -- and I guess this is all coming from after they  
25 took Jermal down there and he gave them whatever statements



1 he gave them that implicated everybody, you understand what  
2 I'm saying?

3 MS. BRIDENSTINE: At that time, did you know  
4 Jermal Tolliver was at the police station?

5 MR. BRYANT: I didn't know. I didn't know.  
6 I didn't know what was going on. I didn't know nothing.

7 Only thing I knew is that they came, picked  
8 me up, and I didn't come home no more until last year, 2017.  
9 And I been -- out of everybody that's, you know -- even  
10 though I'm home and I'm free, it's still -- like it still  
11 hovers over me because I know I could have -- I could  
12 have -- I could have been anything, you know what I'm  
13 saying?

14 But I went to prison for something I didn't  
15 do. I didn't even -- like my mama, she called caught breast  
16 cancer while I was in there, like -- all types of stuff. I  
17 didn't do it. If I did it, I would be happy -- there's  
18 plenty of people in prison that don't get a second chance.  
19 And for you to get out and still acting like you didn't do  
20 it, like what -- what is you going to get out of that? I  
21 ain't getting nothing out of this, you understand what I'm  
22 saying?

23 MS. BRIDENSTINE: Yeah.

24 MR. BRYANT: So at the end of the day, it's  
25 my life. This is my life, you understand what I'm saying?



1 I go to work every day. I don't miss a day. I go to work  
2 every day. I'm not trying to be out here trying to catch up  
3 and -- and I just done missed out. Like I didn't -- I  
4 didn't have no prom, I didn't have nothing. Like -- like I  
5 ain't even get to spend a lot of time with my mama. Like I  
6 was 15. Like my mama is 71. Like ain't no telling when  
7 she's going to pass, you know?

8 So I don't know ...

9 MS. BRIDENSTINE: So I've got some questions  
10 about the 15th, and then I know you were arrested on the  
11 19th --

12 MR. BRYANT: On the 19th.

13 MS. BRIDENSTINE: -- which was the following  
14 Tuesday.

15 So just to try to get as many details as you  
16 remember.

17 MR. BRYANT: Uh-huh.

18 MS. BRIDENSTINE: So going back to the  
19 15th --

20 MR. BRYANT: Okay.

21 MS. BRIDENSTINE: -- which was Friday --

22 MR. BRYANT: Okay.

23 MS. BRIDENSTINE: -- the night Mr. Jones  
24 died.

25 So you were here. You were at your house



1 after school until 8:00 p.m.

2 MR. BRYANT: After school. I was here. I  
3 walked to the store. I walked to the store. I had got a  
4 ice cream.

5 MS. BRIDENSTINE: Which store was that?

6 MR. BRYANT: Amoco. Used to be Amoco --  
7 well, it was Amoco. It's BP now, the one right up the  
8 street.

9 We was supposed to go to the mall. We had  
10 some -- what's them bus passes?

11 MS. BRIDENSTINE: Uh-huh.

12 MR. BRYANT: But it started raining; so we  
13 didn't go. We came back to my house and we chilled over  
14 here for a while, and that's when Jessicah Black pulled up  
15 with Rayshawn -- I mean, not Rayshawn but Nathaniel Cauthen,  
16 which is Rayshawn's brother. Him -- it was him. Jed --  
17 Sherman Williams.

18 MS. BRIDENSTINE: So Jed is Sherman Williams?

19 MR. BRYANT: Yeah. Jed -- that's -- I know  
20 his full name. He stayed right down here. He still stay  
21 there, matter of fact. Him -- they had dropped Shelton off  
22 before they had came back up here, to my understanding, what  
23 I was told, they had dropped Shelton off.

24 So they came back. And then we was going  
25 to -- Jessicah Black the one that drive -- yeah, she was



1 going to take us to -- she was saying she was a dyke. She  
2 was going to show her that she was a dyke, she was going to  
3 kiss the girl at Midway and all this stuff. But we ended  
4 up -- they ended up -- she didn't go to Midway.

5 They ended up going to the bowling alley, to  
6 my understanding. And then that's the thing, like they  
7 said -- the police specifically told y'all I was not in no  
8 car at no bowling alley. And this man -- Vince Stephens  
9 specifically got up there and said he removed these people  
10 out of the bowling alley. And he said, "This is my first  
11 time ever seeing this man," pointed at me, like, "I ain't  
12 never seen this man a day in my life until now."

13 MS. BRIDENSTINE: Uh-huh.

14 MR. BRYANT: But I'm in the car -- I'm in her  
15 car. Like the girl -- this is the thing. Jessicah Black,  
16 she was hanging out over here across the street in this --  
17 there was a little dope house or something, to my  
18 understanding. And her boyfriend was named Opie and he was,  
19 I guess, a drug addict or something. But that's how we met.  
20 We was just cool -- like my mom been staying here since '99,  
21 you understand what I'm saying; so we just got cool with it.  
22 She would come around and stuff like that, but never ever  
23 had she took us to go commit no murder.

24 MS. BRIDENSTINE: Okay.

25 MR. BRYANT: And for her to go down there and



1 sit there -- and I guess they done threatened her the same  
2 way they threatened me with the death penalty and stuff. I  
3 don't know. It might've got to her where she just like let  
4 it follow through with it, just keep going along through  
5 with it. But at the end of the day, like I wish I could  
6 really talk to her and let her know like that ain't the way  
7 to go. You shouldn't have did us like that.

8 MS. BRIDENSTINE: When did you meet Jessicah  
9 Black?

10 MR. BRYANT: I met Jessicah Black -- it was  
11 that same year. It was the same -- I don't know what date,  
12 but it was the same year. It was the same year.

13 MS. BRIDENSTINE: Do you know about how long  
14 you had known her?

15 MR. BRYANT: I had known her for a few  
16 months. I had known her for a few months.

17 MS. BRIDENSTINE: So what would you say your  
18 relationship with her was?

19 MR. BRYANT: I didn't -- I didn't have no  
20 relationship with her. I was just cool with her because my  
21 friends was cool with her, you know. I was okay with her.

22 MS. BRIDENSTINE: Okay.

23 MR. BRYANT: I didn't hang out.

24 MS. BRIDENSTINE: Did you consider her a  
25 friend?



1 MR. BRYANT: No, I didn't. I didn't. I just  
2 consider her somebody that came around. She was just  
3 like --

4 MS. BRIDENSTINE: How often would you see  
5 her?

6 MR. BRYANT: I would see her like all the  
7 time because she lived right there. She be over there, you  
8 know. And so one of my friends --

9 MS. BRIDENSTINE: Across the street at  
10 Opie's --

11 MR. BRYANT: Yes, she did.

12 MS. BRIDENSTINE: -- house?

13 MR. BRYANT: Yeah, Opie's house. So -- and  
14 then one of my friends started talking to her, and I guess  
15 they -- her and Nathaniel Cauthen kind of became something,  
16 you know. But -- and then, that's the thing, like me and  
17 Rayshawn Banner didn't even get along. Like why would I go  
18 commit a crime with somebody I had just got in a fight with?  
19 The man blacked my eye. Like I was not even cool with him.  
20 This situation brung a lot of us closer, though. You  
21 understand what I'm saying? Because we --

22 MS. BRIDENSTINE: When did you get in a fight  
23 with Rayshawn Banner?

24 MR. BRYANT: This was -- this was -- we had  
25 got in a fight down here Spragg pool -- this wasn't -- this



1 was like probably the end of '01 or '02. I can't -- I can't  
2 remember.

3 But we had got in a fight, and I wouldn't  
4 never -- I was cool with his brother, Nathaniel Cauthen, but  
5 I wasn't really cool with Rayshawn Banner like that.  
6 Because Rayshawn Banner was like -- you know, he go to the  
7 little detention center and then he come home and people be  
8 scared of him and stuff. I just wasn't scared of him. So  
9 like I mind my business. I go to school, you know, when I  
10 was a kid, you know, I didn't get in no trouble. I  
11 didn't -- you know, I didn't really get -- I didn't get in  
12 no trouble out here.

13 MS. BRIDENSTINE: Okay.

14 MR. BRYANT: See what I'm saying?

15 But me and him, we had our clash or whatever.  
16 We got in a fight or whatever, and that was that. But I  
17 didn't -- we didn't never really hang out for us to do  
18 nothing like that like -- and like rob somebody, that ain't  
19 my mojo. That ain't my thing.

20 And when people heard about it, they was  
21 like, "Yeah, they probably would go in a store and steal  
22 something out of the store, but they ain't going to kill  
23 nobody," like ...

24 But yeah, they did -- went to the -- they  
25 said they went to the bowling alley. My understanding, they



1 went to the bowling alley. Officer Vince Stephen had kicked  
2 them out. They left there. She dropped Jermal Tolliver  
3 off. She dropped Brayboy off. She dropped Brayboy off, and  
4 I think Nathaniel Cauthen went with her, and they spent --  
5 he spent the night with her or something, if I'm not  
6 mistaken.

7 MS. BRIDENSTINE: Where were you?

8 MR. BRYANT: Where was I?

9 MS. BRIDENSTINE: Uh-huh.

10 MR. BRYANT: I was at home. I had came back.  
11 Like we had went -- like when I told you we had went to the  
12 store and we were going to go to the mall or whatever; so I  
13 had -- we had came back to my house. And then once we went  
14 down there, I had got dropped back off at my mama house.  
15 And I told you I had told her -- told her that somebody had  
16 got hurt down there, understand what I'm saying? That's the  
17 thing. I didn't know nobody had died though.

18 MS. BRIDENSTINE: So when you said you walked  
19 up to the Amoco, which is now BP --

20 MR. BRYANT: Yeah.

21 MS. BRIDENSTINE: -- what time was that?

22 MR. BRYANT: This was -- this was like around  
23 5:00 going on 6:00 probably.

24 MS. BRIDENSTINE: And when you said that  
25 Jessicah Black took some of you over to the crime scene --



1 MR. BRYANT: Yeah.

2 MS. BRIDENSTINE: -- that was at 8:00?

3 MR. BRYANT: This -- no. This was later.  
4 This was probably around -- this had -- like the police and  
5 all of them was already down there; so it had to be after  
6 the -- the crime, understand what I'm saying?

7 MS. BRIDENSTINE: Uh-huh.

8 MR. BRYANT: So to my understanding, after  
9 they went down there, I came back up here and they had left  
10 and I guess they went to the bowling alley and all this  
11 stuff. Because they try to say after we did, that's where  
12 we went, and we went and spent money at the mall and -- I  
13 didn't even have no money.

14 MS. BRIDENSTINE: So I just want to make sure  
15 I understand your movements on the 15th --

16 MR. BRYANT: Okay.

17 MS. BRIDENSTINE: -- correctly.

18 All right. So please correct me if I say  
19 anything that's not right.

20 MR. BRYANT: Uh-huh.

21 MS. BRIDENSTINE: So you were here at your  
22 house after school. Around 5:00 or 6:00, you walked up to  
23 this convenience store.

24 MR. BRYANT: Yeah.

25 MS. BRIDENSTINE: You came back, the Amoco.



1 MR. BRYANT: Uh-huh.

2 MS. BRIDENSTINE: And then you saw Jessica  
3 Black with Nathaniel Cauthen and, you said, Jed.

4 MR. BRYANT: Jed -- Sherman Williams.

5 MS. BRIDENSTINE: Right.

6 MR. BRYANT: Williams.

7 MS. BRIDENSTINE: And --

8 MR. BRYANT: Because we had to take him --  
9 only reason we went back down there was because we had to  
10 drop him off right there, and that's how we seen the crime  
11 scene and all that stuff.

12 MS. BRIDENSTINE: So you were in the car.  
13 When you saw Jessica Black come back with Nathaniel Cauthen  
14 and Jed, who got into the car and at what time was that?

15 MR. BRYANT: This was -- this had to be a  
16 little bit after 7:00 -- a little bit after 7:00 or  
17 something. When I -- when I got in the car and Jermal  
18 Tolliver -- me and Jermal was the only one that got in the  
19 car later on. Banner -- that's the thing, Banner wasn't  
20 never with us none that day. That's the thing. Like -- but  
21 anyway, me and Jermal got in the car and we went down there  
22 to drop Jed -- I mean -- yeah, Sherman Williams, off. And  
23 that's when we see the crime scene unit. So the crime had  
24 already happened then.

25 MS. BRIDENSTINE: Okay.



1 MR. BRYANT: And that's what we seen that it  
2 was the police and they had duct tape -- I mean the caution  
3 stuff and all that stuff up. So ...

4 MS. BRIDENSTINE: And who was at the -- who  
5 went down and looked at the crime scene with you?

6 MR. BRYANT: Me, Jermal Tolliver, Dorrell  
7 Brayboy, Nathaniel Cauthen, and Jessicah Black.

8 MS. BRIDENSTINE: All right. And so do  
9 you -- and was this right after she pulled up to this area?

10 MR. BRYANT: What you mean.

11 MS. BRIDENSTINE: Like when did you leave to  
12 go with her?

13 MR. BRYANT: Okay. She pulled up, we was  
14 outside probably talking and laughing and stuff. Jed wanted  
15 to go home. Jed wanted to go home. So we -- took him home.  
16 We took him home.

17 But when we took him home, we seen the crime  
18 scene unit. So we just rode a little bit up the street, got  
19 out the car, and was like, "Dang, what's going on?" You  
20 know? And like that's the thing, I never met Mr. Jones a  
21 day in my life. I never seen him. Like I never -- I don't  
22 be down there, you understand what I'm saying? So ...

23 MS. BRIDENSTINE: Uh-huh.

24 MR. BRYANT: But we're like, "Man, what's  
25 going on?"



1                   They was like, "Yeah, somebody got hurt" and  
2     da, da, da. But ain't nobody said nothing about nobody  
3     dying -- that's the thing.

4                   So after that, we came back up here. I get  
5     dropped off. I go -- I'm at my mama house with my sister  
6     and them because I told you my sister was sick or whatever;  
7     so I were watching my little niece.

8                   And the next day goes on like -- don't  
9     nobody (indiscernible) -- uh-huh?

10                  MS. BRIDENSTINE: Sorry. I just want to go  
11     back to the 15th.

12                  So after you guys went to the crime scene,  
13     you got dropped off and you stayed at home the rest of the  
14     day?

15                  MR. BRYANT: Yeah. Yeah. I ain't go nowhere  
16     else.

17                  MS. BRIDENSTINE: And how long were you -- do  
18     you think you were at the crime scene looking at it?

19                  MR. BRYANT: Probably like five minutes.  
20     Like it was just like, "Dang, somebody done got hurt." But  
21     it's like a regular day like, "Dang, somebody done got hurt"  
22     or something. And we got back in the car and came back up  
23     this way. I got out of the car, I'm like, "Dang, what y'all  
24     about to do?"

25                  "Oh, we about to go here," you know what I'm



1 saying? So well --

2 MS. BRIDENSTINE: So you understood they went  
3 to the bowling alley after?

4 MR. BRYANT: Yeah. They went to the bowling  
5 alley because it's in -- it's in black and white. They went  
6 to the bowling alley.

7 MS. BRIDENSTINE: Did you see any of the  
8 other -- anyone else that night after they dropped you off?

9 MR. BRYANT: Uh-uh.

10 MS. BRIDENSTINE: All right. Did -- what  
11 happened on Saturday?

12 MS. MATOIAN: Can I ask one question, Julie?

13 When you were talking a few minutes ago and  
14 you indicated that Jessicah Black dropped Jermal Tolliver  
15 off, did you see her drop him off?

16 MR. BRYANT: Yeah. He -- like I was over --  
17 when she dropped him off, I was on the front porch. I was  
18 on the front porch when she dropped him off. And he was  
19 sitting out there, him and his brother Gizmo was sitting out  
20 there on the -- the thing or whatever, the banner [sic].

21 MS. BRIDENSTINE: Is Gizmo a nickname?

22 MR. BRYANT: Gizmo, his brother, Thayers  
23 Tolliver.

24 MS. MATOIAN: Did you see the other boys in  
25 the car with her at the same time when she was dropping him



1 off?

2 MR. BRYANT: I didn't see Brayboy.

3 MS. MATOIAN: Okay.

4 MR. BRYANT: I didn't see Brayboy and I  
5 didn't see Banner.

6 MS. MATOIAN: So when you were saying that  
7 she dropped Jermal Tolliver off and drove Brayboy off and  
8 Nathaniel Cauthen went with her, do you personally know  
9 that? Or is that what you were told by somebody?

10 MR. BRYANT: That's what I know. I know she  
11 dropped him off.

12 MS. MATOIAN: Okay.

13 MR. BRYANT: But like --

14 MS. MATOIAN: Because you saw that yourself?

15 MR. BRYANT: Yeah. I seen that myself. He  
16 was sitting on the front porch with his brother after you  
17 know so ...

18 MS. MATOIAN: Okay.

19 MR. BRYANT: And then I had went over and I  
20 was talking to them. But like I don't remember what time he  
21 got dropped off though, that's the thing. I don't remember.

22 MS. MATOIAN: Okay. But you don't personally  
23 know when she dropped the other ones off?

24 MR. BRYANT: I don't personally know.

25 MS. MATOIAN: Or that Nathaniel Cauthen



1 stayed with her?

2 MR. BRYANT: Uh-huh.

3 MS. MATOIAN: Okay.

4 MR. BRYANT: This was after -- it had to be  
5 later on that night like -- probably like 9:00 or  
6 10:00 probably, if I'm correct, but I'm not sure.

7 MS. MATOIAN: Okay.

8 MS. BRIDENSTINE: So what happened on  
9 Saturday, the 16th?

10 MR. BRYANT: I don't remember what happened  
11 on Saturday. I don't -- I don't recall.

12 MS. BRIDENSTINE: Or Sunday, the 17th?

13 MR. BRYANT: A regular day, just playing  
14 around the neighborhood, riding my little spree -- ain't got  
15 a care in the world.

16 MS. BRIDENSTINE: Did you go to Hanes Mall  
17 that weekend or that following Monday?

18 MR. BRYANT: I didn't go to no mall. I  
19 didn't have no money.

20 MS. BRIDENSTINE: Did you buy anything that  
21 weekend?

22 MR. BRYANT: I ain't bought nothing.

23 MS. BRIDENSTINE: Did you see Jermal Tolliver  
24 with money that weekend?

25 MR. BRYANT: Jermal Tolliver ain't had no



1 money.

2 MS. BRIDENSTINE: Or Dorrell Brayboy?

3 MR. BRYANT: No money.

4 MS. BRIDENSTINE: Or Rayshawn Banner?

5 MR. BRYANT: No money.

6 MS. BRIDENSTINE: Or Nathaniel Cauthen?

7 MR. BRYANT: No money.

8 MS. BRIDENSTINE: Did you see that anyone had  
9 bought anything that weekend?

10 MR. BRYANT: No. Ain't nobody had nothing --  
11 no new clothes, no new shoes, no new nothing. Ain't nobody  
12 had nothing new. Nothing.

13 MS. BRIDENSTINE: You just mentioned your  
14 spree.

15 MR. BRYANT: Yeah, I had a spree.

16 MS. BRIDENSTINE: Did you --

17 MR. BRYANT: My mama --

18 MS. BRIDENSTINE: Did you have tape on the  
19 spree?

20 MR. BRYANT: Yeah. I had -- I had bought it  
21 from Bam. It had tape and stuff already on it though.

22 MS. BRIDENSTINE: What color? And what type  
23 of tape was it?

24 MR. BRYANT: It was gray tape. It was tape,  
25 period. Like it had tape on the handlebars. It had -- I



1 paid a hundred dollars for -- my mama bought it for me from  
2 Bam. He stayed right here on the corner.

3 MS. BRIDENSTINE: You bought it from somebody  
4 named Bam?

5 MR. BRYANT: Yeah. For a hundred dollars.

6 MS. BRIDENSTINE: Okay.

7 MR. BRYANT: Yeah. The muffler was gone. It  
8 was real loud. I used to have to put it up because the  
9 police be like, "It's too loud, you got to have it in the  
10 house by 7:00 o'clock," you know.

11 MS. BRIDENSTINE: Okay. So I know you said  
12 you had never done anything like committing robberies or  
13 been in trouble.

14 MR. BRYANT: Yeah. I never --

15 MS. BRIDENSTINE: Did you know Rayshawn  
16 Banner to ever commit robberies before?

17 MR. BRYANT: I ain't -- I ain't never know  
18 about committing no robberies. But honestly speaking, like,  
19 you know, people that think like he probably would, you  
20 know, rob somebody or -- I don't know about killing nobody,  
21 you know, but he was one of them people that would  
22 (indiscernible) get in fights with people and, you know,  
23 stuff like that. I mean, he was just ...

24 MS. BRIDENSTINE: Did you ever personally  
25 know him to do anything like commit a robbery?



1 MR. BRYANT: Uh-uh. Naw. Ain't never heard  
2 him commit no -- I heard him like get in fights and stuff.  
3 You know, that's what teenagers do, getting in a fight. But  
4 I never heard about robbing nobody. But, you know, people  
5 will base stuff off, "Oh, he aggressive" or "He mean" or --  
6 he just ain't going to let nobody run over him I guess, you  
7 know.

8 MS. BRIDENSTINE: Okay. What about Nathaniel  
9 Cauthen? Did you ever know him to rob anybody?

10 MR. BRYANT: Ah, naw. Naw. No. He don't  
11 think like that. He (indiscernible). I mean ...

12 MS. BRIDENSTINE: What about Jermal Tolliver?

13 MR. BRYANT: Oh, no. He scared of stuff like  
14 that.

15 MS. BRIDENSTINE: Or Dorrell Brayboy?

16 MR. BRYANT: Uh-uh. He just -- that's the  
17 thing. Dorrell Brayboy just moved from South Carolina. And  
18 to get caught up in some stuff like this, you know ...

19 MS. BRIDENSTINE: Do you know when he moved?

20 MR. BRYANT: I can't recall. I can't recall,  
21 but he had moved down here in like 2000 -- like he moved --  
22 well, I had met him like in 2000.

23 (Interruption by child.)

24 MS. BRIDENSTINE: Did you hear anyone else --  
25 Rayshawn Banner, Nathaniel Cauthen, Jermal Tolliver, Dorrell



1 Brayboy -- ever brag about committing robberies or planning  
2 it?

3 MR. BRYANT: I never -- uh-uh. And I'm going  
4 to be honest with you. If they would've committed that  
5 crime and I knew about it, I wouldn't be in prison. I  
6 would've told on them. Like that's just being honest. Like  
7 I'm not going to go prison for nobody. You know, I hurt --  
8 like I hurt for that (indiscernible). I asked them a  
9 million times when we was going to our preliminary hearings  
10 like, "Man, did any of y'all have anything to do with that?"  
11 Because I can't account for their whereabouts until they  
12 came to get me, you understand what I'm saying? I can't  
13 account for that.

14 So I'm telling them like, "Look, if y'all did  
15 it, man, just say it, man, because, man, I can't do this,  
16 man, like I ain't supposed to be in there."

17 "I promise, man, we ain't do it. Man, I  
18 ain't do it".

19 MS. BRIDENSTINE: Does the term "making a  
20 lick" -- what does that mean to you?

21 MR. BRYANT: Making a lick? I mean, that's a  
22 slang term that means robbing somebody.

23 MS. BRIDENSTINE: Did anyone ever brag about  
24 making a lick?

25 MR. BRYANT: Uh-uh. Ain't nobody say nothing



1 about making no licks.

2 MS. BRIDENSTINE: Who is Nelson?

3 MR. BRYANT: Nelson is -- he just -- Nelson  
4 stayed up the street, one of our buddies. Yeah, he was all  
5 right. He locked up right now matter of fact.

6 MS. BRIDENSTINE: Do you know his last name?

7 MR. BRYANT: Nelson -- I can get it for you  
8 though.

9 MS. BRIDENSTINE: Is it Hartmann? Does that  
10 sound right?

11 MR. BRYANT: That probably is right.

12 MS. BRIDENSTINE: Okay. And what race is he?

13 MR. BRYANT: Caucasian.

14 MS. BRIDENSTINE: Okay. Did you see him on  
15 the 15th of November?

16 MR. BRYANT: I can't recall.

17 MS. BRIDENSTINE: Or the 16th?

18 MR. BRYANT: I seen him on the 19th because I  
19 was up to his house the day they came, and I -- I walked  
20 from his house that I putting spark plugs and stuff in my --  
21 not spark plugs -- what do you spray on the carburetor?  
22 (indiscernible) (indiscernible) get it to start.

23 But I was up at his house -- me, him, and  
24 Donovan West. And I walked down the street, and that's when  
25 I went, you know, down to the public safety center.



1 MS. BRIDENSTINE: Did you ever talk about  
2 Mr. Jones and what happened with Nelson?

3 MR. BRYANT: Uh-uh.

4 MS. BRIDENSTINE: Or Donovan?

5 MR. BRYANT: Uh-uh.

6 MS. BRIDENSTINE: Did you talk about what  
7 happened to Mr. Jones with anyone before the police arrested  
8 you on the 19th?

9 MR. BRYANT: Uh-uh. I never spoke on it.  
10 Like I -- I never -- only thing I spoke on was somebody got  
11 hurt down the street, which was to my mother.

12 Other than that, I didn't speak to nobody  
13 about getting no lick, robbing nobody, ain't got no reason  
14 to rob nobody. I didn't mention nothing about none of that.  
15 Like I don't know where like Ms. Black got that stuff from.  
16 I don't know what they put in her head, but I guess by  
17 Jermal Tolliver going down there, making the confession he  
18 made, then taking them on a wild goose chase looking for  
19 some type of wallet or something -- messed it up. It just  
20 made it look -- it just -- it was a coerced statement. It's  
21 like -- he 15, he don't know. He scared. You threaten the  
22 man with the death penalty. They threatened me with the  
23 death penalty. I'm sitting in there, three of them come in  
24 there. The man on the phone right n there asking, "Do you  
25 want the death penalty?" And, like, "Hold your arm out.



1 That's the vein. That's the vein," know what I'm saying?  
2 Like come on. Like I'm a kid that ain't never been through  
3 nothing, going -- they going to say whatever you want them  
4 to say so they -- so you can leave them alone like.

5 MS. BRIDENSTINE: Did you spend the night at  
6 Jermal Tolliver's house the 15th of November?

7 MR. BRYANT: No. I stayed at home. I didn't  
8 spend the night -- I ain't never spent the night over at his  
9 house.

10 MS. BRIDENSTINE: Okay. So not the 16th?

11 MR. BRYANT: I ain't never spent the night  
12 over at his house. And we've been friends since I moved  
13 over here and I ain't never spent the night at his house.

14 MS. BRIDENSTINE: Did he ever spend the night  
15 at your house?

16 MR. BRYANT: He never spent I -- I don't  
17 remember him spending the night at my house. I might have  
18 stayed over there a little late because it's right across  
19 the street, but I ain't never like spent the night and went  
20 to sleep on his couch and stuff like that, naw.

21 MS. BRIDENSTINE: Did you see his sister  
22 Yolanda Tolliver that weekend?

23 MR. BRYANT: I see his sister -- I see his  
24 sister every day though. You know, I see her every day.

25 MS. BRIDENSTINE: Do you remember if you saw



1 her on the 15th?

2 MR. BRYANT: Yeah. I'm sure I did.

3 Positive.

4 MS. BRIDENSTINE: But do you -- do you  
5 actually remember that now?

6 MR. BRYANT: I don't remember. But -- I did  
7 because I seen her every day. Like I was over there every  
8 day or we was back across the street with each other, you  
9 know. So ...

10 MS. BRIDENSTINE: Did you ever have a  
11 conversation about Mr. Jones in front of her?

12 MR. BRYANT: With her? No.

13 MS. BRIDENSTINE: In front of her.

14 MR. BRYANT: No.

15 MS. BRIDENSTINE: Like with Jermal Tolliver  
16 in front of her.

17 MR. BRYANT: No. No. Never.

18 MS. BRIDENSTINE: Did anything happen between  
19 Jermal Tolliver's brother on the Thursday before Mr. Jones  
20 died? So I think that would be November 14th?

21 MR. BRYANT: Who brother?

22 MS. BRIDENSTINE: Jermal Tolliver's brother.

23 Did anything happen between him and Nathaniel  
24 Cauthen?

25 MR. BRYANT: Uh-uh. Uh-uh.



1 MS. BRIDENSTINE: Do you remember what shoes  
2 you were wearing on November 15?

3 MR. BRYANT: I had on some -- I had on some  
4 Air Force Ones. I had on some Air Force Ones or some --  
5 hang on. I had on some red sweatpants. I can't remember.

6 MS. BRIDENSTINE: You can't remember? All  
7 right.

8 What size shoe do you wear?

9 MR. BRYANT: I wear -- at the time, I was  
10 wearing an 11. I wear 11 1/2 now.

11 MS. BRIDENSTINE: Do you remember what shoes  
12 anyone else was wearing on the 15th?

13 MR. BRYANT: I remember Nathaniel Cauthen had  
14 some Jordans, some nice little blue-and-white Jordans. He  
15 had some blue-and-white Jordans.

16 MS. BRIDENSTINE: Is that Air Force One or --

17 MR. BRYANT: Air Jordan.

18 MS. MATOIAN: Do you remember what number  
19 they were?

20 MR. BRYANT: 23. 23. That's Jordan's  
21 number, 23.

22 MS. MATOIAN: I know. But I know there's  
23 like 7-Eleven --

24 MR. BRYANT: Oh, Retro. So Retro 12. Okay.  
25 Yeah. So you know. I don't know which one. That's what --



1 you got me. I don't know that one. I don't know. You done  
2 got Retro 12. But if I see them, I can be like, "Oh, yeah.  
3 That's them right there." They was blue, gray, and white.  
4 They was blue gray and white.

5 MS. MATOIAN: Okay.

6 MS. BRIDENSTINE: Do you member what shoes  
7 Jermal Tolliver was wearing?

8 MR. BRYANT: I think he had on some -- these  
9 was some shoes that he used to wear every day. They was  
10 some blue and gray Air Force Ones.

11 MS. BRIDENSTINE: Okay.

12 MR. BRYANT: Because it just got them and he  
13 used to wear them all the time. Matter of fact, I seen  
14 them -- when they brung all our clothes and stuff in, they  
15 (indiscernible) the shoes and stuff on the thing or  
16 whatever.

17 MS. BRIDENSTINE: Uh-huh.

18 MR. BRYANT: That thing, if you -- I mean, if  
19 you committed a crime, it's going to be some type of  
20 evidence to put you at that scene. It's going to be  
21 something. If you taping somebody up or whatever you  
22 doing -- and if it's several people, the -- that crime scene  
23 going to get contaminated some way. Somebody will step in  
24 some blood, somebody gonna -- hair fiber, something --  
25 something going to be there.



1                   And the way she kept bringing up -- the way  
2    Jessicah Black kept bringing my name up, something -- I --  
3    something -- from -- from me was supposed to be left at that  
4    scene. If I did that crime, something from me was supposed  
5    to be left at that scene.

6                   Y'all got no fibers -- nothing putting me at  
7    the scene except this girl who ain't got nothing to lose by  
8    her -- she got nothing to lose by telling them that we did  
9    it. You understand what I'm saying? Like ...

10                  MS. BRIDENSTINE: Do you remember what shoes  
11    Nathaniel Cauthen was wearing that night?

12                  MR. BRYANT: I think it was the blue, gray,  
13    and white -- the blue, gray, and white Air Jordans.

14                  MS. BRIDENSTINE: What about Rayshawn Banner?

15                  MR. BRYANT: He had some -- I knew he had  
16    some red and white Air Force Ones with some -- they had some  
17    shoestring -- no, they was -- he had some type of -- he had  
18    on some Air Force Ones because that's the -- like that's the  
19    brand shoe that everybody was wearing because they had just  
20    came out. Because every month, they come out with different  
21    styles or something --

22                  MS. BRIDENSTINE: Uh-huh.

23                  MR. BRYANT: -- and everybody would buy them.  
24    They was some Air Force Ones. And Air Force Ones got a  
25    distinctive symbol on them, you understand what I'm saying?



1 MS. BRIDENSTINE: Uh-huh.

2 MR. BRYANT: So I know he had on some. I  
3 remember him having on some -- matter of fact, his was --  
4 they was white and blue with some red shoestrings on them, I  
5 think, if I'm not mistaken.

6 MS. BRIDENSTINE: Do you remember what  
7 Dorrell Brayboy was wearing, his shoes?

8 MR. BRYANT: I can't -- I can't. I know -- I  
9 can't remember.

10 MS. BRIDENSTINE: Okay.

11 MR. BRYANT: I can't remember.

12 MS. BRIDENSTINE: And like we said before, we  
13 don't want you to guess.

14 MR. BRYANT: Yeah. I ain't going to guess.  
15 I ain't going to guess.

16 MS. BRIDENSTINE: Who is Joseph Cauthen?

17 MR. BRYANT: Joseph Cauthen is Nathaniel  
18 Cauthen dad, housed -- incarcerated now.

19 MS. BRIDENSTINE: Does he -- does Joseph  
20 Cauthen have a nickname?

21 MR. BRYANT: He probably do, but I didn't get  
22 close enough to him to find out. I don't know.

23 MS. BRIDENSTINE: Okay. And did you know  
24 anybody named Anjuan?

25 MR. BRYANT: I knew a Anjuan, yeah. Anjuan.



1 We call him Migo.

2 MS. BRIDENSTINE: Okay. Moving on to the  
3 19th when you were arrested, I know you said the police  
4 showed up and Nathaniel Cauthen was playing video games  
5 here.

6 MR. BRYANT: Uh-huh.

7 MS. BRIDENSTINE: And they picked you up.

8 When you said that they -- another detective  
9 pulled up and took Nathaniel Cauthen, did you see that? Or  
10 did you --

11 MR. BRYANT: Naw, I seen it because I had the  
12 door open. And I was like, "Why -- if they gone bring him  
13 right back, why they acting like that towards you?"

14 They like -- I'm like -- you know what I'm  
15 saying? And so I was just like -- they was like, "Yeah,  
16 don't worry about him," just -- you know what I'm saying, so  
17 I got in the car, and I'm like ...

18 MS. BRIDENSTINE: So you saw them pushing his  
19 head down?

20 MR. BRYANT: Yeah. I seen them push his head  
21 down. And he's like, you know, "What y'all doing?" So  
22 Nath- -- Rayshawn Banner was up here that day too. Rayshawn  
23 Banner was up here that day. They didn't even pick him up.  
24 They let him walk down the street. They let him walk off  
25 and everything because he came down to the public safety



1 center later on that night.

2 MS. BRIDENSTINE: So tell me what happened  
3 after you got in the police car. Let's go through  
4 everything you remember --

5 MR. BRYANT: Okay.

6 MS. BRIDENSTINE: -- from the 19th.

7 MR. BRYANT: I remember.

8 Okay. I got in the police car, went down to  
9 the public safety center. I think it was Detective Nate  
10 Stanback and Detective Rose. These two -- the two  
11 detectives that came to meet me was -- they was black  
12 officers, a big black guy and a black light-skinned female.

13 And I went down there. Sat me in there.  
14 They left out. So I'm sitting in there by myself.

15 So they come in there with the thing like  
16 that or whatever --

17 MS. BRIDENSTINE: With a notepad?

18 MR. BRYANT: Yeah. A notepad. Sit down.

19 "How you doing, Mr. Bryant?"

20 "How y'all doing?"

21 You know, I don't know what's going on. I'm  
22 shaking hands and stuff. Because I thought it was about a  
23 little dirt bike -- a little dirt bike somebody had stole,  
24 and I thought they was going around looking for that little  
25 dirt bike or whatever because it was like a little 50, a



1 little dirt bike or whatever. But I thought that's what it  
2 was about.

3 So when I get down there, he was like, "You  
4 thirsty or whatever?"

5 I was like, "Yeah, I could take a drink, you  
6 know. I could get me a Dr. Pepper."

7 So I was sitting there. So he came back in  
8 and he -- so he was like "So what happened on November 15,  
9 20 -- what happened on November 15" or whatever.

10 MS. BRIDENSTINE: Uh-huh.

11 MR. BRYANT: So I'm like, "What you mean?"

12 He was like, "Look, man. Don't play with us.  
13 We already know you did it. We already know you were  
14 lookout. Jermal Tolliver already told us."

15 I said, "Lookout for what? I didn't do  
16 nothing. What are you talking about?"

17 So he started just going -- I guess him and  
18 Jermal Tolliver done like -- I guess he done ripped him up  
19 and tell him everything, he just agreeing with them; so --  
20 and then so he comes at me, and he's like, "Well, he already  
21 told us you was the lookout. Cut your bullshit and tell us  
22 the truth."

23 I said, "Man, I didn't do nothing, man. I  
24 didn't do nothing."

25 So I got my soda bottle and like I'm scared,



1    though, I'm being -- I was scared.  So I was spinning my  
2    tongue.

3                   He was like, "Quit spinning that fucking  
4    bottle around."

5                   So I stopped or whatever.  I'm like, "Sir, I  
6    didn't do nothing.  I don't know what you're talking about."

7                   He's like, "Look, we already know you did  
8    it," da, da, da, da, da, da, da, da.

9                   So I don't know -- I don't know nothing about  
10   the law, you understand?  At the time, I didn't.  But as  
11   of -- as I was going through the situation, while I was in  
12   county, I was reading law books and stuff like that.

13                  But, you know, they left out.  Then some  
14   other ones come in.  "Yeah.  Jermal Tolliver said this and  
15   Dorrell Brayboy said this" and da, da, da, da, da, da, da,  
16   da.

17                  "Well, look, you little son of a bitch" --  
18   and like they was just like -- and then, see, was -- Paul  
19   James asked me did they have a camera in there to record the  
20   interview.  And they didn't have no camera in there.  But  
21   they admitted to -- they admitted to doing what they was  
22   doing in there though.  That's the thing, like y'all know I  
23   supposed to have -- if my mother or lawyer was in there, I  
24   don't think they could have did what they did and how they  
25   did it.



1                   Like the way they investigated this -- this  
2 case, they didn't do a good job. They didn't find out --  
3 they all (indiscernible). They just seen that some kids  
4 don't know nothing about the law, done coerced them into  
5 agreeing to, "Yeah, we did it."

6                   So now we've got to live with this because  
7 now you've got this girl agreeing too; so now she -- she  
8 ain't getting charged with nothing, but she saying she took  
9 us to go do this, but why is she not charged? You  
10 understand what I'm saying? Like regardless of -- so why  
11 didn't get this person or that person a deal? Why they  
12 didn't -- why they just giving her a deal, you understand  
13 what I'm saying?

14                   MS. BRIDENSTINE: Uh-huh.

15                   MR. BRYANT: So that was my whole thing like  
16 I don't -- I don't understand the law. I still don't  
17 understand like -- like things showed y'all that something  
18 ain't right with the case.

19                   I had -- Prisoner Legal Services came down  
20 there like, "Yo, you can run a tow-truck through this case,"  
21 you understand what I'm saying? They like, "We don't  
22 understand like how they -- how did you get convicted" like.

23                   I don't know how I got convicted. I don't  
24 know. Like my lawyer only came to see me twice while I was  
25 in county jail. I stayed in the county jail 30 months or a



1 little longer. Only seen him twice. The man didn't fight  
2 for me -- he didn't even fight for me. He didn't even --

3 MS. BRIDENSTINE: Let me -- let me go back to  
4 when you said they were telling you that Jermal Tolliver  
5 said you were the lookout --

6 MR. BRYANT: Uh-huh.

7 MS. BRIDENSTINE: -- and you said they said  
8 Dorrell Brayboy had said something.

9 Do you remember what they said that Jermal  
10 Tolliver said?

11 MR. BRYANT: He said -- they said that he  
12 said that we went down there -- and this is the thing, like,  
13 the way it happened -- the way -- you know, as how the Court  
14 got it, the way Jermal Tolliver told it, he had been nowhere  
15 how it happened. You understand what I'm saying? Like the  
16 way he made up is how -- like they already knew how it  
17 happened or whatever, you understand what I'm saying? So he  
18 just going along with them like, "Yeah, that's -- yeah,  
19 that's how it happened, yeah, yeah," thinking he's going to  
20 go home. But the whole time, he's just making up stuff.

21 MS. BRIDENSTINE: Well, and how do you know  
22 that was happening with Jermal Tolliver?

23 MR. BRYANT: Because he tell -- he told me  
24 this later on down the line. Because I asked him you know,  
25 I said, "Yo, why did you like -- why did lie on us, like?"



1 And he told me, he was like, "Man, they was -- they was  
2 coming at me crazy. I was trying to make them leave me  
3 alone, bro." Like he apologized and everything like to me  
4 and like Dorrell Brayboy (indiscernible) with him at home  
5 like ...

6 MS. BRIDENSTINE: So going back to that, what  
7 did they tell you Jermal Tolliver --

8 MR. BRYANT: -- was saying?

9 MS. BRIDENSTINE: -- said?

10 Yeah.

11 MR. BRYANT: That we went to the mall, took  
12 them to go find a wallet or something, he said that, after  
13 we did it, we went to the mall or something I guess. And he  
14 told them people a lot of stuff. I don't know exactly what  
15 all he told them.

16 MS. BRIDENSTINE: I'm asking what the  
17 police --

18 MR. BRYANT: Told on me?

19 MS. BRIDENSTINE: -- told you that Jermal  
20 Tolliver told them.

21 MR. BRYANT: Okay. Okay. Yeah.

22 (Interruption by kids.)

23 MS. BRIDENSTINE: What you remember.

24 MR. BRYANT: He said that I was a lookout.  
25 He said -- you want to know everything they said Jermal



1 Tolliver saying about me?

2 MS. BRIDENSTINE: Whatever -- what you  
3 remember.

4 MR. BRYANT: Okay. Yeah. But when they  
5 said -- they said Rayshawn Banner said that we used a garden  
6 tool. And I said -- this is what I said when they came to  
7 me, and I just started -- I was like -- they went to the  
8 house, knocked on the door, and somebody did -- that I said  
9 happened in the house -- I guess that's why they used my  
10 statement. I said he got beat with a bat and all this  
11 stuff, but you get beat with a bat, you have broken bones  
12 and all type of stuff. I was just making up stuff just so  
13 they would leave me alone, you understand what I'm saying?

14 MS. BRIDENSTINE: Uh-huh.

15 MR. BRYANT: So they're like, you know,  
16 "Write it down right here" and stuff.

17 So I'm just writing stuff down, you know,  
18 like -- because they saying they going to let me go home.  
19 So like -- I'm 15. I don't -- I don't know. I'm not in  
20 the street. I don't know what to do when the police do this  
21 or do this or -- you know what I'm saying? I don't know.

22 So I was just like, "Yeah. This is what  
23 happened" or whatever. So they agreed to this. So I'm like  
24 yeah. So I'm thinking they're going to let us go  
25 afterwards, but after that was done, they had police



1 officers waiting in front of the door and was like, "You  
2 ain't going home."

3                   So they took me down there to the public  
4 safety center -- I mean the magistrate office, and we got  
5 fingerprinted. And at the time, I still didn't know how  
6 serious it was. Because I was trying to talk to the woman  
7 that was fingerprinting me, you know, laughing and stuff.  
8 And she's just like "You just don't understand what's going  
9 on, do you?"

10                   I'm like --

11                   She said, "You about to get charged with  
12 murder -- with first-degree murder."

13                   MS. BRIDENSTINE: So when you said that they  
14 said you could go home, tell me about that.

15                   MR. BRYANT: Oh. He left me -- he said I  
16 could go home.

17                   MS. BRIDENSTINE: When did he say that -- who  
18 said that and when?

19                   MR. BRYANT: One of the detectives were like  
20 "You can go home after you tell us -- tell us everything."

21                   So like if I be like, "Naw, that ain't what  
22 happened," "You lying."

23                   So this is what happened, da, da, da, da, da,  
24 da, da, da.

25                   "Yeah, that's how it happened." Yeah, that's



1 how it happened."

2 No, it's like they tried to -- they  
3 intimidated -- and like I didn't tell them that. Only  
4 thing -- I just agreed to what they was saying in there.

5 MS. BRIDENSTINE: You said -- you mentioned  
6 something earlier about the death penalty.

7 What did they tell you about that?

8 MR. BRYANT: Oh, he said -- came in the room.  
9 One of them got on their knee and one of them got right here  
10 on their knee, one of them standing up, and one of them was  
11 hovering over me and was like "Yeah, the man on the  
12 phone" -- he got the phone and were like, "Yeah, the man on  
13 the phone right now asked me which arm you want the death  
14 penalty in" and I was like "No. I ain't -- no, I ain't."

15 He was like, "Hold your arm out. That's -  
16 that's your vein. You see that vein? That's the vein.  
17 That's the vein."

18 And that's when I really just started making  
19 up stuff to go with it. That's when I really was like --  
20 like -- like naw, it ain't about -- naw.

21 MS. BRIDENSTINE: So if you're saying that  
22 you're innocent and you didn't commit the crime, why did you  
23 confess to the police?

24 MR. BRYANT: I was scared. I was coerced. I  
25 was scared. I didn't know no details to this crime until



1 they talked to me, until they told me what happened, and I  
2 just agreed with them.

3 MS. BRIDENSTINE: Other than telling the  
4 police that you were responsible for Mr. Jones' death, did  
5 you ever tell anyone else that you had something to do with  
6 Mr. Jones' death?

7 MR. BRYANT: Never. Never. Never.

8 MS. BRIDENSTINE: Why do you think Jessica  
9 Black testified against you and said what she said?

10 MR. BRYANT: I don't know. I wish I could  
11 find out. I really -- I really would like to know why she  
12 did that.

13 MS. BRIDENSTINE: Going back to the 15th, did  
14 you go to the Dollar General store that day?

15 MR. BRYANT: No. I didn't go -- I didn't --  
16 they said we went in there to get tape, but I didn't go to  
17 no Dollar General.

18 MS. BRIDENSTINE: Did you go to Maxways?

19 MR. BRYANT: Didn't go to Maxway either.

20 MS. BRIDENSTINE: Did you have any tape on  
21 you that day?

22 MR. BRYANT: No. I didn't have no tape on  
23 me.

24 MS. BRIDENSTINE: Did Dorrell Brayboy have  
25 tape on him --



1 MR. BRYANT: No, nobody --

2 MS. BRIDENSTINE: -- on the 15th?

3 MR. BRYANT: -- didn't have no tape. Like  
4 didn't nobody go to no store to buy no tape. Like -- they  
5 even went back on the tape up there -- and Maxway don't even  
6 sell duct tape. Maxway don't even sell duct tape. Dollar  
7 General didn't even sell duct tape, to my understanding.  
8 The Dollar General they's talking about is all the way up  
9 here off of Walltown. And they went in there -- the  
10 detectives went in there and they got the camera from  
11 that -- that day, and we wasn't in there. We wasn't never  
12 in there like ...

13 MS. BRIDENSTINE: Did you see Jermal Tolliver  
14 with tape that day?

15 MR. BRYANT: No. He didn't have no tape.

16 MS. BRIDENSTINE: Or Nathaniel Cauthen?

17 MR. BRYANT: No.

18 MS. BRIDENSTINE: Or Rayshawn Banner?

19 MR. BRYANT: No. Ain't nobody had no tape.

20 MS. BRIDENSTINE: You talked a little bit  
21 about your attorney, but I just wanted to ask you some  
22 questions about that.

23 Did the prosecution ever offer you a plea  
24 deal in this case?

25 MR. BRYANT: Yeah.



1 MS. BRIDENSTINE: Tell me about that. When  
2 did that happen?

3 MR. BRYANT: 16 -- he offered me a 16-year  
4 plea bargain.

5 MS. BRIDENSTINE: Do you remember when that  
6 was?

7 MR. BRYANT: In 2004. And I turned it down.

8 MS. BRIDENSTINE: Why did you turn it down?

9 MR. BRYANT: I didn't do it.

10 MS. BRIDENSTINE: You testified at your  
11 motion to suppress hearing.

12 MR. BRYANT: Uh-huh.

13 MS. BRIDENSTINE: Why didn't you testify at  
14 trial?

15 MR. BRYANT: My lawyer told me not to.

16 MS. BRIDENSTINE: Okay.

17 MR. BRYANT: He didn't want my mama to  
18 testify. He didn't even want me to testify -- told me I  
19 shouldn't get up there.

20 MS. BRIDENSTINE: Was that 16-year offer that  
21 the prosecution made to you in 2004, was that the only offer  
22 or discussion you had about a plea?

23 MR. BRYANT: Yeah. It was the only offer.  
24 And then they tried to give us a offer in trial.

25 MS. BRIDENSTINE: Oh, they did?



1 MR. BRYANT: Yeah. We turned it down.

2 MS. BRIDENSTINE: Do you remember what it was  
3 or how long it was for?

4 MR. BRYANT: It was -- no, it wasn't a offer.  
5 Like they had dropped our charges down and said -- told the  
6 jury y'all can charge them with manslaughter. They dropped  
7 it all the way down from first degree, and then it was to  
8 second degree. And then, when we -- they were doing the  
9 sentence stuff, like, yeah, y'all can charge them with  
10 manslaughter, you know?

11 MS. BRIDENSTINE: Uh-huh.

12 MR. BRYANT: But I was just like, you know,  
13 if y'all -- if y'all are going so hard on us like -- you  
14 know, they had already gave Nathaniel Cauthen and Rayshawn  
15 Banner life sentences.

16 MS. BRIDENSTINE: Uh-huh.

17 MR. BRYANT: They went to trial in '04. We  
18 went to trial in '05 -- me, Jermal Tolliver, and Dorrell  
19 Brayboy, we went to trial in '05 in May.

20 MS. BRIDENSTINE: Was the prosecution's offer  
21 to you -- was that after Rayshawn Banner and Nathaniel  
22 Cauthen were convicted at trial?

23 MR. BRYANT: I think it was before.

24 MS. BRIDENSTINE: Okay.

25 MR. BRYANT: I think it was before. If I'm



1 not mistaken. I'm not absolutely sure. But ...

2 MS. BRIDENSTINE: Okay. Did you ever go to  
3 Belview Park? Is that somewhere that you --

4 MR. BRYANT: Yeah. Yeah. I been down there.  
5 I done played basketball down. Me and my sister -- our  
6 childhood friends and stuff like playing basketball and  
7 stuff. But that's it. Like it's right here around the  
8 corner. That's where kids go play at, you know.

9 But as far as me hanging out down there at  
10 nighttime and stuff like -- naw. Like ...

11 MS. BRIDENSTINE: Were you there on  
12 November 15, 2002?

13 MR. BRYANT: No, I wasn't there. That's the  
14 thing, like ...

15 If I did it, like, I wouldn't have no  
16 reason -- I'm not looking for nothing out of this. Like I  
17 don't get nothing out of this. I just want to clear my name  
18 if anything, you know.

19 Because it's -- I mean, it's a lot of stuff I  
20 could be doing. You know, I could be getting me a good --  
21 real good job and all type of stuff, you know. And like --  
22 and just to sit up here and know like -- know deep down in  
23 my heart like -- and if you could see -- you would see the  
24 same thing. If the Lord could give you the vision to see,  
25 you would see that I didn't have nothing to do with this.



1                   Like I ain't got no reason to sit up here and  
2 make stuff up and saying, "Oh, I didn't do it" because I'm  
3 already home. I'm free. I mean, I got a good job. Like I  
4 can just put it behind me and move forward. But that's --  
5 that's -- it's in my heart. You understand what I'm saying?  
6 It's in my heart, and it -- I can't rest until like  
7 somebody -- somebody's going to hear me out. That's the  
8 thing. Like if I've got to -- I done wrote letters. I done  
9 like -- if you was to backtrack from when I first fell until  
10 all the time I got home, you will see that I done contacted  
11 a lot of innocent places because I know I didn't do this.

12                   I ain't got no money to pay for no lawyer.  
13 If I had the money to pay for a lawyer, I would have had a  
14 paid-for lawyer. I would have probably -- they -- I  
15 probably would've, you know, beat my case, you understand  
16 what I'm saying? But I didn't have none of that. I didn't  
17 have -- low-budget family. I ain't got no money. Hey,  
18 who's better to take down than somebody that don't know  
19 nothing about the law, you know?

20                   MS. BRIDENSTINE: Did you have anything to do  
21 with Mr. Jones' death?

22                   MR. BRYANT: Never.

23                   MS. BRIDENSTINE: Did you see it happen?

24                   MR. BRYANT: Never.

25                   MS. BRIDENSTINE: Were you nearby when it



1 happened?

2 MR. BRYANT: No, I wasn't. I was here. But  
3 I mean, if you consider that close, then -- because his  
4 house is on Moravia Street and my house is on Devonshire  
5 Street, then you could say I was. But that's the only thing  
6 you could say.

7 As far as me being there, committing the  
8 crime with whoever committed it? No, I was not.

9 MS. BRIDENSTINE: Okay. Do you know if  
10 Rayshawn Banner had anything to do this crime?

11 MR. BRYANT: No. I don't know. I'm not sure  
12 if he did. If he did, then that's something he got to deal  
13 with. But he never told me that he did, you know, because,  
14 like I say, he wasn't with us so I don't know.

15 MS. BRIDENSTINE: Okay. What about Nathaniel  
16 Cauthen?

17 MR. BRYANT: No. He never told me  
18 (indiscernible) -- I told you like when we was in the van  
19 going out to our preliminary hearing, we done been in the  
20 dorms together in prison. And like this be a like a  
21 conversation I bring up all the time, like, "Man, I don't  
22 see how we sitting in here and we didn't even do this,"  
23 like, and they all never say like, "Man, well, I really had  
24 something to do with it." They's like -- I done sat there  
25 and watched Nathaniel Cauthen break down just crying because



1 he know he ain't do it, you understand what I'm saying? I  
2 done seen -- I ain't never seen Banner, but Dorrell Brayboy,  
3 he broke down in court crying like -- like -- you know, some  
4 people can break down and you will see remorse in them for  
5 them being sorry or you will see remorse in them for getting  
6 caught. But it wasn't none of that. It was just pain  
7 though, you understand what I'm saying, like for you have to  
8 go through this, though you understand what I'm saying --  
9 especially like if I -- if I committed this crime and I got  
10 14 years for it, I'd be happy. I'd be like, "Heck yeah.  
11 I'm 15, I come home when I'm 29. I'm still young," you  
12 understand what I'm saying?

13 But, naw, that wasn't the case. Like 14  
14 years, I can't -- I mean, I had to do them, you understand  
15 what I'm saying? Like don't nobody want to sit up there in  
16 prison every day. That's why I took up a lot of classes and  
17 stuff to -- to let my mind think about other stuff. I took  
18 up carpentry, horticulture, brick mason, auto body. I got  
19 my GED.

20 So I applied myself when I was in there, but  
21 at the same time, I was working on the case too. They  
22 didn't work on the case. None of them worked on the case.

23 But I tell them like, "Look, Prison Legal  
24 Services might be coming to talk to you one of y'all" or  
25 such and such and such and such.



1 "Okay, then."

2 But it was like they was never -- to me, it  
3 was like they didn't take it serious because they was like  
4 "They've already given us this time." Like that ain't gonna  
5 help us, you know what I'm saying? Like we just going to  
6 have to -- to struggle it out in here, you know.

7 MS. BRIDENSTINE: So did Dorrell Brayboy ever  
8 tell you anything about being involved in Mr. Jones' death?

9 MR. BRYANT: No. No.

10 MS. BRIDENSTINE: Or Jermal Tolliver?

11 MR. BRYANT: No. Ain't neither -- ain't none  
12 of them told me nothing about them committing no crime. And  
13 I done talked to them several times, and ain't nobody never  
14 said nothing about -- if they ever tell me that they had  
15 something to do with it, I will come tell you and let y'all  
16 know.

17 MS. BRIDENSTINE: Yeah.

18 MR. BRYANT: I will. That's honest speaking.  
19 Regardless of how me -- we grew up together and they -- you  
20 don't care about me if you let me go to prison for 14 years  
21 and you know you could've saved me from doing -- from doing  
22 this time. If any of them had anything to do that and I can  
23 get them to speak on that, (indiscernible), I'll tell y'all.  
24 I'll definitely -- like I told you from the jump, if I would  
25 have knew that they committed this crime, I wouldn't have



1     went to prison for this. I would've told on them.

2                   MS. BRIDENSTINE: Who do you think -- who do  
3     you think committed the crime? Who do you think killed  
4     Mr. Jones?

5                   MR. BRYANT: Somebody that knew this man.  
6     Because to my understanding, he had -- to my understanding,  
7     my mama say somebody that knew him or whatever said  
8     something about he used to run numbers and stuff at his  
9     (indiscernible) so they probably knew he -- because they  
10    said he had some money in his trunk what because -- yeah  
11    because the detective was like, "You stupid motherfucker,  
12    why you didn't get the money that was in the trunk?" So I  
13    guess he had just got his money from the store.

14                   So I'm thinking it had to be somebody that  
15    know him because ain't no 15-year-old that advanced, going  
16    to get up on this man car, unscrew his lightbulb, and do all  
17    this stuff and then -- it was the man that stayed right next  
18    door to Mr. Jones.

19                   My mama had a tape and gave it to Mr. -- to  
20    Niles Gerber.

21                   MS. BRIDENSTINE: Your attorney?

22                   MR. BRYANT: Yeah. And he didn't even put it  
23    in -- he didn't even suppress it, though. It could've  
24    showed light on like -- that we couldn't have been the ones  
25    to do it because it was a woman at (indiscernible) said she



1 seen somebody sitting in the man car -- one person sitting  
2 in his car. So if this one person -- how did one person  
3 turn into five people?

4 MS. BRIDENSTINE: Have you ever heard  
5 anything about who might have killed Mr. Jones?

6 MR. BRYANT: Uh-uh.

7 MS. BRIDENSTINE: Like any rumors or any  
8 information anywhere?

9 MR. BRYANT: I heard -- only thing I heard  
10 was it's probably somebody that know him and knew about  
11 his -- his money, like when his -- when he going to take his  
12 money from the store and all that stuff. It had to be that.  
13 Or it had to be somebody that's on drugs or anything. I  
14 don't -- I can't really say that this person did it or that  
15 person did.

16 All I know is I didn't do it.

17 But come to find out if you -- I know it's  
18 somebody out there that -- I know they did it. Like I know  
19 I didn't do it though. That's the thing. Like if it's one  
20 of the people that's in my circle, they did it, like they  
21 need to come out and let it be known.

22 MS. BRIDENSTINE: Which innocence  
23 organizations did you contact prior to us?

24 MR. BRYANT: Wake Forest -- Wake Forest,  
25 Prisoner Legal Service. I did my appeal. I did a motion



1 for appropriate relief.

2 MS. BRIDENSTINE: What happened with your  
3 cases at Wake Forest?

4 MR. BRYANT: They said they couldn't help  
5 me --

6 MS. BRIDENSTINE: Did they say why?

7 MR. BRYANT: -- because I think Chris Paul  
8 went to Wake Forest.

9 MS. BRIDENSTINE: Oh.

10 MR. BRYANT: I think that's -- they had a  
11 conflict in there somewhere.

12 MS. BRIDENSTINE: Okay. You said Prisoner  
13 Legal Services. What did they tell you?

14 MR. BRYANT: They came, and acting like they  
15 wanted me to tell them that the other co-ds did it.

16 MS. BRIDENSTINE: Okay.

17 MR. BRYANT: But I couldn't do that. I  
18 can't -- I mean, if they did it, then -- if they told me  
19 they did it, I would say, "Yeah, they told me they did it."  
20 But I'm not gonna lie on nobody and say, "Oh, yeah, they  
21 told me they did it" and they didn't tell me that, you know?

22 MS. BRIDENSTINE: Anyone else that you  
23 contacted?

24 MR. BRYANT: (No audible response.)

25 MS. BRIDENSTINE: Did you ever contact the



1 North Carolina Center On Actual Innocence?

2 MR. BRYANT: Yeah. I have contacted them  
3 when I was incarcerated. I done contacted a lot of -- I  
4 done reached out to a lot of organizations dealing with my  
5 case, and like a lot of people look over it, because they --  
6 I guess they don't want to put their hands in it, but I  
7 don't know like ...

8 MS. BRIDENSTINE: Did -- what happened with  
9 the North Carolina Center On Actual Innocence?

10 MR. BRYANT: They said they couldn't help me.

11 MS. BRIDENSTINE: Did they say why?

12 MR. BRYANT: I can't remember because when I  
13 got the letter, I was just like "oh" -- because like they  
14 was always -- everybody I write to, like it would be like  
15 they'll turn me down. So when I see it, I won't even read  
16 it. I just -- as soon as I see "sorry" or "we apologize for  
17 the inconvenience," then I'm just like --

18 MS. BRIDENSTINE: Do you know if anyone else,  
19 any of your other codefendants applied to any other  
20 innocence organizations?

21 MR. BRYANT: I don't think they did. I don't  
22 think none of them did, to be honest.

23 MS. BRIDENSTINE: When is the last --

24 MR. BRYANT: The only reason they was able to  
25 talk to anybody of y'all nature was because of probably me,



1 you know.

2 MS. BRIDENSTINE: When is the last time you  
3 had contact with Rayshawn Banner?

4 MR. BRYANT: Last time I talked to him was  
5 like in 2012.

6 MS. BRIDENSTINE: Do you know where that was?

7 MR. BRYANT: At Morrison.

8 MS. BRIDENSTINE: Did you talk about the  
9 case?

10 MR. BRYANT: Yeah, we did.

11 MS. BRIDENSTINE: What did you guys talk  
12 about?

13 MR. BRYANT: He were just saying he was ready  
14 to go home and he wished he didn't have to go through this  
15 and he wish he knew who did it. He got a life sentence. He  
16 just sitting there like, you know, living day to day. I  
17 mean, he's hoping that one day, I mean, somebody come  
18 forward. And that girl, Jessicah Black, she need to ...  
19 man.

20 MS. BRIDENSTINE: When is the last time you  
21 had contact with Nathaniel Cauthen?

22 MR. BRYANT: This was -- oh, when I were  
23 working at the bus terminal. That was in 2017. I seen him  
24 then. We didn't talk about the case because he was about to  
25 go to another prison. He was coming back from court from



1 getting that life sentence off of him. Yeah.

2 MS. BRIDENSTINE: But you didn't talk about  
3 the case?

4 MR. BRYANT: He talked about it a little bit,  
5 but I didn't really get to talk to him much because I was  
6 getting the bag -- transport bags off the bus.

7 MS. BRIDENSTINE: What did you guys talk  
8 about?

9 MR. BRYANT: He were just saying -- he were  
10 just happy and stuff. He were just like, "Man, it's pretty  
11 good not to have no life sentence on me," stating like "It's  
12 better than nothing. I guess I got to take what they give  
13 me," you know, what I'm saying?

14 MS. BRIDENSTINE: Uh-huh.

15 MR. BRYANT: So he was just -- he was just  
16 grateful for that, just to feel like he got a release date  
17 because there's people in there that I know that -- that  
18 just get it a set of release dates and you ain't even  
19 getting out, ain't got a lick of hope, you know?

20 MS. BRIDENSTINE: Yeah.

21 Same question about Dorrell Brayboy. When is  
22 the last time you had contact with him?

23 MR. BRYANT: Yesterday.

24 MS. BRIDENSTINE: Oh. You saw him yesterday?

25 MR. BRYANT: Yeah. I talked to him



1 yesterday. Yeah. He got a job. He's working at United  
2 Furniture.

3 MS. BRIDENSTINE: Did you talk about your  
4 case?

5 MR. BRYANT: No, we didn't. No. He don't --  
6 he said he's just trying to move forward from it. He say he  
7 ain't really -- like if y'all will talk to him, he -- he  
8 will really talk to y'all, though. He's a real like unique  
9 person though, you know. Like he ain't going to lie to  
10 y'all or nothing, none of that. He's going to tell you --  
11 tell you what you -- you know, he's going to tell you what  
12 he knows, you understand what I'm saying?

13 MS. BRIDENSTINE: Are you guys friends?

14 MR. BRYANT: Yeah. Yeah. I like Dorrell  
15 Brayboy. He good peoples. He -- yeah, he a good person.

16 MS. BRIDENSTINE: Have you talked to Dorrell  
17 Brayboy about your applying and our investigation of your  
18 case?

19 MR. BRYANT: No, I didn't tell him about  
20 that. Uh-uh.

21 I try to keep stuff like that kind of clear  
22 because -- so y'all won't feel like I'm trying to -- you  
23 know, like "Oh, they tell him this" or, you know -- it can  
24 get caught up like that. But at the end of the day, like he  
25 going to tell you what was -- what happened, you know? Like



1 be as far as from when on the 15th to the 19th, as far as  
2 dealing with himself, you know. Like I can't tell you what  
3 he did from -- I could just tell you when he was with me,  
4 you understand what I'm saying? But as far as him, he would  
5 have to tell you like what he did or if he went to the mall  
6 or stuff like that.

7 MS. BRIDENSTINE: When is the last time you  
8 had contact with Jermal Tolliver?

9 MR. BRYANT: Yesterday.

10 MS. BRIDENSTINE: Okay.

11 MR. BRYANT: Yesterday. Because I didn't  
12 know -- we still close though. I mean, we still friends  
13 because like -- I forgave him and I forgave his mama,  
14 though. I didn't --

15 MS. BRIDENSTINE: Why did you think you  
16 needed to forgive his mother?

17 MR. BRYANT: Because his mother -- his mama  
18 and them weren't calling the police on him like, this  
19 situation would've never happened, you know.

20 MS. BRIDENSTINE: Why do you think his mom  
21 called the police on him?

22 MR. BRYANT: That's what I was told. That's  
23 what my lawyer told me, that his mother called the police on  
24 him and told the police she think he knows something about  
25 it. And they came and picked him up, and that's how that



1 happened.

2 MS. BRIDENSTINE: Why do you think she would  
3 have done something like that?

4 MR. BRYANT: She on all type of medication  
5 and stuff now. You have to talk to my mama about that.

6 MS. BRIDENSTINE: Was she on medication --

7 MR. BRYANT: Uh-uh.

8 MS. BRIDENSTINE: -- back then, in 2002?

9 MR. BRYANT: She is now.

10 MS. BRIDENSTINE: What is the medication for?  
11 Do you know?

12 MR. BRYANT: I don't know. It's probably  
13 depression on sending her child to prison for something he  
14 ain't even done. I think she was trying to get rid of him  
15 or whatever. They family a little off because one of those  
16 brothers just died from rat bites or something.

17 MS. BRIDENSTINE: Do you know which brother?

18 MR. BRYANT: I don't know his name. Antoine.

19 MS. BRIDENSTINE: Antoine?

20 MR. BRYANT: Yeah. But he ain't never stayed  
21 with them. He been in the hospital his whole life because  
22 he got ate up by rats or something. Yeah; so ...

23 His mama called the police on him. That's --  
24 because that's what I was trying to figure out. I was  
25 like -- and then my mother had to tell me that my lawyer



1    said Jermal Tolliver mother called the police and said --  
2    because he wouldn't take out the trash -- because he ain't  
3    take out the trash, "Oh, you acting funny"; so you call the  
4    police and say, "I think my son knows something about" --  
5    and that's another thing. Why -- if she did call the police  
6    on him, what made her call the police on him? What -- was  
7    he talking about it or something? You know, like -- that's  
8    my thing. That's what I want to ask, you know, like.

9                    MS. BRYANT: Why would these people -- why  
10    would they take a alcoholic's word anyway? Because Jermal's  
11    mama was a --

12                   MS. MATOIAN: Are you speaking about Jermal  
13    Tolliver's mother?

14                   MS. BRYANT: Uh-huh.

15                   MS. BRIDENSTINE: Okay.

16                   MS. BRYANT: She was a alcoholic. So you  
17    know, they shouldn't even -- (indiscernible) (indiscernible)  
18    were no good. That's why she quit drinking. She don't even  
19    drink no more now. She's on all kinds of medications and  
20    stuff like that. I think her conscience is eaten her up  
21    alive.

22                   MS. MATOIAN: Has she ever talked to you  
23    about this?

24                   MR. BRYANT: (indiscernible) (indiscernible).

25                   MS. BRYANT: She ain't communicate with me --



1 she ain't got no reason to be mad with me. I should be mad  
2 with her, but I'm not. I feel more sorry for her than  
3 anything else. She won't even talk to me. Why, I don't  
4 know.

5 MS. BRIDENSTINE: When is the last time you  
6 talked to Jermal Tolliver about the case?

7 MR. BRYANT: The case?

8 MS. BRIDENSTINE: Yeah.

9 MR. BRYANT: (indiscernible) (indiscernible)  
10 I have talked to him about it, but I ain't talked to him  
11 about it lately.

12 MS. BRIDENSTINE: Do you ever talk to him  
13 about the fact that you applied with us?

14 MR. BRYANT: Yeah, I did. I told him -- this  
15 was in (indiscernible) when we went home together. Yeah.  
16 We was -- he had came to Cherry Street. We had went home  
17 the same day from Cherry Street up there, Forsyth  
18 Correctional.

19 MS. BRIDENSTINE: Why do you think he hasn't  
20 applied?

21 MR. BRYANT: Time. Time or don't care.  
22 Because he's free now.

23 MS. BRIDENSTINE: Okay.

24 MR. BRYANT: I care, though. I'm just  
25 letting y'all know I really care, like ...



1 MS. BRIDENSTINE: Anything else, Catee?

2 MS. MATOIAN: You mentioned that you and  
3 Rayshawn Banner had gotten into a fight before.

4 MR. BRYANT: Uh-huh.

5 MS. MATOIAN: Other than that, among you and  
6 your codefendants, do you know of any -- did you have issues  
7 with any of your other codefendants?

8 MR. BRYANT: Uh-uh.

9 MS. MATOIAN: Do you know of any other issues  
10 between your codefendants?

11 MR. BRYANT: Brayboy really ain't deal with  
12 Nathaniel Cauthen and his brother like that because -- I  
13 think Nathaniel Cauthen cousin Anjuan and them had jumped  
14 his brother a while -- like --

15 MS. MATOIAN: Brayboy's brother?

16 MR. BRYANT: Yeah. Jumped his brother some  
17 months and months ago; so ...

18 MS. BRIDENSTINE: Was Anjuan someone who was  
19 known for committing robberies at that time?

20 MR. BRYANT: Oh, naw, I don't know. I don't  
21 know what he did. I knew him, but I did know like what he  
22 was into out there. Like I see him in passing or something,  
23 but those -- (indiscernible) that's Nathaniel Banner and  
24 Rayshawn Banner -- Rayshawn Banner and Nathaniel Cauthen  
25 cousin.



1 MS. BRIDENSTINE: What about their older  
2 brother?

3 MR. BRYANT: Junior. Junior. Yeah, I don't  
4 know --

5 MS. BRIDENSTINE: Was he known for committing  
6 robberies at that time?

7 MR. BRYANT: I don't know. That's what I'm  
8 saying. Like, they out like -- those people are in the  
9 streets, though, like, they do streets stuff, you know,  
10 like -- but I don't know if they into robberies. I don't  
11 know they sell drugs. I don't know what they do.

12 MS. MATOIAN: Do you remember someone from  
13 jail or prison named Andy?

14 MR. BRYANT: Andy? Uh-uh.

15 MS. MATOIAN: Do you remember someone from  
16 jail or prison named Crump?

17 MR. BRYANT: Crump, Crump, Crump. Yeah. I  
18 remember a Crump. Brown skin. Crump. Crump.

19 MS. MATOIAN: Did you ever have a  
20 conversation with him about this case?

21 MR. BRYANT: Uh-uh.

22 MS. MATOIAN: Did anyone --

23 MR. BRYANT: I think he was a barber at  
24 Cherry Street.

25 MS. MATOIAN: During the time when you were



1 in jail waiting on trial or in prison, these -- these past  
2 14 years, has any -- did anyone ever come up to you and talk  
3 to you about your case?

4 MR. BRYANT: People that heard about it,  
5 people like from my past that know me like, "Naw, I can't  
6 believe -- like, I just still can't believe. You wouldn't  
7 do nothing like that," like ...

8 MS. MATOIAN: Did anyone provide any  
9 information to you about the case?

10 MR. BRYANT: Uh-uh. Only thing I heard was  
11 that the man had a skeleton in his closet.

12 MS. MATOIAN: Who had skeletons in his  
13 closet?

14 MR. BRYANT: Mr. Jones. He ran numbers and  
15 all type of stuff. That's what I heard. One of his -- one  
16 of his family members had tried to fight me in the county  
17 jail.

18 MS. BRIDENSTINE: Who was that?

19 MR. BRYANT: I don't remember his name.

20 Then, when I --

21 MS. MATOIAN: Do you remember his relation to  
22 Mr. Jones?

23 MR. BRYANT: It was his uncle.

24 MS. MATOIAN: So the one who tried to fight  
25 you was Mr. Jones' nephew?



1 MR. BRYANT: Yeah, it was his nephew. And  
2 when I was about to go to court after this happened, he had  
3 been on (indiscernible) -- he was like, "Yo, look, man, I  
4 apologize, man, because" -- you know, some of the officers  
5 in there, they was cool with the stuff and neighborly with  
6 (indiscernible). We had some of the officers in there  
7 Ms. -- what's her name? Ms. Easterling or something,  
8 Ms. Bowens, you know, they were crying when we came back  
9 from court and got -- after we got convicted.

10 MS. BRIDENSTINE: Where did you hear about  
11 this numbers thing with Mr. Jones? Do you remember?

12 MR. BRYANT: Oh, about running numbers?

13 MS. BRIDENSTINE: Yeah.

14 MR. BRYANT: From -- when I was in there,  
15 when I was in there, older people that had been up there to  
16 the shop and stuff like that, like, "Yeah, he probably -- he  
17 be running numbers, Mr. Jones be doing all type of stuff" --  
18 that's what they told me.

19 MS. BRIDENSTINE: Did you hear that from one  
20 person?

21 MR. BRYANT: No. I heard that from a few  
22 people.

23 MS. MATOIAN: Do you remember any of their  
24 names?

25 MR. BRYANT: I can't remember their names.



1 It's people like -- older people like that been to his store  
2 and all that stuff. My mama done heard it too though.  
3 Yeah, she heard that too. I heard it -- you know, in  
4 prison, you hear everything going on out here. You know, I  
5 heard that I had a life sentence, that I wasn't never coming  
6 home, you know. I heard people coming in there saying,  
7 "Hey. I heard you ain't never coming home."

8 "Naw, they lied to you, buddy."

9 MS. BRIDENSTINE: Is there anything else you  
10 can think of that we should know that we haven't gone over?

11 MR. BRYANT: That tape. That tape. Y'all  
12 should get that tape too.

13 MS. BRIDENSTINE: What tape?

14 MR. BRYANT: Hold on for a minute.

15 Mama.

16 MS. BRYANT: Huh?

17 MR. BRYANT: Where that card at? Who you  
18 said got that tape that you turned in? Can you hear me?

19 MS. BRYANT: Yeah. I hear you. I'm in  
20 (indiscernible) (indiscernible). I don't know what happened  
21 to it.

22 MS. MATOIAN: Is that the one that you showed  
23 me earlier?

24 MS. BRYANT: Uh-huh.

25 MS. MATOIAN: Okay.



1 MS. BRYANT: I don't know what happened to  
2 it.

3 MS. MATOIAN: I wrote down that information.

4 MR. BRYANT: Okay.

5 MS. BRYANT: He might be dead by now.

6 MS. BRIDENSTINE: Was it an investigator for  
7 your defense attorney?

8 MR. BRYANT: Mama, was that an investigator  
9 for our defense attorney?

10 MS. BRYANT: (indiscernible).

11 MS. BRIDENSTINE: I think that's what he was.

12 MS. BRYANT: (indiscernible) (indiscernible)  
13 working with (indiscernible) (indiscernible).

14 MR. BRYANT: Yeah, he was working with --

15 MS. MATOIAN: And what was the tape -- like  
16 who took this tape?

17 MR. BRYANT: Who took it, mama?

18 MS. BRYANT: It was me and -- it was some  
19 lady up there at the park because he had one of them  
20 camcorders.

21 MS. MATOIAN: Okay.

22 MS. BRYANT: And she was helping us out.

23 MR. BRYANT: And she was talking -- and she  
24 was talking to the man that stayed beside Mr. Jones?

25 MS. BRYANT: Uh-huh.



1 MR. BRYANT: And what he was saying?

2 MS. BRYANT: He even said he didn't believe  
3 all them boys did that thing because it wouldn't have took  
4 no five teenage boys to kill one man and he was in his  
5 sixties and ain't nobody seen nothing or nothing.

6 MS. MATOIAN: So you took the tape and you  
7 gave it to the investigator?

8 MS. BRYANT: Uh-huh.

9 MS. MATOIAN: Okay.

10 MS. BRYANT: And I don't know what happened  
11 to it because I want it back since they didn't use it in the  
12 courtroom. They didn't want to shed no light on the case  
13 because them were five black boys and they railroaded them.

14 MS. BRIDENSTINE: I know you said that the --  
15 on the 19th, that the police told you some stuff about  
16 Jermal Tolliver and Dorrell Brayboy.

17 MR. BRYANT: Uh-huh.

18 MS. BRIDENSTINE: And you knew that they were  
19 at the police station.

20 Did you see anyone else when you were there  
21 that night?

22 MR. BRYANT: Yeah. Nathaniel Cauthen.

23 MS. BRIDENSTINE: Okay.

24 MR. BRYANT: His mother was down there.

25 MS. BRIDENSTINE: Did the police show you



1 anything that night?

2 MR. BRYANT: Naw.

3 (Pause.)

4 MS. BRIDENSTINE: Okay.

5 MR. BRYANT: I didn't even sign no rights or  
6 nothing, I don't think. I didn't -- when they told me I was  
7 under arrest, I don't even remember signing no papers. They  
8 came to my house and got my stuff. I had signed a piece of  
9 paper saying they can come to my house and search through  
10 all my clothes and stuff like that; so -- and I gave them  
11 permission to get my hair and all that stuff.

12 MS. BRIDENSTINE: Okay.

13 MR. BRYANT: I was very cooperative, though.  
14 That's the thing, like I don't -- I mean ...

15 MS. BRIDENSTINE: Did anyone ever threaten  
16 you about this case before you spoke to the police?

17 MR. BRYANT: Naw.

18 MS. BRIDENSTINE: Or after?

19 MR. BRYANT: Uh-uh.

20 MS. BRIDENSTINE: Anything else, Catee?

21 MS. MATOIAN: Uh-uh.

22 MS. BRIDENSTINE: I think that covers it. If  
23 we have any other questions, we will give you a card, get in  
24 touch with us.

25 MR. BRYANT: Yeah. Have y'all looked through



1 my motion and discovery?

2 MS. BRIDENSTINE: So our investigation is  
3 confidential.

4 MR. BRYANT: Okay. Okay.

5 MS. BRIDENSTINE: But we go back and we look  
6 at everything that we can.

7 MR. BRYANT: Okay.

8 MS. BRIDENSTINE: I want to make sure I have  
9 the right phone number for you.

10 Is your number (336)920-2869?

11 MR. BRYANT: Yes, it is.

12 MS. BRIDENSTINE: Could I get your mom's  
13 number just in case?

14 MR. BRYANT: Yeah. Sure. It's  
15 (336)986-1044.

16 MS. BRIDENSTINE: 9- what?

17 MR. BRYANT: -86-1044.

18 MS. BRIDENSTINE: 986-1044?

19 MR. BRYANT: 1044, yeah.

20 MS. BRIDENSTINE: And if your number changes  
21 or anything, let us know.

22 MR. BRYANT: I will.

23 MS. BRIDENSTINE: So we can get in contact  
24 with you.

25 And just again, to remind you, you can't talk



1 about our investigation --

2 MR. BRYANT: I won't.

3 MS. BRIDENSTINE: -- or our case with anyone.

4 MR. BRYANT: I won't.

5 MS. BRIDENSTINE: That includes media,  
6 friends, codefendants -- everybody.

7 MR. BRYANT: I won't.

8 MS. BRIDENSTINE: All right?

9 MR. BRYANT: I won't.

10 MS. MATOIAN: And I will say, you know, and  
11 I -- you care about your case and I know you want answers.  
12 The Commission has your case. Let the Commission work on  
13 your case.

14 MR. BRYANT: I will. I'm going to just  
15 leave -- I'm going to let y'all do what y'all need to do.

16 MS. BRIDENSTINE: All right.

17 MS. MATOIAN: Is your mom doing better now?  
18 You mentioned she had been sick.

19 MR. BRYANT: Yeah. She had to remove one of  
20 her breasts, but she got like -- her breathing, like she can  
21 walk from here to here and like be out of breath  
22 (indiscernible) (indiscernible).

23 (Indiscernible comments as recorder is  
24 shuffled.)

25 MR. BRYANT: That's great.



1 MS. BRIDENSTINE: Who are you working for?

2 MR. BRYANT: (indiscernible).

3 MS. MATOIAN: Are using one of your  
4 certifications that you got?

5 MR. BRYANT: No. Actually, I'm a loader.  
6 Because I used to work at American Moving (indiscernible) --

7 MS. MATOIAN: Yep.

8 MR. BRYANT: -- building houses and move  
9 these big -- all this furniture but it got hectic moving big  
10 dressers down steps and stuff. But I work at -- well, in  
11 Welcome, at HM Window and Doors shipping and receiving. I'm  
12 a loader, loading ...

13 MS. BRIDENSTINE: Thank you very much.

14 MS. MATOIAN: All right. It was nice to meet  
15 you. Thank you. Appreciate it.

16 MS. BRIDENSTINE: Call us if you have any  
17 questions or anything.

18 MR. BRYANT: I will.

19 MS. MATOIAN: Or if you think of anyone we  
20 should speak to.

21 MR. BRYANT: I will.

22 MS. MATOIAN: All right. Thank you.

23 MR. BRYANT: Thank you.

24 (The recorded interview concluded.)

25



## CERTIFICATE OF TRANSCRIPT

This is to certify that the 83 pages of this transcript of the recorded interview of Christopher Bryant was taken on February 23, 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 11th day of June, 2018.



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# Handout 95



1 STATE OF NORTH CAROLINA  
2 COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
02 CRS 38886

3  
4  
5 State of North Carolina, )  
v )  
6 Christopher Bryant, )  
Defendant. )

7  
8 RECORDED INTERVIEW OF RAYSHAWN BANNER

9 This is the transcript of the recorded interview taken  
10 of Rayshawn Banner, which was conducted by Julie Bridenstine,  
11 Staff Attorney, from the North Carolina Innocence Inquiry  
Commission. The recorded interview took place on February 21,  
2018, at Bertie Correctional Institute in Windsor, North Carolina.

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24  
25



1                   **MS. MATOIAN:** Catherine Matoian.

2                   **MR. BANNER:** Hi. How you doing?

3                   **MS. BRIDENSTINE:** We're from the North Carolina  
4 Innocence Inquiry Commission. And let me just explain who we are.  
5                   Can I ask a question? Do you mind if I give him  
6 like a business card or something?

7                   **GUARD:** Yes, ma'am. That's fine.

8                   **MS. BRIDENSTINE:** Okay. Here's my card for you.

9                   I am a legal investigator with our agency. We're a  
10 neutral state agency. We investigate cases in which people say  
11 that they're innocent for cases they've been convicted of in North  
12 Carolina. Certain felonies qualify.

13                   A man named Christopher Bryant, your codefendant,  
14 has applied with our agency, and we are looking into his case --  
15 his claim of innocence.

16                   Our agency works in a way in which we investigate  
17 cases. We're neutral. We do not represent the prosecution or law  
18 enforcement and we're not defense attorneys. We're just looking  
19 for the truth.

20                   In his case -- we investigate cases. And there is  
21 a process which, if we found evidence of factual innocence, a case  
22 could go before our commission. If they voted that there was  
23 enough there, it could go to a three-judge panel. And people can  
24 be exonerated through our process.

25                   **MR. BANNER:** Okay.



1                   **MS. BRIDENSTINE:** So like I said, we're here  
2 because Christopher Bryant has applied, and we wanted to ask you  
3 questions about your case.

4                   **MR. BANNER:** Okay. But last time I checked,  
5 though, he was at home.

6                   **MS. BRIDENSTINE:** He can still apply. It doesn't  
7 matter if you've served your sentence.

8                   **MR. BANNER:** Okay.

9                   **MS. BRIDENSTINE:** It's just -- you just need to be  
10 convicted for, like I said, certain felonies. Your case  
11 qualifies --

12                   **MR. BANNER:** Oh, okay.

13                   **MS. BRIDENSTINE:** -- as the type of felony we'll  
14 look into.

15                   Any other questions?

16                   **MR. BANNER:** Nah.

17                   **MS. BRIDENSTINE:** All right. Have you heard of our  
18 agency before?

19                   **MR. BANNER:** Nah.

20                   **MS. BRIDENSTINE:** Okay. All right.

21                   If you don't remember something or you're not sure,  
22 just tell us. Because we're -- we don't want you to guess or  
23 anything. But I'm going to ask a lot of questions about what  
24 happened back in 2002. So just let me know if you don't remember  
25 something.



1                   **MR. BANNER:** All right.

2                   **MS. BRIDENSTINE:** So Nathaniel Jones, he died on  
3 Friday, November 15, 2002.

4                   Can you take us back to that day and tell us where  
5 you were and what was going on?

6                   **MR. BANNER:** That whole day? Or just that night?

7                   **MS. BRIDENSTINE:** Let me start with this way.

8                   No. What -- how old were you then?

9                   **MR. BANNER:** 14.

10                  **MS. BRIDENSTINE:** And what grade were you in?

11                  **MR. BANNER:** Eighth.

12                  **MS. BRIDENSTINE:** Did you go to school that day?

13                  **MR. BANNER:** Yes.

14                  **MS. BRIDENSTINE:** Okay. Why don't we start --

15                  **MR. BANNER:** No, no, no, no. I did not go to  
16 school that day.

17                  **MS. BRIDENSTINE:** Okay. Well, why don't we start  
18 like -- what time does school let out?

19                  **MR. BANNER:** 2:15.

20                  **MS. BRIDENSTINE:** 2:15?

21                  **MR. BANNER:** So I get home around 2:30.

22                  **MS. BRIDENSTINE:** Okay. Do you remember where you  
23 were around that time or that afternoon? What you were doing?

24                  **MR. BANNER:** Yeah. I were walking to the store.

25                  **MS. BRIDENSTINE:** Okay. And who were you with?



1                   **MR. BANNER:** I was by myself at that time.

2                   **MS. BRIDENSTINE:** All right.

3                   **MR. BANNER:** And then when I came -- when I came --  
4 when I came back, that's when -- let's see. A guy named Shelton  
5 came with some bus passes. We was supposed to go to the mall.

6                   **MS. BRIDENSTINE:** Who is Shelton?

7                   **MR. BANNER:** I can't remember his last name. But  
8 he was -- it was a friend -- he was a friend of everybody that was  
9 together. But we never -- we ain't never go.

10                   Jessica pulled up in the car. A couple people  
11 jumped in the car. We were going to go. Then we changed our  
12 minds and said we were going to go to the football game and then  
13 go to the club. And none of that never happened.

14                   After that, I think around -- I can't remember,  
15 like a certain amount of time, I left and went home. I went to  
16 sleep. I woke up. My mom walked in the house, she asked where  
17 the phone was at. I told her my older brother had it. She left  
18 back out, came back in. Then I -- then a call came -- a call came  
19 before that.

20                   **MS. BRIDENSTINE:** Who?

21                   **MR. BANNER:** A call came before that --

22                   **MS. BRIDENSTINE:** Oh.

23                   **MR. BANNER:** -- from a person named Jed, who was  
24 also a friend, and said that somebody had been killed up there at  
25 Bellewood Park -- Belview Park.



1 I told him, "So what? Who cares?" And hung up the  
2 phone on him and told him to call -- and told him like, "Yo,  
3 you'll see my brother."

4 2:30, somewhere around there, my brother walks in  
5 the house and tell my mom somebody's been killed. They was up  
6 there.

7 **MS. BRIDENSTINE:** 2:30? What time of day? Like --

8 **MR. BANNER:** That was like mid-night. Like --

9 **MS. BRIDENSTINE:** Okay. So in the morning?

10 **MR. BANNER:** Yeah.

11 Tell my mom somebody got killed up there. It  
12 were -- I don't know. I don't know. I heard that, rolled back  
13 over, went back to sleep. That was that night right there. I  
14 don't -- I don't know what happened.

15 The next morning, I -- I go to Christopher Bryant  
16 house. And -- let's see. Christopher Bryant, Jermal Tolliver  
17 lived across the street. Dorrell Brayboy -- they was in the house  
18 together talking about he didn't want to go home because he was  
19 scared. I walked out the house and went to go get a pack of  
20 cigarettes.

21 **MS. BRIDENSTINE:** What was he -- did he say what he  
22 was scared of?

23 **MR. BANNER:** He said he was scared he was going to  
24 get killed.

25 **MS. BRIDENSTINE:** Okay.



1                   **MR. BANNER:** So ...

2                   **MS. BRIDENSTINE:** Okay.

3                   **MR. BANNER:** That was the next day.

4                   Let's see. Did I go to school Monday? That was  
5 the week -- that was that weekend.

6                   **MS. BRIDENSTINE:** What about Sunday?

7                   **MR. BANNER:** Sunday, I only -- I don't remember  
8 what happened Sunday. I'm trying to figure out did I go to school  
9 Monday and did they pick me up on Tuesday.

10                   Somewhere -- somewhere during that week, that next  
11 week, I got kicked out of school for a day. It was like for a  
12 day. I didn't go to school the next day, the day that they kicked  
13 me out. And my mom came -- my mom came in the room and said, "The  
14 detectives supposed to talk to you."

15                   She left some money on the table for me. And I  
16 asked her what the detectives wanted to talk to me about.

17                   She never said. She's like, "I don't know. They  
18 said they want to talk to you."

19                   So I left the house. I were walking -- I were  
20 walking to Church's Chicken. I were walking to get some chicken,  
21 something to eat. And I stopped at Christopher Bryant house, went  
22 in the house or whatever. And when I walked up, I seen, I want to  
23 say, about two -- two unmarked cars pull up. The first person  
24 that asked me was I Nathaniel Cauthen, and I told them no. He  
25 asked me where he was at. I told him I don't know.



1                   And next thing you know, Christopher Bryant and my  
2 brother walks out of the house. They asked them to come downtown  
3 for questioning. I picked up the phone at that time and called my  
4 mom and told my mom what happened. She said, "Don't get in the  
5 car." I didn't get in the car. My brother got in the car.

6                   Christopher Bryant mom was there; so he got in the  
7 car as well. That were the last I seen of them that day, and that  
8 was around -- school was out; so it had to be around like  
9 3:00 o'clock, 3:00 -- maybe 3:00 o'clock, 3:30, somewhere around  
10 4:00.

11                   **MS. BRIDENSTINE:** The last you saw of who?

12                   **MR. BANNER:** Christopher Bryant and Nathaniel  
13 Cauthen, my brother.

14                   **MS. BRIDENSTINE:** Okay.

15                   **MR. BANNER:** That was the last I saw them that day.  
16                   Let's see. What I do? I just chilled the rest of  
17 the day. I didn't do nothing whatsoever, but I was getting  
18 ready -- it was nighttime. I were getting ready to do something  
19 when my mom pulled up. When she pulled up, she said, "Get in the  
20 car," and we went home.

21                   I messed around and went to sleep on the couch, and  
22 my mom woke me up. When I woke up, it was, I'd say, about five or  
23 six officers standing in my living room. Got me up, put me under  
24 arrest, and took me down to the county jail -- or took me down to  
25 the -- took me down to the questioning area or whatever they take



1 me to.

2 After that, they questioned me. Asked them why my  
3 mom couldn't be here. Say "Your mom can't be here."

4 I called my mom. I called my mom, asked her why  
5 she can't -- she supposed to be down here. She's like, yo, they  
6 said she said she couldn't come.

7 So they questioned me. After they questioned me,  
8 they took me to the juvenile detention center. And after that,  
9 I've been going to court.

10 **MS. BRIDENSTINE:** Okay. Let's go back to Friday,  
11 November 15.

12 **MR. BANNER:** Okay.

13 **MS. BRIDENSTINE:** And I just want to get more  
14 details about what you told us.

15 So when did you see Shelton? Do you remember what  
16 time it was?

17 **MR. BANNER:** Nah.

18 **MS. BRIDENSTINE:** Or where you were?

19 **MR. BANNER:** I know -- I know we was in  
20 Christopher's -- in front of Christopher Bryant house.

21 **MS. BRIDENSTINE:** All right. Do you remember who  
22 else was there?

23 **MR. BANNER:** Let's see. Me, my brother Nathaniel  
24 Cauthen, Dorrell Brayboy, Jermal Tolliver, Christopher Bryant.  
25 Brandon Odom?



1                   **MS. BRIDENSTINE:** Who is that?

2                   **MR. BANNER:** He was another friend.

3                   **MS. BRIDENSTINE:** Odom, O-d-o-m?

4                   **MR. BANNER:** Yes.

5                   **MS. BRIDENSTINE:** Okay.

6                   **MR. BANNER:** I think that was it.

7                   **MS. BRIDENSTINE:** What were you guys doing?

8                   **MR. BANNER:** We were just standing in front of the  
9 house -- standing in front of Christopher Bryant house. That was  
10 it.

11                   **MS. BRIDENSTINE:** And do you know, like, an  
12 approximate time of day it was?

13                   **MR. BANNER:** Not sure. I mean, it -- it had to  
14 probably be around -- I'd say about -- because we was all making  
15 plans to go to the football game and then go to the club; so it  
16 had to be probably not -- probably somewhere around getting dark.

17                   **MS. BRIDENSTINE:** Okay.

18                   **MR. BANNER:** I'll put it like that.

19                   **MS. BRIDENSTINE:** What happened after you guys  
20 talked to -- or you talked to Shelton in front of Mr. Bryant's  
21 house? What was the next thing that you remember happening?

22                   **MR. BANNER:** Like I said, we was supposed to go to  
23 the mall. We didn't do that. Jessicah -- Jessicah pulled up.

24                   **MS. BRIDENSTINE:** And who's Jessicah?

25                   **MR. BANNER:** Jessicah Black. She pulled up -- she



1 pulled up. And then I guess everybody was like, "Yo, take us  
2 here, take us there." But that never happened. Whatever we said  
3 we were going to do never really happened. Like we were just  
4 lost, just trying to figure it out. After that, I think  
5 everybody -- after that, nobody really do nothing. Everybody went  
6 they separate ways.

7 **MS. BRIDENSTINE:** And you mentioned some people got  
8 into Jessica's car.

9 **MR. BANNER:** Yes.

10 **MS. BRIDENSTINE:** And who was that?

11 **MR. BANNER:** All them got into Jessica's car but  
12 me.

13 **MS. BRIDENSTINE:** So who -- when you say "all  
14 them," who do you mean?

15 **MR. BANNER:** Christopher Bryant, my brother, Jermal  
16 Tolliver, and Brayboy -- all them got in the car.

17 **MS. BRIDENSTINE:** So all four of them?

18 **MR. BANNER:** Yes.

19 **MS. BRIDENSTINE:** Did you know where they were  
20 going?

21 **MR. BANNER:** No.

22 **MS. BRIDENSTINE:** What did you do after they left?

23 **MR. BANNER:** Let's see. I went home.

24 **MS. BRIDENSTINE:** Do you know about what time that  
25 was?



1                   **MR. BANNER:** No. I know I went home. I stopped at  
2 my homeboy house. He wasn't there.

3                   **MS. BRIDENSTINE:** Who was your homeboy?

4                   **MR. BANNER:** Dwayne House. He wasn't there so I  
5 went home.

6                   **MS. MATOIAN:** His name was Dwayne House?

7                   **MR. BANNER:** Yes.

8                   **MS. MATOIAN:** Okay.

9                   **MR. BANNER:** And I think I ran into -- I can't  
10 remember his name. He was another friend. We was going to take a  
11 walk to Easton. It's another -- it's another area on the south  
12 side of Winston-Salem. And when we was leaving, he decided not to  
13 go. When he didn't go, I went back in the house and went to  
14 sleep.

15                   **MS. BRIDENSTINE:** Okay. And what's the next thing  
16 that happened after that?

17                   **MR. BANNER:** Like I said, next thing that happened,  
18 I woke up with my mom coming in the house asking where our phone  
19 was at. I told her my brother had it. She left out. My brother  
20 came back in, dropped the phone off. He left. She came back in.  
21 I told her, "There was your -- there go your phone."

22                   A call came through. Jed called. Told him what I  
23 told him. Told him, "So what," whatever, call him, and hung up.  
24 Went back to sleep. Woke up about 2:00 something in the morning  
25 my mama hollering and my brother talking about where was you at,



1 and that's when he told her that somebody got killed at Belview  
2 Park.

3 MS. BRIDENSTINE: Now, when you say your brother,  
4 who do you mean?

5 MR. BANNER: Nathaniel Cauthen.

6 MS. BRIDENSTINE: Okay. So is that the brother  
7 that you saw that night?

8 MR. BANNER: Yeah. That's my real brother.

9 MS. BRIDENSTINE: Okay. Do you have another  
10 brother?

11 MR. BANNER: Yes, I got another brother. I got a  
12 couple brothers.

13 MS. BRIDENSTINE: Okay. Who are they?

14 MR. BANNER: I have Nathaniel Cauthen. I have  
15 Joseph Cauthen. I have another brother named Marterio and I have  
16 a little brother, but they wasn't there.

17 MS. BRIDENSTINE: Did you see them that day?

18 MR. BANNER: Nah. Them the only two brothers I  
19 seen that day.

20 MS. BRIDENSTINE: Is who?

21 MR. BANNER: Is Nathaniel Cauthen and Joseph  
22 Cauthen.

23 MS. BRIDENSTINE: When did you see Joseph?

24 MR. BANNER: Last time I saw Joseph is when he  
25 dropped off the phone and left.



1                   **MS. BRIDENSTINE:** All right. So when did you see  
2 Nathaniel Cauthen that night again after he got into Jessicah  
3 Black's car?

4                   **MR. BANNER:** At 2:00 o'clock in the morning.

5                   **MS. BRIDENSTINE:** All right. Did you go to the  
6 Creekside Bowling Alley that night?

7                   **MR. BANNER:** No, ma'am.

8                   **MS. BRIDENSTINE:** What did Nathaniel Cauthen tell  
9 you about where he'd been?

10                  **MR. BANNER:** They told me they went to the bowling  
11 alley. They told me they got kicked out the bowling alley for  
12 unruly conduct or whatever -- or whatever they were doing --  
13 whatever they were doing got them kicked out of the bowling alley.

14                   Then they said after they got kicked out of the  
15 bowling alley, they left. And I asked them like, yo -- like this  
16 was the next thing I asked them like, "Was y'all out there?"

17                   They was like, "Yeah."

18                   I'm like, "Okay." And I left it at that. Like, I  
19 ain't really think about it, none of that. But -- I don't know.  
20 So I don't know what they did, like, as of that night, but I know  
21 for fact that they was up there and I know that they went to the  
22 bowling alley.

23                  **MS. BRIDENSTINE:** That they were up where?

24                  **MR. BANNER:** At Belview Park, Bellewood.

25                  **MS. BRIDENSTINE:** And how do you know that they



1 were up there?

2 **MR. BANNER:** They told me.

3 **MS. BRIDENSTINE:** And what did they tell you about  
4 that?

5 **MR. BANNER:** They just told me they was up there.  
6 That was it. They saw a whole bunch of police up there and they  
7 stayed to watch. That's -- that's all I can say about that night  
8 with them after that.

9 **MS. BRIDENSTINE:** When was the first time you heard  
10 that Mr. Jones had died that night?

11 **MR. BANNER:** The first time I heard that it was  
12 Mr. Jones? Or the first time I heard somebody say he was -- he  
13 got killed?

14 **MS. BRIDENSTINE:** Both. Let's go first with when  
15 is the first time you heard someone was killed that night?

16 **MR. BANNER:** At 2:30 when my brother came in the  
17 house after Jed made the call.

18 **MS. BRIDENSTINE:** And what did Jed say to you in  
19 the phone call?

20 **MR. BANNER:** He was just like, "Yo, where brother  
21 at?"

22 I'm like, "Yo, I don't know, whatever. You'll see  
23 him when you see him."

24 And my brother come home 2:30 in the morning and  
25 tell my mom somebody got killed. Didn't know it was him. Didn't



1 know that it was Mr. Jones until -- let's see -- I think I didn't  
2 know it was Mr. Jones until I went to court, until I went to my  
3 first appearance.

4 **MS. BRIDENSTINE:** Did you know who Mr. Jones was?

5 **MR. BANNER:** No. I very rarely go up that way.

6 **MS. BRIDENSTINE:** When you say your friend Jed, are  
7 you talking about Sherman Williams? Is that who Jed is?

8 **MR. BANNER:** No. Sherman Williams is the dude that  
9 came to the house with the bus passes that we was supposed to go  
10 to the mall with. That's Sherman Williams.

11 **MS. BRIDENSTINE:** Is that Shelton then? Or -- I'm  
12 just trying to figure out who --

13 **MR. BANNER:** Yeah. That's Sherman Williams.

14 **MS. BRIDENSTINE:** All right. Who is Jed?

15 **MR. BANNER:** I don't know his real name.

16 **MS. BRIDENSTINE:** All right. Where did he live?

17 **MR. BANNER:** Jed lived on that street.

18 **MS. BRIDENSTINE:** On what street?

19 **MR. BANNER:** On the street Mr. Jones got killed on.

20 **MS. BRIDENSTINE:** Where did Shelton live?

21 **MR. BANNER:** Let's see -- Shelton lived on that  
22 street too as well -- at the end. I know Shelton lived at the end  
23 in a white house -- in a big, white house. And if I'm not  
24 mistaken, Jed lived like right across the street if not a little  
25 ways up the street, not even a little ways, a couple steps maybe.



1                   **MS. BRIDENSTINE:** Okay. Did you go to Belview Park  
2 on November 15, 2002?

3                   **MR. BANNER:** No, ma'am.

4                   **MS. BRIDENSTINE:** Is that a place you would ever go  
5 to?

6                   **MR. BANNER:** (No audible response.)

7                   **MS. BRIDENSTINE:** Had you ever been there before?

8                   **MR. BANNER:** I'd been there before but I -- I  
9 don't -- I don't usually go up there, not to play basketball or  
10 nothing like that.

11                   If I do go that way, I just walk through. Like I  
12 don't stop there, I don't conversate with people around that area,  
13 nah. The only way I see that place is if I'm riding the bus.

14                   **MS. BRIDENSTINE:** Okay. Did your brother tell you  
15 why they'd gone up to that area in Belview Park that night?

16                   **MR. BANNER:** Nah, not -- not before. He say he  
17 was -- they was just looking at the scene, that was it, when they  
18 seen all the police cars. Far as that, I do not know why they was  
19 up there or what they was doing whatsoever.

20                   **MS. BRIDENSTINE:** Did you hear anyone talk about  
21 Mr. Jones' death that weekend? So after you talked about it with  
22 your brother and before the police arrested you, did you talk  
23 about his death with anyone?

24                   **MR. BANNER:** No, ma'am.

25                   **MS. BRIDENSTINE:** Did you have any money on you



1 that weekend? Any cash?

2 **MR. BANNER:** Beside the money my mom gave me, no.

3 **MS. BRIDENSTINE:** And when money did your mother  
4 give you?

5 **MR. BANNER:** To go get something to eat. That  
6 was --

7 **MS. BRIDENSTINE:** Do you remember like how much?

8 **MR. BANNER:** Like 5 -- 5 -- like \$5. Besides that,  
9 nah.

10 **MS. BRIDENSTINE:** Okay. Did your brother have any  
11 money that weekend?

12 **MR. BANNER:** Not that I know of.

13 **MS. BRIDENSTINE:** And when I say "your brother," I  
14 will be clearer, Nathaniel Cauthen.

15 **MR. BANNER:** Not that I know of.

16 **MS. BRIDENSTINE:** What about Christopher Bryant?

17 **MR. BANNER:** Not that I know of.

18 **MS. BRIDENSTINE:** Or Jermal Tolliver?

19 **MR. BANNER:** Not that I know of.

20 **MS. BRIDENSTINE:** Or Dorrell Brayboy?

21 **MR. BANNER:** Not that I know of.

22 **MS. BRIDENSTINE:** Did you see anyone else with cash  
23 on them that weekend?

24 **MR. BANNER:** Nope.

25 **MS. BRIDENSTINE:** Did anyone buy anything that



1 weekend? Like did you buy anything that weekend?

2 **MR. BANNER:** Nope.

3 **MS. BRIDENSTINE:** Or Nathaniel Cauthen?

4 **MR. BANNER:** Not that I know of.

5 **MS. BRIDENSTINE:** Or Christopher Bryant?

6 **MR. BANNER:** Not that I know of.

7 **MS. BRIDENSTINE:** Jermal Tolliver?

8 **MR. BANNER:** Not that I know of.

9 **MS. BRIDENSTINE:** Or Dorrell Brayboy?

10 **MR. BANNER:** Not that I know of.

11 **MS. BRIDENSTINE:** Did you ever have or did you ever  
12 show anyone, like, that you had rolls of money on you?

13 **MR. BANNER:** No.

14 **MS. BRIDENSTINE:** Did you see Nelson Hartman that  
15 weekend?

16 **MR. BANNER:** Who?

17 **MS. BRIDENSTINE:** Nelson Hartman.

18 **MR. BANNER:** Nelson Hartman? Who is Nelson  
19 Hartman? Is that -- is that a white kid?

20 **MS. BRIDENSTINE:** I can't -- I don't know.

21 **MR. BANNER:** If I'm not mistaken, Nelson -- I  
22 can't -- I don't know if that's the same person that lives next  
23 door to Chris Bryant -- Christopher Bryant or if that's -- or he  
24 lives down the street from Christopher Bryant.

25 But I think I know who Nelson is, and I don't think



1 I recall seeing him within that time frame.

2 MS. BRIDENSTINE: Okay. Did you have a friend  
3 named Nelson?

4 MR. BANNER: Yeah, they had a friend named Nelson.

5 MS. BRIDENSTINE: Okay. Who is Marcus? Do you  
6 know a Marcus?

7 MR. BANNER: Marcus. Marcus. Marcus is the dude  
8 that I was telling you that was supposed to go with me to Easton,  
9 but he never went. And when he left, I went back in the house.

10 MS. BRIDENSTINE: And when was that?

11 MR. BANNER: That was right around the time --  
12 after everybody got in the car and left.

13 MS. MATOIAN: I'm sorry. Where were you guys  
14 supposed to go?

15 MR. BANNER: A lot of places, but we never made it.

16 MS. MATOIAN: You said east what?

17 MR. BANNER: Easton. E-a-s-t-o-n.

18 MS. MATOIAN: Okay.

19 MS. BRIDENSTINE: What is that?

20 MR. BANNER: It's like another neighborhood --

21 MS. MATOIAN: Okay.

22 MR. BANNER: -- on the south side of Winston-Salem.

23 MS. BRIDENSTINE: Okay. Did you ever go by  
24 Mr. Jones' house on November 15, 2002?

25 MR. BANNER: No, ma'am.



1                   **MS. BRIDENSTINE:** Did you ever see the crime scene?

2                   **MR. BANNER:** No, ma'am. Besides from what they  
3 showed me in court, I never -- I never went up there whatsoever.

4                   **MS. BRIDENSTINE:** Did you go to the Hanes Mall that  
5 weekend? So after November 15th?

6                   **MR. BANNER:** Did I go to Hanes Mall?

7                   **MS. BRIDENSTINE:** With anyone.

8                   **MR. BANNER:** Not that I remember.

9                   **MS. BRIDENSTINE:** Okay. Let's go now to when you  
10 were arrested by the police.

11                   What did -- take me through the first time you had  
12 contact with them.

13                   **MR. BANNER:** The first time?

14                   **MS. BRIDENSTINE:** Uh-huh.

15                   **MR. BANNER:** The first time I seen them was outside  
16 of Christopher Bryant house when they thought that I was my  
17 brother.

18                   **MS. BRIDENSTINE:** And what did they say? Or what  
19 did you say?

20                   **MR. BANNER:** It was like, "You're Nathaniel  
21 Cauthen."

22                   I was like, "No."

23                   They was like, "Don't lie. You're Nathaniel  
24 Cauthen."

25                   Like, "No."



1                   Next thing you know, my brother and Christopher  
2 Bryant walks out of the house. And Christopher Bryant brothers  
3 walked out of the house. That's when they told them that "We need  
4 to take y'all downtown for questioning."

5                   I called my mom. She said, "Don't get in the car."  
6 I didn't get in the car. My brother got in the car. And that was  
7 the last time I seen him or them before they came to my house and  
8 put me under arrest.

9                   As far as I know, at that time, it was like 12:00,  
10 if I'm not mistaken, 11-ish, 12-ish --

11                  **MS. BRIDENSTINE:** Uh-huh.

12                  **MR. BANNER:** -- somewhere around there. They put  
13 me under arrest.

14                  **MS. BRIDENSTINE:** That was at night?

15                  **MR. BANNER:** That was that night.

16                  **MS. BRIDENSTINE:** Okay.

17                  **MR. BANNER:** And that was -- then after that, they  
18 took me downtown for questioning. After the questioning, they  
19 took me down to the youth detention center.

20                  **MS. BRIDENSTINE:** Let's talk about that  
21 questioning.

22                  What was that -- how did that start off?

23                  **MR. BANNER:** I asked them -- asked them where my  
24 mom was at. They said she couldn't be down there. So I were like  
25 all right.



1                   So they give me the phone to call her. I asked her  
2 why she wasn't down here being that -- that I had been in numerous  
3 trouble before and she's always been there; so she said they said  
4 that she couldn't come.

5                   So, boom, I hung up the phone, went to questioning.  
6 They asked me what happened. At first I was like, "I don't know.  
7 I don't know nothing."

8                   After a while, they left, came back, gave me a  
9 soda. Walked back out, came back in and was like, "We know what  
10 happened."

11                  They played a tape recorder for me. On the tape  
12 recorder, the tape recorder said that I hit Mr. Jones first. That  
13 was the tape recorder.

14                  After that, he was like, "Just tell me the truth,  
15 what happened or whatever going on, and we're just going to send  
16 you home."

17                  At that point in time, I lied.

18                  **MS. BRIDENSTINE:** So who was on the tape recorder?  
19 Who were you listening to?

20                  **MR. BANNER:** They told me it was my brother --

21                  **MS. BRIDENSTINE:** Okay.

22                  **MR. BANNER:** -- Nathaniel Cauthen that said that.

23                  They also played another tape recorder with  
24 Christopher -- no, with Dorrell Brayboy, but I cannot remember  
25 what he said in the recording. But whatever he said in the



1 recording, it had me doing something -- it had me doing something.

2 **MS. BRIDENSTINE:** Uh-huh.

3 **MR. BANNER:** But I can't remember. I know for a  
4 fact that my brother told them that I hit the man first.

5 **MS. BRIDENSTINE:** Okay.

6 **MR. BANNER:** So after that, I lied. They took  
7 my -- they took -- they took my statement, processed me, and took  
8 me down to the juvenile detention center. I went to court the  
9 next morning.

10 **MS. BRIDENSTINE:** Why did you lie?

11 **MR. BANNER:** I don't know. I was young. I didn't  
12 know no better.

13 **MS. BRIDENSTINE:** Okay. You said that they  
14 mentioned something about you could go home?

15 **MR. BANNER:** Yes.

16 **MS. BRIDENSTINE:** And when did they say that to  
17 you? Or tell me more about that.

18 **MR. BANNER:** They was like, "We already know what  
19 happened. Just tell us what was going on. Tell us the truth.  
20 We're going to send you home" or whatever.

21 But then I was like -- then I happened to see  
22 something -- I had me in the two-way room, and I looked through  
23 the other window and I seen Dorrell Brayboy and his mom.

24 So now I was like, "Yo, why is his mom down here  
25 and mine not?"



1                   They were like, "What is you talking about?"

2                   Like, "I just seen Dorrell Brayboy with his mom."

3                   They was like, "Oh, no. That was just something  
4 else."

5                   So I proceeded telling them what I knew as a lie  
6 and told them so I can get out of there. That's -- that was that.

7                   **MS. BRIDENSTINE:** Did you see anyone else at the  
8 police station --

9                   **MR. BANNER:** No.

10                  **MS. BRIDENSTINE:** -- when you were there?

11                  **MR. BANNER:** Jermal -- Dorrell Brayboy is the only  
12 one I seen, and I seen him with his mom.

13                  **MS. BRIDENSTINE:** Did you know if anyone else was  
14 there?

15                  **MR. BANNER:** No, I did not.

16                  **MS. BRIDENSTINE:** Who is your mother? What is her  
17 name?

18                  **MR. BANNER:** Teresa McCants.

19                  **MS. BRIDENSTINE:** Okay. So she's Nathaniel  
20 Cauthen's mother as well.

21                  **MR. BANNER:** Yes, ma'am.

22                  **MS. BRIDENSTINE:** All right. Did you see her that  
23 night at the police station?

24                  **MR. BANNER:** No.

25                  **MS. BRIDENSTINE:** Did they ever talk to you about



1 the death penalty?

2 **MR. BANNER:** No, not that I recall.

3 **MS. BRIDENSTINE:** Other than the recordings that  
4 they played for you, what did the police tell you?

5 **MR. BANNER:** As far as?

6 **MS. BRIDENSTINE:** Just tell us -- take us through  
7 what you remember -- the conversation with the police, like how  
8 that went and what was said.

9 **MR. BANNER:** I --

10 **MS. BRIDENSTINE:** If you don't remember, then you  
11 don't remember. But if you remember any other details.

12 **MR. BANNER:** That's the only thing I really  
13 remember besides them bringing a paper for me to sign.

14 They brought a paper for me to sign saying that I  
15 didn't want my mom there, and I remember for a fact that I never  
16 signed no paper. And the signing was not in my handwriting. And  
17 I pointed that out to my lawyer while we was going to trial.  
18 That's the only thing I remember, really.

19 But they -- I never signed no paper.

20 **MS. BRIDENSTINE:** Okay.

21 **MR. BANNER:** Besides that.

22 **MS. BRIDENSTINE:** Do you remember how much of the  
23 recording you listened to? Like if you could say how long it  
24 played for.

25 **MR. BANNER:** I know my brother recording played for



1 probably like 20 seconds.

2 MS. BRIDENSTINE: Okay.

3 MR. BANNER: Dorrell recording probably played same  
4 amount of -- I mean, same amount. It -- it was quick. It wasn't  
5 just listening to it and -- it was they played a certain part and  
6 then cut it off.

7 MS. BRIDENSTINE: Okay. Did you have anything to  
8 do with Mr. Jones' death?

9 MR. BANNER: No.

10 MS. BRIDENSTINE: Were you there when he was --

11 MR. BANNER: No.

12 MS. BRIDENSTINE: -- robbed and beaten up and tied  
13 up?

14 MR. BANNER: No.

15 MS. BRIDENSTINE: Did you see it?

16 MR. BANNER: No.

17 MS. BRIDENSTINE: So if you're telling me that you  
18 didn't have anything to do with it, you're innocent, why did you  
19 confess to the police?

20 MR. BANNER: I don't know.

21 MS. BRIDENSTINE: Okay. Did Christopher Bryant  
22 tell you anything about his involvement in this case or being  
23 involved?

24 MR. BANNER: No.

25 MS. BRIDENSTINE: What about Nathaniel Cauthen?



1 Did he tell you anything about this case?

2 **MR. BANNER:** No.

3 **MS. BRIDENSTINE:** Or Dorrell Brayboy?

4 **MR. BANNER:** No.

5 **MS. BRIDENSTINE:** Or Jermal Tolliver?

6 **MR. BANNER:** No.

7 **MS. BRIDENSTINE:** Did you ever hear anyone talk  
8 about who might have committed this crime?

9 **MR. BANNER:** No, not really. But me, I have my  
10 suspicions.

11 **MS. BRIDENSTINE:** And who -- what -- what are  
12 those?

13 **MR. BANNER:** I know for a fact that they said that  
14 the man was beat with a baseball bat, and I know for a fact that  
15 Jermal Tolliver brother carries a baseball bat in the trunk of his  
16 car and he uses to fight with.

17 **MS. BRIDENSTINE:** Who told you that, that he was  
18 beaten with a baseball bat?

19 **MR. BANNER:** The Court said he was beat with a  
20 blunt object.

21 **MS. BRIDENSTINE:** Okay.

22 **MR. BANNER:** At that time.

23 But I know from my lawyer telling me when he was  
24 coming to see me he were beat with a blunt object, baseball bat,  
25 something like that.



1                   **MS. BRIDENSTINE:** Have you ever heard anyone say  
2 anything about this case?

3                   **MR. BANNER:** Nope.

4                   **MS. BRIDENSTINE:** So other than that suspicion  
5 involving Jermal Tolliver's brother, do you have any other  
6 information about who might be responsible for his death?

7                   **MR. BANNER:** Nope.

8                   **MS. BRIDENSTINE:** Do you remember what shoes you  
9 were wearing on November 19th -- 15th?

10                  **MR. BANNER:** No.

11                  **MS. BRIDENSTINE:** What was your shoe size then?

12                  **MR. BANNER:** Probably an 8 1/2.

13                  **MS. BRIDENSTINE:** Did anyone else ever wear your  
14 shoes?

15                  **MR. BANNER:** Outside of my brothers, no.

16                  **MS. BRIDENSTINE:** And when you say your "brothers,"  
17 who do you mean?

18                  **MR. BANNER:** Nathaniel Cauthen and Joseph Cauthen.

19                  **MS. BRIDENSTINE:** Do you remember what shoes anyone  
20 else was wearing on November 15th?

21                  **MR. BANNER:** No, ma'am.

22                  **MS. BRIDENSTINE:** Who is Anjuan?

23                  **MR. BANNER:** Anjuan?

24                  **MS. BRIDENSTINE:** Uh-huh.

25                  **MR. BANNER:** It's my cousin.



1                   **MS. BRIDENSTINE:** Okay. Did he have anything to do  
2 this case?

3                   **MR. BANNER:** No, not that I know of.

4                   **MS. BRIDENSTINE:** What about your brother Joseph  
5 Cauthen?

6                   **MR. BANNER:** No, not that I know of.

7                   **MS. BRIDENSTINE:** Did they ever talk to you about  
8 the case, either one of them?

9                   **MR. BANNER:** No.

10                  **MS. BRIDENSTINE:** You mentioned your attorney. Did  
11 you, to your -- other than the police, did you tell anyone that  
12 you were involved in this case or you had anything to do with  
13 Mr. Jones' death?

14                  **MR. BANNER:** No.

15                  **MS. BRIDENSTINE:** Did you tell your attorney that  
16 you weren't responsible?

17                  **MR. BANNER:** Yes.

18                  **MS. BRIDENSTINE:** And tell me about that.

19                               What was your interaction with your attorney like?

20                  **MR. BANNER:** See, I say -- in the month of the  
21 time, they came to me with a plea.

22                  **MS. BRIDENSTINE:** Uh-huh.

23                  **MR. BANNER:** I told him I didn't want the plea. He  
24 say, "Take the plea."

25                               I say, "I don't want the plea because I'm not



1 taking a plea for something I didn't do."

2 MS. BRIDENSTINE: Do you remember what the plea  
3 was?

4 MR. BANNER: At that time, no.

5 MS. BRIDENSTINE: Okay.

6 MR. BANNER: But I know they tried to bring me  
7 another plea during trial that was for 14 -- 14 1/2 years to  
8 18 1/2, somewhere around there.

9 MS. BRIDENSTINE: Okay.

10 MR. BANNER: So that was about it.

11 MS. BRIDENSTINE: There is -- in the trial  
12 transcript, there's a time in the closing statement where your  
13 attorney says -- let me see if I can get this -- that you might've  
14 been there, but you were out in the road and was not taking part  
15 of what was taking place.

16 Do you know why your attorney said that?

17 MR. BANNER: Because that's what I told him.  
18 That's what -- that's what I told the police that night when they  
19 questioned me. That's what I told them.

20 MS. BRIDENSTINE: Okay. Did you ever tell your  
21 attorney that you were out in the road and were not taking part?

22 MR. BANNER: No.

23 MS. BRIDENSTINE: Has anyone ever threatened you  
24 about this case?

25 MR. BANNER: No.



1                   **MS. BRIDENSTINE:** And I understand you did not  
2 testify at the motion to suppress that was held before trial about  
3 your statements made to the police.

4                   Why didn't you testify?

5                   **MR. BANNER:** Lawyer said that wouldn't be a good  
6 idea.

7                   **MS. BRIDENSTINE:** Okay. What about at trial? Why  
8 didn't you testify?

9                   **MR. BANNER:** He said it wouldn't be a good idea  
10 either. Said -- said something about if I do, the statement would  
11 be held against me or something -- something about my brother's  
12 statement would be held -- would be held against me, other  
13 statements as well. So he was like, "I advise you not to take the  
14 stand."

15                   **MS. BRIDENSTINE:** Okay.

16                   **MR. BANNER:** But I wanted to, but he told me not  
17 to.

18                   **MS. BRIDENSTINE:** Tell me about Jessica Black.  
19 How did you know her? How long did you know her before  
20 November 15th?

21                   **MR. BANNER:** Let's see. Jessica Black -- I met  
22 Jessica Black from her boyfriend trying to beat her up on his  
23 porch that lived next door to Jermal Tolliver, which is -- I  
24 stopped him from doing that. Ever since then, we probably been  
25 cool. So it was probably -- I say we probably known Jessica



1 maybe, at the most, maybe a couple months, if that.

2 **MS. BRIDENSTINE:** Okay. Was she a friend?

3 **MR. BANNER:** Yeah, you could say that.

4 **MS. BRIDENSTINE:** On November 15, 2002, did you go  
5 to the Dollar General store that day?

6 **MR. BANNER:** No, ma'am.

7 **MS. BRIDENSTINE:** Did you go to Maxways that day?

8 **MR. BANNER:** No, ma'am.

9 **MS. BRIDENSTINE:** Did you have tape on you?

10 **MR. BANNER:** No, ma'am.

11 **MS. BRIDENSTINE:** Did you see anyone with tape?

12 **MR. BANNER:** No, ma'am.

13 **MS. BRIDENSTINE:** Did Christopher Bryant -- did you  
14 ever see him with tape on his spree or anything?

15 **MR. BANNER:** On his spree? Yes.

16 **MS. BRIDENSTINE:** And what did that look like? Do  
17 you remember?

18 **MR. BANNER:** The duct tape, gray duct tape.

19 **MS. BRIDENSTINE:** Okay. Did you see that that day?

20 **MR. BANNER:** No.

21 **MS. BRIDENSTINE:** Why do you think Jessicah Black  
22 testified and said that you guys committed this crime?

23 **MR. BANNER:** I don't know. I don't know. I know  
24 she lied. I know -- I don't know. I know she lied. I know that  
25 the way she -- I couldn't tell you. I just -- I don't know. I



1 guess to keep her -- to keep herself out of trouble, but I don't  
2 see why she would indicate [sic] me whatsoever knowing that I was  
3 nowhere with them that night at all. So I don't know.

4 **MS. MATOIAN:** What were you going to say when you  
5 said "the way she"?

6 **MR. BANNER:** What?

7 **MS. MATOIAN:** Just now, you said "the way she," and  
8 then you stopped yourself. What were you going to say?

9 **MR. BANNER:** I don't know. I'm just -- I just --  
10 it's too much. I mean, for me, and the way they say it happened,  
11 I have my own doubts. So -- I don't know.

12 I feel like -- this is what I feel. I feel like if  
13 she's going to -- I feel like she wouldn't lie for no reason, but  
14 I know she lied about me. But I don't know -- it's something more  
15 to -- it's something more to the whole story, and I just ain't got  
16 it. And I'm just going off what I heard and from what they told  
17 me.

18 And I can't -- that's why I still don't get it.  
19 Like, "Why did y'all put me with y'all knowing that I wasn't with  
20 y'all?"

21 I don't understand that. I don't know. And to  
22 this day, I don't even talk to my own brother.

23 **MS. BRIDENSTINE:** When's the last time you talked  
24 to him?

25 **MR. BANNER:** Probably five, maybe -- maybe five



1 years ago.

2 **MS. BRIDENSTINE:** Okay. You talking about  
3 Nathaniel Cauthen?

4 **MR. BANNER:** Yes.

5 **MS. BRIDENSTINE:** Have you ever talked to him about  
6 the case since you guys were arrested?

7 **MR. BANNER:** Not really. I asked him this, that,  
8 and third, asked him why he said my name.

9 **MS. BRIDENSTINE:** What did he say?

10 **MR. BANNER:** Spur of the moment. I asked -- I was  
11 at another camp with Christopher Bryant, and I asked to see his  
12 statement or his motion. Half of that's missing. So that raised  
13 suspicions.

14 Then I go back to -- when another lawyer did my  
15 MAR, I get a paper that says that they took a plea -- they took a  
16 plea for 100 -- 156 months to 198 months. As far as I know, I  
17 asked them, "Why did you take a plea when you say you ain't had  
18 nothing to do with it?" And that was the whole thing like ...

19 **MS. BRIDENSTINE:** So you think they took a plea?

20 **MR. BANNER:** Yeah. I basically think they shifted  
21 on me. Like, for real. Like, if I knew you were going to leave  
22 me out to hang like that and do that -- I mean, I know I ain't do  
23 it, but I probably would've took a plea too.

24 **MS. BRIDENSTINE:** Who do you think took a plea?

25 **MR. BANNER:** Well, I have that paper, and it says



1 that Jermal Tolliver, Dorrell Brayboy, and Christopher Bryant took  
2 a plea bargain.

3 MS. BRIDENSTINE: You mentioned earlier that you  
4 had gotten into trouble before.

5 MR. BANNER: Yes.

6 MS. BRIDENSTINE: You commit other robberies?

7 MR. BANNER: No.

8 MS. BRIDENSTINE: Did you ever like brag about  
9 making licks or committing robberies?

10 MR. BANNER: No.

11 MS. MATOIAN: Is that terminology that you would  
12 use, "making a lick"?

13 MR. BANNER: What, robberies?

14 MS. BRIDENSTINE: Uh-huh.

15 MR. BANNER: No. See -- no, not really, I  
16 didn't -- only thing I really got in trouble for was breaking and  
17 entering. I mean, nah, I ain't never had no robberies or nothing  
18 like that.

19 MS. BRIDENSTINE: Did you ever talk about planning  
20 a robbery with anyone?

21 MR. BANNER: No.

22 MS. BRIDENSTINE: What about your brother? Did he  
23 ever commit robberies?

24 MR. BANNER: Not that I know of.

25 MS. BRIDENSTINE: And when I say your brother, I



1 should be clear because I know you have two. I meant Nathaniel  
2 Cauthen.

3 MR. BANNER: Not that I know of.

4 MS. BRIDENSTINE: What about Joseph Cauthen?

5 MR. BANNER: Not that I know of.

6 MS. BRIDENSTINE: What about Anjuan?

7 MR. BANNER: Not that I know of.

8 MS. BRIDENSTINE: All right. When you say "not  
9 that I know of," did they ever talk to you about --

10 MR. BANNER: No.

11 MS. BRIDENSTINE: -- crimes they had committed?

12 MR. BANNER: No.

13 MS. BRIDENSTINE: Or robberies?

14 MR. BANNER: Far as I know, ain't none of them ever  
15 been in trouble.

16 MS. BRIDENSTINE: All right. So I know you said  
17 the last time you had contact with Nathaniel Cauthen was five  
18 years ago.

19 When's the last time you had contact with  
20 Christopher Bryant?

21 MR. BANNER: I left Christopher Bryant at Morrison  
22 correctional in 2012.

23 MS. BRIDENSTINE: You said something about wanting  
24 to see his statement or seeing his statement.

25 What do you -- what were you talking about?



1                   **MR. BANNER:** Well, his motion for -- what was it?  
2 Or what was said or what did he say to the police or what -- or  
3 what -- what he said about what happened. And I read half of it,  
4 but the other half was missing.

5                   **MS. BRIDENSTINE:** So what did you guys talk about  
6 about the case?

7                   **MR. BANNER:** I mean, asked him -- I asked him like,  
8 "For real like what really did happen?"

9                   He was like, "Nothing."

10                   Like we -- like I said, like -- I just -- I don't  
11 know. I feel like it was more than that or somebody's lying  
12 somewhere down the line, and that was it. So I asked him like,  
13 "Yo, why did y'all say my name?"

14                   His words was, "I didn't say your name."

15                   I told him he was lying. "I know for fact you said  
16 my name. I just want to know why."

17                   He never could tell me why. That's the only person  
18 I talked to besides that -- after that. I just -- I just leave it  
19 alone because it makes me mad.

20                   **MS. BRIDENSTINE:** Okay. Did Christopher Bryant  
21 tell you he had anything to do with Mr. Jones' death?

22                   **MR. BANNER:** No.

23                   **MS. BRIDENSTINE:** Did you ever talk about -- let me  
24 ask you this. When's the last time you had contact with Dorrell  
25 Brayboy?



1                   **MR. BANNER:** Last time I had contact with Dorrell  
2 Brayboy. 2000 and -- I want to say somewhere from 2008, 2010 --  
3 somewhere around in that area.

4                   **MS. BRIDENSTINE:** Do you remember where you were?

5                   **MR. BANNER:** At Polk Correctional.

6                   **MS. BRIDENSTINE:** And what did you guys talk about?

7                   **MR. BANNER:** We didn't even really talk about it.  
8 We -- I mean, we was -- we was together, but we never really  
9 talked about it. All of us was together at Polk, matter of fact,  
10 except for Christopher Bryant.

11                   **MS. BRIDENSTINE:** Okay. Did you talk about the  
12 case --

13                   **MR. BANNER:** No.

14                   **MS. BRIDENSTINE:** -- with Jermal Tolliver?

15                   **MR. BANNER:** No.

16                   **MS. BRIDENSTINE:** And when's the last time you saw  
17 Jermal Tolliver?

18                   **MR. BANNER:** Around that same time.

19                   **MS. BRIDENSTINE:** Okay. And Dorrell Brayboy?

20                   **MR. BANNER:** No, not really. I ain't never really  
21 talked to him about it.

22                   **MS. BRIDENSTINE:** When's the last time you saw him?

23                   **MR. BANNER:** Around 2008, 2010 -- somewhere around  
24 there.

25                   **MS. BRIDENSTINE:** Have you ever applied to anywhere



1 regarding like an innocence claim?

2 **MR. BANNER:** No, ma'am.

3 **MS. BRIDENSTINE:** Why not?

4 **MR. BANNER:** I don't know. I just -- well, I was  
5 looking at your card. This not the first time I talked to y'all.

6 **MS. BRIDENSTINE:** When did you talk to someone?

7 **MR. BANNER:** I talked to a lady around 2000 -- I  
8 got here in '12. I got here in '12. It had to -- I want to say  
9 like somewhere in '12, '12 -- yeah, 2012. A lady came here and  
10 said that somebody else wrote actual innocence. I don't know  
11 which one it was, but it was one of them.

12 **MS. BRIDENSTINE:** Okay. Could it have been the  
13 North Carolina Center On Actual Innocence?

14 **MR. BANNER:** I can't be sure.

15 **MS. BRIDENSTINE:** I can tell you it wasn't -- it  
16 wasn't us, but there are other agencies with similar names in this  
17 state.

18 **MR. BANNER:** How about -- I got it in my room. I  
19 know that.

20 **MS. BRIDENSTINE:** And what did you tell this  
21 person?

22 **MR. BANNER:** Same thing I'm telling y'all.

23 **MS. BRIDENSTINE:** Who have you told that you were  
24 innocent?

25 **MR. BANNER:** Everybody. I was telling my mom just



1 the other day. Like she asked me, like, "Yo, like did you do it?"

2 I was like, "No."

3 And -- and I kinda broke it down to her and was  
4 like, "Why -- why would I lie for so long? I mean, it's over. I  
5 took my time. The -- I got the time. Ain't no need for me to  
6 still be lying about it. I might as well go ahead and tell you I  
7 did it, but I didn't do it."

8 **MS. MATOIAN:** Has your mom ever told you anything  
9 that your brother Nathaniel Cauthen has said about this crime?

10 **MR. BANNER:** No.

11 **MS. MATOIAN:** Is your mom in contact with your  
12 brother?

13 **MR. BANNER:** Far as I know, yeah, when he doing  
14 nothing stupid.

15 **MS. BRIDENSTINE:** Were you aware of anyone else who  
16 was charged in this case -- so Nathaniel Cauthen and Jermal  
17 Tolliver or Christopher Bryant or Dorrell Brayboy -- applying with  
18 any other innocence organizations?

19 **MR. BANNER:** No.

20 **MS. BRIDENSTINE:** Did you know that Christopher  
21 Bryant had applied with us?

22 **MR. BANNER:** No.

23 **MS. MATOIAN:** Have you applied to us?

24 **MR. BANNER:** No.

25 **MS. MATOIAN:** Is there any reason why?



1                   **MR. BANNER:** No.

2                   **MS. BRIDENSTINE:** When are you -- oh. You were  
3 going to say something.

4                   **MR. BANNER:** Nah. I'll say I thought about it a  
5 couple times, but never did it.

6                   **MS. BRIDENSTINE:** When are you eligible for parole?

7                   **MR. BANNER:** January 2, 2028, if I'm not mistaken.

8                   **MS. BRIDENSTINE:** You mentioned a motion for  
9 appropriate relief was filed in your case. What -- do you  
10 remember what that was based on?

11                   **MR. BANNER:** No. Being -- oh, being charged as --  
12 on cruel and unusual punishment, being charged as a minor like an  
13 adult or something like that.

14                   **MS. BRIDENSTINE:** Okay.

15                   **MS. MATOIAN:** Do you know anyone named Andy from  
16 Winston-Salem?

17                   **MR. BANNER:** Andy?

18                   **MS. MATOIAN:** Uh-huh.

19                   **MR. BANNER:** No.

20                   **MS. MATOIAN:** Do you know anyone named Crump?

21                   **MR. BANNER:** No. Hold on. Say that name again.

22                   **MS. MATOIAN:** Crump.

23                   **MR. BANNER:** Crump?

24                   **MS. MATOIAN:** Yes.

25                   **MR. BANNER:** I met a Crump in the county jail.



1                   **MS. MATOIAN:** When you were in county jail for this  
2 crime?

3                   **MR. BANNER:** Yes.

4                   **MS. MATOIAN:** Did he talk to you about this crime?

5                   **MR. BANNER:** Yes. If I'm not mistaken, yes.

6                   **MS. MATOIAN:** What did he say to you?

7                   **MR. BANNER:** He said -- hold on. Jermal Tolliver  
8 was in the wing next to mines. And then when I got in there, he  
9 was like -- it's kind of funny. He was like he heard about it,  
10 but he know -- he knew something about it or something. And I  
11 don't remember him saying that. And then my mom came to see me  
12 and he had visitation the same day. I told my mom about it. My  
13 mom was like -- like, "Don't listen to him. Like, he don't know  
14 what he's talking about."

15                   And I never really thought about it, but -- I  
16 never -- after that, I just left it alone. But I do remember him  
17 saying he heard something about that. I do remember that, and  
18 that was in 2002 right before I was going to court.

19                   **MS. BRIDENSTINE:** Other than that and you said you  
20 had some suspicions about the baseball bat and Jermal Tolliver's  
21 brother --

22                   **MR. BANNER:** Yeah.

23                   **MS. BRIDENSTINE:** -- did you ever hear anything  
24 else about anyone having something to do with this?

25                   **MR. BANNER:** No.



1                   **MS. BRIDENSTINE:** If we think of any other  
2 questions, can we get in contact with you again?

3                   **MR. BANNER:** Yes.

4                   **MS. BRIDENSTINE:** And you have my card.

5                   **MR. BANNER:** Yes.

6                   **MS. BRIDENSTINE:** If you think of anything or you  
7 have any questions, you can write to us there. Okay?

8                   **MR. BANNER:** Okay.

9                   **MS. BRIDENSTINE:** All right. Thank you for your  
10 time.

11                   **MR. BANNER:** Thank you.

12                   **MS. MATOIAN:** Thank you, Mr. Banner.

13                   **MS. BRIDENSTINE:** We appreciate it.

14                   **MS. MATOIAN:** It's nice to meet you.

15                   **MR. BANNER:** It's nice to meet you too.

16                   (The recorded interview concluded.)  
17  
18  
19  
20  
21  
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23  
24  
25



## CERTIFICATE OF TRANSCRIPT

This is to certify that the 44 pages of this transcript of the recorded interview of Rayshawn Banner was taken on February 21, 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 14th day of May, 2018.



Victoria L. Pittman  
AOC-Approved Transcriber  
PO Box 47  
Wake Forest, NC 27588  
919.931.6222  
toriRDR@gmail.com



Handout # 96

Cauthen DPS Records

Sealed by Order of the Court



# Handout 97





State of North Carolina  
Post Release Supervision and Parole Commission  
2020 Yonkers Road,  
4222 MSC  
Raleigh, NC 27699-4222  
Telephone (919) 716-8010  
Fax (919) 824-6254

ROY COOPER  
GOVERNOR

WILLIS J. FOWLER  
CHAIRMAN

COMMISSIONERS

GRAHAM H. ATKINSON  
ERIC A. MONTGOMERY

March 13, 2018

Nathaniel Cauthen 0849870  
Lanesboro CI - 4865

In reference to your scheduled parole review 11-2-27

Dear Mr. Cauthen:

The United States District Court for the Eastern Division of North Carolina (Western Division) has recently determined that the N.C. Post-Release Supervision and Parole Commission must apply a different parole review process for juvenile offenders convicted as adults and sentenced to life with the possibility of parole. Your case has been identified as one affected by this federal court's decision. You will be notified by letter within the next sixty (60) days on how the *Hayden v. Butler* federal court decision will specifically be applied to your case.

If you have any questions about your case in the future, please contact Senior Parole Case Analyst Joy Smith who will be handling this specialized caseload.

Sincerely,

N.C. Post-Release Supervision and Parole Commission

cc: Unit Superintendent  
Lanesboro CI - 4865

000698  
NCIC - DPS



Joy

MAY 2 18 PM '95

0849870

Dear Mr. Smith

Hello Mr. Smith how are you doing? Wonderful I hope. Me, I'm doing well. This is Nathaniel A. Cawthon OP# 0849870 I am currently housed at Lanesboro correctional institution, which is on lockdown because of deadly multiple stabbing of prisoners and security staff member. Due to my situation prior to this, it's a blessing to be writing you this letter and I don't speak of my blessing because it sounds good. I don't use God as if I don't know who he is. God is my rock, He's my salvation, and he's my foundation, without him there would be no me. God is my best friend which I'm pleased to say, but I'm writing this letter to you because I'm lost on how this parole situation works, and I would like to know what parole is actually consist of? I was wondering what was my status of actually making parole? I am one of the juveniles that was connected to Natural Life and was recently resentence to life with the possibility of parole after twenty five years. As of late I was sent a letter by NC Post Release Supervision and Parole Commission stating that I would be notified within the next sixty days on how the Hayden V. Butler federal court decision would specifically be applied to my case. In this letter I was instructed to write you if I had any questions concerning my new sentencing. Although I haven't received the new findings of my ~~new~~ parole sentencing date yet, I'm also writing you to explain my situation of not having my G.E.D. Throughout the course of my incarcerate I've been in school and taken four G.E.D. testings. But since 2014 I haven't been at any prison institution long enough to finish my last test, math, before the G.E.D. testing was switched to something new going back and forth to court to be resentence to the sentence I have now. I sincerely apologize for this because I know I am well able to receive my G.E.D. if I was given the opportunity.

000695  
NCIC - DPS



But as I've said before we are currently locked down, plus since I've been here at this institution, they do not have a G.E.D. instructor to conduct the G.E.D. class. I don't want this, me not having my G.E.D. to affect my chances of showing that I am truly rehabilitated, and is honestly ready to be reintegrated into society. I don't want me not having my G.E.D. to serve as a purpose that I don't have the educational skills to reclaim a place in society. — Not to give you my life long story of incarceration since I was fifteen, but I was fifteen years of age Mr Smith, I couldn't read or write, let alone know math. Now I can read and comprehend anything I also write on a college level, and my math is still fairly well to pass the G.E.D. testing. Quote unquote "When I was a child I thought as a child, acted like a child, but not that I am a young man I've set aside my childish ways and now conduct myself as the young man I am today. It's like when you was a child, fifteen, or anybody else for that matter, we thought we knew it all. We all thought we knew what it took to live on our own, that we didn't need the teachings and backlashes of our elders and all the while we were wrong, we did indeed need the teachings and backlashes of the elderly. I was one of those kids Mr Smith, really I was. I made a mistake Mr. Smith as a lot of people make mistakes, I'm not made perfect. Which I shouldn't have, I told the police a lie because they forced it upon me and my ~~co-defendants~~ co-defendants which are ~~now~~ now home. I was scared and I honestly didn't know what to do at the time, which I truly and honestly recant. I now know different, that's the difference between being fifteen and twenty-five. Now that I am here, asking you for relief and the opportunity to return to society is a major blessing. Being sentence to Natural Life back then, and now Life with the possibility of parole, now



having an even closer parole date is even more a true blessing. My journey on this path has been long and hard, and even though I didn't commit this crime and was forced to do prison time for something that I haven't done I honestly respect the fact that this time prison taught me how to conduct, present, and be a respectable young man. I am currently still working on my innocence, but now that I have a little brother and sister, two nephews, and a beautiful little niece I can possibly keep them on the right track to never know, or ever experience prison. I do apologize for how they say the victim in my case lost his life. I also apologize for the heartache of his family member, but most of all I apologize for the heartache that my own mother had to encounter because of this. I, above everything, wish I could turn back the hands of time before November the fifteen of 2002, but I can't, ~~and~~ neither can anyone else, but I am asking you to please grant me parole so that I may reintegrate with society, not to prove to just to society, my mother and family members, the victim's family but most and truly myself. If you have taken the time out to read this letter I sincerely thank you for your time and truly appreciate it. Thank you Mr. Smith and may God bless you and your family and friends.

Sincerely

Pharmel A. Caulder

P.S Can you please write me back as soon as possible thank you

000607  
NEIC - DPS



# Handout 98



1 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
 2 COUNTY OF FORSYTH SUPERIOR COURT DIVISION  
 02 CRS 38886

3  
 4  
 5 STATE OF NORTH CAROLINA, )  
 v )  
 6 CHRISTOPHER BRYANT, )  
 Defendant. )

7  
 8 RECORDED INTERVIEW OF NATHANIEL CAUTHEN

9 This is the transcript of the recorded interview taken  
 10 of Nathaniel Cauthen, which was conducted by Julie Bridenstine,  
 11 Staff Attorney, from the North Carolina Innocence Inquiry  
 Commission. The recorded interview took place on February 22,  
 2018, at the Lanesboro Correctional Institute in Polkton, North  
 Carolina.

12  
 13 APPEARANCES

14  
 15 Julie Bridenstine, Staff Attorney  
 16 NORTH CAROLINA INNOCENCE INQUIRY COMMISSION  
 PO Box 2448  
 Raleigh, North Carolina 27602

17  
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 19 NORTH CAROLINA INNOCENCE INQUIRY COMMISSION  
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20  
 21  
 22 Transcribed by: Victoria L. Pittman  
 23 AOC-Approved Transcriber  
 24 For Pittman Stenography  
 Post Office Box 47  
 Wake Forest, NC 27588



1                   **MS. BRIDENSTINE:** Are you Nathaniel Cauthen?

2                   **MR. CAUTHEN:** Yes, ma'am.

3                   **MS. BRIDENSTINE:** Hi. I am Julie Bridenstine.  
4 Nice to meet you.

5                   **MS. MATOIAN:** Catherine Matoian. Nice to meet you.

6                   **MS. BRIDENSTINE:** Have a seat.

7                   I'm a legal investigator with the North Carolina  
8 Innocence Inquiry Commission. And Catee is an attorney with our  
9 agency.

10                   We are a state agency. We are in Raleigh, North  
11 Carolina. And what we do is we investigate cases of  
12 postconviction claims of innocence; so when people are convicted  
13 of certain felonies in North Carolina, they can apply to our  
14 agency and we can investigate their case. If we find factual,  
15 verifiable, credible evidence of innocence in -- people's cases  
16 can go before our commission. And if they pass through the  
17 Commission, they can go before a three-judge panel, and there is a  
18 process where people can get exonerated.

19                   So a man named Christopher Bryant, your  
20 codefendant, has applied with our agency and we are investigating  
21 his case.

22                   **MS. MATOIAN:** So we don't represent Mr. Bryant,  
23 just to be clear. We are a neutral state agency.

24                   **MS. BRIDENSTINE:** Yeah. We're just looking for the  
25 truth. We're not prosecutors. We're not law enforcement. We're



1 not defense attorneys. We're just tasked with investigating  
2 cases.

3 So we wanted to talk to you about his case, which  
4 is your case as well, and if you had any questions -- do you have  
5 any questions about that?

6 **MR. CAUTHEN:** When did this all come about? Like,  
7 he just got out some --

8 **MS. BRIDENSTINE:** Well, it doesn't matter if  
9 someone -- you don't have to be in prison to apply. So you just  
10 need to be convicted in North Carolina, and certain felonies  
11 qualify for us to look at. So we're investigating his case.

12 If I -- I wanted to talk to you about the case.  
13 And if you had anything that you don't remember or if you don't  
14 know, just -- just tell me. We're not asking people to guess or  
15 anything like that.

16 **MR. CAUTHEN:** What you want to know?

17 **MS. BRIDENSTINE:** What?

18 **MR. CAUTHEN:** I said, "What do you want to know?"

19 **MS. BRIDENSTINE:** I have a lot of questions to go  
20 through.

21 So why don't we start off with on November 15,  
22 2002. That was the night that Mr. Jones died.

23 Can you take me through what you did that day?  
24 Where you were?

25 **MR. CAUTHEN:** There's two sides of a story. You



1 got their story; you got mine. I don't know how that all adds up.  
2 So, you know what I'm saying, but my story is I was with Jessica  
3 Black.

4 **MS. BRIDENSTINE:** Okay.

5 **MR. CAUTHEN:** Me, her, by ourself, from the  
6 beginning of the whole day. Me and her took off somewhere else in  
7 the north -- in Winston-Salem somewhere, you know what I'm saying,  
8 on the east side of town.

9 Tolliver, Christopher Bryant, Dorrell Brayboy, or  
10 my little brother wasn't with me.

11 **MS. BRIDENSTINE:** Your little brother is?

12 **MR. CAUTHEN:** Rayshawn. Rayshawn Banner.

13 Weren't nobody with us -- just me and her.

14 I didn't get back to my side of town until  
15 8:00 o'clock, 7:00 o'clock that night. By this time, we picked up  
16 two -- let's see. Tolliver, Christopher Bryant, Dorrell, Jed, me,  
17 and Jessica.

18 **MS. BRIDENSTINE:** Who's Jed?

19 **MR. CAUTHEN:** He's another individual that we was  
20 associated with, you know what I'm saying, that was a part of our  
21 friendship back then. We took him to his father house.

22 **MS. BRIDENSTINE:** Whose house?

23 **MR. CAUTHEN:** Jed's father house. His pops weren't  
24 home so we drove him back to his uncle house on Waverley Street.

25 **MS. BRIDENSTINE:** Mm-hmm.



1                   **MR. CAUTHEN:** That's when we found out that  
2 Mr. Jones was dead.

3                   Now, what happened between that time and then, I  
4 don't know. But the rest, like -- you see where I'm at?

5                   **MS. BRIDENSTINE:** Okay. I just want to get some  
6 more details, if I can, about November 15.

7                   Do you remember when you saw Jessica Black the  
8 first time that day?

9                   **MR. CAUTHEN:** Yeah. It was right after I got out  
10 of school.

11                  **MS. BRIDENSTINE:** So like what time was that?

12                  **MR. CAUTHEN:** It were between 2:30, 3:30. It was  
13 no more -- no later than 5:00. I know that for a fact.

14                  **MS. BRIDENSTINE:** Where did you see her?

15                  **MR. CAUTHEN:** She was on -- she came to -- back  
16 then where did he stay? What street he stayed on? Christopher  
17 Bryant? I am trying to remember what street he was on.

18                  **MS. BRIDENSTINE:** Was it at his -- his house?

19                  **MR. CAUTHEN:** At his house.

20                  **MS. BRIDENSTINE:** Okay.

21                  **MR. CAUTHEN:** Back then, at his house, that's where  
22 we was staying -- I mean, that's where she picked me up at. They  
23 had walked to the store. I stayed because he had a little niece.  
24 That's who I was -- I was watching out for his niece.

25                  **MS. BRIDENSTINE:** Who went to the store?



1                   **MR. CAUTHEN:** Dorrell, Bubba, Jed, Christopher  
2 Bryant.

3                   **MS. BRIDENSTINE:** You said "Bubba." Is that  
4 Christopher Bryant?

5                   **MR. CAUTHEN:** Yeah. That's his name.

6                   **MS. BRIDENSTINE:** Okay.

7                   **MR. CAUTHEN:** That's what he uses. There was quite  
8 a few of us.

9                   **MS. BRIDENSTINE:** What store did they go to?

10                  **MR. CAUTHEN:** I don't know. I couldn't tell you.  
11 I really couldn't. My understanding is it's -- it's a quite a few  
12 stores in that area. You got Wilco, you got (indiscernible), you  
13 got the Chinese store, you got your grocery store, you know what  
14 I'm saying, it's right there in a little area. So I really don't  
15 know which store they went to. They just walked over and I stayed  
16 at the house with his niece.

17                   By this time, Jessicah Black pulled up. I were the  
18 only one out there. I took her -- I took her to a part of my town  
19 where I'm originally known at. We stayed there for about a few  
20 minutes. Then we drove somebody on the east side of town. That  
21 was it. Me and her spent the whole day together until about --  
22 about, I would say, 8:00 o'clock -- around 8:30, you know what I'm  
23 saying, somewhere between that time and then.

24                   And the result is that I'm here. I don't know what  
25 happened, can't tell you what happened.



1                   **MS. BRIDENSTINE:** So correct me if I'm wrong, but  
2       Jessica Black picked you up, you guys drove a few locations, and  
3       then you got back at 8:00.

4                   Did you see Christopher Bryant in that time period?

5                   **MR. CAUTHEN:** Yeah. When we got back, that's when  
6       we picked up -- we picked up "Accomplice Jed," and the rest of  
7       them. We all got in the car and took him to his father house.

8                   **MS. BRIDENSTINE:** And what time was that?

9                   **MR. CAUTHEN:** That somewhere between 8:00, 8:30.

10                  **MS. BRIDENSTINE:** Okay. So from the time she  
11       originally picked you up until then, you didn't see those guys?

12                  **MR. CAUTHEN:** Nowhere around me.

13                  **MS. BRIDENSTINE:** Okay. So when you came back and  
14       picked up Jed and you said Christopher Bryant -- and who else  
15       again?

16                  **MR. CAUTHEN:** Jed, Christopher Bryant, Jermal  
17       Tolliver, me, Dorrell Brayboy, and Jessica Black. It was just us  
18       six. We was all in her car.

19                  **MS. BRIDENSTINE:** Where -- do you know where your  
20       brother Rayshawn Banner was?

21                  **MR. CAUTHEN:** He was out there, but he didn't go  
22       with us because she ran over his foot so she got -- yeah. She was  
23       out there playing in her car and she ran over his foot by mistake  
24       and he got mad at her. He didn't get in the car. So he stayed  
25       there. The rest of us left.



1                   **MS. BRIDENSTINE:** Where did you go?

2                   **MR. CAUTHEN:** We took Jed to his father house. He  
3 wasn't home. Then we went back to his aunt house, and that's it.  
4 That's when we found out that Mr. Jones was dead.

5                   **MS. BRIDENSTINE:** How did you find out he was dead?

6                   **MR. CAUTHEN:** They had ambulance and polices all  
7 over the place.

8                   **MS. BRIDENSTINE:** Where did Jed live?

9                   **MR. CAUTHEN:** He stay like -- I would say probably  
10 about 11 houses down from the actual crime scene --

11                   **MS. BRIDENSTINE:** Okay.

12                   **MR. CAUTHEN:** -- going back the other way.

13                   So when we pulled in, you would see all the polices  
14 and stuff like that. Man ...

15                   **MS. BRIDENSTINE:** What did you do when you saw the  
16 ambulance and the police?

17                   **MR. CAUTHEN:** It's funny because everybody was  
18 trying to tell the girl to turn the car around. And I'm like,  
19 "Nah, don't turn the car around. Do that makes any sense? Why  
20 would you all turn the car around? What's -- what's the big  
21 deal?"

22                   That's what got me. Like, turn the car around for  
23 what? I'm like, "What you-all done done?" You know what I'm  
24 saying? The only person who would tell somebody to turn the car  
25 around or want to flee the scene if you had something to do with



1 it. And me, I jumped out the car -- me and Jed jumped out of the  
2 car, we ran down the street, seen the polices, you know what I'm  
3 saying, everybody standing outside.

4 So -- it was a drunk on the street. And I'm like,  
5 "Yo, what's going on?"

6 Like, "Yo, somebody killed a man right there."

7 I didn't even see the man in the street. I didn't  
8 see him. When I seen him, he was laying there dead. And I'm like  
9 yo ...

10 **MS. BRIDENSTINE:** Do you remember where he was when  
11 you saw him?

12 **MR. CAUTHEN:** They actually had him in the driveway  
13 still. Like they never brung him out. He was just laying in the  
14 carport. That's exactly where he was at when I seen the dead  
15 body.

16 Can't tell you nothing else. I'm here.

17 **MS. BRIDENSTINE:** Do you remember what time you  
18 were at the crime scene? Like what time of night it was?

19 **MR. CAUTHEN:** Let me see. I'd say it was somewhere  
20 between -- between that time -- I'd say probably about  
21 9:00 o'clock.

22 **MS. BRIDENSTINE:** Okay.

23 **MR. CAUTHEN:** Somewhere between then. Because  
24 after we left, we went to the bowling alley. That's what they're  
25 saying they got us mixed up, like, he was at the bowling alley



1 first, but we didn't go to the bowling alley until after the  
2 fact --

3 MS. BRIDENSTINE: Okay.

4 MR. CAUTHEN: -- you know what I'm saying? That's  
5 when they saying I were belligerent and I got into it with the  
6 police.

7 I did. I did get into it with the police, but it  
8 wasn't for something, you know what I'm saying, that happened back  
9 then. It was just me getting involved with the police. I was  
10 young. The police approached me the wrong way. I felt like  
11 defending myself. That's how they got me. I think they said they  
12 seen me on the surveillance camera or somewhere -- I don't know.  
13 It's just ...

14 MS. BRIDENSTINE: So who went to the bowling alley?

15 MR. CAUTHEN: All five -- all six of us.

16 MS. BRIDENSTINE: So who was that?

17 MR. CAUTHEN: Me, Jed, Jermal Tolliver, Christopher  
18 Bryant, Dorrell Brayboy, Jessicah Black.

19 MS. BRIDENSTINE: Did your brother Rayshawn Banner  
20 go?

21 MR. CAUTHEN: My little brother wasn't with me none  
22 that day. I seen my little brother one time that day. Me and him  
23 split up some funds that my mama had left for us, and that's it.  
24 I never seen my little brother -- I wasn't even with my little  
25 brother that whole day.



1                   **MS. BRIDENSTINE:** And tell me about the funds.  
2 What funds did your mom --

3                   **MR. CAUTHEN:** My mama leave us like in case -- in  
4 case we want to go, you know what I'm saying, to the football game  
5 or anything like that --

6                   **MS. BRIDENSTINE:** Uh-huh.

7                   **MR. CAUTHEN:** -- she'll leave us probably about  
8 \$50, \$20, \$40 (indiscernible) so me and him could split up and  
9 have money so we'll be able -- be able to enjoy ourselves,  
10 actually.

11                   After that, I seen my brother no more. I seen him  
12 that night when she ran over his foot, he got mad, didn't want to  
13 be around Jessicah Black. I seen him no more that night. I seen  
14 my brother the next morning, Saturday morning, that's when I seen  
15 my brother. Knew nothing -- it never crossed my mind.

16                   **MS. BRIDENSTINE:** So what time of day was it when  
17 you guys got funds from your mom?

18                   **MR. CAUTHEN:** Probably around the same time, 3:30,  
19 4:00 o'clock. I know for a fact.

20                   **MS. BRIDENSTINE:** And where did you get the money  
21 from her?

22                   **MR. CAUTHEN:** I got it from him.

23                   **MS. BRIDENSTINE:** From -- oh, from --

24                   **MR. CAUTHEN:** Yeah. I got it from my little  
25 brother. Usually, she would leave it in the house, you know what



1 I'm saying, leave it in the house in a spot where we'll know where  
2 it's at, one of us will get it, and we'll split it up amongst each  
3 other.

4 **MS. BRIDENSTINE:** And how much did he have and how  
5 much did you have?

6 **MR. CAUTHEN:** You know what I'm saying, I probably  
7 had no more than 20, 15 to my name that day.

8 **MS. BRIDENSTINE:** Okay. Going back to when you  
9 were at the crime scene, you said you saw a body in the driveway.  
10 Is there anything else that you remember about the  
11 crime scene?

12 **MR. CAUTHEN:** I remember everything. I remember  
13 the ambulance, where it was parked at. I remember where the  
14 polices were parked at. I remember how many people that was in  
15 the driveway because they wouldn't let nobody in the driveway. I  
16 remember everything. I remember the house that they taped off  
17 with the caution sign beside it and all.

18 **MS. BRIDENSTINE:** Okay.

19 **MR. CAUTHEN:** Man, it was just --

20 **MS. BRIDENSTINE:** What do you remember about the  
21 body? Anything else?

22 **MR. CAUTHEN:** It was just laying there. I would  
23 say from about here, one, two, three -- about that third table --  
24 where the rest of them tables that, he was sitting over -- he was  
25 laying on the ground right over -- where all them tables stacked



1 at, that's how far I was, from here to where the dead body was.

2 We was standing on the corner of Moravia Street at the park.

3 MS. BRIDENSTINE: Okay. Did you go to the Dollar  
4 General store that day?

5 MR. CAUTHEN: That was -- no.

6 MS. BRIDENSTINE: Did you go to Maxways that day?

7 MR. CAUTHEN: No. That was the day -- let me see.

8 MS. BRIDENSTINE: And I'm talking about Friday,  
9 November 15.

10 MR. CAUTHEN: Friday, November 15. No.

11 MS. BRIDENSTINE: Okay. Did you have any tape on  
12 you that day?

13 MR. CAUTHEN: What I'm gonna do with some tape?

14 MS. BRIDENSTINE: Did you see anyone else with  
15 tape?

16 MR. CAUTHEN: I wasn't even with them. That's what  
17 I'm trying to get everybody to understand.

18 MS. BRIDENSTINE: Well, at any point --

19 MR. CAUTHEN: I was never --

20 MS. BRIDENSTINE: -- point that day did you see  
21 anyone with tape?

22 MR. CAUTHEN: No, ma'am.

23 MS. BRIDENSTINE: Okay. Did Christopher Bryant use  
24 tape on a spree that he owned?

25 MR. CAUTHEN: Yo, that was so long ago.



1                   **MS. BRIDENSTINE:** Okay.

2                   **MR. CAUTHEN:** I mean -- I mean, I understand what  
3 you getting at. In that case, yeah.

4                   **MS. BRIDENSTINE:** Okay. Do you remember anything  
5 about it? Like what color --

6                   **MR. CAUTHEN:** I mean --

7                   **MS. BRIDENSTINE:** -- it was?

8                   **MR. CAUTHEN:** -- everybody use it. Everybody in  
9 that neighborhood rode that spree. Everybody in that  
10 neighborhood. It was a broken-down spree that we fixed up -- put  
11 a bicycle oil on it, taped it up. Yeah.

12                   As far as tape that day, no.

13                   **MS. BRIDENSTINE:** Okay. I want to talk about the  
14 rest of the weekend.

15                   So do you remember what happened the next day?

16                   And, actually, before I move on to the next day,  
17 you said you talked to someone who was drunk at the crime scene;  
18 is that right?

19                   **MR. CAUTHEN:** It was a drunken man, you know. He  
20 was a -- he was a bum on the street, you know what I'm saying. He  
21 was homeless, basically.

22                   **MS. BRIDENSTINE:** Mm-hmm.

23                   **MR. CAUTHEN:** And he knew us because we was young.  
24 And he was telling us about, you know, like -- like it never  
25 crossed my mind. I mean ...



1                   **MS. BRIDENSTINE:** And what information did you  
2 learn when you were at the crime scene?

3                   **MR. CAUTHEN:** That he the one told -- he the one  
4 pointed where the body was at. He the one that showed me because  
5 I actually didn't see it until he went, "Look, man. Look." And  
6 I'm looking, and that's when I seen the body and, hey, it is what  
7 it is.

8                   **MS. BRIDENSTINE:** Did you know Mr. Jones?

9                   **MR. CAUTHEN:** No, ma'am.

10                  **MS. BRIDENSTINE:** Okay. So going to Saturday,  
11 November 16, do you remember what you did that day?

12                  **MR. CAUTHEN:** Yeah. It was raining that day as a  
13 matter of fact. It was raining that day. Yeah. I didn't leave  
14 the house until about I'd say 12:30. Me and my little brother  
15 stayed in the house. About 12:30, my little brother, he left,  
16 came back, brung us some cigarettes. He left again and went to go  
17 take another accomplice of mine his video game back.

18                               And during that time of me taking the game back, I  
19 walked, you know what I'm saying, on the same street Bubba and  
20 Jermal stayed on -- well, Christopher Bryant and Jermal Tolliver  
21 stayed on. You know, they stayed right across from each other  
22 right then.

23                  **MS. BRIDENSTINE:** Uh-huh.

24                  **MR. CAUTHEN:** At that time, I went to his house. I  
25 probably played his brother game about a hour.



1                   **MS. BRIDENSTINE:** Whose house did you go to?

2                   **MR. CAUTHEN:** Christopher Bryant.

3                   **MS. BRIDENSTINE:** Okay. Okay.

4                   **MR. CAUTHEN:** I couldn't go to Jermal Tolliver  
5 house because me and him and his older brother had got into it.

6                   **MS. BRIDENSTINE:** Who was his older brother?  
7 What's his name?

8                   **MR. CAUTHEN:** What he called? I can't remember his  
9 name off the top of my head.

10                  **MS. BRIDENSTINE:** Is it --

11                  **MR. CAUTHEN:** If you say it, I would remember.

12                  **MS. BRIDENSTINE:** -- Thayers?

13                  **MR. CAUTHEN:** It start with a T.

14                  **MS. BRIDENSTINE:** Okay. And what -- what happened  
15 between you and him?

16                  **MR. CAUTHEN:** Like the night before, Tuesday --  
17 Thursday, I mean --

18                  **MS. BRIDENSTINE:** Uh-huh.

19                  **MR. CAUTHEN:** Thursday night before, me and  
20 Tolliver had took a trip to see some females down there by  
21 Carville Road.

22                         When we come back, I guess Dorrell Brayboy and his  
23 older brother had got into it. When we get to the house, we was  
24 in the yard, playing. All of a sudden, we in the house, he come  
25 out shooting.



1                   **MS. BRIDENSTINE:** Shooting what?

2                   **MR. CAUTHEN:** A gun.

3                   **MS. BRIDENSTINE:** Who did?

4                   **MR. CAUTHEN:** Jermal brother.

5                   **MS. BRIDENSTINE:** Okay.

6                   **MR. CAUTHEN:** I don't know if it was real or if  
7 it's fake, but we know he's shooting this gun. So I come out  
8 like, "Yo, you got your own daughter in the house, you shooting  
9 it."

10                   So he gets mad. I guess he approached me --  
11 calling stuff, approaching me. I picked up a stick, and I'm like,  
12 "Yo," (indiscernible) the bat they used to say we was initially  
13 supposed to have beat Mr. Jones with. That was the bat he used,  
14 you know what I'm saying, to protect himself against me for  
15 holding a stick. We didn't get into the conversation that day.

16                   That night, my oldest brother came around the  
17 corner -- my oldest brother come around the corner, him and his  
18 girlfriend get into it with Jermal Tolliver's older brother.  
19 That's how it comes to us being at Christopher Bryant house  
20 Friday, that day, because we was supposed to be fighting Jermal's  
21 older brother. He wouldn't come out of the house. We went there.  
22 Everybody left. I stayed there and got in the car with Jessicah  
23 Black --

24                   **MS. BRIDENSTINE:** Okay.

25                   **MR. CAUTHEN:** -- okay, that Saturday. I couldn't



1 go to his house. I say Jermal Tolliver called me on his porch.  
2 Me and him talked about it. Jessicah Black pulls up again. Me,  
3 my little brother --

4 **MS. BRIDENSTINE:** That's Rayshawn?

5 **MR. CAUTHEN:** Rayshawn Banner.

6 -- we were going to go to the mall with the same  
7 group of girls that I went to go see that Thursday. We never did  
8 go. We end up seeing the movie *Eight Mile* because it just had  
9 came out.

10 **MS. BRIDENSTINE:** Do you remember which theater you  
11 went to?

12 **MR. CAUTHEN:** Well, we got it on black market.  
13 Somebody had it on black market for me already. That's how me,  
14 Jessicah Black, and my little brother, we all got together that  
15 night to go get the video.

16 **MS. BRIDENSTINE:** Okay. Did you go to Hanes Mall  
17 on Saturday the 16th?

18 **MR. CAUTHEN:** (No audible response.)

19 **MS. BRIDENSTINE:** No?  
20 What about Sunday, the 17th?

21 **MR. CAUTHEN:** (No audible response.)

22 **MS. BRIDENSTINE:** No?  
23 Or Monday, the 18th?

24 **MR. CAUTHEN:** (No audible response.)

25 **MS. BRIDENSTINE:** No?



1                   Did you talk to anyone about Mr. Jones and his  
2 death after you went to the crime scene on Friday night?

3                   **MR. CAUTHEN:** I don't even know the guy. Why would  
4 I talk about it? He's just another dead body to me anyway at that  
5 particular time. I'm young. He's just another individual that  
6 done died in the street. I know who he -- I don't know who he  
7 are.

8                   **MS. BRIDENSTINE:** Okay. So you didn't -- did you  
9 talk about it with Christopher Bryant?

10                  **MR. CAUTHEN:** What for?

11                  **MS. BRIDENSTINE:** Or Rayshawn Banner?

12                  **MR. CAUTHEN:** Put it like this: Would you just  
13 normally talk about a situation that you have nothing to do with?  
14 You're not -- especially if it doesn't apply to your life, you're  
15 not going to do it. I was young.

16                  **MS. BRIDENSTINE:** Okay.

17                  **MR. CAUTHEN:** Him dying has nothing to do with my  
18 life. I played no part in it so it's nothing for me to think  
19 about. It's no here, no there for me. So, no.

20                  **MS. BRIDENSTINE:** Did you talk about it with  
21 Dorrell Brayboy?

22                  **MR. CAUTHEN:** I barely even seen Dorrell Brayboy  
23 between that time and that time.

24                  **MS. BRIDENSTINE:** What's "that time and that time"?

25                  **MR. CAUTHEN:** The time that Friday night and I



1 say -- when I get locked up? That Monday morning? -- that Monday  
2 afternoon right after I got out of school? -- I never seen Dorrell  
3 Brayboy. I probably seen him probably about once, twice -- not  
4 even that much.

5 **MS. BRIDENSTINE:** Okay. What about Jermal  
6 Tolliver? Did you talk about it with him at all?

7 **MR. CAUTHEN:** At this particular point, nah,  
8 because I couldn't go to his house. I didn't feel safe going to  
9 his house because his brother had just recently -- initially, you  
10 know what I'm saying, shot -- shooting at us.

11 So, uh-uh. I don't -- nah.

12 **MS. BRIDENSTINE:** What was your relationship with  
13 Jessica Black? How long had you known her?

14 **MR. CAUTHEN:** I'd say by this time we'd known about  
15 six months.

16 **MS. BRIDENSTINE:** Okay. Was she a friend of yours?

17 **MR. CAUTHEN:** She was just, you know what I'm  
18 saying, a Caucasian girl that come through with a car, we would  
19 get in, give her gas money to drive us around. That's it.

20 As far as like any type of relationship with her,  
21 nah.

22 **MS. BRIDENSTINE:** Okay. Did anyone have any  
23 relationship with her?

24 **MR. CAUTHEN:** Yeah. Marcus. But, hey, we didn't  
25 know what was really going on between that. That's how we met



1 her.

2 MS. BRIDENSTINE: Who is Marcus? Do you know his  
3 last name?

4 MR. CAUTHEN: Nah.

5 MS. BRIDENSTINE: All right. And what was his  
6 relationship with Jessica Black?

7 MR. CAUTHEN: I guess he were going with her at  
8 that time. I guess.

9 MS. BRIDENSTINE: Like dating?

10 MR. CAUTHEN: Yeah.

11 MS. BRIDENSTINE: Okay. So I know you said you had  
12 like 15 or \$20 on you.

13 Did you ever have any other money on you that  
14 weekend?

15 MR. CAUTHEN: One thing about me, I used to sell  
16 drug out there; so I know I didn't have no other money on me  
17 because I didn't have no drugs on me. I'm just telling you the  
18 truth.

19 MS. BRIDENSTINE: That's what we want. We want to  
20 find out the truth.

21 MR. CAUTHEN: I didn't have no more than 15, \$20 on  
22 me.

23 MS. BRIDENSTINE: Okay. Did -- did Rayshawn Banner  
24 have any more money on him than what you said his mom -- your mom  
25 gave him?



1                   **MR. CAUTHEN:** Other than what I know that he had  
2 from what my mom gave us, no.

3                   **MS. BRIDENSTINE:** Did you see anyone else with cash  
4 on them that weekend? Or Friday night?

5                   **MR. CAUTHEN:** No, ma'am.

6                   **MS. BRIDENSTINE:** So I understand that the police  
7 came and interviewed you and you were arrested on Tuesday,  
8 November 19. So I want to talk about that.

9                   Can you tell me about how you came into contact  
10 with the police that day?

11                  **MR. CAUTHEN:** Man, what happened? Let's see.

12                  Me and my little brother was sitting -- we was  
13 sitting in Christopher Bryant house playing the video game what  
14 his brother get. My little brother was playing with his niece.  
15 He had just come back from Church's Chicken.

16                  **MS. BRIDENSTINE:** And --

17                  **MR. CAUTHEN:** Jermal Tolliver sister came in the  
18 house and, like -- and they just came and got her little brother,  
19 Tolliver.

20                  **MS. BRIDENSTINE:** Do you know the sister's name?

21                  **MR. CAUTHEN:** It wasn't Yolanda. Yolanda was his  
22 youngest sister. I can't remember her name.

23                  **MS. BRIDENSTINE:** Okay.

24                  **MR. CAUTHEN:** But she came in. She were like, "Yo,  
25 they just came and got my brother. If y'all had anything to do



1 with Mr. Jones' case, y'all need to say something now."

2 And I'm like, "I don't even know what you talking  
3 about."

4 At this particular part, I really don't know who  
5 she talking about. Like that's your brother. That's his fault.  
6 Whatever he done, hey.

7 Next thing you know, the police pull up in front of  
8 Christopher Bryant house and arrest Christopher Bryant right then.

9 When they arrest him, they leave me and my little  
10 brother. We stay in the house probably about five minutes. And I  
11 seen them when they put handcuffs on Christopher Taylor [sic],  
12 seen when they put him in the car, drove him -- took him off. Say  
13 about five or ten minutes later, they come back. By this time, me  
14 and my little brother just sitting on the porch. They come out of  
15 nowhere. They just swarming.

16 So, "Yo, we got -- they need you for questioning."

17 And I'm like, "For what?"

18 "You been implicated in a murder."

19 "What?" That's on me, you know what I'm saying,  
20 not thinking, not knowing, I automatically go, you know what I'm  
21 saying, knowing I wasn't supposed to go, I didn't have to go, but  
22 I went.

23 **MS. BRIDENSTINE:** Uh-huh.

24 **MR. CAUTHEN:** You know what I'm saying, plead my  
25 innocence, supposedly, because that's how they came. Like, "Yo,



1 if you didn't have nothing to do with it, you can come down here  
2 and talk to us." (indiscernible). I didn't know the good cop/bad  
3 cop game, routine, none of that. I went.

4 By this time, when we get down to the police  
5 station, they walk me in. They want me past -- they walk me past  
6 the reception desk. And I go behind some doors, behind that --  
7 after I passed the reception desk, they take me through another  
8 door. By this time, I'm in a maze -- a maze full of cubicles, you  
9 walk me in, walk me in. When they walk me, they walk me past  
10 Christopher Taylor [sic] and they walk me past Jermal Tolliver.

11 **MS. BRIDENSTINE:** So you saw Christopher Bryant and  
12 Jermal Tolliver?

13 **MR. CAUTHEN:** I saw -- I saw Christopher Bryant and  
14 Jermal Tolliver.

15 **MS. BRIDENSTINE:** Okay.

16 **MR. CAUTHEN:** And by this time, both of them were  
17 talking. They take me to a room on the side and put me -- and  
18 lock me in the room. So I'm just sitting there. I probably sat  
19 there about two hours before they came in and talked to me.

20 When they first come in there and talk to me, they  
21 start asking me questions, you know what I'm saying. Me, I'm  
22 like, "I don't know. I don't know nothing."

23 They start running it down. I still don't know  
24 nothing.

25 So by this time, they leave. When they leave, they



1 leave me in there probably about another hour, 30 minutes. They  
2 come back. He got a paper.

3 Well, Christopher Taylor -- I mean Christopher  
4 Bryant done wrote a statement --

5 **MS. BRIDENSTINE:** Uh-huh.

6 **MR. CAUTHEN:** -- stating that me, him, Jermal  
7 Tolliver, Dorrell Brayboy, and my little brother actually done the  
8 crime.

9 I'm like, "Nah. That ain't -- that ain't true.  
10 You take that back to him. Ain't got nothing to do with me."

11 By this time, they get to raving on, they get to  
12 cussing me out, they get to doing all types of stuff, start  
13 threatening me with lethal injection, sending me to prison for the  
14 rest of my life.

15 They leave me in there again I say probably about  
16 15 to 20 minutes. When they leave me in there again, they come  
17 back. And I'm like, "Yo, I got to use the bathroom." They escort  
18 me to the bathroom. They watch me use the bathroom. They escort  
19 me back.

20 When they escort me back, I sat in the room for  
21 probably about another hour. By this time, it's dark. It's dark  
22 outside. The window -- the window that I was sitting behind is  
23 completely black. It's -- there's no more sunshine in the window.  
24 I say I probably sit in there probably about another 30 to 45  
25 minutes before Detective Rowe come in.



1                   **MS. BRIDENSTINE:** You remember it is Detective  
2 Rowe?

3                   **MR. CAUTHEN:** Yeah. I remember Detective Rowe.  
4                   When he come in, he's with another detective, but  
5 the detective is standing up. He sit down. He got a notebook.  
6 He got a yellow notebook pad -- legal notebook pad in his hands.  
7                   Yo, he drew a line on the piece of paper like,  
8 "Yo, I'm drawing this line right now on this paper," you know what  
9 I'm saying, "you confess, you can tell me what's going on, like,  
10 because you're going to jail anyway."

11                   By this time, I'm puzzled. I just started saying  
12 anything. We collect enough -- I read from Christopher Bryant --

13                   **MS. BRIDENSTINE:** Uh-huh.

14                   **MR. CAUTHEN:** -- (indiscernible) with the flow. I  
15 tried to keep my little brother out of the -- out of the, you know  
16 what I'm saying, interrogation is much as possible.

17                   Like by this time, I was already involved in  
18 something I didn't know nothing about, period. That night, I got  
19 locked up.

20                   **MS. BRIDENSTINE:** Where was your mom that day?

21                   **MR. CAUTHEN:** At this time, when I got -- when they  
22 first got me, I think my mom was still at work because it was just  
23 me and my little brother. Actually, when I were down there, she  
24 came probably around 8:30, 9:00 o'clock. I can't tell you  
25 because -- you know what I'm saying, I know it were between dark



1 time because --

2 **MS. BRIDENSTINE:** Uh-huh.

3 **MR. CAUTHEN:** -- it was dark outside. It was no  
4 more light. So I know it had to have been late when she came to  
5 see me.

6 They let her in. She talked to me. She were like,  
7 "Yo, they said you had something to do this case."

8 "Man, I ain't have nothing to do with nothing."

9 I was so mad, I got pissed off at my mom. I cussed  
10 my mom out. Like, "What are you thinking? What you thinking  
11 about? I mean, I had nothing to do with it."

12 I don't know, man. I lost all sense of control. I  
13 didn't know what to do. Like, they scared me. They took me --  
14 them -- the people actually scared me. They did something to me  
15 like -- I don't know, man. I know I ended up saying something I  
16 shouldn't have said, you know what I'm saying, off of that  
17 interrogation, off of them saying -- them using -- them saying  
18 stuff against me like threatening me, stuff like that, scaring  
19 me -- stuff you shouldn't do.

20 **MS. BRIDENSTINE:** Do you remember the threats?

21 **MR. CAUTHEN:** Yeah. They -- first thing he were,  
22 like, "Yo, we're going to put you -- we're gonna give you lethal  
23 injection."

24 "What the hell is lethal injection?

25 "We stick a needle in your arm.



1 "Stick a needle in my arm? I don't even like  
2 needles, hom. What you stick a damn needle in me for?"

3 They start threatening me with giving me a  
4 long-term, life sentence in prison, I would never see my family  
5 again.

6 What the hell?

7 "Just tell me anything. Just tell me anything."

8 Man, I start telling them anything -- first thing  
9 that come out of my mouth. I'm scared. I'm 15 years old. I  
10 don't know nothing about no police. I ain't never been arrested  
11 in my life. I never been in -- I never had no types of dealing  
12 with the police my whole entire life. The 15 years that I was out  
13 there on the streets, I never had no dealings with the police.

14 I may have been put in handcuffs, but as far as a  
15 police officer interrogating me, you know what I'm saying, taking  
16 me through the routine, I have never done that. I had never been  
17 convicted of a crime or anything.

18 **MS. BRIDENSTINE:** Had you been arrested before?

19 **MR. CAUTHEN:** Yeah, I got arrested for driving my  
20 mama car. And they said what they call it reckless and --  
21 reckless driving with no license. Yeah, that's the type of  
22 charge, I think I got.

23 **MS. BRIDENSTINE:** Okay.

24 **MR. CAUTHEN:** I were 15 then. And I got probation  
25 for that. Completed my probation at that.



1                   **MS. BRIDENSTINE:** Other than what you told the  
2 police that night, have you told anyone else that you were  
3 involved with Mr. Jones' death?

4                   **MR. CAUTHEN:** Hell, no. Excuse my English.

5                   **MS. BRIDENSTINE:** That's okay.

6                   **MR. CAUTHEN:** No. I'm just saying, nah, because  
7 I'm not. You can ask a lot of people. I wish you could.

8                   There's a lot of individuals that asked me that  
9 same question, "Yo, why you kill that man?"

10                   "I don't know. I ain't kill that man."

11                   **MS. BRIDENSTINE:** Why -- if you're innocent of this  
12 crime, why did you confess to the police?

13                   **MR. CAUTHEN:** Initially, I was scared. I didn't  
14 know no better. I'm 15 years old. I didn't know no better. They  
15 telling me I confess, I can go home. And, yeah, I'm ready -- I  
16 tell you anything so I can go home.

17                   **MS. BRIDENSTINE:** Who said that?

18                   **MR. CAUTHEN:** I say -- I can't -- I can't actually  
19 give you -- but I know Detective Rowe for a fact. I know him for  
20 a fact because he done actually tried to arrest me before. But by  
21 me being under age at the time -- Detective Rowe done sat outside  
22 my house. That's how I know who he is.

23                   **MS. BRIDENSTINE:** Uh-huh.

24                   **MR. CAUTHEN:** He done sat outside my house actually  
25 waiting for me or one of my little brothers to come out so he can



1 run down on us, as they say, and question us about an incident  
2 that done happened -- or a fight that done happened, a brutal  
3 fight.

4 I'm a kid. I mean, that's how it is. I'm not  
5 going to tell you nothing no way, but I know exactly who he is  
6 because I done dealt with him before.

7 Lieutenant Weaver, seen him before, you know what  
8 I'm saying. Nah. It was a black man and I never seen him. It  
9 was only four detectives that kept coming at me: Detective  
10 Weaver, Detective Rowe. I never seen the other two, but Detective  
11 Nathaniel -- I think that is his first name, he's the lead  
12 detective that was in my case.

13 **MS. BRIDENSTINE:** Uh-huh.

14 **MR. CAUTHEN:** I learned that through the process of  
15 my case. I never seen -- or I never seen the black man.

16 **MS. BRIDENSTINE:** Let's move on to talking about  
17 your case and your attorney.

18 Did you ever tell your attorney you had anything to  
19 do with the case?

20 **MR. CAUTHEN:** Uh-uh.

21 **MS. BRIDENSTINE:** No?

22 Tell me about your discussions with your attorney  
23 about like plea negotiations.

24 Did the prosecution offer you a plea in this case?

25 **MR. CAUTHEN:** There was -- there was never no



1 discussion, really. You know, when you're dealing with that right  
2 there, you know what I'm saying, you ain't got no real lawyer. As  
3 far as saying "real lawyer," you got -- you don't have no paid  
4 attorney. I had a court-appointed attorney. They don't want to  
5 help. They don't want to find the truth. She at least gave me  
6 like two, three plea bargains.

7 **MS. BRIDENSTINE:** Okay.

8 **MR. CAUTHEN:** That's it. Like, she asked you a few  
9 questions about the case. The first -- that wasn't even my  
10 lawyer. They switched me out with another lawyer. I had a man at  
11 first, and then they gave me Teresa.

12 (Loudspeaker)

13 **MR. CAUTHEN:** That was that (indiscernible)  
14 (indiscernible) for me.

15 **MS. BRIDENSTINE:** What?

16 **MR. CAUTHEN:** I said there was nothing more you  
17 could do for me. She couldn't do nothing for me. She couldn't  
18 answer no questions for me. She couldn't tell me nothing. She  
19 couldn't -- it was ridiculous.

20 **MS. BRIDENSTINE:** Do you know why you and your  
21 brother went to trial separately from Christopher Bryant, Jermal  
22 Tolliver, Dorrell Brayboy?

23 **MR. CAUTHEN:** I can't actually give you a reason  
24 why. But, you know what I'm saying, me personally, my opinion,  
25 supposedly they named me and my little brother the ringleader,



1 supposedly, you know what I'm saying. Initially, in the case, it  
2 was supposed to be the oldest individuals in the case that is  
3 supposed to be the ringleader, and they named my little brother  
4 and me the ringleader, I guess because of the statement that  
5 Jermal Tolliver family gave, saying that we was in the house, we  
6 planned the whole thing out.

7 For what? I supposed to be fighting you. Why  
8 would I be in your house conversating about a crime? That don't  
9 make no sense. You trying to kill me. Why would I want to -- or  
10 beat me up at first. Why would I be in your house talking amongst  
11 your family members about doing a crime? That don't make no  
12 sense. But that's how it all boiled down to it.

13 **MS. BRIDENSTINE:** Do you remember the last time you  
14 discussed a plea with your attorney or heard about a plea from the  
15 prosecution prior to trial?

16 **MR. CAUTHEN:** It was two time. Like, she came to  
17 me the first time with a plea. It was 25 years without the  
18 possibility of parole -- or life without the possibility of  
19 parole. And I gave that back to her. I ain't even -- I was so  
20 scared, I didn't even want to take the paper.

21 Like, she were like, "Read it."

22 "Nah, I'm not reading this." I didn't even want to  
23 take it because I didn't know nothing about the law, figuring that  
24 if she passed me this letter through this thing, I automatically  
25 take a plea bargain.



1                   Nah. I didn't even let the lady give me the paper.  
2 When she told me what it was, I did not ...

3                   And, see, the last plea, they didn't even offer me  
4 the plea; they offered it to my little brother. And they got me  
5 and my little brother mixed up at the last moment of our trial.  
6 And (indiscernible) for them -- for him to accept the plea, they  
7 had to discuss the plea with him. We in a briefing at this point.  
8 They bring me instead.

9                   By the time we get in there, the DA recognized me,  
10 "Nah, that's not him. Take him back. Take him back.

11                   I'm like, "Yo, what's going on?" I asked my lawyer  
12 what's going on.

13                   She were like, "I guess a plea bargain on the table  
14 for 33 to 38 years."

15                   "Oh, well, I ain't take it." I mean ...

16                   **MS. BRIDENSTINE:** Was this before trial?

17                   **MR. CAUTHEN:** Nah, this was during trial. Say this  
18 is the last -- I'd say this was probably about -- as a matter  
19 fact, it were the same day, right before deliberations. Right  
20 before deliberations.

21                   **MS. BRIDENSTINE:** Why didn't you testify at trial?

22                   **MR. CAUTHEN:** Honestly? I mean, I'm telling you  
23 honestly, I just -- my lawyer was telling me like, yo, I didn't  
24 need to -- I didn't need to do it because, you know what I'm  
25 saying, I never been in trouble. "It's best that you not say



1 nothing," you know what I'm saying?

2 So I'm like, hey, whatever works, you know what I'm  
3 saying, whatever will get me home. If I knew what I know now, I  
4 would've got on that stand, you know what I'm saying. If you  
5 would've want to know anything, if I knew anything about this  
6 case, I would willingly tell you. Willingly.

7 **MS. BRIDENSTINE:** I just have some more specific  
8 questions to ask you about the 15th.

9 Do you remember what shoes you were wearing that  
10 day?

11 **MR. CAUTHEN:** What shoes did I have on? My little  
12 brother had on a black -- red and black (indiscernible).

13 **MS. BRIDENSTINE:** He had on what?

14 **MR. CAUTHEN:** I said my little brother would've had  
15 on the Air Force 1, the air -- I had --

16 **MS. BRIDENSTINE:** Do you remember what color they  
17 were?

18 **MR. CAUTHEN:** -- on some Jordans. I had on some  
19 Jordans, you know what I'm saying, patent leathers, black and  
20 white.

21 **MS. MATOIAN:** And your brother -- you said Air  
22 Force 1s? Do you remember the color.

23 **MR. CAUTHEN:** Red and white.

24 **MS. BRIDENSTINE:** Do you remember what shoes  
25 Christopher Bryant was wearing that day? Or Dorrell Brayboy? Or



1 Jermal Tolliver?

2 **MR. CAUTHEN:** (No audible response.)

3 **MS. BRIDENSTINE:** Did anyone else ever wear your  
4 shoes?

5 **MR. CAUTHEN:** We don't live in the same house.

6 **MS. BRIDENSTINE:** What?

7 **MR. CAUTHEN:** I said, "We don't live in the same  
8 house."

9 **MS. BRIDENSTINE:** Well, no. Did your brother ever  
10 wear your shoes?

11 **MR. CAUTHEN:** Yeah, me and my brother -- that's my  
12 brother.

13 As far as somebody coming to my house, you know  
14 what I'm saying, go into my closet, going through our clothes,  
15 nah, that wasn't -- my mama didn't even play that -- my mama  
16 didn't even allow any of our friends in the house.

17 **MS. MATOIAN:** Do you remember what number Jordans  
18 you were wearing?

19 **MR. CAUTHEN:** Yeah. Number 7.

20 **MS. BRIDENSTINE:** So I just don't know anything  
21 about shoes, I'm sorry.

22 **MR. CAUTHEN:** Sorry. She asked about that like she  
23 know. She didn't know; right? Yeah. Which one? Okay. Yeah,  
24 okay. Yeah. Black and white patent leather.

25 **MS. BRIDENSTINE:** Joseph Cauthen is your older



1 brother; right?

2 MR. CAUTHEN: (No audible response.)

3 MS. BRIDENSTINE: And do you have another brother?

4 MR. CAUTHEN: Yeah. Monterio. But he -- he's a  
5 half-brother. Like they keep saying --

6 MS. BRIDENSTINE: Is he younger or older?

7 MR. CAUTHEN: Nah. My -- he's younger than me, but  
8 he's the same -- like me and my older brother don't have the same  
9 daddy.

10 MS. BRIDENSTINE: Okay.

11 MR. CAUTHEN: He's my half-brother. My little  
12 brother Rayshawn --

13 MS. BRIDENSTINE: Yeah.

14 MR. CAUTHEN: -- he's my real brother. He's my  
15 whole brother.

16 MS. BRIDENSTINE: Oh.

17 MR. CAUTHEN: We got the same mother and we got the  
18 same daddy.

19 They kept getting us mixed up as far as him being  
20 my half-brother. No. We got the same mother, the same daddy.

21 Now, my older brother that my daddy had, Monterio,  
22 we don't have the same mama. We got the same daddy.

23 MS. BRIDENSTINE: Okay. And then you have an older  
24 brother named Joseph too?

25 MR. CAUTHEN: Yeah. That's my oldest brother by my



1     mama.

2                   **MS. BRIDENSTINE:**   Who -- who lived in your house at  
3     that time?

4                   **MR. CAUTHEN:**    Me and my little brother.   And he was  
5     in and out.   I mean --

6                   **MS. BRIDENSTINE:**   What about Joseph Cauthen?

7                   **MR. CAUTHEN:**    Yeah, he was there.   He -- you know,  
8     he was older.   My brother were about 18.   Yeah, he about 18 -- 18,  
9     19 then.

10                  **MS. BRIDENSTINE:**   Did he ever wear your shoes?

11                  **MR. CAUTHEN:**    Yeah, he would come through wearing  
12     the shoes.   That's how he do.

13                  **MS. BRIDENSTINE:**   Did you ever discuss robbing  
14     anyone before November 15?

15                  **MR. CAUTHEN:**    I sell drugs.   I'm scared to rob  
16     people.   I were scared to rub people.

17                  **MS. BRIDENSTINE:**   Did you ever hear your brother  
18     talk about it?

19                  **MR. CAUTHEN:**    Man, listen.   One thing I'll tell you  
20     about my little brother, he going to do that crazy.   He'll steal  
21     something back then, but he ain't robbing nobody, not that I know  
22     of anyway.

23                  **MS. BRIDENSTINE:**   Okay.

24                  **MR. CAUTHEN:**    Because he's my little brother.   I --  
25     know what I'm saying?   That's what was he was in trouble for.



1 That's what he stayed in trouble -- stealing, breaking and  
2 entering.

3 MS. BRIDENSTINE: Did you ever commit robberies  
4 before November 15?

5 MR. CAUTHEN: No. I told you. I sell drugs. I'm  
6 scared. I can't do no robberies.

7 MS. BRIDENSTINE: What about your brother Joseph  
8 Cauthen?

9 MR. CAUTHEN: Man, me and my oldest brothers don't  
10 really interact like that. So ...

11 He was just there. He was a older brother. He  
12 would pretend he was watching us when we were home anytime we  
13 needed him. But as far as him doing any type of trouble, nah,  
14 that weren't him. He ain't doing no trouble.

15 MS. BRIDENSTINE: And who is Anjuan?

16 MR. CAUTHEN: Anjuan? That's my cousin.

17 MS. BRIDENSTINE: Did you ever know of him to do  
18 anything like commit robberies?

19 MR. CAUTHEN: No. He sell drugs. You feel me --  
20 as far as for me being locked up these 16 years, I don't know what  
21 he done done after then, you know what I'm saying. But back then,  
22 no.

23 MS. BRIDENSTINE: Did you ever hear Christopher  
24 Bryant ever talk about robbing anyone?

25 MR. CAUTHEN: No.



1                   **MS. BRIDENSTINE:** Or Jermal Tolliver?

2                   **MR. CAUTHEN:** No.

3                   **MS. BRIDENSTINE:** Or Dorrell Brayboy?

4                   **MR. CAUTHEN:** Dorrell Brayboy, he -- he wasn't even  
5 like there most of the time. He was just a young boy that just  
6 moved from South Carolina around the corner. He didn't know  
7 nobody like that. He was -- he probably -- I say when I met him,  
8 he probably stayed in our neighborhood no more than a year --

9                   **MS. BRIDENSTINE:** Okay.

10                  **MR. CAUTHEN:** -- six month.

11                  **MS. BRIDENSTINE:** So did you ever -- ever hear him  
12 talk about that?

13                  **MR. CAUTHEN:** Nah.

14                  **MS. BRIDENSTINE:** The term "making a lick," what  
15 does that mean to you?

16                  **MR. CAUTHEN:** In the street terminology, it's  
17 called a robbery, robbing somebody.

18                  **MS. BRIDENSTINE:** Did you ever talk about making a  
19 lick with anyone?

20                  **MR. CAUTHEN:** (No audible response.)

21                  **MS. BRIDENSTINE:** Did you or your brother ever brag  
22 about making a lick?

23                  **MR. CAUTHEN:** (No audible response.)

24                  **MS. BRIDENSTINE:** No?

25                  You mentioned Jed before. Do you know Jed's full



1 name?

2 MR. CAUTHEN: Uh-uh.

3 MS. BRIDENSTINE: Is -- would it -- does Sherman  
4 Williams sound right? Or is that a different person?

5 MR. CAUTHEN: Sherman Williams? Sherman Williams?  
6 Jed? I don't think that's Jed. I think that's somebody else.

7 MS. BRIDENSTINE: And who -- did you know a Nelson  
8 back then?

9 MR. CAUTHEN: Yeah.

10 MS. BRIDENSTINE: Who's Nelson?

11 MR. CAUTHEN: A little fat white boy.

12 MS. BRIDENSTINE: Was he a friend of yours?

13 MR. CAUTHEN: Yeah. He just moved in the  
14 neighborhood I say probably no more than three months. He just  
15 stayed like right down the street from Christopher Bryant, Jermal  
16 Tolliver, like just another new kid in the hood.

17 MS. BRIDENSTINE: Was he a friend?

18 MR. CAUTHEN: To me, no.

19 MS. BRIDENSTINE: Oh, okay.

20 MR. CAUTHEN: I mean, he somebody we knew.

21 MS. BRIDENSTINE: Did you ever hang out with him?

22 MR. CAUTHEN: I mean, you want to call it that,  
23 yeah.

24 MS. BRIDENSTINE: Did you see him on November 15th,  
25 2002.



1                   **MR. CAUTHEN:** No. But I seen him the day before.

2                   **MS. BRIDENSTINE:** Where did you see him?

3                   **MR. CAUTHEN:** That same night when we were about to  
4 fight -- when I'm about to fight Christopher Bryant older  
5 brother -- I mean Jermal Tolliver older brother. He was out there  
6 that night, I believe.

7                   **MS. BRIDENSTINE:** Okay.

8                   **MR. CAUTHEN:** That's how the whole thing got  
9 started. They was out there playing, and they did something, and  
10 something happened, and Jermal Tolliver brother got mad. I think  
11 he did something to Nelson and Brayboy and something happened  
12 after that. And that's when the whole confusion got started about  
13 us supposed to be having a big gang fight. I don't know.

14                   **MS. BRIDENSTINE:** Did you ever show like money to  
15 anyone on the 15th? That you had money?

16                   **MR. CAUTHEN:** (No audible response.)

17                   **MS. BRIDENSTINE:** No?

18                   **MR. CAUTHEN:** Nah.

19                   **MS. BRIDENSTINE:** Or that weekend afterwards? The  
20 16th, 17th?

21                   **MR. CAUTHEN:** Nah.

22                   **MS. BRIDENSTINE:** Or the 18th?

23                   **MR. CAUTHEN:** Nah. Because I keep wondering why  
24 they keep saying they seen me at the mall or they saying we took  
25 the man ...



1 First of all, they got video cameras in malls. So,  
2 quite frankly, y'all didn't see me in the mall. They got  
3 surveillance cameras supposedly at the -- you would've seen me  
4 then.

5 Like, that don't make no sense. No.

6 **MS. BRIDENSTINE:** Okay. Did Christopher Bryant  
7 ever tell you that he had anything to do with Mr. Jones' death?

8 **MR. CAUTHEN:** Not to my knowledge.

9 **MS. BRIDENSTINE:** Or Jermal Tolliver?

10 **MR. CAUTHEN:** I supposed to been fighting them all  
11 weekend. I definitely wouldn't have went to talk to him. He  
12 never said anything to me about it. I know when I went up on his  
13 porch that Saturday, though, they was all acting funny.

14 **MS. BRIDENSTINE:** Who?

15 **MR. CAUTHEN:** Like Jermal, Christopher Bryant, his  
16 brothers. They was all acting funny, like, weird like -- like I'm  
17 only a kid, man, so I didn't think nothing of it at that time.

18 **MS. MATOIAN:** And when you say "brother," you mean  
19 Jermal Tolliver's brother; right?

20 **MR. CAUTHEN:** Yeah.

21 **MS. BRIDENSTINE:** And what do you mean by "acting  
22 funny"? How were they acting?

23 **MR. CAUTHEN:** Like -- like from when we was  
24 supposed to have been fighting the day before, like, they all of a  
25 sudden want to be friends again. I ain't never done that. I'm



1 like, yo, we fighting, we fighting.

2 **MS. BRIDENSTINE:** Oh.

3 **MR. CAUTHEN:** Whatever happened at the end of the  
4 day, then that's what happened at the end of the day. But until  
5 then, until the fight has been dealt with, then -- nah, man, we  
6 ain't cool because I don't know.

7 **MS. BRIDENSTINE:** Who were you in a fight with at  
8 that point?

9 **MR. CAUTHEN:** Jermal Tolliver oldest brother.

10 **MS. BRIDENSTINE:** But were you in a fight with  
11 Jermal Tolliver too?

12 **MR. CAUTHEN:** Nah.

13 **MS. BRIDENSTINE:** Okay. So when you say they were  
14 acting funny, you mean they were being --

15 **MR. CAUTHEN:** Yeah. I ain't -- because they wanted  
16 me to come up on their porch. And I'm like, "Nah, man. I ain't  
17 coming up on your porch. Y'all might try to jump me and stuff."

18 **MS. BRIDENSTINE:** Oh.

19 **MR. CAUTHEN:** So, like, "Nah, man, we cool. We  
20 cool just -- we just want to talk."

21 I'm like, we talked -- I don't know what about  
22 specifically, but it wasn't about Mr. Jones. I know that for a  
23 fact.

24 **MS. BRIDENSTINE:** Okay.

25 **MR. CAUTHEN:** By that time, Jessicah Black pulled



1 up; so the conversation was dead because we wanted to go  
2 somewhere.

3 **MS. BRIDENSTINE:** So I know you kind of answered  
4 it, but did you ever hear Jermal Tolliver talk about Mr. Jones' --  
5 did he ever tell you who was involved in Mr. Jones' death?

6 **MR. CAUTHEN:** I never knew nothing was going on  
7 until that day they came and arrested me, like ...

8 Like when they put that statement in front of me,  
9 how it all got started, I never knew nothing about it. Like,  
10 "Where was I when all of this was going on? Why y'all ain't told  
11 me nothing?" That's what I'm trying to figure out. Like, "Why  
12 y'all ain't tell me that?"

13 I don't know what's going on. Y'all got me down  
14 here talking to these people, threatening for my life. I don't  
15 know nothing. I can't tell you nothing. But all of a sudden, I'm  
16 being put in a murder case. Man ...

17 **MS. BRIDENSTINE:** What about Dorrell Brayboy? Did  
18 he ever tell you that he was involved in Mr. Jones' death?

19 **MR. CAUTHEN:** Actually, I ain't seen Brayboy none  
20 that week. None. Actually, that -- that Friday, I ain't seen him  
21 no more that weekend.

22 **MS. BRIDENSTINE:** Has he ever told you anything?

23 **MR. CAUTHEN:** Nah. Because when we got arrested --  
24 as a matter fact, Brayboy didn't come down there. He didn't come  
25 to the detective station until my brother came, after my brother.



1 They had to go find Dorrell Brayboy, and he was in surgery with  
2 his mom. They had to go find him; so ...

3 No.

4 **MS. BRIDENSTINE:** Why do you think Jessica Black  
5 testified against you guys?

6 **MR. CAUTHEN:** Same reason why we lied on ourself --  
7 well, I did anyway. You know, typical thing. She was a  
8 Caucasian. I believe, anyway, because it makes no sense how you  
9 name me and my little brother -- well, first, you name me and  
10 Christopher Bryant as the ringleaders, who is supposed to have --  
11 and, actually, jumped on this other man. Then it goes to me and  
12 my little brother.

13 Jessica Black is the oldest one out of all of us.  
14 I'm 15; she's 16 at the time. Supposedly she took us to there and  
15 from there. That makes you more of a -- than anything. You're an  
16 accomplice more than anything because we don't get there and we  
17 don't leave there without you. See what I'm saying?

18 **MS. BRIDENSTINE:** Uh-huh.

19 **MR. CAUTHEN:** It makes no sense.

20 **MS. BRIDENSTINE:** On the 15th, you said that you  
21 were with her and it was just the two of you.

22 Do you remember where you went? Can you be more  
23 specific?

24 **MR. CAUTHEN:** Yeah. I went to Fairchild. I know  
25 exactly where I went. I know exactly what we did. We took



1 somebody -- we took one of my homeboy ...

2 MS. BRIDENSTINE: Who?

3 MR. CAUTHEN: Well, I can't tell you is -- what his  
4 real name, but his name was Papa.

5 MS. BRIDENSTINE: Papa?

6 MR. CAUTHEN: Like P-a-p --

7 MS. BRIDENSTINE: Uh-huh.

8 MR. CAUTHEN: -- a.

9 We took him to his baby mama house.

10 MS. BRIDENSTINE: Where does she live?

11 MR. CAUTHEN: In Fairchild.

12 MS. BRIDENSTINE: Okay.

13 MR. CAUTHEN: East side of town.

14 Matter of fact, we stopped at a store --  
15 convenience store on that side of town. Jessica Black got out of  
16 the car. She went into the store. That's where we dropped him  
17 off at.

18 MS. BRIDENSTINE: And what -- so did you go into  
19 the house after you dropped him off?

20 MR. CAUTHEN: (No audible response.)

21 MS. BRIDENSTINE: Where did you go after that?

22 MR. CAUTHEN: Excuse me. By this time, we  
23 started -- Jessica Black grandma house stayed around the corner.  
24 We didn't stay there no more than probably about a minute. She  
25 went in, came right back out.



1                   Then we went back around the corner to Bubba --  
2 Jermal house.

3                   **MS. MATOIAN:** Wait, where did you go? I'm sorry.  
4 I'm missed that part.

5                   **MR. CAUTHEN:** She stopped -- when she stopped --

6                   **MS. MATOIAN:** Uh-huh.

7                   **MR. CAUTHEN:** -- she stopped at her grandma house  
8 around the corner.

9                   **MS. MATOIAN:** Okay.

10                  **MR. CAUTHEN:** And she didn't stay long. We didn't  
11 stay long. It was just a pit stop. And then we went back around  
12 there to Jermal and them house. That's when we was out there that  
13 night, she rode over my little brother foot, (indiscernible)  
14 there. That's it.

15                  **MS. BRIDENSTINE:** So how long were you out with  
16 her, just the two of you? Or I guess you said you brought  
17 someone, but --

18                  **MR. CAUTHEN:** I say probably about three hours.  
19 Three hours. It were probably around 4:00 o'clock. I ain't get  
20 back -- three or four hours, yeah. We didn't get back till dark.  
21 I didn't get back -- I didn't get back into my original  
22 neighborhood until after it was completely dark out.

23                  **MS. BRIDENSTINE:** Um ...

24                  **MR. CAUTHEN:** Like, you know, it Daylight Saving  
25 Time then; so it gets dark at -- so I would say what?



1 6:00 o'clock? 6:00? 6:30? It's dark around -- you know what I'm  
2 saying?

3 MS. BRIDENSTINE: Uh-huh.

4 MR. CAUTHEN: So it was already completely dark  
5 when I got back.

6 MS. BRIDENSTINE: Who do you think killed  
7 Mr. Jones?

8 MR. CAUTHEN: Now, that's a good question. Hell,  
9 because if I know it, I'd tell you. I'd have been told somebody.  
10 I ain't no snitch, I ain't no rat, (indiscernible), but my life  
11 has been taken away for something I didn't do, something I don't  
12 even know nothing about. I don't even know if my little brother  
13 had some thing to do with it, and that's just actually speaking.  
14 That's me telling you the truth.

15 If I knew, damn right I'd tell you. If I did it,  
16 I'd tell you. There's no need for me to continue reminding you.  
17 I already done done 16 years. I already done been convicted. I  
18 can't bring him back. I can't change the fact.

19 MS. BRIDENSTINE: Have you ever heard anything  
20 about who might have done it?

21 MR. CAUTHEN: Listen, I wish I could so I could  
22 tell you. I'd a been told you. I will not (indiscernible), you  
23 know what I mean?

24 MS. BRIDENSTINE: Yeah.

25 MR. CAUTHEN: I'd a been told. I done lost my



1 whole life. I been here since I was a kid.

2 **MS. BRIDENSTINE:** Has anyone ever said anything to  
3 you about his case or his death?

4 **MR. CAUTHEN:** It's like --

5 **MS. BRIDENSTINE:** Like rumors even? Anything?

6 **MR. CAUTHEN:** Man, it was so much going on back  
7 then, you know, we was in -- by this time, we kids, so we in the  
8 detention center. At the detention center, they got rooms on this  
9 side and rooms on this side. You in -- you in a small corridor,  
10 you know what I'm saying, so you can speak out your room.

11 Man, I said it was like a leash -- every last one  
12 of us that was no more than 16 on this hallway, things was being  
13 said, you know what I'm saying.

14 Bubba said something as far as like, "Man, I'm  
15 ready to go home."

16 Then next thing you know, Dorrell Brayboy like,  
17 "Man, I'm going to tell what you did."

18 So now this has got me puzzled. Like, "What they  
19 do? Like, let me know. What they do?"

20 Everybody get quiet again. And I say, man, after  
21 this right here, man, they started acting strange. Like, yo, tell  
22 me something, let me know something. I come from the street or  
23 whatever -- whatever happens, whatever happens. You know what I'm  
24 saying? I ain't no snitch. You had something to do with it, you  
25 had something to do with it. Now I ain't got no other choice but



1 to ride it out with you because I'm your friend, supposedly  
2 anyway, but you're supposed to be man enough to tell me like, "Yo,  
3 bro, I got into something. Yo, help me out," you know what I'm  
4 saying? That's one thing. But don't put me in something and take  
5 my life away and now you out there in the street.

6 You feel me?

7 **MS. BRIDENSTINE:** Uh-huh.

8 **MR. CAUTHEN:** Because Christopher Bryant, Jermal  
9 Tolliver, and Dorrell Brayboy out there in the streets right now,  
10 and not one of them wrote me, and not one of them sent me no  
11 pictures, didn't give me no way to contact them. How can you call  
12 yourself my friend when you taken my life away for something I  
13 never knew nothing about --

14 **MS. BRIDENSTINE:** When is the last time you --

15 **MR. CAUTHEN:** -- and you're my friend?

16 **MS. BRIDENSTINE:** When is the last time you had  
17 contact with Christopher Bryant?

18 **MR. CAUTHEN:** Like I say, man, when I were going  
19 back and forth, you know what I'm saying, with the procedures with  
20 my -- my following case, on my appeal, you know what I'm saying?

21 **MS. BRIDENSTINE:** Uh-huh.

22 **MR. CAUTHEN:** The ruling on the juvenile, being  
23 convicted, I seen him, I say probably -- probably about twice. He  
24 was working at the Bullpen. You know, he was medium -- he was  
25 green clothes when he went home. I seen him, you know what I'm



1 saying, between the transport and me coming back to Winston-Salem,  
2 Forsyth County --

3 MS. BRIDENSTINE: Uh-huh.

4 MR. CAUTHEN: -- you know what I'm saying, going  
5 back and forth to court with that right there. After that, I  
6 ain't seen him.

7 MS. BRIDENSTINE: Did you talk about the case with  
8 him?

9 MR. CAUTHEN: I mean, like, I asked him like  
10 point-blank, "Yo, man, did you do it? Like, let me know before  
11 you go home. I would like to know."

12 Because it would come up with a situation where  
13 they kept telling me like Dorrell and Christopher Bryant and  
14 Jermal Tolliver had taken a plea.

15 At this time, I ain't seen them since I left the  
16 youth (indiscernible). And we was all on the youth  
17 (indiscernible) together. That's how I got STG --

18 MS. BRIDENSTINE: What's that?

19 MR. CAUTHEN: STG -- SRG, now, as they call it.

20 MS. BRIDENSTINE: Okay.

21 MR. CAUTHEN: You know what I'm saying? Security  
22 threat group?

23 MS. BRIDENSTINE: Yeah.

24 MR. CAUTHEN: That's how I got STG, you know what  
25 I'm saying, getting into it with other individuals over there, you



1 know what I'm saying. Like I never really like was conscious of  
2 what was really going on, I'm just doing time.

3 But as I get older, it started like really dawned  
4 on me like how did these people just come out of nowhere to get  
5 you out? Like what really happened?

6 Just started asking questions like, "Yo, they say  
7 you took a plea." Like, "Did you take a plea?"

8 Like, "Nah, we ain't take no plea."  
9 (indiscernible).

10 I'm like, "Yo, so how did y'all get less time than  
11 me and my little brother?" I didn't understand.

12 (Indiscernible) (indiscernible)

13 So after a while, man, doing time, you -- people  
14 lie, you know what I'm saying? Like they got the upper hand.  
15 People is not going to tell you the truth regardless of how you  
16 feel, how they feel, you know what I'm saying? As it would be  
17 underway, they just leave you. And the (indiscernible) like you  
18 doing now, I mean, it's nothing to me, you know what I'm saying.  
19 But at the same time, man, you owe me that.

20 If you did it, you did it; you didn't, you didn't.  
21 But at least have -- be a man to tell me. I'm going to be a man  
22 and tell you. I was in the room. Like I'm telling y'all now. A  
23 lot of people will say I'm in the wrong for telling you how it is,  
24 telling y'all that.

25 Man, I've been locked up for 16 years, and I still



1 ain't got no answer. I still don't know. Don't nobody know.

2 **MS. BRIDENSTINE:** Who said that?

3 **MR. CAUTHEN:** Just -- it's just in general.

4 **MS. BRIDENSTINE:** Well, what did -- what did  
5 Mr. Bryant say to you after you are talking to him about that?

6 **MR. CAUTHEN:** Man. Nope. Like, "Man, nah, I ain't  
7 do it. (indiscernible)." I changed the subject.

8 **MS. BRIDENSTINE:** Okay.

9 **MR. CAUTHEN:** You know what I'm saying, because  
10 there is no more. I mean, how -- you say you ain't do it, ain't  
11 no need for me to keep pressing you about it.

12 **MS. MATOIAN:** When you said you got the security  
13 risk group designation -- what is it? Security Threat -- I don't  
14 know.

15 **MR. CAUTHEN:** Security Threat Group, yeah.

16 **MS. MATOIAN:** Okay. Because you say you got into  
17 it with somebody about that? Or what were you -- what you mean?

18 **MR. CAUTHEN:** Yeah. Man, it's -- prison -- prison  
19 is more than what people think. Like the things y'all hear about,  
20 they say -- yeah, they may go home. But this is -- this is hard.  
21 This is not, you know what I'm saying, a walk in the park.

22 Just because they give us three meals and a room to  
23 sleep in, we are protected, nah, man, my back against the wall  
24 every day, you know what I'm saying. Anything can happen.  
25 Nothing is predictable. You can't predict a day in there because



1 you never know. You've got a million people in here with  
2 different thoughts. Every day, anything could happen.

3 So it's just like, man -- I can't tell you, man.  
4 It hurts, you know what I'm saying. So ...

5 **MS. BRIDENSTINE:** When is the last time you had  
6 contact with your brother Rayshawn Banner?

7 **MR. CAUTHEN:** Since the youth (indiscernible).

8 **MS. BRIDENSTINE:** When was that? When were you  
9 there?

10 **MR. CAUTHEN:** Like where we was at the last time me  
11 and my little brother was together? It was at Polk. 2008. And  
12 he -- they banned us from being together. Like they say me and my  
13 little brother is like -- we are too dangerous together, I guess.  
14 That's what it is.

15 **MS. BRIDENSTINE:** Did you talk about the case with  
16 him?

17 **MR. CAUTHEN:** Nah. My little brother don't even  
18 like talking about it because he don't know. Like he honestly be  
19 like, "Man, I don't know. I don't know nothing. I'm just here."

20 Like me, like -- "Yo, you got to tell me something.  
21 Somebody gots to know something. There is no way, man, that they  
22 just come out of nowhere and get five people -- five kids like  
23 that -- no way. Y'all got to know something. Somebody got to  
24 know something."

25 **MS. BRIDENSTINE:** What about Dorrell Brayboy? When



1 is the last time you saw him?

2 MR. CAUTHEN: Let me see. He just left minimum.  
3 Like, we was on the same camp together.

4 MS. BRIDENSTINE: You were at minimum together?

5 MR. CAUTHEN: Nah.

6 MS. BRIDENSTINE: Oh.

7 MR. CAUTHEN: Dorrell Brayboy just left close  
8 custody --

9 MS. BRIDENSTINE: Okay.

10 MR. CAUTHEN: -- He was at Maury. That's where I  
11 was at, Maury Correctional. You know what I'm saying. I kept my  
12 mouth shut, you know, because I never felt like Dorrell Brayboy  
13 really, you know what I'm saying -- just as well as my brother, I  
14 never felt like them two really had something to do with it.

15 Now, as far as Christopher Taylor -- I mean, excuse  
16 me, as far as Christopher Bryant --

17 MS. MATOIAN: As far as what? Uh-huh.

18 MR. CAUTHEN: And Jermal Taylor -- I mean,  
19 Tolliver, man, that's questionable. Them two questionable.

20 MS. BRIDENSTINE: Why are they questionable to you?

21 MR. CAUTHEN: Because. First, it's a statement.  
22 His sister were -- where I say they was saying that me and my  
23 little brother was in the house --

24 MS. BRIDENSTINE: Uh-huh.

25 MR. CAUTHEN: -- conversating, well, that never



1 happened. That's a lie. That's a boldface lie.

2 **MS. BRIDENSTINE:** Did you ever talk about robberies  
3 in front of his sister?

4 **MR. CAUTHEN:** I never, ever -- I don't even like  
5 the girl. The girl chased me down the street with a butcher  
6 knife.

7 **MS. BRIDENSTINE:** Which sister is this? Do you  
8 know the name?

9 **MR. CAUTHEN:** Yolanda. Yolanda Tolliver.

10 **MS. BRIDENSTINE:** Okay.

11 **MR. CAUTHEN:** Man, I actually spit into this girl  
12 face. For real for real. No lie. I don't even like the girl so  
13 I'm definitely not going to talk about something I'm going to do,  
14 you know what I'm saying. The relationship I got with her brother  
15 is totally different. I don't have to deal with you. I don't be  
16 in your house, you know what I'm saying. So therefore, you hate  
17 me just as well as I hate you or whatever.

18 **MS. BRIDENSTINE:** Did Rayshawn Banner get along  
19 with her?

20 **MR. CAUTHEN:** No. My little brother -- me and my  
21 little brother wouldn't even -- my little brother didn't even  
22 hardly know them. My little brother just got out of the  
23 wilderness camp, you see what I'm saying?

24 **MS. BRIDENSTINE:** Uh-huh.

25 **MR. CAUTHEN:** I ain't stayed in the neighborhood no



1 more than two years. He'd been in the wilderness camp or the  
2 group home damn near his whole life. He never associated -- I  
3 mean, as far as -- know what I'm saying? But no.

4 **MS. BRIDENSTINE:** And I just -- I just want to  
5 confirm.

6 So are you telling us that you never talked about  
7 the case with Dorrell Brayboy?

8 **MR. CAUTHEN:** Never.

9 **MS. BRIDENSTINE:** And Jermal Tolliver?

10 **MR. CAUTHEN:** Never.

11 **MS. BRIDENSTINE:** Okay. Have you ever applied to  
12 any innocence organization before?

13 **MR. CAUTHEN:** Yeah, the State. They keep on  
14 denying me.

15 **MS. BRIDENSTINE:** Did they tell you why?

16 **MR. CAUTHEN:** No.

17 **MS. BRIDENSTINE:** When -- do you remember when you  
18 applied?

19 **MR. CAUTHEN:** Man, I got papers in there -- I still  
20 got the papers in there. Innocent legal project. They were the  
21 first one denied me. Well, no, NAACP denied me first.

22 **MS. BRIDENSTINE:** So you applied with the NAACP?

23 **MR. CAUTHEN:** (No audible response.)

24 **MS. BRIDENSTINE:** And do you remember what innocent  
25 project? The name?



1                   **MR. CAUTHEN:** I can't remember. They got so many  
2 of them now, you know what I'm saying. I been fighting for my  
3 life since I were 15. I mean, after I got convicted, ain't no  
4 love. You start coming in here, you start like being behind these  
5 doors 24/7, yo, you don't want to be here no more. You got to do  
6 something. You understand, ain't nobody else going to help you so  
7 I got to help myself. Man, I'm talking about I got lists and  
8 lists and lists. I got denied letters for days.

9                   **MS. BRIDENSTINE:** Do you remember if the North  
10 Carolina Center On Actual Innocence -- did you ever have a case  
11 open with them?

12                   **MR. CAUTHEN:** Yeah. But I think they couldn't take  
13 my case because they had my little brother case.

14                   **MS. BRIDENSTINE:** Oh. Is that what they told you?

15                   **MR. CAUTHEN:** Yeah. Like, yeah, I think they were  
16 the second ones that I filed. And they were like I already had  
17 a -- an inmate had filed already and they couldn't take our case  
18 because me and my little brother was codefendants.

19                   **MS. BRIDENSTINE:** Okay. I think we talked about  
20 this earlier, but who is Shelton?

21                   **MR. CAUTHEN:** Yo, Shelton? I remember his -- I  
22 remember exactly who you talking about now. He is a dude. He  
23 stayed like right down the street from Jed. Like he stayed in the  
24 big white house.

25                   **MS. BRIDENSTINE:** Do you know his name? His full



1 name?

2 MR. CAUTHEN: That's his name, Shelton.

3 MS. BRIDENSTINE: Is that his last name or his  
4 first name?

5 MR. CAUTHEN: I think it's Shelton -- Shelton  
6 something. I can't remember his last name.

7 MS. BRIDENSTINE: Do you know how old he was in  
8 comparison to you?

9 MR. CAUTHEN: He was about my age.

10 MS. BRIDENSTINE: Okay.

11 MR. CAUTHEN: Probably about 16 -- 16, about 16.  
12 He were about my age.

13 MS. BRIDENSTINE: What was his race? What was his  
14 race?

15 MR. CAUTHEN: He's black.

16 MS. MATOIAN: Black? Okay.

17 Were Shelton and Sherman Williams --

18 MR. CAUTHEN: No, they ain't the same.

19 MS. MATOIAN: Okay.

20 MS. BRIDENSTINE: Did Jed have anything to do with  
21 Mr. Jones' death?

22 MR. CAUTHEN: I can't tell you.

23 MS. BRIDENSTINE: What about Shelton?

24 MR. CAUTHEN: I couldn't tell you.

25 MS. BRIDENSTINE: Did you have anything to do with



1 Mr. Jones' death?

2 MR. CAUTHEN: No, ma'am.

3 MS. BRIDENSTINE: Were you there when it  
4 happened -- when the crime happened?

5 MR. CAUTHEN: No, ma'am.

6 MS. BRIDENSTINE: Did you see it happen?

7 MR. CAUTHEN: No, ma'am.

8 MS. BRIDENSTINE: Okay. Did you know that  
9 Christopher Bryant had applied with our agency?

10 (Loudspeaker)

11 MR. CAUTHEN: (indiscernible) (indiscernible).

12 MS. BRIDENSTINE: What?

13 MR. CAUTHEN: No.

14 MS. BRIDENSTINE: Is there a reason why you haven't  
15 applied with our agency?

16 MR. CAUTHEN: Let me see your card.

17 Nah, but I'd like to.

18 MS. BRIDENSTINE: Do you have anything else, Catee?

19 MS. MATOIAN: Do you remember anyone from jail or  
20 prison named Andy?

21 MR. CAUTHEN: Andy? No.

22 MS. MATOIAN: Do you remember anyone from jail or  
23 prison named Crump?

24 MR. CAUTHEN: No. Why?

25 MS. MATOIAN: Just asking if you know these people.



1                   **MR. CAUTHEN:** Ain't no way. You just don't ask no  
2 idle question like that. It's some type of reason.

3                   **MS. BRIDENSTINE:** Just so you know, our cases are  
4 confidential and the work we do is confidential, and that's by  
5 statute. So ...

6                   Anything else?

7                   **MS. MATOIAN:** No.

8                   **MS. BRIDENSTINE:** Here is our application. It's  
9 our questionnaire. This needs to be returned to us. There's  
10 also -- so fill it out to the best of your ability. Here is an  
11 affidavit. This needs to be notarized. And here is a letter that  
12 explains our process.

13                   If you think of anything else, please write to me.  
14 You have my card. It's the same address, but --

15                   **MS. MATOIAN:** Or if you have any questions about  
16 the application.

17                   **MR. CAUTHEN:** So if I was to apply for that, this  
18 right here, how do this work?

19                   **MS. BRIDENSTINE:** Well, we review the questionnaire  
20 and the application. And if the crime qualifies, then we look  
21 into the case. And we would be in communication with you via mail  
22 and give you information as we -- for whatever reason, like at  
23 what stage we were investigating and what we were doing. So ...

24                   **MR. CAUTHEN:** Yeah.

25                   **MS. MATOIAN:** And I want to be clear. Again, like



1 we said about Mr. Bryant, we are a neutral agency; so we are --  
2 our goal is to get to the truth. So we don't represent  
3 Mr. Bryant. We wouldn't represent you. We would look at your  
4 case and determine if there was any new, credible evidence of  
5 innocence.

6 **MR. CAUTHEN:** So what? Do you have like -- look at  
7 your transcript and stuff like that?

8 **MS. MATOIAN:** It just depends, case by case.  
9 Whatever is necessary to that particular case, whether it's  
10 interviews, forensic testing -- anything like that.

11 **MR. CAUTHEN:** Yeah. Because I would like to know.  
12 I would like to know who killed Mr. Jones myself. Honestly, I  
13 would. I mean, I don't lose no sleep at night. And I say that  
14 because I know the truth. I know the truth within myself; yo, but  
15 I still lost my life. And I understand it's not a possibility  
16 that I make parole. I understand. So I still would like to know  
17 the truth regardless to how, you know what I'm saying, who did it,  
18 why they did it, you know what I'm saying?

19 I can't get them years back. And I would like to  
20 know why they were taken, you see what I'm saying? I sure would  
21 like to.

22 **MS. MATOIAN:** Any other questions?

23 **MR. CAUTHEN:** Nah, man. If you see Christopher,  
24 tell him I say "Hey," you know what I'm saying, straight up.

25 **MS. BRIDENSTINE:** All right. Thank you for



1 speaking to us today. And everything should be there in terms of  
2 where you need to get the information back to us. All right?

3 MS. MATOIAN: Thank you, Mr. Cauthen.

4 MS. BRIDENSTINE: Thank you.

5 MR. CAUTHEN: Yeah, you're welcome.

6 MS. MATOIAN: It's nice to meet you.

7 MR. CAUTHEN: It's nice to meet you.

8 (The recorded interview concluded.)

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## CERTIFICATE OF TRANSCRIPT

This is to certify that the 63 pages of this transcript of the recorded interview of Nathaniel Cauthen was taken on February 22, 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 14th day of May, 2018.



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# Handout 99



**Forsyth County District Attorney's Office Response Nathaniel Jones Murder Case  
March 6, 2020**

**I. Introduction**

The highest aim of every legal contest is the ascertainment of the truth. Prosecutors only mandate is to seek truth and justice. Assistant District Attorneys Eric A. Saunders and Beirne M. Harding are not with us to respond to this inquiry because they have both died after serving the state of North Carolina as prosecutors for three decades. They are deprived of the right to speak to the defamatory and false accusations made by Jessicah Black. Ms. Black was one of the witnesses in the murder trials of the complainants before the commission.

Although Mrs. Harding and Mr. Saunders cannot submit the response for the District Attorney's Office, their words live on in the closing argument from ADA Beirne Harding in the Bryant, Tolliver, and Brayboy trial. They ring as true today as they did in May 2005.

"First thing I want to do with you is to boil down the fundamental fallacy that the defendants' attorneys have stood up here and tried to feed to you and it's this. They want you to believe that the system, that the police officers in this, that the prosecution's office in this are corrupt, to the point that they will feed a story to someone and say, 'regurgitate it back on tape, we're going to take that down and that's our theory.' Now if you buy this, go to sleep right now. You don't need to hear another word. Their theory is, you shouldn't believe a word Jessicah Black says to you because we fed her the details. Their theory is, you shouldn't believe the confession of Dorrell Brayboy, which sounds an awful lot like what Jessicah Black told you, because we fed him the details. And, you shouldn't believe these officers, and you shouldn't trust Mr. Saunders or me because we condone perjured testimony. Now, folks, that's not the way this works. Professional reputations are expendable apparently, in the pursuit of getting three of the five people who killed Nathaniel Jones off. Don't let them do that."

Bryant, Brayboy, and Tolliver Trial Transcript  
Volume VIII of IX, page 87

On August 19, 2004, the defendants Cauthen and Banner were convicted of 1<sup>st</sup> Degree Murder and Robbery Dangerous Weapon. On May 20, 2005, in a separate trial a jury convicted Bryant, Brayboy, and Tolliver of 2<sup>nd</sup> Degree Murder and Robbery Dangerous Weapon. All five defendants were represented by experienced lawyers. The victim, Mr. Nathaniel Jones, was sixty-one years old when he was murdered and robbed at his home on November 15, 2002. He left behind two daughters Robin Paul and Rhonda Richardson, four grandchildren, and many other grieving relatives.



## **II. Relevant Issues**

1. The Confessions & Admissions of Defendants
  - 2002 Statements
  - 2019/ 2020 Statements
2. Physical Evidence
  - Shoe Impression Evidence is Confirmed
  - DNA Evidence
  - Fingerprint Analysis
3. Statement & Admissions of Jessicah Black
  - 2002 Statements
  - 2019/ 2020 Statements
  - Her Statement to Former Roommate Jorge Figueroa
4. Hunter Atkins
  - Contact with Mumma
  - Contact with Paul family
  - Contact with Jessicah Black

## **1. The Voluntariness and Truthfulness of the Confessions**

### **a. Statements**

1. Brayboy, Tolliver, Cauthen and Bryant all made Motions to Suppress their respective confessions, and each testified during the hearings for the Motions to Suppress in their respective trials.
2. Each of the defendant's was interviewed separately by the detectives to gather information about their respective role in the robbery and murder of Mr. Jones.

### **b. Court Ruling**

1. One of the key issues when determining the admissibility of a confession is whether or not the confession was made voluntarily. There are number of factors the Court may consider when determining voluntariness of a statement. For example, the circumstances under which a statement is made.
2. Cauthen and Banner's mother Teresa McCants (now Teresa Ingram) testified in the suppression hearing for Banner and Cauthen. Ms. McCants testimony has already been proffered in open court whereby a Superior Court Judge determined the credibility of her statements and their relevance to the admissibility of the confessions.
3. After hearing testimony from the defendants, the mother of Cauthen and Banner, and from the interviewing officers, and after examining exhibits, both Judges Albright and



Helms determined that the confessions were made freely and voluntarily and that they were admissible.

4. Each detective that testified in Trial 1 2004 and Trial 2 2005 was subject to skilled cross-examination about the defendants' confessions under oath. The trial jury in Trial 1 and Trial 2 had the unique opportunity to observe the demeanor of the officers and evaluate their credibility whilst they testified under oath.
5. Both Superior Court Judges rendered decisions after listening to sworn testimony of the law enforcement officers, defendants, and other witnesses and reviewed what is still the applicable law, and totality of circumstance found that the defendant's statements were voluntary.

**c. Effect on Verdict**

1. There is no credible evidence to support the claims of the defendants that they were coerced to give their statements.
2. The jury heard the cross examination of each detective regarding the circumstances of the statements provided to law enforcement in the respective trials 1 and 2 weighing their credibility against that of the defendant's claims of coercion.
3. The Jury verdict reflects the assessment of the evidence, observations of live testimony, evaluation of the physical evidence, the credibility of the witnesses and any bias the lay witnesses exposed during their testimony.
4. The jury verdicts in trials 1 and 2 reflect the assessment of 24 individuals from Forsyth county about their evaluation and belief in the sworn detectives were truthful in their testimony.
5. The verdict speaks for itself about the ability of the trier of fact to review the claims raised again in 2020 before this Commission about the voluntariness of the statements of the defendants in 2002.
6. Jessicah Black testified under oath during two separate jury trials about the circumstances and the content of her statement. She was subject to cross examination by five separate defense lawyers and her sworn testimony in the trial 1 in 2004 and trial 2 in 2005 had these issues fully explored and vetted.



## **2. Physical Evidence**

### **a. The Size 9 white Nike Tennis Shoes**

1. There is no new physical evidence that exonerates any of the defendants.
2. At Trial 1 2004 and Trial 2 2005 an expert opined that the shoes seized from the home of two of the defendants matched the shoe impression on the Lincoln Town Car under the partially unscrewed porch light.
3. Each shoe impression showed very unique wear patterns which matched the pair of shoes seized from the room of brothers Cauthen and Banner.
4. The expert retained by the Investigative team for the Commission in 2020 for examining the shoe impressions confirmed the analysis and testimony of the SBI expert who testified at Trial 1 2004 and Trial 2 2005.
5. Each shoe impression showed very unique wear patterns which matched the pair of shoes seized from the room of Cauthen and Banner.

### **b. DNA Evidence**

1. There is no new DNA evidence that excludes any of these defendants.
2. The Inquiry Investigative team engaged at least one DNA expert in 2020 to examine evidence seized from the scene of the murder.
3. The DNA expert reports submitted in 2020 show that the DNA identifiable in these cases belong to the victim Mr. Nathaniel Jones. He is the man who was beaten and robbed on that carport.
4. Jessicah Black is not the contributor of the unknown profile of female DNA at the scene.
5. Teresa Heir the attorney for Mr. Cauthen is also not the contributor of the DNA on the evidence submitted by the commission.
6. The DNA found on the duct tape used to bind Mr. Jones during the brutal beating he endured belonged to Mr. Nathaniel Jones.
7. The DNA profiles of first responders (male or female) was not sought or examined of anyone who responded to the home of Nathaniel Jones to render aid and cut the duct tape from the mouth, wrists, and hands of Nathaniel Jones.
8. There were several first responders and law enforcement officers who handled Mr. Jones's battered body and the duct tape at the scene.
9. Those first responder profiles were not obtained to eliminate them as possible contributors of any unknown minor DNA profiles or unknown female contributors.
10. There is no evidence that the defendants had any injuries or left any bodily fluids at the scene of their crime.



**c. Fingerprint Analysis**

1. There is no new fingerprint evidence that excludes any of these defendants.
2. A portion of the identifiable prints on the Lincoln Car belonged to the owner of the car, Mr. Nathaniel Jones.
3. A carport light was loosened to leave Mr. Jones in the dark while the defendants beat and robbed Mr. Jones in his carport.
4. The lightbulb was examined for latent prints in 2002
5. The Juries in both original Trial 1 2004 and Trial 2 2005 heard expert testimony that there were no identifiable fingerprints at the scene that could be matched to any of the defendants.
6. The available fingerprint evidence was presented in Trial 1 2004 and Trial 2 2005.
7. The lightbulb was examined for latent prints in 2002
8. The 2020 reports that there are no identifiable prints that belong to the defendants.
9. The Lincoln prints taken from the car did not belong to the suspects.
10. There were prints that matched Mr. Nathaniel Jones and the male or female neighbor that came to Mr. Jones aid in that narrow carport.

**d. Forensic Conclusions**

1. The Juries in both original Trial 1 2004 and Trial 2 2005 heard there was no DNA evidence or fingerprint evidence connecting these defendants to the crime.
2. Advances in 2020 DNA analysis have yielded no new results exculpating any of the four claimants.
3. The expert reports in 2020 have not identified any other potential perpetrators of this secret assault, robbery, and murder.
4. The state's expert report on the shoe impressions left on the victim's car matched a pair of one of the defendant's shoes.
5. The Jury got to look at the shoes and the impressions and make up their own minds as to their probative value.
6. The Expert engaged by the Inquiry investigative team in 2020 agrees with the conclusions from the expert in 2004 and 2005.

**3. Jessicah Black's Statements**

- a. Jessicah Black testified in open court, TWICE. She was subject to multiple skillful cross-examinations, all of which were observed by the Jury in each trial. Trial 1 2004 and Trial 2 2005 found her statements to be truthful.



- b. Now Ms. Black has changed some details of what she says happened on November 15, 2002. However, nothing in her new statement exonerates the defendants. The issue of the truthfulness of Ms. Black's statements to police have been litigated already. What is to stop any future witness from recanting their statements to law enforcement and testimony at trial at some future date, when some other ulterior motive of the witness can be surmised by their later actions?
- c. In roughly 2019 Hunter Atkins, a reporter with the Houston Chronicle, has taken it upon himself to interview Jessica Black, family members of Nathaniel Jones, and others. He has published articles about this case. He used a ruse to speak to the family of the victim Nathaniel Jones, by telling them he was writing an article about the family's charitable work, before later revealing he was investigating the murder case.
- d. Jessica Black told detectives with the WSPD, in the last week of February 2020, that she had been contacted by Hunter Atkins months before. In fact, Ms. Black stated that Mr. Atkins had bought her a birthday cake and had arranged to get money to her for a car payment.
- e. On February 28, 2020, the victim's daughter Robin Paul told Detective Swaim with the WSPD that Hunter Atkins had contacted her in 2019 and had told her that Jessica Black had "mental health issues." The ONLY change in this case is that Jessica Black has changed her account of the murder, some, but not entirely. Nothing in Jessica Black's new statements exonerate any of the defendants and this Commission must look with a cold keen eye on anything coming from Ms. Black at this point, considering her apparent questionable financial motives for coming forward 17 years later with this new story.
- f. Jessica Black has told the Attorneys for the Commission that neither of the original prosecutors, Beirne Harding and Eric Saunders made any promises or threats to her in exchange for her testimony. In fact, Jessica Black told the Attorneys for the Commission that Beirne specifically told Jessica that "she could be prosecuted for her involvement in these crimes, even if it was thirty years after the trials of the defendants."
- g. In late 2018 and early 2019, a reporter from the Houston Chronicle, Hunter Atkins attempted to contact Jessica Black. Ms. Black is unsure how he got her contact information. Atkins repeatedly called Ms. Black, trying to get her to



Speak with him about this case. When Jessica finally agreed to meet with Atkins, he bought her a lavish meal while he recorded and interviewed her.

- h. Atkins told her he had a friend who was a lawyer connected with the Actual Innocence Commission and gave Ms. Black a number to call. Atkins later bought her a birthday cake and even arranged for an intermediary to give Jessica an unknown amount of money to cover her car payment. [Please see the photos of the text exchanges between Ms. Black and Hunter Atkins are attached to this Statement.]
- i. Jessica Black is now saying what she told the WSPD detectives back in 2002 is not true. It is significant that her new account of November 15, 2002 does not exonerate any of the defendants. She merely decreases her involvement in the crime by saying she only saw the defendants AFTER the time of the murder. This conflicts with the claimants 2020 statements obtained during the investigation by the lawyers for this Commission.
- j. We do not have the benefit of knowing Ms. Black's motivations are for agreeing to speak with a reporter after declining to speak with Ms. Mumma's office for several years. However, Ms. Black's attempts to reduce her involvement in the events surrounding the brutal murder of Mr. Jones in 2002 reek of shame and guilt. Today in 2020 she does not want to be associated with the violent attack and robbery perpetrated against an innocent man coming home from work.
- k. Jessica Black is an individual with financial, physical, and mental health problems in addition to struggles with addiction to illegal drugs. She admitted that she smoked a lot of marijuana at the time of the murders in her sworn deposition with the lawyers for this commission. It is apparent from her text messages with Hunter Atkins that she continues to abuse alcohol and drugs.
- l. Jessica Black's new statements are not truthful or trustworthy. This is confirmed by the statement of Ms. Black's former roommate Jorge Figueroa. On February 26, 2020, WSPD Detective Jake Swaim attempted to locate Jessica Black in order to conduct an interview. [A copy of the recorded interview has been submitted to the Commission by the Forsyth DA's Office.] Detective Swaim went to Ms. Black's last known address and spoke to Jorge Figueroa, the owner of the home where Ms. Black used to live.
- m. Mr. Figueroa informed Detective Swaim that Ms. Black had mentioned that there was a reporter following her around. Mr. Figueroa told Detective Swaim that Ms.



Black told him that the reporter was following her around about “something that happened a long time ago and she was a witness of it.” Figueroa went on to say that Jessica Black had told him about how she was a witness to “a shooting I think...um...somebody got killed or something.”

- n. Mr. Figueroa said that Ms. Black had been fired from Reynolds Tobacco and moved out from his place about three months before. Mr. Figueroa said that Jessica told him something about a vehicle and that somebody had gotten killed and that she “witnessed everything.” [See the recording of Jorge Figueroa’s statement made by Detective Swaim and provided to the Commission.]
- o. In 2002, and during the time that she testified in both trials, Jessica Black had the family support of her grandparents. She had a stable environment to give her strength and to help her face telling the truth on the witness stand during two separate trials.
- p. In 2019 and 2020, Ms. Black was on her own, with a troubled young son to raise. She couldn’t keep a steady job, and she didn’t have a home of her own. At that vulnerable time in her life, Hunter Atkins got contacted her, and told her that he had evidence that no one had seen that proved the defendants were innocent and he wanted to talk to her about what happened. Jessica appears terrified and manipulated.

#### 4. **Hunter Atkins Involvement**

- a) The motives of Hunter Atkins are highly suspect. His behavior is potentially unethical and may be obstruction of justice and possible attempts to suborn perjury.
  - a. Atkins used deceit to work his way in the home of the family of Nathaniel Jones. Atkins first met with Robin Paul, the daughter of Nathaniel Jones. She is the mother of Chris Paul. Mr. Atkins sought Mrs. Paul and her husband out in Houston, Texas where they were hosting a charity event. Atkins told the Pauls that he was interested in writing about their charitable works, which is not an unusual topic for sports reporters.
  - b. After that initial meeting, the Pauls agreed to meet with Atkins in their own home in North Carolina, thinking that they were going to be asked about their family’s charitable works. However, the Pauls were shocked when Atkins changed the topic of conversation to the murder of Nathaniel Jones. Atkins showed the Pauls



photos of the released defendants, along with their families and children of the men convicted of murdering her father. All this was done in an attempt to engender their sympathy for the defendants.

- c. Hunter Atkins told the family of Nathaniel Jones that he had “spoken to Jessica Black. Atkins told them that she had mental health problems and broke down any time the murder was mentioned.” To this day, Hunter Atkins has published any article about this case. He has refused to voluntarily cooperate with the Attorneys for this Commission, even though he has been in frequent contact with Christine Mumma, the director of the North Carolina Center on Actual Innocence.
- d. The family of Nathaniel Jones had to tell Hunter Atkins to leave their home after he revealed his true motives. After that meeting, Atkins attempted to contact members of the family of Nathaniel Jones on several occasions. He left voicemails which they did not return. Atkins even attempted to talk with Chris Paul about the murder of his grandfather, at a post-game press conference in Dallas, Texas.
- e. Based on the Commission Attorney’s interview with Ms. Mumma we know that Hunter Atkins has the police reports and other items of discovery provided to him by Ms. Mumma after getting waivers from some of the claimants. It appears he shared this information directly with a potential witness in Ms. Black. This is an exhibit available for the Commission’s review from the attorney’s investigating this claim.
- f. Hunter Atkins appears to have an interest in this case solely for the purposes of professional and financial gain. Had Atkins had any interest in true justice, he would have contacted the Forsyth County DA’s Office and the NCIIC as soon as he had spoken with Jessica Black. He did not. In fact, he has avoided speaking with the Attorneys for the Commission. His motives are selfish, and it is highly likely he has manipulated Jessica Black.
- g. At the time of this writing of this statement, the Forsyth County District Attorney’s Office has not seen any interview of Hunter Atkins that may have been conducted by the Attorneys for the Commission.
- h. It is the understanding of the Forsyth DA’s Office that Hunter Atkins was avoiding any attempts by the Commission Attorneys to speak with him and that the Commission had to obtain a Material Witness Order through Texas State



Courts in order to compel him to give a statement on the issue. It is suspicious that Hunter Atkins claims he has important evidence, that no one else has, that proves the innocence of the defendants, and yet he has refused to cooperate with the Commission.

- i. The Attorney's for the Commission have exposed that Hunter Atkins was in contact with Christine Mumma before he spoke to Jessicah Black. Atkins asked Ms. Mumma what sort of evidence was needed to show that the defendants were innocent. Mumma told Atkins that there would need to be new DNA evidence pointing to another suspect, or that Jessicah Black would need to recant her previous statements and testimony.
- j. Armed with this information, Hunter Atkins contacted Jessicah Black. He told her that he has evidence that shows the defendants are innocent. Atkins said this was evidence that even the Commission didn't have access to. Atkins tried to make Jessicah Black feel sympathy for the defendants by discussing the murder of Darrell Brayboy.
- k. Atkins mentioned that he had been in contact with Brayboy and that he was "a sweet and thoughtful guy," never mentioning that since his release from prison, Brayboy had been charged with two counts of Assault on a Female, Injury to Personal and Real Property, Assault Inflicting Serious Injury, and Battery of an Unborn Child.
- l. Jessicah Black heard him say these things and she obviously began to worry that she is going to get in trouble, so she gave Hunter Atkins exactly what he wanted. She changed her story. Atkins continued to cultivate and manipulate Ms. Black. Jessicah Black has told investigators that Atkins provided money to her so that she could make a car payment. This is supported by the text messages between Ms. Black and Atkins, which are attached at the end of this document.
- m. Atkins continued to manipulate Ms. Black, texting her photos of WSPD detectives, and even texting her photos of Forsyth ADAs Jennifer Martin and Pansy Glanton. ADAs Martin and Glanton were the only African-American female prosecutors in the Forsyth county DA's Office at the time of the prosecution of these defendants. Neither prosecutor was involved with the investigation, preservation, or trial 1 or trial 2 of the claimants.



- n. Atkins attempted to insinuate to Jessica Black that somehow Ms. Martin (a district court ADA) or Ms. Glanton (a sex crimes prosecutor) were involved in a ruse where they posed as the daughter of the victim Nathaniel Jones. This ruse occurred on an unspecified date or time. This allegation by Hunter Atkins, and then Jessica Black, is patently false and defamatory.

### **III. The Proposed Expert on False Confessions is Inadmissible**

The U.S. Federal District Court for the Eastern District of Virginia provides guidance in U.S. v. Rodriguez-Soriano, 2017 U.S. Dist. LEXIS 205341, that while the 4<sup>th</sup> Circuit Court of Appeals has not directly opined on the possibility of expert testimony regarding false confessions, the Court did state that most circuit courts directly considering the admission of expert testimony on false confessions have determined that such testimony is inadmissible.

The Court in that opinion also went on to state that false confession expert testimony is inadmissible on the basis that “the science of false confessions is unreliable,” and “there is no ‘known or potential error rate’ that can be attributed to false confession studies.

- a. The Court in Rodriguez-Soriano found that even if the expert’s proposed testimony was reliable, it would still fail the second requirement of the Daubert test for admissibility because the expert’s proposed testimony on false confessions would be “unhelpful to the jury, which is fully capable of assessing the truthfulness of Mr. Rodriguez-Soriano’s alleged confession.” Such expert testimony would unlawfully invade the province of the jury.
- b. The State of North Carolina, by way of an example, when prosecuting a case where a child would be called as a witness, would be prohibited from calling an “expert witness” to testify that the child had provided truthful allegations or testimony.
- c. This issue was litigated in the Cauthen and Banner trial. Those two defendants attempted to present such a witness to the jury and the Court determined that such a witness is inadmissible under the North Carolina Rules of Evidence. The Court in the Cauthen and Banner case was bound by the earlier version of the Rules of Evidence. The Rules as they stand today are EVEN MORE STRICT when it comes to allowing novel areas of expertise.
- d. The issue has already been litigated in this case. To overturn these convictions by admitting evidence which was inadmissible, and would still be inadmissible, in a court of law, would be an extra-judicial act, totally outside the structure of the Constitution of the United States, and the Constitution and Laws of the State of North Carolina. This is not new evidence.



#### IV. CONCLUSION

- a) There is no new evidence to disturb the verdicts and judgments in these cases. There is no new evidence or one scintilla of tainted evidence for anyone to present that would justify this commission to set aside the verdicts of the juries in Trial 1 2004 and Trial 2 2005. There is no support the proposition that these defendants are factually innocent. It is the opposite. The five are factually and actually guilty.
- b) If the Commission is to overturn the sanctity of the jury trial in a case with overwhelming evidence of guilt then countless convictions in every prosecutorial district, stretching back decades, should be reviewed by this body.
- c) There isn't any new DNA or fingerprint evidence exculpating the claimants. The most biased witnesses deny they are guilty, they are the convicted murderers. One witness has slightly changed her testimony to an account that does not exonerate any of the defendants.
- d) Jessica Black's 2020 statements still acknowledge she is with the defendants before and after these murderers. The independent statement of a police officer Vic Stephens in 2002 places these accomplices at the bowling alley together within hours of the murder after the Nathaniel Jones. This fact cannot be changed or minimized.
- e) The Attorneys for the Commission repeatedly state that they do not take a position on the innocence of the defendants, and that they are an independent fact-finding body. But the Attorneys for the Commission have the authority and ability to reject claims of innocence. They alone have the power to declare a case a Formal Inquiry. That in itself is taking a position.
- f) There is not sufficient evidence to show the Actual Innocence of the defendants. The Attorneys for the Commission may be victims of their own *Confirmation Bias*. They have decided that there is enough evidence to show the defendants' actual innocence, and therefore they must present it in such a way as to confirm their decision.
- g) For this Commission to find that these defendants are actually innocent, it must decide that all of the WSPD detectives in this case formed a conspiracy to forcefully feed words into the mouths of all five defendants and the witness Jessica Black. However, if this were true, why would the WSPD detectives feed so many different versions of what happened to each individual defendant? Why would they coerce defendant Tolliver into saying they had thrown the roll of duct tape at a place where the police could not later find it?



- h) The defendants' confessions in 2002 are compelling evidence of intimate knowledge and guilt of the perpetrators. In the attached statements you will read an intimate knowledge of the heinous secrets attack of Nathaniel Jones.
- i) They each attempted to minimize their own involvement, but they each confessed to participating in the murder of Nathaniel Jones. The 2002 statements, and subsequent trial testimony in of Jessica Black should be believed because she exposed herself to a conviction for First Degree Murder and a sentence of Life in Prison without parole based on her testimony in Trial 1 2004 and Trial 2 2005 with her admissions to her actions the night Nathaniel Jones was ambushed and beaten to death by her friends and cohorts.
- j) Jessica Black was essential to their plan because she was sixteen years old and the only one with a car to wait and drive them away from the scene of their vile attack.
- k) The deceit and self-serving conduct of a reporter from Houston have corrupted not only the malleable mind of Jessica Black but Hunter Atkins has potentially compromised the integrity of our criminal justice system including the function and mandate of this Commission.
- l) In the investigation of this case the interview Chis Mumma on 2-26-20 summarized Ms. Mumma's discussion with Hunter Atkins about Jessica Black. A conversation held after Center on Actual Innocence closed their inquiry into Mr. Bryant's case.
- m) Ms. Mumma told Hunter Atkins an "...exoneration may be possible if you have Jessica Black recanting or repudiating her prior statements about the ambush, robbery and murder of Nathaniel Jones."
- n) There is insufficient evidence for this Commission of factual innocence to merit judicial review.

## **V. Attached Exhibits**

- 1. Picture of victim Nathaniel Jones
- 2. 2002 Jessica Black Interview
- 3. 2002 Interviews of Defendants
- 4. Pictures of phone messages between Hunter Atkins and Jessica Black
- 5. Picture of Lincoln Town Car and shoe print
- 6. Picture of carport light



# **EXHIBIT**

## **#1**

**Victim:**

**Nathaniel Jones**







# **EXHIBIT**

## **#2**

**2002 Interview**

**Jessica Black**



## WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Jessica Joanna Black IR#: 252704 PAGE: 1

DATE: 11/19/02 STARTING TIME: 2130 Hours ENDING TIME: 2200 Hours

TAKEN BY: Detective K. W. Bishop LOCATION: 725 N. Cherry St., PSC  
Detective J. M. Griffin

**BISHOP:** Now, – uh – to begin with Jessica, you came down here on your own, didn't you?

**BLACK:** The cop asked me – that Officer Rose asked me that – if I'd come down here and give a statement. I said "Yeah."

**BISHOP:** Okay.

**BLACK:** "Sure."

**BISHOP:** So, I mean you weren't – nobody arrested you and brought you down here?

**BLACK:** Oh, no.

**BISHOP:** You came down here voluntarily?

**BLACK:** Yes, sir.

**BISHOP:** You understand that? Okay. And as of right now, you understand you're – you're still as far as I'm concerned free to leave? You understand that?

**BLACK:** Yes, sir.

**BISHOP:** Okay. Uh – we're gonna start on Friday afternoon – uh – November the 15<sup>th</sup> at about four o'clock. Uh – I understand from talking to you for a few minutes that at about four o'clock that day you went over to Bubba's house, is that right?

**BLACK:** Yes, sir.

**BISHOP:** First off, who's Bubba?

**BLACK:** Bubba's the big tall black guy.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 2**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin**GRIFFIN:** Do you know his real name?**BLACK:** No, sir.**BISHOP:** If I called it, would you recognize it?**BLACK:** I've never heard his real name before.**BISHOP:** Where does he live at?**BLACK:** Devonshire Street. Across the street from – from Mel sort of – kind – it's like across the street to the – to the right in that blue house.**BISHOP:** Okay. You know where Jamel lives at?**BLACK:** In the big yellow house.**BISHOP:** Would you say Jamel lives at 734 East Devonshire Street?**BLACK:** I don't know the number. I just know he lives in that big yellow house on Devonshire Street.**BISHOP:** Okay. And Bubba lives right across the street from him?**BLACK:** Yeah.**BISHOP:** Uh –...**BLACK:** Actually, I think he lives on Goldfloss – at the bottom...**BISHOP:** Okay,**BLACK:** ...in the white house.**BISHOP:** Okay. Did – uh – you ever hear the name Christopher Lavon Bryant?**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 3**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

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**BLACK:** No, sir.**BISHOP:** Or – or Chris?**BLACK:** Uh-uh.**BISHOP:** You ever known – heard Bubba called Chris?**BLACK:** I've only heard Bubba called Bubba.**BISHOP:** Okay.**BLACK:** I asked him to tell me his name a few times, he wouldn't tell me. He said  
nobody knows his real name.**BISHOP:** Okay. Well,...**GRIFFIN:** So, you went over at his house about four o'clock?**BLACK:** I showed up there and him and Dorrell were outside.**BISHOP:** Bubba and Dorrell?**BLACK:** Uh-huh.**BISHOP:** Okay. Was there anybody else there at Bubba's house?**BLACK:** I don't know if anybody – there was people probably inside. I didn't go inside.**BISHOP:** Okay. Did some other people come over later?**BLACK:** Uh-huh.**BISHOP:** Who?**BLACK:** Mel and Rayshawn and Stinky.

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**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 4**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

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**BISHOP:**    Okay. What did y'all do?**BLACK:**    We took off and they was – well, everybody except for Mel took off and we went – we're all talking – they were talking about buying some chronic.**BISHOP:**    Some what?**BLACK:**    And – some chronic – some weed.**BISHOP:**    Okay.**BLACK:**    And they – they were sitting there joking around about "Wouldn't it be funny – you know – if we jacked somebody and took their money and then we'd have money to spend and – you know – we wouldn't have to worry about getting it ourselves?" and all this other stuff.**BISHOP:**    Okay. Uh – so, let's back up a minute. You said everybody but Rayshawn?**BLACK:**    Mel.**BISHOP:**    Who?**BLACK:**    But Mel.**BISHOP:**    Everybody but Mel went?**BLACK:**    Yeah.**BISHOP:**    So, it would be Bubba, Rayshawn, Stinky and Dorrell in your car?**BLACK:**    Yes, sir.**BISHOP:**    And you drove?

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**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 5**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

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**BLACK:**    Yes, sir.**BISHOP:**    And that was your black 1986 Mercury Cougar?**BLACK:**    Yes, sir.**BISHOP:**    Okay. Now, where did you go?**BLACK:**    Well, we went – we just went driving around the first time.**BISHOP:**    How long did you drive around?**BLACK:**    Maybe an – an hour.**BISHOP:**    Okay. And what was said in the car about jacking somebody?**BLACK:**    Bubba was in the backseat and he was joking around and he was like – “You know – don’t you think it’d be kind of funny – you know – if we went out here and we jacked somebody and just took their money and...” He started mumbling some stuff. I couldn’t understand him and then they were just like – they were – they all got (inaudible). I was just sitting there laughing. I didn’t pay no attention.**BISHOP:**    So, they were laughing about jacking somebody up?**BLACK:**    Yeah. They were just joking. I mean...**BISHOP:**    Did they – did they name anybody they wanted to jack up?**BLACK:**    No, sir.**BISHOP:**    Did they – they pick anybody?

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**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 6**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

**BLACK:** Uh-uh. They was just like – they just said “Don’t you think it’d be funny to do it?”

**BISHOP:** Okay. After you drove around for about an hour and they were laughing and joking about jacking somebody, where did you go then?

**BLACK:** Went back to Devonshire.

**BISHOP:** Where?

**BLACK:** In front of Bubba’s house.

**BISHOP:** Okay. What went on there?

**BLACK:** Stayed there about ten minutes – ten – fifteen minutes and then Mel got in the car.

**BISHOP:** Okay. Did everybody else stay in the car?

**BLACK:** Yeah.

**BISHOP:** So, now you’ve got Bubba and Rayshawn and Stinky and Dorrell and Mel...

**BLACK:** Yeah.

**BISHOP:** ...– who is Jamel?

**BLACK:** Yeah.

**BISHOP:** In yqur car?

**BLACK:** Uh-huh.

**BISHOP:** Where did y’all go?

**WITNESS:** \_\_\_\_\_

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**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 7**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

**BLACK:** We left. We went riding around some more and then we went to Dollar General and everybody went in except for Ray – uh – Stinky, Rayshawn and Mel. So, Bubba and Dorrell went inside Dollar General. They stayed in there about ten minutes and came back out. And then we took off from there and I was on my way back to Devonshire and they was like “Well, come on. You know – why don’t we go to Maxway’s?” So, I took them to Maxway’s. All of them went in except for Rayshawn. Rayshawn sat in the car with me and they came back out and we were on our way back and they pulled out some duct tape or masking tape – whatever you want to call it.

**BISHOP:** What color was it?

**BLACK:** It was silver or gray.

**BISHOP:** Okay.

**BLACK:** They pulled it out and they had it in the backseat messing with it and then...

**BISHOP:** (Inaudible) was anything said about it?

**BLACK:** Uh-uh. They just – they were sitting back there messing with it. They...

**BISHOP:** Who had it?

**BLACK:** All of them. They were all sitting there just passing it around and messing with it.

**BISHOP:** Okay.

**WITNESS:** \_\_\_\_\_

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**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 8**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

**BLACK:** It was – I mean I turned my radio up cause I got tired of hearing of them and then we left from there and we went to the park and I went – and I went to the picnic tables. I got on the back of them – I got to the very edge picnic table and I sat down facing the opposite way of what – where they were. So, I was just trying to get – I was wanting – I wanted peace. I got tired of hearing their rowdiness and – you know – their yelling and playing around and joking and all that.

**BISHOP:** Uh-uh.

**BLACK:** And then they was all – you know – I heard one of them say – you know – “We’ll be right back.” And they took off going across this park and Mel stayed there maybe a second and then took off with them and I turned around and I looked and they were about to the middle of the big ‘ol sandbox thing and then I turned around and just minded my own business.

**BISHOP:** Okay.

**BLACK:** And then I hear them yelling and screaming at somebody, then I heard a bunch of bang – banging.

**BISHOP:** What were they yelling and screaming?

**BLACK:** Like – they were yelling and screaming – you know – they was like “Get the fuck down! Get the fuck down! Give us that shit! Give us that shit!” – you

**WITNESS:** \_\_\_\_\_

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**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT**

**STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 9  
**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours  
**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
                  Detective J. M. Griffin

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know – “Fuck you!” and then I kept hearing them banging and shit and then they come back – you know – acting their normal selves and they were just like...

**BISHOP:** Which – which way did they come back?

**BLACK:** From like the front of the houses.

**BISHOP:** Okay.

**BLACK:** And they come back and they’re like – you know – “Hell, yeah. We got that shit. Fuck him. Fuck him. We fucked him up.” – you know – and then they was like “Man, this is boring.” And I didn’t ask no questions, I didn’t want to know. So, we get back in the car and they’re talking “Take us home, man. We need to change clothes.” So, we go back home – went back to their place – back in front of Bubba’s and I dropped Bubba and Mel and Dorrell off and I told them I’d be right back – and me and Stinky and Rayshawn will be right back and then I took Stinky and Rayshawn down to their house and Stinky said he wanted me to go inside and he wanted to take a shower and change clothes.

**BLACK:** And then – uh – they asked me if I wanted to come in and I went in for like a minute and then I went back to my car and they came back out and we all went back up there and then we left from there, I went to Creekside and Stinky got in an argument at – with a cop at Creekside.

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**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 10**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin**BISHOP:** With who?**BLACK:** With a cop.**BISHOP:** Okay.

**BLACK:** And he said that Stinky wasn't allowed back up there. So, then we had to leave. (Inaudible) then we left and they was like – "Take us by this guy's house." So, I stopped by this guy's house and they went and knocked on the door and Stinky went inside for like five minutes and came back out and he got in the car and we left and they wanted me to go by – back by the park and on my way over to the park, I didn't even get halfway down – what's that word – what you call it – Moravia?

**BISHOP:** That's one of the streets the park is on...

**BLACK:** Moravia Street. Yeah. I didn't even get all the way down Moravia Street. I stopped at the – I was right there at Jed's house and they told me to stop and turn around. So, I went and turned around – I didn't think nothing of it and I went and turned around and I parked and they was like "That might be our peoples. That might be our peoples. Hey, let us out." So, I let them out and they were on there and they was just standing there. I got – they wouldn't come on, so, I got tired of waiting on them. So, I'm like – I got out of my car and I went over there and I asked some old – I asked some old – it was a black lady –

**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



# WINSTON-SALEM POLICE DEPARTMENT

**STATEMENT OF:** Jessica Joanna Black      **IR#:** 252704      **PAGE:** 11

**DATE:** 11/19/02      **STARTING TIME:** 2130 Hours      **ENDING TIME:** 2200 Hours

**TAKEN BY:** Detective K. W. Bishop      **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

I asked her – I said – you know – “What’s going on?” and she said “Some old man...” She was like “Some man lives here, who has just been beat and his hands were tied together and – and he was robbed.” And I – I didn’t know what to do because I knew – I knew it was him.

**BISHOP:** How did you know it was him?

**BLACK:** Because I remember them going around there. I remember hearing them yelling – you know – and they were – earlier that day – was talking about jacking somebody. I mean what else was I supposed to think (inaudible) I hear the banging and the racket going on over there while I was at the park and I hear it – I hear them yelling – you know – “Get the fuck down!” – you know – “Give us that shit.” – you know – “Give us the...” – you know – “Give us the fucking money and this shit.” – you know. So, – you know – I knew – I just knew. I didn’t say nothing. I didn’t say nothing. I was scared. I didn’t know what to do and then they was like “Man,” – you know – “screw this.” They was like “We don’t want to be out here with all the cops anyway.” But I think the reason they wanted to leave is cause they looked over and they saw the Feds pulling up – all the detectives and stuff. They said it – when we got back in the car, they said it was the same detectives that had been to the house earlier that week or the week before – you know – looking for them. And I was like “All right.” And then

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## WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Jessica Joanna Black IR#: 252704 PAGE: 12

DATE: 11/19/02 STARTING TIME: 2130 Hours ENDING TIME: 2200 Hours

TAKEN BY: Detective K. W. Bishop LOCATION: 725 N. Cherry St., PSC  
Detective J. M. Griffin

we left and I dropped them off and – uh – my grandma paged me and wanted me to come home and I went home. And I got home about 12:00 that night.

**BISHOP:** All right. While you were up there – while all the police were up there at the scene and everything, did they make any com – did – uh – the guys you were with – make any comments to you about – you know – what you were seeing and what happened or anything like that?

**BLACK:** They were like “Man, them – that guy got fucked up.” They was like “He was fucked up.” And when we got back in the car, they said – they were like – they knew I knew that they did it and they was like “Jessicah,...” – they said “...if the cops come ask you anything, – you know – tell them this – tell them that we were – you know – in Creekside and we went to the mall.” and shit like this. And I was like...

**BISHOP:** Who – who told you to say that?

**BLACK:** They were all sitting there saying that. All of them. They were all adding in some little bit to say. They were all like say this, say this and I was just – see, I was just like “Okay. Okay. Okay.” – you know. I was scared. I didn’t know – you know – if they’re going to do that, don’t that tell what they would...

**BISHOP:** (Inaudible)

**BLACK:** ...if I went and told on them.

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**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 13**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

**BISHOP:** Did – after you got back in the car and they were telling you what to say if the police came, was there any further discussion about what they did to the man?

**BLACK:** I turned my radio up so I couldn't hear them and they were sitting back there – I could hear them mumbling. That was it. I turned my radio up so I couldn't hear them no more cause I didn't want to hear no more about it.

**BISHOP:** But they told you that if you were questioned by the police...

**BLACK:** Uh-uh.

**BISHOP:** ...that you were to say you went to Creekside?

**BLACK:** We went to Creekside. We went to the mall.

**BISHOP:** Okay. Did you go to the mall?

**BLACK:** Uh-uh. I...

**BISHOP:** On – on Friday night, November the 15<sup>th</sup>, did you take that group of guys to the mall?

**BLACK:** They were at the mall. They went to the mall on a bus.

**BISHOP:** When?

**BLACK:** Friday. They said they was going cause they had bus passes.

**BISHOP:** Did you take them to the mall?

**BLACK:** Not Friday.

**BISHOP:** When did you take them to the mall?

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**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 14**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
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**BLACK:** I think I took them to the mall like sometime earlier that week cause I was out there looking for a job.

**BISHOP:** Okay. It's – I need to pin down a time though. On Friday night – let's – let's just say – arbitrarily on Friday night between say six o'clock in the afternoon and eight o'clock at night on Friday night, did you take them to the mall?

**BLACK:** Umm... I remember – yeah, I did have to make a pit stop at the mall cause I was going to go and meet one of my friends, Jordan, and she wasn't there and then I had to find them in the mall and tell them to come on cause they wanted a ride.

**BISHOP:** And when – when did you have time to take them to the mall if y'all were out doing all this other stuff?

**BLACK:** Uh – we're out riding around and doing all this other stuff – bunch of jerks. I can't believe this. Cause y'all kept telling me – you know – we went to the mall and everything. I didn't remember going...

**BISHOP:** I ain't told you nothing, wait a minute...

**BLACK:** Not y'all. Not y'all. I mean y'all kept saying – you know – "Didn't you take them to the mall?" "Did you take them to the mall?" And I didn't remember going to the mall.

**BISHOP:** Well, if you didn't go to the mall, that's fine...

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**BLACK:** I really don't think I took them to the mall. I remember going there – I took them with me one time earlier that week and I went to the mall.

**BISHOP:** Okay. That's...

**BLACK:** Cause I went and met Jordan up there.

**BISHOP:** Okay. Well, if you didn't go on Friday night, that's fine, just say – you know – that's fine.

**BLACK:** They went with – they went with me during that week – earlier that week.

**BISHOP:** Okay. But you didn't go on Friday night?

**BLACK:** Not Friday night. I didn't go.

**BISHOP:** Okay.

**BLACK:** We went to Creekside Friday.

**BISHOP:** Okay. So, they were trying to get you to lie about going to the mall?

**BLACK:** Yeah.

**BISHOP:** Is that right?

**BLACK:** They told me to tell y'all that I went to the – that we went to the mall and we went to Creekside and we just – and we chilled. Wasn't nobody out doing nothing.

**BISHOP:** Okay.

**BLACK:** I can't believe they did that.

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**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 16**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

**BISHOP:** Now, a few minutes ago, when we were in here talking, – uh – you helped us draw a little diagram over there?

**BLACK:** Yeah. Where did it go?

**BISHOP:** Uh – okay. Look at that diagram over there.

**BLACK:** Yes, sir.

**BISHOP:** And it's got your name written on it, right?

**BLACK:** Uh-huh.

**BISHOP:** And you wrote – you wrote – you wrote your name on it, right?

**BLACK:** Yeah.

**BISHOP:** Okay. And does that diagram roughly depict the area of Burgundy Street and Moravia Street and the park?

**BLACK:** Yes, sir.

**BISHOP:** Okay. Now, from where you were sitting at on the picnic tables in the park...

**BLACK:** Uh-huh.

**BISHOP:** ...and they left walking away from you, would it be fair to say that they were walking toward Burgundy Street?

**BLACK:** Yeah,

**BISHOP:** Okay.

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**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 17**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

**BLACK:** From the way they were heading for the sandbox, they were heading towards Burgundy Street.

**BISHOP:** Okay. Did you see them cross Burgundy Street?

**BLACK:** No. I turned around when they got to about the middle of the sandbox.

**BISHOP:** Okay. A few minutes after you turned around, you said you heard the banging and the – and the – the yelling about “Get the fuck down!” and that kind of stuff,...

**BLACK:** Uh-huh.

**BISHOP:** ...would it be safe to say that the sounds you heard came from behind you?

**BLACK:** Yeah.

**BISHOP:** Yes?

**BLACK:** Yes, sir.

**BISHOP:** All right. Would it be safe to say that those sounds came from the direction of Burgundy Street?

**BLACK:** They came from over there...

**BISHOP:** Okay.

**BLACK:** ...by Burgundy – yeah.

**BISHOP:** Okay. Well, let's – let's put it this way. Would it be safe to say that those sounds came from the direction you saw them walking in?

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**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 18**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin**BLACK:** Yes, sir.**BISHOP:** That's a yes?**BLACK:** Yes.**BISHOP:** Okay. You gotta remember this thing can't hear you nod. Okay? Uh – did you recognize the voices that you heard?**BLACK:** It was them hollering and yelling. I hear them holler and yell all the time.**BISHOP:** Okay. So, you recognized the voices that you heard to be hollering and yelling "Get the fuck down!" was...**BLACK:** It was all of them. It was just – uh –...**BISHOP:** But...**BLACK:** ...you could just...**BISHOP:** ...– but you recognize those voices to be Bubba, Rayshawn, Stinky, Dorrell and Jamel?**BLACK:** Yes, sir.**BISHOP:** Okay. And a few minutes later, you saw all five of them walking back toward you, is that right?**BLACK:** Uh-huh.**BISHOP:** And they were on Moravia Street?**BLACK:** Yes, sir.**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 19**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
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**BISHOP:** Okay. Did they come – did it look like they were coming from the direction where you heard the voices?

**BLACK:** Right around there.

**BISHOP:** Okay. Now, later on after y'all went back out and went to Creekside and everything and you were coming back to the park, when you came back down Moravia Street and you saw all the police cars and you – you could see – you could tell which house all the police were focusing on, right?

**BLACK:** Re... Repeat that.

**BISHOP:** Could you tell which house the police were at?

**BLACK:** Yeah. They had it roped off and everything (inaudible).

**BISHOP:** Which house were they at?

**BLACK:** They were at that second house.

**BISHOP:** The second house from what?

**BLACK:** The second house from Burgundy Street.

**BISHOP:** Okay.

**BLACK:** I mean...

**BISHOP:** So, if you were going toward the park – if you were driving toward the park,...

**BLACK:** If you were on Moravia Street and you were coming down...

**BISHOP:** Uh-huh.

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**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 20**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin**BLACK:** ...like you know how the very end of Moravia Street's a Dead End?**BISHOP:** Right.**BLACK:** If you were coming from that way...**BISHOP:** Uh-huh.**BLACK:** ...and you get right at Burgundy Street,...**BISHOP:** Uh-huh.**BLACK:** ...it's the second house down. If you were coming that way, it'd be the second house down on your left.**BISHOP:** Okay. That's good enough. All right. Now, when – now, thinking about that house and thinking back to when you were sitting in the park, would it be safe to say that the last time you saw the five guys walking away from you that they were walking in the general direction of that house?**BLACK:** Yeah. Yes, sir.**BISHOP:** Okay. When you saw them walking back to you on Moravia Street, would it be safe to say that they were walking from the general direction of that house?**BLACK:** Yes, sir.**BISHOP:** Okay. When y'all stopped your car up there on Moravia Street and got out of the car, did the five of them go all the way down to the crime scene tape?**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



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**BLACK:** Yes, sir. Went all the way down – they went – no. No. They went to the corner of Moravia and Burgundy – right when Mora – right when Burgundy gets ready to go into Moravia. They went to the corner right beside the first house.

**BISHOP:** So, they were – they went that far down to it?

**BLACK:** Yeah. And they looked over at the man, they was talking about – they said “Man,” – you know – “he is fucked up. Somebody done fucked him up.”

**BISHOP:** They said “Somebody’s done fucked him up.”?

**BLACK:** Yeah. They were standing there saying “Somebody else fucked him up.” And then when I dropped them out, Dorrell was sitting there joking – saying “Well, I ain’t walking home by myself because there’s a killer on the loose.” And they’re sitting there laughing and joking about it.

**BISHOP:** They were laughing and joking about it? All right. When did they tell you that they needed to go change clothes?

**BLACK:** Uh – right when we had left the park. After I heard them hooping and hollering and everything and they came back. They was like “Man, we need to go change clothes cause we gotta get ready for – you know –...”

**BISHOP:** So,...

**BLACK:** “...we’re gonna go to a party tonight.”

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Detective J. M. Griffin

**BISHOP:** So, y'all went – oh, they went and changed clothes before y'all went to Creekside?

**BLACK:** Yes, sir.

**BISHOP:** Okay. And then after you came back from Creekside is when you saw all the police cars and everything?

**BLACK:** Yes, sir.

**BISHOP:** Okay. When was it that they told you that if the police questioned you to say that you were at the mall?

**BLACK:** When we were leaving the crime scene.

**BISHOP:** So, it was after the saw the police and everything?

**BLACK:** Uh-huh.

**BISHOP:** Since Friday, have you talked to any of them specifically about what happened Friday night?

**BLACK:** No, sir. Uh-uh.

**BISHOP:** You haven't had any conversation with any of them?

**BLACK:** Not about what happened Friday.

**BISHOP:** Okay. All right. Do you have anything?

**GRIFFIN:** Yes. I do. Jessica, I'm gonna take you back to when you went to the Dollar General, who got out of the car and went inside the Dollar General?

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Detective J. M. Griffin**BLACK:** Dorrell and Bubba.**GRIFFIN:** And did they come back with anything?**BLACK:** Not that you could see at first and then they got in the car. They had a bunch of doo rags with them.**GRIFFIN:** Doo rags? Okay.**BISHOP:** Back up just a second. Where are those doo rags at now?**BLACK:** They had them on. Well, Dorrell was the only one that had one on. Bubba had them in his pocket and Bubba – they're probably in Bubba's room or...**BISHOP:** So, they didn't leave any of them in your car?**BLACK:** I don't know. I don't – I don't think so.**BISHOP:** Okay.**GRIFFIN:** Uh – the one that Dorrell – you said Dorrell had a doo rag on – is that the one he got from the Dollar General or is that the one he had with him?**BLACK:** No. He had one on before.**GRIFFIN:** So, he had it on before?**BLACK:** Uh-huh.**GRIFFIN:** Okay. How many of them did they have?**BLACK:** Um – I'd say about three – four.**GRIFFIN:** Okay. So, then you leave there and you go to Maxway's?**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



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Detective J. M. Griffin**BLACK:** Uh-huh.**GRIFFIN:** And to your knowledge, what did they get there?**BLACK:** They got some tape.**GRIFFIN:** Okay. Uh – I'm gonna fast-forward you a little bit...**BLACK:** Yes, sir.**GRIFFIN:** ...to after they come running back to the park, you said that y'all left there and eventually went to Creekside, right?**BLACK:** When we left the park, they wanted to go change clothes and they said – you know – they had to get ready for some party the night – that night or something like that. So, but then after they changed clothes, we left and went to Creekside.**GRIFFIN:** Who changed clothes?**BLACK:** Uh – Mel just walked into his house. I don't think he changed clothes and Bubba, Dorrell, Rayshawn and Stinky changed clothes.**GRIFFIN:** So, you drove them back to Devonshire Street?**BLACK:** Yeah.**GRIFFIN:** And they changed clothes at their respective houses?**BLACK:** Yes, sir.**GRIFFIN:** Okay. Did you see anything on their clothes when they came back to the car?**BLACK:** I was ready to go. I didn't look. I didn't think nothing of it. I was ready to go.**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



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Detective J. M. Griffin

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**GRIFFIN:** Did any of them complain about being hurt or...**BLACK:** No, sir.**GRIFFIN:** ...have any injuries or did you see them move – you know – holding their hands or anything like they were hurt?**BLACK:** They just – they walked back like everything was normal and just got in the car.**BISHOP:** Well, let – let me back you up just a second. When they left to go on over to the house or walking toward the house, were they carrying anything?**BLACK:** Yes, sir. They had sticks. Bubba and Stinky had sticks and Dorrell kept talking about he had protection – he had protection and I kept thinking he was talking about a gun and I told him if he had a gun that he best keep it put up cause I don't like them. I'm terrified of them.**BISHOP:** Okay. When you say they had a stick – that two of them had a stick, are you talking about like a stick they broke out of a tree or you pick up off the ground or are you talking about a piece of lumber?**BLACK:** It was maybe...**GRIFFIN:** Was it round?**BLACK:** It was like that big around.**BISHOP:** But it looked like a stick out of a tree maybe or did it look like a piece of lumber like – uh – a piece of wood you build something with?

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Detective J. M. Griffin**BLACK:** A stick out of a tree.**BISHOP:** Stick out of a tree?**BLACK:** Uh-huh.**BISHOP:** Okay. Did they pick it up there in the park or did they – had they brought it  
with you – with them in the car?**BLACK:** Picked it up there at the park.**BISHOP:** Okay. And who all – and who all was carrying sticks now?**BLACK:** Bubba and Stinky.**BISHOP:** Okay. Did they have them with them when they came back?**BLACK:** Uh-uh.**BISHOP:** Can't hear you.**BLACK:** Sorry. I keep forgetting it's on.**BISHOP:** That's okay. Okay.**GRIFFIN:** What about the tape? Was the – was the tape still in the car or did somebody  
have it when y'all got out at the park?**BLACK:** I don't know if they had it or not. They wasn't carrying it. It was – it may have  
been – it was probably in one of their pockets.**GRIFFIN:** Okay. When they came back, did you see that any of them had anything on  
them? Did they have anything in their hands?**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



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Detective J. M. Griffin

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**BLACK:** I didn't pay no attention. I was ready to go.**GRIFFIN:** Did you see any money?**BLACK:** Uh-uh.**GRIFFIN:** Any...**BLACK:** I saw...**GRIFFIN:** ...bags, wallets or anything like that?**BLACK:** No. I saw an imprint in Stinky's pocket. I mean it – it looked like a wallet, but none of them ever carry around wallets.**GRIFFIN:** So, you never seen one with a wallet before?**BLACK:** Uh-uh.**GRIFFIN:** Was it a thick wallet, thin wallet or?**BLACK:** I just saw an imprint. I saw a little rectangle looking square thing and it's like a...**GRIFFIN:** Did it stick out a long ways or?**BLACK:** It – maybe an – an inch – two inches. I don't – I don't know.**GRIFFIN:** Which – which pocket?**BLACK:** I want to say his left back pocket.**GRIFFIN:** Jessica, I need you to be honest. Okay?**BLACK:** Yes, sir.

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**GRIFFIN:** And we talked about this earlier and you've done very well so far. You said that when they walked away, you just turned around and sat at the end of the picnic table?

**BLACK:** When I first got there, I sat down at the picnic table.

**GRIFFIN:** And when they walked away, you turned around with your back to them?

**BLACK:** No. My back was turned the whole time. When they walked away, I turned around and looked at them.

**GRIFFIN:** Okay.

**BLACK:** And I – I turned back around when they got back – to about the middle of the sandbox and I was like – I was looking at the place in front of me. I was staring off.

**GRIFFIN:** Okay. Based on the conversations that y'all had in the car and what you had heard and based on what they were saying and based on what was going on at the park, what were they going to do?

**BLACK:** I'm gonna say they were going to rob somebody. I didn't know who it was gonna be. I didn't know male or female. I just – I mean it – I'd say they was gonna rob somebody because they were carrying sticks. You know – they kept talking about – they just – the – the day – earlier that day they're talking about

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jacking somebody and – and then – you know – you hear that yelling and the  
banging and – you know – what else am I suppose to think.

**GRIFFIN:** Did you know what they were going to do?**BLACK:** At first, I didn't know what they were going to do, but then when I heard the  
yelling and the banging, I knew what they had done and...**GRIFFIN:** Did you tell them to stop?**BLACK:** I didn't even go over there. I just stayed in my spot and then when they came  
back over there, I was – I was ready to get out of there.**GRIFFIN:** Who have you told about this?**BLACK:** Nobody.**GRIFFIN:** Did you call any... – the police or anything?**BLACK:** I didn't tell nobody. I was scared. I didn't know what they were gonna do if  
they found out that I told.**GRIFFIN:** So, you didn't call anybody?**BLACK:** I didn't tell nobody. I was scared that they were gonna hurt me if I told.**GRIFFIN:** Have they ever threatened to hurt you before in the past?**BLACK:** No. I mean we sit there and we joke around all the time and they – you know –  
me and Bubba will joke around and joke around. Bubba'll be like "Girl, you**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 30**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

better shut up talking that shit or I'm gonna whoop your ass." And just like –  
you know – joking around.

**GRIFFIN:** Joking around?**BLACK:** Yeah.**GRIFFIN:** How long have you known these guys?**BLACK:** Only a month.**GRIFFIN:** Okay. Is the first time y'all ever went riding around like this and did something like this?**BLACK:** The first time I know about them doing something like this.**GRIFFIN:** So, to your knowledge y'all have never – you've never driven them somewhere and they've – they've gotten out and – and done something like this or robbed somebody?**BLACK:** They may have, but I don't – I haven't know anything else about it. This is the first I've actually known that they've robbed somebody.**GRIFFIN:** That's all.**BISHOP:** Uh – Jessica, you said that when they came back over to the park, you were just ready to go, you were ready to leave because you were afraid and – and you took them where they wanted to go and all...**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 31**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

**BLACK:** I didn't want to hurry up and get out of there because then it'd look suspicious like – you know – yeah, that girl knows...

**BISHOP:** Okay. But when – when they came back to the park, you didn't ask any questions?

**BLACK:** Uh-uh.

**BISHOP:** Okay.

**BLACK:** I didn't want to know. I didn't want to ask no questions. I didn't – it wasn't known of my business. I wasn't trying to be in their business.

**BISHOP:** Okay. Then later on when you went back home that night and you told your grandmother about it and everything...

**BLACK:** I told her that we saw – that I was with...

**BISHOP:** ...you were just...

**BLACK:** ....a girlfriend and I had saw – you know – where this man had been murdered that day.

**BISHOP:** Okay. Did you call the police then and tell them anything you'd seen?

**BLACK:** I didn't tell them nothing.

**BISHOP:** Okay.

**BLACK:** I was scared. I didn't know what to do. I was confused.

**BISHOP:** Okay.

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 32**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin**BLACK:** I've never...**BISHOP:** So,...**BLACK:** ...been involved in anything like this...**BISHOP:** ...- so, the rea....**BLACK:** ....before.**BISHOP:** ...- so, the reason you didn't call on Friday night is you were scared or?**BLACK:** I was terrified.**BISHOP:** You were terrified of the guys that you had been with, right?**BLACK:** Yes.**BISHOP:** But you went back over there on Saturday morning, didn't you?**BLACK:** They told me to come back. They said they needed to talk to me.**BISHOP:** Okay.**BLACK:** Um -.**BISHOP:** What did they talk you about?**BLACK:** I came back Saturday and they didn't even talk to me about anything else. It was like "We just wanted you to come back - you know - and hang out." So, I hung out over there.**BISHOP:** Okay.**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 33**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin

**BLACK:** You know – I didn't want them to think that I was scared of them. I didn't want them to think – you know – that I was afraid of them.

**BISHOP:** Okay.

**BLACK:** I tried to act like I usually do.

**BISHOP:** Did you go back over there Sunday?

**BLACK:** No.

**BISHOP:** Did you go back over there yesterday?

**BLACK:** No.

**BISHOP:** Did you go back over there today?

**BLACK:** Uh-uh.

**BISHOP:** So, Saturday's the last time you saw any of them?

**BLACK:** Yes, sir.

**BISHOP:** Okay.

**BLACK:** Cause Sunday, I got home about twelve o'clock that evening and then my grandma took my car away from me and I ain't been over there since.

**BISHOP:** Okay.

**GRIFFIN:** Have they been to your house?

**BLACK:** Uh-uh.

**GRIFFIN:** Do they know where you live?

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Malissa H. Huffman



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Jessica Joanna Black    **IR#:** 252704    **PAGE:** 34**DATE:** 11/19/02    **STARTING TIME:** 2130 Hours    **ENDING TIME:** 2200 Hours**TAKEN BY:** Detective K. W. Bishop    **LOCATION:** 725 N. Cherry St., PSC  
Detective J. M. Griffin**BLACK:** Uh-uh. They know where my aunt stays. They don't know where I stay.**BISHOP:** You got anything else? Jessica, you got anything else you want to add?

Anything else you just want to say?

**BLACK:** Uh-uh.**GRIFFIN:** Okay. All right. That concludes the tape at about 2200 hours.**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Malissa H. Huffman



# EXHIBIT

## #3A

Rayshawn Banner

BRUTON  
STATEMENT



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Rayshawn Denard Banner **IR#:** 252704 **PAGE:** 1**DATE:** 11-20-02 **STARTING TIME:** 0058 Hours **ENDING TIME:** 0106 Hours**TAKEN BY:** Det. L. A. Clark  
Det. R. A. Shelton **LOCATION:** 725 N. Cherry Street, PSC**BRUTON STATEMENT**

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**CLARK:** Ah, again, Mr. Banner, what I wanna do is just ah, get a statement as far as what you were involved in without naming anyone ah, that was with you or present during the time that this occurred. (Cough) Excuse me. Ah, let's start out where you got into a car ah, about what time was it that you got into the car to go to Moravia Street?

**BANNER:** It was like, I don't even know. It was early though.

**CLARK:** OK. Was it still daylight or dark?

**BANNER:** It was both, half...

**CLARK:** About right in the middle?

**BANNER:** Yeah.

**CLARK:** Starting to get dark?

**BANNER:** Yeah.

**CLARK:** OK, you got in this car and there was four or five other people in the car. correct?

**BANNER:** Yes.

**CLARK:** OK, and you rode in the car down to Moravia Street, correct?

**BANNER:** Yes.

**CLARK:** Did you ride in the passenger's seat or front, back?

**BANNER:** Passenger.

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**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Vanessa G. Boles



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Rayshawn Denard Banner IR#: 252704 PAGE: 2

DATE: 11-20-02 STARTING TIME: 0058 Hours ENDING TIME: 0106 Hours

TAKEN BY: Det. L. A. Clark LOCATION: 725 N. Cherry Street, PSC  
Det. R. A. Shelton

BRUTON STATEMENT

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CLARK: Where were you at in the car?

BANNER: Like, behind the passenger's seat.

SHELTON: Did anybody make you get in the car?

BANNER: No.

SHELTON: OK.

CLARK: OK, so you rode down to ah, Moravia Street and ah, there was some talk about doing a lick. Did you talk about doing a lick?

BANNER: Nope.

CLARK: OK. When you got to Moravia Street ah, the car stopped. Did you get out of the car?

BANNER: Yeah.

CLARK: OK. Did you get out of the car first?

BANNER: No.

CLARK: OK, What ah, how many people you think got out of the car before you got out?

BANNER: Like, three of, three.

CLARK: Three got out and then you got out?

BANNER: Yps.

CLARK: OK.

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WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Vanessa G. Boles



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Rayshawn Denard Banner IR#: 252704 PAGE: 3

DATE: 11-20-02 STARTING TIME: 0058 Hours ENDING TIME: 0106 Hours

TAKEN BY: Det. L. A. Clark LOCATION: 725 N. Cherry Street, PSC  
Det. R. A. Shelton

BRUTON STATEMENT

SHELTON: Just tell us what ah, it'd be great, just tell us what you did there, and ah, just tell us in your own words, ah, exactly what, from the time you got out of the car, just, just what you did and only what you, and what you saw, that's all. Don't mention anybody's name or anything. OK? Just tell us what happened.

BANNER: Three people got out of the car before me and I got out, and after I got out, I stood right there at the car, and everybody else got out so, then, I went into the middle of the street, I seen, I seen like three to four like, the rest of the people beating up on the man or whatever. Ah...

SHELTON: What were you doing while that was going on?

BANNER: I was sitting in the middle of the street watching, telling them to come on, and then, when we, I told 'em let's get ready to go. Before we got ready to go, somebody searched his pockets or whatever and then everybody jumped in the car.

CLARK: OK, what we need to do is stay with what you did.

SHELTON: Yeah, just stay.

BANNER: (inaudible)

CLARK: Now, you mentioned earlier that you...

BANNER: Yeah, I went...

CLARK: ...actually went up and touched this man?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Vanessa G. Boles



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Rayshawn Denard Banner IR#: 252704 PAGE: 4

DATE: 11-20-02 STARTING TIME: 0058 Hours ENDING TIME: 0106 Hours

TAKEN BY: Det. L. A. Clark LOCATION: 725 N. Cherry Street, PSC  
Det. R. A. Shelton

BRUTON STATEMENT

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BANNER: ...yeah, I went up and touched him.

CLARK: OK, what part did you...

BANNER: Like...

CLARK: ...touch?

BANNER: ...like, I was just like, hitting, like, going like this. Where everybody around  
was like, everybody around me like pushing everybody else and like, I was like  
everybody just come on, get in the car and let's go.

SHELTON: You just kind of patted him down?

BANNER: No, I was like, like, like when I ran up to him, he was like, on his back.

CLARK: OK, he was on the ground when you...

BANNER: Yeah.

CLARK: ...went up to him?

BANNER: Yeah, so, I got like, got around him, started hitting him, patting him on his leg.  
When I was patting him on his leg and I was telling everybody else to go get in  
the car.

CLARK: OK, was he trying to get up while you were patting him on the leg?

BANNER: Naw.

CLARK: OK, Was his arms free at that time?

BANNER: Yeah.

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WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Vanessa G. Boles



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Rayshawn Denard Banner IR#: 252704 PAGE: 5

DATE: 11-20-02 STARTING TIME: 0058 Hours ENDING TIME: 0106 Hours

TAKEN BY: Det. L. A. Clark LOCATION: 725 N. Cherry Street. PSC  
Det. R. A. Shelton

BRUTON STATEMENT

CLARK: OK. So, once you finished patting him, patting him on his legs, you went and got back in the car?

BANNER: Yeah.

CLARK: OK, did you go anywhere else in the yard?

BANNER: No.

CLARK: Did you go in the house?

BANNER: Nope.

CLARK: OK. So, you went back and got in the car. When you got back in the car, where did you get at in the car?

BANNER: When I got back in the car?

CLARK: Yes sir.

BANNER: I got back in the front.

CLARK: OK.

BANNER: I got in the front.

CLARK: Front passenger or did you drive?

BANNER: I was in the passenger.

CLARK: OK, and you left Moravia Street and where did you go?

BANNER: I went to Bubba house. I got out the car.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Vanessa G. Roles



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Rayshawn Denard Banner IR#: 252704 PAGE: 6

DATE: 11-20-02 STARTING TIME: 0058 Hours ENDING TIME: 0106 Hours

TAKEN BY: Det. L. A. Clark LOCATION: 725 N. Cherry Street, PSC  
Det. R. A. Shelton

BRUTON STATEMENT

CLARK: OK, don't, we're not talking about Bubba. You got in the car. When you left Moravia Street ah, you went back down to ah...

BANNER: Devonshire.

CLARK: ...Devonshire Street. and you got out of the car there?

BANNER: Yeah.

CLARK: And then you walked home?

BANNER: Un huh.

CLARK: OK. and ah, you said you went to sleep?

BANNER: Yeah.

CLARK: Right?

SHELTON: As far as you know, what were the other people doing there? Just what you know. Were they just, was it, was this just a robbery?

BANNER: I don't know.

CLARK: OK! I think what we should ask there is ah, why you were there. Was your intent to rob this person?

BANNER: No.

CLARK: Did you make plans to rob this person?

BANNER: No.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Vanessa G. Boles



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Rayshawn Denard Banner IR#: 252704 PAGE: 7

DATE: 11-20-02 STARTING TIME: 0058 Hours ENDING TIME: 0106 Hours

TAKEN BY: Det. L. A. Clark LOCATION: 725 N. Cherry Street, PSC  
Det. R. A. Shelton

BRUTON STATEMENT

CLARK: OK. Did you have knowledge, I mean, this is just what you did, did you know  
that a robbery was occurring at that time, at that place?

BANNER: No.

CLARK: Did you know that this man was being ~~an~~ assaulted?

BANNER: Yeah.

CLARK: OK. OK, is there anything else that you did that, what were you doing before  
you got into the car?

BANNER: (inaudible)

CLARK: Be, before you went to Moravia Street and, what were you doing before you got  
in the car? Were you just walking around or were you at the store, or...

BANNER: I was playing a game.

CLARK: You were playing a game?

BANNER: Yeah.

CLARK: Where were you playing a game?

BANNER: At Bubba's house.

CLARK: OK, you were at the house on Devonshire Street...

BANNER: Yeah.

CLARK: ...playing a game? OK.

SHELTON: Did you do anything to stop what was going on?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Vanessa G Boles



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Rayshawm Denard Banner IR#: 252704 PAGE: 8

DATE: 11-20-02 STARTING TIME: 0058 Hours ENDING TIME: 0106 Hours

TAKEN BY: Det. L. A. Clark LOCATION: 725 N. Cherry Street. PSC  
Det. R. A. Shelton

BRUTON STATEMENT

BANNER: Yeah. When I. when I was up there at him. I was surrounding everybody, like, telling all like. getting everybody off of him whatever, and telling 'em to come on. So, everybody just jumped in the car whatever and I got in and we left.

CLARK: OK. I think that concludes ah, the Bruton Statement at 0106 hours on 11-20-02.

END OF INTERVIEW

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Vanessa G. Boles



# #3B

## Dorrell Brayboy

### BRUTON STATEMENT



# WINSTON-SALEM POLICE DEPARTMENT

**STATEMENT OF:** Dorrell Brayboy

**IR#:** 252704

**PAGE:** 1

**DATE:** 11-20-02

**STARTING TIME:** 0009 Hrs.

**ENDING TIME:** 0014 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Lt. Weavil's Office

## BRUTON STATEMENT

**SMITH:** If you can just start about going up to the park and tell me what you did while you were at the park, then progress about going over to 905 and then where you went afterward.

**BRAYBOY:** We went to park. We went to the park because Jessica said she was bored.

**SMITH:** Well, we just want what you did, You just went to the park . . .

**BRAYBOY:** Um hum (Yes).

**SMITH:** You rode with somebody, right?

**BRAYBOY:** Yeah, Jessica.

**SMITH:** OK.

**BRAYBOY:** In her black Cougar. Then . . .

**SMITH:** You got to the park.

**BRAYBOY:** Yeah, we got to the park, and Rayshawn was like . . .

**SMITH:** But, we're, we're talking about what "I did" you know, as in "I" . . .

**BRAYBOY:** What I did. I stood at the fence and . . .

**SMITH:** Well, you were at the park first, right?

**BRAYBOY:** Yeah. I was at the park first then all of a sudden, Rayshawn said this . . .

**SMITH:** Well, let's exclude what anybody else is saying, just tell me what, say, "I did this, and I did this".

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Dorrell Brayboy

IR#: 252704

PAGE: 2

DATE: 11-20-02

STARTING TIME: 0009 Hrs.

ENDING TIME: 0014 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Lt. Weavil's Office

BRUTON STATEMENT

BRAYBOY: Oh, I was at the park, and I was saying then I left, and I went and stand and watched out at the fence.

SMITH: OK. So, you were a lookout at the fence . . .

BRAYBOY: Yes sir.

SMITH: . . . and this would be what we were talk about earlier, was 901 Moravia Street?

BRAYBOY: Yes sir.

SMITH: OK. And how long were you a lookout at the fence?

BRAYBOY: About a five minutes.

SMITH: While you were at the fence, you told me you heard a man screaming?

BRAYBOY: Yeah, he said "Stop", then Stinky told him to "Shut up".

SMITH: OK. Did, did you hear anybody hitting anybody?

BRAYBOY: I did hear like pounding and stuff.

SMITH: OK. And how long did this go on?

BRAYBOY: Like 5, 10 minutes.

SMITH: OK. What happened next?

BRAYBOY: We left and went to Bubba's house.

SMITH: We can't do the "we" . . .

BRAYBOY: Oh.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Dorrell Brayboy

IR#: 252704

PAGE: 3-

DATE: 11-20-02

STARTING TIME: 0009 Hrs.

ENDING TIME: 0014 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Lt. Weavil's Office

BRUTON STATEMENT

SMITH: . . . I just need to know what . . .

BRAYBOY: I left, went to Bubba's house, and then I went to Creekside Bowling Alley.

SMITH: OK.

BRAYBOY: And stay there for like 20, 30 minutes, and I left there and went to Bubba's house to stay the night there.

SMITH: OK.

BISHOP: At some point in time, after going to Creekside Bowling Alley, did you come back by Mr. Jones' house?

BRAYBOY: No sir.

BISHOP: You didn't, you didn't come, come anywhere near Mr. Jones' house, after you went to Creekside?

SMITH: The victim's house?

BRAYBOY: No sir.

BISHOP: Did you come back by 901 Moravia where you been standing by the fence?

BRAYBOY: No sir.

BISHOP: OK. Let me back up a minute, now. Earlier in the evening, say around 6 o'clock or something like that, you went to Belview Park?

BRAYBOY: Yes sir.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



**WINSTON-SALEM POLICE DEPARTMENT**

**STATEMENT OF:** Dorrell Brayboy

**IR#:** 252704

**PAGE:** 4

**DATE:** 11-20-02

**STARTING TIME:** 0009 Hrs.

**ENDING TIME:** 0014 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Lt. Weavil's Office

**BRUTON STATEMENT**

**BISHOP:** OK. And you went with some other people, we understand that.

**BRAYBOY:** Yes sir.

**BISHOP:** But you were there?

**BRAYBOY:** Yes sir.

**BISHOP:** And then at some point in time, you left from Belview Park . . .

**BRAYBOY:** Yes sir.

**BISHOP:** . . . and you went to 901 Moravia Street.

**BRAYBOY:** Yes sir.

**BISHOP:** And what did you do while you were there?

**BRAYBOY:** Stood at the fence.

**BISHOP:** Why were you standing at the fence?

**BRAYBOY:** Because someone told me to wait there.

**BISHOP:** OK. Were you suppose to be doing anything while you were there?

**BRAYBOY:** No sir.

**BISHOP:** Just standing there?

**BRAYBOY:** Yeah, just standing there (unintelligible) like a lookout.

**BISHOP:** OK. What were you looking out for?

**BRAYBOY:** They aint' say, uh, just Rayshawn just told me . . .

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Dorrell Brayboy

IR#: 252704

PAGE: 5

DATE: 11-20-02

STARTING TIME: 0009 Hrs.

ENDING TIME: 0014 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Lt. Weavil's Office

BRUTON STATEMENT

BISHOP: Uh, what, what were that your understanding that you were suppose to be looking out for?

BRAYBOY: I ain't know.

BISHOP: You didn't know what you were looking out for? You were just standing there looking?

BRAYBOY: Um hum (Yes).

SMITH: If the police came, would you have hollered out?

BRAYBOY: Yeah, but, yeah, yeah.

SMITH: If somebody else had came, would you hollered out?

BRAYBOY: Yeah, cause nobody was at the house. There ain't nobody at the house where I was at.

BISHOP: Nobody was at 901 Moravia?

BRAYBOY: Un un (No).

BISHOP: OK. Alright. Then at some point and time after standing at the fence at 901 Moravia Street for awhile, you left?

BRAYBOY: Yes sir.

BISHOP: OK. Did you join back up with your other group of people?

BRAYBOY: Yeah. We got, and we left, and I . . .

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



**WINSTON-SALEM POLICE DEPARTMENT**

**STATEMENT OF:** Dorrell Brayboy

**IR#:** 252704

**PAGE:** 6

**DATE:** 11-20-02

**STARTING TIME:** 0009 Hrs.

**ENDING TIME:** 0014 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Lt. Weavil's Office

**BRUTON STATEMENT**

**BISHOP:** (Unintelligible). Did you just join up with them?

**BRAYBOY:** Yes sir.

**BISHOP:** And you got, and the whole group got into a car?

**BRAYBOY:** Yes sir.

**BISHOP:** OK. Where did you go?

**BRAYBOY:** To Creekside, to Bubba's house, and Rayshawn changed his . . .

**BISHOP:** Wait a minute, don't worry about Rayshawn.

**BRAYBOY:** Un huh.

**BISHOP:** Did you change anything?

**BRAYBOY:** No sir.

**BISHOP:** You just kept your clothes on?

**BRAYBOY:** Yes sir.

**BISHOP:** The same clothes on that you been on, had on the whole day?

**BRAYBOY:** Yes sir.

**BISHOP:** OK. And y'all left from Bubba's house and went where?

**BRAYBOY:** Creekside Bowling Alley.

**BISHOP:** And then you left from Creekside and went where?

**BRAYBOY:** Back to Bubba's house.

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



**WINSTON-SALEM POLICE DEPARTMENT**

**STATEMENT OF:** Dorrell Brayboy

**IR#:** 252704

**PAGE:** 7

**DATE:** 11-20-02

**STARTING TIME:** 0009 Hrs.

**ENDING TIME:** 0014 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Lt. Weavil's Office

**BRUTON STATEMENT**

**BISHOP:** And you never went back by Moravia Street?

**BRAYBOY:** No sir.

**BISHOP:** OK.

**SMITH:** This concludes the interview, time is 0014.

**(END OF INTERVIEW)**

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



**#3C**

Christopher Bryant

**BRUTON  
STATEMENT**



**WINSTON-SALEM POLICE DEPARTMENT****STATEMENT OF:** Christopher Bryant**IR#:** 252704**PAGE:** 1**DATE:** 11-20-02**STARTING TIME:** 0018 Hrs.**ENDING TIME:** 0026 Hrs.**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop**LOCATION:** 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office**BRUTON STATEMENT**

**SMITH:** Christopher, if you would just kinda start with being at the park, and I want you to progress where you went over to 905, and then when you ended up back at the park, but I need you, I don't want anybody else, what you tell me what anybody else did or anybody else said.

**BRYANT:** I'm gonna tell you what I just did.

**SMITH:** Just what you did.

**BRYANT:** Uh, I was at my house.

**SMITH:** OK.

**BRYANT:** I went down to the house with my friend, and then, uh, I was waiting, I was the lookout, and uh . . .

**SMITH:** Now, I need you to backup. Did you go to, to Belview Park?

**BRYANT:** Uh, yeah.

**SMITH:** OK. How, how did you get there?

**BRYANT:** Uh, Jessica.

**SMITH:** Well, did you ride in a car, is what I'm saying?

**BRYANT:** No, I walked, and then we met her halfway.

**SMITH:** OK.

**BRYANT:** We met her halfway then, I was the lookout.

**WITNESS:** \_\_\_\_\_**SIGNED:** \_\_\_\_\_**WITNESS:** \_\_\_\_\_**TRANSCRIBED BY:** Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 2

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

SMITH: Well, how did you get from the park over to 905?

BRYANT: Creekside Lane?

SMITH: No, 905 Moravia Street where, where the guy...

BRYANT: Oh, the car.

BISHOP: How did you get from the park over to 905? From Belview Park, how did you get from the park over to the man's house?

BRYANT: Oh, walk.

BISHOP: OK. Did you walk through the front yards or through the back yards?

BRYANT: Well, I ain't go to the yard. I was up by the stop sign, but I came a little closer when they was beating him.

BISHOP: OK.

BRYANT: And then I...

SMITH: Well, did you go past the stop sign at anytime?

BRYANT: Huh, yes.

SMITH: Where did, how far up did you go?

BRYANT: Like, behind the van.

SMITH: Behind the van, did you go into the carport?

BRYANT: Uh, no.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 3

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

SMITH: OK. So, you just stand in the man's driveway . . .

BRYANT: Um hum (Yes).

SMITH: . . . . at 905?

BRYANT: Yes sir.

SMITH: OK. What did you do while you were there?

BRYANT: I was just looking, looking.

SMITH: What were you looking for?

BRYANT: Looking at him getting beat.

SMITH: The victim being beaten?

BRYANT: Um hum (Yes).

SMITH: I need you to speak up just a little bit, Chris.

BRYANT: Oh, I was looking at the victim being beat.

SMITH: Did the victim holler out or anything like that?

BRYANT: Yes.

SMITH: What did he holler out?

BRYANT: Help, help, help.

BISHOP: Did you go help him?

BRYANT: No.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 4

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

BISHOP: Did you offer him any kind of assistance?

BRYANT: Yes, a little bit.

SMITH: What did you do?

BRYANT: Try to see if he was still living after everybody ran off.

SMITH: How did you do that?

BRYANT: I did like that, like moving him with my feet to see if he was still alive, but he was still alive. Then after we got back to the car . . .

SMITH: Where was he when you, you made a motion like you kinda kicked?

BRYANT: Like moved him, to see if he like (unintelligible).

SMITH: Moved him with your foot?

BRYANT: Um hum (Yes).

SMITH: You touched him with your foot?

BRYANT: Um hum (Yes).

SMITH: Where did you touch him at?

BRYANT: Like right up in here.

SMITH: You are indicating his left hip?

BRYANT: Um hum (Yes). To see if he was like still moving, but still living.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 5

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

**BISHOP:** Where was he at when you were doing this, when you were checking and, and, and moving him with your foot, where was he at?

**BRYANT:** Outside.

**BISHOP:** Outside, meaning what?

**BRYANT:** By the uh, by his van.

**BISHOP:** He was out by his van?

**BRYANT:** By his porch step. By his, uh, what you call this little, by his porch think.

**BISHOP:** Was he in his carport?

**BRYANT:** Um hum (Yes).

**BISHOP:** Was he in between his car and, and the door of his house?

**BRYANT:** Yeah.

**BISHOP:** Cause see you had to go up into the carport to be able to touch him with your foot?!

**BRYANT:** Oh yeah, I did, after everything was over.

**BISHOP:** OK.

**SMITH:** Did you ever touch him with your hands?

**BRYANT:** No sir.

**SMITH:** But you saw that he, you said he was still alive?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 6

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

BRYANT: Um hum (Yes).

SMITH: What did he, what did you, how did you find that he was alive by touching him  
with your foot?

BRYANT: Cause he was still like kinda moving and stuff while he was taped up.

SMITH: Was he making any sounds?

BRYANT: Like, "un, un, un", like that.

SMITH: Did he look like he was in pain?

BRYANT: Yes.

SMITH: Did he look like he was hurt?

BRYANT: Yes.

SMITH: OK. What did you do next?

BRYANT: We got back to the car, went to Creek Side Lane, came they, I mean, we, uh,  
they changed they clothes.

SMITH: Did you change your clothes?

BRYANT: No sir. But after that, after Stinky and Rayshawn changed their clothes.

SMITH: When, we're not talking about . . .

BRYANT: Oh|yeah.

SMITH: . . . anybody else.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 7

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

**BRYANT:** After, after, after that we went to Creek Side Lane, went over there, came back, everybody was looking, the whole neighborhood was just looking at him. So . .

**SMITH:** So, after you went to Creek Side Lanes, you went back to uh, Moravia Street?

**BRYANT:** Yes.

**SMITH:** What, what did you see out there?

**BRYANT:** Him in a body bag.

**SMITH:** OK. Was the police there?

**BRYANT:** Um hum (Yes).

**SMITH:** Did you know he was dead then?

**BRYANT:** Yes.

**SMITH:** Let me backup. When you went up there in the carport, and you seen that you know, he was still alive, did you, did you get him, did you call the police?

**BRYANT:** No, I ain't had no way to call them at.

**SMITH:** OK. When you were at Creek Side were there any payphones there?

**BRYANT:** I ain't have no money then.

**SMITH:** Well, I mean you coulda dialed 911 or something . . .

**BRYANT:** Oh.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 8

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

SMITH: ... right?

BRYANT: Yes.

SMITH: You didn't call the police, you didn't call a ambulance, you didn't tell an adult.  
You got parents?

BRYANT: Yes. I told my mama.

SMITH: You told your mama?

BRYANT: Um hum (Yes).

SMITH: When did you tell your mama?

BRYANT: When after it happened, uh, about somebody that got killed up there by, uh,  
Moravia.

SMITH: Well, I'm saying immediately afterwards.

BRYANT: Uh, immediately after it happened.

SMITH: Before you went to Creek Side?

BRYANT: Um hum (Yes). She took everybody to the house.

BISHOP: But, the bottom line is did you try to get the man some help?

BRYANT: Not really though, but.

BISHOP: OK. Now, let's backup a minute. When you, before you went to the park or  
either at the park, without naming anybody else, did you enter into any kind of

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 9

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

agreement with some other people to go and take some money or what from this man?

BRYANT: No sir.

BISHOP: OK. Then, why did you go over to his house?

BRYANT: Cause they wanted me to go with them, I didn't know they was gonna really hurt, kill the man.

SMITH: But what did they say they were gonna do?

BRYANT: Lick him for some money.

SMITH: OK.

BISHOP: So, they told you they were gonna go steal some money?

BRYANT: I ain't know they were gonna kill somebody.

BISHOP: I, I understand that, and I don't think they knew that. But, did you understand that they were gonna go over there and take some money?

BRYANT: Yes.

BISHOP: And you agreed to go with them?

BRYANT: I just followed, cause I was already walking in the group.

BISHOP: OK. Well, but you knew that they were gonna go over there and lick this man for some money?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 10

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

BRYANT: Um hum (Yes).

BISHOP: And whether, I mean whether you verbally agreed or is that, you agreed in the sense that you went along with them while (unintelligible).

BRYANT: Um hum (Yes).

BISHOP: Is that right?

BRYANT: Yes sir.

BISHOP: OK. And you're saying that you didn't enter into that carport until after all the beating and everything was done?

BRYANT: Um hum (yes), to check and see if he was still living.

BISHOP: And when, when you got in there, was he bleeding?

BRYANT: Yes.

BISHOP: Could you see blood on the floor?

BRYANT: Um hum (Yes).

BISHOP: Could you see blood on his clothes?

BRYANT: Yeah, it was on his chest. He had on a white T-shirt on his chest.

BISHOP: Did it look like he was tied up or anything?

BRYANT: Yes, in some tape.

BISHOP: OK. Did you do any, did you untie him?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 11

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

BRUTON STATEMENT

BRYANT: No. I ain't want to get my fingerprints on that stuff.

BISHOP: OK. Was he mouth bound up, did, was he gagged?

BRYANT: Yeah.

BISHOP: Did you open his mouth up so he could breathe or anything?

BRYANT: (Inaudible).

BISHOP: Can't hear you?

BRYANT: No.

BISHOP: OK. Did you run and holler for anybody to call 911?

BRYANT: Not at that time.

BISHOP: OK.

SMITH: Did you ever holler for somebody to call 911?

BRYANT: No.

SMITH: OK. Did you, uh, bring any tape out there?

BRYANT: No.

SMITH: Did you bring any weapons out there?

BRYANT: No.

SMITH: This concludes the interview. The time is 0026.

(END OF INTERVIEW)

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



# #3D

Nathaniel Cauthen

BRUTON  
STATEMENT



## WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Nathaniel Cauthen

IR#: 252704

PAGE: 1

DATE: 11-19-02

STARTING TIME: 2352 Hrs.

ENDING TIME: 2357 Hrs.

TAKEN BY: Det. M. H. Smith  
Sgt. C. ByromLOCATION: 725 N. Cherry St., PSC  
CID Interview Room

## BRUTON STATEMENT

**SMITH:** Nathaniel, I need you to tell me what you did Friday night on the 15<sup>th</sup> as it pertains to what happened on Moravia Street. And I need you to exclude what anybody else did, just what Nate did.

**CAUTHEN:** Just standing there really and stuff.

**SMITH:** I can't hear you. What?

**CAUTHEN:** Just stand there until everything started happening.

**SMITH:** Where did you stand?

**CAUTHEN:** Out there on the street.

**SMITH:** What street?

**CAUTHEN:** I don't know the name of it. I don't even know the name of the street, nothing.

**SMITH:** Did you go up on somebody's deck or what you would call it, the carport at 905 Moravia Street, where the man was found dead?

**CAUTHEN:** Yes.

**SMITH:** OK. When you went up there was it dark?

**CAUTHEN:** Yes.

**SMITH:** What time do you think you went up there?

**CAUTHEN:** I don't know.

**SMITH:** I need you to tell me what you did.

**CAUTHEN:** About, bout 8 or 9 o'clock.

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WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Nathaniel Cauthen

IR#: 252704

PAGE: 2

DATE: 11-19-02

STARTING TIME: 2352 Hrs.

ENDING TIME: 2357 Hrs.

TAKEN BY: Det. M. H. Smith  
Sgt. C. Byrom

LOCATION: 725 N. Cherry St., PSC  
CID Interview Room

BRUTON STATEMENT

SMITH: Let me, let me back up just a little bit. You were at the park at Belview Park, uh, Friday night, is that correct?

CAUTHEN: Yes, I just. Yeah, for a little while.

SMITH: OK. Tell me what Nate did before he went to 905, and then I want you to tell me what you did while you were at 905 and then what you did after you left 905, OK?

CAUTHEN: Well, first the white girl took us somewhere.

SMITH: OK. But I'm saying you were at Belview Park . . .

CAUTHEN: Yes.

SMITH: And then you eventually got over to 905?

CAUTHEN: Yes.

SMITH: How did you get over there?

CAUTHEN: We walked.

SMITH: Tell me your path you walked.

CAUTHEN: Straight on the sidewalk.

SMITH: On the front of the house on Moravia Street?

CAUTHEN: Yes.

SMITH: OK. When you got to this 905, did you walk down the driveway or did you walk down the grass, what did you do?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Nathaniel Cauthen

IR#: 252704

PAGE: 3

DATE: 11-19-02

STARTING TIME: 2352 Hrs.

ENDING TIME: 2357 Hrs.

TAKEN BY: Det. M. H. Smith  
Sgt. C. Byrom

LOCATION: 725 N. Cherry St., PSC  
CID Interview Room

BRUTON STATEMENT

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CAUTHEN: Walked down the sidewalk. What do you mean?

SMITH: You got to the sidewalk, did you eventually walk up to the house, didn't you?

CAUTHEN: Yes.

SMITH: Where did you walk to?

CAUTHEN: To the van.

SMITH: OK. The, uh, the dead man's van?

CAUTHEN: Yes.

SMITH: OK. Did you go any further pass the van?

CAUTHEN: Yes.

SMITH: Where did you go?

CAUTHEN: To where they were hitting him at.

SMITH: OK. You walked into the carport.

CAUTHEN: Yes.

SMITH: Did you hit the man?

CAUTHEN: Yes.

SMITH: Where did you hit him?

CAUTHEN: In the stomach.

SMITH: Tell me how you hit him. Describe it a little bit.

---

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Nathaniel Cauthen

IR#: 252704

PAGE: 4

DATE: 11-19-02

STARTING TIME: 2352 Hrs.

ENDING TIME: 2357 Hrs.

TAKEN BY: Det. M. H. Smith  
Sgt. C. Byrom

LOCATION: 725 N. Cherry St., PSC  
CID Interview Room

BRUTON STATEMENT

CAUTHEN: Then I just started throwing punches like that, I didn't hit him that many times, cause I heard siren . . . sirens and I ran.

SMITH: OK. How many times do you think you hit him?

CAUTHEN: Like 4, 3 (unintelligible).

SMITH: Did you hit him while you were standing up at all? While he was standing up?

CAUTHEN: No.

SMITH: Did you hit him while he was on the ground?

CAUTHEN: Yes, not very hard, though. I know I ain't hit him hard.

SMITH: Where on his body did you hit him?

CAUTHEN: In the stomach.

SMITH: What did you hit him with your left, or your right or both?

CAUTHEN: When I first started hitting him with my left, and I hit him with my right.

SMITH: Did you kick him at all?

CAUTHEN: No.

SMITH: And how many times did you say you hit him?

CAUTHEN: 3 or 4.

SMITH: OK. Then you heard some sirens?

CAUTHEN: Yeah, and I just took off running. I thought everybody that was up there with me was behind me, and but they wasn't. So, I . . .

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Nathaniel Cauthen

IR#: 252704

PAGE: 5

DATE: 11-19-02

STARTING TIME: 2352 Hrs.

ENDING TIME: 2357 Hrs.

TAKEN BY: Det. M. H. Smith  
Sgt. C. Byrom

LOCATION: 725 N. Cherry St., PSC  
CID Interview Room

BRUTON STATEMENT

SMITH: OK. We'll not talking about anybody else, we're just talking about Nate. Nate, did you get any money out of this?

CAUTHEN: No.

SMITH: OK. Nate, after all this was over, did you call the police?

CAUTHEN: No.

SMITH: Did you call an ambulance?

CAUTHEN: No.

SMITH: Did you call anybody to get this man some assistance?

CAUTHEN: No, we didn't think he was hurt that bad.

SMITH: Did you think he was hurt that bad?

CAUTHEN: No.

SMITH: Was he hollering when, when you hit him?

CAUTHEN: No.

SMITH: Did he ever say anything?

CAUTHEN: Yeah, he was hollering that he hit someone, "Stop, stop, stop" and that was, they was up there.

SMITH: Did he ever hit you?

CAUTHEN: No.

SMITH: Well, did you know this man?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Nathaniel Cauthen

IR#: 252704

PAGE: 6

DATE: 11-19-02

STARTING TIME: 2352 Hrs.

ENDING TIME: 2357 Hrs.

TAKEN BY: Det. M. H. Smith  
Sgt. C. Byrom

LOCATION: 725 N. Cherry St., PSC  
CID Interview Room

BRUTON STATEMENT

---

CAUTHEN: No.

SMITH: Has he ever done you any wrong before?

CAUTHEN: No.

BYROM: Did you tie the man up with the tape?

CAUTHEN: No.

BYROM: Did you bring the tape to his, his address?

CAUTHEN: No.

BYROM: Did you help plan this thing?

CAUTHEN: No.

SMITH: Did you have anything in your hand when you went over there?

CAUTHEN: No.

SMITH: Have you been truthful this whole time?

CAUTHEN: Yeah.

SMITH: You have? OK. Nate, this uh, gonna conclude the interview. The time is 2357.

(END OF STATEMENT)

---

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



**#3E**

Jamel (Jermale) Tolliver

**BRUTON  
STATEMENT**



## WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Jermale Tolliver

IR#: 252704

PAGE: 1

DATE: 11-20-02

STARTING TIME: 0037 Hrs.

ENDING TIME: 0044 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. BishopLOCATION: 725 N. Cherry St., PSC  
Sgt. L. S. Smith's Office

## BRUTON STATEMENT

SMITH: Jermale, I need you to uh, tell me a little bit about what happened Friday, the 15<sup>th</sup>, what you did. If you can start out about going over to the park, Belview Park.

TOLLIVER: Um, (unintelligible).

SMITH: Say what?

TOLLIVER: (Unintelligible).

SMITH: It's only going to take a second, we're not going into a whole lot of detail.

TOLLIVER: (Unintelligible).

SMITH: Can you tell me about what, what happened over there?

TOLLIVER: Where at the park?

SMITH: Yeah. How did you get to the park?

TOLLIVER: Jessica.

SMITH: I need you to speak up a little bit.

TOLLIVER: Jessica.

SMITH: OK. Let's go ahead and start. Did you take her car?

TOLLIVER: No. Yeah.

SMITH: OK. What was the car you rode in?

TOLLIVER: Jessica's. It was a black Cougar.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Jermale Tolliver

IR#: 252704

PAGE: 2

DATE: 11-20-02

STARTING TIME: 0037 Hrs.

ENDING TIME: 0044 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. L. S. Smith's Office

BRUTON STATEMENT

SMITH: You rode over in a black Cougar. OK. Once you got over at the park, what did you do?

TOLLIVER: Sat at the park.

SMITH: OK. Did you ever go down to 905 Moravia Street?

TOLLIVER: Yes.

SMITH: How did you get there?

TOLLIVER: Walk.

SMITH: I need you to speak up a little bit.

TOLLIVER: Walk.

SMITH: OK. When you were walking, did you take the, did, did you walk through some yards, you walk through the sidewalk, how did you get there?

TOLLIVER: Walk to the sidewalk.

SMITH: Huh?

TOLLIVER: On the sidewalk.

SMITH: OK. Once you got there, what did you do? You on the sidewalk, you get to front of 905 Moravia, what, what did you do next?

TOLLIVER: Um,

BISHOP: Did you go to the front of the house or the back of the house?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

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LOCATION: 725 N. Cherry St., PSC  
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BRUTON STATEMENT

TOLLIVER: The front.

BISHOP: OK. When you got to the front of the house, what did you do?

TOLLIVER: Uh, wait on the man to come out.

BISHOP: Waited on the man who lives in the house to come out?

TOLLIVER: Um hum (Yes).

BISHOP: Did he come out?

TOLLIVER: Yes.

BISHOP: What door did he come out?

TOLLIVER: The front door.

SMITH: He come out the front door or did he come out a door in the carport?

TOLLIVER: He went to the front door.

BISHOP: Did he come out the front or did he come out a door that is in the carport?

TOLLIVER: He came out the front door.

BISHOP: OK. What did you do when he came out?

TOLLIVER: Jumped on him. I didn't do nothing.

BISHOP: OK. But you just said you jumped on him, what did you do?

TOLLIVER: I didn't. Rayshawn and 'em did.

SMITH: But what did you do?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

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WINSTON-SALEM POLICE DEPARTMENT

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DATE: 11-20-02

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TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. L. S. Smith's Office

BRUTON STATEMENT

TOLLIVER: I was a lookout.

BISHOP: What were you looking for?

TOLLIVER: The police and other people.

BISHOP: OK. Where did you stand at when you were the lookout?

TOLLIVER: On the sidewalk.

BISHOP: On the sidewalk?

TOLLIVER: Yes.

BISHOP: The sidewalk in the yard or the sidewalk in . . .

TOLLIVER: The sidewalk on uh, on the curb, the sidewalk in front of the house.

BISHOP: OK. When did you go up to the carport?

TOLLIVER: Never.

BISHOP: So, while you were standing there, did you see somebody, don't say who, but  
did you see somebody, assault this man that lives in this house?

TOLLIVER: Yes.

BISHOP: OK. Did you see the man go down to the ground?

TOLLIVER: Yes.

BISHOP: Did you do anything to try to help the man?

TOLLIVER: No.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

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WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Jermale Tolliver

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PAGE: 5

DATE: 11-20-02

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TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. L. S. Smith's Office

BRUTON STATEMENT

BISHOP: Did you do anything to try to stop what you saw?

TOLLIVER: No.

BISHOP: Did you do anything to cause . . .

SMITH: You need to speak up.

TOLLIVER: No.

BISHOP: Did you do anything, did you have anybody call 911?

TOLLIVER: No.

BISHOP: While this assault was going on, what did you do?

TOLLIVER: Ran away.

BISHOP: Where did you run to?

TOLLIVER: Home.

BISHOP: You didn't go back to the park?

TOLLIVER: I went to Chris' house.

BISHOP: You went to Bubba's House?

TOLLIVER: Yes.

BISHOP: With the rest of the group. Folks come to Bubba's house?

TOLLIVER: Yeah, after they changed clothes.

BISHOP: OK.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

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WINSTON-SALEM POLICE DEPARTMENT

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PAGE: 6

DATE: 11-20-02

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TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. L. S. Smith's Office

BRUTON STATEMENT

SMITH: Did you change clothes?

TOLLIVER: No.

SMITH: Did you go to Creekside later?

TOLLIVER: Yes.

SMITH: Is there any phones there or pay phones?

TOLLIVER: Yes.

SMITH: Was there a police officer there?

TOLLIVER: Yes.

SMITH: Take your hand down from your mouth so. Was there a police officer there?

TOLLIVER: Yes.

SMITH: You, uh, tell him about the incident so you can get that man some help?

TOLLIVER: No.

SMITH: Did you call anybody so they could get some help?

TOLLIVER: No.

SMITH: Did you tell anybody so they could get some help?

TOLLIVER: No.

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

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WINSTON-SALEM POLICE DEPARTMENT

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Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. L. S. Smith's Office

BRUTON STATEMENT

SMITH: OK. Just one thing of clarification, you said when you got up there, he asked you what you did, in your first statement was "I jumped on him". Did you jump on him?

TOLLIVER: No, I didn't.

SMITH: Why do you think you said you did?

TOLLIVER: I didn't jump on him, my uh . . .

SMITH: But I'm saying you said, "I jumped on him", why did, why, why would you say . . .

TOLLIVER: Because I was answering you just like, "when you first got up there, what did you d", I was like, "I didn't do it."

SMITH: No, your first statement was "I jumped on him".

TOLLIVER: You asked me, uh, when I first got up to it, what did I do.

SMITH: Well, some point in time during this thing, you said "I jumped on him", what did that mean?

TOLLIVER: That's what you uh, asked me. You asked me did I uh, what did I do when I seen him.

BISHOP: OK. And your answer was, "I jumped on him". Now, how did you jump on him?

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

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BRUTON STATEMENT

TOLLIVER: I didn't jump on him. Rayshawn and Stinky did.

SMITH: Why did you say, "I jumped on him"? That's what, that's what came out your mouth.

TOLLIVER: I know, I'm tired.

SMITH: This concludes the interview. The time is 0044.

(END OF INTERVIEW)

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

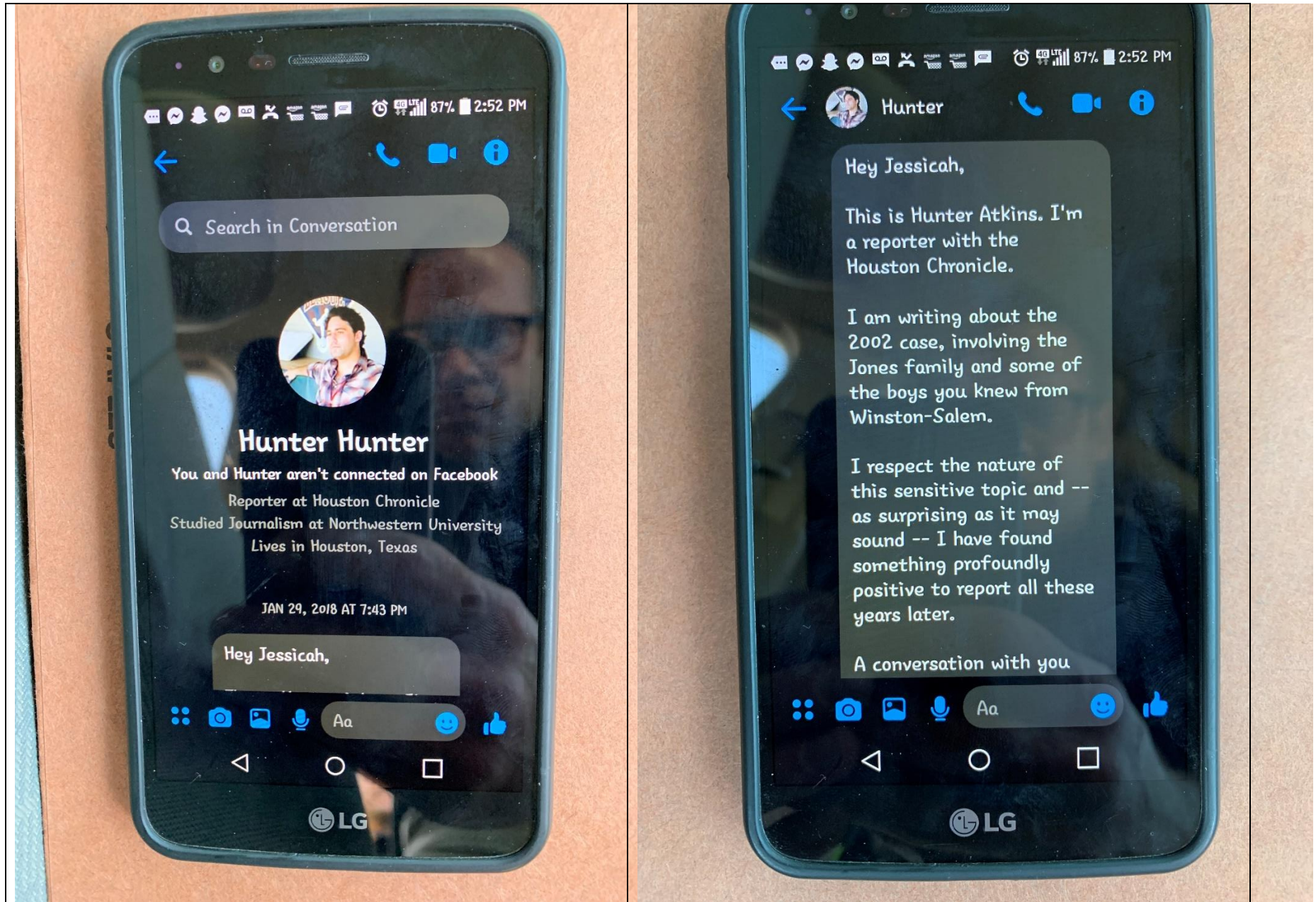
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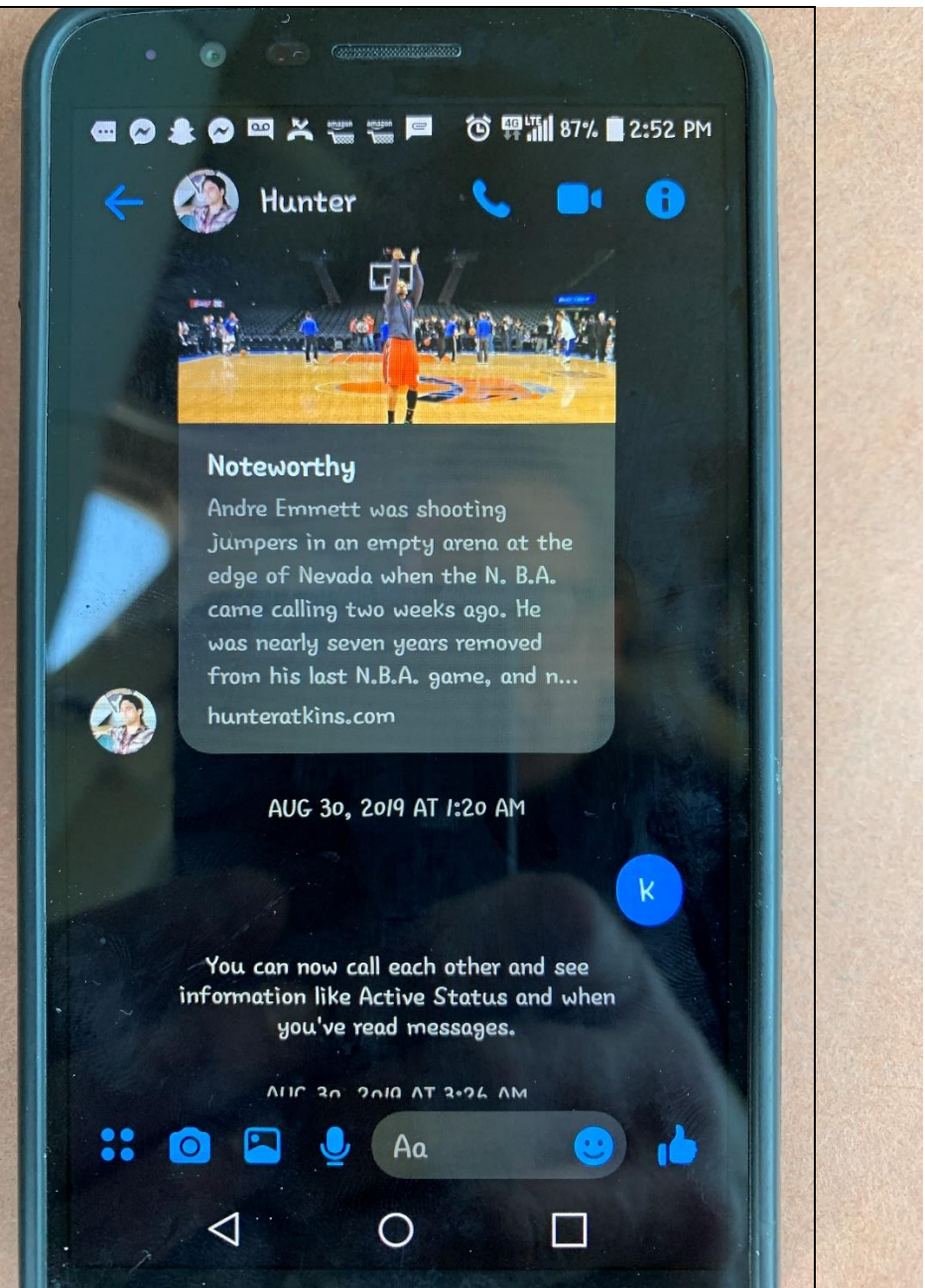
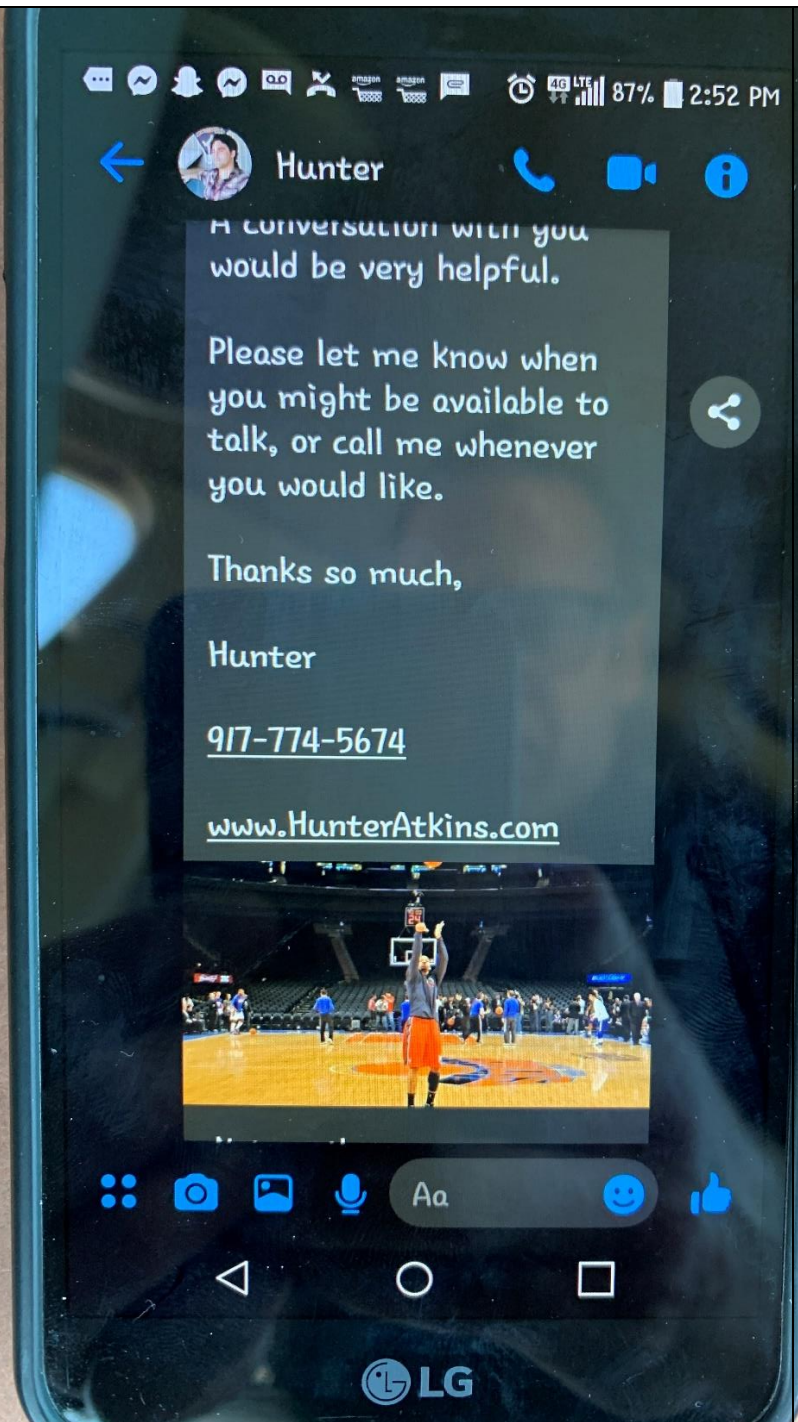
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Pictures of Text  
Messages between  
Hunter Atkins and  
Jessicah Black

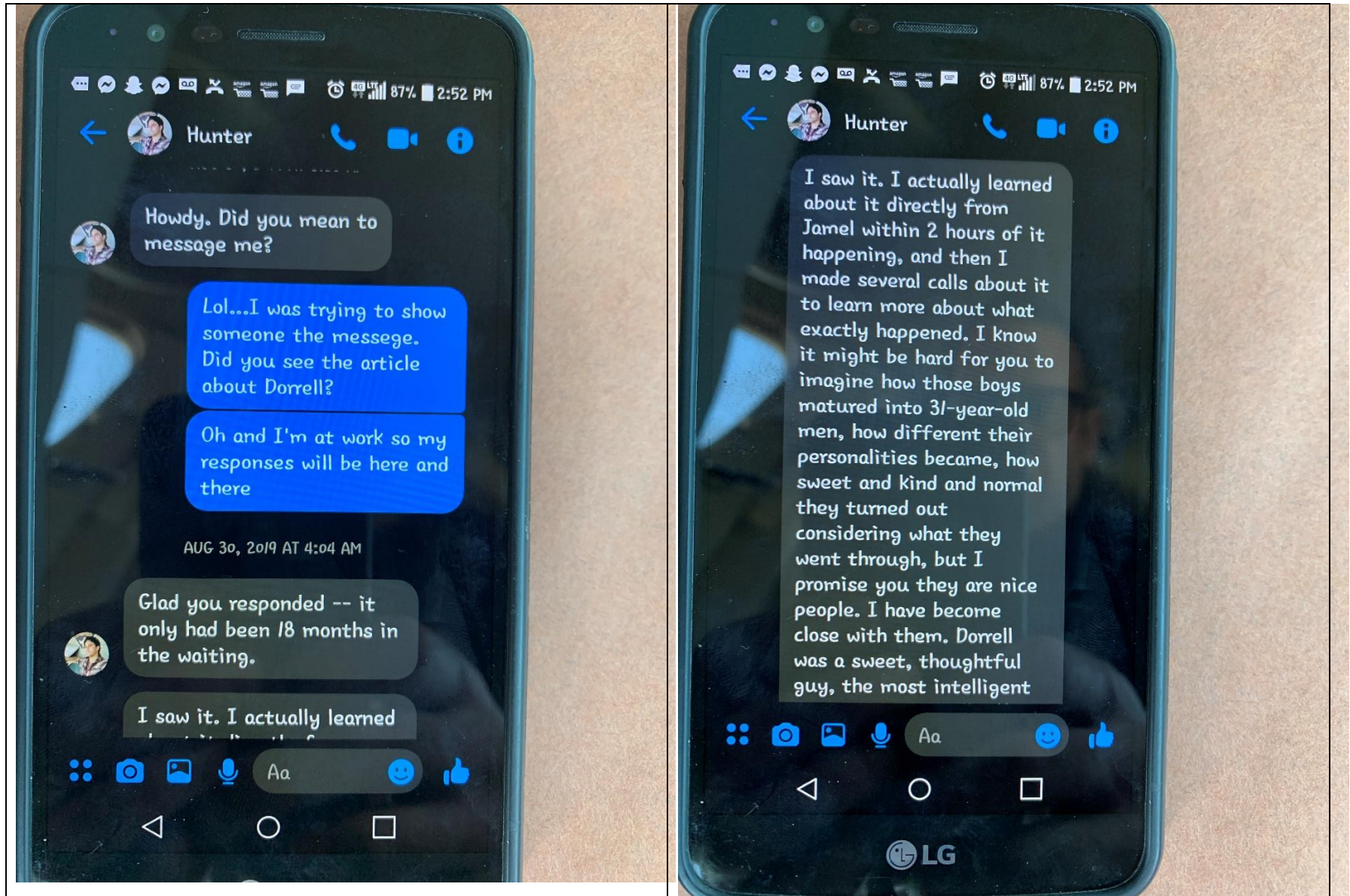




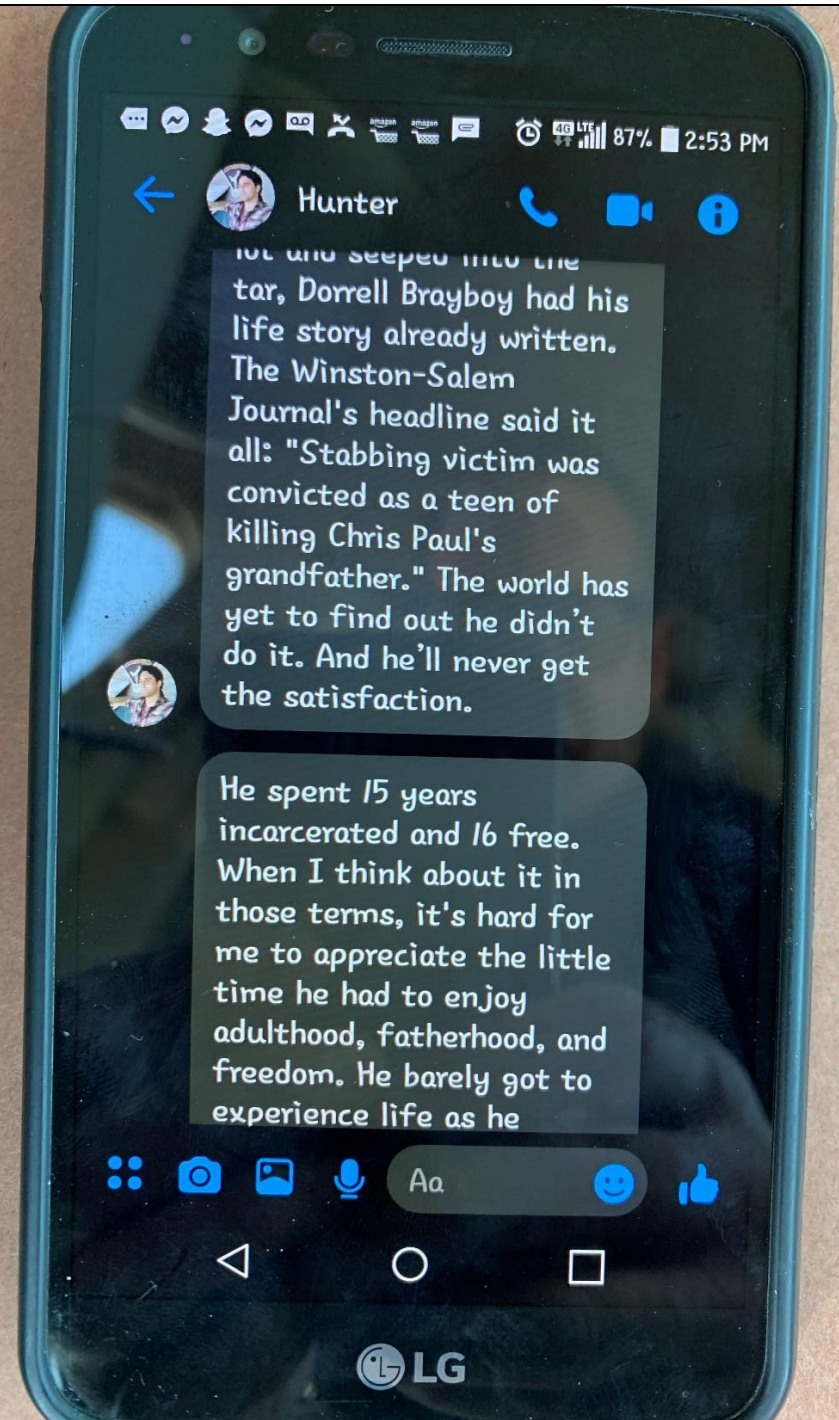
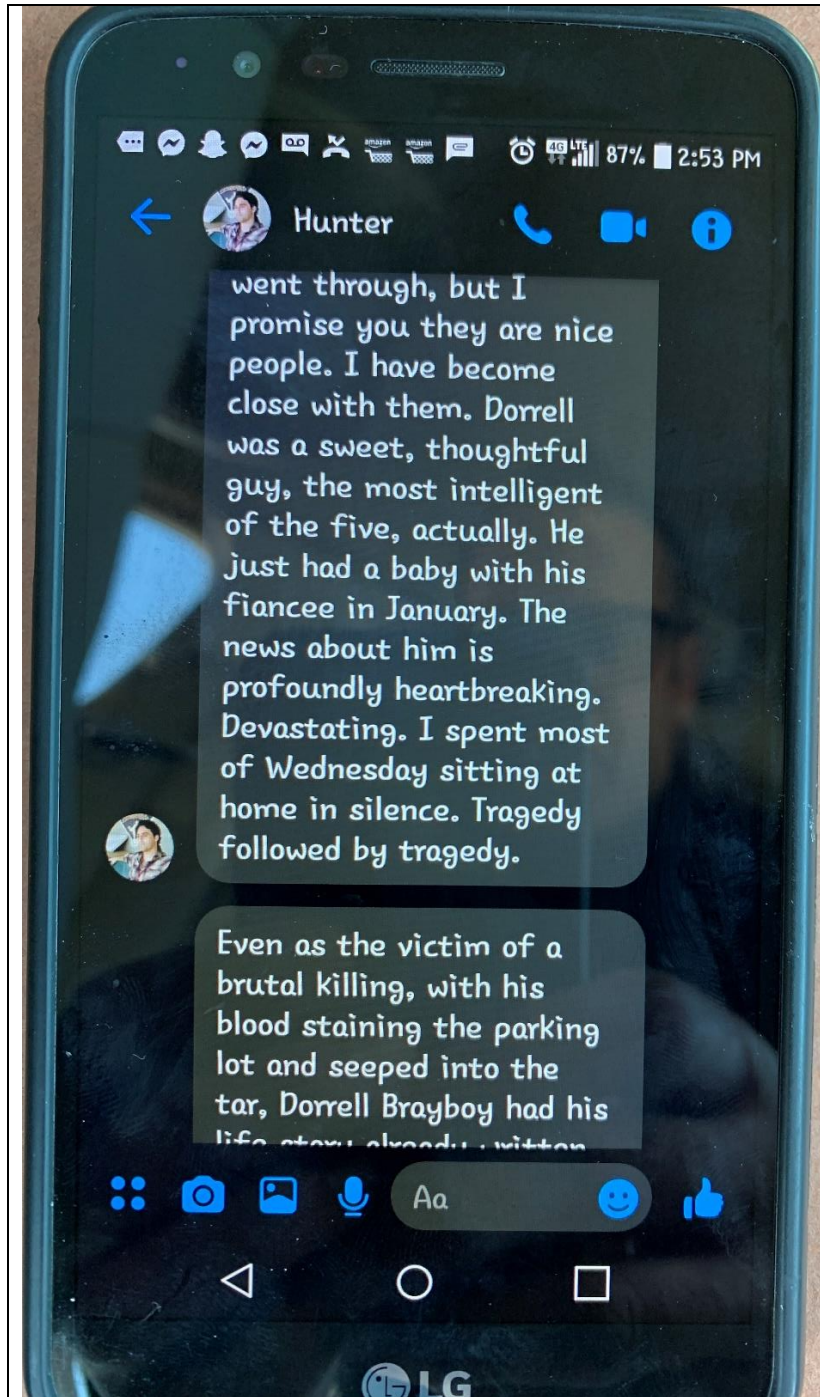




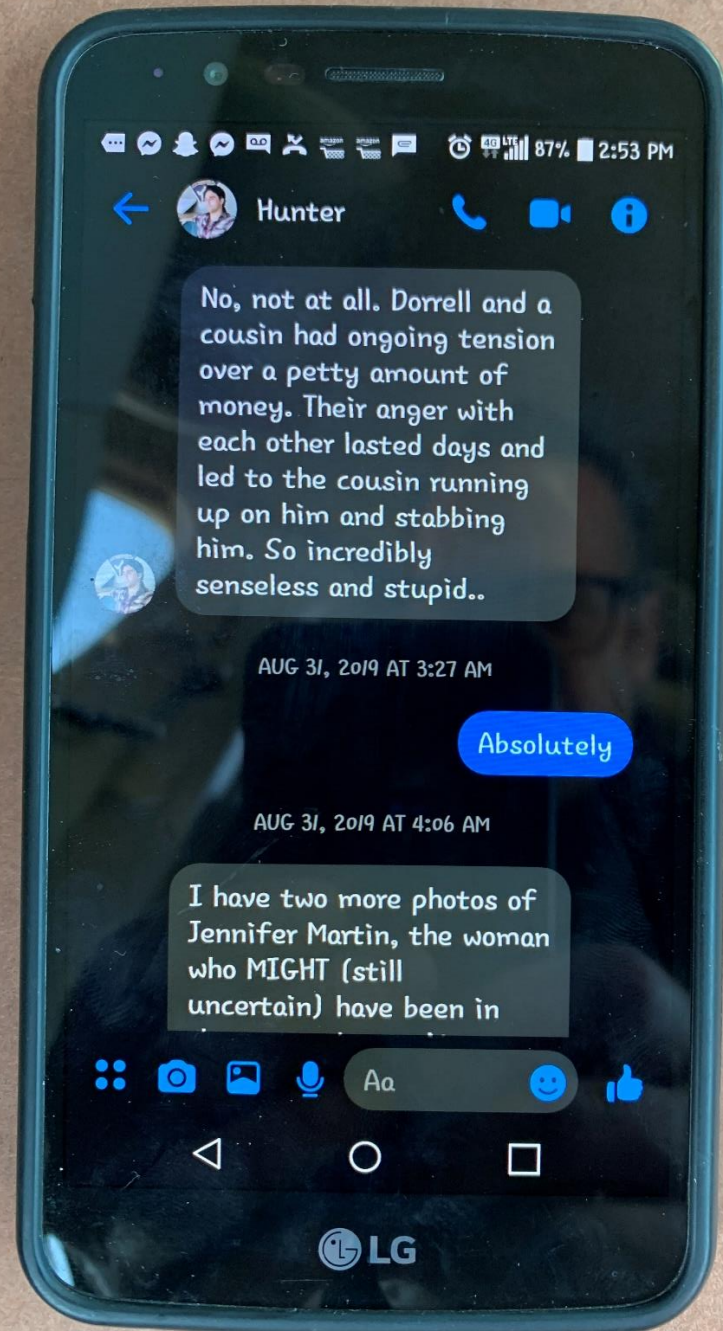
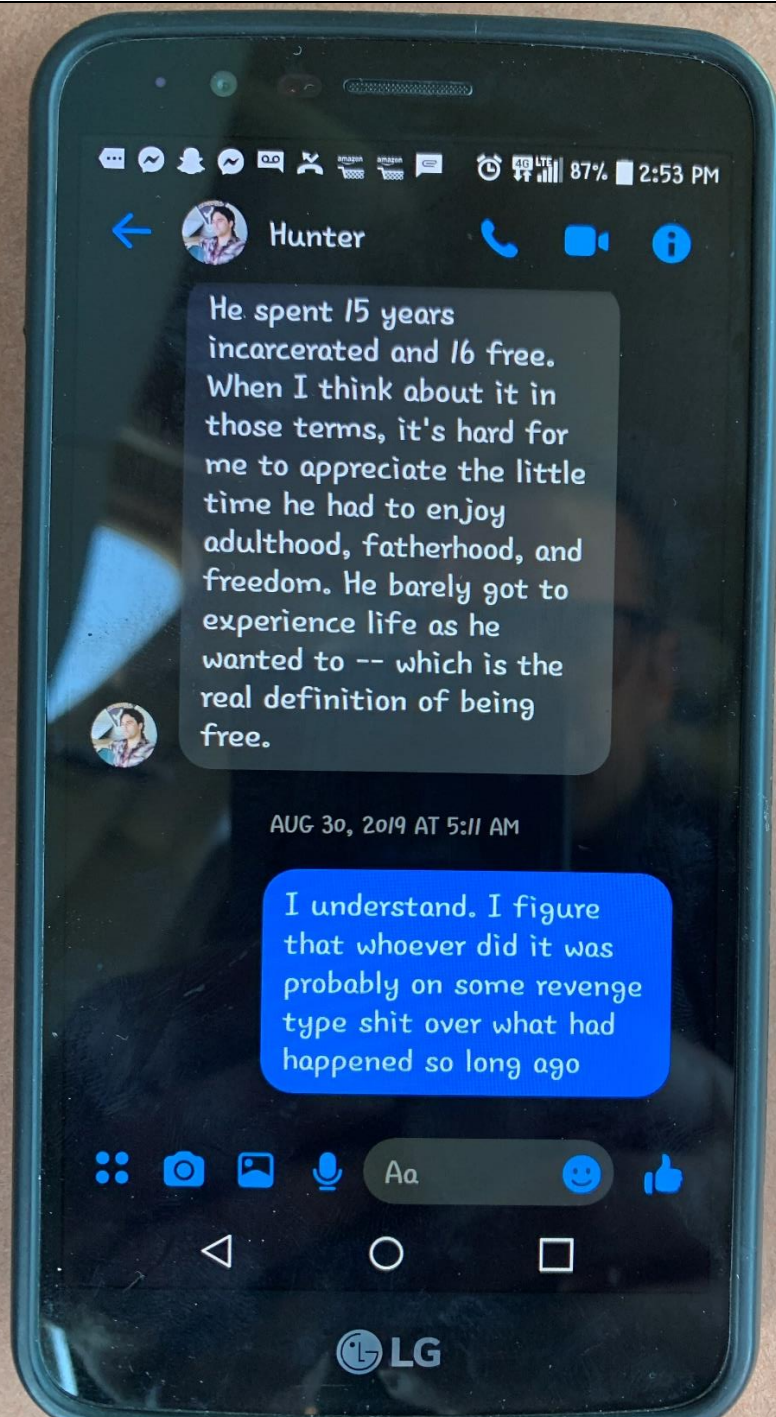




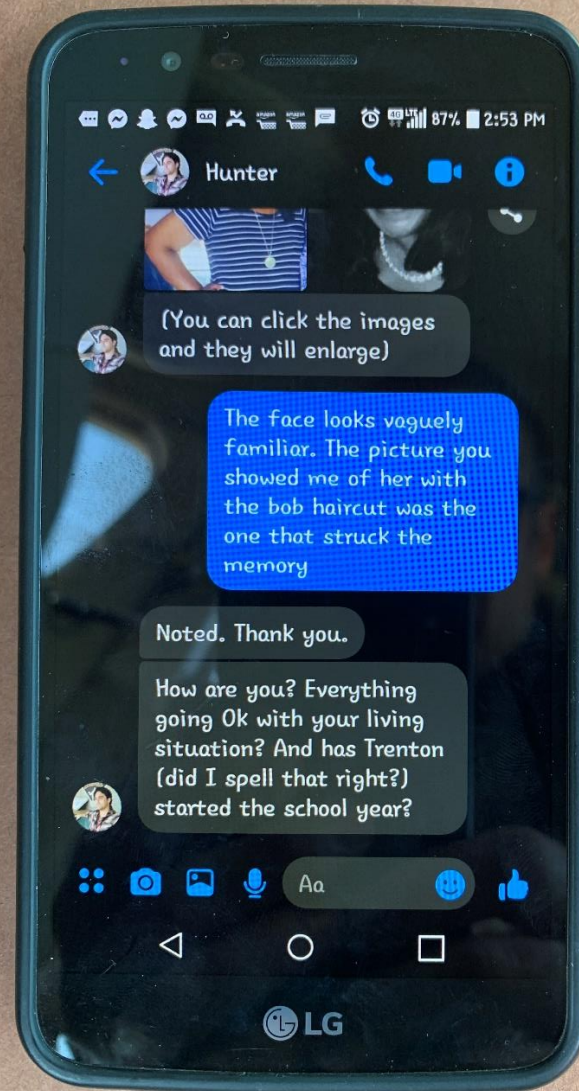
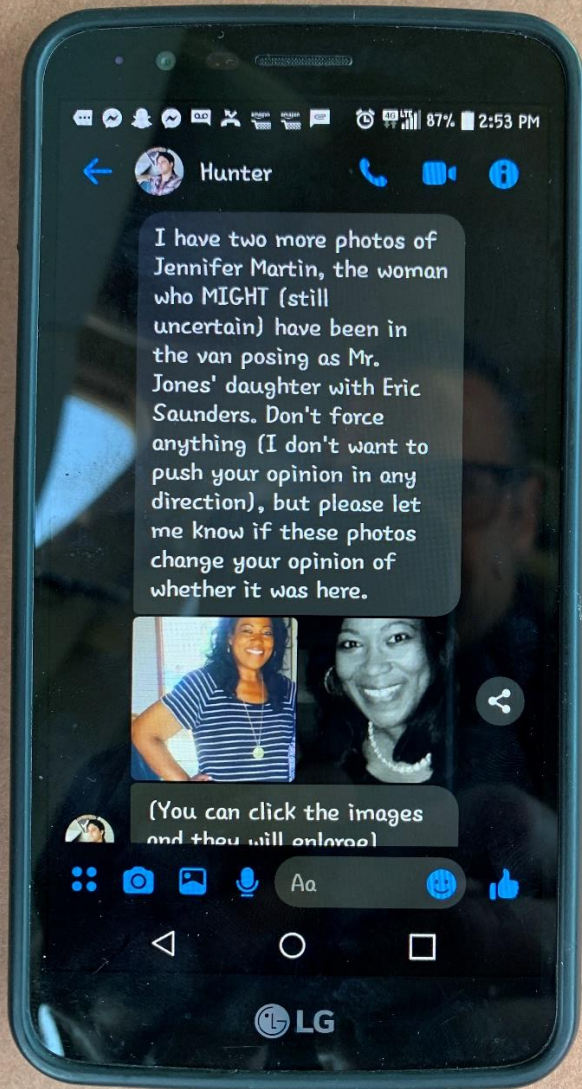




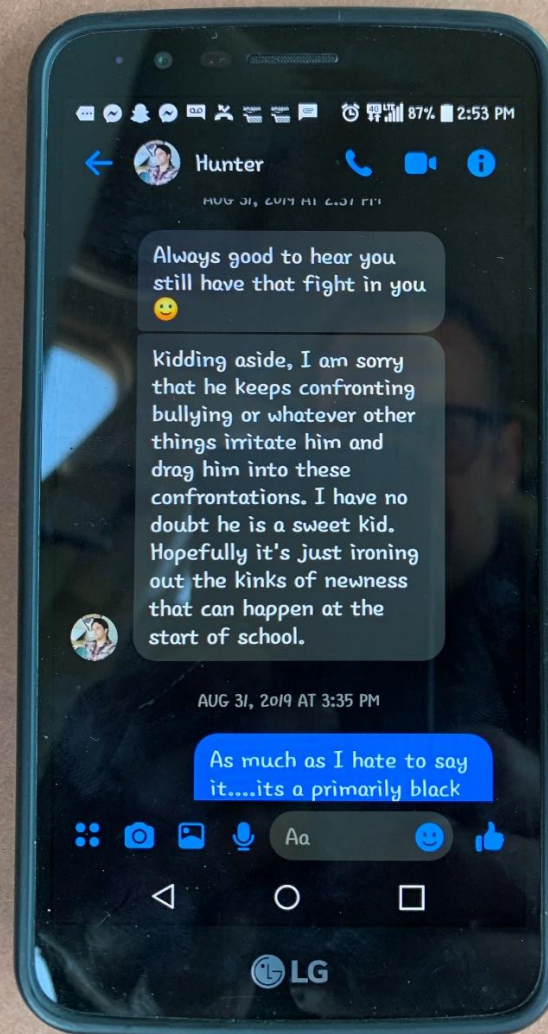
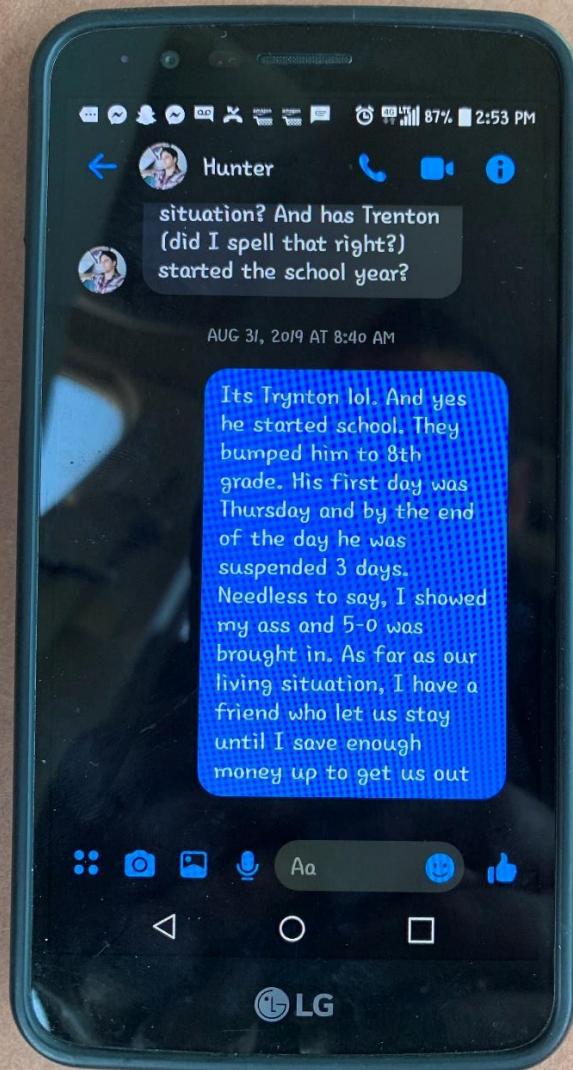




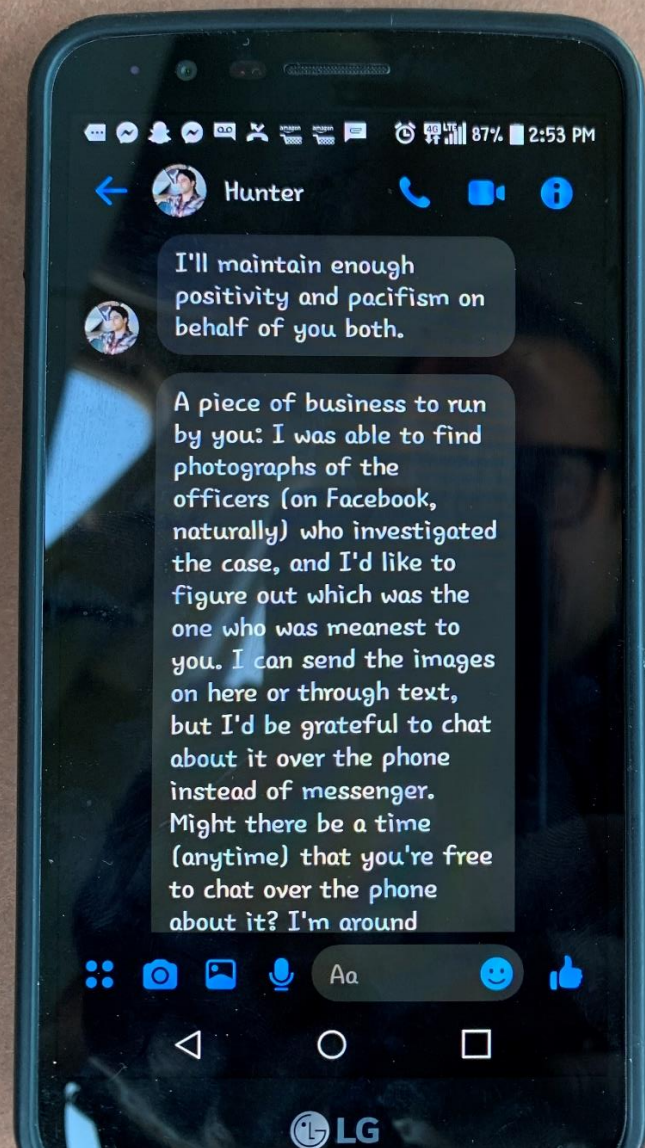
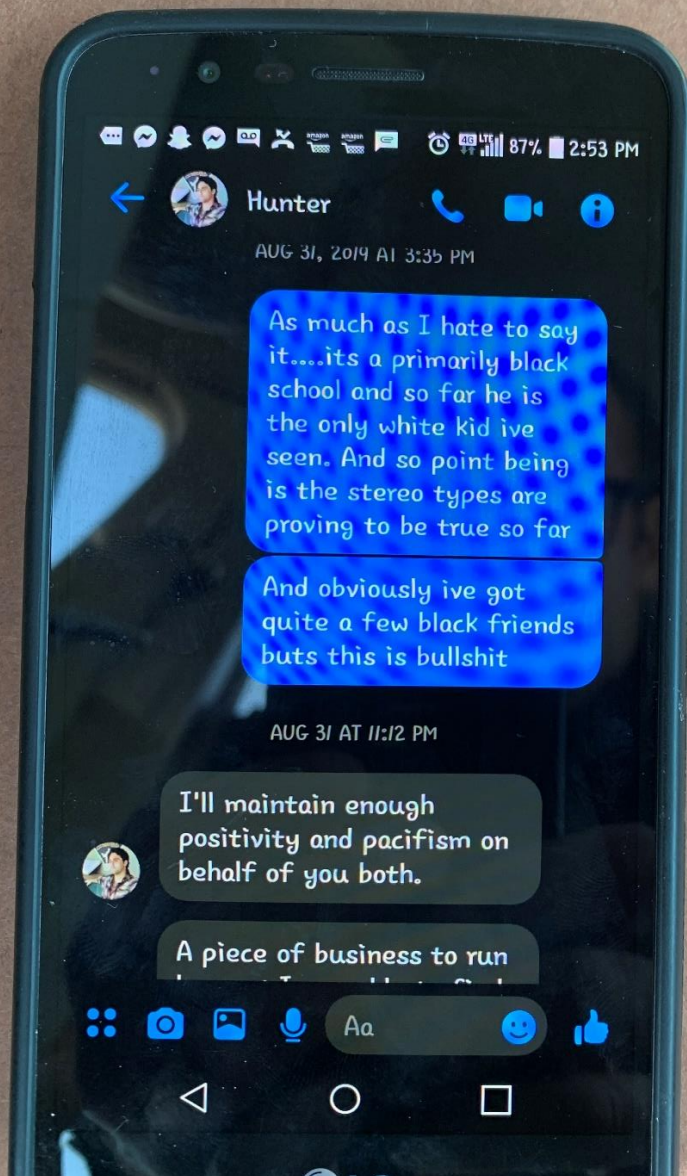




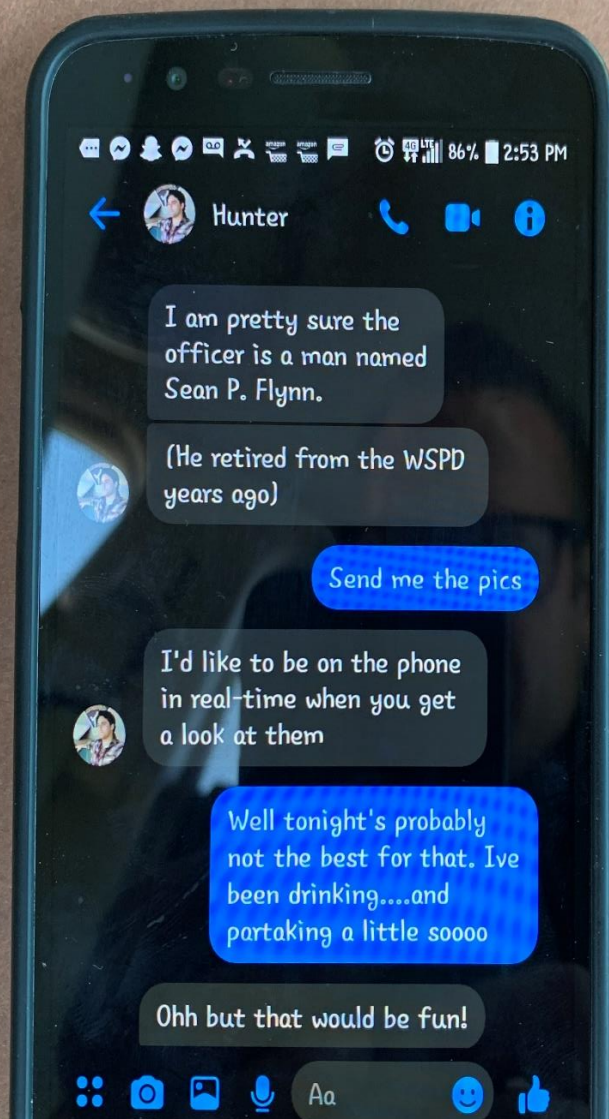
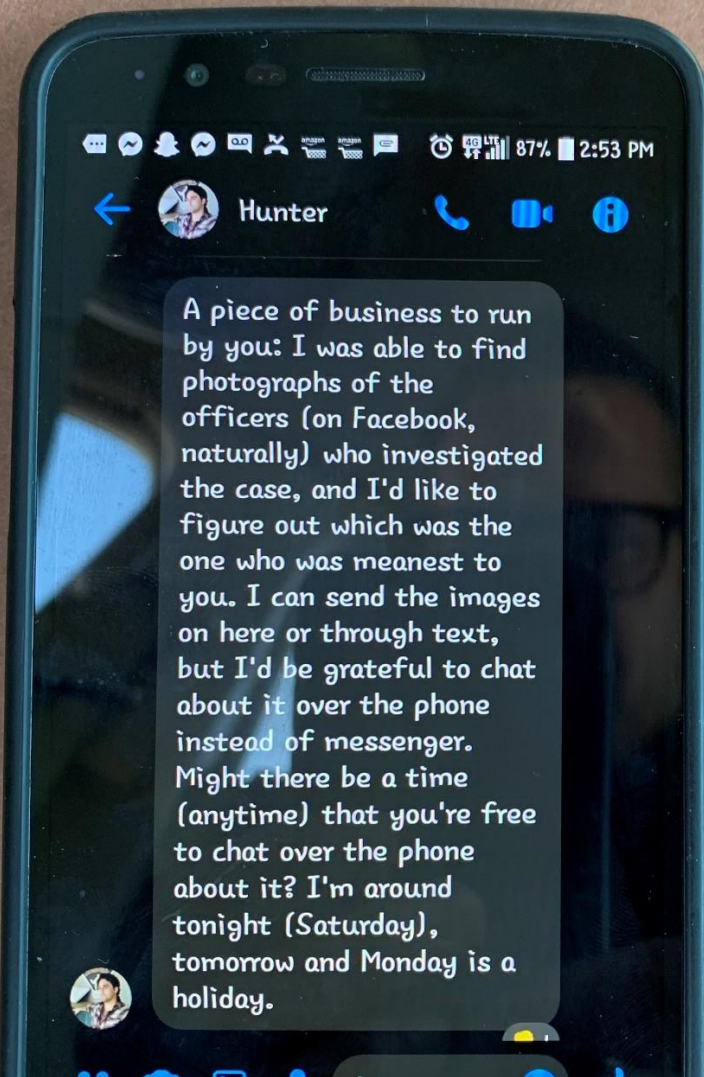




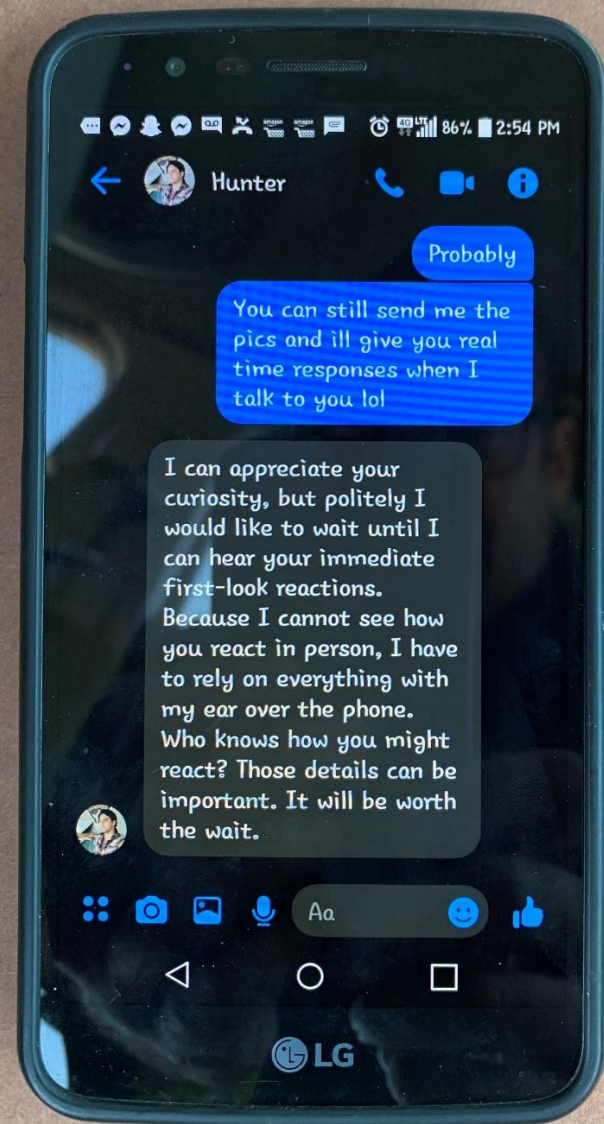
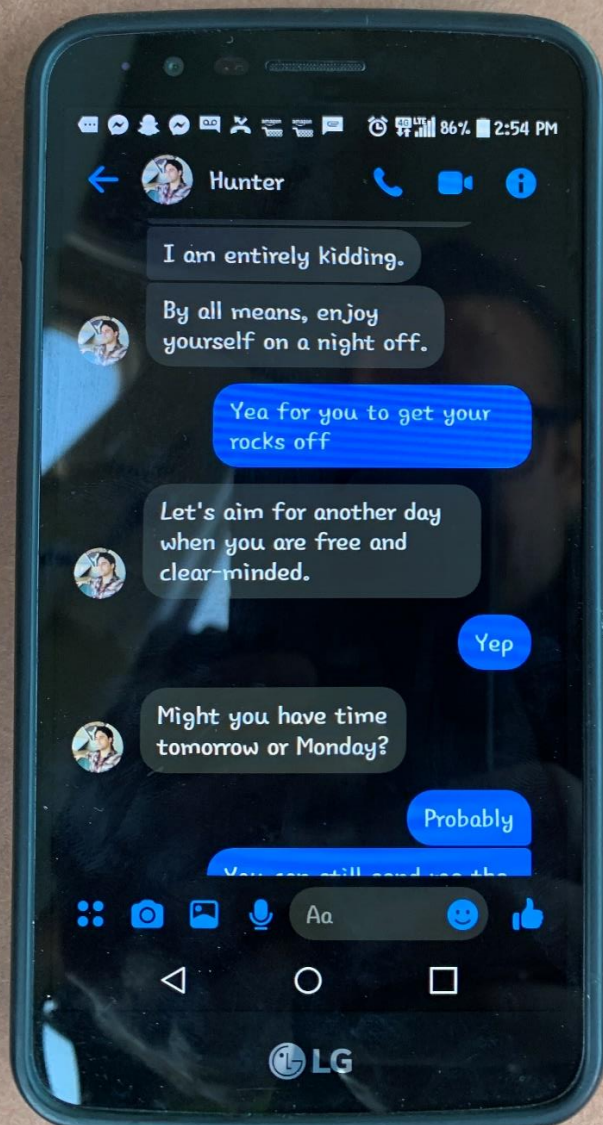




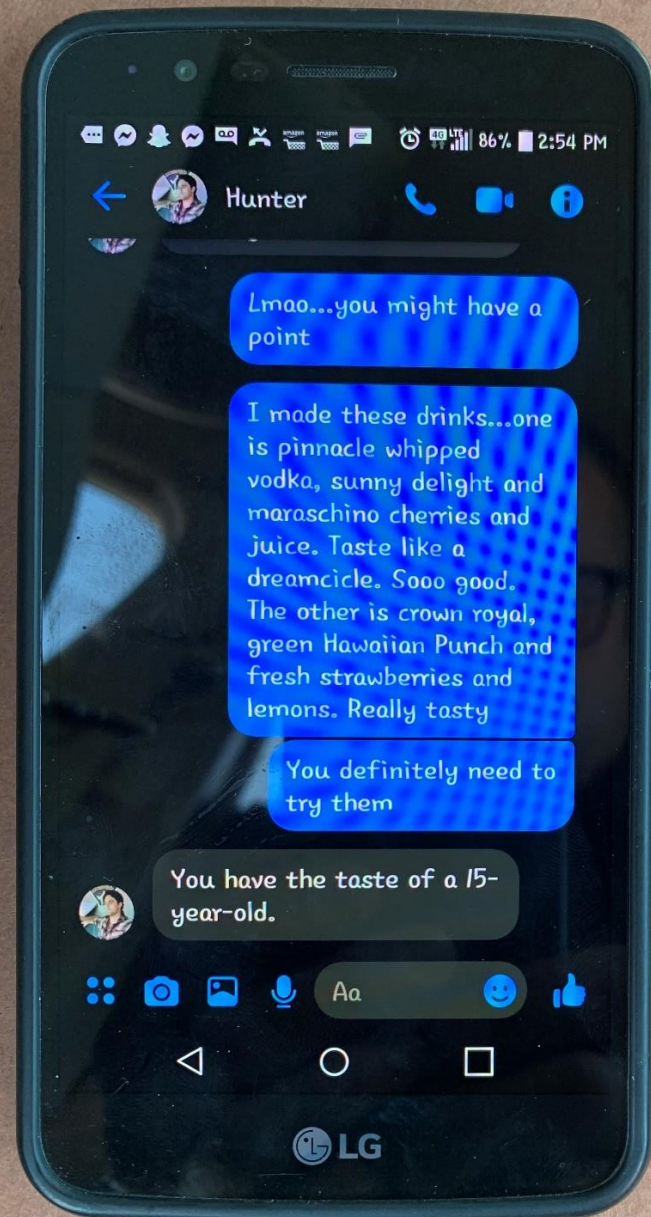
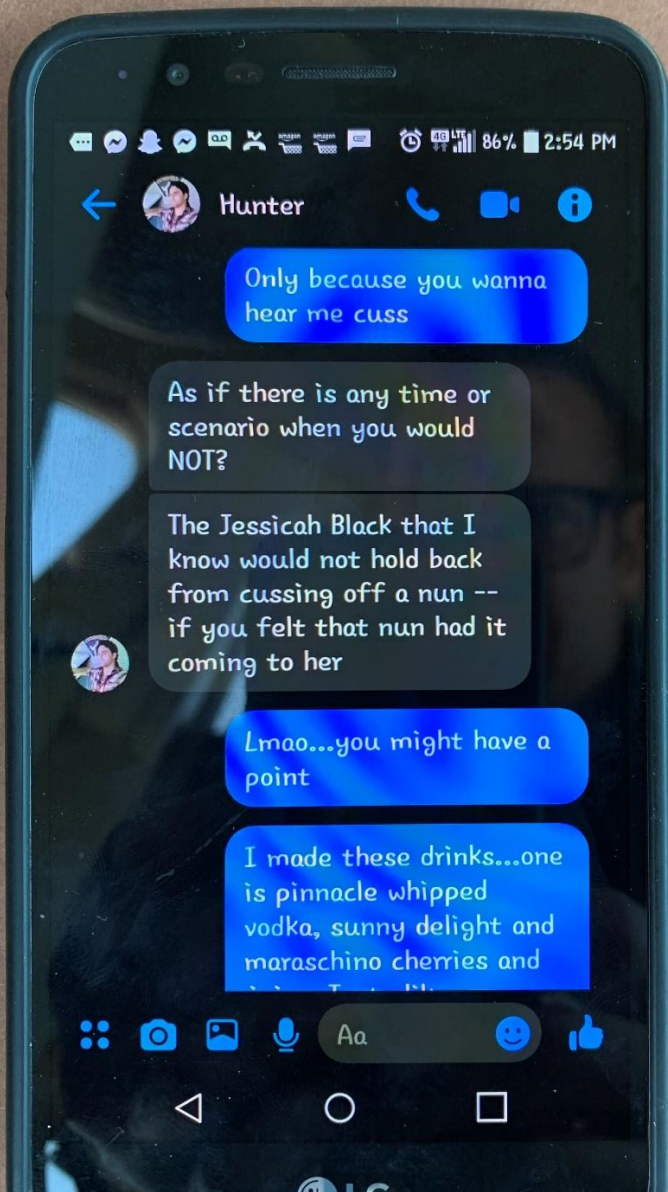




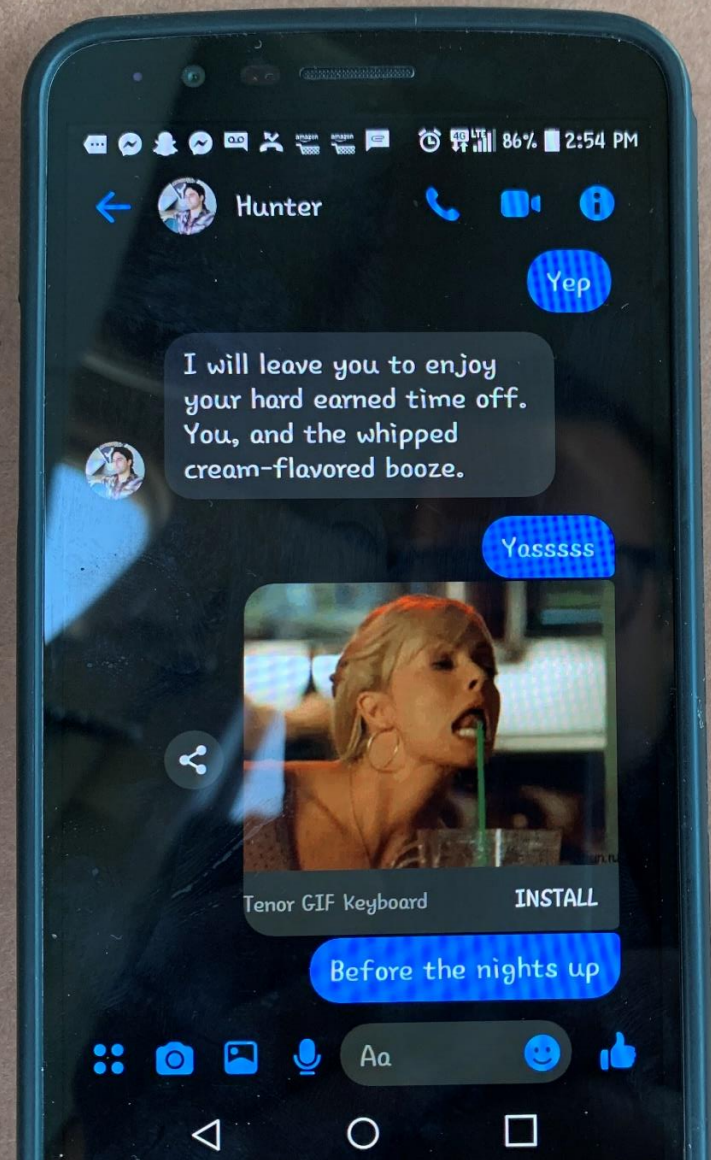
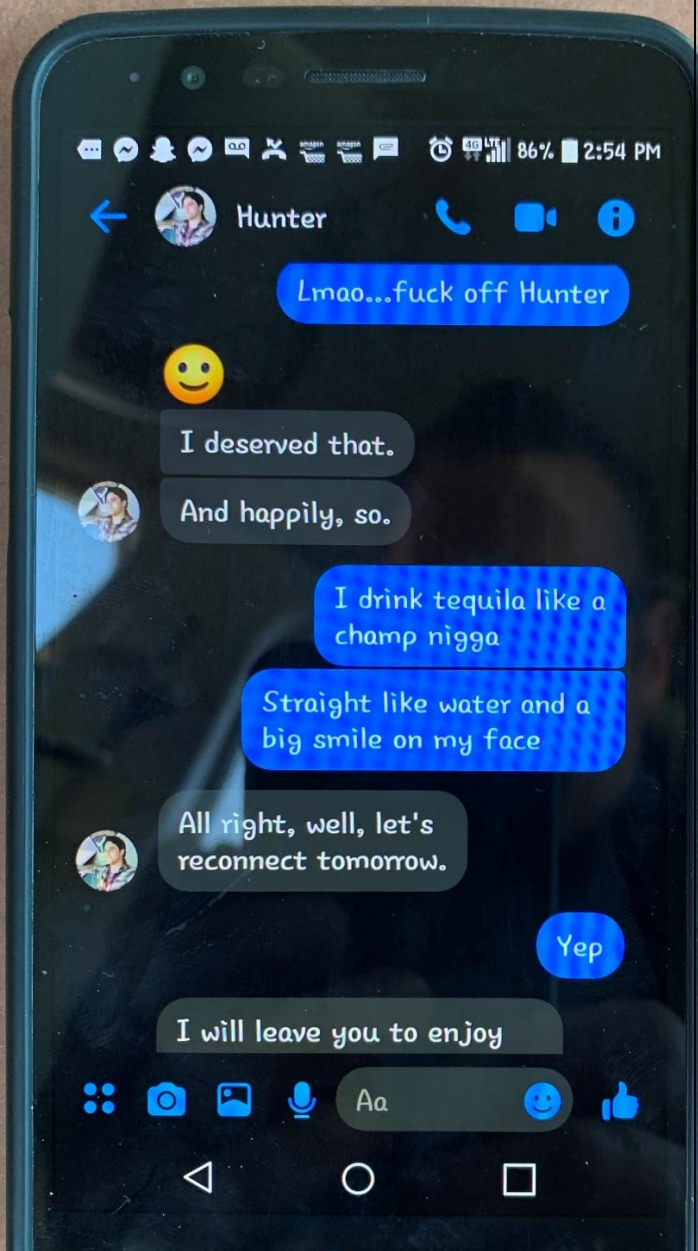




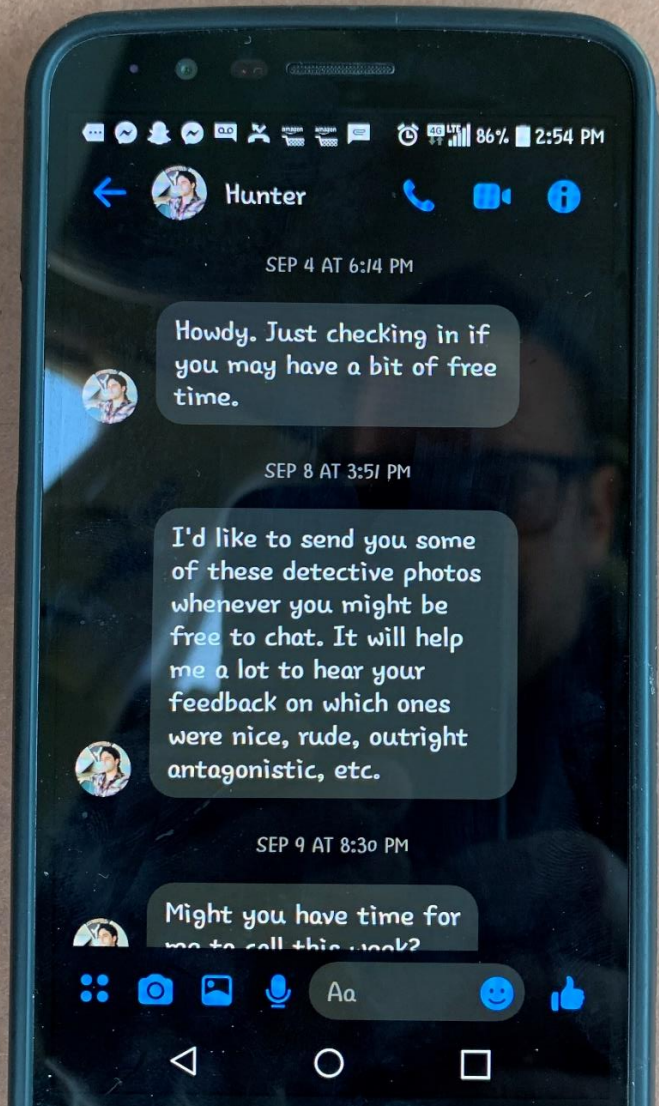
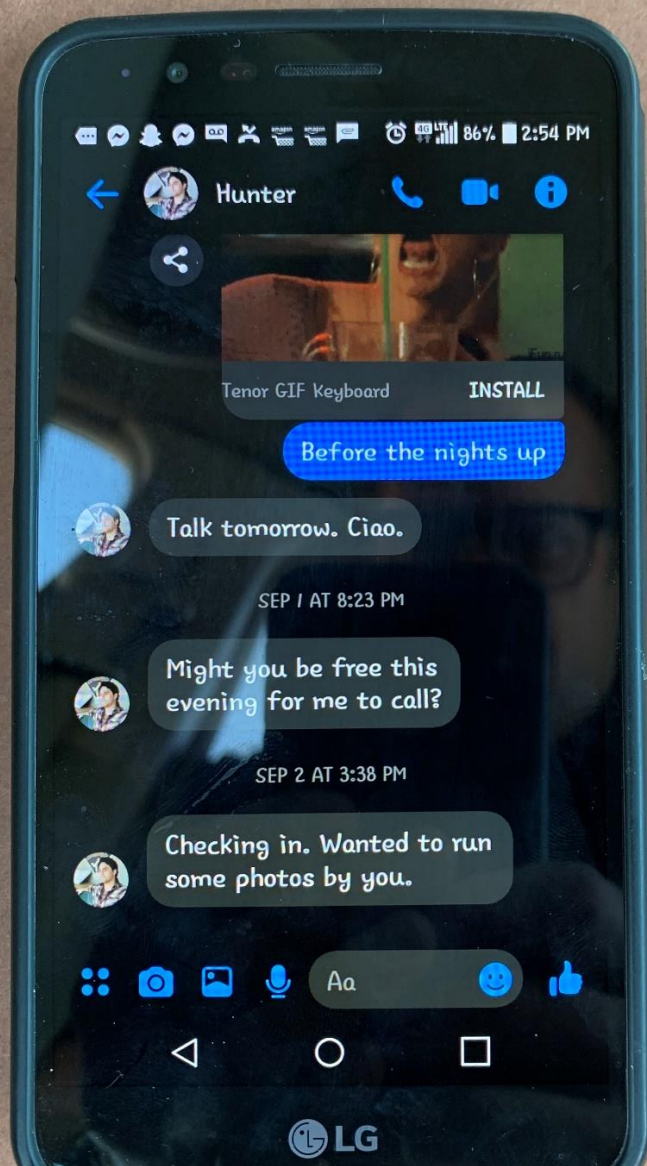




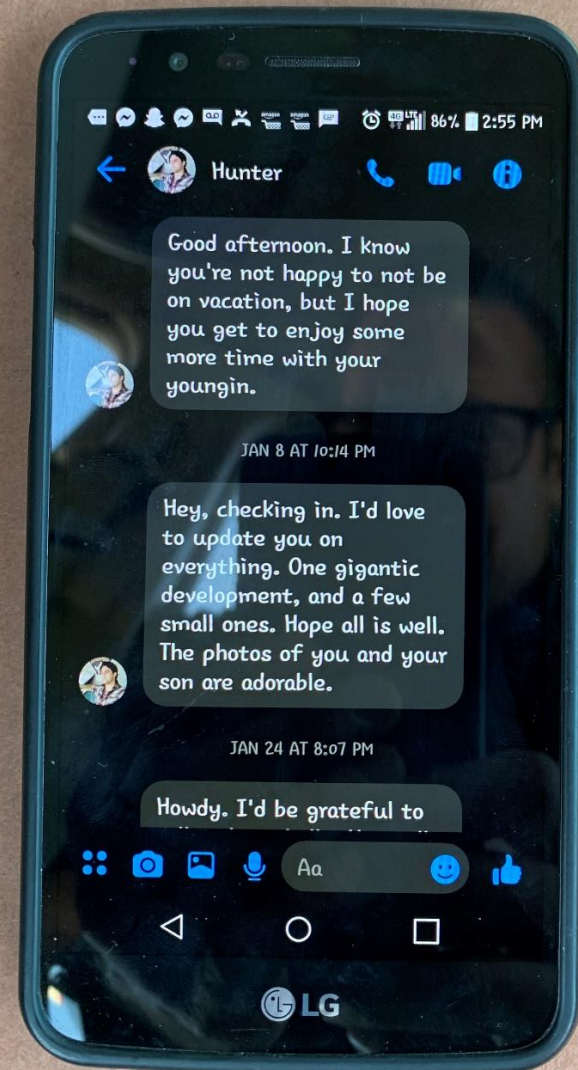
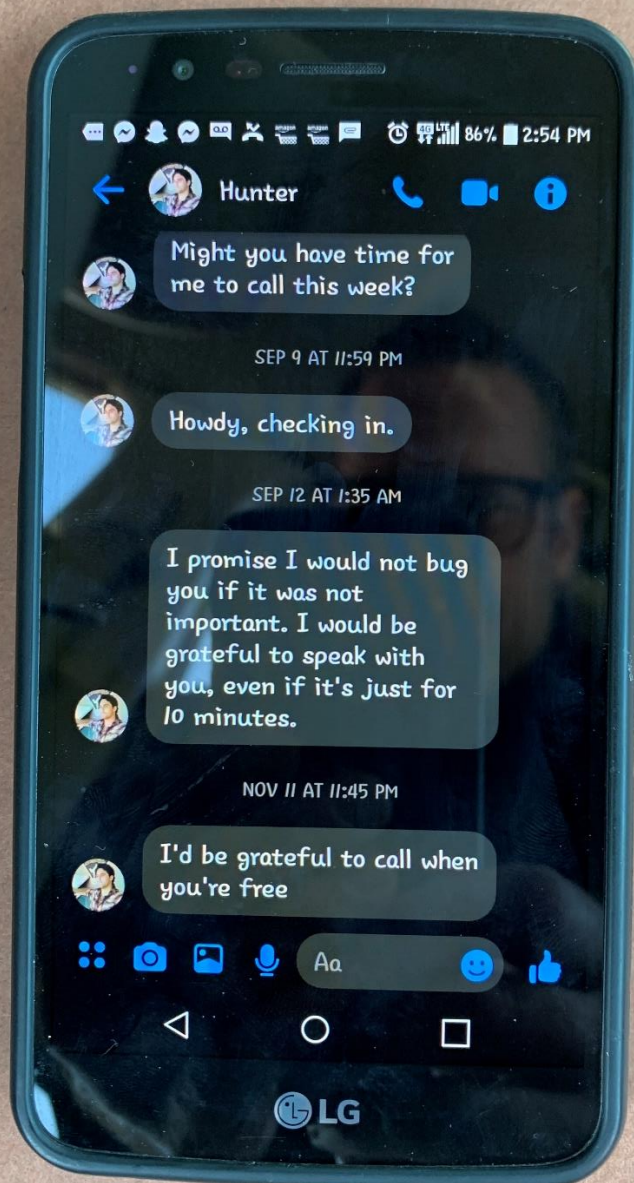




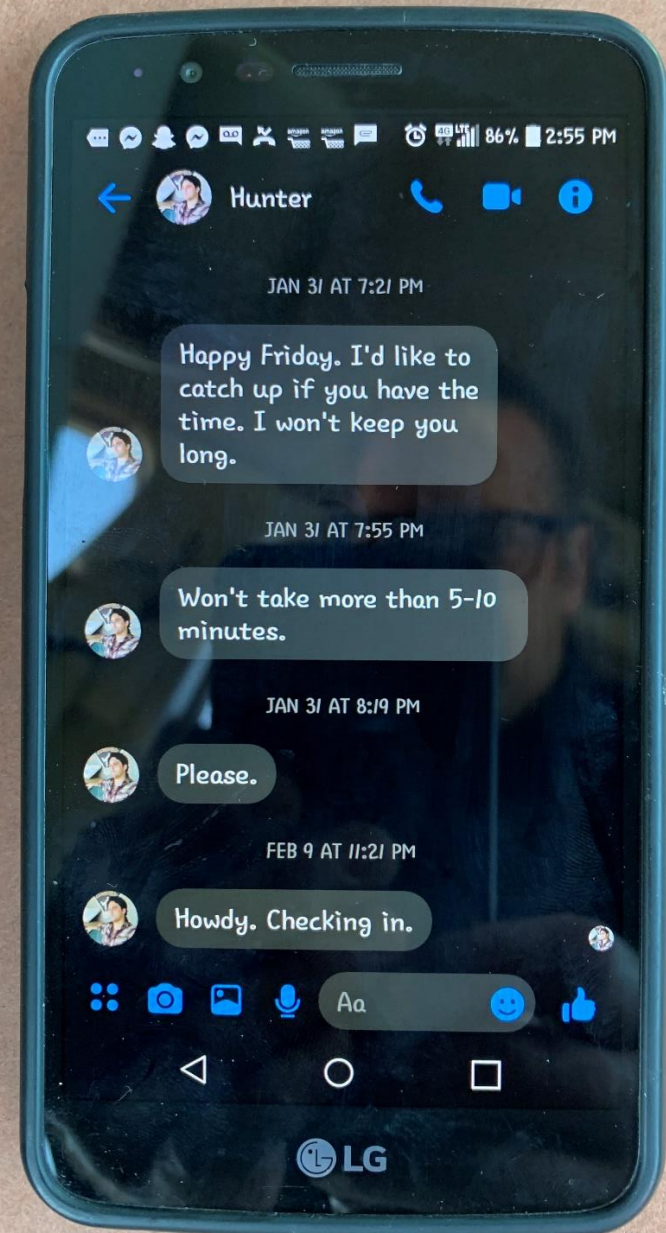
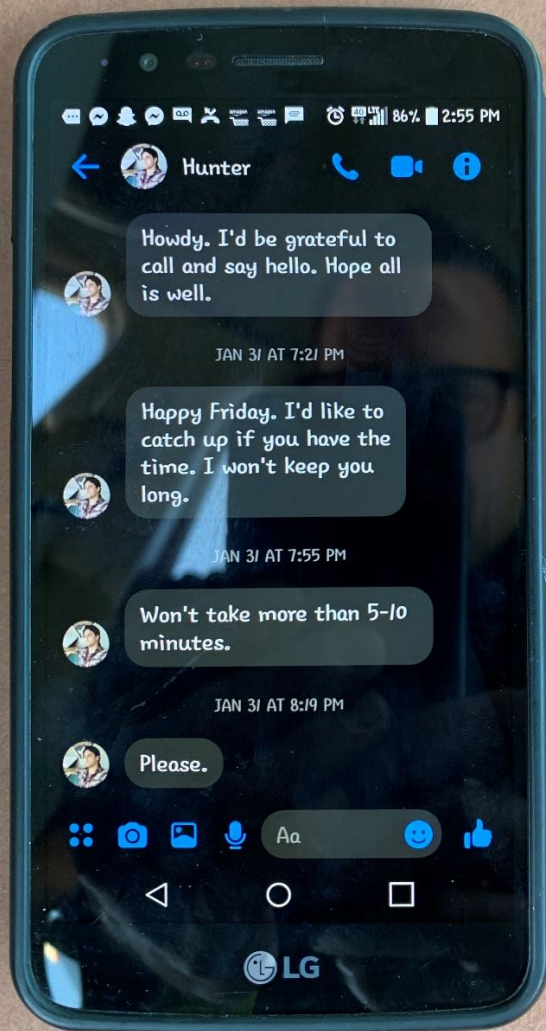




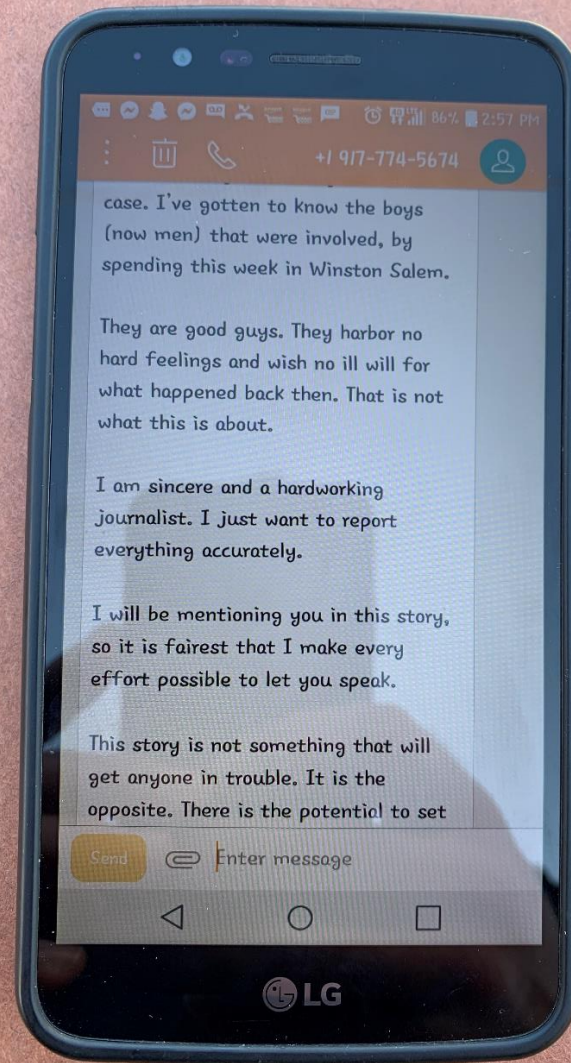
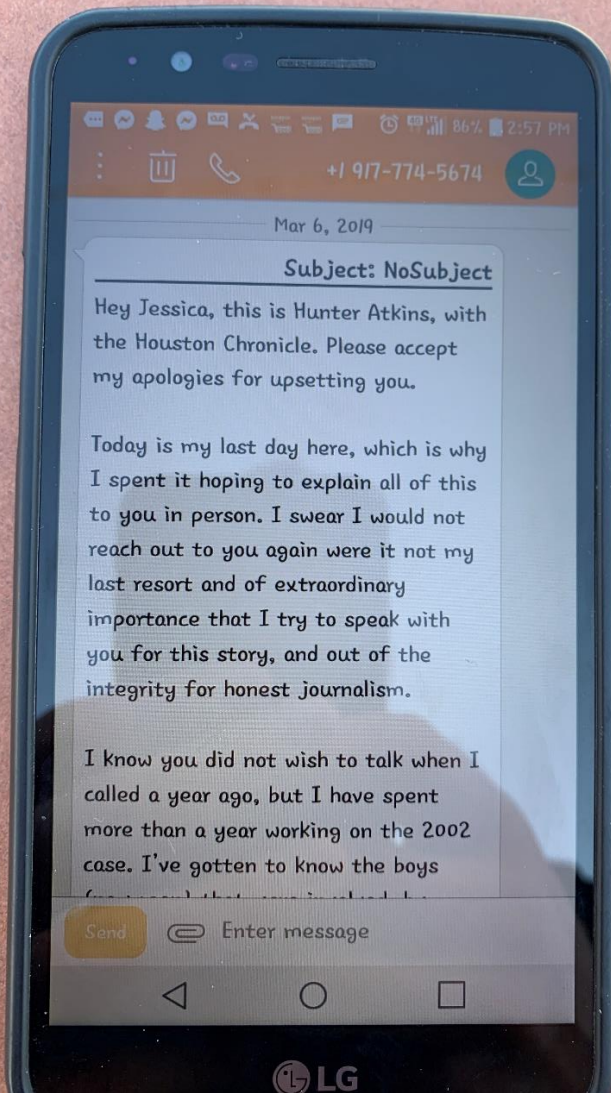




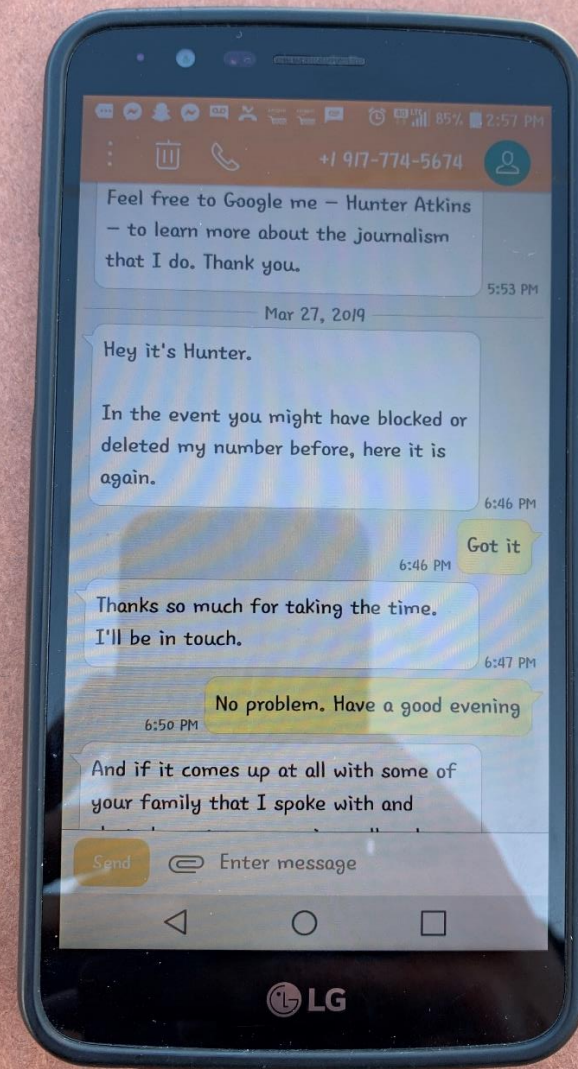
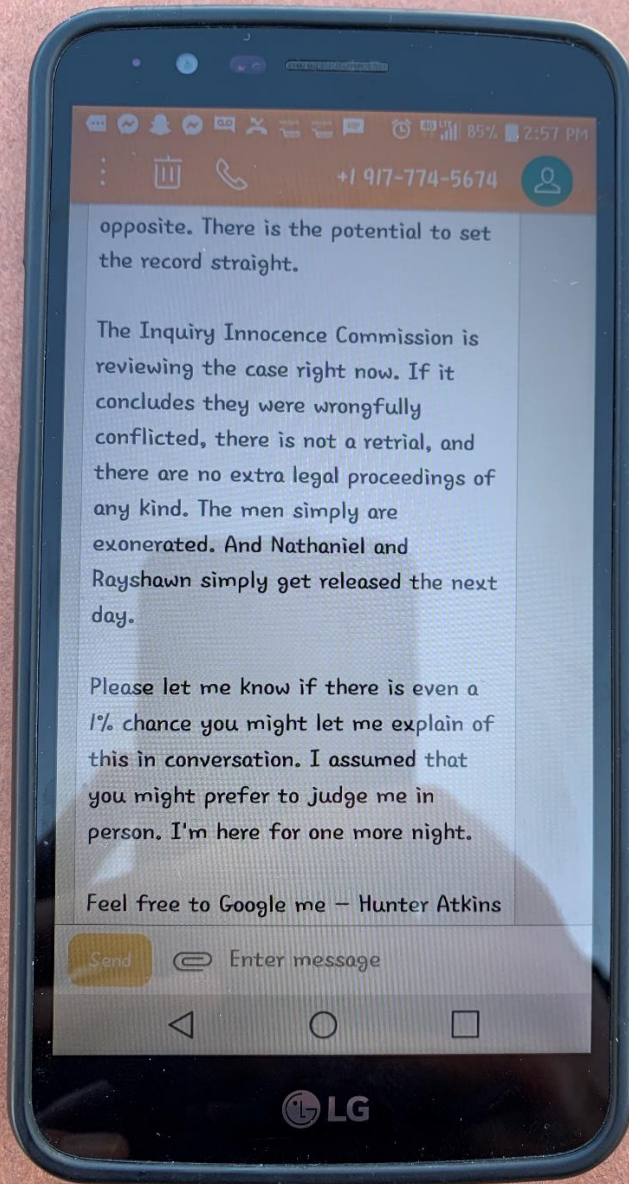




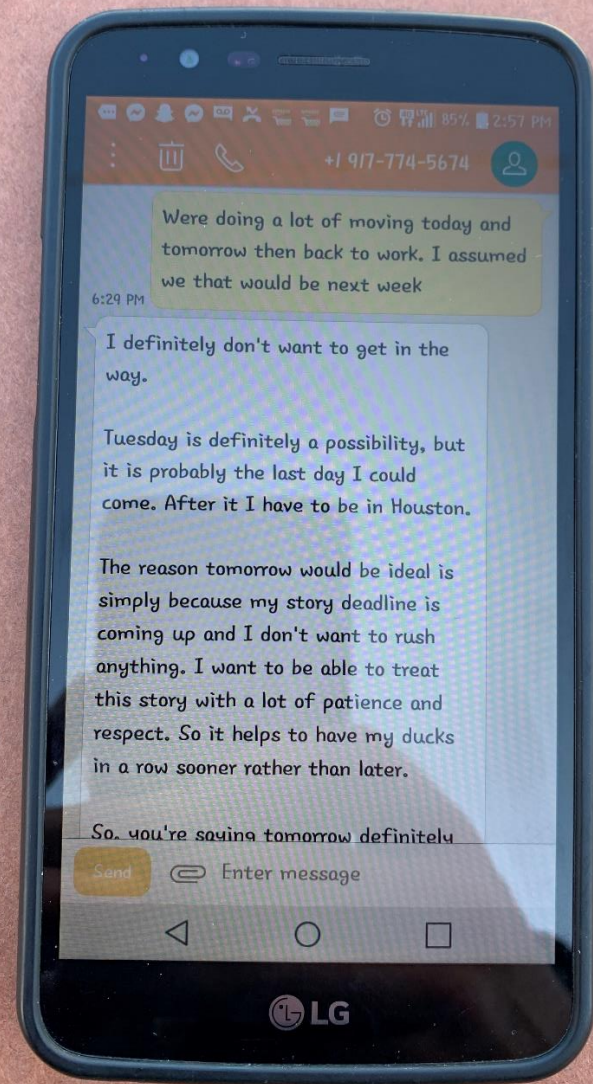
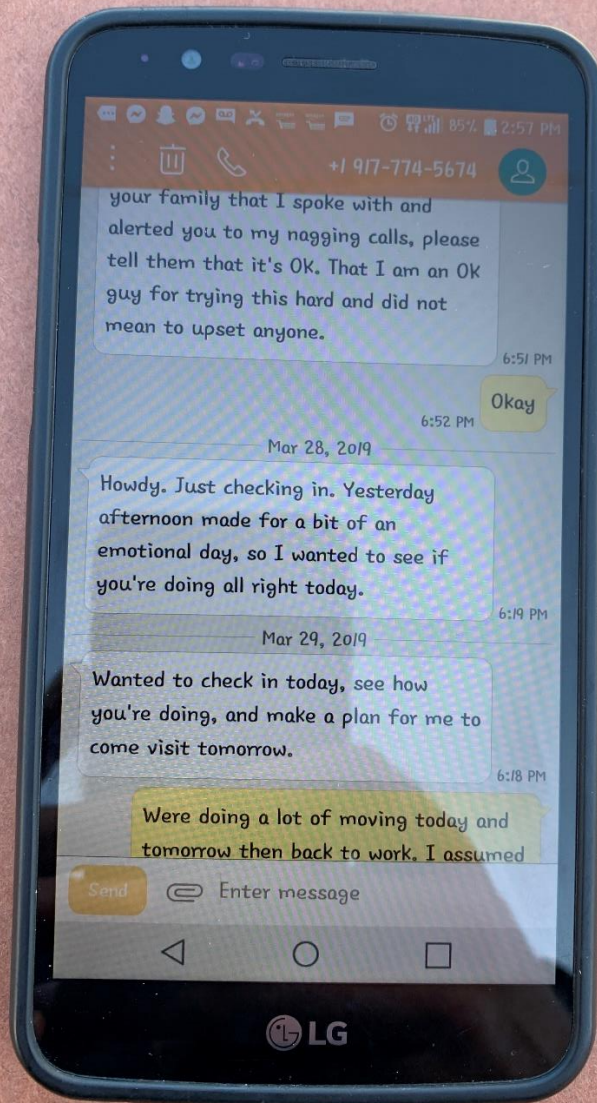




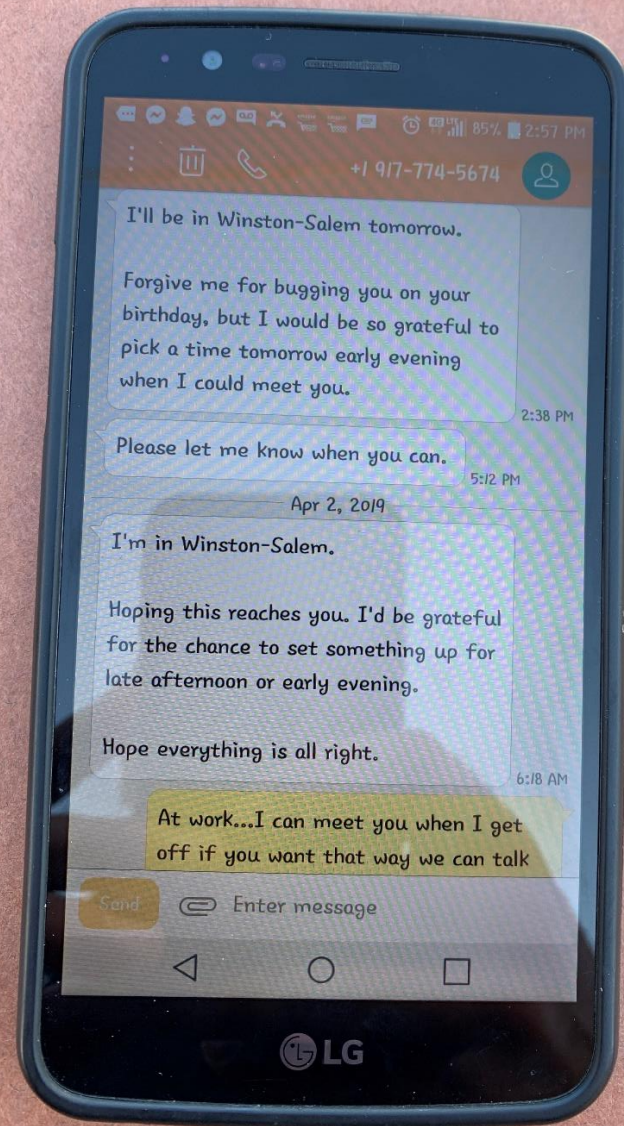
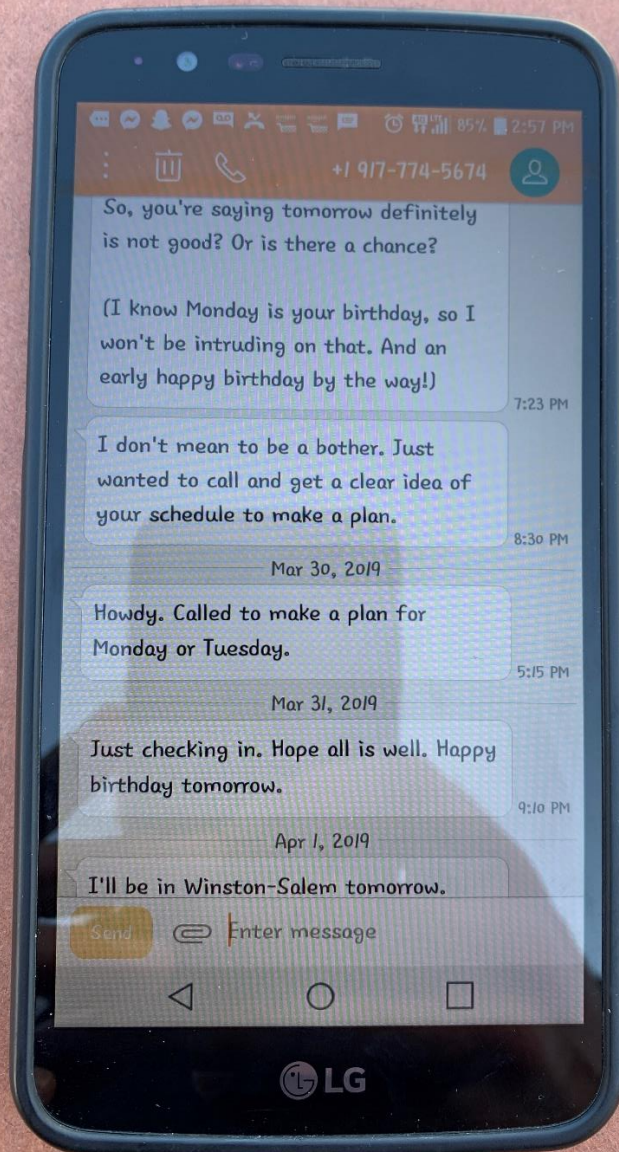




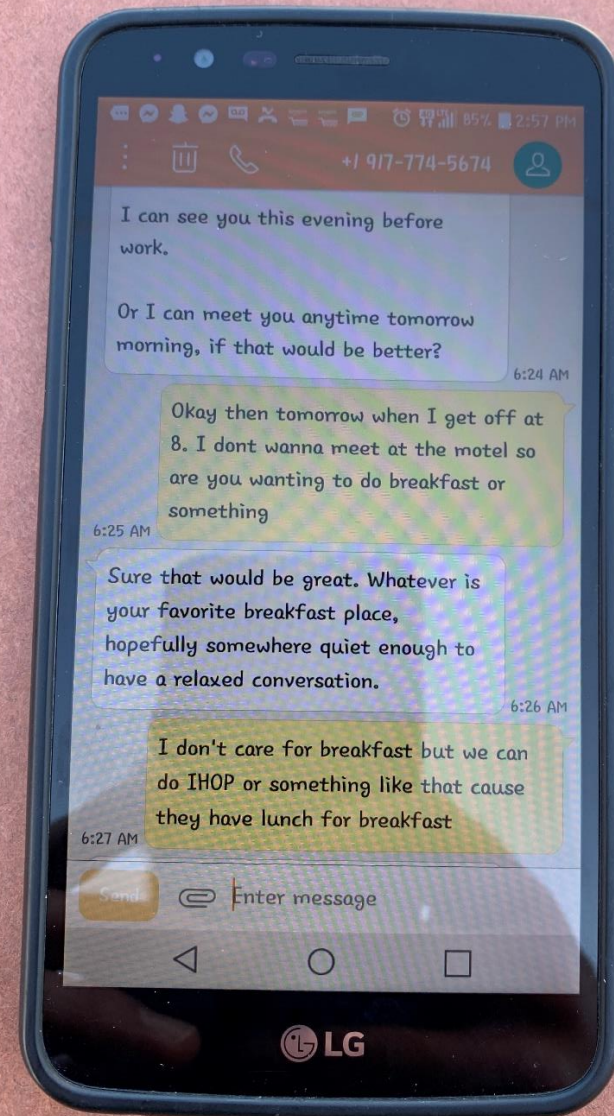
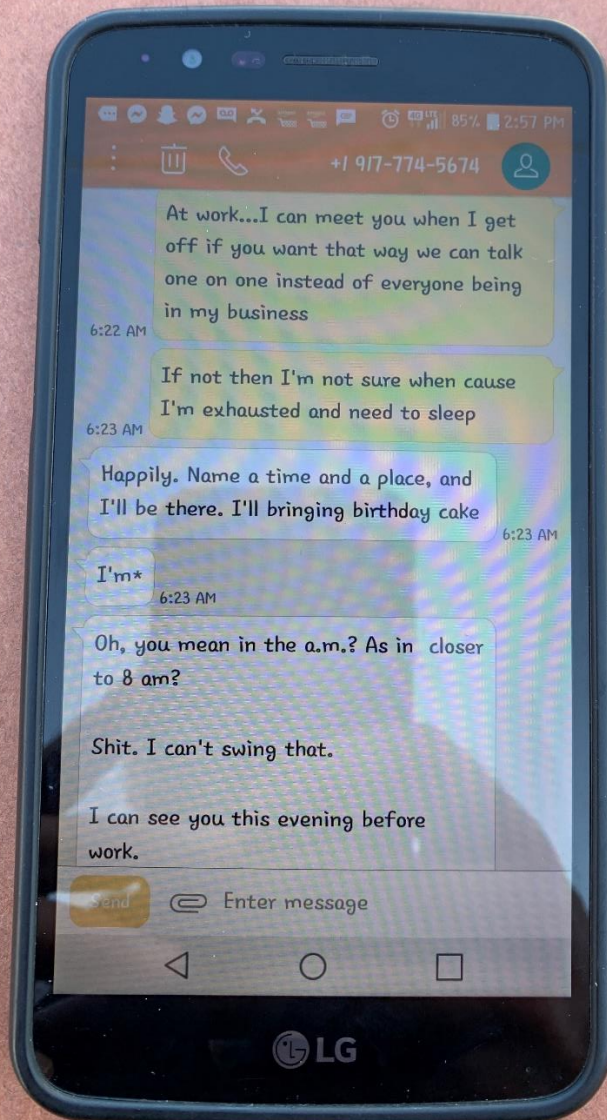




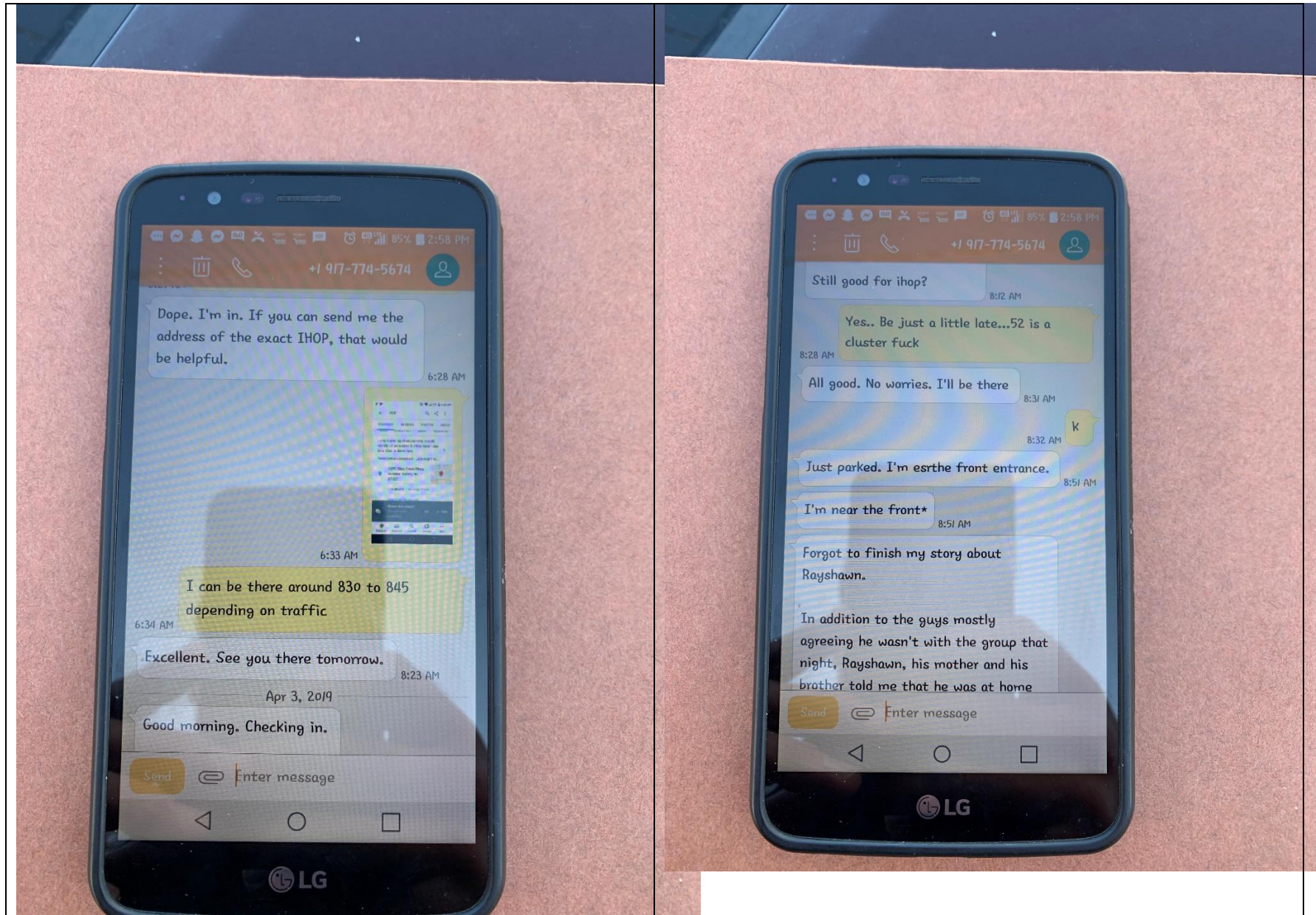




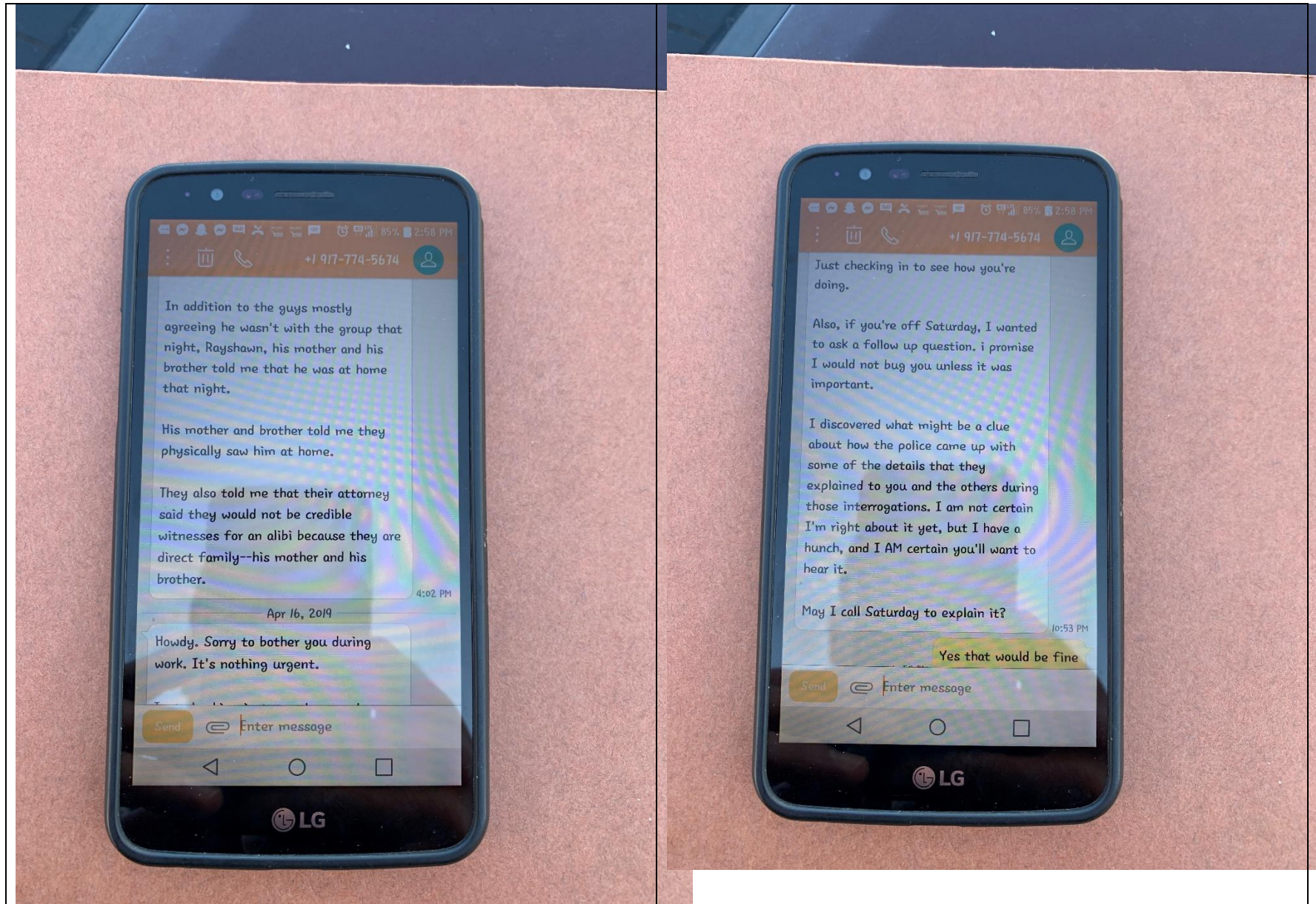




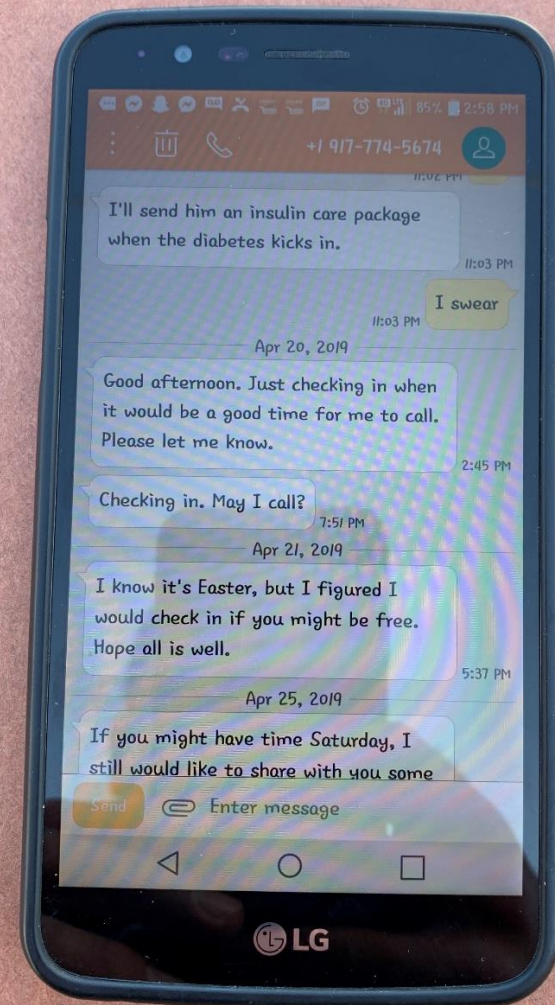
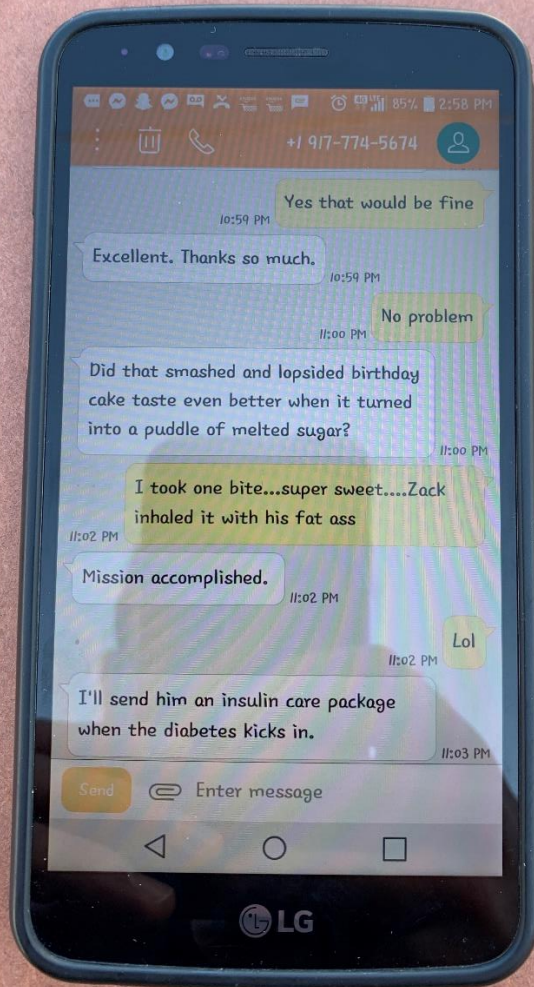




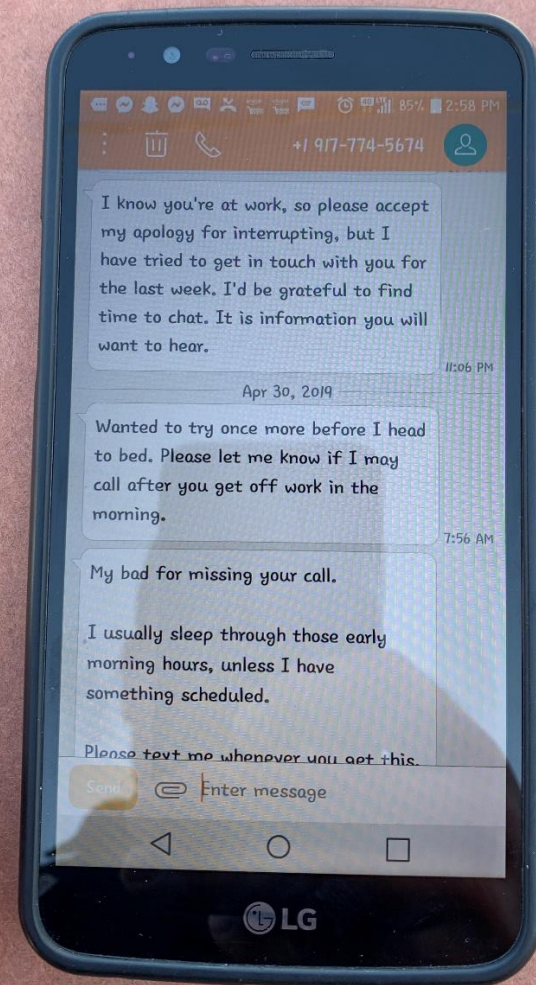
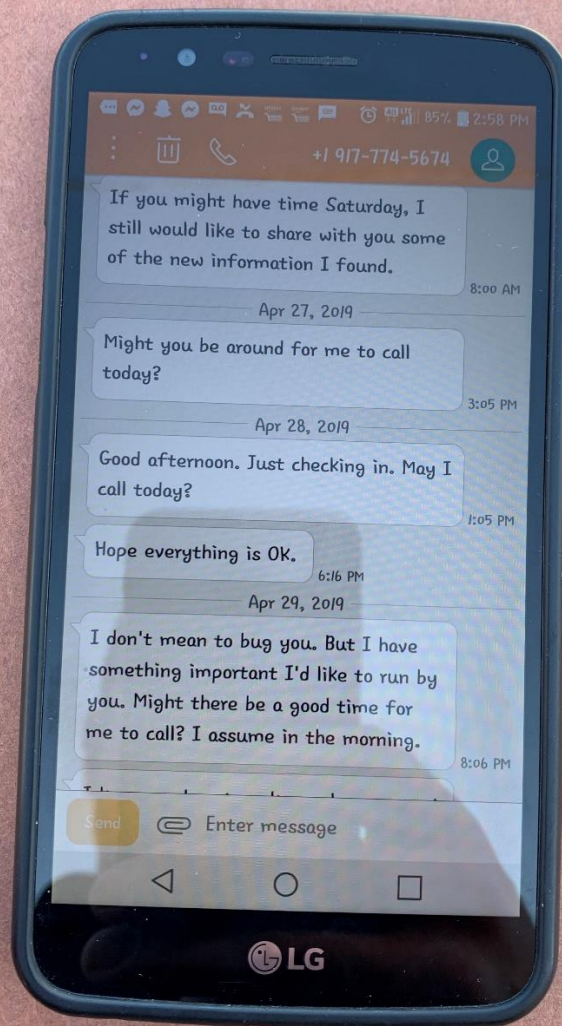




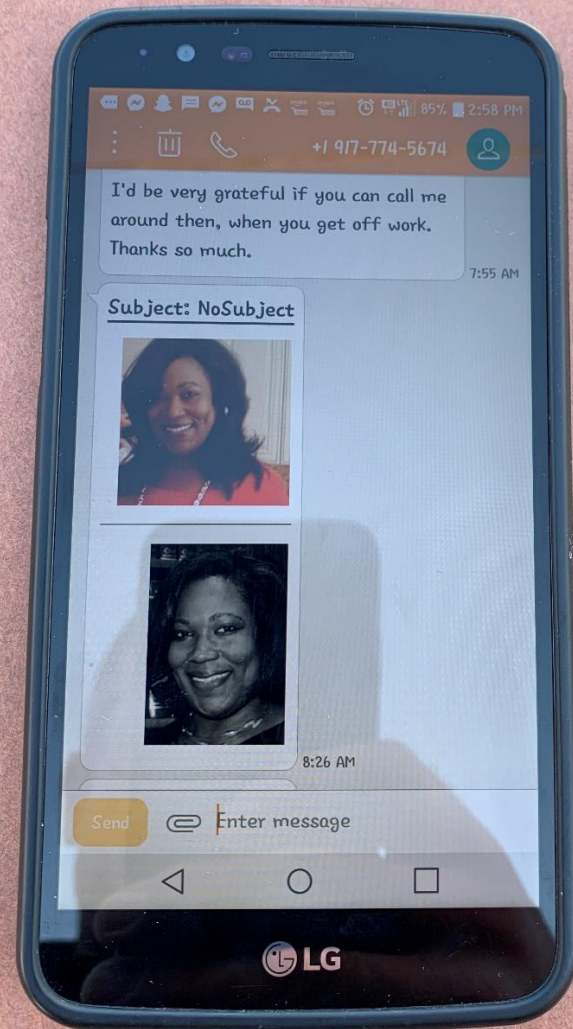
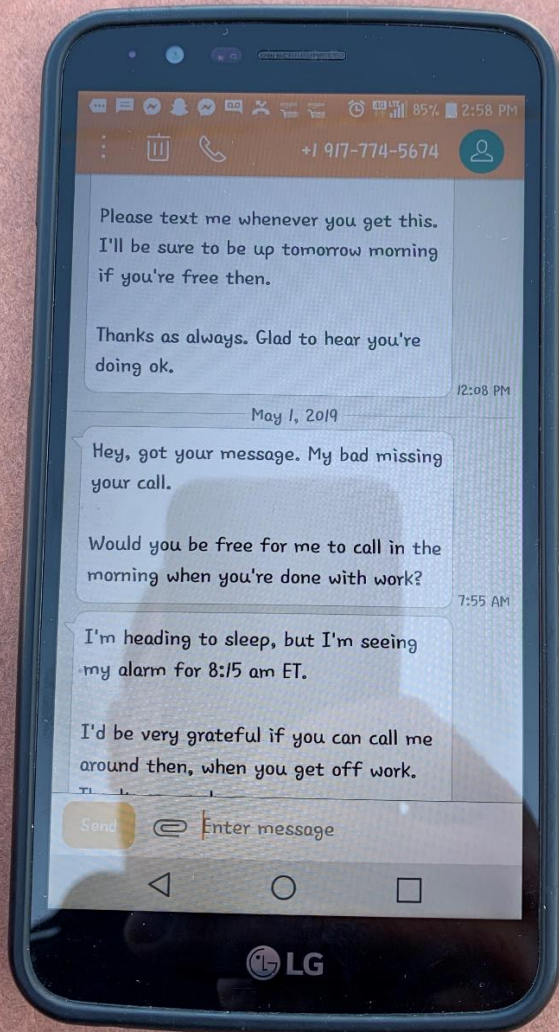




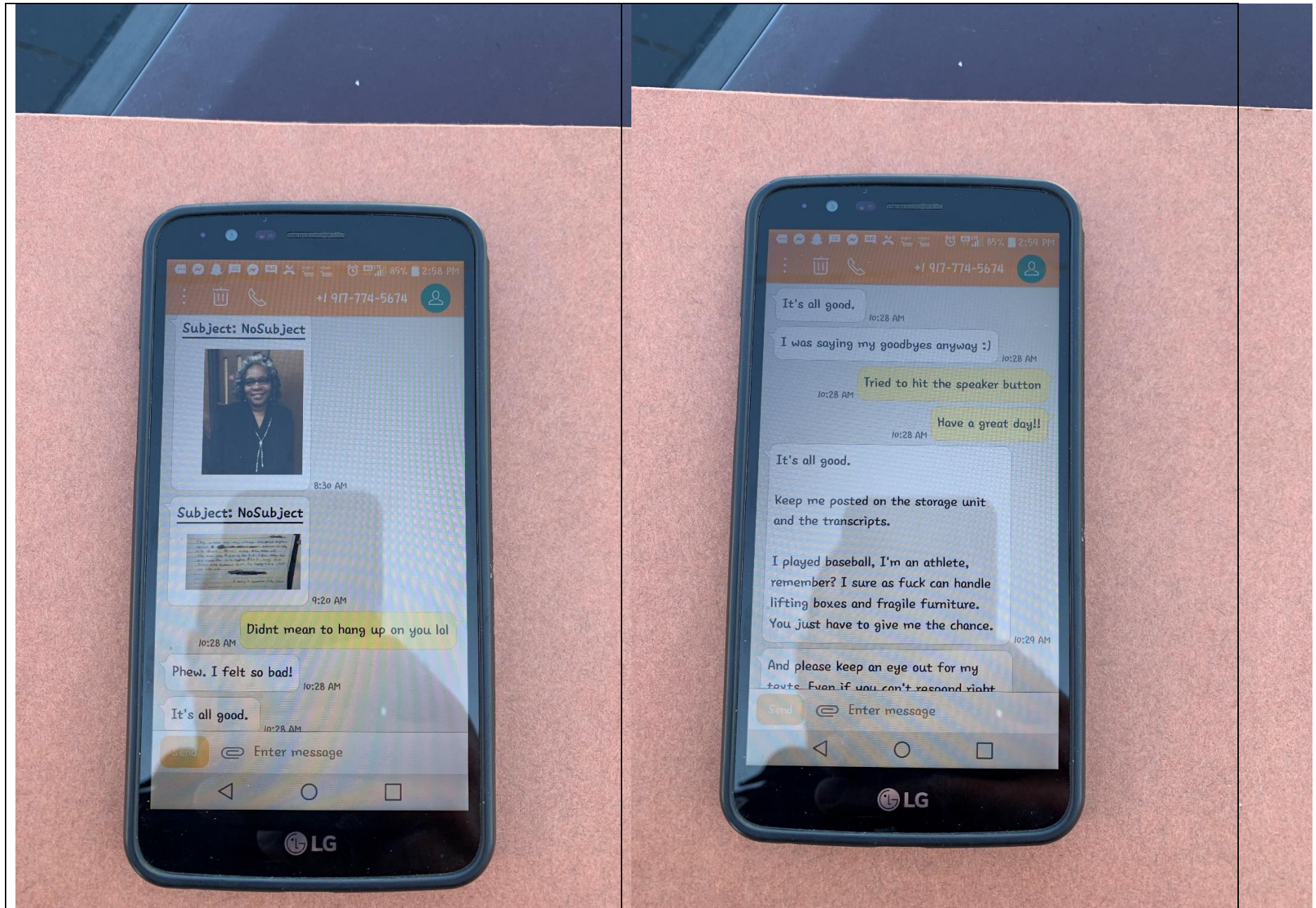




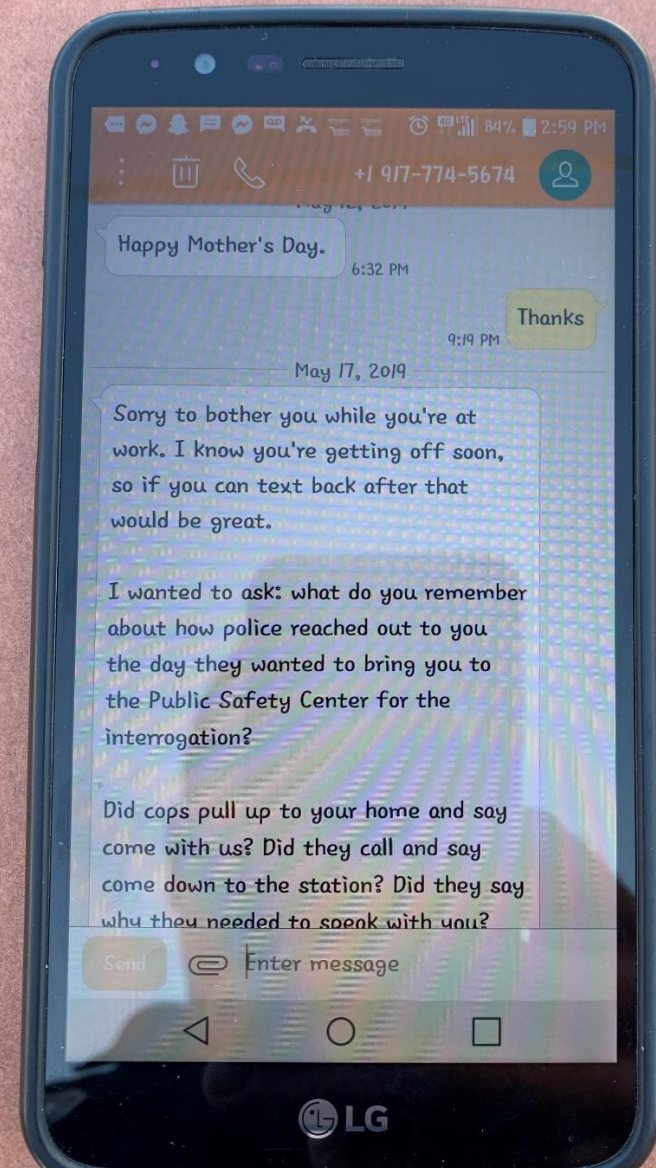
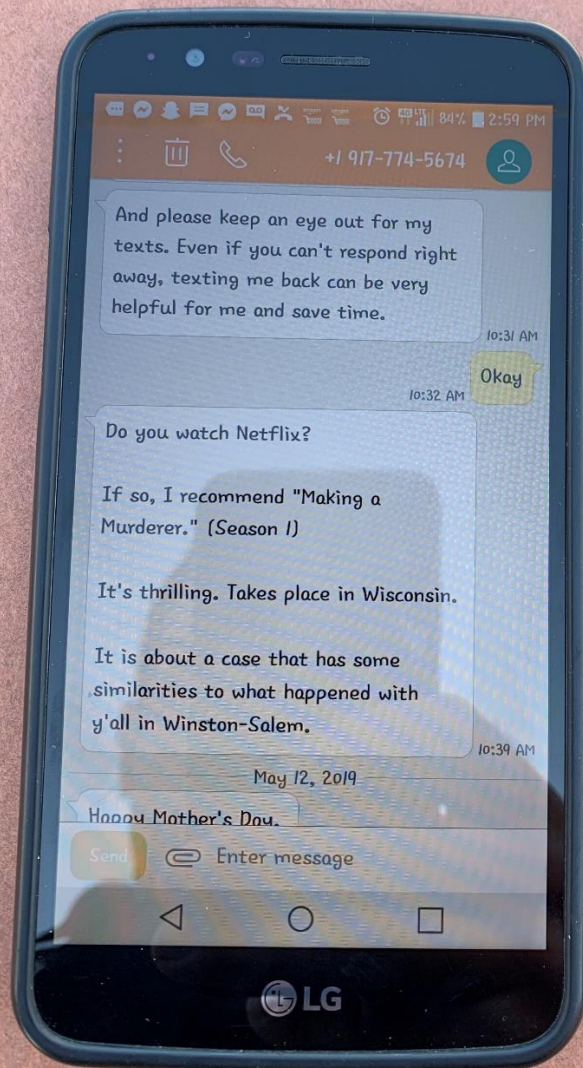




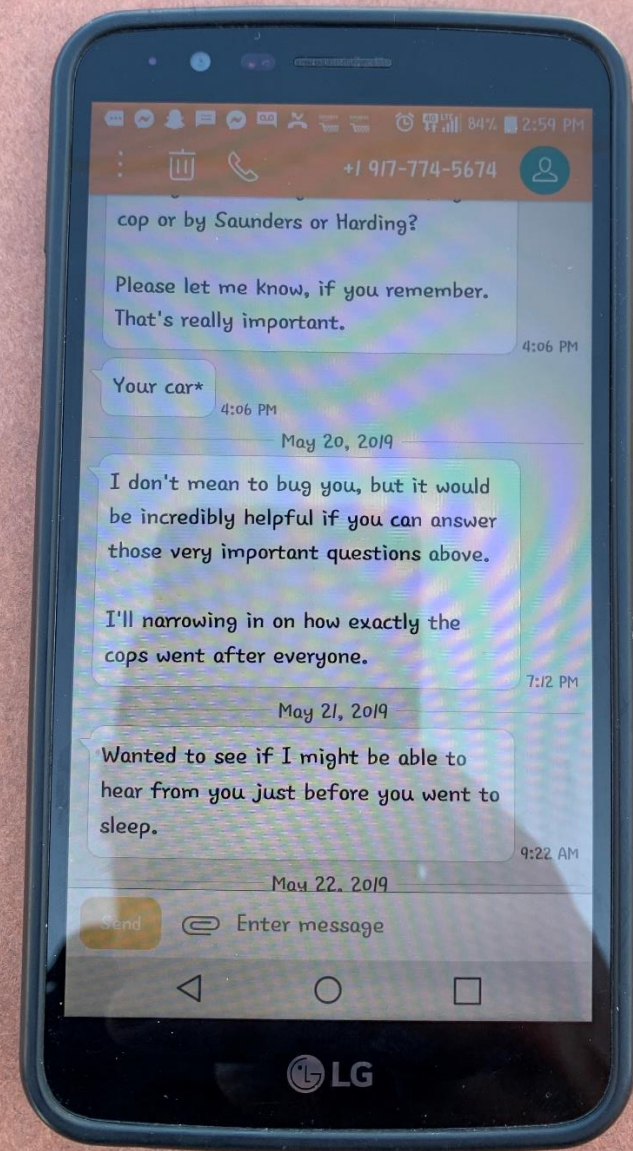
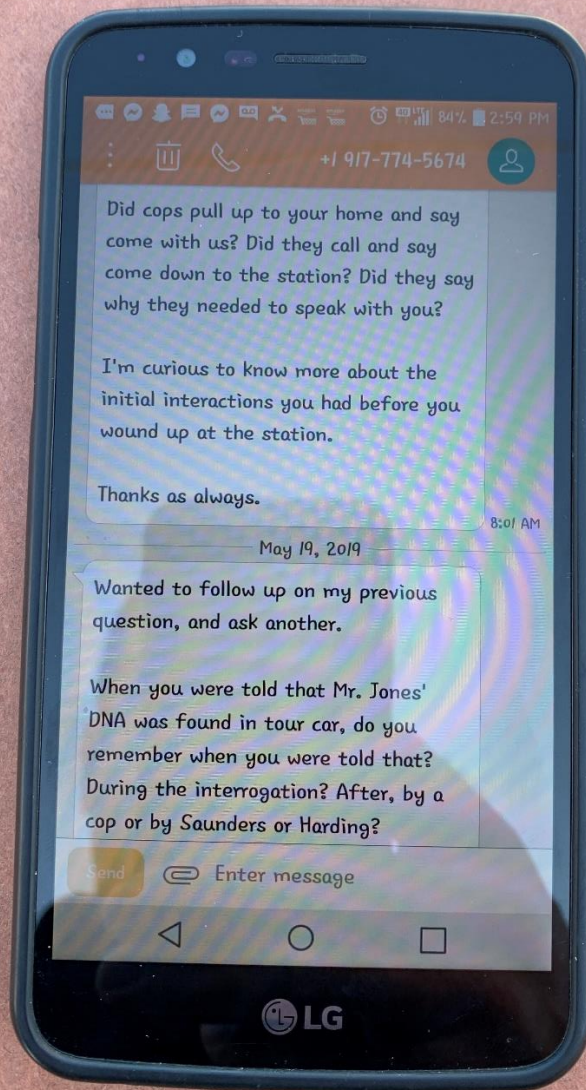




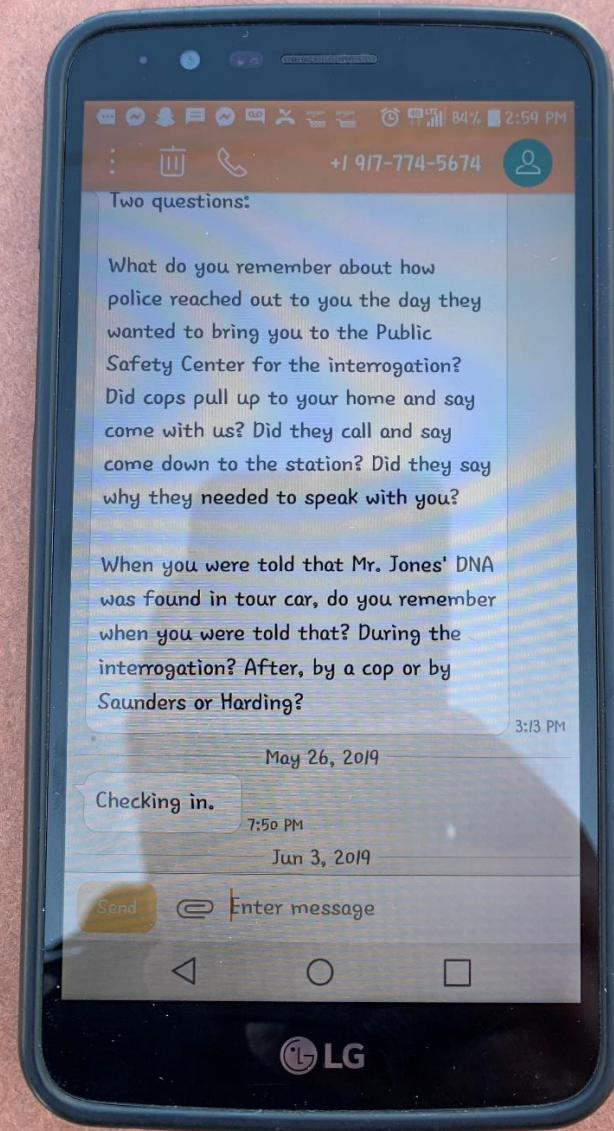
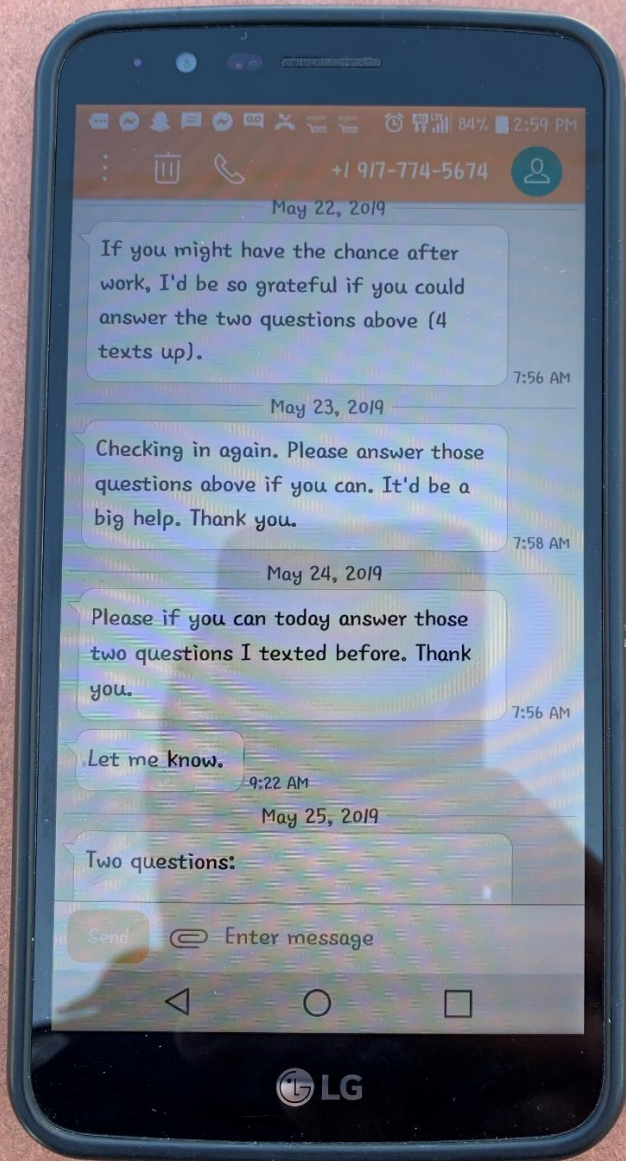




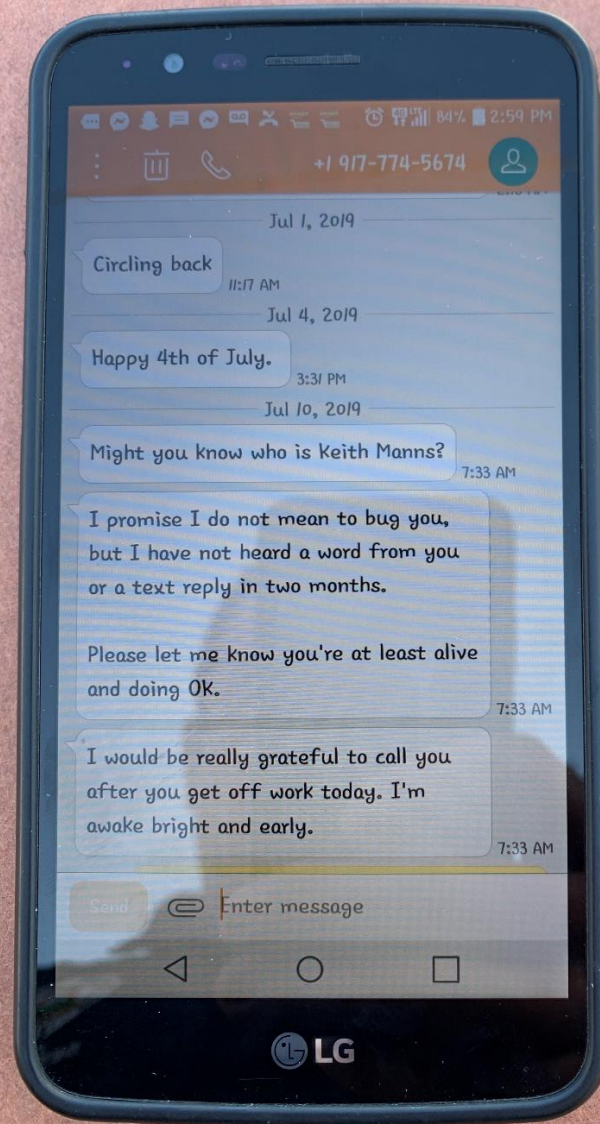
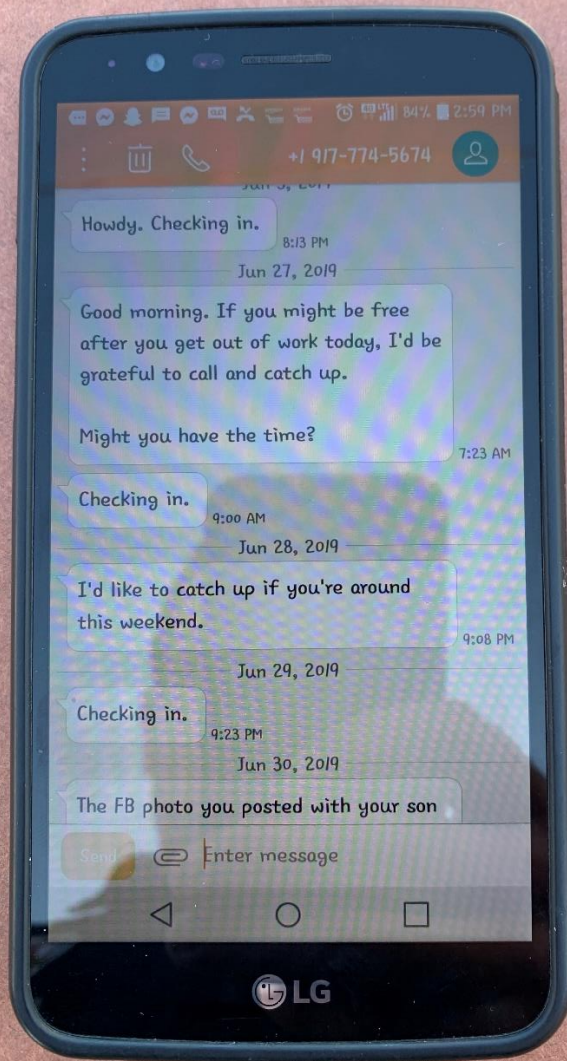




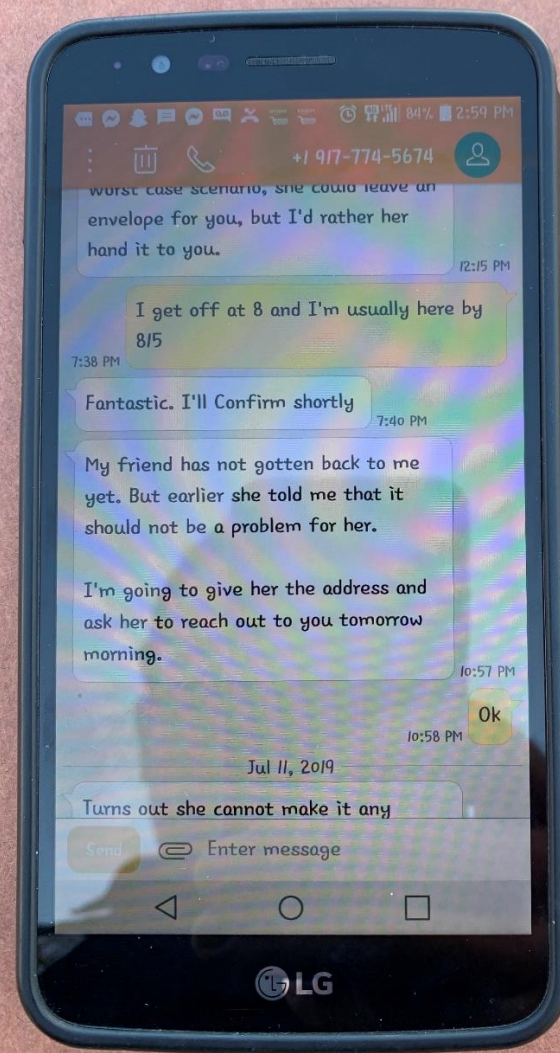
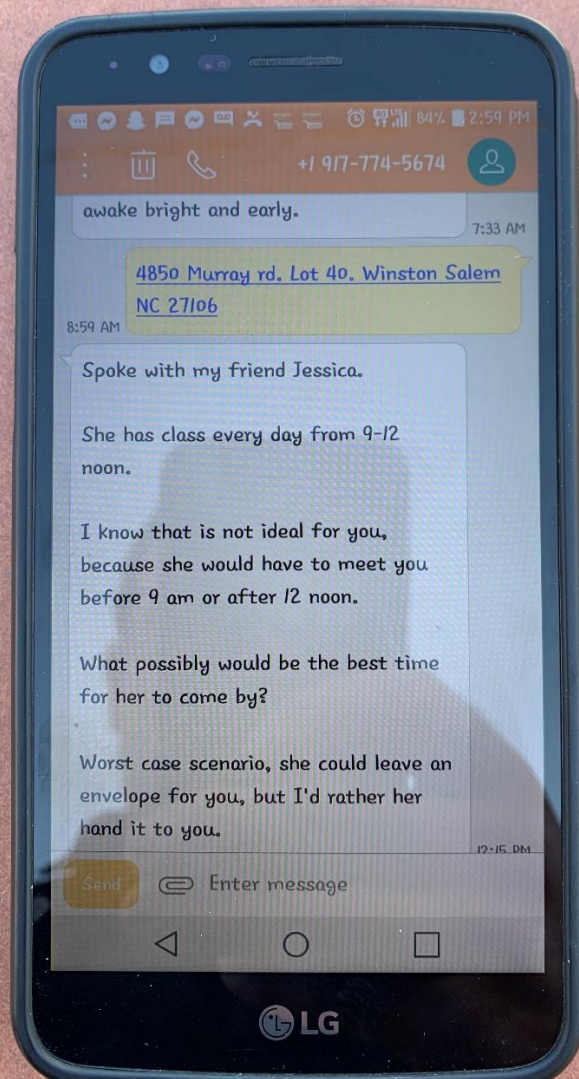




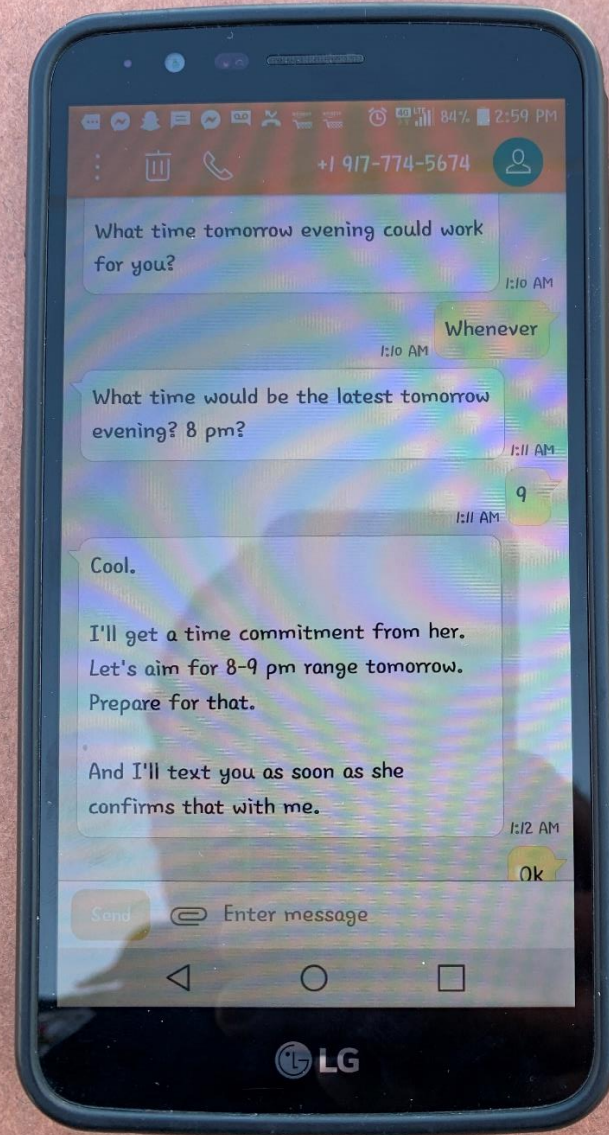
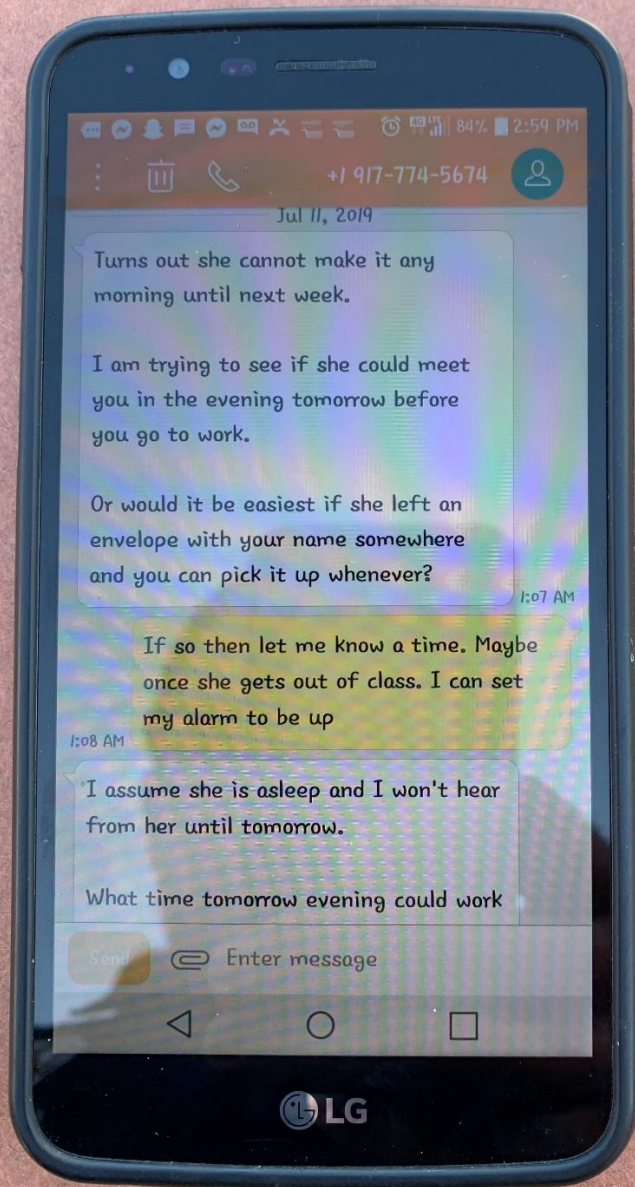




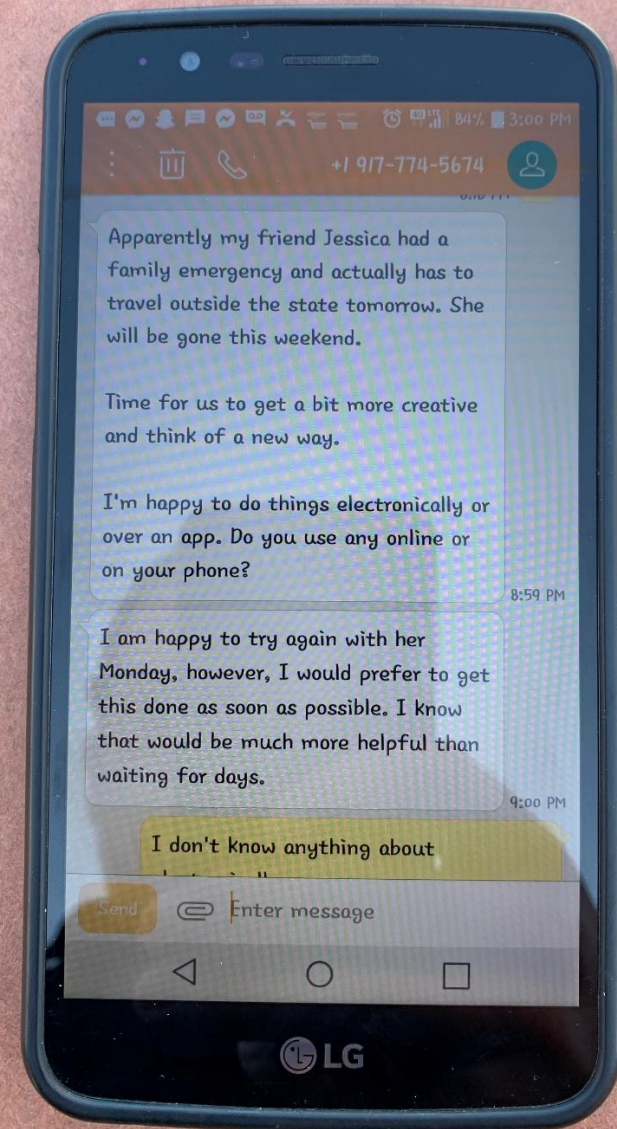
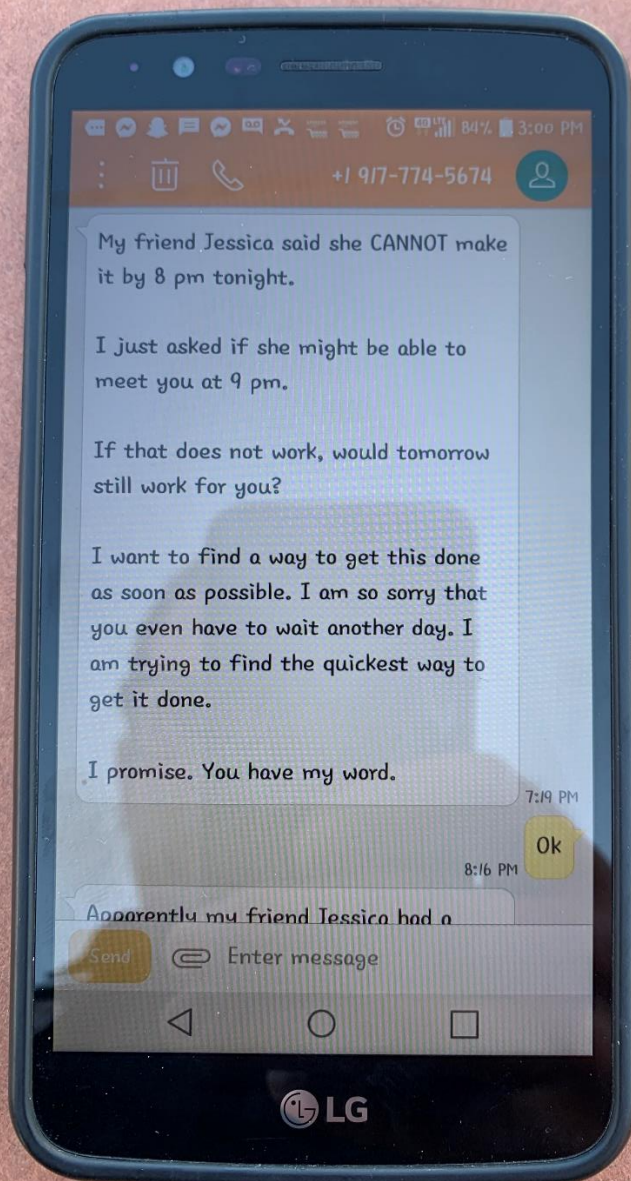




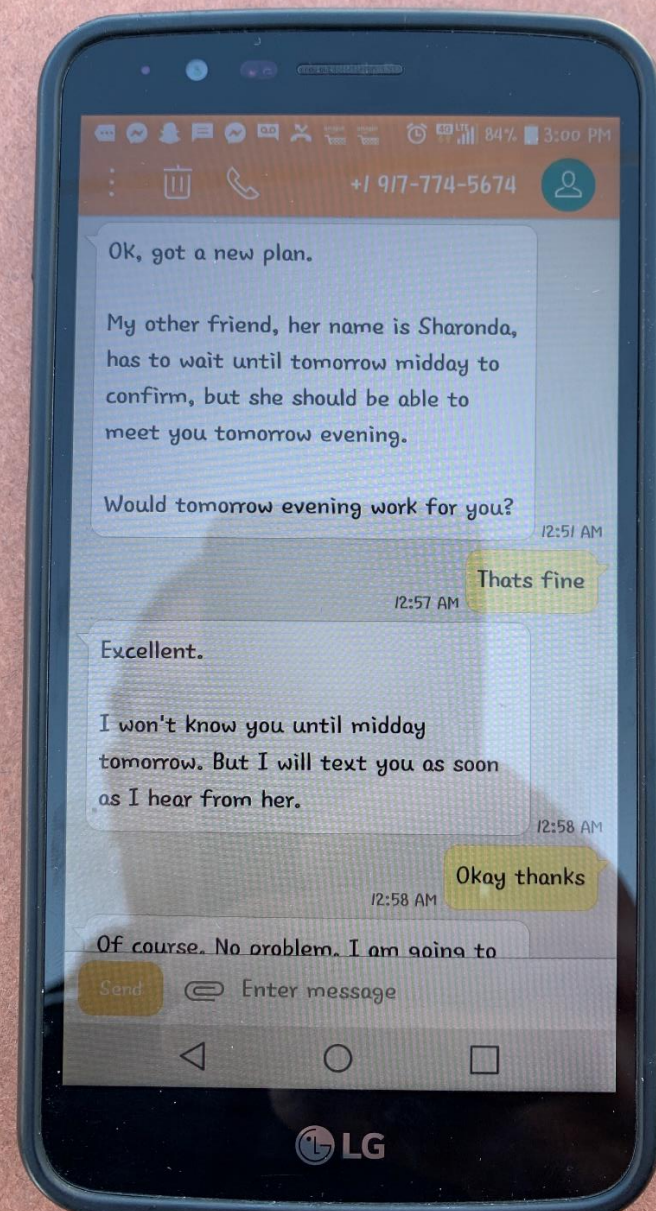
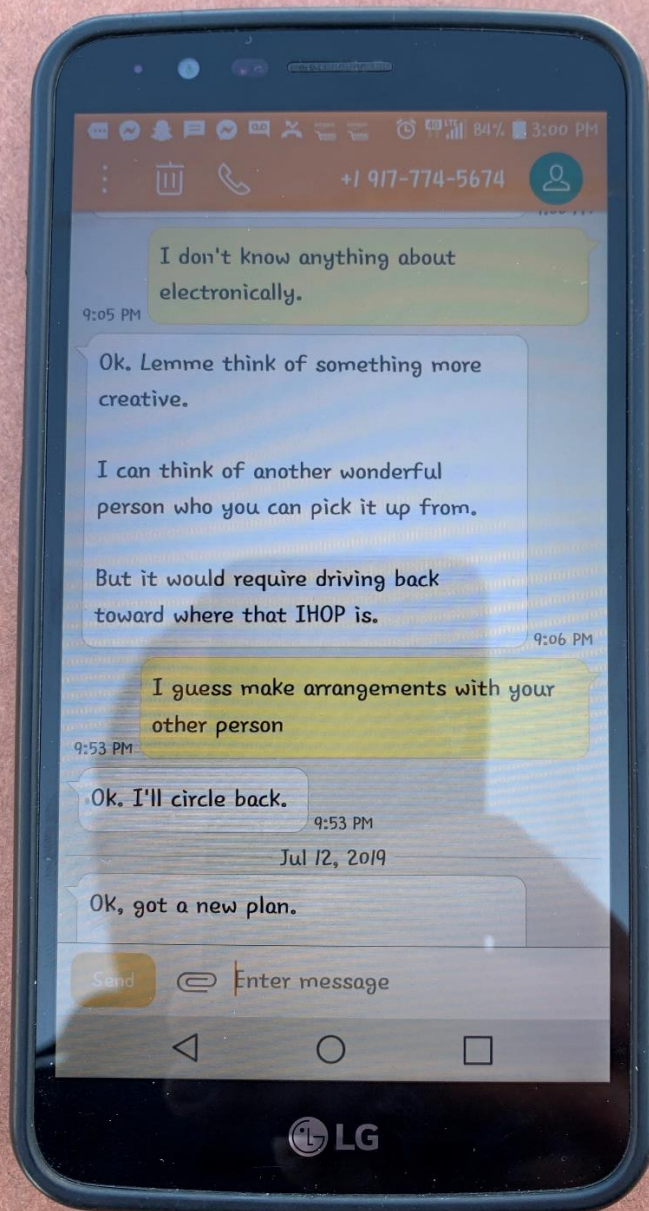




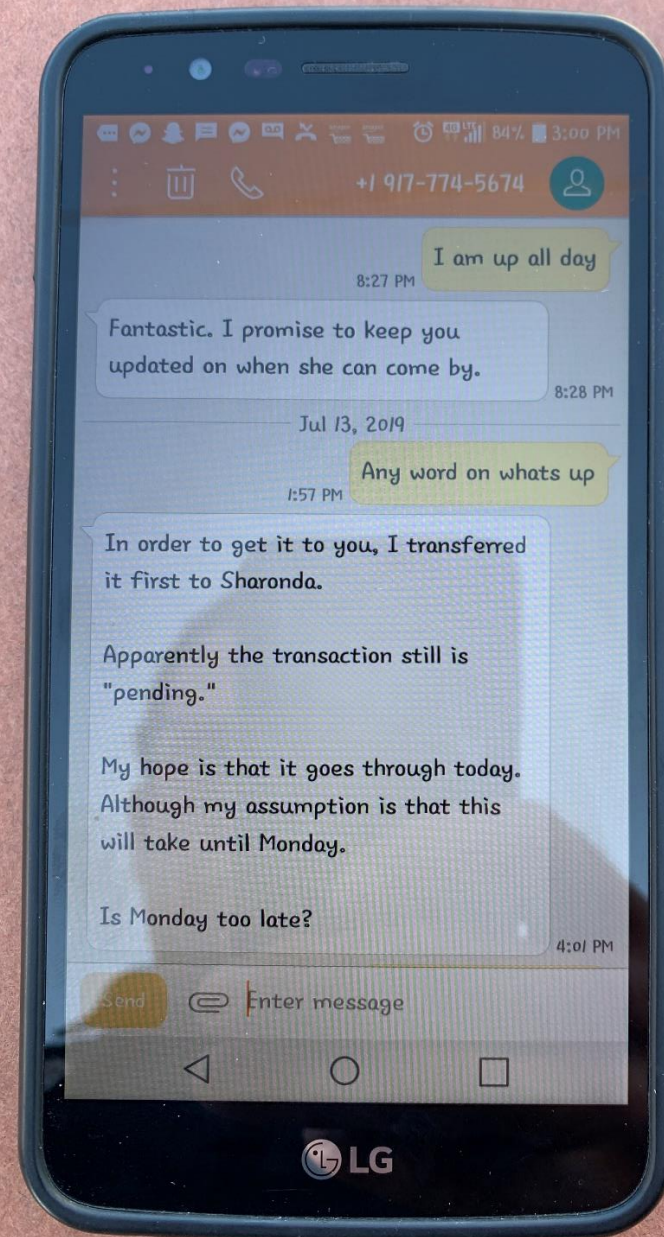
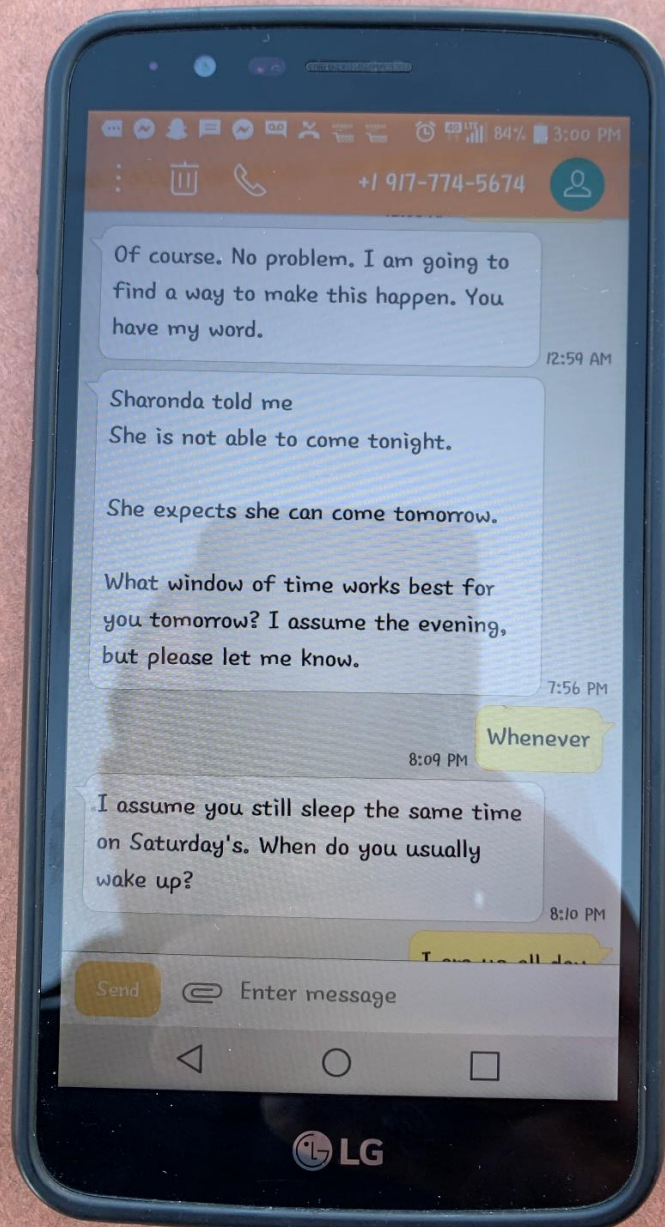




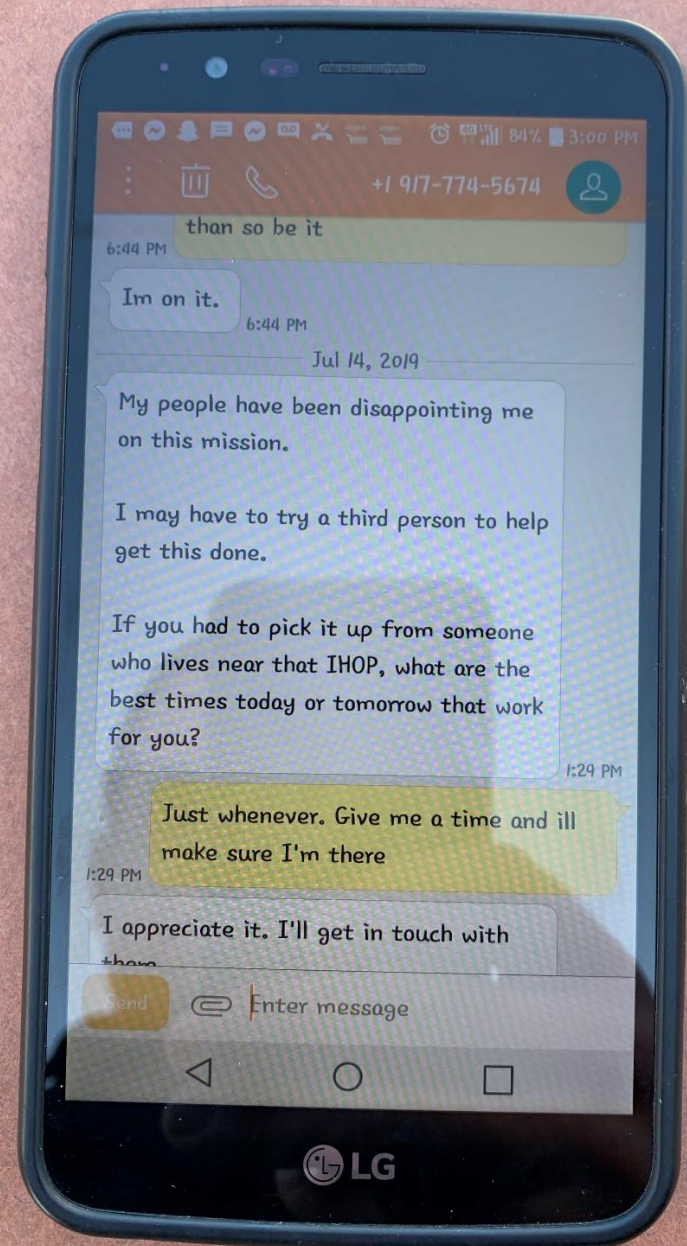
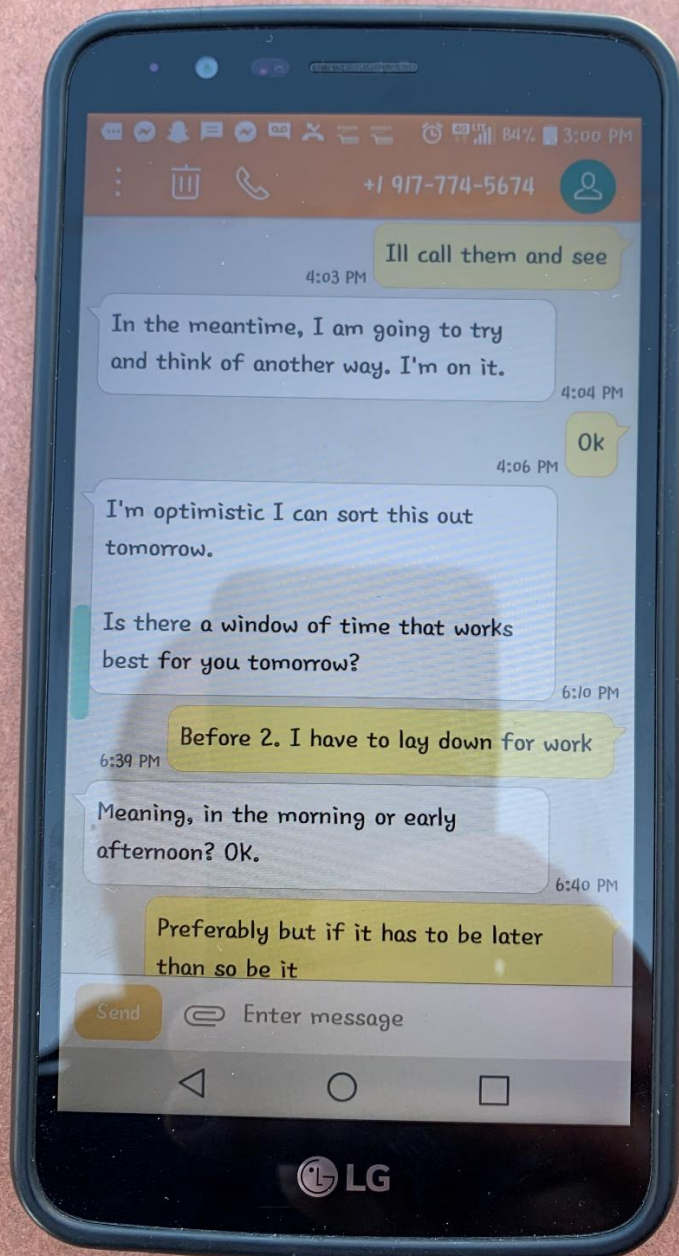




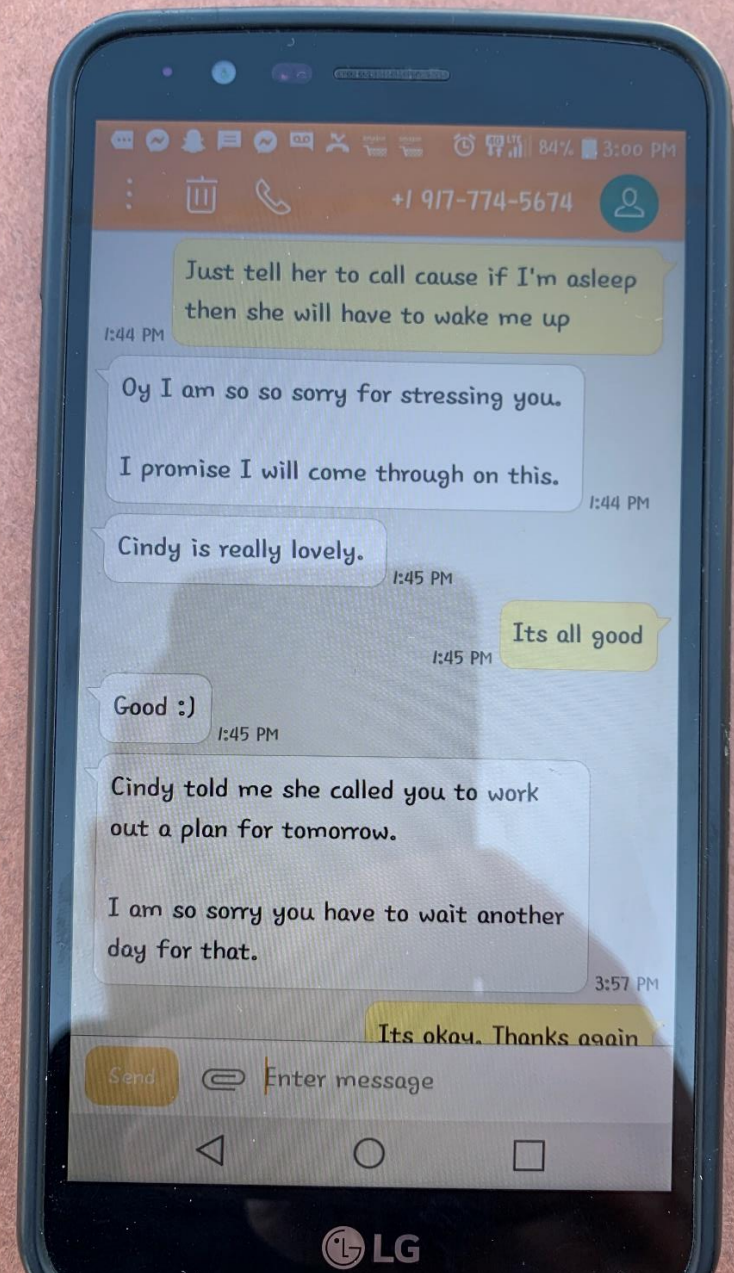
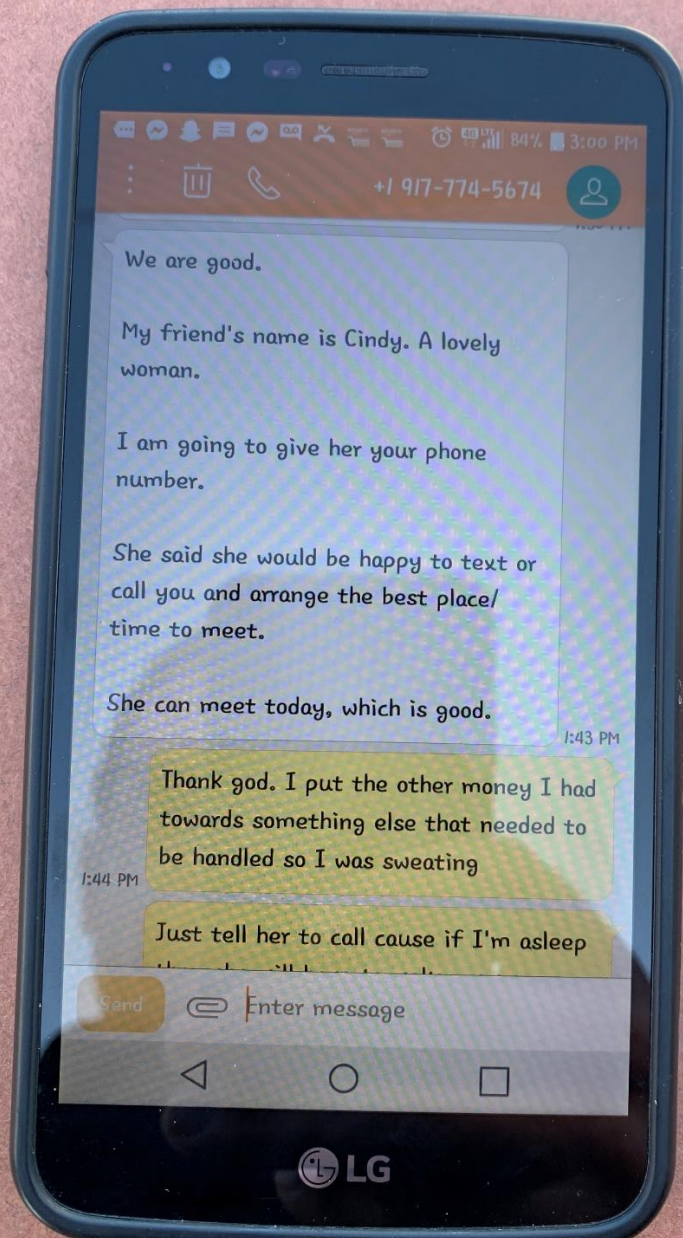




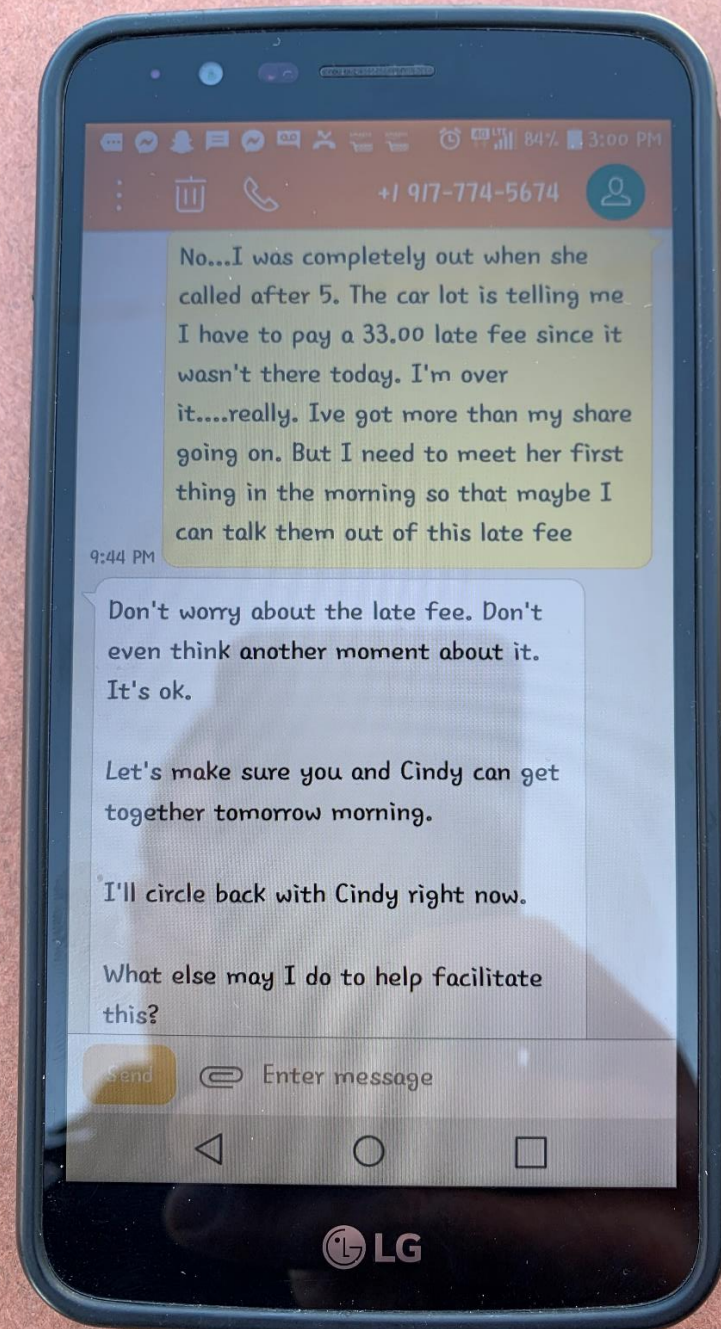
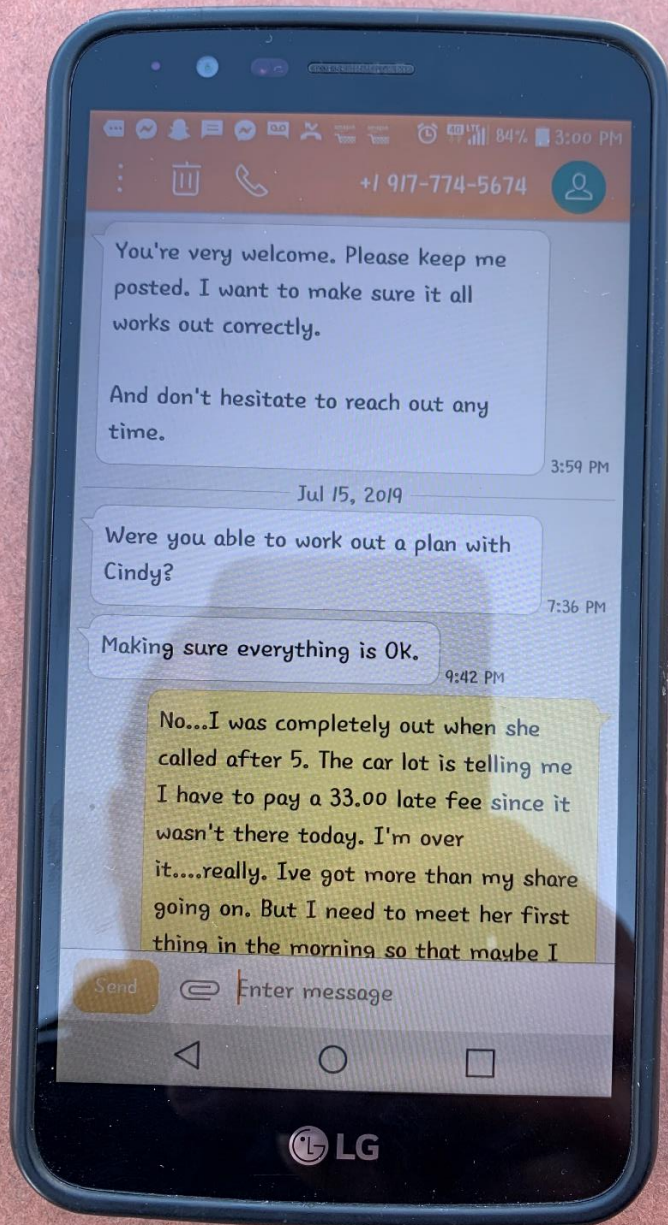




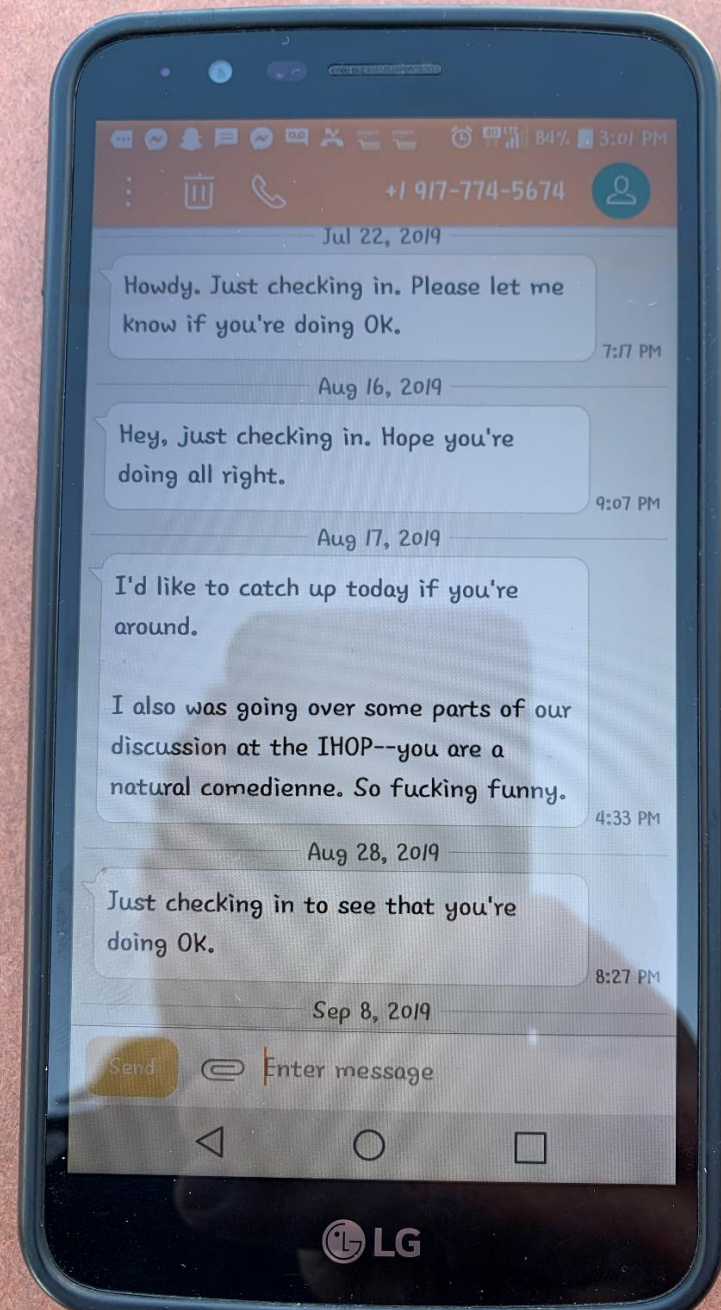
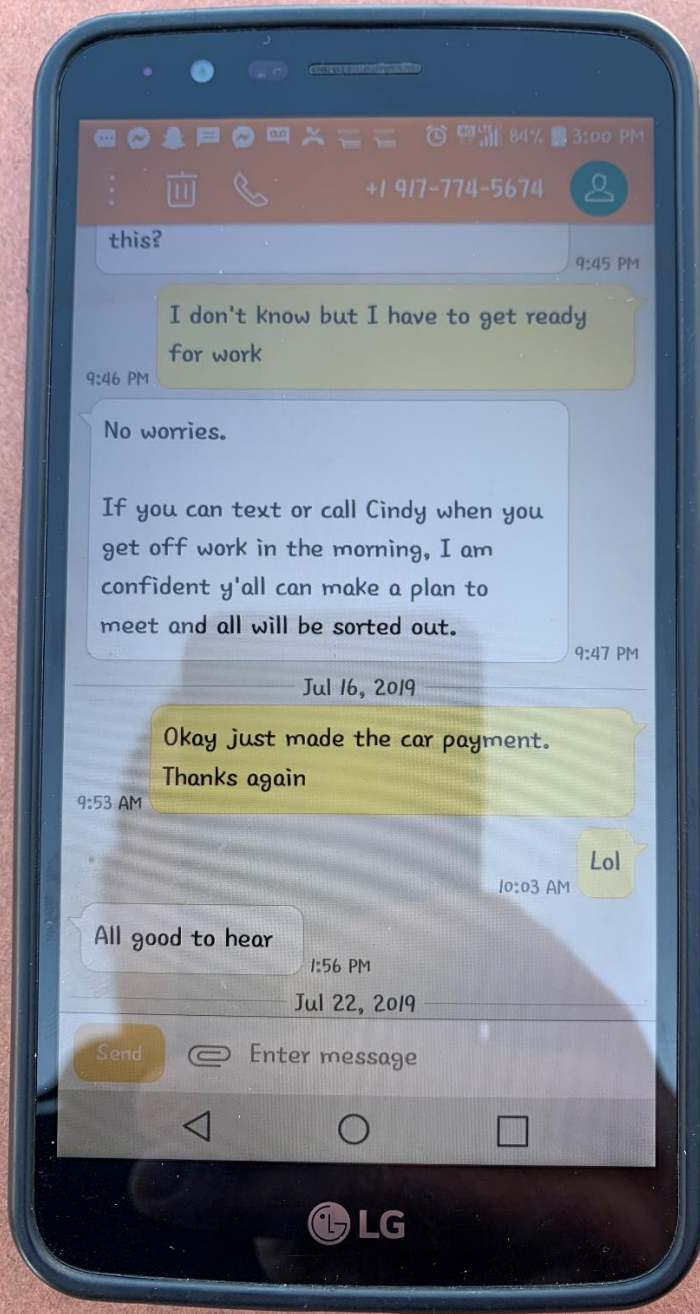




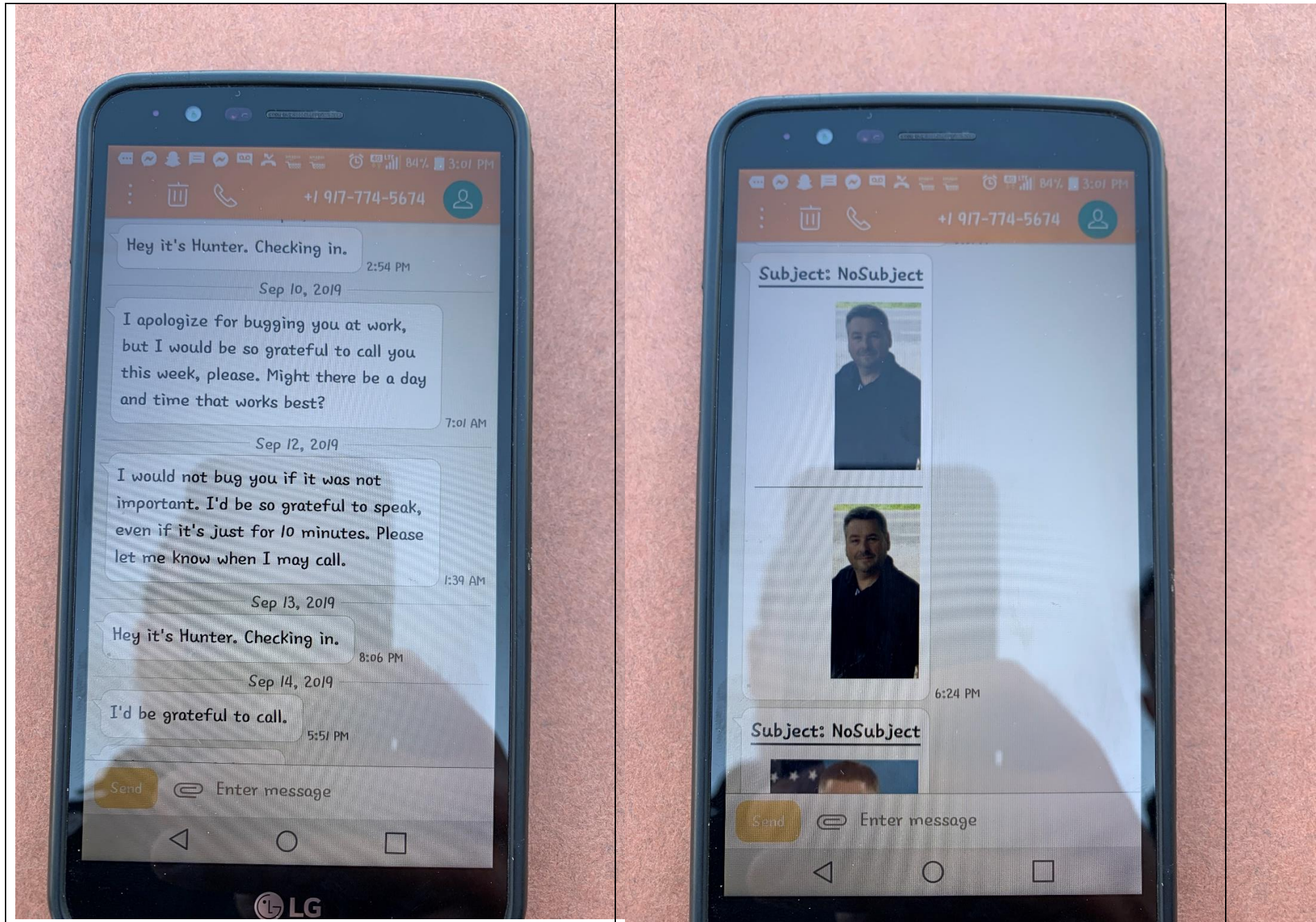




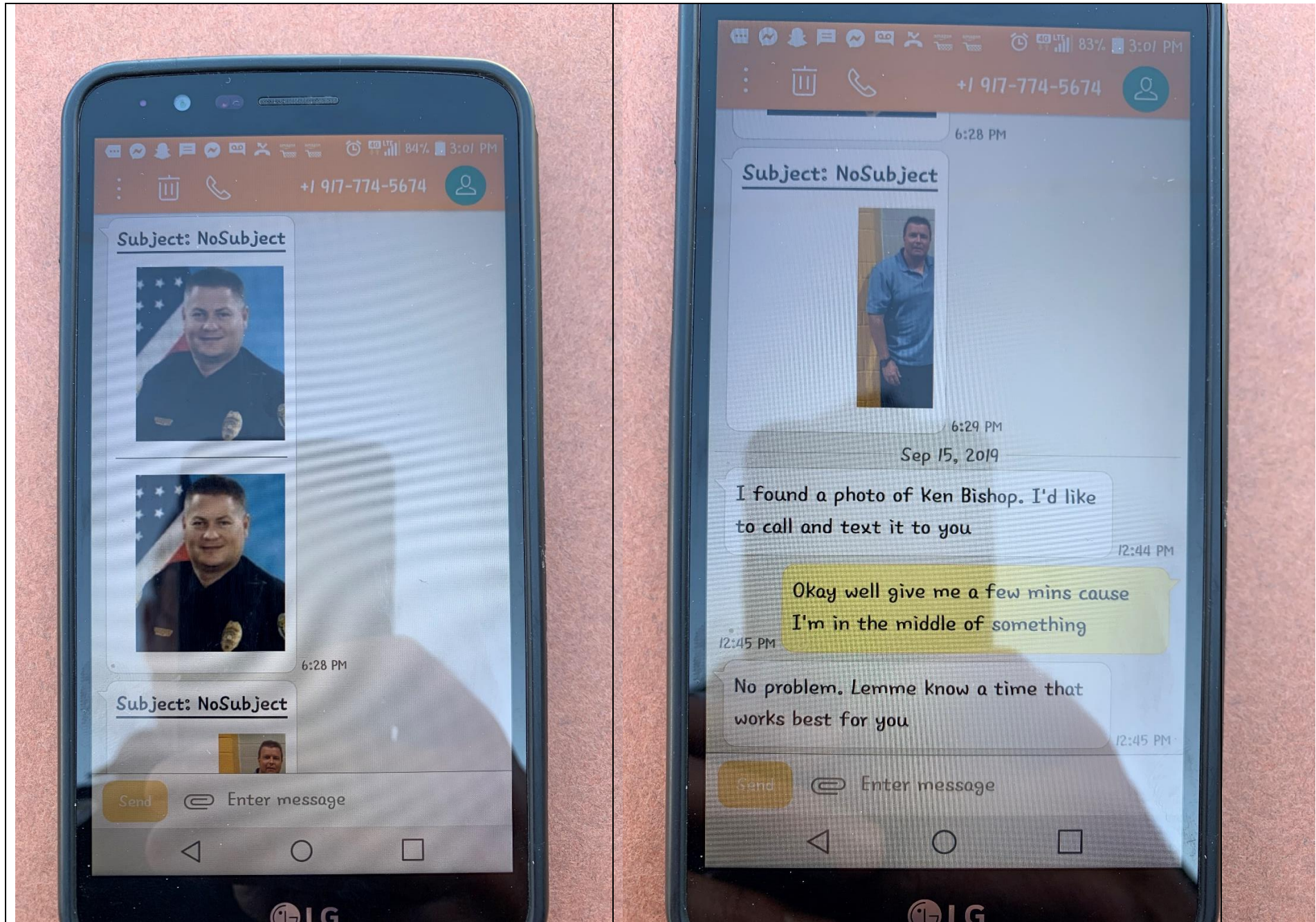




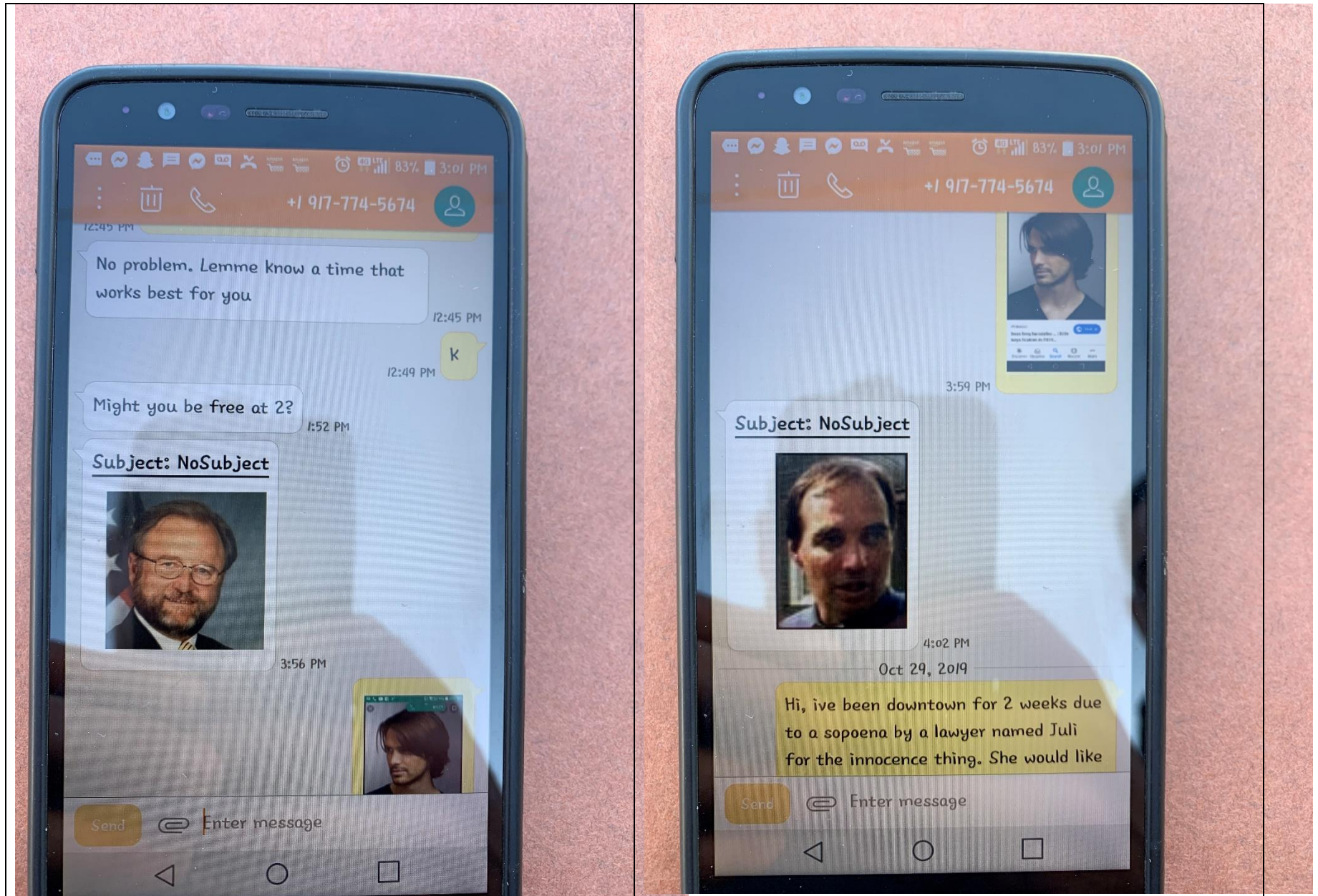




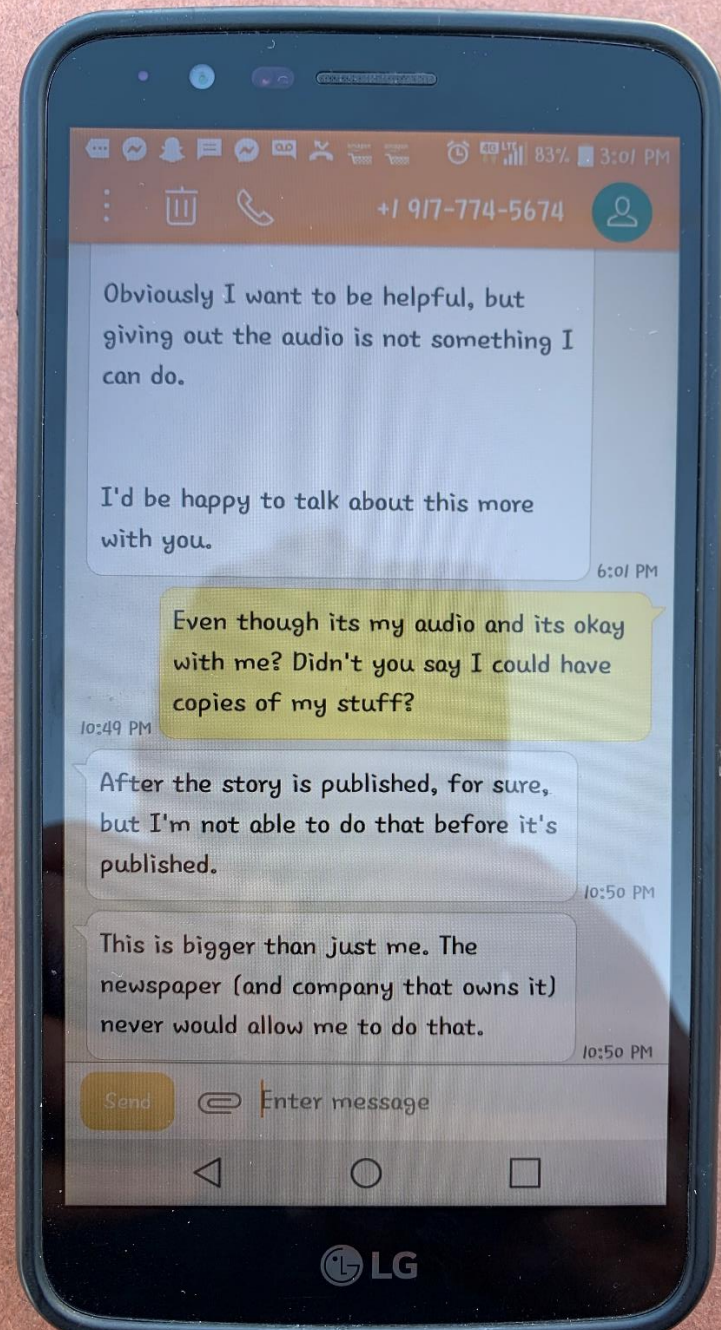
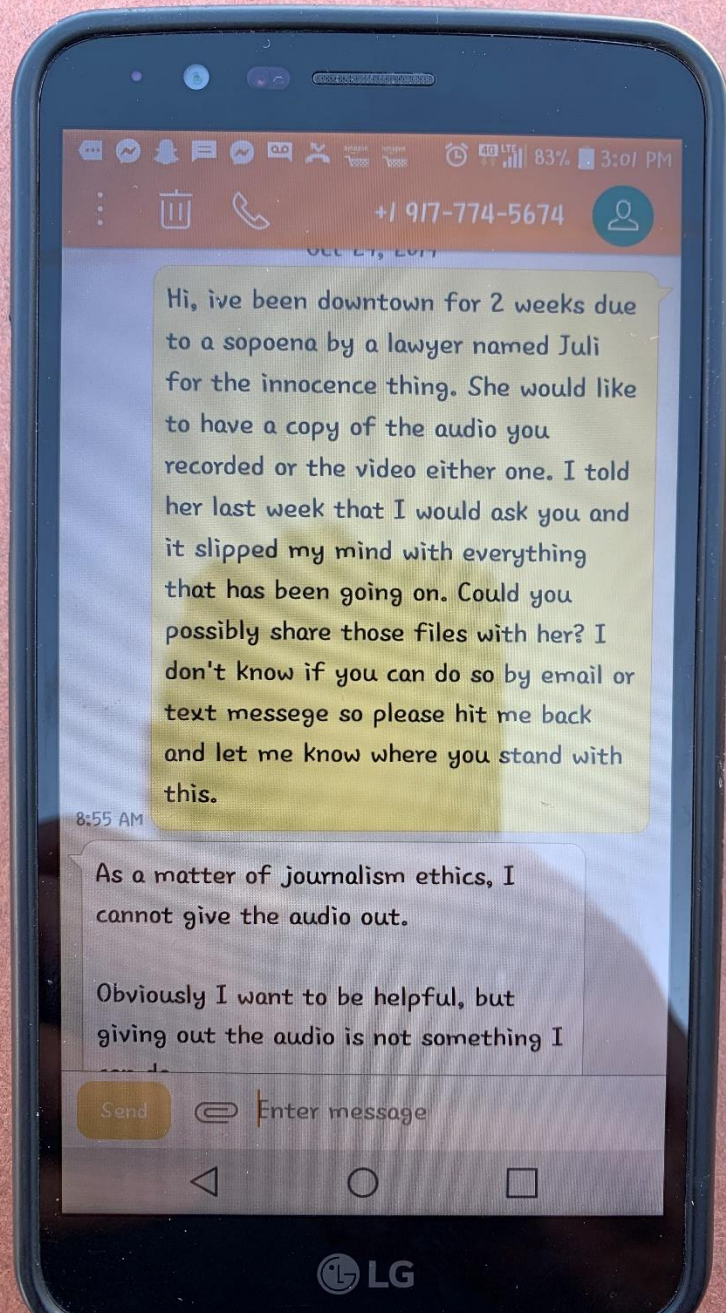




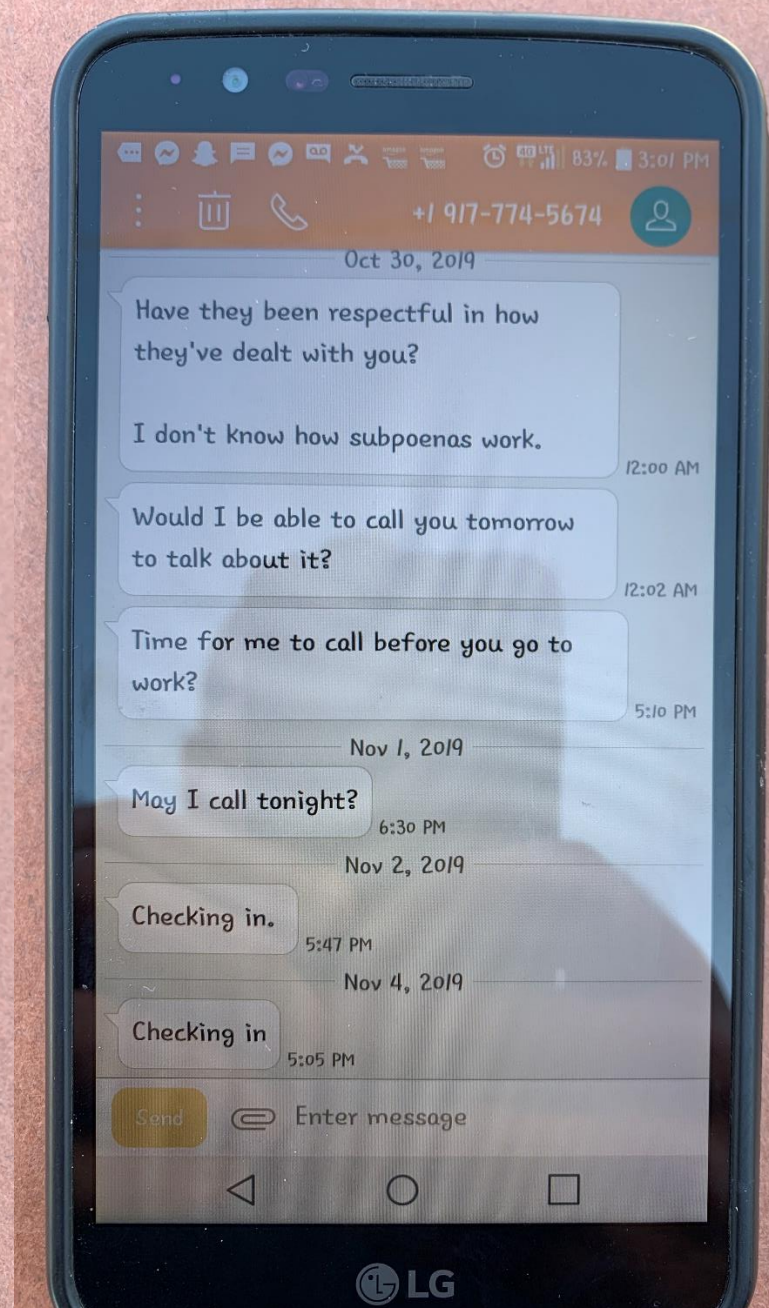
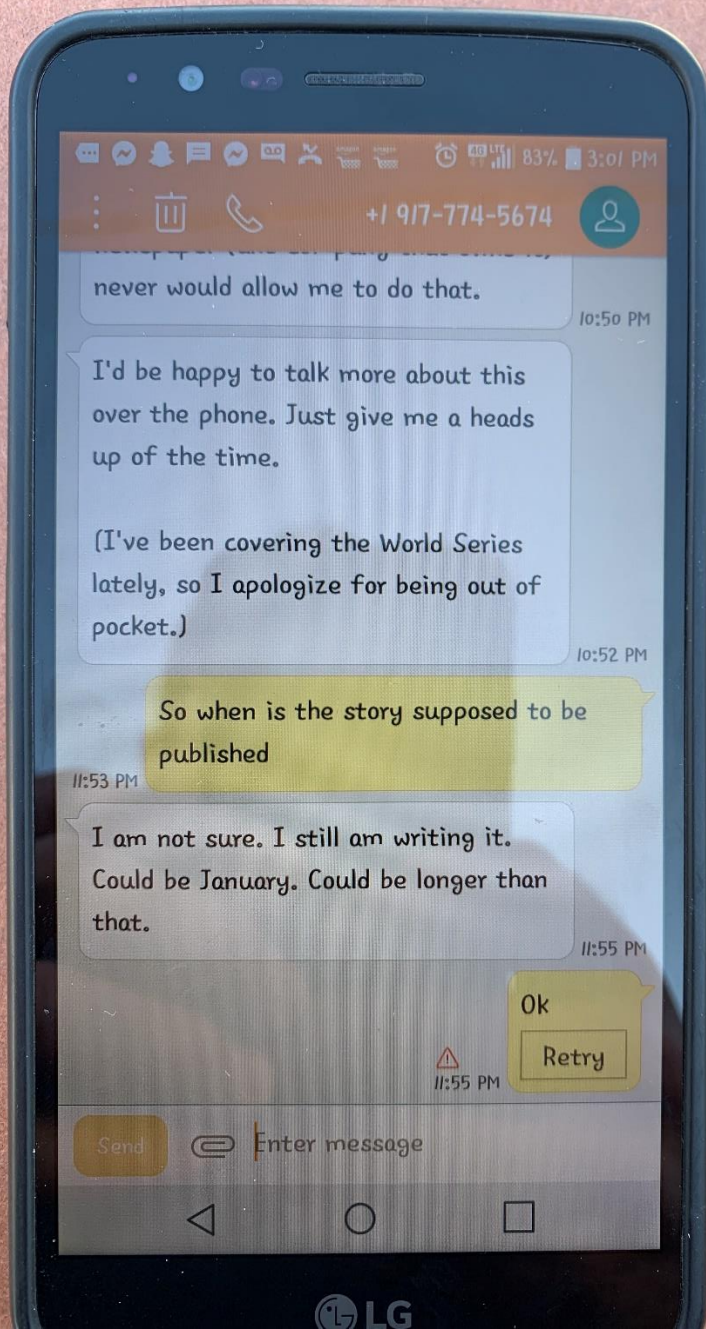




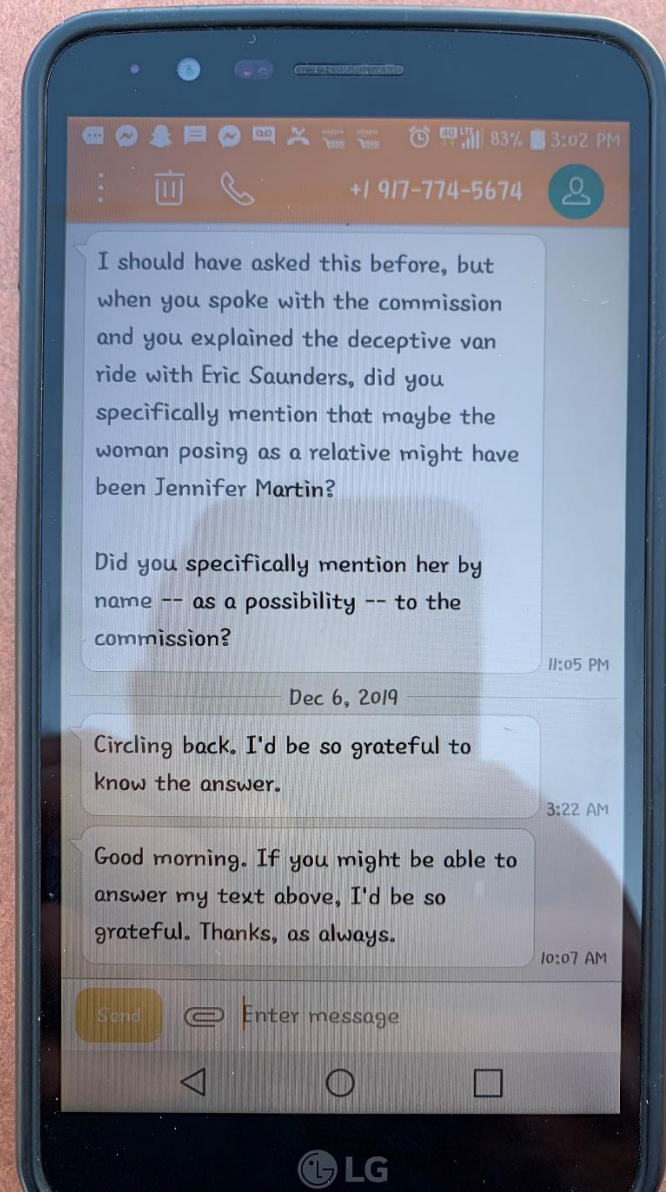
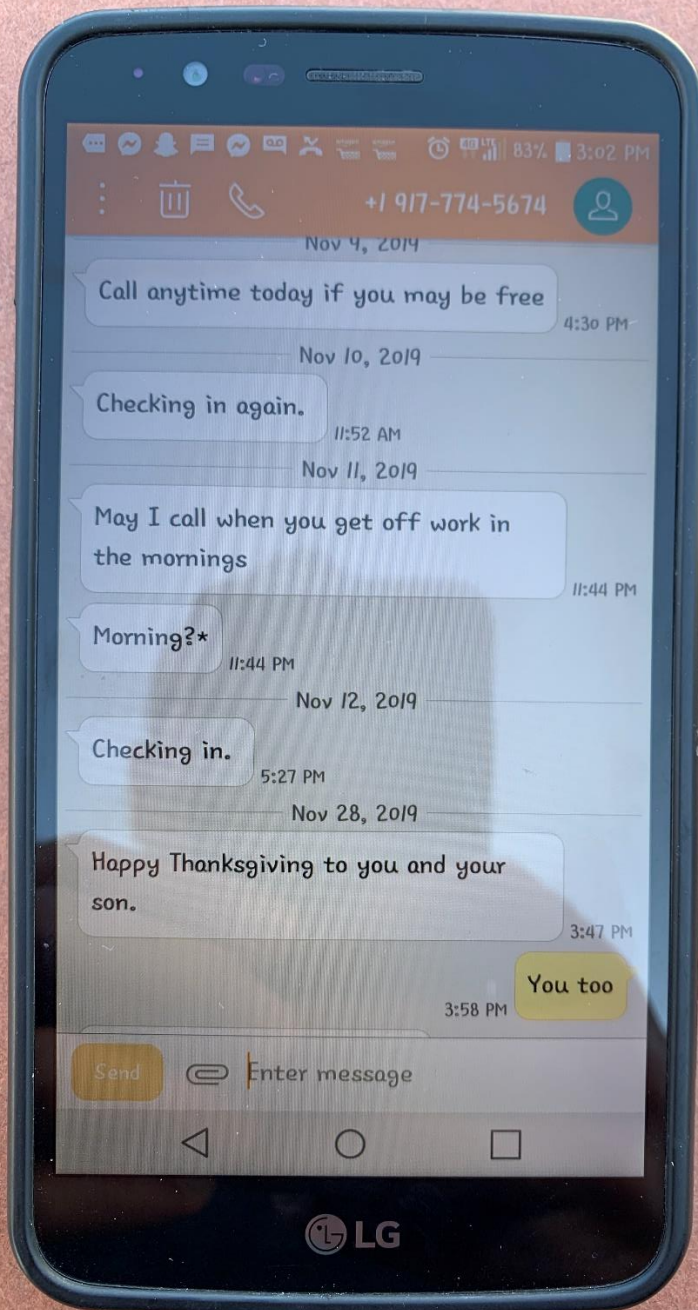




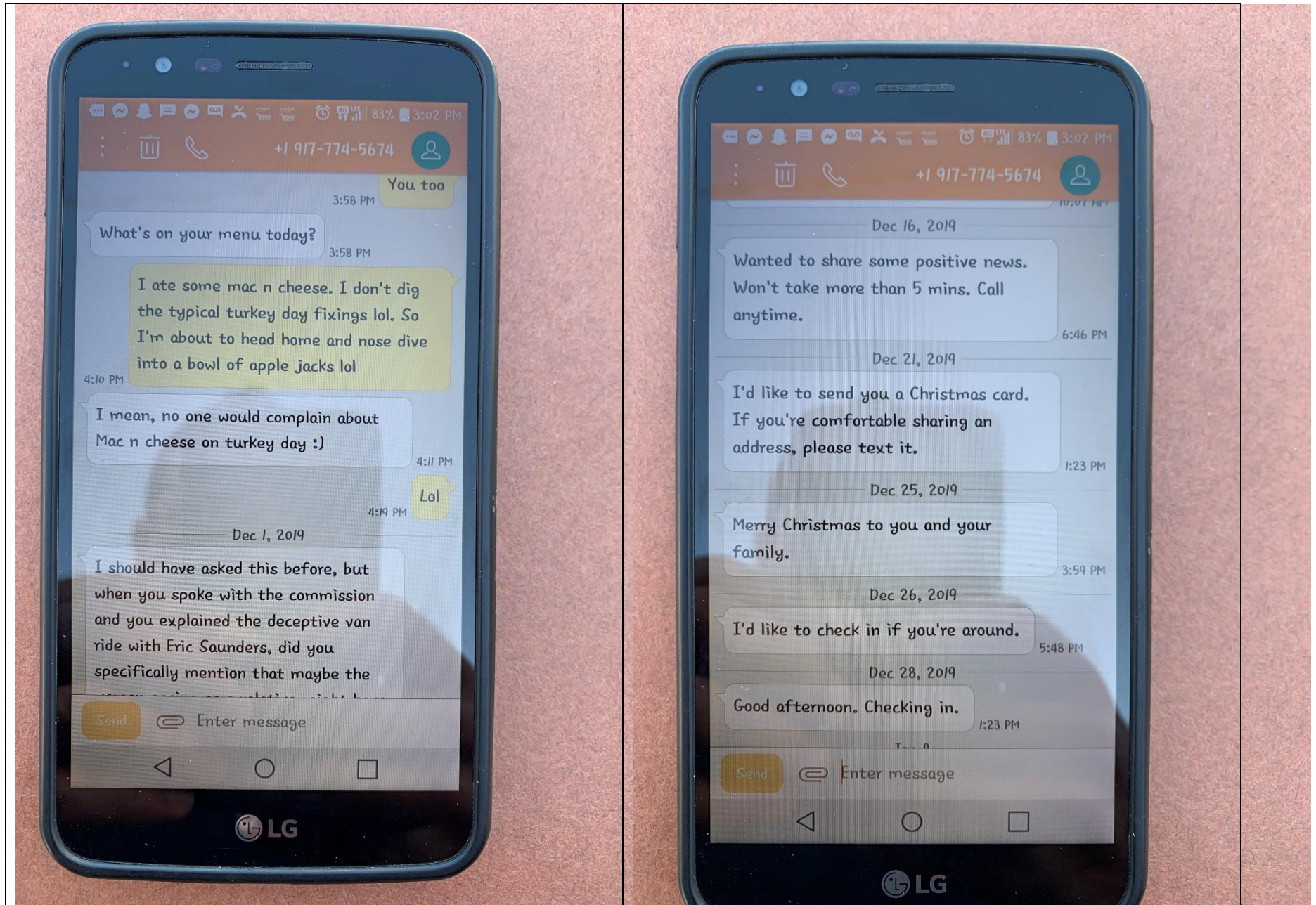




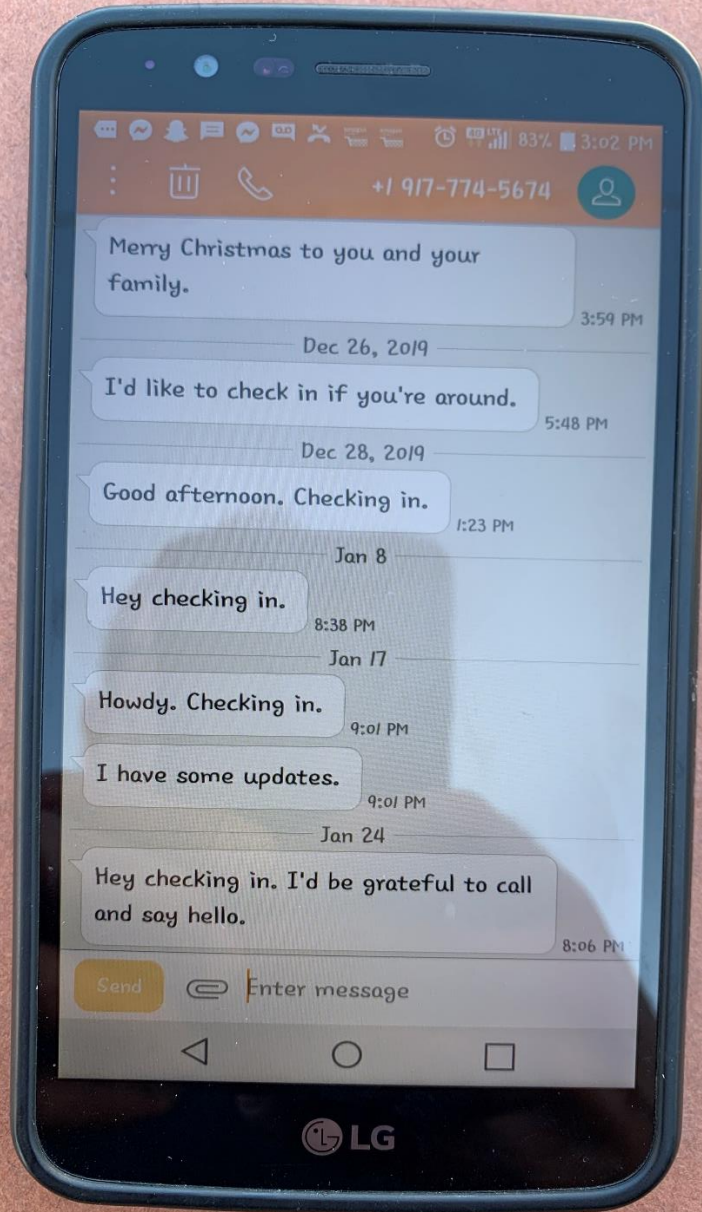














# #5

Picture of Victim's Town Car  
and carport light



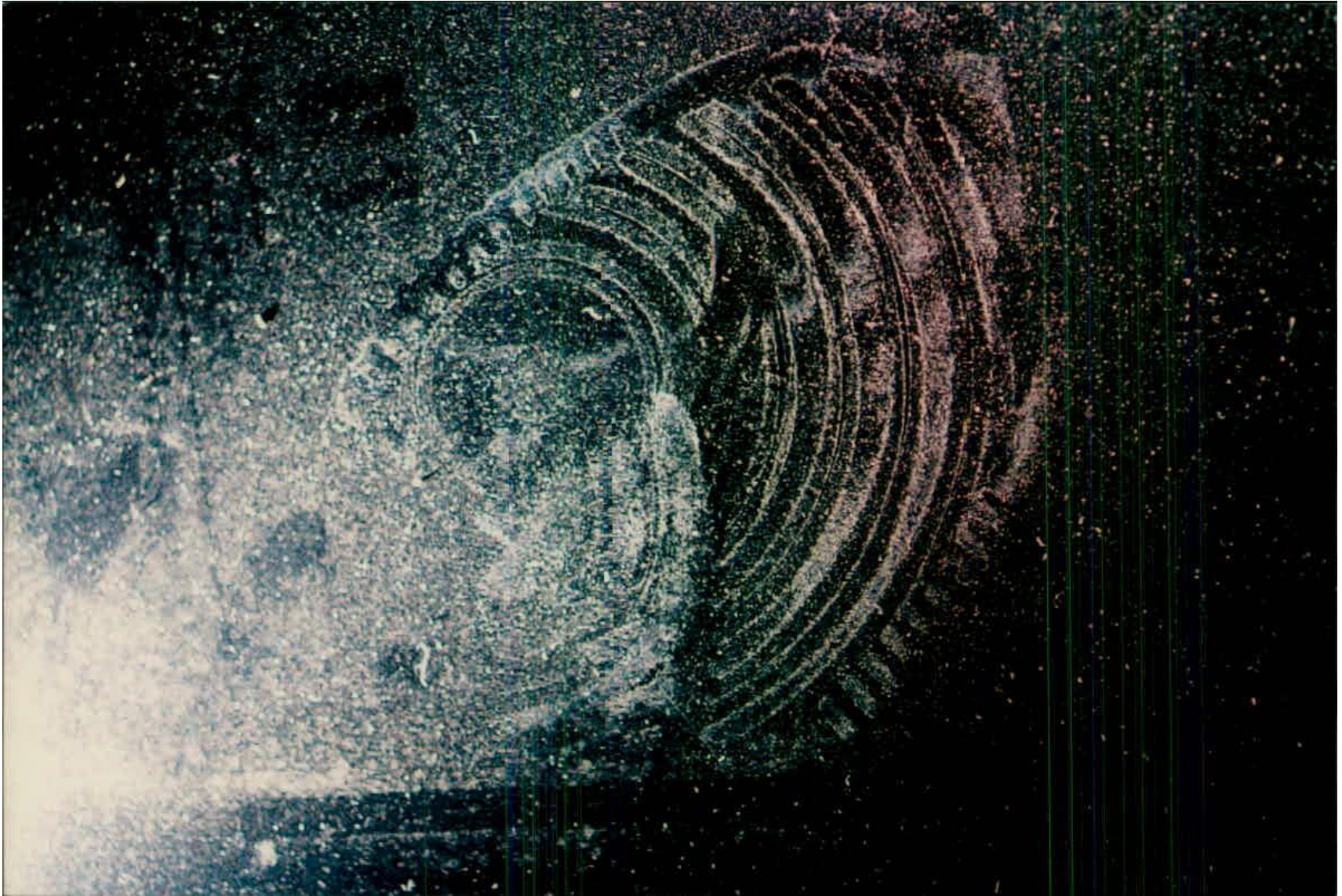




# #6

## Picture of Tennis Shoe Footprint







# Handout 100



16 JUDGE LOCK: We will come back to order.

17 Before we hear from Mr. Williams, I do want  
18 to clarify one thing with regard to the ruling I made  
19 concerning Ms. Guice Smith's tender of Dr. Kelley as an  
20 expert.

21 I thought I said this, but I do want to make  
22 it clear for the record that I was not aware and am not  
23 aware of any North Carolina appellate court case recognizing  
24 confessions or false confessions as an area of expertise or  
25 recognizing such a witness as an expert witness.

*Tori Pittman, AOC-Approved per diem Reporter*  
*PO Box 47, Wake Forest, NC 27588 \* \* \* pittmanstenography.com*



## Testimony of Beth Tanner

1 I certainly do believe there have been a  
2 number of cases across the country, apparently including in  
3 our federal courts, in which such witnesses have been  
4 accepted. It's also quite possible that some trial judge in  
5 our state has allowed such testimony. I'm just not aware of  
6 any appellate court case.

7 And I believe Ms. Tanner has actually done  
8 some research on this issue -- or had done some; is that  
9 correct? I think you passed out a handout?

10 MS. TANNER: Yes, Your Honor. Handout 89.

11 JUDGE LOCK: All right. Do you want to  
12 recall her briefly?

13 MS. SMITH: Yes, please.

14 JUDGE LOCK: All right. Yes, ma'am.

15 She remains under oath.

16 MS. SMITH: The Commission recalls Associate  
17 Director Beth Tanner.

18 (Beth Tanner recalled.)

19 BY MS. SMITH: (1:48 p.m.)

20 Q. Ms. Tanner, can you please provide the  
21 commissioners information related to the cases that are  
22 located in Handout 89.

23 A. Yes.

24 These are both Fourth Circuit Federal District  
25 Court Cases. The first is *United States v*



1     *Rodriguez-Soriano*. That is actually cited in part by the  
2     district attorney's statement there.

3             In that case -- while the Court in that case  
4     ultimately determined that the expert there would be  
5     excluded -- that starts on page 2 of 3 in that case under  
6     header "Reliability of the Expert." On page 3 of 3, the  
7     Court goes on to provide that "This is not to say that false  
8     confession expert testimony would be unhelpful to a jury in  
9     every case."

10            That paragraph cites another case, the *Belyea*  
11     case, which is the second case -- or maybe it's the first --  
12     in your handout as well.

13            It says that "However" -- in the *Rodriguez* case it  
14     says "However, such testimony is inappropriate in this case.  
15     Here, unlike in *Belyea*, the defense presented no  
16     corroborating evidence to suggest that  
17     Mr. Rodriguez-Soriano's confession was false." And then it  
18     goes on to describe that more as to what evidence that is.

19            In *Belyea*, that court was reviewing the trial  
20     Court's -- that Court was looking at an exclusion of an  
21     expert as well, and what it was looking at is whether or not  
22     the Trial Court had abused its discretion in excluding the  
23     expert, which is the standard when they're back looking at  
24     that. And what the Court there said is that the Trial Court  
25     did because it simply did not go through the different



1 factors of whether or not that expert would be helpful. So  
2 it laid those out there.

3 So we provided both of those cases for you-all.

4 I think the district attorney's statement also  
5 says that there is no North Carolina appellate court or  
6 Supreme Court decision since *Daubert* has been used in North  
7 Carolina as to state court decisions, and that was -- I also  
8 do not find anything in that in North Carolina state --  
9 appellate court or supreme court.

10 MS. SMITH: Are there any questions for  
11 Ms. Tanner?



## **United States v. Rodriguez-Soriano**

United States District Court for the Eastern District of Virginia, Alexandria Division

December 11, 2017, Decided; December 11, 2017, Filed

Case No. 1:17-cr-197

### **Reporter**

2017 U.S. Dist. LEXIS 205341 \*; 2017 WL 6375970

UNITED STATES OF AMERICA v. CHRISTOPHER  
RODRIGUEZ-SORIANO, Defendant

## **Opinion**

**Subsequent History:** Decision reached on appeal by,  
Remanded by United States v. Rodriguez-Soriano, 2019  
U.S. App. LEXIS 22083 (4th Cir. Va., July 24, 2019)

## **Core Terms**

false confession, expert testimony, confession, guns,  
reliability, interview

**Counsel:** [\*1] For Christopher Rodriguez-Soriano, also  
known as Christopher Soriano, also known as  
Christopher Soriano-Rodriguez, Defendant: Shannon  
Quill, LEAD ATTORNEY, Office of the Federal Public  
Defender (Alexandria), Alexandria, VA; Ann Mason  
Rigby, Office of the Federal Public Defender (Alexandria  
N/A), Alexandria, VA.

For USA, Plaintiff: Nathan Taran, LEAD ATTORNEY,  
Sean Wright, US Attorney's Office (Alexandria-NA),  
Alexandria, VA.

**Judges:** Hon. Liam O'Grady, United States District  
Judge.

**Opinion by:** Liam O'Grady

### **MEMORANDUM OPINION**

Before this Court is the Government's Motion to Exclude the Testimony of Brian Cutler (Dkt. 33). The Government seeks to exclude Defendant's proffered expert Dr. Brian L. Cutler, who would testify as an expert in social and forensic psychology about interrogation techniques and the phenomenon of false confessions. See Dkt. No. 33-1; Dkt. No. 44 at 1-2.

The Court reviewed the pleadings, as well as an audio recording and transcript of the interview during which Mr. Rodriguez-Soriano confessed. Based on this review and oral arguments heard on December 1, 2017, the Court found that Dr. Cutler's proposed testimony raised insurmountable reliability issues and would invade the province of the jury. [\*2] The Government's motion was therefore **GRANTED**. The Court issued an Order to that effect on December 1, 2017 to give notice to the parties as they prepared for the December 6 trial date. The memorandum opinion that follows more fully explains the Court's reasoning in granting the Government's motion.

### **I. Factual Background**

On November 15, 2016, a District of Columbia Metropolitan Police Department Homicide Detective informed federal agents that an incarcerated cooperator had told him that the cooperator owned a gun that had been used in a homicide, and that Mr. Rodriguez-Soriano had purchased the gun for the cooperator. Dkt. 44 at 2. An agent obtained records from retailer Gander Mountain which appeared to show that Mr. Rodriguez-Soriano had purchased two pistols on July 25, 2016. *Id.*



On November 18, 2016, two federal agents interviewed Mr. Rodriguez-Soriano about the guns. *Id.* When initially questioned about the firearms, Mr. Rodriguez-Soriano claimed that the guns had been stolen from his home, and that he did not know who had stolen them, although he suspected an acquaintance named "D." *Id.* After approximately 15 minutes, one of the agents told Mr. Rodriguez-Soriano that he did not believe [\*3] Mr. Rodriguez-Soriano's explanation for why he no longer had the guns. *Id.* He told Mr. Rodriguez-Soriano that lying to federal agents is a crime punishable by five years in prison and a large fine. *Id.* at 2-3. The agent said that he "knew" that Mr. Rodriguez-Soriano had purchased the guns for someone else, because "we spoke with him." *Id.* at 3. He informed Mr. Rodriguez-Soriano that one of the guns had been used in a homicide, and he encouraged Mr. Rodriguez-Soriano to cooperate with the ongoing federal investigation. *Id.* Mr. Rodriguez-Soriano ultimately told the agents that he purchased the guns for two people. *Id.* The agents drew additional details from Mr. Rodriguez-Soriano during the remainder of the interview. *Id.* That confession is the subject of the proposed expert testimony.

Dr. Cutler would have testified that individuals are susceptible to changing how they think, act or behave in response to social influence, that certain practices employed by law enforcement in interrogations are designed to pressure a suspect to confess, that such practices may increase the likelihood that a person would provide false statements to law enforcement, that innocent persons may falsely confess to crimes they [\*4] did not commit, and that these practices were employed in the interrogation of Mr. Rodriguez-Soriano. See Dkt. 33-1 at 2. The Government objected to such testimony on the grounds that Dr. Cutler's opinion was neither reliable nor relevant, and would usurp the role of the jury with respect to credibility issues. See Dkt. 33 at 1.

## II. Legal Standard

The admissibility of expert testimony is governed by Federal Rule of Evidence 702, which allows for the admission of expert testimony if: (1) it is potentially helpful to the jury; (2) it is based on sufficient facts or data; (3) it is the product of reliable principles and methods; and (4) the testimony is applied to the facts of the case. See Fed. R. Evid. 702. The Supreme Court provided a judicial gloss for this rule in Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993).

The Fourth Circuit has interpreted Daubert as requiring a two-part test. See United States v. Dorsey, 45 F.3d 809, 813 (4th Cir. 1995). First, the testimony must be supported by appropriate scientific knowledge, or validation; and second, it must "assist the trier of fact to understand the evidence or to determine a fact in issue." *Id.* (internal quotations omitted). There are at least four factors to help the Court determine whether the first prong of this test is satisfied: "(1) whether the theory or technique used by the [\*5] expert can be, and has been, tested; (2) whether the theory or technique has been subjected to peer review and publication; (3) the known or potential rate of error of the method used; (4) the degree of the method's or conclusion's acceptability within the relevant scientific community." *Id.* In determining whether the second prong has been met, the Court must be mindful of other evidentiary rules and Rule 403 in particular. *Id.* The Court has broad discretion in deciding whether to admit expert testimony, but it would be an abuse of that discretion to make an arbitrary decision. See United States v. Belyea, 11, 159 F. App'x 525, 529 (4th Cir. 2005). Instead, the Court is required to make a nuanced, case-by-case analysis of whether the proposed expert testimony will assist a trier of fact. *Id.*

### a. Reliability of the Evidence

The Fourth Circuit has not directly opined on the admissibility of expert testimony regarding false confessions. Most circuit courts to directly consider the admission of expert testimony on false confessions have determined such testimony is inadmissible. See, e.g., United States v. Hill, 749 F.3d 1250, 1258 (10th Cir. 2014); United States v. Dixon, 261 F. App'x 800, 810 (5th Cir. 2008); United States v. Mamah, 332 F.3d 475, 478 (7th Cir. 2003). Similarly, district courts have found false-confession expert testimony inadmissible. See, e.g., United States v. Khweis, No. 1:16-cr-143, Dkt. No. 188, 2017 U.S. Dist. LEXIS 206371 (E.D. Va. June 2, 2017) [\*6] (O'Grady, J.).

One basis for excluding false confession expert testimony is that the science of false confessions is unreliable. See, e.g., Mem. Op., United States v. Yazzie, No. 1:11-cr-01876-WJ, Doc. 145 at 4-5, 2012 U.S. Dist. LEXIS 198336 (D.N.M. Sept. 17, 2012). There is no "known or potential error rate" that can be attributed to false confession studies." *Id.* The multitude of variables at issue in any given interrogation precludes any effort to reduce the field of inquiry to a science. Thus, while an expert could identify "risk factors," he



cannot opine on the truthfulness of a particular defendant's testimony with any degree of certainty. *Id.* Indeed, during a colloquy with this Court, Dr. Cutler acknowledged that he would be unable offer an opinion as to whether any particular statement by Mr. Rodriguez-Soriano (or any other person) was in fact false, or as to whether Mr. Rodriguez-Soriano's confession was false.

In addition to the questionable reliability of false confession science in general, the Court has serious doubts about the reliability of Dr. Cutler's testimony in particular. Dr. Cutler's understanding of this subject matter appears to be substantially derivative of Dr. Richard A. Leo's research in this field. However, numerous courts [\*7] have excluded as unreliable testimony from Dr. Leo that is similar to the proffered testimony here. See, e.g., Yazzie, No. 1:11-cr-01876-WJ, Doc. 145 at 4-5, 2012 U.S. Dist. LEXIS 198336; People v. Kowalski, 492 Mich. 106, 133-34, 821 N.W.2d 14 (2012); United States v. Deuman, 892 F. Supp. 2d 881, 885-88 (W.D. Mich. 2012). Dr. Leo's work has also been the subject of academic criticism, in particular from Judge Paul Cassell. Judge Cassell reviewed Dr. Leo's work and found that many of the suspects Dr. Leo claims confessed falsely are actually almost certainly guilty. See Paul G. Cassell, *The Guilty and the "Innocent": An Examination of Alleged Cases of Wrongful Conviction from False Confession*, 22 *Harv. J. L. & Pub. Pol'y* 523 (1999). Cassell and other academics have also called Dr. Leo's methodology into doubt. See, e.g., Major James R. Agar, II, *The Admissibility of False Confession Expert Testimony*, 1999-AUG *Army Law* 26, 42-43 (1999). For these reasons, the Court finds that Dr. Cutler's proposed expert testimony is unreliable.

#### b. Ability to Assist the Jury

The Court finds that even if Dr. Cutler's proposed testimony were reliable, it would fail the second prong of the analysis addressing relevance. Dr. Cutler's testimony would be unhelpful to the jury, which is fully capable of assessing the truthfulness of Mr. Rodriguez-Soriano's alleged confession. Such testimony would thus usurp [\*8] a critical function of the jury. See Hill, 749 F. 3d at 1258 (internal citations omitted).

This is not to say that false confession expert testimony would be unhelpful to a jury in every case. See Belyea, 159 F. App'x at 530. However, such testimony is inappropriate in *this* case. Here unlike in *Belyea*, the defense presented no corroborating evidence to

suggest that Mr. Rodriguez-Soriano's confession was false. There is no evidence that a federal agent ever lied to Mr. Rodriguez-Soriano during the interview or that Mr. Rodriguez-Soriano suffered from any mental health issues. There is no evidence that Mr. Rodriguez-Soriano is addicted to drugs or alcohol, or that he was under the influence of either at the time he was interviewed by the agents. Mr. Rodriguez-Soriano's interview with the agents took place in his mother's home, and the interview was scheduled at his convenience. See Dkt. 33 at 3.

Given these facts, Dr. Cutler's proposed testimony would also raise serious concerns under Rule 403 by confusing the issues and creating a risk of unfair prejudice to the United States. The Court finds that the risk of misleading the jury substantially outweighs whatever marginal probative value such testimony might offer. This is particularly true given [\*9] that Dr. Cutler's testimony would be entirely generalized and not specific to this case, as described above.

### III. Conclusion

For these reasons, the Court **GRANTED** the Government's Motion to Exclude (Dkt. No. 33). Defendant's proposed expert Dr. Brian Cutler was not permitted to testify at trial.

December 11, 2017

Alexandria, Virginia

/s/ Liam O'Grady

Liam O'Grady

United States District Judge

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End of Document



## **United States v. Belyea**

United States Court of Appeals for the Fourth Circuit

October 28, 2005, Argued ; December 28, 2005, Decided

No. 04-4415

### **Reporter**

159 Fed. Appx. 525 \*; 2005 U.S. App. LEXIS 28835 \*\*

UNITED STATES OF AMERICA, Plaintiff - Appellee,  
versus JOSEPH ANDREW BELYEA, II, Defendant -  
Appellant.

**Notice: [\*\*1] RULES OF THE FOURTH CIRCUIT COURT OF APPEALS MAY LIMIT CITATION TO UNPUBLISHED OPINIONS. PLEASE REFER TO THE RULES OF THE UNITED STATES COURT OF APPEALS FOR THIS CIRCUIT.**

**Prior History:** Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-03-524).

**Disposition:** REMANDED WITH INSTRUCTIONS.

### **Core Terms**

guns, confession, district court, chest, expert testimony, false confession, stolen, new evidence, jurors, new trial, theft, newly discovered evidence, actual possession, admissible, bedroom, firearm, harmless, factors, bonds, constructive possession, motion for a new trial, interrogation, possession of a firearm, newly discovered, excluding, possessed, drugs, stole, lock, user

### **Case Summary**

#### **Procedural Posture**

Defendant was convicted of and sentenced for possession of a firearm by an unlawful user of a controlled substance in violation of 18 U.S.C.S. § 922(g)(3) by the United States District Court for the Eastern District of Virginia, at Alexandria. Defendant appealed his conviction and his sentence enhancement for obstruction of justice.

#### **Overview**

Defendant claimed that the district court erred in

excluding expert testimony on false confessions and in denying his motion for a new trial. The court initially held that the district court abused its discretion in excluding expert testimony on false confessions because it failed to make a particularized determination, pursuant to *Fed. R. Evid. 702* and Daubert, of whether jurors commonly know about false confessions as a particular form of lying and about specific factors that may correlate to false confessions as there was a possibility that defendant had made a false confession during his interrogation and defendant's confession was crucial to his conviction. The court further held that the district court abused its discretion in denying defendant's motion for a new trial under *Fed. R. Crim. P. 33* based on newly discovered statements by an accomplice that defendant did not participate in or even witness the theft of handguns because the newly discovered evidence undermined defendant's conviction for actual possession of a firearm by suggesting that the accomplice stole the guns on an entirely separate and later occasion than the occasion described at trial.

#### **Outcome**

The case was remanded to the district court. Defendant's appeal regarding his sentence enhancement was held in abeyance.

### **LexisNexis® Headnotes**

Criminal Law & Procedure > ... > Standards of Review > Abuse of Discretion > General Overview

Evidence > Relevance > Preservation of Relevant Evidence > Exclusion & Preservation by Prosecutors

Evidence > ... > Testimony > Expert Witnesses > General Overview



**HN1** Standards of Review, Abuse of Discretion

The appellate court reviews for abuse of discretion a district court's decision to exclude expert testimony.

Criminal Law & Procedure > ... > Standards of Review > Abuse of Discretion > General Overview

Evidence > Admissibility > Expert Witnesses

**HN2** Standards of Review, Abuse of Discretion

Expert testimony is admissible under Fed. R. Evid. 702 if it involves scientific, technical, or specialized knowledge that will assist the trier of fact to understand the evidence or determine a fact in issue. The testimony must be both reliable and relevant. While a trial court has broad discretion in deciding whether to admit expert testimony, it abuses this discretion if it makes an arbitrary decision or otherwise makes an error of law.

Evidence > Admissibility > Expert Witnesses > Daubert Standard

Evidence > Admissibility > Expert Witnesses > Helpfulness

**HN3** Expert Witnesses, Daubert Standard

Daubert requires a nuanced, case-by-case analysis of whether the proposed expert testimony will assist the trier of fact. Rather than making broad generalizations about evidentiary value, a court must determine whether expert testimony will help the jury, given the facts in issue in the particular case.

Evidence > Admissibility > Expert Witnesses > Daubert Standard

Evidence > Admissibility > Expert Witnesses

**HN4** Expert Witnesses, Daubert Standard

Fed. R. Evid. 702 and Daubert render inadmissible only testimony on matters obviously within common knowledge of jurors.

Criminal Law & Procedure > ... > Standards of

Review > Harmless & Invited Error > General Overview

**HN5** Standards of Review, Harmless & Invited Error

Nine circuits have concluded or at least have suggested that appellate courts may raise the issue of harmlessness of an error sua sponte, depending on the length and complexity of the record, the certainty of harmlessness, and the prospect that reversal will result in protracted or futile proceedings.

Criminal Law & Procedure > Postconviction Proceedings > Motions for New Trial

**HN6** Postconviction Proceedings, Motions for New Trial

A motion for a new trial based on newly discovered evidence should be granted only if: (1) the new evidence is in fact newly discovered; (2) facts are presented from which the court may infer due diligence on the part of the movant; (3) the evidence is not merely cumulative or impeaching; (4) the evidence is material to the issues involved; and (5) the evidence is of such a nature that it would probably result in an acquittal at a new trial. Fed. R. Crim. P. 33.

Criminal Law & Procedure > Postconviction Proceedings > Motions for New Trial

Criminal Law & Procedure > ... > Standards of Review > Abuse of Discretion > New Trial

**HN7** Postconviction Proceedings, Motions for New Trial

An appellate court reviews a district court's denial of a Fed. R. Crim. P. 33 motion for abuse of discretion.

Criminal Law & Procedure > Postconviction Proceedings > Motions for New Trial

**HN8** Postconviction Proceedings, Motions for New Trial

In evaluating a motion for a new trial, the court must consider how the evidence was presented in the actual



trial, and not how it might be presented in some other trial.

Criminal Law & Procedure > Juries &  
Jurors > Province of Court & Jury > General  
Overview

#### **HN9** Juries & Jurors, Province of Court & Jury

If the evidence supports different, reasonable interpretations, the jury decides which interpretation to believe.

**Counsel:** ARGUED: Jeremy Charles Kamens, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Alexandria, Virginia, for Appellant.

Erik Russell Barnett, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

**ON BRIEF:** Frank W. Dunham, Jr., Federal Public Defender, Alexandria, Virginia, for Appellant.

Paul J. McNulty, United States Attorney, Alexandria, Virginia, for Appellee.

**Judges:** Before WILKINS, Chief Judge, and MICHAEL and TRAXLER, Circuit Judges.

### **Opinion**

#### **[\*526] PER CURIAM:**

Joseph Belyea was convicted for possession of a firearm by an unlawful user of a controlled substance in violation of 18 U.S.C. § 922(g)(3). Belyea appeals his conviction on the grounds that the district court erred in excluding expert testimony on false confessions and in denying his motion for a new [\*2] trial based on newly discovered evidence. We remand for further consideration of these issues. Belyea also appeals his sentence enhancement for obstruction of justice, and we hold this issue in abeyance pending the outcome of the proceedings on remand.

I.

A.

In August 2001 Belyea attended a party hosted by Michelle Gay at her parents' home in Sterling, Virginia.

This was the only time Belyea ever visited the Gay home. The partygoers, including Belyea, took methamphetamine. Just over one year later, in October 2002, Michelle Gay's [\*527] father, Ralph Gay, discovered that three guns were missing from a wooden hope chest in his bedroom. When Mr. Gay reported the matter to the police, it was discovered that two of his missing (or stolen) guns, a revolver and a semi-automatic handgun, had been found during the October 2001 search of a car belonging to a suspected drug dealer in Washington, D.C.

In August 2003 Special Agent Todd Friewald from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) interviewed Belyea about the suspected theft of Ralph Gay's guns. When Belyea's memory appeared to falter, Agent Friewald told Belyea two lies: that one of the stolen guns had been [\*3] used in a murder in D.C. and that it bore only one fingerprint, Belyea's. Upon hearing these lies, Belyea was "pretty scared" and "continued to shake." J.A. 277. Friewald then warned Belyea that the authorities could hold him as a material witness in a D.C. jail, where "a skinny white boy like [Belyea] wouldn't last very long." J.A. 244. The agent suggested that Belyea could avoid D.C. jail by providing information on the guns.

Belyea ultimately confessed to Agent Friewald, stating that he had taken two guns, one revolver and one semi-automatic handgun, from the hope chest in the Gay bedroom, placed the guns in a laundry basket, and placed the basket in his car. He further confessed that he, Michelle Gay, and Michelle Gay's boyfriend at the time, Kevin Bruther, drove to a McDonald's in Sterling, Virginia, where Bruther traded the guns to a white male for drugs. Belyea renounced this confession at trial, however, claiming that he had made up most of it. At trial he highlighted inconsistencies between his confession and other trial evidence, including that three guns were stolen, not two, and that they were traded to Bruther's African-American drug dealer in Washington, D.C., not [\*4] a white drug dealer in Sterling, Virginia.

Belyea was charged with possession of a stolen firearm in violation of 18 U.S.C. § 922(j) and possession of a firearm by an unlawful user of a controlled substance in violation of 18 U.S.C. § 922(g)(3). Prior to trial Belyea moved *in limine* to introduce expert testimony on factors that correlate with false confessions. The district court rejected this motion on the ground that the testimony would not help the jury because "jurors [already] know people lie." J.A. 57. Because the court concluded only that testimony about confessions would not assist the



jury, it did not conduct a *Daubert* analysis on whether such testimony would be reliable. The court refused defense counsel's request to proffer the proposed testimony, explaining that the record was sufficient and that Belyea was otherwise free to argue at trial that the confession was false. At trial the court denied Belyea's renewed motion to admit the expert testimony after the government was allowed to elicit from Agent Freilwald that he had been trained not to use coercive interrogation tactics.

B.

Michelle Gay testified at trial [\*5] that she was running out of drugs during the August 2001 party and, needing money to buy more, decided to cash some of her savings bonds. These bonds were locked away in her father's hope chest where his handguns were kept in their original Smith & Wesson factory boxes. When Ms. Gay could not find the key to the chest, she asked Bruther and Belyea to break into the chest for her. Although the two men tried picking the lock and unscrewing the back hinges, their efforts were unsuccessful. Michelle Gay then found the key and retrieved several bonds. According to her, "nobody touched anything in [the chest]" [\*528] except for the bonds, J.A. 163; no one handled or stole the guns, though the firearms boxes were clearly visible when she opened the chest. The government introduced Belyea's confession that he took the guns from the hope chest during the party and that Bruther traded the guns for drugs.

Throughout trial and in the jury instructions, the government and the district court equated the possession element in Count One, possession of a stolen firearm, with that in Count Two, possession of a firearm by an unlawful user of a controlled substance, on the theory that "the act of the possession [\*6] and the act of a gun becoming stolen really occurred at the same time." J.A. 357. The court limited the jury instructions on both counts to actual possession ("to have direct physical control over something," even if just for a moment), explaining that "if the jury accepts the confession as accurate, it is a confession to actual possession and to nothing else." J.A. 293. The court gave no instruction on constructive or joint possession despite the government's request.

The jury found Belyea not guilty on Count One (possession of a stolen firearm) but guilty on Count Two (possession of a firearm by an illegal drug user). Belyea moved for a new trial on the basis of newly discovered

evidence and the court's exclusion of expert testimony on confessions.

Belyea presented the newly discovered evidence at a posttrial hearing. Four of Bruther's acquaintances and one investigator from the Federal Public Defender's Office testified that Bruther had repeatedly and consistently said that he alone had stolen the guns from the hope chest in the Gay bedroom and that Belyea had had "zero involvement" in the theft. J.A. 380, 452. Bruther told one of these witnesses that he had lied to the ATF when [\*7] he pinned the gun theft on Belyea because he (Bruther) was terrified of being sent back to prison, having just been released on an unrelated charge. Bruther began making these inculpatory comments about Belyea in the fall of 2002, months before either he or Belyea was interviewed about the gun theft, and Bruther continued making these comments until February 2003, when he committed suicide (a month before the post-trial hearing). His comments were "always the same," J.A. 451, with one minor inconsistency: he inflated the quantity of drugs for which he had traded the guns after being teased by his friends for making a bad deal.

According to the newly discovered evidence, the gun theft did not occur during the August 2001 party when Belyea was in the Gay house. Rather, the theft occurred on an entirely separate and later occasion, perhaps days after the party: Bruther and Michelle Gay were preparing to drive away from the Gay home when Bruther (alone) ran back inside, broke into the chest, and stole the guns without anyone else's knowledge or participation. Bruther said he chose Belyea as his fall guy because he knew that Belyea had a "bad past," J.A. 463, had been in the Gay bedroom [\*8] where the hope chest was located, and had suggested to Bruther during their unsuccessful effort at the party to break into the chest that they remove the hinges rather than pick the lock.

The district court denied Belyea's motion for a new trial on grounds that the new evidence was neither material nor likely to result in an acquittal at a new trial. The court concluded that the "new evidence does not undermine the jury's verdict that Belyea possessed the firearms before they were stolen" — that he "exercised dominion and control over the firearms, at least before they were removed from the Gay bedroom." J.A. 517-18. The court thereby invoked the standard [\*529] for constructive possession, not actual possession, even though the jury was never instructed on constructive possession. The court also declined to reconsider its exclusion of expert



testimony on the subject of confessions.

At sentencing Belyea objected to the two-level enhancement for obstruction of justice recommended in his presentence report. The court nonetheless imposed the enhancement upon finding that Belyea was "not truthful when he testified." J.A. 523.

Belyea now appeals.

II.

Belyea first argues that the district [\*\*9] court erred by excluding expert testimony on factors that correlate with false confessions. **HN1** [¶] We review for abuse of discretion the district court's decision to exclude this testimony. See, e.g., *United States v. Crisp*, 324 F.3d 261, 265 (4th Cir. 2003). **HN2** [¶] Expert testimony is admissible under *Rule 702 of the Federal Rules of Evidence* if it involves scientific, technical, or specialized knowledge that will assist the trier of fact to understand the evidence or determine a fact in issue. The testimony must be both reliable and relevant. *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 589-92, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993); see also *Kumho Tire Co. v. Carmichael*, 526 U.S. 137, 147-49, 152, 119 S. Ct. 1167, 143 L. Ed. 2d 238 (1999). While a trial court has broad discretion in deciding whether to admit expert testimony, it abuses this discretion if it makes an arbitrary decision or otherwise makes an error of law. See *United States v. Barile*, 286 F.3d 749, 753 (4th Cir. 2002).

**HN3** [¶] *Daubert* requires a nuanced, case-by-case analysis of whether the proposed expert testimony will assist the trier of fact. [\*\*10] See *Daubert*, 509 U.S. at 591-92; *United States v. Harris*, 995 F.2d 532, 534-35 (4th Cir. 1993) (noting pre-*Daubert* trend of eschewing *per se* rules of inadmissibility and instead making particularized determinations). But see *United States v. Prince-Oyibo*, 320 F.3d 494, 500-01 (4th Cir. 2003) (noting that *Daubert* requires "nuanced evaluation" of evidence, but upholding *per se* ban in limited context of polygraph evidence). Rather than making broad generalizations about evidentiary value, a court must determine whether expert testimony will help the jury, given the facts in issue in the particular case.

The district court failed to make such a particularized determination here. The court's essential reason for excluding the expert testimony on false confessions was that "jurors know people lie." J.A. 57. This statement may be true as a general proposition, but it does not necessarily apply in this case; it does not mean that

jurors know that people *confess* falsely or that someone in Belyea's position may be more likely to do so. Jurors may know that people lie in everyday life or even sometimes under oath, particularly [\*\*11] when they believe lying to be advantageous. Jurors may not know, however, that people lie on occasion to their own detriment by falsely confessing to crimes that they did not commit. The phenomenon of false confessions is counter-intuitive and is not necessarily explained by the general proposition that "jurors know people lie." See Advisory Committee Notes, *Fed. R. Evid.* 804(b)(3) (suggesting that statements against interest as rare); *United States v. Smithers*, 212 F.3d 306, 315-16 (6th Cir. 2000) (stating that district court was "simply wrong" for assuming that jurors know to be skeptical of eyewitness testimony when many factors affecting memory are counter-intuitive, complex, and not fully known by jurors).

The court's explanation here — that whether a confession is false is "something [\*\*530] juries decide all the time, and I don't need an expert to help them in that respect" — suggests that expert testimony on false confessions is *never* admissible. J.A. 56. This approach is erroneous as a matter of law because it overlooks *Daubert*'s general requirement for a particularized determination in each case. The court should [\*\*12] have inquired into whether jurors commonly know about false confessions as a particular form of lying and about specific factors that may correlate to false confessions. See *United States v. Lester*, 254 F. Supp. 2d 602, 608 (E.D. Va. 2003) (noting that **HN4** [¶] *Rule 702* and *Daubert* render inadmissible only testimony on matters *obviously* within common knowledge of jurors). The specifics of this case mandate a particularized inquiry: a federal agent twice lied to Belyea during his interrogation; Belyea was a drug addict, in prison at the time on an unrelated charge, and admittedly terrified during the interrogation; and Belyea has suffered from clinical depression and behavioral problems throughout his life.

It appears to us that the expert in this case, Dr. Solomon Fulero, would have addressed whether and how these particular factors correlate to false confessions. Belyea's motion *in limine* states that "Dr. Fulero would testify that false confessions in fact occur, and that various techniques used by law enforcement agents, such as false accusations and false promises can influence a person's decision to confess falsely." J.A. 16. In addition, Dr. Fulero would apparently [\*\*13] testify that "particular characteristics of the person interrogated, such as . . . anxiety problems, can affect the likelihood



that a confession is false." J.A. 16. The record on appeal is sparse, however, on Dr. Fulero's proposed testimony because the district court refused defense counsel's request to make a proffer of the testimony. Without more detailed information, it is impossible to determine whether the expert testimony would aid the jury in this case. But the limited record suggests that the testimony would be helpful by at least clarifying that some people, contrary to common sense, make false inculpatory statements. See United States v. Hall, 93 F.3d 1337, 1343-45 (7th Cir. 1996) (finding abuse of discretion where court excluded possibly critical expert testimony on personality disorder that made false confessions more likely). Accord United States v. Shay, 57 F.3d 126, 133-34 (1st Cir. 1995) (mental disorder).

The foregoing conclusions require us to remand the case to the district court for a more complete analysis of whether the expert testimony is admissible under *Daubert* and *Rule 702*; specifically, whether it would aid the jury [\*14] in this case and, if so, whether it satisfies the *Daubert* factors for assessing the reliability of expert scientific or professional testimony. *Daubert*, 509 U.S. at 591-95; United States v. Dorsey, 45 F.3d 809, 813 (4th Cir. 1995). In conducting this analysis, the district court should take into account any other applicable evidentiary rules, including *Rule 403*. *Daubert*, 509 U.S. at 595.

If the district court determines on remand that Dr. Fulero's testimony should have been admitted, its erroneous exclusion at trial cannot be deemed harmless. The government has not raised the harmlessness issue in this appeal. However, *HN5* ¶ nine other circuits have concluded or at least suggested that appellate courts may raise the issue of harmlessness sua sponte, depending on the length and complexity of the record, the certainty of harmlessness, and the prospect that reversal will result in protracted or futile proceedings. See, e.g., United States v. Gonzalez-Flores, 418 F.3d 1093, 1100-01 (9th Cir. 2005) (citing cases). Assuming without deciding that our circuit allows the harmlessness inquiry [\*531] to be considered sua sponte [\*15] and that the inquiry is appropriate in this case, we conclude (as we said above) that if Dr. Fulero's testimony is admissible, its exclusion was not harmless.

Belyea's confession was crucial to his conviction. See J.A. 516 (district court describing confession as "key evidence" against Belyea). Indeed, it is the only direct evidence that Belyea *actually possessed* the guns -- the theory of possession on which he was tried and

convicted. The remaining evidence, including that Belyea helped in the attempt to pick the lock of the chest and knew the style of the stolen guns, is far from definitive on the issue of actual possession.

Moreover, Belyea was not allowed to introduce potentially forceful evidence supporting his contention that his confession was false. The excluded expert testimony would have explored, among other factors, characteristics (such as anxiety problems) and interrogation techniques (such as false accusations) that make suspects more likely to confess falsely. Belyea was of course still able to challenge the confession at trial, for example by testifying that he made up most of it and by highlighting discrepancies between his confession and the remaining evidence [\*16] of the crime. He was also given leeway to suggest that he was vulnerable at the time of his interrogation: he was in prison at the time, a drug addict, and lied to by the ATF agent. But he could not challenge the confession on a separate and potentially compelling ground. He could not explain that false confessions, while counter-intuitive, do in fact occur and are more likely to occur in certain circumstances, perhaps in the very circumstances of his case. This evidence would likely have altered the complexion of the case. See *Smithers*, 212 F.3d at 317.

Given the critical weight of Belyea's confession, we cannot say that any error in excluding Dr. Fulero's testimony on false confessions was harmless. See *Shay*, 57 F.3d at 134. We simply lack the requisite assurance that any error did not "substantially sway[]" the jury's judgment. United States v. Weaver, 282 F.3d 302, 314 (4th Cir. 2002) (internal quotation marks and citations omitted).

If the district court concludes on remand that Dr. Fulero's testimony should have been admitted, the error of excluding his testimony would not be harmless, and the court should enter an order [\*17] granting a new trial pursuant to *Rule 33 of the Federal Rules of Criminal Procedure*.

### III.

Belyea next argues that the district court erred in denying his motion for a new trial that was based on newly discovered statements by Bruther, who said that Belyea did not participate in or even witness the theft of Ralph Gay's handguns. *HN6* ¶ A motion for a new trial based on newly discovered evidence should be granted only if: (1) the new evidence is in fact newly discovered;



(2) facts are presented from which the court may infer due diligence on the part of the movant; (3) the evidence is not merely cumulative or impeaching; (4) the evidence is material to the issues involved; and (5) the evidence is "of such a nature that it would probably result in an acquittal at a new trial." United States v. Lofton, 233 F.3d 313, 318 (4th Cir. 2000) (internal quotation marks and citation omitted); Fed. R. Crim. P. 33. HN7[↑] We review the district court's denial of a Rule 33 motion for abuse of discretion. United States v. Russell, 221 F.3d 615, 619 (4th Cir. 2000).

The district court denied [\*\*18] Belyea's motion on grounds that the new evidence was neither material to the issue of possession, nor would it probably result in an acquittal [\*\*32] at a new trial. Specifically, the court reasoned that the new evidence does not undermine the trial evidence supporting Belyea's conviction on Count Two (possession of a firearm by a drug user), and for this reason the new evidence is immaterial to his conviction and would not probably result in an acquittal at a new trial. The court hinged these conclusions on a theory of constructive possession: that there was "more than sufficient evidence" at trial to support a finding that Belyea "exercised dominion and control over the firearms, at least before they were removed from the Gay bedroom." J.A. 516-17. Cf. United States v. Gallimore, 247 F.3d 134, 137 (4th Cir. 2001) (defining constructive possession). This evidence, the court said, is undisturbed by Bruther's newly discovered statements. The problem with this reasoning is that the court did not give a broad instruction on possession, one that covered both actual and constructive possession and both individual and joint possession.

Rather, the court limited the jury instruction [\*\*19] on both counts to actual possession, "to have direct physical control over something," on the theory that this is purely "an actual possession case"; the court's only elaboration on this instruction was that "momentary possession is sufficient." J.A. 292-94, 339, 342. Given this limited jury instruction, we must consider whether the newly discovered evidence undermines Belyea's conviction for actual possession of a firearm, not constructive possession. See United States v. Brodwin, 292 F. Supp. 2d 484, 494 (S.D.N.Y. 2003) HN8[↑] (in evaluating a motion for a new trial, "the court must consider how [the] evidence was presented in [the actual] trial, and not how it might be presented in some other trial").

When examined through the actual possession lens, the split verdicts -- acquittal on Count One, conviction on

Count Two -- suggest that the jury believed that Belyea actually possessed the guns in the Gay bedroom, even if just for a moment, before they were removed from the home. These jury verdicts belie the court's and prosecution's theory throughout trial that the evidence of possession for both counts is "obviously the same" and "the act of possession and the [\*\*20] act of the gun becoming stolen really occur at the same time." J.A. 310, 357. The district court, while conceding that the verdicts appear inconsistent in light of the trial theory, nonetheless characterized them as reasonable, and we do not question this characterization. See United States v. Murphy, 35 F.3d 143, 148 (4th Cir. 1994) HN9[↑] ("If the evidence supports different, reasonable interpretations, the jury decides which interpretation to believe.")

We nevertheless conclude that the newly discovered evidence undermines Belyea's conviction for actual possession. It suggests that Bruther stole the guns on an entirely separate and later occasion than the occasion described at trial, when Belyea and Bruther were trying to pick the lock of the hope chest during the party in an effort to access the bonds within. Rather, Bruther may have stolen the guns days or even weeks after the party in an altogether different scene: he and Michelle Gay were preparing to drive away from the Gay home when he ran back inside, alone. According to Bruther's repeated and generally consistent admissions, Belyea had "zero involvement" in this theft, "had nothing to do with it." J.A. 452, 462-63. Bruther [\*\*21] only implicated Belyea to law enforcement on one occasion because he knew that Belyea had a "bad past" and had been in the Gay bedroom once (during the incident described at trial), when the two men joined in an unsuccessful effort to break into the chest and retrieve the bonds. J.A. 463.

[\*\*33] By Bruther's account, Belyea was not even in the Gay bedroom at the time of the theft; he did not know about or participate in the theft. Because the new evidence questions whether Belyea ever actually (or even constructively) possessed the guns, it qualifies as being material to the central issue of possession.

Moreover, the new evidence would probably result in an acquittal at a new trial because it so marginalizes and overshadows the inculpatory evidence that it would likely raise reasonable doubt in jurors' minds that Belyea ever possessed the guns. For example, at a new trial Belyea's admission that he helped Bruther try to break into the hope chest would be measured against Bruther's repeated admissions that he (Bruther) stole



the guns on a different occasion without any assistance from Belyea. The most damning evidence against Belyea, his knowledge of the type of guns in the chest, would [\*\*22] have less significance in light of the new evidence. (In any event, Belyea's general description of the guns is not so damning when examined in the context of the possession issue, since it may mean that Belyea saw the guns or gun boxes at some point but never actually handled the guns; Michelle Gay testified that she, Bruther, and Belyea all saw the Smith & Wesson boxes when she retrieved her bonds at the party.) Finally, the new evidence casts serious doubt on the prosecution's theory that Belyea and his friends "stole those guns so that they could get more drugs." J.A. 99.

to his sentence.

**REMANDED WITH INSTRUCTIONS**

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End of Document

Because the newly discovered evidence is material and would probably result in an acquittal at a new trial, we conclude – assuming the evidence meets the standard for trustworthiness (see below) – that the district court abused its discretion in denying Belyea's motion for a new trial based on the newly discovered statements by Bruther.

The government argues on appeal that we should affirm the district court's denial in any case because the new evidence, exculpatory statements against interest made by an unavailable declarant, is not admissible under Rule 804(b)(3) of the Federal Rules of Evidence. [\*\*23] We are unable to address this argument on the present record because the district court did not reach the issue of whether "the corroborating circumstances clearly indicate the trustworthiness" of Bruther's statements. Fed. R. Evid. 804(b)(3); see J.A. 490 (finding witnesses who recounted Belyea's statements "completely credible" and expressing "no doubt" that Bruther made statements, but declining to rule on whether statements themselves were true). The district court must address this issue in the first instance on remand.

If the district court concludes on remand that the newly discovered evidence is admissible under Rule 804(b)(3), it should enter an order granting a new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedure.

IV.

We remand the case to the district court for proceedings consistent with this opinion. We retain jurisdiction over the appeal so that we may review the district court's orders on remand with regard to the admissibility of Dr. Fulero's expert testimony and Bruther's newly discovered statements. In the meantime, we hold in abeyance the issue relating to [\*\*24] Belyea's challenge

Donna Tanner



# Handout 101



## Winston-Salem Police Department

SUPPLEMENT  
REPORT

Original Primary Victim JONES, Nathaniel Frederick	Original Officer J.M. Griffin 830-13940	IR# 252704
Original Primary Crime/Incident Homicide	Unit/Code Number	Date of Original Report 02/25/04
		Today's Date 2/25/2004

On 10-08-03 ADA's Eric Saunders and Bierre Harding and I met with Jessica Black at the Public Safety Center. They discussed Jessica's knowledge of the incident and went over her statement. Jessica cooperated with the interview.

During the interview, Jessica admitted that she discussed the incident with a friend, Elizabeth Fowler. At the conclusion of the interview, ADA Harding asked me to locate and interview Ms. Fowler about her conversations with Jessica. I obtained Elizabeth's number from Jessica.

On 11-03-03 at 1025 hours, I spoke with Elizabeth by phone. She explained that she and Jessica were no longer friends, but she agreed to talk to me about her conversations with Jessica. She told me that most of the conversations centered on the seizure of her car and DNA that was found inside. Jessica told her that she knew these boys and gave them rides from time to time. Elizabeth said Jessica told her these boys killed a man in Winston-Salem.

Elizabeth could not remember anything else Jessica said about the incident and reiterated that they were no longer friends. I asked when Jessica discussed this with her and she thought it was the Saturday after the man was killed.

This concluded the interview with Elizabeth Fowler. Her personal information is as follows:

Elizabeth Anne Fowler  
W/F DOB: 12-06-84  
3670 Arnold Road  
Lexington, NC 27295  
(336) 731-0415

Reporting Officer Name J.M. Griffin 830-13940 <i>JMG</i>	Unit/Code Number	Supervisor Approving L.S. Smith 830-8200 <i>LSS</i>	Unit/Code Number
Case Status <input type="checkbox"/> Open <input type="checkbox"/> Inactive <input checked="" type="checkbox"/> Closed/Cleared <input type="checkbox"/> Closed/Leads Exhausted	Case Disposition <input type="checkbox"/> Unfounded <input checked="" type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Cleared by Arrest/Other Agency <input type="checkbox"/> Person Located <input type="checkbox"/> Juvenile/No Custody <input type="checkbox"/> Refused to Cooperate <input type="checkbox"/> Services Rendered	<input type="checkbox"/> Extradition Declined <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Death of Offender	
Routing	Referred To	Page 1 of 1	



# Handout 102



252704

11-19-02 1907 hrs.

- Jessica Joanna Black  
W/F 04-01-1986 (16)  
2392 Gumtree Rd  
H- 784-0664  
C- 682-8060

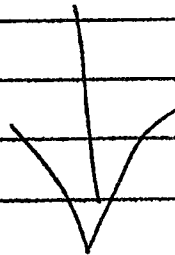
- North Davidson H.S. (18)

- Work - NONE  
? Golden Corral - maybe

- Father Michael Gray Shell  
W/M  
Sprague St.

- Mother Tamara Michelle Black  
W/F 01-24-69  
503 Hege Rd.  
H- 775-9644

- lives with grandmother  
Joanna Haley





252704

- School started 0800 there early
- Stayed all day left at 1456, left p. lot about 1500
- went to grand mother's, stayed until @ 1600 went to Brookline, Betty & JC Branton (H.# 785-2385) used phone to call g-mother

Eliza  
Fowler  
black

- went riding around, rode to Devonshire, nobody out, rode Sprague / Waughtam / Peachtree, returned to Devonshire (still daylight)
- B/m's - "Bubba", "Stinky", "Darrell", Rayshawn, "Mel"
- W/m's - "Rob", "Nelson"

- ~~Sat~~ stood by car talked to ↑ until right at dark. (going drive)
- left from there, went to Elizabeth's house (N. Church St. <sup>stayed 10 min</sup> in Lexington)

Eliza  
Fowler  
both

- Came back to Devonshire gone @ 1 hr. like "Stinky", "Bubba", "Darrell" outside, they went and got del, Rayshawn / She took Bubba, Rayshawn, Stinky to Ann

Co #1  
7205

- Paged from Laurin, went to Wilco on Sprague, no pay phone went to Mexican Business across St., used phone, called Laurin (771-?)
- went back to Lexington Elizabeth's house, stayed @ 30 min



252704

- Michelle Hepler called Elizabeth ~~not Elizabeth~~ drove <sup>by</sup> Bellvue Pt. got out, saw V's baby went ~~back to Elizabeth's house;~~ <sup>to Michelle's</sup> house; to Michelle's friend's house.
- drove to Devonshire Sat afternoon. picked up
- ~~Went back on Sat~~

1935 hrs - ~~called~~ Mel Bubba, Stinky, Durrell  
drove them to the Mall, to walk around  
stayed @ 30-60 minutes.

@ 2005 - left room after Flynn's entrance

Bubba  
Stinky  
Rayshawn  
Sama  
Durrell

Re-Sub. with Sama

2135 hrs - "I was riding with Jessica til a good 9:35"  
"It was me, Stinky, Bubba, Durrell"

2139 hrs "I was at Chris' house"  
Flynn "With who?" His man, his sister  
Chris' 771-3171



252704

- Jessica picked him up at 1800 hrs

2149 hrs. - "I wanna write it down"

2159 hrs - MS. Tolliver paged, I called her back, she said she would come to PSC and make him talk

2204 - written statement complete

- I told him what his mother said

✓ He advised he was @ 6' from V when the assault occurred

✓ Two lights on when he was there

✓ Rayshaw started on car, tried to get in van

✓ Met in Bellevue Park

✓ Chris, Rayshaw, Stinky, Dorrell, Samuel

✓ Jessica drove them to park ✓

✓ Talked @ hitting a lick at the uni's house because Ted (Steven Williams) said

✓ he had a lot of money

✓ Wanted money to buy clothes/money

✓ Asked Samuel to be a look-out and stand against house



11/19  
1903

ROSE/GRIFFIN

(1)

JESSICA JOANNA BLK

01-01-86 (16)

2392 GUMTREE RD (G'MA JOANNA HALEY)

W-S 784-0664

Call: 682-8060

NORTH DAVIDSON N.S. (11<sup>TH</sup>)

10<sup>TH</sup> COMPLETED

GOLDEN CORRAL PENDING

— MICHAEL GRAY SIBB

W/M

? SPRAGUE S.

TAMARA MICHELLE BLACK

W/F 01-24-69

503 IDEGE RD. 775-9644

SCHOOL BEFORE 0800 TILL 1456

LEFT. Went Home. LEFT #1600 WENT  
TO ? BROOKLINE <sup>785-2385</sup> TO BETTY JC BRANTON  
STAYED SHORT TIME CALLED G'MA. LEFT  
& RODE AROUND. RIDING IN 86 COUGAR (BLK)  
ALONE. RODE AROUND DEVONSHIRE TO  
SPRAGUE, WAUGHTOWN THE RETURNED  
TO DEVONSHIRE SAW THEM OUT. STILL  
LIGHT. BUBBA, STINKY, DARRELL, ROB (W/M)  
NELSON (W/M) RASTAUN, MEL? (B/M) HUNG  
OUT WITH THEM OUTSIDE BY G

000413  
NCTC-WSPD







Stayed there couple hours 1 1/2 / 2 hrs  
It was dark when she left.  
Left & went to ELIZABETH'S <sup>FATHER</sup> house  
on N. Church St. in Lexington.  
~~Hung~~ out for awhile then come  
back to Devonshire. STINKY BUBBA  
DARREN outside. Went got RASHAWN  
Mel. ~~ROB~~ GOME <sup>LIMO MAN</sup> STAYED 30 MINUTES.  
Got PAGED BY Lauren <sup>MI-?</sup> (631-7205) <sup>PAGER</sup> went  
to Wilco on Sprague for PHONE. Went  
across street to Mexican store to  
use <sup>called Lauren</sup> PHONE. LEFT RETURNED TO ELIZABETH'S  
house. There with ELIZABETH 30 MIN.  
Michelle <sup>WIF</sup> <sup>deputy</sup> called ELIZABETH. She & ELIZABETH  
IN ELIZABETH'S car to go meet Michelle  
Drove by PARK. SAW INCIDENTS OLD LADY  
SAID KILLIN. Went to Michelle's

2<sup>ND</sup> TIME AT DEVONSHIRE DID GO TO  
AMOCO WITH BUBBA, RASHAWN, STINKY.

Known For 1 Month

SAT: Mall Mel, BUBBA, STINKY  
DARREN. RASHAWN NOT THERE ON DATE  
in PM. She showed up there & then  
went to mall. ↓







Walked Around. Stayed 30-1 Hr AT Mall  
Went in Jessica's Car







~~STINKY~~ ~~STINKY~~

STINKY

BUBBA

DARREN

~~MEL~~ ?

BLACK

DARREN

Marcus House Ave

MAXWAY

FOOD LION

RAS Dsr BUBBA

St. Ras Bubba Darren

Side / Mel Left

BUBBA 1st SAID

STINKY

RASHAWN

Mel

Darrell

JOKING

ABOUT

ROBBING

LEFT TO GET MONEY DARREN  
SAYING GOT PROTECTION

KNOCKED THAT MAN GOT HIS MUMES

BUBBA HAD STICK

STINKY

TAPE PS OR MAXWAY  
GRYSD STAIN TAPE - BUBBA

STINKY'S  
FOCKET  
MURDER  
MURDER



# Handout 103



11/19/2002 SIMPLIFIED INTERVIEW TIMELINE INVOLVING ONLY DEFENDANTS AND JESSICAH BLACK

DATE	TIME	DESCRIPTION
<b>11/19/2002</b>	Before 2:30 p.m.	Detective Rose receives phone call from Arlene Tolliver who reports that son Jermal Tolliver may know who is responsible for the homicide on Moravia Street.
<b>11/19/2002</b>	2:30 p.m.- 3:00 p.m.	Detective Rose and Detective Flynn find Jermal Tolliver on his front porch and take him to Public Safety Center (PSC).
<b>11/19/2002</b>	3:00 p.m.- 4:30 p.m.	Detectives James and Sawyer go to Devonshire Street and find Christopher Bryant, who is with Nelson Hartman. Bryant is taken to PSC.
<b>11/19/2002</b>	Before 4:30 p.m.	Jermal Tolliver's interview with Detective Rose and Detective Flynn begins. Denies involvement or knowledge of crime. Cauthen and Banner told him they had robbed an old man and taped him up. Was also with Jessica Black, Bryant, and Brayboy.
<b>11/19/2002</b>	3:30 p.m.- 4:00 p.m.	Detectives Nieves and Poe pick up Dorrell Brayboy at Medical Park Hospital and take him to PSC.
<b>11/19/2002</b>	4:00 p.m.- 4:30 p.m.	Detectives Flynn, Rose, and Bishop, and other detectives have a meeting. Detective Flynn reports that while investigating a string of robberies from the Victim's neighborhood, they developed information that four black male juveniles known as "Mel," "Brayboy," "Stinky," and "Rashon" should be considered as suspects in this case. A white female named Jessica might be involved to some degree as a driver. Names are determined to be Jermal Tolliver, Dorrell Brayboy, Nathaniel Cauthen, and Rayshawn Banner.
<b>11/19/2002</b>	After 4:30 p.m.	Detective Flynn goes back to interview room with Tolliver and continues interview. Tolliver states that there was a black baseball bat involved in the beating of the "old man" that was possibly in his backyard. Information is relayed to Detective Rose, who is out on Devonshire Street. Tolliver also states that the day after, a group of them went to Hanes Mall on a bus and tried to use an ATM bank card stolen during the robbery. They left the mall and threw the wallet out into a wooded area near the Mi Pueblo restaurant.
<b>11/19/2002</b>	4:00 p.m.- 4:30 p.m.	Detectives Taylor, Rose, Shelton, and Wilkinson find Banner and Cauthen in front of Bryant's residence. Banner refuses to come to PSC. Cauthen agrees to go with officers to PSC with Detectives Shelton and Wilkinson.
<b>11/19/2002</b>	After 4:30 p.m.	Detectives Taylor and Rose search Tolliver's house for baseball bat, and do not find it. Officers locate Jessica Black (at unknown time), who agrees to come to PSC between 6:50 p.m. and 7:00 p.m.



11/19/2002 SIMPLIFIED INTERVIEW TIMELINE INVOLVING ONLY DEFENDANTS AND JESSICAH BLACK

DATE	TIME	DESCRIPTION
<b>11/19/2002</b>	4:45 p.m.	Detective Rowe attends briefing on what Robbery Detectives have learned on who suspects are in case. Learns that Arlene Tolliver reported that Tolliver stayed at home on Friday night with Cauthen and Banner, and the three of them were acting “panicked” and “paranoid.” Learns that Tolliver pointed to the old man’s house during his preliminary interview. The bat in question belonged to either Cauthen, Banner, or their older brother Joseph Cauthen. Tolliver also told them that Thayers Tolliver had been involved in the original plan to go with them to commit the robbery. Yolanda Tolliver knew about Banner and Cauthen and the plan to commit a robbery for the last several months.
<b>11/19/2002</b>	4:45 p.m.- 6:15 p.m.	Detectives Fine, Cox, and Shelton transport Tolliver to intersection of Silas Creek Parkway and Hanes Mall Boulevard where he indicated a wallet was thrown out a city bus window. Search includes wooded area at that location. No wallet is found.
<b>11/19/2002</b>	4:56 p.m.- 5:29 p.m.	Interview of Brayboy by Detectives Poe and Smith begins. Brayboy denies involvement and states he does not know anything about it. Detectives Poe and Smith leave interview room to be advised of information learned in other interviews.
<b>11/19/2002</b>	5:00 p.m.	Lead Detective Griffin calls Sergeant Kiger and learns that Tolliver, Brayboy, Cauthen, Banner, and Bryant have been identified as suspects. Everyone but Banner has been located and are being interviewed at PSC. The juveniles had been riding with Jessica Black the night of the incident.
<b>11/19/2002</b>	5:24 p.m.	Detectives Fine, Shelton, and Cox transport Tolliver back to PSC. On the way, Tolliver is given fries and a drink from McDonald’s.
<b>11/19/2002</b>	5:29 p.m.- 6:10 p.m.	Lieutenant Weavil enters interview room of Brayboy and Detectives Poe and Smith. Lieutenant Weavil tells Brayboy he needs to get right with this thing quick because other people are down there telling their side of it. Brayboy continues to deny involvement. Brayboy asks for mother.
<b>11/19/2002</b>	6:10 p.m.	Detective Rowe listens in on interview of Tolliver by Detective Flynn and Lieutenant Weavil. Tolliver didn’t know that “they were gonna kill them.” Banner and Cauthen planned robbery. Jed was there, and Brayboy was walking down the street. Tolliver was down the street, and Cauthen, Banner, and Brayboy jumped on the “old man” at the house. When the Victim pulled up, no lights were on in the carport as someone had cut the power off. The bat used was in his kitchen. Cauthen, Banner, and Brayboy threw the wallet out of a bus window as they were leaving the mall. Detective Flynn and Lieutenant Weavil tell Tolliver he needs to get straight with them as it was apparent he was not being completely truthful. Tolliver then said he, Bryant, Brayboy, Banner, and



11/19/2002 SIMPLIFIED INTERVIEW TIMELINE INVOLVING ONLY DEFENDANTS AND JESSICAH BLACK

DATE	TIME	DESCRIPTION
		Cauthen were involved, but none of them ever made it into the man's house. Tolliver had no idea what happened to the bat, but it ended up in his yard. (NOTE: Testimony by Detective Rose at the suppression hearing is that Tolliver did not start making incriminating statements until after 9:35 p.m. and that he had maintained to that point he was not involved in the "actual murder.")
<b>11/19/2002</b>	6:10 p.m.- 7:00 p.m.	After Brayboy requests mother, he is given a drink and left alone in the interview room.
<b>11/19/2002</b>	6:30 p.m.- 7:00 p.m.	Nathaniel Cauthen talks to Lieutenant Weavil and Detective Rowe. Got together with friends Bryant, Jed, Brayboy, and Black around 4:00 p.m. They picked up Banner, dropped Banner off at the store, rode around Hanes Mall, and ended up at the bowling alley. Later they returned to the area near Belview Park, saw police, and found out a man was killed after talking to neighbors. Cauthen was not present when the Victim was killed. Cauthen is told others were indicating he was present when it happened, and he might know about it. Cauthen is encouraged to tell the truth. Cauthen denies involvement and asks to take a lie detector test. Interview is suspended at 7:00 p.m. Cauthen is left alone.
<b>11/19/2002</b>	6:45 p.m.	Detectives Taylor and Cox pick up Lisa Brayboy (mother of Dorrell Brayboy) at her house and transport her to PSC to be interviewed.
<b>11/19/2002</b>	7:00 p.m.- 8:30 p.m.	Lisa Brayboy, Brayboy's mother, enters interview room with Detectives Smith and Poe. Brayboy is told he is not under arrest and is free to leave. Detective Smith tells Brayboy he told his mother that he feels Brayboy is not being truthful. Brayboy tells the same story again. Lisa Brayboy tells Brayboy he needs to tell the truth. Brayboy insists he did tell the truth. Brayboy is told that other people at PSC are giving their statements. Brayboy asks to speak to Detective Smith alone.
<b>11/19/2002</b>	7:03 p.m.- 8:05 p.m./8:42 p.m.	Jessica Black's interview with Detectives Griffin and Rose begins. Denies participating in incident. That day, Black met with several black males, including "Stinky," Banner, and Brayboy around dark somewhere on Devonshire Street. They talked until just after dark and she left to see a friend. Returned to Devonshire Street an hour later and met up with group. Took Bryant, "Stinky," and Banner to Amoco station and then back to Devonshire. Left again for 30 minutes. Drove back to Devonshire Street and saw police cars at Victim's house. Detective Rose tells her Tolliver said she drove them to bowling alley. Detective Rose confronts her with information from Tolliver that she drove the five suspects to Belview Park and waited while they robbed an old man in a nearby house. Black denies this and knowing anything about the murder, but admits she drove by the



11/19/2002 SIMPLIFIED INTERVIEW TIMELINE INVOLVING ONLY DEFENDANTS AND JESSICAH BLACK

DATE	TIME	DESCRIPTION
		Victim's house and saw the police cars. Detective Griffin tells her to tell truth. Black starts crying. Black says she is being truthful. Black takes a bathroom break. Detective Flynn enters room at 8:05 p.m. (Detective Griffin's Report indicates that Detective Flynn enters after Black's restroom break at 8:42 p.m.) Detective Rose then leaves.
<b>11/19/2002</b>	8:00 p.m.	Teresa McCants arrives at PSC and talks to Cauthen in interview room for 15—20 minutes to try to get him to tell the truth.
<b>11/19/2002</b>	8:05 p.m. (or 8:42 p.m.)	Detective Flynn enters interview of Black with Detective Griffin. Detective Rose leaves interview and meets with other detectives to get updates. Learns that one of the suspects confessed to going to Victim's house to rob him. This suspect said Tolliver had participated and was present when it occurred.
<b>11/19/2002</b>	8:05 p.m. (or 8:42 p.m.)- 9:30 p.m.	Jessica Black's interview with Detectives Flynn, Griffin, and Bishop continues. Detective Flynn confronts her with "more information obtained from the interviews of the juveniles." Detective Flynn leaves. Detective Bishop joins Detective Griffin in the interview at 9:00 p.m. Griffin tells Black that she needs to be truthful about her involvement in this event. Black starts crying and admits she was involved. Black implicates herself and Bryant, Tolliver, Brayboy, Cauthen, and Banner in the crime.
<b>11/19/2002</b>	8:20 p.m.	Sergeant Byrom enters interview room with Nathaniel Cauthen and mother, Teresa McCants. McCants is urging Cauthen and pleading with him to tell the truth. McCants tells Cauthen she believes he had something to do with the Victim's death. McCants leaves room after a few minutes with Sergeant Byrom.
<b>11/19/2002</b>	8:30 p.m.	Detective Smith interviews Brayboy alone after his mother and Detective Poe leave. Brayboy begins to cry and admits involvement. Brayboy implicates himself and Black, Bryant, Tolliver, Cauthen, and Banner in the crime.
<b>11/19/2002</b>	9:00 p.m.- 9:45 p.m.	Detectives Nieves and Taylor interview Bryant in Sergeant Cozart's office. Bryant denies involvement with crime. Thirty to thirty-five minutes into the interview Detective Nieves tells Bryant that he needs to tell the truth because he didn't want to get the death penalty.
<b>11/19/2002</b>	9:10 p.m.- 10:00 p.m.	Lieutenant Weavil and Detective Rowe interview Cauthen. Cauthen admits involvement. Cauthen implicates himself and Black, Jed, Marcus, Bryant, Brayboy, and Banner in the crime.



11/19/2002 SIMPLIFIED INTERVIEW TIMELINE INVOLVING ONLY DEFENDANTS AND JESSICAH BLACK

DATE	TIME	DESCRIPTION
<b>11/19/2002</b>	9:30 p.m.- 10:00 p.m.	Jessica Black's gives taped interview with Detectives Bishop and Griffin. Black implicates herself and others.
<b>11/19/2002</b>	9:34 p.m.- 9:54 p.m.	Dorrell Brayboy's taped interview with Detective Smith and mother Lisa Brayboy begins. Brayboy implicates himself and others.
<b>11/19/2002</b>	9:35 p.m.	Detectives Flynn and Rose interview Jermal Tolliver again. Detective Flynn speaks to Tolliver about the death penalty being a possible penalty for murder and refers to lethal injection and Tolliver's arm. Tolliver is told that Black had denied taking them to bowling alley. Tolliver said was he riding with Black until 9:00 or 9:35 with "Stinky," Bryant, and Brayboy. After that, he was at Bryant's house. Detective Flynn shows Tolliver a written statement one of his accomplices had completed (later identified as notes taken during Bryant's interview) which implicated Tolliver. Tolliver asks to write a statement. Tolliver is given a piece of paper and is left alone. While he is writing, Detective Rose speaks to Arlene Tolliver. Tells her that it appears that Tolliver was present during robbery but is denying involvement. Arlene Tolliver tells Detective Rose to tell Tolliver to tell the truth and asks for a call back if Tolliver continued to deny.
<b>11/19/2002</b>	7:45 p.m.	Bryant's interview with Detectives Taylor and Nieves continues. Bryant admits involvement. Bryant implicates himself and Black, Tolliver, Brayboy, Cauthen, and Banner in the crime.
<b>11/19/2002</b>	10:04 p.m.	Detectives Flynn and Rose go into interview room with Tolliver. Tolliver's handwritten statement is the following: "They jumped on the man Stinky Rayshawn Derrell Rashawn Stinky (held) him down Derrel taped the man up the man was fighting for his life they did not mean for it to happen that way but Stinky and Rayshawn got to happy and lef him tide up. I sorry it happend like that." Detective Rose tells Tolliver he had just spoken to his mother, who said to tell the truth. Tolliver admits involvement. Later saw police cars at Victim's house and realized he was dead. Went to Bryant's house. Tolliver implicates himself and Black, Bryant, Brayboy, Cauthen, and Banner in the crime.
<b>11/19/2002</b>	10:07 p.m.- 10:16 p.m.	Dorrell Brayboy's gives second taped interview with Detective Smith and mother Lisa Brayboy. Describes clothing everyone was wearing.
<b>11/19/2002</b>	10:14 p.m.- 10:30 p.m.	Nathaniel Cauthen's gives taped interview with Detectives Rowe and Lovejoy. Cauthen implicates himself and others. Detective Rowe shares all information from Cauthen with other detectives conducting simultaneous interviews with Tolliver, Banner, Bryant, Brayboy, and Black.



11/19/2002 SIMPLIFIED INTERVIEW TIMELINE INVOLVING ONLY DEFENDANTS AND JESSICAH BLACK

DATE	TIME	DESCRIPTION
<b>11/19/2002</b>	10:21 p.m.- 10:33 p.m.	Christopher Bryant's gives taped interview with Detectives Nieves and Taylor. Bryant implicates himself and others.
<b>11/19/2002</b>	10:30 p.m.	Detectives Clark and Poe, Lieutenant Weavil, and Sergeant Byrom go to Banner's house. Banner is arrested.
<b>11/19/2002</b>	After 10:30 p.m.	Detectives Rowe and Griffin speak to ADA David Hall who authorizes charging all five boys with murder and directs police to get "Bruton" statements from the boys.
<b>11/19/2002</b>	10:57 p.m.	Detective Taylor takes Jessica Black home.
<b>11/19/2002</b>	11:00 p.m.	Lieutenant Weavil and Detective Clark interview of Banner begins. Miranda Rights are signed at 11:10 p.m.  Banner first denies any knowledge of incident at 905 Moravia Street. Banner is "presented with information from the investigation and he stated he was involved and provided a taped statement to his involvement." No details are provided about what information was given to Banner, but testimony at the suppression hearing indicates that some portion of Cauthen's taped statement is played for Banner.
<b>11/19/2002</b>	11:05 p.m.- 11:34 p.m.	Jermal Tolliver's gives taped interview with Detectives Rose and Flynn. Tolliver implicates himself and others.
<b>11/19/2002</b>	11:30 p.m.	Detectives Cox and Shelton obtain consent to search form from Jessica Black and go to her residence to tow her car to the PSC.
<b>11/19/2002</b>	11:52 p.m.- 11:57 p.m.	Nathaniel Cauthen's gives taped BRUTON STATEMENT with Detective Smith and Sergeant Byrom.
<b>11/19/2002</b>	11:55 p.m.	Lieutenant Clayton, and Detectives Snider, Rose, and Cox search Bryant's house.
<b>11/19/2002</b>	UNK	WSPD officer Vince Stephens goes to the Criminal Investigations Division at PSC and identifies Cauthen, Brayboy, Tolliver, and Banner as being at the bowling alley on 11/15/2002. Stephens talks to Detective Reese about incident. Stephens reports he encountered the suspects near the time of the crime. He ordered them to leave Creekside Lanes due to their being unruly. (NOTE: It is unknown what time Stephens is at CID.)
<b>11/20/2002</b>	12:02 a.m.	Detectives Lovejoy, Taylor, and Reese and Sergeant Cozart go to Tolliver's house at 734 East Devonshire Street for a consent search.



11/19/2002 SIMPLIFIED INTERVIEW TIMELINE INVOLVING ONLY DEFENDANTS AND JESSICAH BLACK

DATE	TIME	DESCRIPTION
<b>11/20/2002</b>	12:04-12:05 a.m.	Sergeant Smith and Detectives Kiger, Fine, and James begin a consent search of Brayboy's residence at 2439 Sink Street.
<b>11/20/2002</b>	12:09 a.m.-12:14 a.m.	Dorrell Brayboy's gives taped BRUTON STATEMENT with Detectives Smith and Bishop.
<b>11/20/2002</b>	12:17 a.m.	Rayshawn Banner's gives taped interview with Detectives Shelton and Detective Clark. Banner implicates himself and Jed, Shelton, Black, Bryant, Tolliver, Brayboy, and Cauthen in the crime.
<b>11/20/2002</b>	12:18 a.m.-12:26 a.m.	Christopher Bryant's gives taped BRUTON STATEMENT with Detectives Smith and Bishop.
<b>11/20/2002</b>	12:37 a.m.-12:44 a.m.	Jermal Tolliver's gives taped BRUTON STATEMENT with Detectives Smith and Bishop.
<b>11/20/2002</b>	12:58 a.m.-1:06 a.m.	Rayshawn Banner's gives taped BRUTON STATEMENT to Detectives Shelton and Detective Clark.
<b>12/20/2002</b>	1:00 a.m.	Bryant's house at 739 E. Devonshire Street is searched.
<b>11/20/2002</b>	1:30 a.m.	Cauthen and Banner's house at 621 Goldfloss Street is searched.
<b>11/20/2002</b>	After 1:30 a.m.	Following search at 621 Goldfloss Street, Detective Poe learns from Rayshawn Banner that the Nike shoes he was wearing on the night of the homicide are now being worn by his brother, Joseph Cauthen, who is in custody at the Forsyth County Detention Center on unrelated charges. Detective Poe seizes the red and white Nike athletic shoes from Joseph Cauthen at the jail.
<b>11/20/2002</b>	1:45 a.m.	WSPD seizes one pair of Reebok camouflage shoes from Jermal Tolliver at the PSC.
<b>11/20/2002</b>	UNK	Cauthen arrested for First Degree Murder. Listed as age 15, 5'6", and 136 pounds.
<b>11/20/2002</b>	2:15 a.m.	Banner arrested for First Degree Murder. Listed as age 14, 5'5", and 143 pounds.
<b>11/20/2002</b>	3:30 a.m.	Tolliver arrested for First Degree Murder. Listed as age 15, 5'8", and 141 pounds.
<b>11/20/2002</b>	3:30 a.m.	Brayboy arrested for First Degree Murder. Listed as age 15, 5'7", and 113 pounds.
<b>11/20/2002</b>	3:30 a.m.	Bryant arrested for First Degree Murder. Listed as age 15, 6'1", and 206 pounds.



# Handout 104



## Which Detectives Interviewed Which Defendants

	Transported to PSC by	Unrecorded Interview	Transported to look for wallet	Recorded Interview	Taped Bruton Statement
<b>Tolliver</b>	Rose Flynn	Rose - in/out Flynn – in/out Weavil – in/out (Rowe listens while it is Flynn/Weavil)  (This interview takes place before and after the trip to look for the wallet in multiple sessions with the above detectives in and out at various times over the course of hours.)	4:45 – 6:00  Fine Shelton Cox	Rose (in and out)  Flynn (in and out)	Smith Bishop

	Transported to PSC by	Unrecorded Interview	Recorded Interview 1	Taped Bruton Statement
<b>Cauthen</b>	Shelton Wilkerson	Weavil – in/out Rowe – in/out Mother – in/out Byrom – in/out  (This interview is broken up into several sessions with the above people in and out at various times.)	Rowe Lovejoy	Smith Byrom

	Transported to PSC by	Unrecorded Interview	Recorded Interview	Taped Bruton Statement
<b>Bryant</b>	James Sawyer	Nieves Taylor Flynn – in/out	Nieves Taylor	Smith Bishop



## Which Detectives Interviewed Which Defendants

	Transported to PSC by	Unrecorded Interview	Recorded Interview 1	Recorded Interview 2	Taped Bruton Statement
<b>Brayboy</b>	Nieves Poe	Smith Poe Weavil – in/out Lisa Brayboy (mother) – in/out (Rowe listened to portions)	Smith Lisa Brayboy (mother)	Smith Lisa Brayboy (mother)	Smith Bishop

	Transported to PSC by	Unrecorded Interview	Recorded Interview	Taped Bruton Statement
<b>Banner</b>	Clark, Poe, Weavil, Byron all went to Banner's house and arrested him after he declined to voluntarily come to the PSC. It is unclear who Banner rode with.	Weavil Clark	Shelton Clark	Shelton Clark

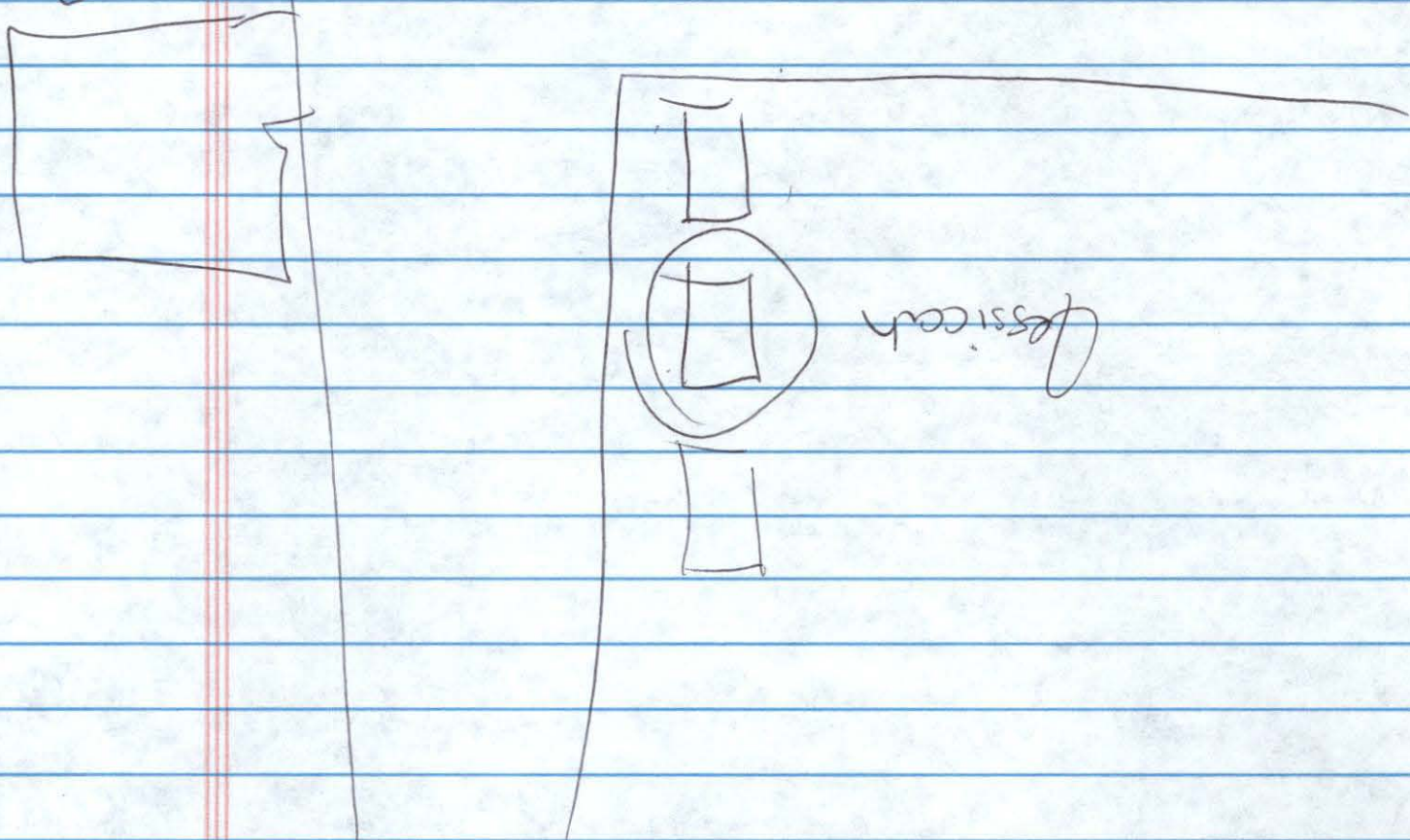
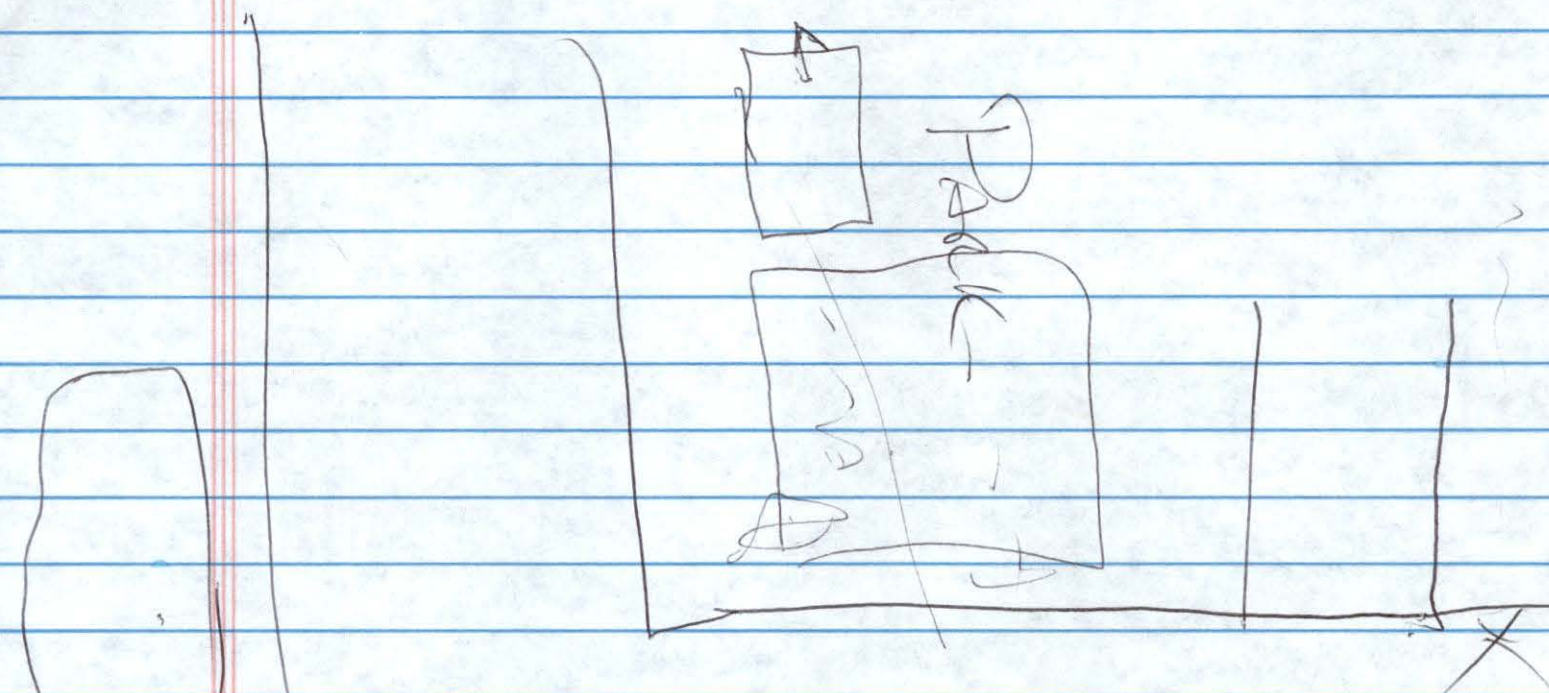
	Unrecorded Interview	Recorded interview	Transported Home by
<b>Black</b>	Griffin Rose – in/out Flynn – in/out Bishop – enters in progress	Bishop Griffin	Taylor

Note: In addition to at least one briefing at 4:45 p.m., several detectives indicated that there were supervisors in a conference room regularly updating detectives about what was being said in the various interview rooms.



# Handout 105







# Handout 106



IN THE NORTH CAROLINA GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

\* \* \* \* \*

STATE OF NORTH CAROLINA,	)	
	)	FORSYTH COUNTY
v.	)	02 CRS 038882
CHRISTOPHER BRYANT et al.,	)	02 CRS 038883
	)	02 CRS 038884
	)	02 CRS 038886

\* \* \* \* \*

TRANSCRIPT

Wednesday, January 8, 2020

\* \* \* \* \*

Transcript of interview that took place between  
Staff Attorney Julie Bridenstine, Elizabeth Fowler, and  
Grant Legal Investigator Mackenzie Myers.

---

O'Connor Legal, Medical & Media Services, LLC  
P.O. Box 384  
South Sutton, NH 03273  
(603) 865-1255



T A B L E O F C O N T E N T SEXHIBITSPAGE

36      Written Statement

8



1 (Background noise)

2 UNIDENTIFIED MALE: He still doing that?

3 INVESTIGATOR MYERS: Hey.

4 MS. FOWLER: Hi.

5 INVESTIGATOR MYERS: Are you Elizabeth?

6 MS. FOWLER: Someone wanted to speak to me?

7 INVESTIGATOR MYERS: Yeah.

8 MS. FOWLER: Hi.

9 INVESTIGATOR MYERS: Hey. I'm Mackenzie.

10 MS. FOWLER: Elizabeth.

11 INVESTIGATOR MYERS: Nice to meet you.

12 MS. FOWLER: Nice to meet you.

13 ATTORNEY BRIDENSTINE: Are you Ms. Fowler?

14 MS. FOWLER: Yes

15 ATTORNEY BRIDENSTINE: Hi, I'm Julie Bridenstine.

16 MS. FOWLER: Hi.

17 ATTORNEY BRIDENSTINE: Hi.

18 INVESTIGATOR MYERS: Hi. So, we work for the

19 North Carolina innocence Inquiry Commission.

20 MS. FOWLER: Um-hmm.

21 INVESTIGATOR MYERS: We're based out of Raleigh.

22 And what we do is we investigate post-conviction claims of

23 innocence.

24 MS. FOWLER: Okay.

25 INVESTIGATOR MYERS: So, if somebody in North



1 Carolina has been convicted of certain felonies, they can  
2 say that they're innocent and we might go back and  
3 investigate the case.

4 MS. FOWLER: Um-hmm.

5 INVESTIGATOR MYERS: We are not law enforcement.  
6 We don't represent the people saying that they're --

7 MS. FOWLER: Okay.

8 INVESTIGATOR MYERS: -- innocent. We are neutral  
9 and objective. We just want the truth.

10 MS. FOWLER: Okay.

11 INVESTIGATOR MYERS: Okay. So, we are currently  
12 in--- do you want to talk--- it's up to you. Whatever  
13 you're --

14 MS. FOWLER: Oh, well, no. I don't know any of  
15 these people. I don't care.

16 INVESTIGATOR MYERS: Okay. So --

17 MS. FOWLER: So, yeah, it's fine.

18 INVESTIGATOR MYERS: As long as you're  
19 comfortable.

20 MS. FOWLER: Yeah.

21 INVESTIGATOR MYERS: So, we are currently  
22 investigating a case that happened in -- on November 15th of  
23 2002 and it was the murder of Nathaniel Jones. It was a  
24 robbery and murder.

25 MS. FOWLER: Um-hmm.



1 INVESTIGATOR MYERS: There are -- there were five  
2 juvenile Defendants that were ultimately convicted.

3 MS. FOWLER: Um-hmm.

4 INVESTIGATOR MYERS: Four of those people are --  
5 have applied saying that- -- to our Agency saying that  
6 they're innocent. They are Christopher Bryant, who went by  
7 Bubba, Nathaniel Cauthen, Rayshawn Banner, and  
8 Jermal Tolliver. There was a fifth Co-Defendant --

9 MS. FOWLER: Um-hmm.

10 INVESTIGATOR MYERS: -- but he was actually  
11 murdered a few months ago. So he's not eligible to claim  
12 innocence. So, to start all this off --

13 MS. FOWLER: Um-hmm.

14 INVESTIGATOR MYERS: -- do you know  
15 Jessica Black?

16 MS. FOWLER: Yes.

17 INVESTIGATOR MYERS: Okay.

18 MS. FOWLER: The one that has the H on the end of  
19 her name?

20 INVESTIGATOR MYERS: Yes --

21 MS. FOWLER: Yes.

22 INVESTIGATOR MYERS: -- exactly.

23 MS. FOWLER: Okay, yes.

24 INVESTIGATOR MYERS: So, do you remember being  
25 friends with Jessica Black or knowing Jessica Black --



1 MS. FOWLER: Yeah.

2 INVESTIGATOR MYERS: -- November of 2002?

3 MS. FOWLER: I was at North Davidson, so, yeah.

4 INVESTIGATOR MYERS: You were -- okay. So, you  
5 went to high school with her?

6 MS. FOWLER: Yes, yeah.

7 INVESTIGATOR MYERS: Okay.

8 MS. FOWLER: Well, only 11th and 12th grade, so  
9 2002/2003.

10 INVESTIGATOR MYERS: Okay.

11 MS. FOWLER: Yes.

12 INVESTIGATOR MYERS: Do you -- did you ever live  
13 on the south side of Winston or stay over on the south side  
14 of Winston or anywhere I guess---

15 MS. FOWLER: I visited her a couple of times --

16 INVESTIGATOR MYERS: Okay.

17 MS. FOWLER: -- when she lived, or her uncle lived  
18 over that way, or was it her -- this was 18 years

19 INVESTIGATOR MYERS: A long time ago.

20 MS. FOWLER: -- ago. It's -- yeah -- so I know  
21 her mom at one point in time lived over that way.

22 INVESTIGATOR MYERS: Okay.

23 MS. FOWLER: I can't tell you exactly where.

24 INVESTIGATOR MYERS: Okay.

25 MS. FOWLER: I know that we used to go to her



1     uncle's house, I think it was.

2             INVESTIGATOR MYERS:   Okay.

3             MS. FOWLER:   And we would go down Gumtree Road and  
4     then turn down on Lexington I think it was --

5             INVESTIGATOR MYERS:   Okay.

6             MS. FOWLER:   -- to get to his house.

7             INVESTIGATOR MYERS:   Okay.

8             MS. FOWLER:   So that's --

9             INVESTIGATOR MYERS:   Do you remember her ever  
10    coming over -- did she come to your house often, let me say,  
11    back in --

12            MS. FOWLER:   Oh, yeah.   Yeah.

13            INVESTIGATOR MYERS:   -- November of 2002?

14            MS. FOWLER:   Oh, I'm sure she did.   We were both  
15    at each other's houses.   We were --

16            INVESTIGATOR MYERS:   Okay.

17            MS. FOWLER:   -- pretty decent friends.

18            INVESTIGATOR MYERS:   Okay.   Do you remember her  
19    ever talking about hanging out with any of the people I  
20    mentioned before, like --

21            MS. FOWLER:   Name?

22            INVESTIGATOR MYERS:   -- Christopher Bryant.

23    Christopher Bryant went by Bubba, Rayshawn Banner--

24            MS. FOWLER:   Is Bubba the one that is her son's  
25    father?



1 INVESTIGATOR MYERS: No.

2 MS. FOWLER: Okay, so that's --

3 INVESTIGATOR MYERS: No.

4 MS. FOWLER: That's the only Bubba that I knew  
5 her --

6 INVESTIGATOR MYERS: Okay.

7 MS. FOWLER: -- being around.

8 INVESTIGATOR MYERS: Stinky, does that name sound  
9 familiar --

10 MS. FOWLER: Huh-uh.

11 INVESTIGATOR MYERS: -- at all? Okay. Do you  
12 remember her ever talking to you about this case, or  
13 somebody being killed and/or anything like that?

14 MS. FOWLER: No.

15 INVESTIGATOR MYERS: No?

16 MS. FOWLER: No.

17 INVESTIGATOR MYERS: Okay. So --

18 MS. FOWLER: Yeah, because that would have weighed  
19 heavy on my conscience.

20 INVESTIGATOR MYERS: Yeah. Okay. Okay. So what  
21 I'm going to actually do is I'm going to show you what we  
22 are marking as Exhibit 36.

23 (Exhibit Number 36 was identified.)

24 MS. FOWLER: Okay.

25 INVESTIGATOR MYERS: Okay? I'm going to have you



1 read this. It might -- maybe it will maybe help refresh  
2 some of your memory about this, maybe not.

3 MS. FOWLER: Okay.

4 INVESTIGATOR MYERS: That's fine. But if you just  
5 would go ahead and read this. I'll have you -- if you want  
6 to start right there at 11/03, you're welcome to -- you can  
7 also read the full page. It kind of --

8 MS. FOWLER: 11/03/03, so I had already graduated  
9 at that time, November. Okay.

10 UNIDENTIFIED MALE: You still take insulin?

11 UNIDENTIFIED MALE: Huh?

12 UNIDENTIFIED MALE: You still take insulin?

13 UNIDENTIFIED MALE: Yeah.

14 UNIDENTIFIED MALE: Okay.

15 UNIDENTIFIED MALE: Three or four times a day.

16 MS. FOWLER: I don't remember any of that, the  
17 seizure of whose car? Jessica's car or my car?

18 INVESTIGATOR MYERS: It was Jessica's car.

19 MS. FOWLER: Jessica's car?

20 INVESTIGATOR MYERS: Um-hmm.

21 MS. FOWLER: No, I don't remember any of that.

22 INVESTIGATOR MYERS: Do you ever remember talking  
23 with the police at all?

24 MS. FOWLER: No.

25 INVESTIGATOR MYERS: No?



1 MS. FOWLER: I -- no. I would have remembered  
2 something like that.

3 INVESTIGATOR MYERS: Do you remember Jessica  
4 talking about her car being seized by the police?

5 MS. FOWLER: Huh-uh.

6 INVESTIGATOR MYERS: Do you remember her ever  
7 saying anything about --

8 MS. FOWLER: I --

9 INVESTIGATOR MYERS: Any kind of evidence being  
10 found?

11 MS. FOWLER: No. I don't remember any of that.

12 INVESTIGATOR MYERS: Okay.

13 MS. FOWLER: No.

14 INVESTIGATOR MYERS: No officer from Winston-Salem  
15 that you can remember ever contacted you?

16 MS. FOWLER: No.

17 INVESTIGATOR MYERS: Are there any other  
18 Elizabeth Fowlers that you know?

19 MS. FOWLER: Not that I am aware of.

20 INVESTIGATOR MYERS: Okay.

21 MS. FOWLER: No, nobody in my family is Elizabeth,  
22 so -- and, you know. And I was friends with Jessica Black.

23 INVESTIGATOR MYERS: Okay.

24 MS. FOWLER: So --

25 INVESTIGATOR MYERS: Did you have a falling out



1 with Jessica at some point?

2 MS. FOWLER: Yes.

3 INVESTIGATOR MYERS: Okay.

4 MS. FOWLER: A couple.

5 INVESTIGATOR MYERS: You had a couple --

6 MS. FOWLER: Yeah.

7 INVESTIGATOR MYERS: -- fallings out.

8 MS. FOWLER: One, her mother is actually now  
9 dating my ex-stepfather and that's been a whole thing. And  
10 then one, 2005, we briefly got back in touch. And then she  
11 slept with my boyfriend. So we had a falling out again.  
12 And --

13 INVESTIGATOR MYERS: Okay.

14 MS. FOWLER: -- that's been -- no, no, that's  
15 another girl. But, but that is --

16 INVESTIGATOR MYERS: Okay.

17 MS. FOWLER: So that's been -- it's been a long  
18 time. I think I may have tried to add her on Facebook about  
19 four or five years ago. We had a short conversation and  
20 then that was it.

21 INVESTIGATOR MYERS: Okay.

22 MS. FOWLER: But no, nothing ever like this, no.  
23 And I don't get involved with the cops at all. I would  
24 remember any sort of conversation with them about anything.

25 INVESTIGATOR MYERS: Do you remember her at all --



1 and I'm sorry if some of these questions --

2 MS. FOWLER: No, it's okay.

3 INVESTIGATOR MYERS: If I -- it seems like I'm  
4 kind of going over the same thing over again, but I just  
5 want to be sure. Did she ever come over to your home and  
6 say that she had been to a bowling alley or the mall with  
7 any of those kids or any of those boys?

8 MS. FOWLER: Those -- none of those names sound  
9 familiar. Like I said, the only Bubba that I remember is  
10 her son's father.

11 Other than that, the Bryant name sounds vaguely  
12 familiar. But I also know that I went to high school at  
13 Lexington before I met her with another guy last name  
14 Bryant. So I can't be 100-percent sure almost 20 years ago.

15 INVESTIGATOR MYERS: Sure.

16 MS. FOWLER: So that's --

17 INVESTIGATOR MYERS: Okay.

18 MS. FOWLER: -- that's the only thing that I can  
19 think of.

20 INVESTIGATOR MYERS: What were you going to ask,  
21 Julie?

22 ATTORNEY BRIDENSTINE: Just that, did you ever  
23 know her to hang out with any black juveniles at that time  
24 who were also --

25 MS. FOWLER: Yeah.



1 ATTORNEY BRIDENSTINE: -- your age? Okay.

2 MS. FOWLER: Yeah. And she was, she was one that  
3 usually hanged out -- hung out with the black kids.

4 INVESTIGATOR MYERS: Okay.

5 MS. FOWLER: Yeah. Excuse me.

6 INVESTIGATOR MYERS: Anything else you can think  
7 of?

8 ATTORNEY BRIDENSTINE: Did you know anyone named  
9 Michelle back then?

10 MS. FOWLER: Her mom, Michelle Black.

11 ATTORNEY BRIDENSTINE: Okay. A friend, Michelle,  
12 like any -- anyone your age or that you --

13 MS. FOWLER: Not that --

14 ATTORNEY BRIDENSTINE: --would consider --

15 MS. FOWLER: Not that she would know. I knew some  
16 Michelles back before I started going to North Davidson with  
17 her, but not --

18 ATTORNEY BRIDENSTINE: Not a friend of Jessicah's  
19 named Michelle?

20 MS. FOWLER: No.

21 ATTORNEY BRIDENSTINE: Did she talk about her mom  
22 as Michelle or would she say mom?

23 MS. FOWLER: Both, because there were quite a few  
24 times where there were-- they were rough with each other.  
25 That relationship wasn't very stable.



1 INVESTIGATOR MYERS: Did you know somebody named  
2 Jordan Sellars?

3 MS. FOWLER: Name sounds familiar.

4 INVESTIGATOR MYERS: Okay.

5 MS. FOWLER: But I can't place it.

6 INVESTIGATOR MYERS: That's okay.

7 ATTORNEY BRIDENSTINE: Where were you living in  
8 November 2002?

9 MS. FOWLER: That would have been with my father.  
10 Let me think. It would have been in Welcome, North -- I  
11 don't know if it would have been Arnold Road or Chapel  
12 Drive. It was one of those two places in Welcome.

13 UNIDENTIFIED MALE: Can you hear me coming?

14 MS. FOWLER: I was born in North Davidson.

15 UNIDENTIFIED MALE: Yeah.

16 UNIDENTIFIED MALE: All right --

17 INVESTIGATOR MYERS: Okay. Did Jessica ever come  
18 over to your house with any of her black friends?

19 MS. FOWLER: No. No, she was always there by  
20 herself.

21 ATTORNEY BRIDENSTINE: Did you live in Midway?

22 MS. FOWLER: Well it's kind of -- no, it's  
23 technically Welcome. It's before you get to Midway.

24 ATTORNEY BRIDENSTINE: Could someone confuse it  
25 with Midway?



1 MS. FOWLER: Oh, yeah, easily. Yeah. Midway,  
2 Welcome, Arcadia, all that little area right there is --  
3 yeah. If you don't live there, you don't really know the  
4 difference.

5 INVESTIGATOR MYERS: Got you. Thank you so much.

6 MS. FOWLER: Oh, no problem. And if -- do you  
7 need my telephone number in case you want to call?

8 ATTORNEY BRIDENSTINE: That'd be great, yeah.

9 INVESTIGATOR MYERS: If you don't mind, that would  
10 be helpful --

11 MS. FOWLER: Yeah, that's fine.

12 INVESTIGATOR MYERS: -- to us in case we have a  
13 follow-up question.

14 MS. FOWLER: I have nothing to hide, 336-247-7410.

15 ATTORNEY BRIDENSTINE: So just to clarify, you  
16 don't remember Jessica ever talking about the fact that she  
17 was a witness in a murder case?

18 MS. FOWLER: Huh-uh.

19 INVESTIGATOR MYERS: And you don't -- do you  
20 remember her ever talking about having to go testify in  
21 court, or anything?

22 MS. FOWLER: No, no. Not that I remember.

23 INVESTIGATOR MYERS: Okay. Do you ever remember  
24 her telling you that she drove around in a van with anybody  
25 and they asked her questions about this case?



1 MS. FOWLER: Huh-uh.

2 INVESTIGATOR MYERS: No? Okay. All right, I  
3 think that's it.

4 ATTORNEY BRIDENSTINE: Yeah.

5 INVESTIGATOR MYERS: Thank you so much.

6 MS. FOWLER: No problem.

7 INVESTIGATOR MYERS: I really appreciate you.

8 MS. FOWLER: Yeah. Do you need this back?

9 INVESTIGATOR MYERS: Yeah, thanks. Thank you. I  
10 gave him -- well--

11 MS. FOWLER: A gold card.

12 INVESTIGATOR MYERS: -- Julie's card. Okay. If  
13 for some reason you happen to think of something --

14 MS. FOWLER: Um-hmm.

15 INVESTIGATOR MYERS: -- or something just jogs  
16 your memory --

17 MS. FOWLER: Sure.

18 INVESTIGATOR MYERS: -- or something, please feel  
19 free to give us a call at any time.

20 MS. FOWLER: Okay.

21 INVESTIGATOR MYERS: If we don't answer, leave us  
22 a message and we will definitely get back to you.

23 MS. FOWLER: Sure, no problem.

24 INVESTIGATOR MYERS: Thank you so much.

25 MS. FOWLER: Thank you.



1 INVESTIGATOR MYERS: Really appreciate you.

2 ATTORNEY BRIDENSTINE: Thank you.

3 MS. FOWLER: I hope I can help out, about 20 years  
4 ago. I don't remember much.

5 INVESTIGATOR MYERS: It's a long time.

6 ATTORNEY BRIDENSTINE: Thank you.

7 INVESTIGATOR MYERS: Thanks, Elizabeth. Have a  
8 great night.

9 MS. FOWLER: You, too.

10 INVESTIGATOR MYERS: Thank you.

11 (Interview ended.)

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CERTIFICATION OF TRANSCRIPT

This is to certify that the foregoing transcript of interview, consisting of 17 pages, held on January 8, 2020, is a true and accurate transcript from the recording I have been provided. I further certify that I am not related to any Party or Attorney, nor do I have any interest whatsoever in the outcome of this action.

THIS 29th day of January 2020.

*Nicole Turner*

NICOLE TURNER, Transcriptionist



# Handout 107



IN THE NORTH CAROLINA GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

\* \* \* \* \*

STATE OF NORTH CAROLINA,	)	
	)	FORSYTH COUNTY
v.	)	02 CRS 038882
CHRISTOPHER BRYANT et al.,	)	02 CRS 038883
	)	02 CRS 038884
	)	02 CRS 038886

\* \* \* \* \*

TRANSCRIPT

Friday, January 10, 2020

\* \* \* \* \*

Transcript of interview that took place between  
Staff attorney Julie Bridenstine, Lillie Watlington, and  
Grant Legal investigator Mackenzie Myers.

---

O'Connor Legal, Medical & Media Services, LLC  
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1 (Background noise)

2 ATTORNEY BRIDENSTINE: Hi.

3 MS. TOLLIVER: Hi --

4 ATTORNEY BRIDENSTINE: Good. How are you?

5 MS. WATLINGTON: Hello.

6 ATTORNEY BRIDENSTINE: How are you doing?

7 MS. WATLINGTON: I'm fine.

8 INVESTIGATOR MYERS: Hi. Hello.

9 ATTORNEY BRIDENSTINE: Hello.

10 MS. WATLINGTON: Do you want to take a wild guess  
11 on who I am, right?

12 ATTORNEY BRIDENSTINE: Are you Lillie?

13 INVESTIGATOR MYERS: You're Lillie, right?

14 MS. WATLINGTON: Yeah.

15 ATTORNEY BRIDENSTINE: Okay. Hi.

16 MS. WATLINGTON: And Yolanda says you might want  
17 to talk to her. And they're going to have to keep her  
18 another day. So you'll probably have to go over to the  
19 hospital.

20 ATTORNEY BRIDENSTINE: For what?

21 MS. WATLINGTON: For Yolanda, for Yolanda.

22 ATTORNEY BRIDENSTINE: Oh, okay.

23 MS. WATLINGTON: Because they're going to keep her  
24 an extra day because they're trying a medication to see how  
25 it works. Because she had like two seizures in her sleep



1 last night.

2 ATTORNEY BRIDENSTINE: Oh, no.

3 MS. TOILLIVER: And they, they evidently was kind  
4 of light [indiscernible]. So they're trying another  
5 medication and then [indiscernible]. We will see if it --

6 ATTORNEY BRIDENSTINE: I'm sorry.

7 MS. TOILLIVER: So she said you're welcome to come  
8 over there.

9 ATTORNEY BRIDENSTINE: Well, we will be back next  
10 week. So I'll call you next week and see if she's feeling  
11 better and up to it. I think we will be back next Thursday.

12 MS. TOILLIVER: Okay.

13 ATTORNEY BRIDENSTINE: But I hope she gets better.  
14 That's really scary. Do you want -- you know, we said 1:00,  
15 but do you want us to talk to you now? Would that work?

16 MS. WATLINGTON: You said what now?

17 ATTORNEY BRIDENSTINE: Do you want us to talk to  
18 you now?

19 MS. WATLINGTON: Oh, yeah.

20 ATTORNEY BRIDENSTINE: Okay.

21 MS. WATLINGTON: [Indiscernible]. I told my boss  
22 I got to be somewhere around 12:00.

23 ATTORNEY BRIDENSTINE: So, Lillie, I'm  
24 Julie Bridenstine. I'm an attorney with the North Carolina  
25 Innocence Inquiry Commission. And this is Mackenzie Myers.



1 She's --

2 INVESTIGATOR MYERS: We spoke last night.

3 ATTORNEY BRIDENSTINE: Yeah. -- the investigator.

4 And we're -- Mackenzie's going to ask you the questions  
5 today.

6 But if you ever have any questions or follow-up, you  
7 can give either one of us a call at that number. That's  
8 where we work in Raleigh and that's our information on  
9 there.

10 MS. WATLINGTON: Oh.

11 INVESTIGATOR MYERS: So kind of just to start, we  
12 kind of talked about this a little bit on the phone. But I  
13 just want to go back over about, like, who we are and what  
14 we do and why we're talking to you.

15 So we work for the North Carolina Innocence Inquiry  
16 Commission. We're a State agency based out of Raleigh. And  
17 we investigate post-conviction claims of innocence.

18 So if someone's convicted of a crime in North Carolina  
19 -- certain felonies -- they can apply to our agency and we  
20 can go back and investigate the case. So as you know, we're  
21 looking into your brother's case. And also we're  
22 investigating the claims of Christopher Bryant --

23 MS. WATLINGTON: Right.

24 INVESTIGATOR MYERS: -- and Nathaniel Cauthen and  
25 Rayshawn Banner.



1 MS. WATLINGTON: Why you all excluding all the  
2 rest?

3 INVESTIGATOR MYERS: Because he's deceased --

4 MS. WATLINGTON: I mean, but still you all -- I  
5 mean, this [indiscernible] basically -- okay. Me, me being  
6 me and me having, like, a son, if my son actually had done  
7 anything like this and [indiscernible] feel like his  
8 [indiscernible] should be able to have some kind of --

9 MS. BRIDENSTINE: [Indiscernible].

10 MS. WATLINGTON: You know, Jermal told me he's  
11 like, he wanted his name [indiscernible] mama  
12 [indiscernible] done so he can take the paperwork down there  
13 and put it on --

14 INVESTIGATOR MYERS: So there are --

15 MS. WATLINGTON: There's some kind of closure.

16 INVESTIGATOR MYERS: Absolutely. And so there are  
17 other ways that that can be done.

18 MS. WATLINGTON: Or his family would have to do  
19 it?

20 INVESTIGATOR MYERS: Correct. So based on -- so  
21 we -- all of the things that we can do are based on the  
22 statutes that are relevant to our agency.

23 MS. WATLINGTON: Um-hmm.

24 INVESTIGATOR MYERS: So unfortunately, part of  
25 that is that we can't review a claim of a defendant who is



1 deceased.

2 MS. WATLINGTON: Yeah.

3 INVESTIGATOR MYERS: But, again, I hear what  
4 you're saying. But that -- there are other ways that they  
5 could possibly go about doing that.

6 MS. WATLINGTON: Okay.

7 INVESTIGATOR MYERS: But unfortunately, we're just  
8 not one of those avenues.

9 MS. WATLINGTON: Okay.

10 INVESTIGATOR MYERS: So that's why we're  
11 focusing --

12 MS. WATLINGTON: On the --

13 INVESTIGATOR MYERS: -- on the other boys, okay.  
14 We don't represent your brother.

15 MS. WATLINGTON: Um-hmm.

16 INVESTIGATOR MYERS: We don't represent the other  
17 three. We are neutral.

18 MS. WATLINGTON: Just investigating. Yeah.

19 INVESTIGATOR MYERS: Exactly, we're just  
20 investigating. We're not prosecutors. We're not law  
21 enforcement. Okay. So just kind of to start, you are  
22 Jermal's sister?

23 MS. WATLINGTON: The oldest.

24 INVESTIGATOR MYERS: The oldest sister? Okay.  
25 And do you remember where you were living -- and just -- in



1 case you don't remember, we're investigating the robbery and  
2 homicide of Nathaniel Jones back on November 15th of 2002 --

3 MS. WATLINGTON: I was living at my mom's house.

4 INVESTIGATOR MYERS: You were living at your mom's  
5 house?

6 MS. WATLINGTON: [Indiscernible].

7 INVESTIGATOR MYERS: It was on East Devonshire?  
8 Okay.

9 MS. WATLINGTON: I had just came home from prison  
10 myself for doing 10 months.

11 INVESTIGATOR MYERS: Ten months, okay. When did  
12 you get home from prison?

13 MS. WATLINGTON: I got home September 15th of  
14 2002.

15 INVESTIGATOR MYERS: Okay. So, you were  
16 definitely home in November of 2002 is what you're saying?

17 MS. WATLINGTON: Yes.

18 INVESTIGATOR MYERS: Okay. Were you working at  
19 that time? No?

20 MS. WATLINGTON: My mom was. I was actually  
21 taking my mom to and from work.

22 INVESTIGATOR MYERS: Okay.

23 MS. WATLINGTON: I was basically the licensed  
24 driver so -- and watched out for Jermal.

25 INVESTIGATOR MYERS: Okay. Who else was living in



1 the house?

2 MS. WATLINGTON: It was me, Thayers, Yolanda, my  
3 mama.

4 INVESTIGATOR MYERS: Okay. Was Jermal there?

5 MS. WATLINGTON: Yes.

6 INVESTIGATOR MYERS: Okay. Do you remember -- or  
7 take me back to November 15th and what you remember that day  
8 in particular. Like, what were you doing in the afternoon?  
9 Let's start with there.

10 MS. WATLINGTON: I know at one point I took my  
11 brother -- my brother had rode, as I recall -- I'm just  
12 going to say it like this because it's still -- it's just  
13 been so long ago. I know a thing of events happened that  
14 day.

15 INVESTIGATOR MYERS: Okay.

16 MS. WATLINGTON: But I do remember I had took my  
17 mama to work. I'm trying to remember if Jermal rode with  
18 me --

19 INVESTIGATOR MYERS: Do you know what time you  
20 would have driven your mom to work?

21 MS. WATLINGTON: She had to be there like 3:30.

22 INVESTIGATOR MYERS: 3:30? Okay. And we're  
23 talking afternoon?

24 MS. WATLINGTON: The afternoon.

25 INVESTIGATOR MYERS: Okay.



1 MS. WATLINGTON: And she got off, like, at 11:00  
2 at night.

3 INVESTIGATOR MYERS: Okay. So --

4 MS. WATLINGTON: But that day I know I remember  
5 taking Jermal to his father's house. He wanted to go to the  
6 movie theatre.

7 And when I took him to his dad's house, his dad didn't  
8 open no door. He talked to him through the window and was,  
9 like, I ain't got no money. So Jermal was pretty much kind  
10 of disturbed.

11 INVESTIGATOR MYERS: Do you know about what time  
12 you would have gotten to his dad's house?

13 MS. WATLINGTON: I want to say it was anywhere  
14 between probably about 8:00 or 9:00.

15 INVESTIGATOR MYERS: At night?

16 MS. WATLINGTON: Um-hmm.

17 INVESTIGATOR MYERS: Okay. So when you and Jermal  
18 went to drop your mom off from work, what did you do after  
19 you dropped your mom off from work?

20 MS. WATLINGTON: We went straight back to the  
21 house.

22 INVESTIGATOR MYERS: To the house?

23 MS. WATLINGTON: Um-hmm.

24 INVESTIGATOR MYERS: Okay. How long was it to get  
25 from where you were living to --



1 MS. WATLINGTON: About 20 minutes.

2 INVESTIGATOR MYERS: Okay. So 20 minutes there  
3 and then 20 minutes --

4 MS. WATLINGTON: Minutes back.

5 INVESTIGATOR MYERS: -- back. Okay. How long did  
6 it take to get from your home to where Jermal's dad lived?

7 MS. WATLINGTON: [Indiscernible] I want to say  
8 probably about 15 minutes.

9 INVESTIGATOR MYERS: Okay. So once you went to  
10 the dad's house, he didn't have money. What did you do  
11 after that?

12 MS. WATLINGTON: Me and Jermal went back to the  
13 house.

14 INVESTIGATOR MYERS: Okay. When you got back to  
15 the house --

16 MS. WATLINGTON: Jermal was laying around the  
17 house.

18 INVESTIGATOR MYERS: Okay.

19 MS. WATLINGTON: [Indiscernible] pretty much  
20 moping.

21 INVESTIGATOR MYERS: Was it light outside, dark  
22 outside, getting dark?

23 MS. WATLINGTON: Getting dark.

24 INVESTIGATOR MYERS: Getting dark. Was anybody  
25 else home when you got back?



1 MS. WATLINGTON: My other siblings was.

2 INVESTIGATOR MYERS: Okay.

3 ATTORNEY BRIDENSTINE: They were home?

4 MS. WATLINGTON: Um-hmm.

5 INVESTIGATOR MYERS: And you said Jermal was  
6 moping around. What do you mean?

7 MS. WATLINGTON: Jermal, like, when he get  
8 depressed then he pretty much -- he just went to sleep.

9 INVESTIGATOR MYERS: Okay.

10 MS. WATLINGTON: He's a -- he used to be one of  
11 those kids that get [indiscernible] Cokes or a box of chips  
12 and sit on the couch like a couch potato. And watch TV and  
13 leave a trail of papers --

14 INVESTIGATOR MYERS: Okay.

15 MS. WATLINGTON: Like he, he would go and probably  
16 play with or talk to Bubba, if Bubba was home --  
17 Christopher. But he was mainly around the house that day.

18 INVESTIGATOR MYERS: Okay. What was he --

19 MS. WATLINGTON: When I --

20 INVESTIGATOR MYERS: Did you --

21 MS. WATLINGTON: When I left to go pick mama -- my  
22 mama up, Jermal was asleep in the room. I do remember that.

23 INVESTIGATOR MYERS: Okay.

24 MS. WATLINGTON: When we came back, he came -- he  
25 was called. He came downstairs and had to explain to us



1 that the other fellows, guys that came -- Nathaniel, his  
2 brother, got a knock on the door and said they wanted him to  
3 go around [indiscernible].

4 And see, one thing I can say because I lost a child, my  
5 son. Jermal didn't actually even see him dead. So that's  
6 something that he can't part -- he can't take.

7 Now, he'll sit there like people sit on porches, most  
8 of the day he'll sit. If there an elderly person getting  
9 off the bus struggling with their groceries, he'll run over  
10 there and help them just to make a little change because he  
11 can. So it's not abnormal to do at all. He's, he's a  
12 cheerful. He's -- he has a good heart.

13 INVESTIGATOR MYERS: Okay. So he tells you that  
14 the other boys -- you mentioned Rayshawn?

15 MS. WATLINGTON: Rayshawn.

16 INVESTIGATOR MYERS: And Nathaniel?

17 MS. WATLINGTON: Nathaniel came and got him.

18 INVESTIGATOR MYERS: Were there any -- was there  
19 anybody else, or was it just those two?

20 MS. WATLINGTON: Just those two.

21 INVESTIGATOR MYERS: Okay. And --

22 MS. WATLINGTON: They took him around there and  
23 asked if he had seen the body, and came back. He did this  
24 while I was gone to get my mama.

25 INVESTIGATOR MYERS: Okay.



1           ATTORNEY BRIDENSTINE: And that was while you were  
2 getting your mother?

3           MS. WATLINGTON: While I was getting my mama.

4           INVESTIGATOR MYERS: And your mom got off work at  
5 what time?

6           MS. WATLINGTON: I left at -- she probably get  
7 home -- I'm trying to figure out was that actually an early  
8 night, because sometimes she would just [indiscernible] get  
9 off and make sure stuff [indiscernible], so --

10          INVESTIGATOR MYERS: Um-hmm.

11          MS. WATLINGTON: But no later than about 11:00.

12          INVESTIGATOR MYERS: Okay. If your mom -- you  
13 mentioned your mom if she had an early night, do you -- what  
14 time would that --

15          MS. WATLINGTON: About 10:00.

16          INVESTIGATOR MYERS: About 10:00? Okay. So what,  
17 what else happened after Jermal told you that he went and --

18          MS. WATLINGTON: He basically was just freaked  
19 out, like, he never seen dead body. They came and told him  
20 to walk around the corner. And he did.

21          INVESTIGATOR MYERS: Did he know who it was?

22          MS. WATLINGTON: He didn't know until after, when  
23 the detectives came.

24          INVESTIGATOR MYERS: Did you know Mr. Jones?

25          MS. WATLINGTON: I knew about him once this case



1 was actually over. I knew I worked with his nephew.

2 INVESTIGATOR MYERS: Okay. Which nephew was that?

3 MS. WATLINGTON: Terry.

4 INVESTIGATOR MYERS: Okay.

5 MS. WATLINGTON: And when he found out -- because  
6 we worked at K&W together. And he figured out my last name  
7 was Tolliver. He freaked and quit.

8 ATTORNEY BRIDENSTINE: Was that before or after  
9 this case?

10 MS. WATLINGTON: That was right after this case --  
11 after he passed away.

12 INVESTIGATOR MYERS: When you were working at K&W  
13 with Terry, what was the -- that timeframe?

14 MS. WATLINGTON: I would actually have to call  
15 because it was the one on Peters Creek, because I was like  
16 off-and-on at K&W for about 10 years.

17 INVESTIGATOR MYERS: Okay.

18 MS. WATLINGTON: I worked there [indiscernible] so  
19 I would have to go back. Or you could talk to somebody --

20 INVESTIGATOR MYERS: Did you work there in 2002 --

21 MS. WATLINGTON: Yeah.

22 INVESTIGATOR MYERS: -- at all?

23 MS. WATLINGTON: Yeah.

24 INVESTIGATOR MYERS: Did you work there in 2003?

25 MS. WATLINGTON: Maybe.



1 INVESTIGATOR MYERS: Okay. But you definitely  
2 worked there after Mr. Jones was killed?

3 MS. WATLINGTON: Because I had to get a job in  
4 order to get custody of my kids.

5 INVESTIGATOR MYERS: Okay. And Terry Jones worked  
6 there after Mr. Jones was killed?

7 MS. WATLINGTON: Yeah.

8 INVESTIGATOR MYERS: Okay.

9 MS. WATLINGTON: He acted nervous, like, you know  
10 how you walk up on somebody and you talk, like, once I found  
11 out that that was actually his nephew. He found out my last  
12 name was Tolliver. It's like you know how somebody just  
13 really have, like, a spooked look on them like?

14 INVESTIGATOR MYERS: Did you ever have any  
15 conversations with Terry?

16 MS. WATLINGTON: I never dealt with him about  
17 anything [indiscernible] my, my brother was accused.

18 INVESTIGATOR MYERS: What did -- do you remember  
19 when --

20 MS. WATLINGTON: That's when he actually got  
21 spooked and started looking worried. And he quit.

22 INVESTIGATOR MYERS: How long after that did he  
23 quit?

24 MS. WATLINGTON: About right within that same  
25 week.



1 INVESTIGATOR MYERS: Within the same week. Did he  
2 make any comments to you after you told him who your brother  
3 was?

4 MS. WATLINGTON: Huh-uh.

5 INVESTIGATOR MYERS: Okay.

6 ATTORNEY BRIDENSTINE: Did you work together with  
7 him before Mr. Jones was killed?

8 MS. WATLINGTON: After.

9 ATTORNEY BRIDENSTINE: So did you meet Terry  
10 before he was killed or after? When did you first meet  
11 Terry?

12 MS. WATLINGTON: I met him after.

13 ATTORNEY BRIDENSTINE: Okay.

14 INVESTIGATOR MYERS: I want to go back to the  
15 night that Mr. Jones was killed. Jermal was -- like, he had  
16 never seen a dead body before. After he tells you about  
17 this, what happens after that?

18 MS. WATLINGTON: He basically [indiscernible] went  
19 back upstairs. That's when I started seeing the tears. I'm  
20 like, oh, what in the world is actually going on because I  
21 mean, I had made a statement to my brother. I told him as  
22 far as the other fellas hanging around the house, I was  
23 like, well, Jermal, you need to start --

24 INVESTIGATOR MYERS: Why did you say that to him,  
25 though?



1 MS. WATLINGTON: It was just me being a big  
2 sister. I do that with, with Gizmo. I do that with  
3 Yolanda.

4 Like, I, I got more of a grandma in me, like  
5 [indiscernible] because as soon as that happened all of this  
6 stuff transpired. I'm like, damn, did I -- do I speak stuff  
7 into existence.

8 So I just -- I stopped doing it. I just stopped  
9 saying, you know, be careful or any of that. I just came  
10 out of nowhere. And then, you know, the thing that bothers  
11 me Mike Rowe, the detective.

12 ATTORNEY BRIDENSTINE: Rose or Rowe?

13 MS. WATLINGTON: Rowe. Mike Rowe. I knew it was,  
14 too. I'm not -- I wasn't -- I knew I was not tripping.  
15 Like, it's a couple of things, a couple of glitches in the,  
16 in the whole case.

17 One, he waited to talk to me. I don't know if they did  
18 a background check and felt like I was going to cover up for  
19 my brother.

20 One thing I ain't going to do, if you're wrong, you're  
21 wrong. I'm not going to cover up for nobody. But he waited  
22 a long period of time, then he want to talk to me, again.  
23 It's like he brushed me off. Then, when we went to NAACP,  
24 my statement wasn't even --

25 INVESTIGATOR MYERS: I don't mean to interrupt



1 you. But what do you mean when you went to the NAACP?

2 MS. WATLINGTON: I mean, we tried -- I tried -- we  
3 tried to kind of reach out so the case wouldn't just be open  
4 and shut. We wanted them to look into it. I even reached  
5 out to Darrell Hunt.

6 INVESTIGATOR MYERS: And when you say them, who do  
7 you mean by them? Who wanted them to look into it?

8 MS. WATLINGTON: I mean, whoever I could reach out  
9 to. Darrell Hunt, you know, the NAACP. I wanted to be  
10 heard. Really Clark Fischer is probably about the only one  
11 that listened, and then you all, and the reporter.

12 So I mean, the glitch of the detective going into the  
13 jury room while they were deliberating, that was crazy. I  
14 paid attention to the whole thing.

15 ATTORNEY BRIDENSTINE: Wait. What happened?

16 INVESTIGATOR MYERS: There was an officer?

17 MS. WATLINGTON: A detective went in the jury room  
18 when they was coming to their verdict.

19 INVESTIGATOR MYERS: Who was the detective?

20 MS. WATLINGTON: Mike Rowe.

21 INVESTIGATOR MYERS: Mike Rowe went in. How long  
22 was he in there for?

23 MS. WATLINGTON: A couple minutes. My estimate  
24 maybe about -- I want to say probably about a good 15,  
25 20 minutes. But nobody -- isn't court cases all around the



1 same?

2 I watch too much Law and Order. Ain't nobody supposed  
3 to be in the jury room, nothing but them jurors. The case  
4 was just -- when they started talking about latent lifts  
5 that they're basically going off of hearsay or coercion --

6 INVESTIGATOR MYERS: So let me take you back -- so  
7 after -- so you see the detectives in the neighborhood -- or  
8 where did you see detectives?

9 MS. WATLINGTON: When they came to my mama's house  
10 and knocked on the door.

11 INVESTIGATOR MYERS: What day was that? How long  
12 was that after?

13 MS. WATLINGTON: It was probably about like right  
14 within that same week that it happened.

15 INVESTIGATOR MYERS: Okay.

16 MS. WATLINGTON: Maybe probably about a day or two  
17 after.

18 INVESTIGATOR MYERS: Okay. So tell me about that.  
19 What happened then?

20 MS. WATLINGTON: When he came, I was pretty much  
21 like right in the hallway. It's, like, one detective was  
22 out in the hallway and then the other one was pretty much,  
23 like, in the doorway of my mama's room. I remember  
24 [indiscernible] baseball bat was brought up. And they said  
25 they were taking Jermal in --



1 INVESTIGATOR MYERS: How many police did you see  
2 in your home?

3 MS. WATLINGTON: Two.

4 INVESTIGATOR MYERS: Two, were they wearing  
5 uniforms, or were they --

6 MS. WATLINGTON: Suits, suits.

7 INVESTIGATOR MYERS: How, how were they dressed?

8 MS. WATLINGTON: Suits.

9 INVESTIGATOR MYERS: Okay.

10 MS. WATLINGTON: It may have been --

11 INVESTIGATOR MYERS: Okay.

12 MS. WATLINGTON: And see, I, I don't forget Rowe's  
13 face because [indiscernible]. My uncle had come home  
14 because he had throat cancer.

15 Mike Rowe [indiscernible]. He was a little upset with  
16 the, the early release. So it's like the Tollivers  
17 [indiscernible] even to like my cousin --

18 INVESTIGATOR MYERS: What was your uncle's last  
19 name?

20 MS. WATLINGTON: It was Tolliver.

21 ATTORNEY BRIDENSTINE: Was that before or after  
22 Mr. Jones?

23 MS. WATLINGTON: Way before.

24 INVESTIGATOR MYERS: Who -- did you know either of  
25 the officers or the detectives that were there?



1 MS. WATLINGTON: Well, Mike Rowe, I'd never forget  
2 his face.

3 INVESTIGATOR MYERS: Was he at your home that day?

4 MS. WATLINGTON: Yeah.

5 INVESTIGATOR MYERS: Did -- did you speak to him?

6 MS. WATLINGTON: Briefly.

7 INVESTIGATOR MYERS: What was -- what happened  
8 during that conversation?

9 MS. WATLINGTON: He really didn't want to talk to  
10 me. He basically just came to get Jermal.

11 INVESTIGATOR MYERS: Okay. Did you talk to any  
12 officer that day? Like, did anybody question you that day?

13 MS. WATLINGTON: Briefly. Probably not even a hot  
14 10 minutes.

15 INVESTIGATOR MYERS: What did they ask you?

16 MS. WATLINGTON: Just asked me, did I know where  
17 my brother was or where he was at? And did I think he did  
18 it?

19 INVESTIGATOR MYERS: What did you tell him?

20 MS. WATLINGTON: No, I mean, I'm keeping an eye on  
21 him while my mama working, so why should -- I'm not  
22 irresponsible.

23 INVESTIGATOR MYERS: So after you had that  
24 encounter with them, when was the next time you talked to  
25 police?



1 MS. WATLINGTON: I didn't talk to police no more.  
2 They just didn't, didn't see me as a person --

3 INVESTIGATOR MYERS: Did you ever try to talk to  
4 them about it?

5 MS. WATLINGTON: Yeah.

6 INVESTIGATOR MYERS: Okay. I'm going to show you  
7 a report that we found and this is with detective Rowe. And  
8 let me tell you where it starts.

9 I might ask you to just take a few minutes and read,  
10 read this. I'm going to label this for our purposes as  
11 Exhibit -- do you remember what number we're up to, Julie?

12 ATTORNEY BRIDENSTINE: Forty-one.

13 MS. WATLINGTON: Geez.

14 INVESTIGATOR MYERS: Forty-one.

15 (Exhibit Number 41 was identified.)

16 MS. WATLINGTON: How many exhibits do you all  
17 have, a million?

18 ATTORNEY BRIDENSTINE: No, we have 41.

19 INVESTIGATOR MYERS: All right. So I'm labeling  
20 this as Exhibit 41. Are you comfortable reading it or would  
21 you prefer not to read it?

22 MS. WATLINGTON: I'll read it.

23 INVESTIGATOR MYERS: Okay. Take as long as you  
24 need to read over that.

25



1 MS. WATLINGTON: Wow. Well, that first part's  
2 just -- there ain't no way. Yeah. That's, that's kind of  
3 hilarious right here.

4 They never questioned me, never. And one, I'm going to  
5 say this is because the fact that I was [indiscernible].  
6 The only time I actually -- I have to stop reading this  
7 because it's not true.

8 INVESTIGATOR MYERS: Do you remember reaching out  
9 to them, though, or leaving a message for a detective --

10 MS. WATLINGTON: I wanted --

11 INVESTIGATOR MYERS: -- back in December?

12 MS. WATLINGTON: Yeah. I wanted somebody to  
13 contact me, but I never got contacted. They questioned  
14 everybody else. They talked --

15 INVESTIGATOR MYERS: But you did --

16 MS. WATLINGTON: -- to everybody else.

17 INVESTIGATOR MYERS: Okay. But it is true,  
18 though, that you reached out to --

19 MS. WATLINGTON: Yeah. I reached --

20 INVESTIGATOR MYERS: -- Winston-Salem --

21 MS. WATLINGTON: -- out.

22 INVESTIGATOR MYERS: Okay.

23 MS. WATLINGTON: I wanted to -- like are you all  
24 going to take my statement. But you all are just going to  
25 brush me to the side like I don't know what's going on.



1 INVESTIGATOR MYERS: Is it true that in July of  
2 2003 you reached back out to the police department to talk  
3 to them?

4 MS. WATLINGTON: I think the only other time -- I  
5 probably made, like, probably one or two attempts but nobody  
6 still reached out to me. I only really got aware of what  
7 the full thing is when the trial had hit.

8 INVESTIGATOR MYERS: Okay.

9 MS. WATLINGTON: I was in the courthouse.

10 INVESTIGATOR MYERS: And --

11 MS. WATLINGTON: That's when -- because they was  
12 talking about two different days, two different events.  
13 That's when, you know, new stuff, the bowling alley stuff.

14 INVESTIGATOR MYERS: In July of 2003 would you --  
15 would you have contacted police about something entirely  
16 different, like other than Jermal's case?

17 MS. WATLINGTON: Probably talking about I knew  
18 that somebody else having something to do with this. And  
19 that my brother and them was innocent. Because I was  
20 hearing a lot of things about Anjuan and Black, two other  
21 young guys that was in the neighborhood.

22 INVESTIGATOR MYERS: What did you hear about them?

23 MS. WATLINGTON: Basically, they're the ones that  
24 did it. It was, it was them. But it basically got pushed  
25 off to the other boys because the other boys were doing,



1 like, little minor things in the neighborhood.

2 These two older geniuses actually committed -- have  
3 something to do with this crime. And it got pushed off on  
4 these five boys.

5 ATTORNEY BRIDENSTINE: I'm going to show you --  
6 when you say the other boys were --

7 MS. WATLINGTON: Anjuan and --

8 ATTORNEY BRIDENSTINE: -- pushed into --

9 MS. WATLINGTON: -- Black.

10 ATTORNEY BRIDENSTINE: Which boys were pushed into  
11 it, though?

12 MS. WATLINGTON: All five.

13 ATTORNEY BRIDENSTINE: Okay. So I just want to  
14 clarify your understanding is that Anjuan and Black did it.

15 MS. WATLINGTON: They did it.

16 ATTORNEY BRIDENSTINE: Did they do it with anyone  
17 else?

18 MS. WATLINGTON: It could have been, it could have  
19 been the nephew. All of them could have did all of this in  
20 cahoots, and --

21 ATTORNEY BRIDENSTINE: Whose nephew?

22 MS. WATLINGTON: Mr. Jones' nephew. Because --

23 MS. TOLLIVER: I didn't --

24 MS. WATLINGTON: -- I mean --

25 MS. TOLLIVER: -- I didn't know the entire thing.



1 My other children know about other people that --

2 INVESTIGATOR MYERS: What other nephew of  
3 Mr. Jones?

4 MS. WATLINGTON: Terry Jones.

5 INVESTIGATOR MYERS: Terry.

6 MS. WATLINGTON: He was with him that day. Now, I  
7 found out -- briefly I kind of found out that much because  
8 Bubba had a brief case in the trunk of the car, and he was  
9 at the gas station when he heard that.

10 I did find out that much. And that's basically kind of  
11 pretty much when he did somewhat get spooked. Like, he was  
12 with him earlier that day.

13 And that's pretty much all he actually said. He ain't  
14 said nothing further. Then I ain't seen him no more after  
15 that.

16 MS. BRIDENSTINE: Who --

17 MS. WATLINGTON: Terry Jones.

18 MS. BRIDENSTINE: Who saw Terry with --

19 MS. WATLINGTON: Terry --

20 MS. BRIDENSTINE: -- Anjuan and Black earlier that  
21 day?

22 MS. WATLINGTON: No. Terry had made like a little  
23 statement -- I mean, it was like a pass-by --

24 MS. MYERS: To you?

25 MS. WATLINGTON: I was passing by him. And he



1 was, like, I was just with my uncle. We was at the gas  
2 station.

3 MS. MYERS: And that's the -- that's all he said  
4 to you about it? And that was after he found out that your  
5 last name was Tolliver?

6 INVESTIGATOR MYERS: Do you have the exhibit --

7 ATTORNEY BRIDENSTINE: Um-hmm.

8 MS. TOLLIVER: And I saw all of them on the day I  
9 went to work in the car with Jessicah.

10 MS. WATLINGTON: And see, then [indiscernible]  
11 they say six people was in one car. Jermal was fat. Do  
12 they not realize that?

13 MS. TOLLIVER: Jermal was --

14 MS. WATLINGTON: Them was some big, big guys --

15 INVESTIGATOR MYERS: I'm going to show you a  
16 photo. And I want to see if you -- just tell me if you know  
17 who it is. And give me just a second.

18 ATTORNEY BRIDENSTINE: While she's doing that,  
19 where did you hear that about Anjuan and Black?

20 MS. WATLINGTON: Just from people after that like  
21 in the -- or I can't -- I'd have to really think about it  
22 because during this -- during his case I was coming home  
23 trying to kind of put a whole lot of stuff myself --

24 ATTORNEY BRIDENSTINE: During Jermal's case?

25 MS. WATLINGTON: Yeah.



1 ATTORNEY BRIDENSTINE: So you heard it from  
2 somebody on the street?

3 MS. WATLINGTON: Yeah.

4 INVESTIGATOR MYERS: I'm going to hand you what we  
5 have marked as Exhibit 11. Do you know who that is?

6 (Exhibit Number 11 was identified.)

7 MS. WATLINGTON: That's Stinky and Rayshawn.

8 INVESTIGATOR MYERS: Who is that?

9 MS. WATLINGTON: I used to get them mixed up. I  
10 know that's one of the brothers.

11 INVESTIGATOR MYERS: Okay. Okay.

12 MS. WATLINGTON: Yeah.

13 INVESTIGATOR MYERS: Who is, who is Black?

14 MS. WATLINGTON: Black was just somebody -- I've  
15 never actually even seen him.

16 INVESTIGATOR MYERS: You've never seen --

17 MS. WATLINGTON: Yeah.

18 INVESTIGATOR MYERS: -- who's called Black?

19 MS. WATLINGTON: But I just -- yeah. I just --

20 MS. TOLLIVER: Black is actually Rayshawn's  
21 brother. And then they say the other one was not really a  
22 brother. He's some kin to them, but they --

23 MS. WATLINGTON: Because I was working with --

24 MS. TOLLIVER: They -- he blends in like a  
25 brother.



1 MS. WATLINGTON: I was working with Rayshawn and  
2 Stinky's uncle at McDonald's.

3 INVESTIGATOR MYERS: Who was the uncle? What was  
4 his name?

5 MS. WATLINGTON: I'm trying to figure out if it's  
6 actually --

7 INVESTIGATOR MYERS: So back to the exhibit that I  
8 handed you, that Number 41. Did you -- have you read  
9 through all of it?

10 MS. WATLINGTON: I'm, I'm going to finish.

11 INVESTIGATOR MYERS: Okay.

12 MS. WATLINGTON: Just because. [Indiscernible] I  
13 remember that part. But as far as Jermal asking me for  
14 money, no. Jermal either asks my mama or he would actually  
15 get something from his dad. I remember that.

16 MR. TOLLIVER: Hey.

17 MS. WATLINGTON: Come in here.

18 MR. TOLLIVER: What is this?

19 MS. TOLLIVER: Huh-uh. No.

20 INVESTIGATOR MYERS: What are you shaking your  
21 head to?

22 MS. WATLINGTON: Yolanda and Jermal  
23 [indiscernible]. Really? They just threw something  
24 together here. And he beat on his daddy's window? No, he  
25 knocked. His daddy actually answered, just from him



1 knocking. He didn't have to beat it. Oh my, God. They  
2 didn't put anything in here about being questioned.

3 MS. TOLLIVER: She's the only person that got a  
4 statement.

5 MS. WATLINGTON: [Indiscernible].

6 MS. TOLLIVER: You were standing in the hall  
7 giving your statement.

8 MS. WATLINGTON: [Indiscernible] only talked to me  
9 for a hot 10 seconds -- 10 minutes.

10 MS. TOLLIVER: [Indiscernible].

11 MS. WATLINGTON: First and foremost --

12 INVESTIGATOR MYERS: For what?

13 MS. TOLLIVER: [Indiscernible].

14 MS. WATLINGTON: Selling -- possession with the  
15 intent to sell and deliver cocaine. So it was like  
16 [indiscernible].

17 That's just the way [indiscernible]. They threw some  
18 stuff together and about the little position my brother was  
19 in when we asked what was wrong, he did let us know that he  
20 went around to the scene. But being questioned while he was  
21 around, I don't know.

22 INVESTIGATOR MYERS: Did he ever tell -- did  
23 Jermal ever tell you that he went to Bubba's house that day?

24 MS. WATLINGTON: I mean he [indiscernible] friend.  
25 He probably went over there for, like, probably about a hot



1 second or so. But he never stayed over there long.

2 INVESTIGATOR MYERS: Did you ever see him at  
3 Bubba's that day?

4 MS. WATLINGTON: Not that I can recall that day,  
5 not that day.

6 INVESTIGATOR MYERS: What in that report that you  
7 just read is true according to you?

8 MS. WATLINGTON: Basically about the -- pretty  
9 much the fetal-position thing, we asked him what was wrong.  
10 Me taking him to his dad's house, he ain't bang on no  
11 window.

12 And he knocked and his dad was, like, you know, Jermal  
13 says [indiscernible]. And he asked him about the money.  
14 And that's how it happened. Jermal never asked me for no  
15 money.

16 INVESTIGATOR MYERS: Okay.

17 MS. WATLINGTON: And Jermal and Anjuan riding  
18 around: not true.

19 INVESTIGATOR MYERS: Okay.

20 MS. WATLINGTON: Me knowing Mr. Jones. I really  
21 wasn't made aware of him until after the incident happened.

22 INVESTIGATOR MYERS: So after he was killed,  
23 that's when you knew who Mr. Jones was?

24 MS. WATLINGTON: Yes, exactly. Face-to-face, I  
25 wouldn't be able to tell you.



1 INVESTIGATOR MYERS: Okay, okay. Did you know any  
2 of his nephews or any of his family members prior to knowing  
3 that he was killed that day?

4 MS. WATLINGTON: It came out about Chris Paul  
5 after the case.

6 INVESTIGATOR MYERS: Okay, okay.

7 MS. TOLLIVER: A lot came out at his trial.

8 MS. WATLINGTON: (Reading report). Wait a minute.  
9 You know what? There you go.

10 MS. TOLLIVER: There is no --

11 MS. WATLINGTON: Jesus.

12 MS. TOLLIVER: -- report by officer Lovable along  
13 with you all's that you all have.

14 ATTORNEY BRIDENSTINE: officer who?

15 MS. TOLLIVER: Lovable. I think he was a  
16 Lieutenant.

17 ATTORNEY BRIDENSTINE: Lovable?

18 INVESTIGATOR MYERS: Yeah.

19 MS. TOLLIVER: He had, like, bars on, when he came  
20 to my door the night of the man's murder while they was  
21 canvassing the neighborhood. And they came around in my  
22 neighborhood and asking, asking people did they notice  
23 anything strange. I hadn't been home long yet, home from  
24 work.

25 MS. WATLINGTON: Mom, I got one statement I need



1 to read.

2 MS. TOLLIVER: But, but --

3 MS. WATLINGTON: About that baby thing?

4 ATTORNEY BRIDENSTINE: Yeah.

5 MS. WATLINGTON: What baby? My kids was taken.

6 What in the world?

7 MS. TOLLIVER: What baby?

8 MS. WATLINGTON: Let me see the report real quick.

9 ATTORNEY BRIDENSTINE: I think it was about

10 Yolanda --

11 MS. TOLLIVER: You talking about --

12 ATTORNEY BRIDENSTINE: Something about Yolanda.

13 INVESTIGATOR MYERS: The dream that Yolanda had.

14 MS. WATLINGTON: Okay. I know he ain't guilty. I  
15 know he ain't do it, so --

16 ATTORNEY BRIDENSTINE: I had a question about this  
17 exhibit. At the top of this page it said that you had  
18 information about Mr. Jones' death and also mentioned having  
19 information on a current investigation at 716 East  
20 Devonshire Street?

21 MS. WATLINGTON: Whose house is that even?

22 ATTORNEY BRIDENSTINE: No. You're at 734.

23 MS. WATLINGTON: I know that. But --

24 ATTORNEY BRIDENSTINE: Do you remember --

25 MS. WATLINGTON: No.



1           ATTORNEY BRIDENSTINE: -- anything going on a,  
2 a --

3           MS. WATLINGTON: No.

4           ATTORNEY BRIDENSTINE: -- house on your street  
5 that you wanted to talk to the police about?

6           MS. WATLINGTON: Huh-uh. [Indiscernible] out of,  
7 out of prison.

8           INVESTIGATOR MYERS: How long were you in prison  
9 for?

10          MS. WATLINGTON: Ten months.

11          INVESTIGATOR MYERS: Okay. And you even said that  
12 before, right. Okay. But prior to going in, did you live  
13 in that home as well? Or where did you live prior to --

14          MS. WATLINGTON: 734, I stayed there for a little  
15 while. And then that's when the caseworkers at Social  
16 Service told me that I actually had to go and maintain my  
17 own residence.

18          INVESTIGATOR MYERS: Okay.

19          MS. WATLINGTON: But I was there when -- before  
20 this happened -- after it happened. I say about -- I want  
21 to say probably about the beginning -- probably about,  
22 probably about the beginning of that year. [Indiscernible].  
23 But I still was over there.

24          ATTORNEY BRIDENSTINE: When the case happened,  
25 were you, were you actually spending the night at your --



1 MS. WATLINGTON: No. My mom --

2 ATTORNEY BRIDENSTINE: -- mom's house?

3 MS. WATLINGTON: -- slept there.

4 ATTORNEY BRIDENSTINE: Okay.

5 INVESTIGATOR MYERS: Did you know Anjuan Terry?

6 MS. WATLINGTON: Anjuan Terry?

7 INVESTIGATOR MYERS: You said there were --

8 MS. WATLINGTON: Anjuan and Black and --

9 INVESTIGATOR MYERS: Anjuan?

10 MS. WATLINGTON: -- Terry, Terry Jones. I've  
11 never met Black. I've never met Anjuan. I did actually  
12 hear, you know, that he was one of the brothers, a brother.  
13 They was related.

14 INVESTIGATOR MYERS: Okay. That who was, though,  
15 just so --

16 MS. WATLINGTON: Rayshawn and Stinky was related  
17 to Black.

18 INVESTIGATOR MYERS: Okay, okay. Did you know of  
19 any issues between any of them and your family? Did you  
20 ever hear of any issues?

21 MS. WATLINGTON: No. I mean, I just basically  
22 told all of them fellas to stay out of trouble.

23 MS. TOLLIVER: I don't disclose a lot because  
24 things happen.

25 ATTORNEY BRIDENSTINE: I just wanted to make sure



1 that we're clear on some of the people who you're talking  
2 about, so --

3 MS. WATLINGTON: Anjuan -- Black is -- he was  
4 [indiscernible]. He is Rayshawn -- either, either Rayshawn  
5 or Stinky's actual brother. I think they have the same  
6 father.

7 ATTORNEY BRIDENSTINE: Okay.

8 MS. WATLINGTON: But not the same mom.

9 ATTORNEY BRIDENSTINE: Older or younger brother?

10 MS. WATLINGTON: Older.

11 ATTORNEY BRIDENSTINE: All right. So you mentioned  
12 Bubba being Christopher. Is Exhibit Number 2, is that --

13 MS. WATLINGTON: That's Christopher.

14 (Exhibit Number 2 was identified.)

15 ATTORNEY BRIDENSTINE: Okay. And did you know  
16 Dorrell Brayboy?

17 MS. WATLINGTON: Yeah.

18 ATTORNEY BRIDENSTINE: Is Exhibit 4  
19 Dorrell Brayboy? You mentioned Stinky. Did you know his  
20 name?

21 (Exhibit Number 4 was identified.)

22 MS. WATLINGTON: You know, I -- like I said I used  
23 to get both of them confused. They would actually literally  
24 be like which one is you.

25 ATTORNEY BRIDENSTINE: Yeah.



1 MS. WATLINGTON: I know they brothers.

2 ATTORNEY BRIDENSTINE: Did you -- do you know who  
3 this is?

4 MS. WATLINGTON: That's Stinky.

5 ATTORNEY BRIDENSTINE: Okay. So that's Exhibit 6.  
6 That's Nathaniel Cauthen. And Rayshawn Banner is Exhibit 5.  
7 Do you recognize that as Rayshawn?

8 (Exhibits Number 5 and 6 were identified.)

9 MS. WATLINGTON: Yeah.

10 ATTORNEY BRIDENSTINE: All right. Did you know  
11 someone who used to hang around with --

12 MS. WATLINGTON: I remember Jessicah. I remember  
13 seeing her. I remember Opie.

14 ATTORNEY BRIDENSTINE: What do you remember about  
15 Jessicah?

16 MS. WATLINGTON: I probably seen her like, like  
17 here and there. She used to be with Opie, mostly.

18 ATTORNEY BRIDENSTINE: Did you see her that  
19 Friday, November 15th?

20 MS. WATLINGTON: Huh-uh.

21 ATTORNEY BRIDENSTINE: Did you know a Jed that  
22 used to hang out?

23 MS. WATLINGTON: Yeah. I remember Jed.

24 ATTORNEY BRIDENSTINE: Okay. And what did you  
25 think of Jed?



1 MS. WATLINGTON: Well, he kind of a -- he's  
2 mentally challenged, so --

3 ATTORNEY BRIDENSTINE: Do you know what his issue  
4 was, when you say mentally challenged?

5 MS. WATLINGTON: He's the kind -- he can be easily  
6 influenced.

7 ATTORNEY BRIDENSTINE: Easily influenced?

8 MS. WATLINGTON: And he's sneaky.

9 ATTORNEY BRIDENSTINE: Okay. Did you ever know  
10 anyone by the name of Shelton who might have been --

11 MS. WATLINGTON: I've heard that name.

12 ATTORNEY BRIDENSTINE: -- Jermal's age and hung  
13 out --

14 MS. WATLINGTON: I --

15 ATTORNEY BRIDENSTINE: -- with them?

16 MS. WATLINGTON: -- I heard that name maybe  
17 probably I want to say about once or twice.

18 ATTORNEY BRIDENSTINE: Okay. Did you ever see  
19 anyone named Shelton?

20 MS. WATLINGTON: I mean, maybe I would remember a  
21 face if I probably seen but --

22 ATTORNEY BRIDENSTINE: What --

23 MS. WATLINGTON: -- just like the name, I wouldn't  
24 know --

25 ATTORNEY BRIDENSTINE: What about Marcus? Did you



1 know a Marcus? Did he hang out with them?

2 MS. WATLINGTON: Not at that point, no. I always  
3 used to know that it was Rayshawn, the two brothers, Bubba,  
4 Dorrell -- but Dorrell -- I mean, Dorrell really wasn't  
5 around like that. Like his mama kind of kept him close  
6 knit.

7 ATTORNEY BRIDENSTINE: So, you didn't see him  
8 hanging out very often --

9 MS. WATLINGTON: I never see him like that.

10 MS. TOLLIVER: Like, you know, she was like I was,  
11 handle them with a heavy hand.

12 MS. WATLINGTON: Yeah.

13 ATTORNEY BRIDENSTINE: Did --

14 MS. TOLLIVER: They know where my children --

15 MS. WATLINGTON: Yeah. [Indiscernible] they say  
16 I'm -- you're mean.

17 ATTORNEY BRIDENSTINE: Did you ever hear of your  
18 brother being involved in any crimes similar to the one with  
19 Mr. Jones, like a robbery?

20 MS. WATLINGTON: No.

21 ATTORNEY BRIDENSTINE: What about any of the other  
22 defendants? And when I say defendants, I'm talking about  
23 those four, either Dorrell Brayboy, Rayshawn Banner, or  
24 Nathaniel Cauthen?

25 MS. WATLINGTON: About the only thing we knew the



1 two brothers would probably get maybe a hold of some  
2 jewelry.

3 ATTORNEY BRIDENSTINE: Hold what?

4 MS. WATLINGTON: A hold of some jewelry.

5 ATTORNEY BRIDENSTINE: Jewelry? Uh-huh.

6 MS. WATLINGTON: Yeah. I mean, little minor stuff  
7 that --

8 INVESTIGATOR MYERS: How would they do that? Did  
9 you know how they would copp that?

10 MS. WATLINGTON: Okay. I heard maybe probably one  
11 of them and it, it might have been just something they was  
12 talking -- I'm trying to think if it was a brother's jewelry  
13 or a family member's jewelry or something.

14 But that's basically it, just little minor stuff, like,  
15 little fake gold chains or costume jewelry. It wasn't,  
16 like, major -- like breaking in no type of stores or  
17 anything.

18 INVESTIGATOR MYERS: Okay. So nothing like  
19 robbery of a store or you said breaking in?

20 MS. WATLINGTON: Huh-uh.

21 ATTORNEY BRIDENSTINE: What about Dorrell Brayboy  
22 or Christopher Bryant?

23 MS. WATLINGTON: No.

24 ATTORNEY BRIDENSTINE: Anything like that?

25 MS. WATLINGTON: No.



1           ATTORNEY BRIDENSTINE: Did you ever know of any of  
2 those -- including your brother -- any of the defendants --

3           MS. WATLINGTON: It was --

4           ATTORNEY BRIDENSTINE: -- being violent?

5           MS. WATLINGTON: No.

6           ATTORNEY BRIDENSTINE: What about drugs? Was  
7 anyone selling drugs?

8           MS. WATLINGTON: No.

9           INVESTIGATOR MYERS: Would you have known that  
10 they were selling drugs?

11          MS. WATLINGTON: Oh, yes.

12          INVESTIGATOR MYERS: Okay.

13          MS. WATLINGTON: You cannot hide nothing from me.  
14 I go snooping.

15          ATTORNEY BRIDENSTINE: So, I don't want to put  
16 words in your mouth --

17          MS. WATLINGTON: Jermal, Jermal the type -- I  
18 mean, I heard, like, maybe one conversation, like, I was in  
19 the back -- in the back part of the house. The two brothers  
20 -- I mean, I don't know really, just kind of  
21 [indiscernible].

22          They might have said something on one occasion about  
23 going to somebody house in the neighborhood. But for them  
24 to do some major, major stuff, no.

25          ATTORNEY BRIDENSTINE: Ever hear any of the



1 defendants talk about robbing an old man?

2 MS. WATLINGTON: No.

3 ATTORNEY BRIDENSTINE: Or planning anything like  
4 this?

5 MS. WATLINGTON: Huh-uh.

6 ATTORNEY BRIDENSTINE: Were you around the weekend  
7 that Mr. Jones died? I know you mentioned being there  
8 Friday and driving your mom to work and back. But were you  
9 in the neighborhood, you know, the Saturday, November 16th,  
10 or Sunday, November 17th?

11 MS. WATLINGTON: I mean, I was in, but it's, like  
12 -- how can I explain -- I was more so trying to keep an eye  
13 on Jermal and my siblings, somewhat.

14 ATTORNEY BRIDENSTINE: Did you see any of the  
15 other defendants?

16 MS. WATLINGTON: I would see them brothers, like,  
17 in the neighborhood --

18 ATTORNEY BRIDENSTINE: Did you see them that  
19 weekend?

20 MS. WATLINGTON: Yeah. But they would come and  
21 talk to Jermal.

22 ATTORNEY BRIDENSTINE: Did you see any of the five  
23 defendants with money?

24 MS. WATLINGTON: Huh-uh.

25 ATTORNEY BRIDENSTINE: Did you see any of the five



1 defendants with tape?

2 MS. WATLINGTON: No.

3 ATTORNEY BRIDENSTINE: Did you ever see them with  
4 tape?

5 MS. WATLINGTON: No, no. None, none of the stuff  
6 that they said that they had, I didn't see none of it.

7 ATTORNEY BRIDENSTINE: What about new clothes?

8 MS. WATLINGTON: Huh-uh.

9 ATTORNEY BRIDENSTINE: Or new shoes?

10 MS. WATLINGTON: Huh-uh.

11 ATTORNEY BRIDENSTINE: So none of the five  
12 defendants --

13 MS. WATLINGTON: None of them --

14 ATTORNEY BRIDENSTINE: -- you saw them --

15 MS. WATLINGTON: -- did nothing out of the unusual  
16 at all.

17 ATTORNEY BRIDENSTINE: Was there anything --

18 MS. WATLINGTON: It was regular.

19 ATTORNEY BRIDENSTINE: -- anything unusual about  
20 any of those --

21 MS. WATLINGTON: No. Because they wouldn't, they  
22 wouldn't -- trust me. No young boys that age, they going to  
23 splurge.

24 First thing they do, it's a dead giveaway. None of  
25 them had no jewelry, no new shoes, no new clothes, not even



1 a new hat.

2 ATTORNEY BRIDENSTINE: So just to clarify, we're  
3 talking about you didn't see any of those boys, meaning  
4 Rayshawn Banner, Nathaniel Cauthen --

5 MS. WATLINGTON: Huh-uh, Jermal Tolliver --

6 ATTORNEY BRIDENSTINE: -- Dorrell Brayboy --

7 MS. WATLINGTON: -- Brayboy or --

8 ATTORNEY BRIDENSTINE: -- or Christopher Bryant?

9 MS. WATLINGTON: -- Christopher Bryant with  
10 nothing new.

11 INVESTIGATOR MYERS: You had mentioned that when  
12 the police were -- or the detectives were in your home, you  
13 brought up something about a bat?

14 MS. WATLINGTON: That -- that's what they was --  
15 they had -- that's when Gizmo had gotten a bat and --

16 INVESTIGATOR MYERS: Okay.

17 MS. WATLINGTON: It was something they --

18 INVESTIGATOR MYERS: Did you do anything with the  
19 bat that night?

20 MS. WATLINGTON: No. I didn't know anything about  
21 it until everything just came out.

22 INVESTIGATOR MYERS: Did you -- on Friday night  
23 did you ever see that bat? The night that Mr. Jones was  
24 killed, you didn't see the bat?

25 MS. WATLINGTON: No.



1           ATTORNEY BRIDENSTINE: To your knowledge, did that  
2 bat -- where, where was that bat normally kept?

3           MS. WATLINGTON: [Indiscernible] from behind --

4           INVESTIGATOR MYERS: Okay. To your knowledge did  
5 that bat move on Friday night at all?

6           MS. WATLINGTON: Huh-uh. I mean for what --  
7 usually Jermal -- Jermal hated the fact that I was like --  
8 he'd tip out the door. I'd be, like, where you going. I'd  
9 catch him each and every time.

10          Like, I used to catch his butt. He'd jump in a car,  
11 slide down, swoosh, down in the car, put his little foot on  
12 the gas like going to get some Chewey's from the store. But  
13 I started hiding the keys. He, he didn't like me as a  
14 [indiscernible] like, I'm too stern.

15          ATTORNEY BRIDENSTINE: Protective older sister?

16          MS. WATLINGTON: Very. Still to this day.

17          ATTORNEY BRIDENSTINE: Did you hear or remember  
18 hearing anything about a robbery of a WIC store at the  
19 Mexican grocery store before --

20          MS. WATLINGTON: You -- is you talking about --

21          ATTORNEY BRIDENSTINE: -- Mr. Jones died?

22          MS. WATLINGTON: BK, BK store?

23          ATTORNEY BRIDENSTINE: I don't know.

24          MS. WATLINGTON: But that was after that.

25          ATTORNEY BRIDENSTINE: It was after?



1 MS. WATLINGTON: That store -- it stood on the  
2 corner?

3 ATTORNEY BRIDENSTINE: I -- my understanding is  
4 it's something before Mr. Jones was killed. Any sort of a  
5 robbery of a store that --

6 MS. WATLINGTON: [Indiscernible] didn't happen  
7 until after all of this, so -- no.

8 ATTORNEY BRIDENSTINE: And I don't want to put  
9 words in your mouth, but earlier -- is it correct in my  
10 understanding that you did not want Jermal to hang out with  
11 the brothers Rayshawn and Nathaniel?

12 MS. WATLINGTON: I mean I tried to, like -- when I  
13 -- just to keep the confusion down in the neighborhood  
14 [indiscernible] kids make sure if he wanted to go get --

15 MS. TOLLIVER: Neither one of us did.

16 MS. WATLINGTON: Yeah.

17 MS. TOLLIVER: Neither one of us, and I don't  
18 mean --

19 MS. WATLINGTON: No, you can't go over there

20 ATTORNEY BRIDENSTINE: Was it -- why was that?

21 MS. WATLINGTON: I mean, because we already --  
22 okay. Them being, like, they're hanging together, they're  
23 real close --

24 ATTORNEY BRIDENSTINE: The brothers?

25 MS. WATLINGTON: Yeah. The brothers, Jermal,



1 Christopher, the closeness with them --

2 ATTORNEY BRIDENSTINE: Uh-huh.

3 MS. WATLINGTON: [Indiscernible].

4 ATTORNEY BRIDENSTINE: You were worried they --

5 MS. WATLINGTON: As, as a group together.

6 ATTORNEY BRIDENSTINE: That they would attract  
7 attention?

8 MS. WATLINGTON: Because they're around friends.  
9 Yes.

10 ATTORNEY BRIDENSTINE: Okay.

11 INVESTIGATOR MYERS: You were worried specifically  
12 that they'd be --

13 MS. WATLINGTON: About my brother.

14 INVESTIGATOR MYERS: -- that they would be pointed  
15 out by whom?

16 MS. WATLINGTON: The police department.

17 INVESTIGATOR MYERS: Okay. Had they prior to  
18 this?

19 MS. WATLINGTON: Huh?

20 INVESTIGATOR MYERS: Had they prior to --

21 MS. WATLINGTON: I already had found out Stinky  
22 and Rayshawn was getting in a little trouble. And that was  
23 my main -- that was really my main concern with them two  
24 coming around.

25 I was just, like, stay in the house. You need to keep



1 your butt still. Me being a big sister just coming home  
2 from prison, why would I want to see my brothers and sisters  
3 being thrown in jail.

4 So that's why I'm so strict. I'm like that with --  
5 I've got six granddaughters. I'm an [indiscernible]  
6 grandmother.

7 I -- my daughter [indiscernible] they just now waking  
8 up. Like, I literally got a son that I basically -- he  
9 finally went on to do his little time -- he come home this  
10 month.

11 Like, I, I try and stray kids on the right path. And I  
12 always told myself if I ever do anything as far as business-  
13 wise in my own business, I want to mentor [indiscernible].

14 Like, really give it to them raw, uncut. It is -- if  
15 you do this, this is what's going to happen. Are you ready  
16 for the consequences? I mean, my grandma instilled a whole  
17 lot of strong determination in me.

18 And that's why I'm so stern. It hurt my heart once I  
19 found out and the way all of this just played out. You sit  
20 here. You pick my brother up. You tell my mama he'll be  
21 back.

22 My mama's sitting out on pins and needles waiting on  
23 her son to come home. This, this case alone -- this  
24 happened with Jermal.

25 Basically [indiscernible] -- it's done tore my mama up.



1 I have never seen my mama like she is or go through what she  
2 has been through. Like, this hurts. And then to know that  
3 a detective that was on the case that had hatred and  
4 animosity right there. It's not cool.

5 ATTORNEY BRIDENSTINE: So, that --

6 MS. WATLINGTON: Like, you, you --

7 ATTORNEY BRIDENSTINE: -- that animosity, you're  
8 referring to --

9 MS. WATLINGTON: From my uncle.

10 ATTORNEY BRIDENSTINE: -- detective Rowe being  
11 upset that your uncle got early release due to his cancer.

12 MS. WATLINGTON: Um-hmm.

13 ATTORNEY BRIDENSTINE: Is that correct? Did  
14 Jermal ever tell you that he knew what happened to  
15 Mr. Jones?

16 MS. WATLINGTON: No.

17 ATTORNEY BRIDENSTINE: Or that he was --

18 MS. WATLINGTON: Jermal --

19 ATTORNEY BRIDENSTINE: -- there when it happened?

20 MS. WATLINGTON: I'll tell you like this right  
21 here. If my little brother did anything, I could, I could  
22 tell in Jermal, telling me the truth or he telling me a lie.

23 ATTORNEY BRIDENSTINE: Has he ever told you he  
24 had --

25 MS. WATLINGTON: He never --



1           ATTORNEY BRIDENSTINE: -- any involvement in  
2 Mr. Jones' death?

3           MS. WATLINGTON: No. Like, he didn't even know  
4 who the man was. My brother ain't been right and my mama  
5 ain't been right. I still ain't right.

6           MS. TOLLIVER: After this stuff was all over with,  
7 they put my son on the suicide watch.

8           MS. WATLINGTON: Yeah. Then you got one of them  
9 brothers -- I was told that [indiscernible] still be on  
10 [indiscernible] trying to commit suicide. Stinky.

11          MS. TOLLIVER: All three of them boys -- all three  
12 of them -- them three that I knew of they had told me at the  
13 front desk --

14          MS. WATLINGTON: I hate even --

15          MS. TOLLIVER: -- that they had been put on  
16 suicide watch.

17          MS. WATLINGTON: I'm recapping it because I know  
18 you all are trying to do a job [indiscernible]. But other  
19 than that, I try to kind of push it -- like, okay, he  
20 already done the time. He's freaking home.

21          My best thing is just make sure I pick him up at home  
22 [indiscernible], are you okay [indiscernible]. Checking on  
23 him. That's all my family --

24          MS. TOLLIVER: Let, let me just say this. I want  
25 you all to kind of know Jermal --



1 MS. WATLINGTON: Um-hmm.

2 MS. TOLLIVER: -- from a mama's perspective. He  
3 was always a little boy. Every little one of them boys, you  
4 know, they [indiscernible] stuff like that.

5 Yeah. I punished him, but he had to really push me to  
6 punish him. That's just how good he was. He had the  
7 respect of businesspeople in the neighborhood.

8 He had great respect for the elderly. I'd sit on my  
9 front porch, and he always made time for his mama when she  
10 was off work --

11 MS. WATLINGTON: Um-hmm.

12 MS. TOLLIVER: And a lady fell off -- out the  
13 bus --

14 MS. WATLINGTON: So that's the one --

15 MS. TOLLIVER: -- and dropped her bag.

16 MS. WATLINGTON: Yeah. And he went over.

17 MS. TOLLIVER: And he just got off the porch and  
18 went and helped her take her bags all the way home.

19 MS. WATLINGTON: Yeah.

20 MS. TOLLIVER: This is the kind of boy I raised.

21 MS. WATLINGTON: Yeah. This is -- why would we --

22 MS. TOLLIVER: And they gave me back an angry  
23 young man.

24 MS. WATLINGTON: Yeah. He's really -- like I been  
25 here since he been home he ain't the same Jermal. But I



1 mean, he come around.

2 MS. TOLLIVER: And when they, when they --

3 MS. WATLINGTON: Like he was --

4 MS. TOLLIVER: And when they did this, I felt like  
5 I had an abortion that I didn't want.

6 MS. WATLINGTON: Um-hmm. You know, just helpless.  
7 [Indiscernible]. I, I felt [indiscernible] toward  
8 Winston-Salem police. I mean, why would you not question  
9 me, but I could tell you about my drugs that's in my  
10 possession.

11 Take me downtown and do what you need to do. Why, why  
12 would you not question me? If I could be honest about me  
13 having drugs on me or doing -- I got a conscience, first and  
14 foremost. When, when I got caught with my drugs, I took a  
15 fall for it. I told them I had them on me.

16 ATTORNEY BRIDENSTINE: I know you said, I think,  
17 that you were known by the Winston-Salem police?

18 MS. WATLINGTON: Um-hmm.

19 ATTORNEY BRIDENSTINE: Like they knew who you were  
20 when this case happened. Did they know who Jermal was?

21 MS. WATLINGTON: Yeah.

22 ATTORNEY BRIDENSTINE: Did they know --

23 MS. TOLLIVER: They know who my whole family --

24 MS. WATLINGTON: They basically --

25 MS. TOLLIVER: I have a brother --



1 MS. WATLINGTON: They'll do --yeah, they'll do,  
2 like --

3 MS. TOLLIVER: My brother --

4 MS. WATLINGTON: -- rundown.

5 MS. TOLLIVER: -- had made --

6 ATTORNEY BRIDENSTINE: What's a rundown?

7 MS. WATLINGTON: I know you got X amount of  
8 brothers and sisters. I know your mom.

9 MS. TOLLIVER: It's just a history.

10 MS. WATLINGTON: I know --

11 MS. TOLLIVER: You know because my whole family  
12 had been in prison, all the men.

13 MS. WATLINGTON: I mean, with my last name,  
14 Tolliver and Watlington -- because I was married when I was  
15 in prison. When I came home, I really wasn't even going by  
16 Watlington. I was going by Tolliver. I got my divorce in  
17 2008.

18 ATTORNEY BRIDENSTINE: And you said that the  
19 police canvassed the, the -- they came by the night when Mr.  
20 Jones died just --

21 MS. WATLINGTON: Yeah.

22 ATTORNEY BRIDENSTINE: -- to see if --

23 MS. WATLINGTON: They came just to --

24 ATTORNEY BRIDENSTINE: -- anyone knew or heard  
25 anything. But is that something that was common in, like,



1 other situations prior where, where --

2 MS. TOLLIVER: Oh, when something happened in the  
3 neighborhood something like that, they canvassed the whole  
4 neighborhood.

5 ATTORNEY BRIDENSTINE: Okay.

6 MS. TOLLIVER: And I'll never forget that officer  
7 that night that -- he went through my house. He went to  
8 Bubba's house. I saw Bubba. Bubba wouldn't answer the door  
9 of his house. I answered the door to my house --

10 MS. WATLINGTON: Yeah. Because that spooked me  
11 out so bad. I went over there and I went to Ms. Geneva's  
12 house where Bubba was. I was like, that's rude. Why in the  
13 heck [indiscernible] going to pick my brother up?

14 Just this is that -- they say I wouldn't tell them  
15 [indiscernible]. I was upset. Like, they just picked my  
16 brother up.

17 They had assured my mama he'll be back. We wait and  
18 pacing, trying to be patient. Because I asked my mom, said  
19 do you want to follow them down there because --

20 MS. TOLLIVER: Yeah. I didn't trust them.

21 MS. WATLINGTON: -- I --

22 MS. TOLLIVER: Why would I?

23 MS. WATLINGTON: -- I didn't trust them. I didn't  
24 trust them. That's where I made a mistake.

25 ATTORNEY BRIDENSTINE: Did Christopher Bryant ever



1 spend the night at your house there at 734 East Devonshire?

2 MS. TOLLIVER: Geneva didn't allow it.

3 MS. WATLINGTON: Yeah. She didn't.

4 ATTORNEY BRIDENSTINE: Just the mom --

5 MS. WATLINGTON: That's Miss Geneva.

6 ATTORNEY BRIDENSTINE: -- wouldn't allow it?

7 MS. WATLINGTON: Yeah. She had a tight leash.

8 MS. TOLLIVER: Those three would be -- always be  
9 home.

10 ATTORNEY BRIDENSTINE: Did you ever know of Anjuan  
11 or this person you knew as Black to spend the night at  
12 Christopher Bryant's house?

13 MS. TOLLIVER: Uh-huh. No. Like I said Geneva --

14 MS. WATLINGTON: Those were, like, little creep --  
15 you know, how you have -- how can I say it -- maybe some  
16 bully boys in the neighborhood.

17 ATTORNEY BRIDENSTINE: Bullies?

18 MS. WATLINGTON: Bully boys.

19 ATTORNEY BRIDENSTINE: Um-hmm.

20 MS. WATLINGTON: Older, older bully boys or  
21 wanting to try and get --

22 MS. TOLLIVER: Let me tell you that police say  
23 walk this way I mean it.

24 MS. WATLINGTON: Yeah. Or persuade them to do  
25 stuff. But they stay out of sight, out of mind.



1 [Indiscernible] would come up.

2 And, and when I do remember who actually had brought  
3 that to my attention because there was a guy -- I got more  
4 male friends than anything. And we, like -- we know their  
5 brother didn't do this. The real people still out here.

6 INVESTIGATOR MYERS: Who were some of those people  
7 that said that to you?

8 MS. WATLINGTON: I'll try -- that's what I'm  
9 saying -- I'm trying -- it's been so long ago. And if it's  
10 real important, it will come back to me. If I, if I go back  
11 through my contacts or whatever or go back to that time,  
12 I'll probably remember --

13 INVESTIGATOR MYERS: Did they tell you how they  
14 knew that your brother didn't do it?

15 MS. WATLINGTON: Shoot. They probably heard it  
16 straight from Anjuan and Black.

17 INVESTIGATOR MYERS: But do you -- did anybody  
18 tell you that directly? No? Okay.

19 MS. WATLINGTON: But they knew -- my brother and  
20 them didn't do it. So once I figure out and [indiscernible]  
21 because like I told you all, I got -- there's a lot of stuff  
22 going on.

23 And then a lot of time has passed. But I did have a  
24 whole lot of people making statements, oh, we knew your  
25 brother didn't do it. But nobody wants to come --



1 MS. TOLLIVER: Nobody wants to come --

2 MS. WATLINGTON: That -- that's the crazy part.

3 MS. TOLLIVER: I mean, I have people now I refuse  
4 to even talk to.

5 MS. WATLINGTON: Andy Cap.

6 MS. TOLLIVER: I used to be friends and --

7 MS. WATLINGTON: Andy Cap, did Jermal tell you all  
8 about him?

9 INVESTIGATOR MYERS: Who?

10 ATTORNEY BRIDENSTINE: Who?

11 MS. WATLINGTON: Andy Cap.

12 INVESTIGATOR MYERS: Cap?

13 ATTORNEY BRIDENSTINE: Cap?

14 MS. TOLLIVER: We call him Andy, Andy Pandey.

15 ATTORNEY BRIDENSTINE: What's his last name?

16 MS. TOLLIVER: He stays --

17 MS. WATLINGTON: He's related to Marcus.

18 MS. TOLLIVER: He stays like three houses down  
19 from me -- two, three houses down from me.

20 MS. WATLINGTON: He actually was one of the people  
21 that, you know --

22 MS. TOLLIVER: And he was like a ghost, and --

23 MS. WATLINGTON: Um-hmm. He home. He came  
24 home --

25 ATTORNEY BRIDENSTINE: How old is Andy?



1 MS. WATLINGTON: Andy is probably a little older  
2 than Jermal.

3 ATTORNEY BRIDENSTINE: A couple years, five years?

4 MS. WATLINGTON: He's younger than me, though,  
5 because we stayed on 21st Street. I've been knowing him  
6 longer than he has. Like he's, like, closer to probably  
7 like 40s.

8 ATTORNEY BRIDENSTINE: Okay. Closer to 40s. He  
9 -- and --

10 MS. WATLINGTON: I figure I --

11 ATTORNEY BRIDENSTINE: Cap, like C-A-P?

12 MS. WATLINGTON: C-A-P, but that's -- that --  
13 that's what we call him.

14 ATTORNEY BRIDENSTINE: His nickname?

15 MS. WATLINGTON: His nickname but I know him,  
16 though.

17 ATTORNEY BRIDENSTINE: Is his real name, first  
18 name Andrew or Andy?

19 MS. WATLINGTON: Probably Andy [indiscernible]  
20 that much, that social media. [Indiscernible]. I don't  
21 even be on this that much.

22 INVESTIGATOR MYERS: When you say Marcus, what  
23 Marcus --

24 MS. WATLINGTON: This Marcus is Andy's cousin.

25 MS. TOLLIVER: Marcus was the stupid one to me.



1 MS. WATLINGTON: And he basically, he know a lot  
2 about this case.

3 MS. TOLLIVER: No. Marcus was the one that had  
4 changed.

5 MS. WATLINGTON: I'm talking about the boy that  
6 was locked up with Jermal, Mom. Say he --

7 MS. TOLLIVER: There was another one?

8 MS. WATLINGTON: -- say he knew what happened.

9 ATTORNEY BRIDENSTINE: This is Andy --

10 MS. WATLINGTON: No. But I'm talking about --

11 ATTORNEY BRIDENSTINE: -- was locked up with?

12 MS. TOLLIVER: I'm talking about --

13 MS. WATLINGTON: Jermal.

14 ATTORNEY BRIDENSTINE: Okay.

15 MS. TOLLIVER: -- the Marcus that was hiding out  
16 in my house acting weird, so. Now, that was the only one I  
17 knew who was acting strange was that Marcus. He would  
18 sleep --

19 MS. WATLINGTON: If I really want to --

20 MS. TOLLIVER: -- he would sleep --

21 MS. WATLINGTON: -- find out what actually --

22 MS. TOLLIVER: -- in my house sitting up. It was  
23 just spooky to walk in your house and somebody's -- you look  
24 around --

25 MS. WATLINGTON: Marcus.



1 MS. TOLLIVER: -- and somebody's just staring at  
2 you.

3 MS. WATLINGTON: You all want to know the crazy  
4 part about it all?

5 ATTORNEY BRIDENSTINE: What?

6 MS. WATLINGTON: [Indiscernible], I know a whole  
7 lot about. And guess what? If I really want to know and  
8 really [indiscernible], I could find out.

9 We can get to the bottom of this thing on my own.  
10 Because people tend to talk around me a whole lot.  
11 [Indiscernible] Facebook --

12 ATTORNEY BRIDENSTINE: Did he go to prison? Do  
13 you know?

14 MS. WATLINGTON: Huh?

15 ATTORNEY BRIDENSTINE: Did he go to prison?

16 MS. TOLLIVER: Who?

17 ATTORNEY BRIDENSTINE: Andy?

18 MS. TOLLIVER: Yeah.

19 MS. TOLLIVER: Andy's been in prison?

20 MS. WATLINGTON: Yeah.

21 ATTORNEY BRIDENSTINE: Do you know for what  
22 charges?

23 MS. WATLINGTON: Drugs.

24 ATTORNEY BRIDENSTINE: Drugs.

25 INVESTIGATOR MYERS: What about Marcus?



1 MS. WATLINGTON: Marcus, he --

2 MS. TOLLIVER: He was like a ghost.

3 MS. WATLINGTON: You talking about Andy's cousin?

4 INVESTIGATOR MYERS: Yeah.

5 ATTORNEY BRIDENSTINE: Um-hmm. I, I have a photo  
6 of a Marcus. I don't know if it's the same Marcus. But  
7 would you recognize Marcus, Andy's cousin?

8 MS. WATLINGTON: Yeah.

9 ATTORNEY BRIDENSTINE: This is a photo of a guy  
10 named Marcus Shaver, so I don't know if it's the same one or  
11 not. But just so we know, it's -- we're talking about a  
12 different Marcus than this Marcus. Is this the Marcus who's  
13 cousins with Andy?

14 MS. TOLLIVER: I don't know who that guy --

15 ATTORNEY BRIDENSTINE: You don't know this guy?

16 MS. WATLINGTON: I've seen him. I [indiscernible]  
17 seen him.

18 ATTORNEY BRIDENSTINE: So you --

19 MS. WATLINGTON: But that's not the same -- that's  
20 not Andy's cousin.

21 ATTORNEY BRIDENSTINE: Okay. So, you've seen  
22 Exhibit 10 --

23 MS. WATLINGTON: Yeah.

24 ATTORNEY BRIDENSTINE: -- Marcus but not --

25 MS. TOLLIVER: Marcus is the one that used to stay



1 at my house --

2 MS. WATLINGTON: Yeah. That was a [indiscernible]  
3 freckles.

4 INVESTIGATOR MYERS: Do you know -- have you seen  
5 that Marcus around, the one that we just showed you in  
6 Exhibit 10?

7 (Exhibit Number 10 was identified.)

8 MS. TOLLIVER: He's just like a ghost.

9 ATTORNEY BRIDENSTINE: He is, okay.

10 MS. WATLINGTON: If he see you, he'll take off  
11 running --

12 MS. TOLLIVER: [Indiscernible] he'd just take off  
13 running.

14 MS. WATLINGTON: I'll just be glad when they just  
15 go ahead on, and --

16 ATTORNEY BRIDENSTINE: When you said Andy lived  
17 down the street, what street?

18 MS. WATLINGTON: Huh?

19 ATTORNEY BRIDENSTINE: What street did Andy live  
20 on?

21 INVESTIGATOR MYERS: Was, was it Marcus that you  
22 were talking about lived down the street from you?

23 MS. WATLINGTON: Andy.

24 INVESTIGATOR MYERS: It was Andy. Okay.

25 ATTORNEY BRIDENSTINE: Was that Devonshire or --



1 MS. TOLLIVER: On Devonshire. Um-hmm.

2 ATTORNEY BRIDENSTINE: Okay. So, he --

3 MS. TOLLIVER: He was staying with somebody a  
4 couple of houses down from me to, to the right-hand side  
5 from me on down.

6 ATTORNEY BRIDENSTINE: Do you know if that was his  
7 official address, or if he was just staying there?

8 MS. TOLLIVER: He was staying there.

9 MS. WATLINGTON: I would see him at the store over  
10 there on Patterson, the store.

11 ATTORNEY BRIDENSTINE: If you see him and you get  
12 contact information, you can call us, and we will --

13 MS. WATLINGTON: I will.

14 ATTORNEY BRIDENSTINE: -- reach out to him. Is  
15 there anything else significant about this case that we  
16 haven't gone over that you think we should know?

17 MS. WATLINGTON: [Indiscernible] I mean, in two  
18 days of events, I know where my brother was. I know where I  
19 was. I know they took my brother, didn't bring him back,  
20 and charged him for stuff that he didn't' do.

21 ATTORNEY BRIDENSTINE: When you say two days of  
22 events, what do you mean?

23 MS. WATLINGTON: Because they -- the reporter  
24 brought it to my attention telling me about the bowling  
25 alley --



1 MS. TOLLIVER: [Indiscernible] a lot of stuff.

2 MS. WATLINGTON: Yeah. The Family Dollar store  
3 stuff. Yeah. It's, it --

4 INVESTIGATOR MYERS: Who's the reporter?

5 MS. WATLINGTON: [Indiscernible]. He ain't called  
6 in a while.

7 INVESTIGATOR MYERS: Is it -- if I tell you --  
8 would you recognize the name if you heard it? Is it Hunter?

9 MS. WATLINGTON: Yeah.

10 INVESTIGATOR MYERS: Atkins?

11 MS. WATLINGTON: Um-hmm.

12 INVESTIGATOR MYERS: How many times have you  
13 talked to Hunter, do you think, or do you know?

14 MS. WATLINGTON: Probably about three times.

15 INVESTIGATOR MYERS: Have you talked to him --

16 MS. WATLINGTON: I've talked to him here. He did  
17 a --

18 MS. TOLLIVER: [Indiscernible].

19 INVESTIGATOR MYERS: How many times did you meet  
20 him here?

21 MS. TOLLIVER: Once.

22 INVESTIGATOR MYERS: Once.

23 MS. TOLLIVER: And also letters.

24 INVESTIGATOR MYERS: Has he written you letters  
25 too, Lillie?



1 MS. TOLLIVER: No. He got some letters to my son  
2 to write me.

3 INVESTIGATOR MYERS: Has he called you?

4 MS. WATLINGTON: Huh-uh. I'm to the point to  
5 where my story ain't going to change but that little  
6 thing --

7 MS. TOLLIVER: You know --

8 MS. WATLINGTON: -- I've got is --

9 MS. TOLLIVER: You know, the whole thing I see --

10 MS. WATLINGTON: -- hilarious because I --

11 MS. TOLLIVER: -- is we were just another  
12 statistic.

13 MS. WATLINGTON: Because really when I got out of  
14 prison, I didn't even want to go by the last name Watlington  
15 no more.

16 MS. TOLLIVER: Another statistic --

17 ATTORNEY BRIDENSTINE: You mean when you got out  
18 of prison in September of 2002?

19 MS. WATLINGTON: Yeah.

20 ATTORNEY BRIDENSTINE: Okay.

21 MS. TOLLIVER: And Wake Forest pushed on this case  
22 really --

23 MS. WATLINGTON: My ex-husband was --

24 MS. TOLLIVER: -- hard.

25 MS. WATLINGTON: -- locked up for the same thing.



1 ATTORNEY BRIDENSTINE: Your husband what?

2 MS. WATLINGTON: My ex-husband was locked up at  
3 the same time. I was out here by myself, so to speak.

4 ATTORNEY BRIDENSTINE: Oh, I'm sorry you were  
5 saying something about Wake Forest, Arlene.

6 MS. TOLLIVER: Wake Forest pushed this case. They  
7 pushed the DA. They've had them under pressure. And  
8 another thing is they just wanted to really close this  
9 case --

10 ATTORNEY BRIDENSTINE: Wake Forest --

11 MS. TOLLIVER: -- because of --

12 ATTORNEY BRIDENSTINE: -- pushed the prosecutors?

13 MS. TOLLIVER: -- Chris Paul.

14 MS. WATLINGTON: Yeah.

15 ATTORNEY BRIDENSTINE: Is that what you're saying?

16 MS. TOLLIVER: Um-hmm.

17 ATTORNEY BRIDENSTINE: That Wake Forest pushed on  
18 the prosecutors because of Chris Paul. How do you know  
19 that?

20 MS. TOLLIVER: Most of the jurors were from Wake  
21 Forest, employed by Wake Forest.

22 ATTORNEY BRIDENSTINE: Arlene, I forgot to ask you  
23 just a couple of background questions yesterday.

24 MS. TOLLIVER: Um-hmm.

25 ATTORNEY BRIDENSTINE: How far did you go in



1 school?

2 MS. TOLLIVER: All the way.

3 ATTORNEY BRIDENSTINE: Okay. Did you go onto --  
4 you graduated high school?

5 MS. TOLLIVER: Tech.

6 ATTORNEY BRIDENSTINE: Tech. Which high school  
7 did you go to?

8 MS. TOLLIVER: I went to -- at that time it was  
9 South Park.

10 ATTORNEY BRIDENSTINE: South Park, and then what  
11 was the name of the tech school?

12 MS. TOLLIVER: I went to --

13 ATTORNEY BRIDENSTINE: Which one?

14 MS. TOLLIVER: Goodwill.

15 ATTORNEY BRIDENSTINE: Okay.

16 MS. WATLINGTON: This is overexerting, though,  
17 because there's a lot of events that took place and it was  
18 just crazy. My brother was there that day and just gone the  
19 next, gone for 14 years. And when he came home, it took him  
20 a while to [indiscernible] all black [indiscernible]  
21 darkness.

22 ATTORNEY BRIDENSTINE: You got them what?

23 MS. TOLLIVER: [Indiscernible] that hurts still  
24 though.

25 MS. TOLLIVER: You know I have [indiscernible] I



1 didn't even recognize my own son.

2 MS. WATLINGTON: Like, if you all knew Jermal back  
3 then --

4 MS. TOLLIVER: He had to recognize me.

5 MS. WATLINGTON: -- like coming up, you all would  
6 laugh. He -- he'd cracked jokes. And the thing with his --  
7 and, and, and the thing that has really, really got me was  
8 like he was the lookout.

9 I'm, like, this little boy can barely even see the eye,  
10 like the glasses. He's been without them glasses for God  
11 knows how long. He hated them.

12 MS. TOLLIVER: He's totally legally blind now.

13 MS. WATLINGTON: Yeah. I'm like, what?

14 ATTORNEY BRIDENSTINE: What grade was Jermal in  
15 when he was arrested in this case?

16 MS. TOLLIVER: Seventh grade.

17 ATTORNEY BRIDENSTINE: He was in seventh grade?

18 MS. TOLLIVER: Um-hmm.

19 ATTORNEY BRIDENSTINE: I think that's it. Lillie,  
20 thank you so much for talking to us.

21 INVESTIGATOR MYERS: Thank you, Lillie.

22 MS. WATLINGTON: If I think of anything --

23 ATTORNEY BRIDENSTINE: Yeah.

24 INVESTIGATOR MYERS: Perfect.

25 ATTORNEY BRIDENSTINE: Is, is Thayers here?



1 MS. TOLLIVER: [Indiscernible].

2 ATTORNEY BRIDENSTINE: Is Thayers here?

3 MS. TOLLIVER: Yeah.

4 ATTORNEY BRIDENSTINE: Oh, okay. Maybe we  
5 could --

6 MS. TOLLIVER: Gizmo [indiscernible]. Giz --  
7 [indiscernible].

8 (On the phone.)

9 MS. WATLINGTON: Yeah. You on your way now?  
10 Okay. Yeah.

11 (Off the phone.)

12 MS. WATLINGTON: Because my mind got to go back, I  
13 mean, during that time I'm sitting there having a fight with  
14 [indiscernible] looking over his shoulder.

15 And [indiscernible] went through the same thing Mel  
16 did. And he got a mistaken identity case right now  
17 [indiscernible] on some cartons of cigarettes that he was  
18 [indiscernible].

19 Who does that? Why would you want to rob a place for  
20 some cigarettes when you work and making all this money?  
21 Just because you committed one crime, every crime that's  
22 committed you going to be held accountable for.

23 I walked up to the Winston-Salem police department and  
24 asked them -- I said do you all got a vendetta against the  
25 Tollivers. I mean, I really want to know.



1           He was like, ma'am, I can't answer that. I said, I  
2 believe you all do. I mean, I'm telling you I speak my  
3 mind. I don't care.

4           MS. TOLLIVER: I just sit on my porch and watch  
5 them, and there be like officers sitting --

6           MS. WATLINGTON: They racial profile me with my  
7 car. After they had caught my son in a lie twice they're  
8 going to pull me.

9           I'm in Fairchild. I don't know if you all familiar  
10 with the area, but my sister -- I go around this corner.  
11 There's an officer sitting, like, on a dead-end.

12          I turned and then make another left and pull in a  
13 parking lot. Tell me why he going to come all the way  
14 around that corner and cut his lights on telling me to sit  
15 in my car.

16          I got out of, out of my car and sat on the hood. I  
17 said write that ticket because I already know, know what  
18 you're writing it for.

19          Just write it and leave me alone. But yeah. I've been  
20 watched ever since I've been home. I just -- I, I just  
21 work, work and play grandma.

22          ATTORNEY BRIDENSTINE: Well, you've got enough  
23 grandkids.

24          MS. WATLINGTON: Well, it was nice talking to you  
25 all.



1 INVESTIGATOR MYERS: Nice to talk to you, Lillie.

2 Thank you so much.

3 ATTORNEY BRIDENSTINE: Thank you.

4 MS. WATLINGTON: You're welcome.

5 (Interview ended.)

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CERTIFICATION OF TRANSCRIPT

This is to certify that the foregoing transcript of interview, consisting of 72 pages, held on January 10, 2020, is a true and accurate transcript from the recording I have been provided. I further certify that I am not related to any Party or attorney, nor do I have any interest whatsoever in the outcome of this action.

THIS 18th day of February 2020.



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JULIE CHANDLER, Transcriptionist



# Handout 108



## POSSIBLE LEADS

LEAD	HOW THEY COME UP	ORIGINAL INVESTIGATION	COMMISSION INVESTIGATION
<b>Crimestoppers Tip: Dartanya Eaton, James Alexander Higgins, and Brian</b>	<p>WSPD file indicates Crimestoppers tip came in on 11/19/2002 at 7:57 p.m. where caller says they are “pretty sure” Eaton, Higgins, and Brian (no last name) of Castle Heights were the suspects in the case. Caller said they known to carry guns and were dangerous.</p>	<p>WSPD pulled PISTOL reports and cohort details pulled for Eaton.</p> <p>WSPD pulled a PISTOL report for a James Higgins born in 1943.</p> <p>No indication of other follow up in WSPD file.</p>	<p>Obtained Crimestoppers data entry records from WSPD. Tip came in at 7:57pm on 11/19/2002 (during the interviews of the co-defendants). WSPD had no other files related to the tip.</p> <p>Commission noted cohort detail from 2002 contained entry for James Alexander Davis who was of similar age to Eaton and lived .2 miles away in the Castle Heights neighborhood. No Brians in cohort detail.</p> <p>In Mark Griffin’s Commission deposition, he told the Commission that he didn’t recall doing any follow up on this tip.</p> <p>Interviewed Eaton in prison on 11/20/2019.</p> <ul style="list-style-type: none"> <li>He confirmed he knew Davis and hung out with him. He denied any knowledge of or involvement in the crime. He knew the Victim’s service station from living in the area. Knew two Brians. He had Air Force Ones and wore size 13.</li> </ul> <p>Interviewed James Davis on 1/8/2020.</p> <ul style="list-style-type: none"> <li>The Victim’s service station was around the corner from his home in the Castle Heights neighborhood, but he did not know him. He knew nothing about this case and denied any involvement. He knew Eaton from the neighborhood and couldn’t think of any reason why Eaton would be involved in the crime.</li> </ul>



## POSSIBLE LEADS

			<p>Interviewed Eaton's ex-girlfriend, Carla Daniels, on 2/24/2020.</p> <ul style="list-style-type: none"> <li>• They didn't meet until 2003. Eaton never made any statements to her about this crime. She did know him to have beaten older men up, but never heard of him using tape.</li> </ul>
<b>Thommetrius Robinson</b>	<p>Handwritten notes from Det. Mark Griffin indicate "Tommy Robinson" with DOB 6/12/1975 had threatened Jerome Paul (a vice officer with WSPD and the victim's daughter's brother-in-law).</p>	None.	<p>Interviewed Robinson on 3/4/2020.</p> <ul style="list-style-type: none"> <li>• He did not remember Jerome Paul but thought this had to do with an October 2020 arrest for selling drugs to an undercover officer.</li> <li>• At the time of the crime, living with his mother less than a mile from the Victim's home.</li> <li>• He was on the scene the night of the crime. Originally told Commission that he and his friend Napoleon Thomas saw the Victim's body in the carport and that Thomas called 911. Later said that emergency medical personnel were already there when he was.</li> <li>• Robinson bought, sold, and used drugs at the time but not in that neighborhood.</li> <li>• He was not sure if he had Air Force Ones at the time of the crime. Wears size 9.5 shoes.</li> <li>• Denied any involvement in the crime and wouldn't have waited around the crime scene if he did.</li> </ul>



## POSSIBLE LEADS

<b>Dedrick Crump</b>	Several co-defendants told the Commission that they were in the jail with Crump prior to their trials and he was making comments to them about the case.	None.	<p>Interviewed by phone on 11/26/2019 and 12/11/2019:</p> <ul style="list-style-type: none"> <li>• He recalled meeting the defendants in jail. He did not know Tolliver but was friends with his uncle (NOTE: juvenile records from WSPD for Mr. Tolliver indicate that Crump accused Jermal Tolliver of stealing his dogs twice in 1999 when Tolliver was 11 and 12 years old).</li> <li>• Crump denied knowing anything about the crime or speaking to the defendants about the case in jail. He asked all of them what they were thinking, and they all said they didn't do it.</li> <li>• He told the co-defendants to quit talking about it if they didn't do it. He told them to "shut up" because they were talking in general in the cell block and everyone could hear it.</li> </ul>
<p><b>Joseph "Black" Cauthen/Anjuan Terry/Laymond Hairston</b></p> <p><b>*NOTE: Joseph Cauthen is the brother of claimants Banner and Cauthen. Anjuan Terry and Laymond Hairston are cousins of claimants Banner and Cauthen but they are not</b></p>	<p>Jermal Tolliver told WSPD on 11/19/2002 that he heard the bat used in the crime belonged to Banner, Cauthen, and Joseph Cauthen.</p> <p>Yolanda Tolliver told WSPD on 11/19/2002 that she heard Joseph Cauthen, Banner, Cauthen, and Anjuan were involved in the crime.</p> <p>Thayers Tolliver told WSPD on 11/19/2002 that Anjuan, Joseph Cauthen, Nathaniel</p>	<p><b>Joseph Cauthen</b> Det. Mike Poe collected Joseph Cauthen's shoes from the jail on 11/20/2002, where Joseph was being held because WSPD believed they were the shoes Banner was wearing the night of the crime. Nothing in the WSPD file indicates he was interviewed.</p> <p><b>Laymond Hairston</b> Laymond Hairston's name appears in a list of suspects for robberies on the south side and</p>	<p>Commission interviews with claimants indicated that there were ongoing issues between Banner and Cauthen's family and Tolliver's family, even up to a fight that was supposed to happen the day of the murder.</p> <p><b>Joseph Cauthen</b> All co-defendants did not know Joseph Cauthen to have anything to do with this case or commit robberies.</p> <p>Interviewed Joseph Cauthen on 1/8/2020</p> <ul style="list-style-type: none"> <li>• He did not get along with Thayers Tolliver and they had gotten into a fight prior to this case. Joseph did not like Thayers</li> </ul>



## POSSIBLE LEADS

<p><b>technically related to each other</b></p>	<p>Cauthen, and Rayshawn Banner were always talking about robbing people.</p>	<p>west side of Winston-Salem in an email from Det. Flynn on 12/18/2002. Brayboy told the Commission that when he was picked up by WSPD on 11/19/2002 they showed him a picture of a dark-skinned man with dreadlocks and a man called Layman. They asked him about those men robbing a store called Oliver's. No indication Laymond Hairston was interviewed.</p> <p><b>Anjuan Terry</b> The WSPD file indicates that police went to Anjuan Terry's home on 11/19/2002 and attempted to speak with him unsuccessfully. At some point, police were told not to locate him because he was not needed. He paged an officer on 11/19/2002, who told him he wasn't needed but to get his life in order because living in the streets would only add up to trouble (pg. 165 of brief).</p>	<p>because Thayers had tried to beat up Cauthen and he was protecting him.</p> <ul style="list-style-type: none"> <li>• Joseph said that he went to the Tolliver residence and threatened everyone (Thayers, Lillie, Yolanda, and Arlene) standing on the porch to stop messing with his brother. He thinks this happened in October 2002.</li> <li>• He did not see Anjuan Terry on the day of the murder.</li> <li>• Said WSPD came to him at jail asking him about a robbery of a store he was supposed to have committed with Hairston and Terry. This was an interaction that happened the day after they took his shoes from the jail. He refused to be interviewed. He had no idea when this robbery occurred and had nothing to do with it because it's "not his thing."</li> <li>• He was never questioned about this case.</li> <li>• Joseph had been arrested with Terry before. Terry was not known for committing robberies. Hairston was not known for it at the time but is now.</li> <li>• Joseph denied talking about committing robberies in front of Yolanda or Thayers Tolliver or talking about a plan to kill an old man before this case happened. He sold drugs, but robbery wasn't "his thing."</li> <li>• Joseph denied participating in this crime.</li> </ul> <p><b>Laymond Hairston</b></p>
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## POSSIBLE LEADS

			<p>In his Commission deposition, Detective Nieves denied discussing this case or any other suspects when he picked Brayboy up for questioning. He denied showing Brayboy any photos and wasn't familiar with Hairston.</p> <p>Interviewed Laymond Hairston in prison on 2/4/2020.</p> <ul style="list-style-type: none"> <li>• He said the police never talked to him about this crime but during this time he was on the run for an armed robbery. He and Terry were suspects in a different robbery case that Hairston denies committing but did take a plea because he had been sitting in jail for 8 months. Detectives Rowe and Poe were involved in that case.</li> <li>• Hairston recalled that he and Terry were on Channel 12 news as suspects in this case on the night of the crime. Terry told him he was going to talk to the police, but Hairston doesn't think he did. NOTE: The Commission did not obtain news stories from Channel 12, but there is no documentation of Hairston or Terry being named as suspects in the news.</li> <li>• He knew of Joseph Cauthen to sell drugs later in life but didn't know him to commit robberies. Hairston was selling drugs at the time and gave weed to Nathaniel Cauthen to sell, but never gave drugs to Banner.</li> </ul>
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## POSSIBLE LEADS

			<p><b>Anjuan Terry</b></p> <p>The co-defendants and other witnesses did not know him to commit robberies and had never heard of his involvement in this case.</p> <p>Marcus Shavers told the Commission that he heard Terry was part of the first group of suspects and that Terry hung out in the streets with a couple of older guys who were “serious.”</p> <p>Deposed Terry on 2/13/2020.</p> <ul style="list-style-type: none"> <li>• He denied knowing the Tollivers (Jermal, Yolanda, or Thayers).</li> <li>• Terry told the Commission about being hit by a truck and dragged 75 feet in the beginning of 2002. He had a collapsed lung, broken bones, skin grafts on his left hand due to 3<sup>rd</sup> degree burns and was in the hospital for 3 months. After that, he was in rehabilitation for 6-8 months to relearn how to use his left hand. It took a few years to get full strength back.</li> <li>• Terry said two homicide detectives came to his house one evening to take him downtown. He said he didn’t know anything about a murder and ran out the back door. He later admitted that he did not talk to police that night. He didn’t recall paging a detective.</li> <li>• He did not speak to any officers after this. He didn’t know they had come to him about this murder.</li> <li>• He had Air Force Ones. Wore size 9.</li> </ul>
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## POSSIBLE LEADS

			<ul style="list-style-type: none"> <li>• He denied committing any robberies with Joseph Cauthen. He said Joseph Black is not that kind of person.</li> <li>• Terry said he was heavily involved in the streets and sold drugs. He was a “real knucklehead” and used to steal cars. He discussed two common law robbery cases he had. He had never been accused of robbery with a dangerous weapon.</li> <li>• He denied asking Thayers Tolliver to help him commit a robbery or threatening Jermal Tolliver. He also said Joseph Cauthen never threatened Jermal Tolliver.</li> <li>• He knows Hairston but is not technically related to him. They hung out sometimes. Hairston did not hang out with Banner or Cauthen but would hang out with Joseph Cauthen.</li> <li>• He denied being on the news with Laymond Hairston related to this case.</li> </ul> <p>Interviewed Delores Terry 2/24/2020</p> <ul style="list-style-type: none"> <li>• She confirmed Terry’s injuries related to the car accident and his being hospitalized. He then went to a rehab clinic for a few weeks and was in a wheelchair for a few weeks after that. It probably took more than a year to get strength back in his left arm.</li> <li>• The police did not tell her they were looking for Terry in relation to this murder when they came to her house. Terry never told her he had anything to do with this crime. He was not with the co-defendants</li> </ul>
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## POSSIBLE LEADS

			<p>that day. They were younger than him and didn't hang out. She said Terry would not hurt anyone unless he felt he had to defend himself.</p> <p>NOTE: The Commission found documents from a civil suit filed by Terry's mother that indicated he was dragged 80 feet by a truck in January 2002. He suffered extensive and painful permanent injuries that required hospitalization and numerous surgeries, and that he needed additional medical treatments.</p>
<b>Other Individuals Named by Co-Defendants: Sherman "Jed" Williams</b>	<p>He was named by Tolliver, Brayboy, Cauthen, and Banner during their interviews on 11/19/2002 as being either involved in the crime or with them that afternoon. Jessica Black did not mention Jed on 11/19/2002, but did say during the trials that Jed had conversations with the co-defendants about robberies and told them about the money and credit cards the Victim carried, where he lived, what time he would be home, and was dropped off before the crime.</p>	<p>He was interviewed on 11/19/2002. He said he was with them that day and that Jessica Black dropped him off in her car. He denied any knowledge of the crime. Det. Rowe said in his report that Williams was "mentally slow" and since no one named him as being involved, he was taken home.</p> <p>No additional follow up by WSPD or DA's office.</p> <p>A defense PI attempted to contact him without success.</p>	<p>Other witnesses:</p> <ul style="list-style-type: none"> <li>• In her Commission deposition, Jessica Black remembered someone named "Jed" who was a little off or slow. She did remember her testimony about him at the trials and when asked where she got that information, she said she changed her story until the police was satisfied.</li> <li>• Tolliver, Bryant, and Cauthen all told the Commission they were with Sherman Williams for part of the afternoon and evening and dropped him off right before they say the crime scene.</li> <li>• Banner told the Commission that Sherman Williams was a different person than the Jed he knew.</li> <li>• Other witnesses interviewed by the Commission universally described Sherman Williams as slow.</li> <li>• Det. Rowe said that Sherman Williams was mentally disabled and one of those kids who hung out in the park and the area. He</li> </ul>



## POSSIBLE LEADS

			<p>was friends with the defendants, but no one said anything about his participating. He had difficulty answering questions and denied having anything to do with this case. Nathaniel Cauthen was the only one to bring Williams into the crime and he was “obviously lying” and later withdrew Sherman Williams being with them. Rowe was unaware of other defendants besides Cauthen naming Sherman Williams.</p> <ul style="list-style-type: none"> <li>• Det. Griffin said his notes indicate Sherman Williams would need to be re-interviewed and didn’t know why they didn’t follow up.</li> </ul> <p>Interviewed Sherman Williams on 1/8/2020</p> <ul style="list-style-type: none"> <li>• He did not know what happened in this case and was home that day. He did recall police coming to his house.</li> <li>• He did not think the co-defendants committed the crime. They told him they did nothing.</li> <li>• His mom and aunts knew the Victim, but he did not know that he lived up the street from him.</li> <li>• He attended South Park High School, which is a school for kids with learning disabilities. He told the Commission he only has a reading disability.</li> <li>• He denied being in Jessica Black’s car but knew who she was.</li> <li>• He recalled seeing police cars on his street but didn’t know about the murder for 3-4 days until his aunt told him his friends</li> </ul>
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## POSSIBLE LEADS

			<p>from Devonshire Street were getting locked up for it.</p> <ul style="list-style-type: none"> <li>• He still sees Bryant and Tolliver around, but they have not talked about this case.</li> </ul>
<p><b>Other Individuals Named by the Co-Defendants:</b> <b>Marcus Shavers</b></p>	<p>He was a friend of the co-defendants and lived in the same neighborhood.</p> <p>Cauthen said in his 11/19/2002 interview that the original plan to commit this crime involved Marcus, who was friends with Jed. Marcus participated in earlier discussions.</p>	<p>None.</p>	<p>Other Witnesses:</p> <ul style="list-style-type: none"> <li>• Tolliver provided Shavers' last named during his Commission interview.</li> <li>• Jessica Black told the Commission in her deposition that she knew him and hung out with him. One night prior to 11/15/2002 he stayed with her at a friend's house.</li> <li>• In DPS phone calls between Cauthen and Hunter Atkins and Cauthen and his mother, Cauthen says that the only person they knew who matched the description of BJ Arnaldi was Shavers because he was light-skinned with freckles.</li> </ul> <p>Interviewed Shavers on 2/10/2020:</p> <ul style="list-style-type: none"> <li>• He was close childhood friends with the defendants. They hung out every day, but he lived in a different neighborhood.</li> <li>• He didn't know Jessica Black well but believed her to be the girlfriend of Tolliver's neighbor Opie.</li> <li>• He didn't know the Victim or where he lived. He and the co-defendants did not know the area where the Victim's service station was located. He never went to the crime scene.</li> <li>• He had never seen the co-defendants be violent or hurt someone. They did disturb</li> </ul>



## POSSIBLE LEADS

			<p>the peace with Bryant's moped because it was so loud.</p> <ul style="list-style-type: none"> <li>• While he didn't specifically recall the date of the crime, he did remember a night where he saw Cauthen, Banner, Brayboy, and someone else get into Jessica Black's car to go to the bowling alley. He remembered feeling left out. He spent the night at Jed's that night and he and Jed smoked in the park that night when it was dark out. He did not see Jessica Black or any of the others in the park that night.</li> <li>• He thought he remembered speaking to the police and telling them he wasn't involved. He also thought Sherman Williams told the police he had spent the night at his house. This is what made him think of the night he saw people get into Jessica Black's car to go to the bowling alley.</li> <li>• People in the neighborhood did not like the boys. There were a lot of young guys in the area who could have been investigated.</li> <li>• He never heard the co-defendants talk about committing a robbery. He said they were kids, had fun, and hung out but people on the outside thought they were bad. One of the boys would always have money and they would share with each other.</li> <li>• He has not spoken to the co-defendants or anyone else about this case in over 17 years.</li> </ul>
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## POSSIBLE LEADS

<p><b>Other Individuals Named by the Co-Defendants: Shelton</b></p>	<p>Brayboy told police on 11/19/2002 that he saw Shelton at Bryant's house early in the afternoon of 11/15/2002.</p> <p>Banner told the police on 11/19/2002 that Shelton participated in the crime.</p> <p>Cauthen told attorney Kevin Mauney on 11/20/2002 that he was with Jessicah Black and Shelton in early afternoon of 11/15/2002.</p> <p>Bryant told PLS attorney Beth McNeill in 2007 that he saw Shelton on 11/15/2002.</p>	<p>No indication WSPD ever attempted to learn who Shelton was.</p>	<p>Efforts to locate Shelton:</p> <ul style="list-style-type: none"> <li>• No co-defendant or witness could provide the Commission with any additional information on who Shelton was.</li> <li>• Looked in DPS for Sheltons matching the description, county, and age range provided by the co-defendants and found two possibilities. Sent letters to all four co-defendants with photographs. All four claimants except for Tolliver said the Sheltons were not the correct person. The Commission spoke to the father of the Shelton identified by Jermal Tolliver and determined he was not the correct Shelton either.</li> <li>• Searched Lexis records for a possible address for Shelton with no results.</li> </ul>
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# Handout 109



## Recordings of Defendants and Jessicah Black from WSPD

The following recordings are on the flash drive accompanying this handout. Transcripts of these recordings were provided in the brief.

Recording	Length	Pages in Brief
Jessicah Black	33:07	396-430
Christopher Bryant	11:27	248-261
Christopher Bryant - Bruton Statement	8:51	Provided with this handout
Dorrell Brayboy - Recording 1	20:54	168-192
Dorrell Brayboy - Recording 2	9:17	193-201
Dorrell Brayboy - Bruton Statement	5:28	202-208
Jermal Tolliver	28:43	262-289
Jermal Tolliver – Bruton Statement	7:44	290-297
Nathaniel Cauthen	20:17	209-241
Nathaniel Cauthen - Bruton Statement	6:06	242-247
Rayshawn Banner	24:49	298-322
Rayshawn Banner – Bruton Statement	7:44	323-330



# WINSTON-SALEM POLICE DEPARTMENT

**STATEMENT OF:** Christopher Bryant

**IR#:** 252704

**PAGE:** 1

**DATE:** 11-20-02

**STARTING TIME:** 0018 Hrs.

**ENDING TIME:** 0026 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

## BRUTON STATEMENT

---

**SMITH:** Christopher, if you would just kinda start with being at the park, and I want you to progress where you went over to 905, and then when you ended up back at the park, but I need you, I don't want anybody else, what you tell me what anybody else did or anybody else said.

**BRYANT:** I'm gonna tell you what I just did.

**SMITH:** Just what you did.

**BRYANT:** Uh, I was at my house.

**SMITH:** OK.

**BRYANT:** I went down to the house with my friend, and then, uh, I was waiting, I was the lookout, and uh . . .

**SMITH:** Now, I need you to backup. Did you go to, to Belview Park?

**BRYANT:** Uh, yeah.

**SMITH:** OK. How, how did you get there?

**BRYANT:** Uh, Jessica.

**SMITH:** Well, did you ride in a car, is what I'm saying?

**BRYANT:** No, I walked, and then we met her halfway.

**SMITH:** OK.

**BRYANT:** We met her halfway then, I was the lookout.

---

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



# WINSTON-SALEM POLICE DEPARTMENT

**STATEMENT OF:** Christopher Bryant

**IR#:** 252704

**PAGE:** 2

**DATE:** 11-20-02

**STARTING TIME:** 0018 Hrs.

**ENDING TIME:** 0026 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

## BRUTON STATEMENT

---

**SMITH:** Well, how did you get from the park over to 905?

**BRYANT:** Creekside Lane?

**SMITH:** No, 905 Moravia Street where, where the guy . . .

**BRYANT:** Oh, the car.

**BISHOP:** How did you get from the park over to 905? From Belview Park, how did you get from the park over to the man's house?

**BRYANT:** Oh, walk.

**BISHOP:** OK. Did you walk through the front yards or through the back yards?

**BRYANT:** Well, I ain't go to the yard. I was up by the stop sign, but I came a little closer when they was beating him.

**BISHOP:** OK.

**BRYANT:** And then I . . .

**SMITH:** Well, did you go past the stop sign at anytime?

**BRYANT:** Huh, yes.

**SMITH:** Where did, how far up did you go?

**BRYANT:** Like, behind the van.

**SMITH:** Behind the van, did you go into the carport?

**BRYANT:** Uh, no.

---

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



# WINSTON-SALEM POLICE DEPARTMENT

**STATEMENT OF:** Christopher Bryant

**IR#:** 252704

**PAGE:** 3

**DATE:** 11-20-02

**STARTING TIME:** 0018 Hrs.

**ENDING TIME:** 0026 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

## BRUTON STATEMENT

---

**SMITH:** OK. So, you just stand in the man's driveway . . .

**BRYANT:** Um hum (Yes).

**SMITH:** . . . at 905?

**BRYANT:** Yes sir.

**SMITH:** OK. What did you do while you were there?

**BRYANT:** I was just looking, looking.

**SMITH:** What were you looking for?

**BRYANT:** Looking at him getting beat.

**SMITH:** The victim being beaten?

**BRYANT:** Um hum (Yes).

**SMITH:** I need you to speak up just a little bit, Chris.

**BRYANT:** Oh, I was looking at the victim being beat.

**SMITH:** Did the victim holler out or anything like that?

**BRYANT:** Yes.

**SMITH:** What did he holler out?

**BRYANT:** Help, help, help.

**BISHOP:** Did you go help him?

**BRYANT:** No.

---

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



# WINSTON-SALEM POLICE DEPARTMENT

**STATEMENT OF:** Christopher Bryant

**IR#:** 252704

**PAGE:** 4

**DATE:** 11-20-02

**STARTING TIME:** 0018 Hrs.

**ENDING TIME:** 0026 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

## BRUTON STATEMENT

---

**BISHOP:** Did you offer him any kind of assistance?

**BRYANT:** Yes, a little bit.

**SMITH:** What did you do?

**BRYANT:** Try to see if he was still living after everybody ran off.

**SMITH:** How did you do that?

**BRYANT:** I did like that, like moving him with my feet to see if he was still alive, but he was still alive. Then after we got back to the car . . .

**SMITH:** Where was he when you, you made a motion like you kinda kicked?

**BRYANT:** Like moved him, to see if he like (unintelligible).

**SMITH:** Moved him with your foot?

**BRYANT:** Um hum (Yes).

**SMITH:** You touched him with your foot?

**BRYANT:** Um hum (Yes).

**SMITH:** Where did you touch him at?

**BRYANT:** Like right up in here.

**SMITH:** You are indicating his left hip?

**BRYANT:** Um hum (Yes). To see if he was like still moving, but still living.

---

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



# WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 5

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

## BRUTON STATEMENT

---

**BISHOP:** Where was he at when you were doing this, when you were checking and, and, and moving him with your foot, where was he at?

**BRYANT:** Outside.

**BISHOP:** Outside, meaning what?

**BRYANT:** By the uh, by his van.

**BISHOP:** He was out by his van?

**BRYANT:** By his porch step. By his, uh, what you call this little, by his porch think.

**BISHOP:** Was he in his carport?

**BRYANT:** Um hum (Yes).

**BISHOP:** Was he in between his car and, and the door of his house?

**BRYANT:** Yeah.

**BISHOP:** Cause see you had to go up into the carport to be able to touch him with your foot?

**BRYANT:** Oh yeah, I did, after everything was over.

**BISHOP:** OK.

**SMITH:** Did you ever touch him with your hands?

**BRYANT:** No sir.

**SMITH:** But you saw that he, you said he was still alive?

---

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



**WINSTON-SALEM POLICE DEPARTMENT**

**STATEMENT OF:** Christopher Bryant

**IR#:** 252704

**PAGE:** 6

**DATE:** 11-20-02

**STARTING TIME:** 0018 Hrs.

**ENDING TIME:** 0026 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

**BRUTON STATEMENT**

---

**BRYANT:** Um hum (Yes).

**SMITH:** What did he, what did you, how did you find that he was alive by touching him with your foot?

**BRYANT:** Cause he was still like kinda moving and stuff while he was taped up.

**SMITH:** Was he making any sounds?

**BRYANT:** Like, "un, un, un", like that.

**SMITH:** Did he look like he was in pain?

**BRYANT:** Yes.

**SMITH:** Did he look like he was hurt?

**BRYANT:** Yes.

**SMITH:** OK. What did you do next?

**BRYANT:** We got back to the car, went to Creek Side Lane, came they, I mean, we, uh, they changed they clothes.

**SMITH:** Did you change your clothes?

**BRYANT:** No sir. But after that, after Stinky and Rayshawn changed their clothes.

**SMITH:** When, we're not talking about . . .

**BRYANT:** Oh yeah.

**SMITH:** . . . anybody else.

---

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



# WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 7

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

## BRUTON STATEMENT

---

**BRYANT:** After, after, after that we went to Creek Side Lane, went over there, came back, everybody was looking, the whole neighborhood was just looking at him. So . .

**SMITH:** So, after you went to Creek Side Lanes, you went back to uh, Moravia Street?

**BRYANT:** Yes.

**SMITH:** What, what did you see out there?

**BRYANT:** Him in a body bag.

**SMITH:** OK. Was the police there?

**BRYANT:** Um hum (Yes).

**SMITH:** Did you know he was dead then?

**BRYANT:** Yes.

**SMITH:** Let me backup. When you went up there in the carport, and you seen that you know, he was still alive, did you, did you get him, did you call the police?

**BRYANT:** No, I ain't had no way to call them at.

**SMITH:** OK. When you were at Creek Side were there any payphones there?

**BRYANT:** I ain't have no money then.

**SMITH:** Well, I mean you coulda dialed 911 or something . . .

**BRYANT:** Oh.

---

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



# WINSTON-SALEM POLICE DEPARTMENT

**STATEMENT OF:** Christopher Bryant

**IR#:** 252704

**PAGE:** 8

**DATE:** 11-20-02

**STARTING TIME:** 0018 Hrs.

**ENDING TIME:** 0026 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

## BRUTON STATEMENT

---

**SMITH:** . . . right?

**BRYANT:** Yes.

**SMITH:** You didn't call the police, you didn't call a ambulance, you didn't tell an adult.  
You got parents?

**BRYANT:** Yes. I told my mama.

**SMITH:** You told your mama?

**BRYANT:** Um hum (Yes).

**SMITH:** When did you tell your mama?

**BRYANT:** When after it happened, uh, about somebody that got killed up there by, uh,  
Moravia.

**SMITH:** Well, I'm saying immediately afterwards.

**BRYANT:** Uh, immediately after it happened.

**SMITH:** Before you went to Creek Side?

**BRYANT:** Um hum (Yes). She took everybody to the house.

**BISHOP:** But, the bottom line is did you try to get the man some help?

**BRYANT:** Not really though, but.

**BISHOP:** OK. Now, let's backup a minute. When you, before you went to the park or  
either at the park, without naming anybody else, did you enter into any kind of

---

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



# WINSTON-SALEM POLICE DEPARTMENT

**STATEMENT OF:** Christopher Bryant

**IR#:** 252704

**PAGE:** 9

**DATE:** 11-20-02

**STARTING TIME:** 0018 Hrs.

**ENDING TIME:** 0026 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

## BRUTON STATEMENT

---

agreement with some other people to go and take some money or what from this man?

**BRYANT:** No sir.

**BISHOP:** OK. Then, why did you go over to his house?

**BRYANT:** Cause they wanted me to go with them, I didn't know they was gonna really hurt, kill the man.

**SMITH:** But what did they say they were gonna do?

**BRYANT:** Lick him for some money.

**SMITH:** OK.

**BISHOP:** So, they told you they were gonna go steal some money?

**BRYANT:** I ain't know they were gonna kill somebody.

**BISHOP:** I, I understand that, and I don't think they knew that. But, did you understand that they were gonna go over there and take some money?

**BRYANT:** Yes.

**BISHOP:** And you agreed to go with them?

**BRYANT:** I just followed, cause I was already walking in the group.

**BISHOP:** OK. Well, but you knew that they were gonna go over there and lick this man for some money?

---

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams



# WINSTON-SALEM POLICE DEPARTMENT

STATEMENT OF: Christopher Bryant

IR#: 252704

PAGE: 10

DATE: 11-20-02

STARTING TIME: 0018 Hrs.

ENDING TIME: 0026 Hrs.

TAKEN BY: Det. M. H. Smith  
Det. K. W. Bishop

LOCATION: 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

## BRUTON STATEMENT

---

**BRYANT:** Um hum (Yes).

**BISHOP:** And whether, I mean whether you verbally agreed or is that, you agreed in the sense that you went along with them while (unintelligible).

**BRYANT:** Um hum (Yes).

**BISHOP:** Is that right?

**BRYANT:** Yes sir.

**BISHOP:** OK. And you're saying that you didn't enter into that carport until after all the beating and everything was done?

**BRYANT:** Um hum (yes), to check and see if he was still living.

**BISHOP:** And when, when you got in there, was he bleeding?

**BRYANT:** Yes.

**BISHOP:** Could you see blood on the floor?

**BRYANT:** Um hum (Yes).

**BISHOP:** Could you see blood on his clothes?

**BRYANT:** Yeah, it was on his chest. He had on a white T-shirt on his chest.

**BISHOP:** Did it look like he was tied up or anything?

**BRYANT:** Yes, in some tape.

**BISHOP:** OK. Did you do any, did you untie him?

---

WITNESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WITNESS: \_\_\_\_\_

TRANSCRIBED BY: Jannie R. Williams



**WINSTON-SALEM POLICE DEPARTMENT**

**STATEMENT OF:** Christopher Bryant

**IR#:** 252704

**PAGE:** 11

**DATE:** 11-20-02

**STARTING TIME:** 0018 Hrs.

**ENDING TIME:** 0026 Hrs.

**TAKEN BY:** Det. M. H. Smith  
Det. K. W. Bishop

**LOCATION:** 725 N. Cherry St., PSC  
Sgt. R. G. Cozart's Office

**BRUTON STATEMENT**

---

**BRYANT:** No. I ain't want to get my fingerprints on that stuff.

**BISHOP:** OK. Was he mouth bound up, did, was he gagged?

**BRYANT:** Yeah.

**BISHOP:** Did you open his mouth up so he could breathe or anything?

**BRYANT:** (Inaudible).

**BISHOP:** Can't hear you?

**BRYANT:** No.

**BISHOP:** OK. Did you run and holler for anybody to call 911?

**BRYANT:** Not at that time.

**BISHOP:** OK.

**SMITH:** Did you ever holler for somebody to call 911?

**BRYANT:** No.

**SMITH:** OK. Did you, uh, bring any tape out there?

**BRYANT:** No.

**SMITH:** Did you bring any weapons out there?

**BRYANT:** No.

**SMITH:** This concludes the interview. The time is 0026.

**(END OF INTERVIEW)**

---

**WITNESS:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

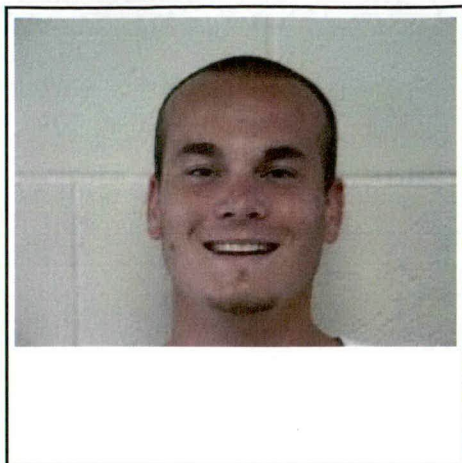
**WITNESS:** \_\_\_\_\_

**TRANSCRIBED BY:** Jannie R. Williams

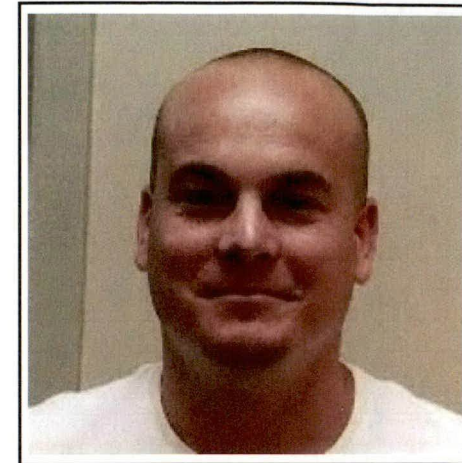


# Handout 110





**CAMERON FOX**  
**Offender ID:** 0855768  
**Offender Status:** INACTIVE  
**SRG:**  
**SID:** NC1086257A  
**SBI DNA:** YES  
**FBI Number:** 102083FC0  
**Driver License#:** NC23197112  
**Active Deportation Detainer:** NO



### Name(s) Of Record

Last Name	Suffix	First Name	Middle Name	Name Type
FOX		CAMERON		COMMITTED
FOX		CAMERON	JESSE	COMMITTED
FOX		CAMERON	JESSE	ALIAS
FOX		CAMERON	JESSIE	ALIAS
CHEVY				NICKNAME

### Demographics

<b>Gender:</b> MALE	<b>Race:</b> WHITE	<b>BodyBuild:</b> MEDIUM	<b>Complexion:</b> LIGHT
<b>Height:</b> 6 ft. 4 in.	<b>Weight:</b> 263 lbs.	<b>Hair Color:</b> BROWN	<b>Eye Color:</b> HAZEL
<b>Age:</b> 31	<b>Birth Date:</b> 06/14/1988	<b>Citizenship:</b> BORN IN U.S.	<b>Ethnicity:</b> EUROPEAN/N.AM./AUSTR
<b>Birth Country:</b> UNITED STATES	<b>Birth State:</b> NC	<b>Birth County:</b> WILKES	<b>Primary Language:</b>

### Scars / Marks / Tattoos

Type	Location	Description
PIERCED OR HOLE	LEFT EAR	EARLOBE
TATTOO	LEFT ARM	"RIP WAYNE";TEARDROPS
TATTOO	LEFT SHOULDER	FOOTPRINT W/"BREE-BREE";"2-11-09"
TATTOO	LEFT WRIST	"T.C."
TATTOO	RIGHT ARM	"C TORI"

11-Mar-20

Page 1

Report Name: Offender Information



# Scars / Marks / Tattoos

Type	Location	Description
TATTOO	RIGHT WRIST	"J.R."

## Offense History

Offense	Offense Date	Conviction County	Type	Sentence Length
HABITUAL FELON	04/15/2011	FORSYTH	FELON	9 YEARS 6 MONTHS
COMMON LAW ROBBERY	04/15/2011	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT
RESISTING OFFICER	04/15/2011	FORSYTH	MISD.	CONSOLIDATED FOR JUDGMENT
POSSESS WITS SCHEDULE VI	04/15/2011	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT
ASSAULT ON FEMALE	03/03/2011	FORSYTH	MISD.	
IDENTITY FRAUD/THEFT	04/29/2007	FORSYTH	FELON	1 YEAR 4 MONTHS
POSSESSING STOLEN GOODS	04/29/2007	FORSYTH	MISD.	CONSOLIDATED FOR JUDGMENT
OBT PROP BY FALSE PR/CHTS/SER	04/29/2007	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT
IDENTITY FRAUD/THEFT	04/19/2007	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT
IDENTITY FRAUD/THEFT	04/19/2007	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT
RECEIVING STOLEN GOODS	04/19/2007	FORSYTH	MISD.	CONSOLIDATED FOR JUDGMENT
OBT PROP BY FALSE PR/CHTS/SER	04/19/2007	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT
IDENTITY FRAUD/THEFT	04/19/2007	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT
OBT PROP BY FALSE PR/CHTS/SER	04/19/2007	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT
OBT PROP BY FALSE PR/CHTS/SER	04/19/2007	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT
LARCENY OVER \$1000	06/30/2009	FORSYTH	FELON	11 MONTHS
IDENTITY FRAUD/THEFT	04/29/2007	STOKES	FELON	
POSSESSING STOLEN GOODS	04/29/2007	STOKES	MISD.	CONSOLIDATED FOR JUDGMENT
IDENTITY FRAUD/THEFT	04/29/2007	STOKES	FELON	CONSOLIDATED FOR JUDGMENT
OBTAIN PROP-FALSE COINS/TOKENS	04/29/2007	STOKES	FELON	CONSOLIDATED FOR JUDGMENT
IDENTITY FRAUD/THEFT	04/19/2007	STOKES	FELON	CONSOLIDATED FOR JUDGMENT
IDENTITY FRAUD/THEFT	04/19/2007	STOKES	FELON	CONSOLIDATED FOR JUDGMENT
POSSESSING STOLEN GOODS	04/19/2007	STOKES	MISD.	CONSOLIDATED FOR JUDGMENT
OBTAIN PROP-FALSE COINS/TOKENS	04/19/2007	STOKES	FELON	CONSOLIDATED FOR JUDGMENT
IDENTITY FRAUD/THEFT	04/19/2007	STOKES	FELON	CONSOLIDATED FOR JUDGMENT
OBTAIN PROP-FALSE COINS/TOKENS	04/19/2007	STOKES	FELON	CONSOLIDATED FOR JUDGMENT
OBTAIN PROP-FALSE COINS/TOKENS	04/19/2007	STOKES	FELON	CONSOLIDATED FOR JUDGMENT
CHEAT - PROPERTY/SERVICES	04/29/2007	FORSYTH	FELON	10 MONTHS
DRUG PARA - USE/POSSESS	04/05/2007	MONTGOMERY	MISD.	1 MONTH 15 DAYS
COMMON LAW ROBBERY	02/07/2005	FORSYTH	FELON	11 MONTHS
COMMON LAW ROBBERY	02/07/2005	FORSYTH	FELON	11 MONTHS
LARCENY OF MOTOR VEHICLE	01/06/2005	FORSYTH	FELON	CONSOLIDATED FOR JUDGMENT

11-Mar-20

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Report Name: Offender Information



**Offense History**

Offense	Offense Date	Conviction County	Type	Sentence Length
CRIM FACTOR OF CREDIT CARD	12/29/2004	FORSYTH	MISD.	
POSSESSING STOLEN GOODS	07/21/2004	FORSYTH	MISD.	
UNAUTH USE MOTOR CONVEYANCE	07/21/2004	FORSYTH	MISD.	CONSOLIDATED FOR JUDGMENT
AWDW	07/21/2004	FORSYTH	MISD.	

11-Mar-20

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Report Name: Offender Information



# Handout 111



1 address the Court.

2 MS. HIER: No, sir.

3 MR. CAUTHEN: I do.

4 THE COURT: Yeah, I'll be glad to hear from you.

5 MR. CAUTHEN: Can I step in front of the Court,  
6 please, sir?

7 THE COURT: I can't hear you. You have to speak  
8 up.

9 MR. CAUTHEN: Can I step in front of the Court?

10 THE COURT: No. You have to stand right there.  
11 There's no secret in this case. It must be placed upon  
12 the record.

13 MR. CAUTHEN: I spent two years of my life in  
14 jail for something I didn't do. I can't say, you know  
15 what I'm saying, who done it or who did it --  
16 (unintelligible) -- live my life -- (unintelligible) --  
17 these people right here -- (unintelligible) -- my life for  
18 stuff I didn't do. (Unintelligible)

19 My momma, Theresa McCants, who -- (unintelligible) --  
20 who stopped these people right here for blaming me for  
21 taking stuff I never took, for doing things I never done.  
22 I had to come in here, had to pray to this man every day  
23 for two years of my life, for Mr. Jones, this man. I  
24 never knew this man, never hurt this man a day in my  
25 life. I'm sorry. All I got -- (unintelligible) -- I



1 really am. I can't tell you who killed this man. It's  
2 not my fault that these people put me in a room and make  
3 me say stuff I didn't want to say. It's not my fault.  
4 Like I said -- (unintelligible) -- everybody loved him  
5 because they knew him. Oh, Mr. Jones. Don't nobody know  
6 me. How can y'all judge me of something I didn't do?

7 I had to sit in front of twelve people. I couldn't  
8 even pick my own color -- (unintelligible) -- people  
9 color. They thought I murdered somebody I didn't murder.  
10 It got to be a -- by people that put handcuffs on me for  
11 something I didn't do. I know y'all look at me wrong,  
12 because y'all read in the paper, yeah, fifteen-years-old  
13 kids done done this or fourteen-year-old kids done done  
14 this, but how do y'all know? Y'all sit right here and  
15 look at all these shoes and look at everything on the  
16 table, but nothing -- (unintelligible) -- to this man or  
17 what they done to me. I'm sorry that the man lost his  
18 life, I really am, and I hope I can tell you nothing, but  
19 I can't.

20 And I look at y'all and I see this lady right here and  
21 cry for his daughter. I had to look at her -- she don't  
22 even know who killed her granddaddy. She don't even know  
23 who killed her father. And I got to come in here and look  
24 at these people tell me I'm guilty and I know I'm not  
25 guilty. I got to pray to God to ask y'all to please show



1 mercy and faith upon me for something I didn't even do. I  
2 got to spend the rest of my life in prison. That's not  
3 right. And y'all say -- (unintelligible) -- justice.  
4 What is justice? This is not justice. That's not  
5 justice. You got people -- (unintelligible) -- twelve  
6 people all judging my life. That's not right. But this  
7 is the law, right? But this is the law.

8 Ma'am, all of y'all, Mr. Jones' family, I'm sorry that  
9 y'all lost whoever he was. What I know, he was a good  
10 man. That man never heard of me. He never done anything  
11 to me. I never knew him. I ask y'all to please forgive  
12 whoever done it. I can't even tell you who done it. Ask  
13 you to please forgive that person, pray to God for that  
14 person.

15 That's all I have to say. Thank you.

16 THE COURT: Anything else?

17 MS. HIER: No, sir.

18 THE COURT: Thank you very much.

19 Anything else you want to say?

20 MR. LEONARD: I have nothing, Judge.

21 THE COURT: He want to address the Court?

22 MR. LEONARD: Do you?

23 MR. BANNER: No.

24 MR. LEONARD: No, sir.

25 THE COURT: Anybody else you want to call around?



# Handout # 112

Map and WSPD Report –  
Brayboy Juvenile Report

Sealed by Order of the Court



# Handout 113



## Winston-Salem Police Department

SUPPLEMENT  
REPORT

IR#	252704
Date of Original Report	11-15-2002
Today's Date	11-19-2002

Original Primary Victim	JONES, NATHANIEL	Original Officer	Unit/Code Number
Original Primary Crime/Incident	HOMICIDE	J.M. GRIFFIN 830-13940	<input type="checkbox"/> Case Officer

WHILE WORKING OFF DUTY AT 1450 TRADE MART BLVD. (CREEKSIDE LANES)

I OBSERVED TWO B/M'S IN THE LOBBY AREA. THIS AREA OF THE BUSINESS IS NOT NORMALLY CROWDED, BUT ON THIS DATE THERE WERE SEVERAL KIDS STANDING IN THIS AREA.

CREEKSIDE LANES IS A BOWLING CENTER, BUT USED TO BE BRENDLE'S DEPARTMENT STORE. THE FRONT SECTION OF THE BUSINESS IS USED AS A WAITING AREA FOR KIDS' RIDES TO PICK THEM UP. I HAVE WORKED SECURITY FOR FOUR YEARS AT THIS LOCATION AND BECAUSE OF PAST INCIDENTS PEOPLE ARE NOT ALLOWED TO HANG OUT IN THIS AREA IF THEY ARE NOT WAITING FOR A RIDE TO PICK THEM UP.

AFTER ABOUT THIRTY MINUTES, I NOTICED THAT SEVERAL OF THE KIDS WHO FREQUENT THE BOWLING CENTER WERE STILL IN THE LOBBY. IT IS ALSO A POLICY FOR OFFICERS WHO WORK SECURITY AT THIS LOCATION TO IDENTIFY WHY SUBJECTS ARE IN THE LOBBY, IF THEY ARE NOT WAITING FOR A RIDE THEY ARE TOLD TO GO BACK INSIDE THE BOWLING CENTER OR LEAVE THE BUSINESS.

AS I APPROACHED THE LOBBY AREA, I NOTICED ONE OF THE B/M'S MOTION TO OTHER KIDS AS IF TO WARN THEM OF MY ARRIVAL. I MADE A GENERAL STATEMENT TO EVERYONE "WHAT IS GOING ON AND WHO IS WAITING FOR RIDES"?

A FEW OF THE KIDS WHO ARE CONSIDERED REGULARS WENT BACK INSIDE THE BOWLING CENTER. I THEN PROCEEDED TO ENGAGE ONE OF THE B/M'S BY ASKING HIM "WHAT 'CHA GONNA DO, ARE YOU GUYS COMING OR LEAVING"? THE B/M IGNORED ME I TOLD HIM THAT "HANGING OUT" IS NOT ALLOWED AT THE BOWLING CENTER AND THAT HIS CHOKES WERE TO COME IN OR LEAVE THE BUSINESS AT ONCE.

Continued on Reverse Side

Reporting Officer Name	Unit/Code Number	Supervisor Approving	Unit/Code Number
V. STEPHENS	404/14408	<i>[Signature]</i> 404/14408	
Case Status	Case Disposition		
<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Unfounded	<input type="checkbox"/> Person Located	
<input type="checkbox"/> Inactive	<input checked="" type="checkbox"/> Closed by Arrest	<input type="checkbox"/> Juvenile/No Custody	
<input checked="" type="checkbox"/> Closed/Cleared	<input type="checkbox"/> Closed/Leads Exhausted	<input type="checkbox"/> Refused to Cooperate	
		<input type="checkbox"/> Services Rendered	
Routing	Referred To	Page 1 of 2	

SDB

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NCIC WSPD



IR#

252704

THE B/M MADE THE REMARK TO THE OTHER B/M "WHY IS HE FUCKING WITH US"?

AT THAT TIME I TOLD THE B/M THAT HIS STAY AT CREEKSIDE LANES WAS OVER AND TO LEAVE THE BUSINESS IMMEDIATELY.

BOTH SUBJECTS LEFT THE BOWLING CENTER AND GOT INTO A CAR DRIVEN BY A WIFE.

I APPROACHED THE VEHICLE AND OBSERVED TWO OTHER B/M'S INSIDE. I ADVISED THE B/M THAT HE WAS NOT WELCOME BACK TO THE BOWLING CENTER.

I WAS LATER INFORMED BY DET. J.M. GRIFFIN THAT HE HAD RECEIVED INFORMATION THAT SUSPECTS INVOLVED IN A HOMICIDE HAD BEEN IN CREEKSIDE LANES ON THE NIGHT THAT I WAS WORKING OFF-DUTY.

I THEN RESPONDED TO THE PUBLIC SAFETY CENTER AND POSITIVELY IDENTIFIED THE FOLLOWING SUBJECTS AS BEING AT THE BOWLING CENTER.

- (1) NATHANIEL CUTTEN
- (2) DORRELL BRAYBOY
- (3) JAMEL TOLIVER
- (4) RAYSHAWN BANNER



## Winston-Salem Police Department

SUPPLEMENT  
REPORT

IR# 252704
Date of Original Report 11/15/2002
Today's Date 12/5/2002

Original Primary Victim JONES, NATHANIEL FREDRICK
Original Primary Crime/Incident HOMICIDE

Original Officer J. M. GRIFFIN 830-13940	Unit/Code Number
---	------------------

On 11-19-2002, at approximately 1700 hours, Detective M. S. Lovejoy and I responded to Creekside Bowling Lanes (1450 Trademart Blvd) in an attempt to locate any surveillance videotapes that might have been made on the night of this incident (11-15-2002). Management at the business advised that they do not have any surveillance cameras on the exterior of the business but do have cameras inside the business. We were advised that the videotape from 11-15-2002 had already been erased, taped over again and was no longer available. Detective Lovejoy and I were advised that on 11-15-2002, off-duty Police Officer V. Stephens had been working at the business as security (2000 hrs-0200 hrs). Officer Stephens reportedly had handled some type of disturbance during his tour of duty that involved a young black male matching the description of a suspect in this incident. Officer Stephens responded to the Criminal Investigations Division on this date to brief other detectives regarding this incident. Detective Lovejoy and I canvassed the surrounding businesses near Creekside Lanes but located no type of exterior surveillance cameras.

At approximately 1745 hours, Detective Lovejoy and I responded to the area of Silas Creek Parkway/Hanes Mall Blvd and assisted other units already on the scene. We were attempting to locate the victim's black colored wallet or any other possible evidence in this incident. After searching the area for approximately 30 minutes with negative results, we responded back to the Public Safety Center.

At approximately 1930 hours, Detective L. A. Clark and I responded to 734 E. Devonshire Street and met with Thayers Tolliver. Mr. Tolliver voluntarily agreed to respond to the Public Safety Center and provide a statement. Mr. Tolliver did not have transportation and was driven to the Public Safety Center by Detective Clark and I. Prior to Mr. Tolliver exiting his residence and getting in our vehicle, he handed us an aluminum baseball bat (silver with black rubber handle). Mr. Tolliver stated that we should go ahead and check same and we wouldn't find any evidence on the baseball bat. The baseball bat was placed into The Evidence Management Section by Detective Clark.

Reporting Officer Name J. S. SMITH 870-14248		Unit/Code Number 870-14248	Supervisor Approving R. Taylor 870-7472		Unit/Code Number
<b>Case Status</b> <input type="checkbox"/> Open <input type="checkbox"/> Closed Cleared <input type="checkbox"/> Inactive <input type="checkbox"/> Closed/Leads Exhausted		<b>Case Disposition</b> <input type="checkbox"/> Unfounded <input type="checkbox"/> Person Located <input type="checkbox"/> Juvenile/No Custody <input type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Refused to Cooperate <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Cleared by Arrest/Other Agency <input type="checkbox"/> Services Rendered <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Death of Offender			
Routing		Referred To		Page 1 of 2	

WSPD/rcs newsupplement 06-27-02

000100  
NCIC - WSPD



## Winston-Salem Police Department

SUPPLEMENT  
REPORT

Original Primary Victim Jones, Nathaniel Fredrick	Original Officer J. M. Griffin 830-13940	IR# 252704
		Date of Original Report 11/15/02
Original Primary Crime/Incident Homicide	Unit/Code Number	Today's Date 3/25/2003

On 11-18-02 I was briefed on the investigation into the death of Mr. Nathaniel Jones. Sergeant C. F. Southern requested me to fill out the S.B.I.-5 form and submit it after completion. I also made a copy of the paperwork and gave it to Detective Griffin for his files.

On 11-19-02 Detective Fine and I conducted an interview with an employee of Hanes Dye and Finish regarding this incident. The employee told a fellow employee that he would have his cousins beat him like the old man on Moravia Street had got beaten. The employee, Derrick Cunningham, was ruled out as a possible suspect. (See Detective Fine's supplement for further).

Later on this date, I assisted by transporting several police recruits to the area of Hanes Mall Blvd. in search of Mr. Jones belongings. Detective Fine transported Jermal Tolliver, one of the suspects, who advised was one of the locations where Mr. Jones property was thrown. This action was met with negative results.

I also conducted a search of Belleview Park to search for possible tape used in the crime along with Detectives Fine, Snider and Elmes with negative results.

I later responded to 734 E. Devonshire Street reference a consent search of the residence of Jermal Tolliver. Both Jermel and his mother Arlene signed the consent form. Jermel was not present during the search. Detective Lovejoy and D. C. Taylor assisted me in the search. Detective Lovejoy seized two pair of Nike shoes and a Green Bugle Boy shirt. An inventory of seized property was left with Ms. Tolliver. I gave the original paperwork to Detective Griffin for his files.

I later talked to Officer Vincent Stephens regarding this incident. Officer Stephens advised he encountered the suspects in this incident near the time of the crime. Officer Stephens advised he had to order them to leave the Creekside Lanes Bowling Alley due to the juveniles being unruly.

Reporting Officer Name E. P. Reese, III. 830-14242		Unit/Code Number	Supervisor Approving C. F. Southern 830-11950	Unit/Code Number
<b>Case Status</b> <input type="checkbox"/> Open <input type="checkbox"/> Inactive <input checked="" type="checkbox"/> Closed Cleared <input type="checkbox"/> Closed/Leads Exhausted		<b>Case Disposition</b> <input type="checkbox"/> Unfounded <input checked="" type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Cleared by Arrest/Other Agency <input type="checkbox"/> Person Located <input type="checkbox"/> Juvenile/No Custody <input type="checkbox"/> Refused to Cooperate <input type="checkbox"/> Services Rendered <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Death of Offender		
Routing		Referred To		Page 1 of 2



## Winston-Salem Police Department

SUPPLEMENT  
REPORT

Original Primary Victim Jones, Nathaniel Fredrick	Original Officer J. M. Griffin 830-13940	IR# 252704
Original Primary Crime/Incident Homicide	Unit/Code Number	Date of Original Report 11/15/02
		Today's Date 3/25/2003

(See Officer Stephens supplement for further). No further actions taken. I request this information forwarded to Detective Griffin for follow-up.

Reporting Officer Name E. P. Reese, III. 830-14242	Unit/Code Number	Supervisor Approving C. F. Southern 830-11950	Unit/Code Number
<b>Case Status</b> <input type="checkbox"/> Open <input type="checkbox"/> Inactive <input checked="" type="checkbox"/> Closed Cleared <input type="checkbox"/> Closed/Leads Exhausted	<b>Case Disposition</b> <input type="checkbox"/> Unfounded <input checked="" type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Cleared by Arrest/Other Agency <input type="checkbox"/> Person Located <input type="checkbox"/> Juvenile/No Custody <input type="checkbox"/> Refused to Cooperate <input type="checkbox"/> Services Rendered	<input type="checkbox"/> Extradition Declined <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Death of Offender	
Routing	Referred To	Page 2 of 2	



## Winston-Salem Police Department

SUPPLEMENT  
REPORT

Original Primary Victim Nathaniel F. Jones
Original Primary Crime/Incident Homicide

Original Officer Det. J. M. Griffin 830-13940	Unit/Code Number
--	------------------

IR# 252704
Date of Original Report 11/15/02
Today's Date 3/26/2003

On 11-19-02, Det. J. S. Smith and I responded to Creekside Lanes located at 2610 Trademart Blvd. to attempt to obtain further information about several juveniles possibly involved in a disturbance at same on Friday, 11-15-02.

Upon arrival at approximately 1650 hours, we spoke with Ms. Vanessa Hege (Work #771-9800; Home #764-4526) who is a shift manager. We asked Ms. Hege if she recalled any unusual incidents at the bowling lanes on Friday, 11-15-02. Ms. Hege advised that Officer V. Stephens had worked on Friday, 11-15-02, from approximately 2000 hours until 11-16-02 at 0200 hours. Ms. Hege advised she recalled several juveniles being asked to leave by Officer Stephens, but she was unable to provide further. Ms. Hege stated Officer Stephens normally stays in the pool table area and the game room. Ms. Hege stated she would not be able to provide the juveniles' names. Ms. Hege stated another co-worker, Ms. Kelly Wilson, had been working at the front desk on Friday night and stated she might be able to identify the juveniles if needed. We left the bowling lanes at 1659 hours.

I contacted personnel at PSC. Detective Smith and I were advised to respond to Hanes Mall to assist personnel in searching the grounds for the victim's wallet. We arrived at the parking lot area located beside McDonald's at Hanes Mall at approximately 1715 hours. Det. Smith and I stayed and assisted in searching for the victim's wallet but met with negative results. We left the area at approximately 1731 hours. Det. Smith and I returned to PSC.

While at PSC, Det. Sawyer and I were instructed to respond to 750 Movaria Street to pick up Sherman Williams (also known as "Jed"). Personnel advised Sherman Williams might have information regarding the homicide. Det. Sawyer and I arrived at 750 Movaria Street at approximately 1655 hours. Ms. Doris Caldwell, Sherman's aunt, advised Sherman lives at 812 Movaria Street with his mother.

Reporting Officer Name Det. M. S. Lovejoy 810-14579		Unit/Code Number	Supervisor Approving Sgt. R. G. Cozart 830-13983	Unit/Code Number
Case Status <input type="checkbox"/> Open <input type="checkbox"/> Inactive	<input type="checkbox"/> Closed Cleared <input type="checkbox"/> Closed/Leads Exhausted	Case Disposition <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Cleared by Arrest/Other Agency	<input type="checkbox"/> Person Located <input type="checkbox"/> Juvenile/No Custody <input type="checkbox"/> Refused to Cooperate <input type="checkbox"/> Services Rendered	<input type="checkbox"/> Extradition Declined <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Death of Offender
Routing		Referred To		Page 1 of 3

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NCUC WSPD



# Handout 114



1 A. I can't off the top of my head say.

2 Q. The emails that you exchanged with Hunter Atkins, you  
3 indicated that there was personal information in them. Is that personal  
4 information that relates to this case?

5 A. No.

6 Q. Other than Hunter Atkins, have you spoken to anyone else  
7 about -- any other reporters about this case?

8 A. No.

9 Q. What about anyone else in general? You mentioned your --

10 A. Wife.

11 Q. -- wife and Mike Poe when you ran into him and Hunter  
12 Atkins. Anyone else?

13 A. No.

14 Q. Did Hunter Ak -- Atkins ever indicate to you when he is  
15 planning or what he is planning to do with the information he is gathering  
16 regarding this case?

17 A. He was all over the place with it. One minute he was, um,  
18 writing this, uh, exposé on Chris, the next minute he was, um, trying to help  
19 or indicated that, um, he was just trying to get to the truth of the matter  
20 and, um, he was the one that told me about you all I think before I had a  
21 chance to, um, look what the police department had.

22 Q. When the five defendants were arrested on, um, November 19  
23 and November 20, 2002, how confident were you that you had gotten it right?

24 A. Repeat the question.

25 Q. When the five defendants were arrested in this case --



1 A. Mm-hmm.

2 Q. -- how confident were you that you had gotten it right?

3 A. Very.

4 Q. Did that feeling ever change?

5 A. Only after talking to Hunter.

6 Q. And what about talking to Hunter made you -- that feeling  
7 change?

8 A. It wasn't necessarily changed to the point where I didn't  
9 think that they were involved and we had the right people, it's just I had  
10 concerns about the process primarily why I didn't have a supplement report  
11 and made me question as to whether or not I actually wrote a supplementary  
12 report. Then I'm told by Lieutenant or Captain Tollie that I wasn't the only  
13 one. That there was only one other person who didn't write a supplement  
14 report and that was Randy Weavil and then I had to go back into my head and  
15 think, wait a minute now, hold it. We both should have written a report, why  
16 is it that we're the only two? Also why is it that the only thing that we  
17 talked about when I testified was my interview with, uh, Nathaniel and not  
18 about how the case basically was broken by my conversation with Miss  
19 Tolliver? So those are questions.

20 Q. Okay. Anything else?

21 A. That's it.

22 Q. Is there anything else you would like us to know about this  
23 case or that you think would be helpful in our investigation?

24 A. Um, nothing that I can think of right now with the  
25 exception of I can't -- that thing with Darryl Hunt and Randy Weavil being



# Handout 115



Sean Flynn - By Ms. Bridenstine

1 A. I knew she was driving so she was at least 16.

2 Q. Were you aware that she was a juvenile?

3 A. No.

4 Q. Did you ever talk to any of the defendants in  
5 this case about the death penalty?

6 A. I will say yes.

7 Q. And who was that?

8 A. I want to say it was Dorrell Brayboy, but I don't  
9 remember who it was.

10 Q. How many defendants did you talk to about the  
11 death penalty?

12 A. I think just one.

13 Q. Did you talk to Dorrell Brayboy on November 19,  
14 2002?

15 A. Again, I think it was a pop in to an interview  
16 room. I -- I don't think I formally interviewed him, no.

17 Q. What did you say when you talked about the death  
18 penalty?

19 A. I believe it was a comment along that they put a  
20 needle in your vein. That's what happens to people that  
21 get convicted of murder, first-degree murder.

22 Q. Did you talk to Jermal Tolliver about the death  
23 penalty?

24 A. I don't believe so.

25 Q. Did you talk to Jermal Tolliver about other



Sean Flynn - By Ms. Bridenstine

1 possible punishments?

2 A. I don't remember, no.

3 Q. When you talked to Dorrell Brayboy, who else was  
4 in the interview room?

5 A. I really don't remember.

6 Q. I'm going to hand you what has been previously  
7 marked as Exhibit 65. This is Detective Rose's testimony  
8 from the suppression hearing that was held in Jermal  
9 Tolliver and Christopher Bryant's cases. You are welcome  
10 to review the entire testimony from Detective Rose. I do  
11 have some pages I would like to direct you to.

12 Do you want to read the whole thing or -- okay.  
13 You can start -- I would review pages 36 to 44.

14 A. 36 to 44.

15 Q. Mm-hmm.

16 A. To what page?

17 Q. 44. And then I would look at 50 and 51.

18 A. Okay.

19 Q. And then I'd look at page 60.

20 A. Page 60?

21 Q. Mm-hmm.

22 MR. BEECHLER: To look to -- what page did you  
23 point to? From 60 to...

24 MS. BRIDENSTINE: 60 and -- I would say 60 -- 36  
25 to 44, 50, 51, and 60.



Sean Flynn - By Ms. Bridenstine

1 MR. BEECHLER: Thank you.

2 THE WITNESS: Done.

3 BY MS. BRIDENSTINE:

4 Q. Okay. Does reading Detective Rose's testimony  
5 refresh your recollection as to whether or not you talked  
6 to Jermal Tolliver about the death penalty?

7 A. It does but I don't remember. I thought it was  
8 the other kid. I don't -- but that refreshes it, yes.

9 Q. Did you talk to Jermal Tolliver about the death  
10 penalty?

11 A. Apparently, yes.

12 Q. Do you remember doing that?

13 A. I didn't know it was Tolliver is what I'm saying.  
14 Apparently it was Tolliver.

15 Q. What did you say when you talked to Jermal  
16 Tolliver about the death penalty?

17 A. That people convicted of first-degree murder are  
18 injected lethally. My exact words, I don't remember.

19 Q. So you talked to him about lethal injection as  
20 well?

21 A. Yeah.

22 Q. Did you ever motion to Jermal Tolliver's arm  
23 while you were talking about the death penalty or lethal  
24 injection?

25 A. No. I believe it was my arm to be honest with



Sean Flynn - By Ms. Bridenstine

1 you.

2 Q. And what do you mean?

3 A. Like, they put it in the vein right there.

4 Q. Okay. So you showed him your arm?

5 A. Yeah. That's how I remember it but there was a  
6 motion, yes.

7 Q. So I just want to make the record clear, you  
8 would have shown your arm to Jermal Tolliver while you were  
9 saying they put the -- the injection in the vein or --

10 A. Yeah. Something to that effect, yes, ma'am.

11 Q. Were you aware at the time that you said that to  
12 Jermal Tolliver that he was too young to get the death  
13 penalty?

14 A. Yes, ma'am.

15 Q. So back in 2002 you were aware that you had to be  
16 16 years old in order to be eligible for the death  
17 penalty --

18 A. Yes, ma'am.

19 Q. -- in a first-degree murder case?

20 Was that common for you to talk to suspects about  
21 the death penalty in murder cases?

22 A. It's not uncommon, no. It's a form of punishment  
23 for it.

24 Q. Did you do it in other occasions than this one?

25 A. I may have.



Sean Flynn - By Ms. Bridenstine

1 Q. Did you discuss the death penalty in other cases  
2 where juveniles were too young to receive the death  
3 penalty?

4 A. No.

5 Q. Why did you talk to Jermal Tolliver about the  
6 death penalty?

7 A. Elicit a response.

8 Q. What is the purpose in telling a juvenile who's  
9 too young to receive the death penalty that it -- that it's  
10 a possible punishment that they're facing?

11 A. To elicit a response.

12 Q. What type of response are you trying to elicit?

13 A. A truthful response.

14 Q. Was talking to juveniles too young to receive the  
15 death penalty about the death penalty a common tactic at  
16 the Winston-Salem Police Department, or was it unique to  
17 this case?

18 A. I -- I can't say one way or the other. I don't  
19 know if it's been said or done after or prior.

20 Q. Have you heard of it being done before or prior?

21 A. I mean, I can't name a specific time, no.

22 Q. Did anyone direct you to bring up the death  
23 penalty?

24 A. No, ma'am.

25 Q. Did anyone ask you to do it?



Sean Flynn - By Ms. Bridenstine

1 A. No, ma'am.

2 Q. Why didn't you put the fact that you brought up  
3 the death penalty and lethal injection in your report?

4 A. I have -- like I said, it was an interview  
5 technique or it was a response or it was a statement to  
6 elicit a response as someone involved in a homicide.

7 Q. Did you have any concerns about the truthfulness  
8 of the statement Jermal Tolliver gave you after you talked  
9 to him about the death penalty?

10 A. Say that question again.

11 Q. Did you have any concerns about the truthfulness  
12 of the statement Jermal Tolliver gave you after you brought  
13 up the death penalty to him?

14 A. No.

15 Q. Why not?

16 A. Because what I recall was that he had intimate  
17 details and knowledge of what we had learned during the  
18 investigation and the crime scene. And then subsequent  
19 interviews with his codefendants.

20 Q. Going back to your report in Exhibit 74, if you  
21 look at page 2, that paragraph after mall security.

22 A. Yes, ma'am.

23 Q. Did you participate in an interview of  
24 Christopher Bryant?

25 A. Apparently the preliminary stages.



# Handout 116



1 notes about this part of the interview with Christopher  
2 Bryant in your report?

3 A. I cannot answer that. Again, I guess – I guess  
4 the point I’m trying – I guess – I don’t know how long that  
5 interview took. It could have taken about fifteen minutes.  
6 It could have taken a lot longer. We might not even have  
7 talked about the investigation when Detective Flynn was in  
8 there. Again, I can’t remember that. I don’t have my notes  
9 with me to be certain.

10 Q. And Detective Flynn’s report only mentions  
11 preliminary – I can quote it exactly. It’s – I think his is  
12 74. He says “preliminary stages of the interview.” So, his  
13 report doesn’t indicate what was discussed either. Is that  
14 right?

15 A. That is correct.

16 Q. Did you ever talk to any of the defendants in  
17 this case about the death penalty?

18 A. Yes.

19 Q. Who did you talk to about the death penalty?

20 A. I mentioned it to Christopher Bryant.

21 Q. What did you say?

22 A. I – I told him that this could be a possible  
23 punishment. At the time that I stated that I wasn’t – I was  
24 incorrect in making that statement.

25 Q. Did you tell him about any other possible



1   punishments?

2           A.       Well, life imprisonment or jail time.

3           Q.       What was Christopher Bryant's reaction to the  
4   conversation regarding the death penalty?

5           A.       I wouldn't be able to tell you what his reaction  
6   was to it.

7           Q.       When did you tell him about the death penalty?

8           A.       It was during the interview. I guess I was  
9   trying to explain to him the importance of being truthful  
10   and at that point I believed that that was one of the  
11   possible punishments for him committing this homicide. I  
12   didn't take his age into consideration at that point.

13          Q.       Who was present in the room with you and  
14   Christopher Bryant when this conversation about the death  
15   penalty occurred?

16          A.       I don't remember if Detective Flynn was in there  
17   or if it was Detective Taylor.

18          Q.       Did you talk to Christopher Bryant about lethal  
19   injection?

20          A.       I believe that was part of the conversation.  
21   Yes.

22          Q.       And what – what did you say about lethal  
23   injection?

24          A.       That that was how the death penalty was  
25   administered in North Carolina.



1 Q. Did you say anything else?

2 A. No, ma'am. I can't recall.

3 Q. Did you ever touch Christopher Bryant?

4 A. I'm sure I did at one point maybe - touched him.

5 Q. Did you ever touch Christopher Bryant when you  
6 were talking to him about the death penalty or lethal  
7 injection?

8 A. I might have. I'm not sure.

9 Q. Did you ever make any sort of a motion to his  
10 arm when you were talking to him about lethal injection?

11 A. Again, I can't recall. I might have. I'm not  
12 sure.

13 Q. Did you ever make a reference that lethal  
14 injection goes into a vein in his arm?

15 A. Yes.

16 Q. Did you say anything else to Christopher Bryant  
17 about this topic of the death penalty or lethal injection?

18 A. Again, all I talked about him was that was a  
19 possible - again, it was an error on my part but that was a  
20 possible outcome.

21 Q. How many times did you talk to him about the  
22 death penalty?

23 A. I believe maybe just once.

24 Q. Were you aware at the time that you talked to  
25 Christopher Bryant about the death penalty that he was too



1 young to be eligible for the death penalty in North  
2 Carolina?

3 A. Ma'am, I did not know that at that time.

4 Q. So, you were not aware that you had to be at  
5 least 16 years old ----

6 A. That is correct.

7 Q. ---- to even been considered for the death  
8 penalty?

9 A. That is correct. That's correct.

10 Q. Was that common for you to talk to suspects in  
11 murder cases about the death penalty?

12 A. I've talked to suspects prior to that and after  
13 that about it. Yes.

14 Q. Why would you talk to suspects about death  
15 penalty? What's the purpose?

16 A. I guess it's -- it wasn't a threat or anything  
17 like that. It was basically a explanation of what can  
18 happen, what a possible punishment to it is -- for murdering  
19 somebody.

20 Q. Did you ever talk to any other juveniles in  
21 other cases who were too young to receive the death penalty  
22 or was it just this case?

23 A. I believe it was just this case. No, I know for  
24 a fact it was just -- the only time I ever mentioned to a  
25 juvenile about the death penalty was on this case.



1 Q. Was talking to juveniles too young to receive  
2 the death penalty about the death penalty a common tactic at  
3 the Winston-Salem Police Department or was it unique to this  
4 case?

5 A. No, ma'am. It was a poor judgment on my part.  
6 I don't believe anybody else mentioned it.

7 Q. Did anyone direct you to bring up the death  
8 penalty to Christopher Bryant?

9 A. No, ma'am.

10 Q. Did anyone ask you to do it?

11 A. No.

12 Q. Why didn't you put the fact that you brought up  
13 the death penalty in your report in Exhibit 75?

14 A. I didn't believe it was relevant at the time.

15 Q. Why didn't you think it was relevant?

16 A. It's just part of the interview, ma'am. I  
17 wouldn't put everything that occurs in an interview in our  
18 reports.

19 Q. Did you have any concerns about the truthfulness  
20 of the statement Christopher Bryant gave you after you  
21 talked to him about the death penalty?

22 A. I did not.

23 Q. Why not?

24 A. Just based on his statement alone and based on  
25 the other statements that were given, they were all pretty



1 consistent.

2 Q. How did you know that the other statements were  
3 consistent?

4 A. Well eventually I learned what the other  
5 statements were.

6 Q. At the time that you were talking to Christopher  
7 Bryant with – you said you thought it was – I’m sorry, I  
8 don’t want to put words in your mouth. Who did you think  
9 was present with you at the time you were talking to  
10 Christopher Bryant about the death penalty?

11 A. I cannot recall. I couldn’t tell you if it was  
12 Flynn or Taylor.

13 Q. Okay. At the time you were talking to  
14 Christopher Bryant about the death penalty, did you have any  
15 information that you had learned from other interviews that  
16 were going on on November 19<sup>th</sup>, 2002?

17 A. No, ma’am.

18 Q. Did you ever provide any information from your  
19 interview with Christopher Bryant to anyone else at Winston-  
20 Salem Police Department, either during that interview with  
21 Christopher Bryant or after it was finished?

22 A. Okay. One more time, ma’am?

23 Q. Did you ever provide any information to any  
24 other detective or officer at Winston-Salem Police  
25 Department on November 19<sup>th</sup> that came from your interview



1 with Christopher Bryant?

2 A. Yes.

3 Q. What did you provide?

4 A. I provided the statement that he gave us.

5 Q. Who did you provide that too?

6 A. It would have been Detective Griffin.

7 Q. When did you provide that to Detective Griffin?

8 A. It would have been after the interview.

9 Q. What was the statement?

10 A. The statement?

11 Q. Uh hum.

12 A. What he provided to us on the tape. What's  
13 written in my report.

14 Q. Okay. So, I just want to clarify. You're  
15 saying you – once you taped the statement with Christopher  
16 Bryant, you gave the tape of the statement to Detective  
17 Griffin?

18 A. Well, yeah. He gets the tape but also – we also  
19 sit down and talked about what was said during the  
20 interview.

21 Q. So, you went – you talked about it and told it  
22 to him?

23 A. Yes.

24 Q. And gave him the tape?

25 A. That's correct.



1 Q. Did you provide any other information from that  
2 interview to anyone else other than Detective Griffin?

3 A. I'm sure there was other people in the room when  
4 we gave – because again, we go into a brief room, we all –  
5 we all share the information.

6 Q. Okay. What about while the interview was going  
7 on? Did any information leave the room while you were  
8 interviewing Christopher Bryant before his taped statement?

9 A. I can't recall.

10 Q. Any documents?

11 A. I can't recall.

12 Q. Did you show any documents to Christopher Bryant  
13 during his interview?

14 A. I can't remember if I did or not.

15 Q. Did you show any photographs to Christopher  
16 Bryant during his interview?

17 A. I can't recall.

18 Q. Did anyone else show Christopher Bryant any  
19 photographs or documents during the interview?

20 A. I can't recall.

21 Q. Did anyone else tell Christopher Bryant in your  
22 presence information learned from other interviews?

23 A. I can't recall.

24 Q. Did you tell Christopher Bryant any information  
25 learned from other interviews or just information learned on



1 November 19<sup>th</sup>, 2002, about the investigation?

2 A. I can't recall.

3 Q. I think now is probably a good time to take a  
4 break.

5 A. Sure.

6 Q. It is 10:27 approximately. We're going to go  
7 off the record.

8 (OFF RECORD BREAK at 10:27 a.m.)

9 Q. We are back on the record and it is 10:26 (*sic*  
10 10:36) approximately and Sergeant, right?

11 A. That's correct.

12 Q. Sergeant Nieves. You are still under oath. All  
13 right, I am going to hand you what I am marking as Exhibit  
14 79. Let me double check. This is Detective Taylor's  
15 testimony from the suppression hearing that was held on  
16 behalf of Christopher Bryant and Jermal Tolliver's motion  
17 was also held during that same hearing. You are welcome to  
18 read all of it if you would like but I would like to direct  
19 you to some specific pages if you can turn to page 112 and  
20 review that page for me please.

21 A. Okay. Is there – just this one page?

22 Q. You're welcome to read more. I have some  
23 specific questions about that page but please take your  
24 time.

25 (PAUSE)



1 Q. Oh, okay. I'm also going to hand you what I'm  
2 marking as Exhibit 80. This is Detective Taylor's four-page  
3 report. Take a moment to review that.

4 (PAUSE)

5 Q. And specifically, if you could just look at the  
6 second paragraph. Just the first sentence on the first page  
7 of that Exhibit 80.

8 A. Uh hum.

9 Q. Does that refresh your recollection on who you  
10 interviewed Christopher Bryant with?

11 A. Yes.

12 Q. And who did you review – excuse me, interview  
13 Christopher Bryant with?

14 A. Detective Taylor.

15 Q. When did that interview start with you and  
16 Detective Taylor?

17 A. He put in approximately 2100 hours.

18 Q. Which in layman's terms?

19 A. Would be 9:00.

20 Q. 9:00 p.m. Do you have any reason to doubt  
21 Detective Taylor's report that the interview where Detective  
22 Taylor was part of it started at 9:00 p.m.?

23 A. No, ma'am.

24 Q. Going back to Exhibit 79, page 112, of Detective  
25 Taylor's testimony, Detective Taylor testified that



1 Christopher Bryant denied any involvement or knowing  
2 anything about the case for the first 40 or 45 minutes of  
3 the interview. Is that correct?

4 A. That's what it states here.

5 Q. Is that what happened?

6 A. My recollection, ma'am, I – this is what  
7 Detective Taylor said. Again, I would have to rely on what  
8 he said.

9 Q. Do you have any reason to doubt Detective  
10 Taylor's testimony on this at a motion to suppress that was  
11 held back in 2004?

12 A. No. No. I'm sure his recollection of what  
13 happened was a lot fresher than mine is now.

14 Q. Looking at Detective Taylor's report in Exhibit  
15 Number 80, and did you get a chance to read through that?

16 A. Yeah. I've already read the report.

17 Q. Okay. His report does not indicate that  
18 Christopher Bryant spent the first 45 minutes denying  
19 involvement or knowledge about this crime? Is that  
20 accurate?

21 A. That is correct.

22 Q. He indicates that you and Detective Taylor  
23 talked to Christopher Bryant about the homicide for 45  
24 minutes but his report does not contain any details about  
25 that 45-minute conversation. Is that accurate?



1           A.       That is correct.

2           Q.       And your report in Exhibit 75 does not contain  
3 any details about that portion of the interview where  
4 Christopher Bryant was denying this crime. Is that right?

5           A.       That is correct.

6           Q.       And when you look at Detective Flynn's report in  
7 Exhibit 74, I believe, he doesn't indicate what Christopher  
8 Bryant was saying during the time you and Detective Flynn  
9 were interviewing Christopher Bryant as well. Is that  
10 accurate?

11          A.       That is correct.

12          Q.       And my understanding from your earlier testimony  
13 is that you would have taken notes during the entire  
14 interview. Is that right?

15          A.       That is correct.

16          Q.       Why didn't the notes regarding what Christopher  
17 Bryant said during that 45-minute conversation with  
18 Detective Taylor not get included in your report?

19          A.       I'm sorry?

20          Q.       Why did the information about what was being  
21 said with Christopher Bryant, what the conversation was  
22 about during that 45-minute period with Detective Taylor –  
23 why is that not in your report?

24          A.       I have -- I cannot answer that.

25          Q.       We don't have a record of what was said during



1 that 45 minutes. Is that accurate?

2 A. Unless you have my notes. No.

3 Q. When you took notes would you put your name on  
4 the notes?

5 A. Yes.

6 Q. Okay. Would you put your name on every page?

7 A. Not necessarily. No.

8 Q. Would you number the pages?

9 A. Maybe not.

10 Q. Or date the pages?

11 A. My initial page would have my name, date, and  
12 the case number on it. Every following page probably would  
13 not.

14 Q. Looking at Exhibit 79 which is Detective  
15 Taylor's testimony in this case and at page 112,  
16 specifically. If you look down at line 11, he is asked the  
17 question and its quote "Question: What, if anything, did  
18 Detective Nieves say? Answer: I can't recall exactly what  
19 he said but something to the effect that he needed to tell  
20 the truth because he didn't want to get the death penalty."  
21 End quote. Is Detective Taylor's testimony accurate that  
22 you told Christopher Bryant that he needed to tell the truth  
23 because he didn't want to get the death penalty?

24 A. I believe he -- exactly says -- I can't exactly  
25 recall what he said and again I can't recall now either.



1 But what the conversation about the death penalty was I  
2 believed my conversation with him was about potential  
3 punishment. Again, I understand he's 15 and at that point I  
4 didn't know that a 15-year-old couldn't get the death  
5 penalty. If I did, I wouldn't have said it at all. But I  
6 believe it would have been a general conversation about what  
7 an outcome – what kind of a punishment he could be facing if  
8 he was charged with first or if he convicted of first-degree  
9 murder.

10 Q. Did you talk to Christopher Bryant before he  
11 made incriminating statements? Did you ever talk to  
12 Christopher Bryant or indicate to him that you didn't think  
13 he was telling the truth?

14 A. Again, I can't recall the whole conversation. I  
15 don't have my notes with me and of course, that part of the  
16 interview, you know, was not interviewed – I mean not taped  
17 or recorded. And you know, also the – usually when the  
18 first part of the interview you say it's not listed in my  
19 report. Really, a denial might be "Well I don't know what  
20 you're talking about." And that's it and not say anything  
21 else. Or just "I could have been involved somewhat. I could  
22 have been in the car when it was going on." And that's what  
23 we're trying to basically iron out during part of that first  
24 interview. So again, I don't understand what he meant by  
25 this - by him denying everything. Again, you would have to



1 talk to Detective Taylor about what he remembers, what –  
2 what he actually denied. But my recollection was of the  
3 incident with him was that it was never a “I wasn’t there”  
4 kind of denial. It was “I was at the car when everything  
5 was going on.” And then eventually, “I was at the – at the  
6 stop sign.” Then it was “I was right there when it all  
7 happened?” Or “I didn’t kick him” and stuff like that.  
8 Again, I don’t know what Detective Taylor meant by, you  
9 know, he was denying everything. I just – maybe it was just  
10 that he was giving us all the information. That’s what I  
11 take by it. That’s what I think of it.

12 Q. Why wouldn’t you include the early part of an  
13 interview with Christopher Bryant and what he initially said  
14 in your report?

15 A. Again, I can’t answer that question. I don’t  
16 know why I didn’t do it in this case. I have done it in  
17 other cases. I do not know why in this case I did not do  
18 that.

19 Q. Back in 2002 was that common for you not to  
20 include the early parts of interviews with suspects in  
21 cases?

22 A. Again, I can’t – I can’t remember every single  
23 case. I can’t – I don’t have every single case in front of  
24 me to show what supplements I wrote. I would say that -  
25 that it was – I normally would put any kind of denial and



1 then put what he said. Again, I can't explain why I did not  
2 do it on his case.

3 Q. All right. I am going to show you what I'm  
4 marking as Exhibit 81 and ask you to take a look at them.  
5 It's also previously been marked as State's Exhibit 1B.

6 (PAUSE)

7 Q. Have you seen Exhibit 81 before?

8 A. I can't recall ever seeing this.

9 Q. No? Do you know what it is?

10 A. It looks like a written statement.

11 Q. My understanding is that these are Detective  
12 Taylor's notes from the interview with Christopher Bryant.  
13 Do you know the handwriting of Detective Taylor? Did it –  
14 does it look like it's Detective Taylor's notes?

15 A. I don't – I don't know.

16 Q. Okay. But in any scenario, you recognize these  
17 as notes from the interview that you conducted with  
18 Christopher Bryant?

19 A. Yeah. I don't know who wrote this but it looks  
20 like it might be notes. I thought it was a written  
21 statement.

22 Q. And when you say you thought it was a written  
23 statement, what do you mean?

24 A. I thought somebody had written – I believe  
25 somebody wrote a statement of what happened. One of the



1 defendants did. So I don't know.

2 Q. Did Christopher Bryant write a statement when  
3 you interviewed him?

4 A. To my recollection, no.

5 Q. Did you provide any notes or a statement to  
6 Detective Flynn from your interview with Christopher Bryant?

7 A. No.

8 Q. Are you aware of anyone else providing anything  
9 to Detective Flynn from your interview with Christopher  
10 Bryant?

11 A. You asking me if we gave him any written  
12 statements or notes?

13 Q. Yeah. Any documents, written statements, notes?  
14 Is that a no?

15 A. I'm sorry. No.

16 Q. Did you discuss bringing up the death penalty  
17 during interviews with Detective Flynn on November 19<sup>th</sup>,  
18 2002?

19 A. It – I'm sorry. State that again?

20 Q. Did you discuss bringing up the death penalty  
21 during interviews with Detective Flynn on November 19<sup>th</sup>,  
22 2002?

23 A. Like if we planned talking about it?

24 Q. If you either planned it or that you had in fact  
25 done it?



1           A.       I think I mentioned that I did.

2           Q.       Who did you mention that to?

3           A.       I believe I mentioned it to Detective Flynn.

4           Q.       And what was that conversation about?

5           A.       I was talking about the interview and I  
6 mentioned that I'd said it to him - I mentioned the death  
7 penalty to him.

8           Q.       And why did you tell Detective Flynn that you  
9 mentioned the death penalty to Christopher Bryant?

10          A.       Well, we were discussing the interview.

11          Q.       Were you aware of any other officers talking to  
12 any of these defendants on November 19<sup>th</sup>, 2002, about the  
13 death penalty?

14          A.       No.

15          Q.       Was anyone listening to your interview with  
16 Christopher Bryant?

17          A.       No. Again, we were -- the interview was  
18 conducted in Sergeant Cozart's office. Unless they could  
19 hear us from outside.

20          Q.       Was the door to Sergeant Cozart's office open or  
21 closed during your interview?

22          A.       I want to say it was closed but I can't hundred  
23 percent say for sure if it was.

24          Q.       Did you ever raise your voice when you spoke to  
25 Christopher Bryant?



# Handout 117



6

7           **MS. BRIDENSTINE:** All right. I am going to show  
8 you what I am going to mark as Exhibit, um -- what  
9 number are we up to?

10           **MS. MYERS:** Thirty-four.

11           **MS. BRIDENSTINE:** This is entitled the affidavit  
12 of Joseph Cauthen. I am marking it as Exhibit 34. I  
13 just want you to take a look at that and review it.

14           **MR. CAUTHEN:** Okay.

15           **MS. BRIDENSTINE:** All right. Is this affidavit  
16 of Joseph Cauthen, Exhibit 34, is this something that  
17 you wrote?

18           **MR. CAUTHEN:** I don't necessarily remember, but  
19 yeah.

20           **MS. BRIDENSTINE:** Do you think -- did you type it  
21 up?

22           **MR. CAUTHEN:** No.

23           **MS. BRIDENSTINE:** Um, but that's your signature  
24 on it?

25           **MR. CAUTHEN:** Yes.



1           **MS. BRIDENSTINE:** I'm gonna read paragraph eight  
2 out loud. It states, I do not think that Nathaniel or  
3 Rayshawn understood the consequences of participating in  
4 the assault of Mr. Jones. I was at their trial and  
5 based on my observations, it did not seem that the boys  
6 had a grasp of the kind of time they could and did  
7 receive. I remember that they thought that someone  
8 would believe they were innocent and that they would get  
9 to go home. Um, regarding the earlier part of that  
10 paragraph, um, did Nathaniel or Rayshawn ever admit to  
11 you of any sort of participation in the crime committed  
12 against Mr. Jones? The robbery, the assault, the  
13 murder?

14           **MR. CAUTHEN:** Uh-uh.

15           **MS. BRIDENSTINE:** Is that a no?

16           **MR. CAUTHEN:** No.

17           **MS. BRIDENSTINE:** When you signed this affidavit,  
18 was it your understanding that you would be perhaps, um,  
19 suggesting that Nathaniel or Rayshawn had some sort of  
20 participation in this crime?

21           **MR. CAUTHEN:** No.

22           **MS. BRIDENSTINE:** Had they ever, um -- did either  
23 Rayshawn or Nathaniel ever admit to you any sort of  
24 involvement or knowledge about what happened to Mr.  
25 Jones?



1           **MR. CAUTHEN:**   No.

2           **MS. BRIDENSTINE:**   Were -- did you ever hear of  
3 any of the defendants who were involved in this case,  
4 all five including your brothers, um, talk about  
5 committing cr -- crimes like robberies?

6           **MR. CAUTHEN:**   No.

7           **MS. BRIDENSTINE:**   Did you ever know of any of  
8 them to do crimes like robberies?

9           **MR. CAUTHEN:**   No.   Like I said I didn't see the  
10 need of them to do that.   Like I said my momma gave them  
11 money every week.   So like I said for them to be trying  
12 to rob someone -- no.

13           **MS. BRIDENSTINE:**   Did Ray -- has Rayshawn ever,  
14 um, said to you that he was either involved or knew  
15 anything about what happened with Mr. Jones?

16           **MR. CAUTHEN:**   No.

17           **MS. BRIDENSTINE:**   Did Nathaniel ever say he knew  
18 about or was involved with what happened to Mr. Jones?

19           **MR. CAUTHEN:**   No.

20           **MS. BRIDENSTINE:**   Are you aware of either of your  
21 brothers ever telling anyone else that they were  
22 involved other than the statements to the police?

23           **MR. CAUTHEN:**   No.



# Handout 118



# STATE OF NORTH CAROLINA

File No.

County

In The General Court of Justice

☐ District ☐ Superior Court Division

IN THE MATTER OF:

Name:

Rayshawn Banner  
Nathaniel Cauthen

## INVENTORY OF SEIZED PROPERTY

Date of Search:

11-19-02

G.S. 15A-254, 257

I, the undersigned officer, executed a search of:

Person, Place Or Vehicle Searched:

601 Goldfloss Street

This search was made pursuant to:

☐ a search warrant issued by:

☒ a consent to search given by: Teresa McCants, Rayshawn Banner, Nathaniel Cauthen

☐ other legal justification for the search:

The following items were seized:

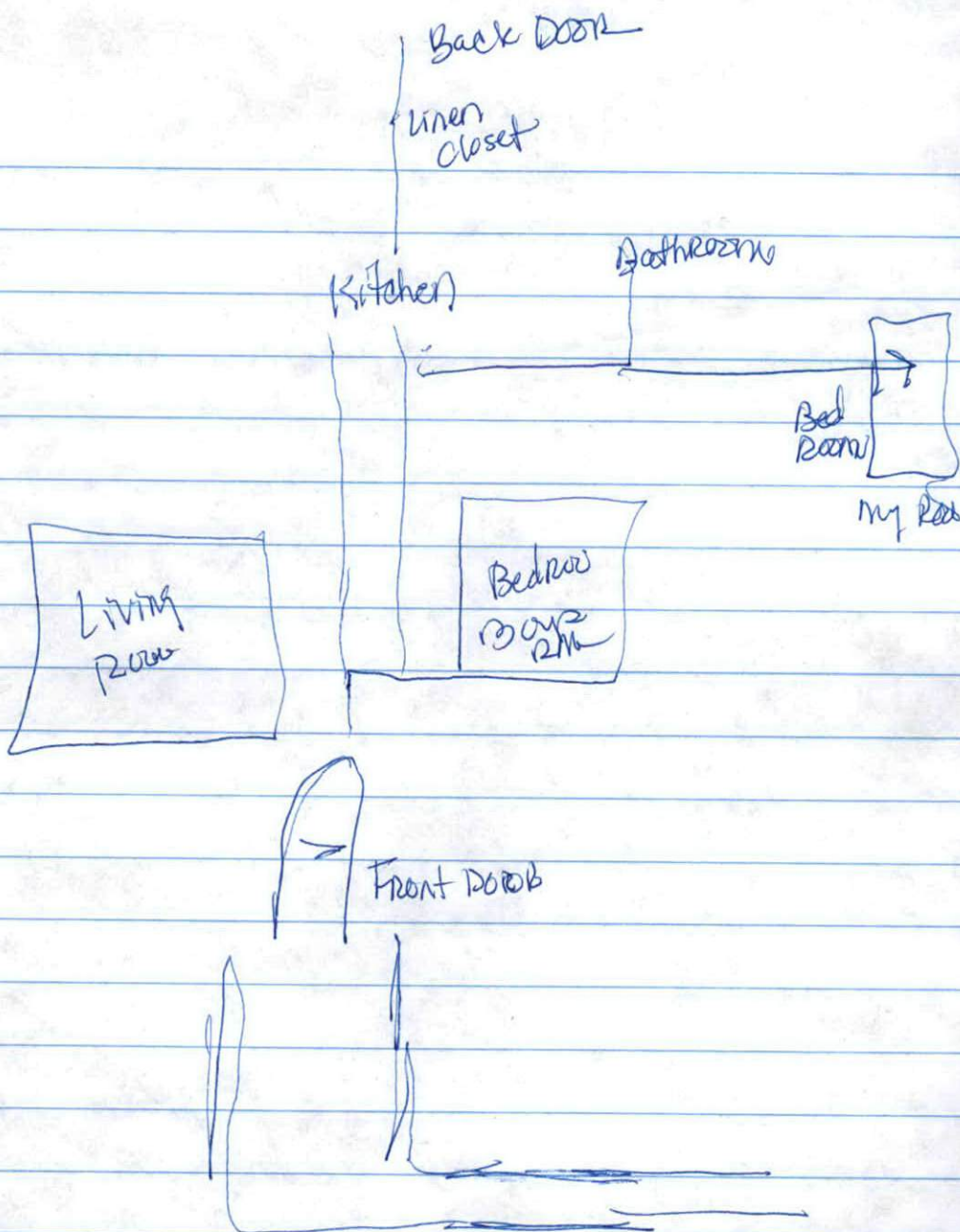
(4) pairs Nike Athletic Shoes

(1) pair Timberland Boots

(1) green jersey #42

(2) pairs black jeans



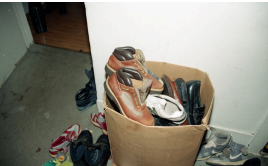


M. Ingram  
1/8/2020















# Handout 119



IR# 252704 1953 905 Moravia St.

Case Det. J. M. Griffin 870-13940

- Call ref. deceased person

- Arrived with Det. Fine at 2030

- Temp 65°, overcast, light rain <sup>259</sup> at 2050

V- Michael Fredrik Jones

BMOB 22-41

- Grant adv. that V dropped his nephew  
(Terry Jones) off at ~~the~~ Salem Oaks  
before he came home

Master Name Terry Jones

1106 Norwinstone

05-23-64

771-3018

210 hrs. - Terrence Elliot Jones

3/m. 08-15-67

6 ~~0813~~ Salem Oaks

- left work at 1730 hrs 1 six-pack Sprite (handl'd w/ Terry)

- went to Five Star, 2 1/2 gal's. of S-Alive

- V dropped Terry off at 1817 hrs at Salem Oaks

- history of heart attack & high blood pressure

- V advised he was meeting painter  
at 1830, painter had just painted  
V's daughter's house

went to  
theater  
store at  
this  
corner of  
W. 10th &  
Fifth



252704

2215 - 910 Avenue St. Nobody home

- Det. Griffin asked that I get a typed statement from Calvin Seriven, Det. Fine had already interviewed him.

Calvin Jerome Seriven

B/m 05-30-65

824 Moravia St

H - 788-1354

W - 650-7000 Douglas Battery

Taped statement

- how from who - fine?

Parker arrived - time?

What he saw - position?

pulse? -

door open?

- Stolen briefcase <sup>including</sup> checks, money

Briefcase pocket - 6 \$5, 7 \$1, 7 Gold \$1 coins  
1 - silver \$1 coins

Blue bank bag - 22 \$20's, 1 \$50, 5 \$100's

BBIT - 2 \$100's, 1 \$50, 3 \$20's, 3 \$10's, 4 \$5's, 21 \$1's



252704

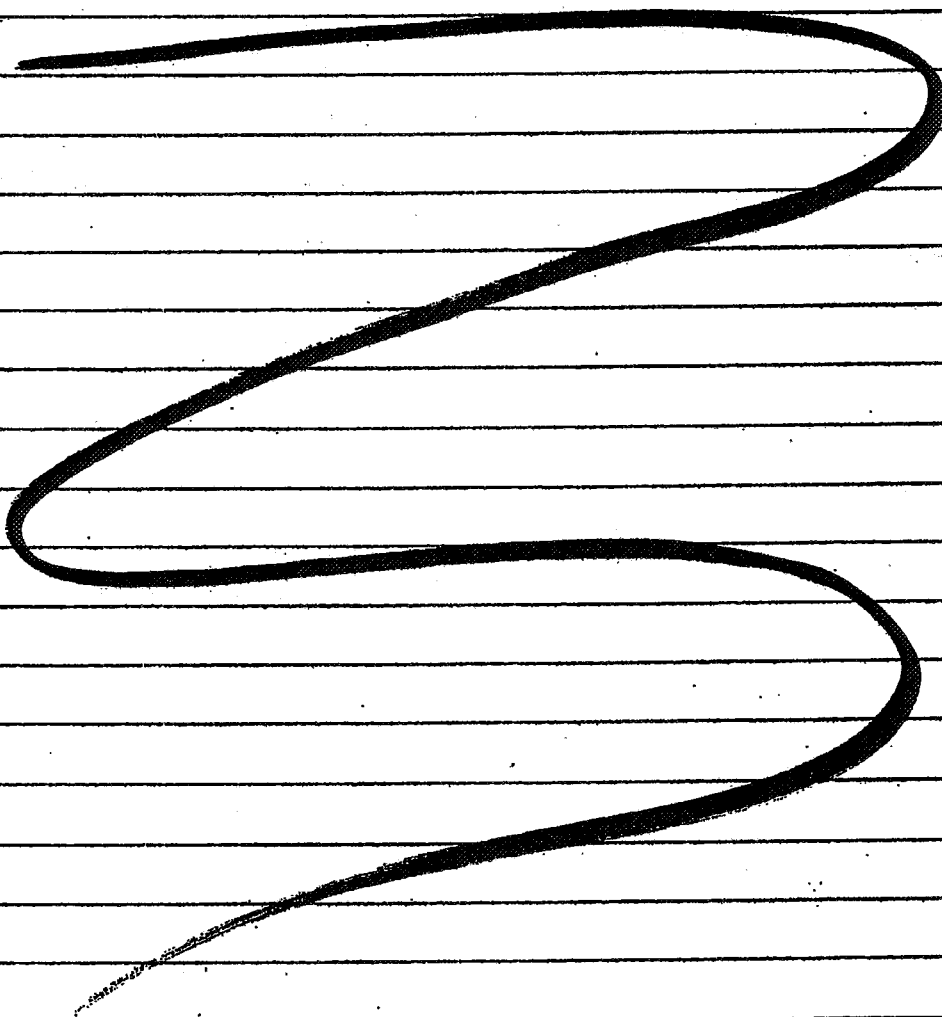
(Sat)  
11.16.02 - call from Grant @ 1330 hrs  
Went to PSC, met with Team

Assignment -

Interview Ava Williams

B/F 02-04-67

@ 49 Charles





1R:252764

\$30.00

7

~~7~~

~~415~~

440

50

500

~~990~~

200

50

60

30

20

21

~~381~~

Briefcase Pocket

6-~~\$~~5

7-~~\$~~1

7- Gold \$1 coins

1- Silver 1 coin

Blue Beach bag

22- \$20

1- 50

5- 100

Phyllis - hang

2- 100

1- 50

3- 20

3- 10

4- 5

21- 1

- Not my handwriting  
01/28/2020  
D.K. Rose



2990  
381  
~~45~~  
~~12~~



252704

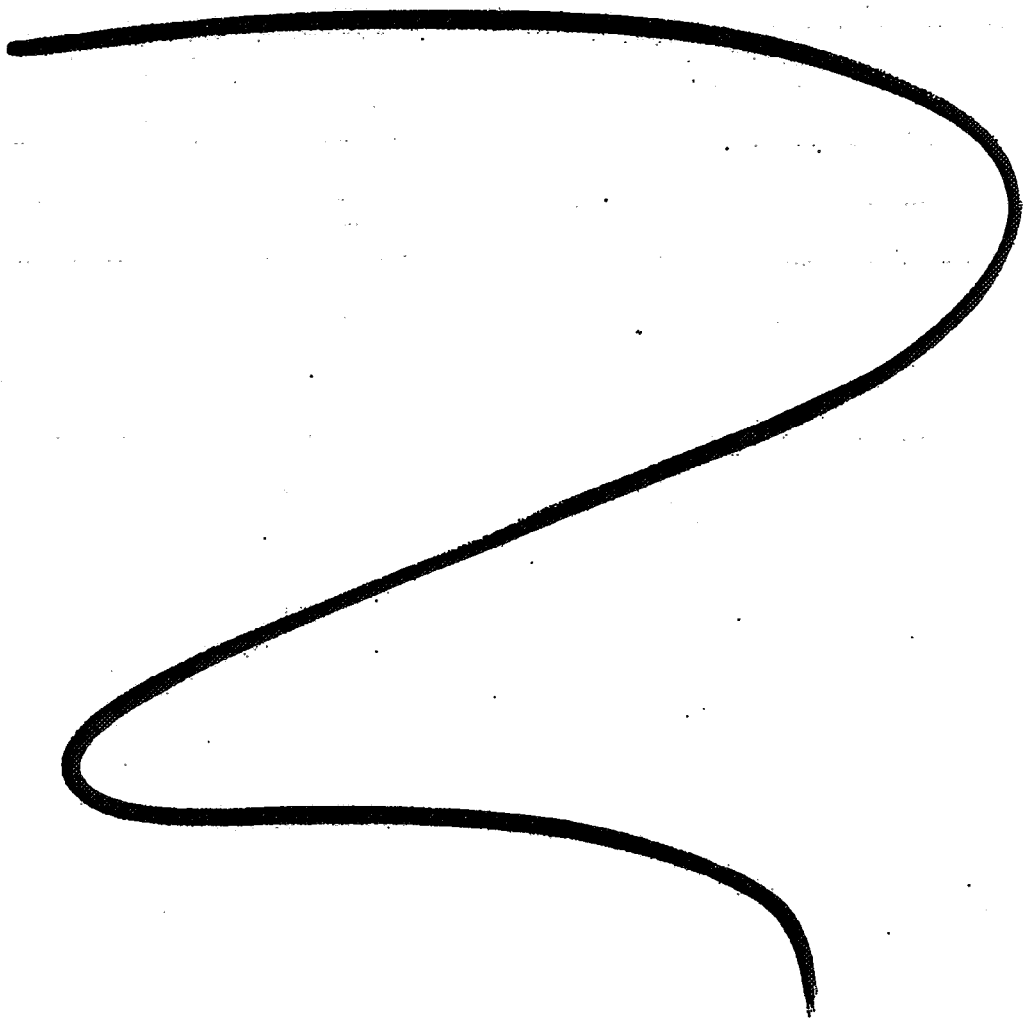
11-18-02

Meeting

- Info from Natasha Jones - V had  
problem with brother - "Red"  
Reginald Jones

- SBI

mail, tape, V's clothes





IR: 252704

11-18-02 0955 hours

Det. Shelton  
Det. Rose

AVA Dawn Boulware Williams

B/F 02-04-67

849 Charles St.

H- 785-1894

W- Wal-Mart - Kester Mill 760-9868

- ref: to him  
as 'Dad'
- Knew Mr. Jones well (@25 yrs.)
  - like a father to her, met him thru her <sup>mother</sup>
  - her mother (Serena Boulware) went to school with V's wife (Rachel Jones)
  - saw V every day in yard (6 or 7 days/wk)
  - in house @ 1x per month
  - she frequently visits her mother at 928 Awick
  - she knows Rhonda well

left turn  
from Burgundy  
to Morris

(1815-1830)

on 11-15-02 Ava's daughter came home from Fayetteville St. drove by V's house slowly (like everyday) noticed brake lights on, flashed headlights at daughter who was driving in front of her because she did not think it was her "Dad"

- Described occupants of driver's seat as a B/m, smaller frame than V, <sup>smaller shoulder</sup> probably short Afro or possibly <sup>possibly</sup> dread rag, V- usually wore hat (baseball style)

000007

NCHC - WSPD Rose Notes



RE: 252704

- Thinks V quit smoking

crack - Brian Lindsay - "Horse" was on <sup>Monica</sup> St.  
loitering;

- Toha Span's house is a party house.  
pos. used to smoke crack

- <sup>Richard</sup> Workman's house - drug house, granddaughter  
uniguna is Monique probably involved in drugs

- Tommy Span lives next door (east) to V's

- Scriven - used to smoke crack, still  
smokes uniguna

- Fats Nails -

- Taped Statement

000008

NCHC - WSPD Rose Notes



252704

IR# 252704

I Mr. Griffin

11-19-02

Artemis B/F 01-26-51

- Call from Ms. <sup>Artemis</sup> Tolliver 734 E. Devastine  
She advised that her son, Jermal Tolliver,  
has been acting strange since murder  
as well as Stinky & Rayshawn
- She advised that she would call when  
Jermal came home  
He called @ 10 minutes later, advised  
Jermal was home
- Det. Flynn and I met him, asked  
that he accompany us to PSC  
Mom concurred
- During interview he initially denied knowing  
any thing. He eventually admitted  
that Chris Bryant, Donnell Brayboy  
Stinky & Rayshawn Banner had  
been picked up by a white  
female named Jessica (former  
girlfriend of Opie, who is next door  
neighbor of Jermal)  
took them to bowling alley  
before leaving - Stinky & Rayshawn advised  
they had robbed a man and tied  
him up.



252704

- Chris Bryant 739 E. Devonshire  
Kevin & Tasha

- Raylan & Stinky - 631 Goldfloss  
Rick, Tim, Kelly & I

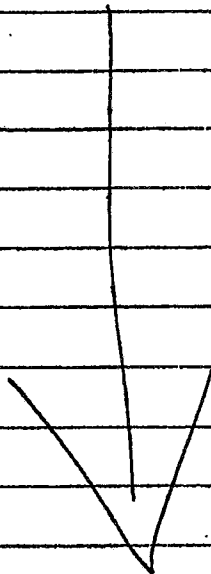
- searched for lost bellied Sement's  
Betsy Caddell 729 E. Goldfloss St.  
717-5180 Jessica Black?

paged,

grandmother Joanna Haley  
Hm - 784-0664

Jessica Joanna Black

1840 - Called Sooner, she agreed to meet  
me at PSC, Joanna advised they  
would be there @ 1850 - 1900





252704

11-19-02 1907 hrs.

- Jessica Joanna Black  
W/F 04-01-1986 (16)  
2392 Gumtree Rd  
H- 784-0664  
C- 682-8060

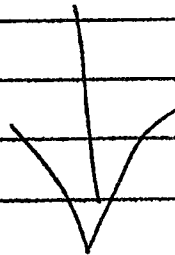
- North Davidson H.S. (18)

- Work - NONE  
? Golden Corral - maybe

- Father Michael Gray Shell  
W/M  
Sprague St.

- Mother Tamara Michelle Black  
W/F 01-24-69  
503 Hege Rd.  
H- 775-9644

- lives with grandmother  
Joanna Haley





252704

- School started 0800 there early
- Stayed all day left at 1456, left p. lot about 1500
- went to grand mother's, stayed until @ 1600 went to Brookline, Betty & JC Branton (H.# 785-2385) used phone to call g-mother

Eliza  
Fowler  
black

- went riding around, rode to Devonshire, nobody out, rode Sprague / Waughtam / Peachtree, returned to Devonshire (still daylight)
- B/m's - "Bubba", "Stinky", "Darrell", Rayshawn, "Mel"
- W/m's - "Rob", "Nelson"

- ~~Sat~~ stood by car talked to ↑ until right at dark. (going drive)
- left from there, went to Elizabeth's house (N. Church St. <sup>stayed 10 min</sup> in Lexington)

Eliza  
Fowler  
both

- Came back to Devonshire gone @ 1 hr. like "Stinky", "Bubba", "Darrell" outside, they went and got del, Rayshawn / She took Bubba, Rayshawn, Stinky to Ann

Co #1  
7205

- Paged from Laurin, went to Wilco on Sprague, no pay phone went to Mexican Business across St., used phone, called Laurin (771-?)
- went back to Lexington Elizabeth's house, stayed @ 30 min



252704

- Michelle Hepler called Elizabeth ~~not Elizabeth~~ drove <sup>by</sup> Bellvue Pt. got out, saw V's baby went ~~back to Elizabeth's house;~~ <sup>to Michelle's</sup> house; to Michelle's friend's house.
- drove to Devonshire Sat afternoon. picked up
- ~~Went back on Sat~~

1935 hrs - ~~called~~ Mel Bubba, Stinky, Durrell  
drove them to the Mall, to walk around  
stayed @ 30-60 minutes.

@ 2005 - left room after Flynn's entrance

Bubba  
Stinky  
Rayshawn  
Sama  
Durrell

~~Re-Sub. with Sama~~

2135 hrs - "I was  
Riding with Jessica til a good  
9:35"  
"It was me, Stinky, Bubba, Durrell"

2139 hrs "I was at Chris' house"  
Flynn "With who?" His man, his sister  
Chris' 771-3171



252704

- Jessica picked him up at 1800 hrs

2149 hrs. - "I wanna write it down"

2159 hrs - MS. Tolliver paged, I called her back, she said she would come to PSC and make him talk

2204 - written statement complete

- I told him what his mother said

✓ He advised he was @ 6' from V when the assault occurred

✓ Two lights on when he was there

✓ Rayshaw started on car, tried to get in van

✓ Met in Bellevue Park

✓ Chris, Rayshaw, Stinky, Dorrell, Samuel

✓ Jessica drove them to park ✓

✓ Talked @ hitting a lick at the uni's house because Ted (Steven Williams) said

✓ he had a lot of money

✓ Wanted money to buy clothes/money

✓ Asked Terrell to be a look-out and stand against house



252704

- ✓ Rayshaw wanted to beat him up
- ✓ Stiky wanted to tape him up
- ✓ Jessica only watch
- ✓ Bubba - look-out, go <sup>up</sup> into the east yard
- ✓ Stayed in front
- ✓ Donell - supposed to help tape V up

✓ As they walked up V was outside  
they intended to break in if V was inside

- ✓ Stiky, Rayshaw, Donell ran up on V
- ✓ grabbed V, threw him to ground
- ✓ V yelling, "Help" Get off me, Get off <sup>multiple x's</sup>
- ✓ Taped him, Donell put tape on his hands
- ✓ taped hands behind him

- ✓ Rayshaw; Stiky <sup>rec</sup> taped his pockets
- ✓ Rayshaw got wallet from V's back pocket
- ✓ believes it was his right back pocket
- ✓ later threw it out at McDonalds

- ✓ on Saturday
- ✓ Rayshaw tried to get in V's van
- ✓ all 5 ran thru Bellvue PK, across
- ✓ b-ball ct. to Urban

✓ ~~Jennell went to his house~~

✓ ~~Bubba went to~~

- ✓ Jennell & Bubba went to Bubba's house
- ✓ Jennell was wearing camo shoes, green pajamas
- ✓ blue pants



252704

✓ unsure on Bubba's clothes

✓ Rayshawn - Air Force ones (red/white)  
red long sleeved shirt, blue jeans  
(He changed), Rayshawn told Jermelle  
he washed them later that night

✓ Darrell - unsure, did not change

✓ Stinky - unsure, changed

✓ Quick change and all met at Bubba's  
house,

✓ Set wound walked on Jessica

✓ Jessica took them to the bowling alley  
Creskide Lanes

✓ And back home, saw Police, heard people say I was dead  
✓ Walcott black with a lot of papers  
bifold

✓ Rayshawn / Stinky got @ \$20<sup>00</sup> each  
Rayshawn showed it to them & Bubba's  
house

✓ next day - heard that Ray / Stinky  
wouldn't buy Bubba any food



252704

- Sat 11-16-02

✓ Sticky, Ray, Dorrell, Bubba, Terrell went to Mall

✓ went in entrance at Ruby Tuesdays

✓ Sticky/Rayshaw went to ATM. Sold they tried to get \$60 Fast Cash had receipt but did not get \$'s

✓ Sold her  
Threw it out bus window as they left

2334 Taped statement complete

2345 - Consent to search signed by Terrell then given to Sgt. Cozart



12-18-02  
gave Griffin tapes/statements  
for Scriven/Williams



12-18-02  
gave Griffin tapes/statements  
for Scriven/Williams

102-250



4/4. 7524

Carther

1400 - Brday

Paul

Bob

Rose

Smith

cox

000020



# Handout 120



Handout 120 includes Audio Clips which are included in a separate folder.



## **RECORDING 12**

*(46:00 – 51:00) Atkins said this is an important step to jumpstart “the innocence effort” and that he was horrified about Dorrell.*

This summary makes it sound as if Mr. Atkins was advocating for the case to be pursued by an innocence organization, which he was not. Mr. Atkins used the word “potentially,” which was not included in this reference to “the innocence effort.”

To be precise, Mr. Atkins said he assumed connecting Ms. Black with a lawyer – which Mr. Atkins had previously expressed might be necessary for obtaining an affidavit, adding another layer of verifiability to his eventual article – would be a step toward “potentially kick-starting or jumpstarting the innocence effort.” That was because, as Mr. Atkins previously had mentioned, it seemed like a logical possibility that after his article published, an innocence organization might take an interest in the case. Listen specifically to 48:30-50:15.

**Proposed: Atkins said this could have the effect of “potentially kick-starting or jumpstarting the innocence effort” and that he was horrified about Dorrell.**

## **RECORDING 16**

*(6:09-9:00) Black says that Atkins tried to get her to go to the Innocence lawyers himself and Atkins agrees.*

Mr. Atkins did not “agree” in this part of the conversation. This summary makes it sound as if Mr. Atkins was advocating for the case to be pursued by an innocence organization, which he was not.

Listen specifically to 7:20-9:20; the key statement is at 7:45-8:05.

Mr. Atkins did not “agree” that he told Ms. Black to contact “innocence lawyers.” He simply says “right” (*i.e.*, “I understand”) in response to Ms. Black’s fears about being “back on trial.”

Mr. Atkins did not leap in to interrupt and correct Ms. Black’s prior mention of “the innocence stuff, the Innocence Commission, or whatever” because her misunderstanding did not seem significant in the moment. He let her finish her long statement, and then he began to make a separate point about NCIIC.



**Proposed: Black said that Atkins was “not trying to change anybody’s mind.” Black said Atkins tried to get her “to speak with lawyers who are involved in the innocence stuff, the Innocence Commission, or whatever.” Black expressed her fears about being called to testify again.**

*(15:50-17:25) Black says she remembers Atkins telling her “you don’t have to remember the fucking truth”*

This statement is presented out of context and implies that Mr. Atkins was telling Ms. Black the truth was unimportant. That is not correct. Ms. Black was recounting her interview with the Commission and her difficulty in remembering certain details. As Ms. Black goes on to explain (at 16:50), Mr. Atkins had communicated to her that she likely would not have to struggle to remember the truth; it likely would be instinctive. By contrast, remembering the story the police wanted to hear was a struggle. Listen specifically to 16:35-16:58.

The comment Ms. Black was referencing had been mentioned in a much earlier conversation, when Mr. Atkins emphasized that in his interviews, he did not want her to feel compelled to give a definitive answer about anything that she did not honestly know.

**Proposed: Black says she remembers Atkins telling her “you don’t have to try to remember the fucking truth” because “that’s gonna come natural” and “you’re gonna know – you shouldn’t even have to think twice about it.”**

*(25:00 – 29:00) Atkins says he has never told anyone about talking to Black.*

This summary is incorrect. Mr. Atkins did not make this statement in the cited passage. He said “there aren’t even that many people on earth that know you and I have spoken” and “I have not told, um, the guys or their moms that you and I spoke,” which is significantly different from the assertion that “he has never told anyone about talking to Black.”

Listen specifically to 24:15-25:12.

**Proposed: Atkins says “there aren’t even that many people on earth that know you and I have spoken.”**



# Handout 121



Handout 121 – Yolanda Tolliver Audio (9:48)



# Handout 122





## 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](http://www.innocencecommission-nc.gov)

Lindsey Guice Smith  
Executive Director

March 15, 2018

Nathaniel Cauthen, #0849870  
Lanesboro Correctional Institute  
P.O. Box 280  
Polkton, NC 28135

Dear Mr. Cauthen,

As you know, the North Carolina Innocence inquiry Commission ("the Commission") is currently investigating Christopher Bryant's innocence claim. When you were interviewed by Commission staff on February 22, 2018, you indicated that you wanted to apply to our agency and you were given a questionnaire and consent form to fill out and return to the Commission. This letter is to follow up with you regarding your decision to apply with our agency and to inform you about possible testing of the evidence.

The Commission intends to conduct forensic testing in Mr. Bryant's case, which may include DNA testing that could consume evidence that was collected by law enforcement during the original investigation of this case. This evidence is also considered to be part of your case, as well as part of the evidence for the other codefendants in this case.

Pursuant to N.C.G.S. § 15A-1471(d):

*The Commission shall have the right to subject physical evidence to forensic and DNA testing, including consumption of biological material, as necessary for the Commission's inquiry.*

Additionally, there may come a time when Mr. Bryant's case enters "Formal Inquiry." Pursuant to N.C.G.S. § 15A-1467(c1):

*Absent a showing of good cause and approval of the Commission chair, if a formal inquiry regarding a claim of factual innocence is granted, the Commission shall use all due diligence to notify each codefendant of the claim that an investigation will be conducted and that if the codefendant wishes to also file a claim, they must do so within 60 days from receipt of the notice or their claim may be barred from future investigation by the Commission.*

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



Mr. Bryant's case is not currently in "Formal Inquiry" and this letter does not constitute notice requiring a 60-day time limit for you to initiate a claim with our agency.

The Commission is reaching out to you to see if you wish to file an innocence claim at this time and to let you know that the investigation of Mr. Bryant's case may result in consumptive DNA testing of the evidence collected in your case.

If you do wish to apply with the Commission and to help in evaluating your claim, please complete and return the enclosed questionnaire and the consent form that are included as a courtesy copy. Once we have reviewed the completed questionnaire, we will let you know whether we can proceed or if we need additional materials. **Please do not send any legal documents at this time. If we require additional documents, we will write to request them from you.**

Please note that the Commission is a state agency created to investigate post-conviction claims of actual innocence. The Commission does not act as the attorney for any person whose claim is being reviewed or investigated.

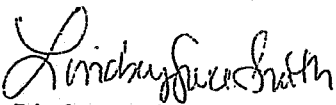
The Commission's Rules state:

*Once a claim is initiated with the Commission, the Claimant or his counsel shall not directly or indirectly relay information about the Commission's investigation to members of the media or the public, unless specifically authorized by the Executive Director or his/her designee.*

If you decide to apply to the Commission, you or your family and friends are not permitted to communicate with the media about the Commission's investigation or the fact that the Commission is reviewing your claim. Media coverage has the potential to jeopardize the Commission's investigation and your claim may be closed if you fail to comply.

Please let us know your decision by Friday, April 13, 2018. Please send all correspondence directly to the Administrative Office of the Courts, North Carolina Innocence Inquiry Commission, P.O. Box 2448, Raleigh, N.C. 27602, and always include your DOC number.

Best regards,



Lindsey Guice Smith  
Executive Director

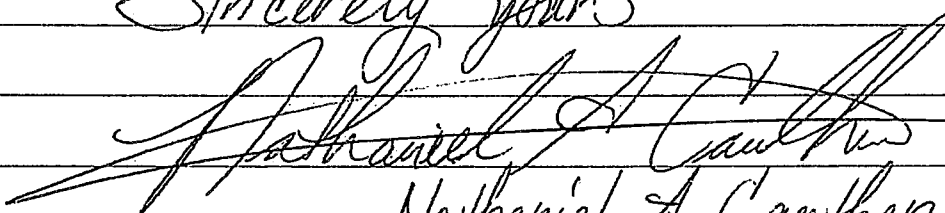
Enclosures



RECEIVED  
31122019

Hello my is Nathaniel A. Cauthen OPLS no. # 0849870. I am currently, and my case is being investigated by your firm North Carolina Innocent Inquiry Commission. As of late there's a reporter from Houston Chronicle's newspaper. No I didn't speak to him about my involvement with the commission but I did tell him that I was innocent and that I couldn't speak to him beyond those limits to keep myself on the safe side. I'm writing this letter to inform you of his presence and his aim. He has been conversing with my mother and my co-defendant whom is also my little brother Rayshaun D. Banner which I came to the conclusion that neither my mother or little brother was ~~aware~~ abreast with my investigation with the firm. The report has been dealing and talking with my little brother and my mother for some time without my knowledge. Here is his letter to me. I thank you for picking up my case and investigating my innocence. It's such a true blessing and I pray that you all can clear the air about my innocence and you all are able to find the truth. Thank you so much and I really appreciate the firms time. May JAH bless you all

Sincerely yours

  
Nathaniel A. Cauthen



Dear Nathaniel,

This is Hunter Atkins, a reporter with the Houston Chronicle newspaper. I mailed you last week, but I am unsure if you got my letter. So I'm sending it again. I would be so grateful to hear from you and talk.

I know this may seem out of the blue, but for a year I have been reporting on your case and reconnecting with the people involved.

That includes your mom and Rashawn.

I know that things have been uneasy with your family, but your mom has supported me trying to help you and your brother. She and I talked about the way she raised y'all as Jehovah's Witnesses, how you got the nickname Stinky, the bicycles you guys got but NOT as Christmas gifts of course, that time you and your brother trapped a midget on the roof... We talked about so many memories, the good and the tough ones.

I promise I care. I understand it was not easy for you at Maury. I hope things are better at Lanesboro. I cannot begin to imagine what life at either place has been like for you.

I am writing to you out of sincerity. I am a reporter with virtuous intentions. I believe there is much more to your case than what was examined at the time. It shocked me that no reporters spoke with you or anyone else in the case.

It seems like you guys were not given a chance. I am serious about wanting to give you the chance that you have deserved for 16 years.

I am eager to chat over the phone a bit about your case, but also about your life. There are larger issues here than just a court case.

I currently am in Winston-Salem for six days (Feb. 28 – March 6). I am spending some time talking with your mom and Joseph Jr. I also am visiting Rashawn on March 5.

Please feel free to call me (however the prison allows) whenever you'd like. I gladly will accept the collect calls.



# HOUSTON CHRONICLE

HoustonChronicle.com | Chron.com

And please believe me when I say this: I intend to tell whatever story I discover, so if I am able to prove that there was injustice in your case, I am invested with integrity and compassion in reporting it to the world.

Thank you so much,

Hunter Atkins

917-774-5674

[www.HunterAtkins.com](http://www.HunterAtkins.com)

Reporter

Houston Chronicle

230 W. Alabama St. #1001

Houston, Texas





## The North Carolina Innocence Inquiry Commission\*

Judge Anna Mills Wagoner  
Chair

Administrative Office of the Courts  
North Carolina Innocence Inquiry Commission  
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Lindsey Guice Smith  
Executive Director

March 18, 2019

**VIA FIRST CLASS MAIL**

Nathaniel Cauthen, #0849870  
Lanesboro Correctional Institute  
P.O. Box 280  
Polkton, NC 28135

Dear Mr. Cauthen:

We recently received your letter regarding the Houston Chronicles reporter contacting your family members. We appreciate the information and your letting us know that you are not speaking to the media. As a reminder, the Commission's Rules state:

*Once a claim is initiated with the Commission, the Claimant or his counsel shall not directly or indirectly relay information about the Commission's investigation to members of the media or the public, unless specifically authorized the Executive Director or his/her designee.*

Your case is still under investigation at the Commission. Our process can sometimes be lengthy, and we appreciate your patience. If you have any questions or concerns, please do not hesitate to contact me.

Best Regards,

A handwritten signature in cursive script that reads "Julie Bridenstine".

Julie Bridenstine  
Staff Attorney

---

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



RECEIVED  
4/21/2009

Hello Ms. Bridenstine this is Nathaniel A. Caution  
PUS No. #0849870. Once again I really appreciate the  
firm investigating my claim of innocence. I am truly  
blessed and I give JAH the upmost praise that the firm  
has accepted my claim, Thank you. Recently I just  
wrote you about a situation where I was trying to have  
his detainer removed so I could be granted medium  
custody, but all ~~is~~ is well now so please disregard that  
letter. Also I've received your two letters and the reporters  
letter, thank you again. As of late though this reporter has  
contacted again and has find something quite odd b/c it goes  
against my whole plea of innocence which I had no  
full knowledge that this MAR was filed in this sense.  
Plus the MAR that was sent to me is very different  
from the one that this reporter Mr. Atkins has discovered.  
The case file no. # of the two different MAR are the  
same and exact but the contents therein are not, at least  
the one that was sent to me eight years ago. Again I  
don't want to miss my blessing of a chance to have my  
charges overturned so I'm sending you everything that this  
reporter has sent to me. If it's not to no avail with the  
firm and has no sway over my claim of being turned down  
and it back and I'll continuously let the firm do it's  
good work. But please make some sense of this please and  
let me know if I should address my lawyer Ms. Julie



about this MAR b/c I had no knowledge that this  
MAR was filed in this sense. Everything that is under-  
lined in blue is what the reporter pointed out to me,  
which I never seen until he sent it to me. He has  
also found Jessica Black. Please help me with this  
and what should I do about b/c that MAR is  
against my wishes, Thank you so much again

---

Patricia A. Cuthbert  
Sincerely Yours

AA Bless

---



RECEIVED  
9/12/2019

Ms. Bridenstine there's something wrong with this MAR and I don't like it's contents that was forged and falsely filed in my name. It goes against my plead of No Guilty at my trial and my whole ~~and~~ seventeen years in incarceration and I do not approve of this in the slightest bit!!!!!!

P.S. Enclosed with the reporters findings



# HOUSTON CHRONICLE

HoustonChronicle.com | Chron.com

Dear Nathaniel,

This is Hunter Atkins, with the Houston Chronicle. I understand the circumstances of your case review, and I do not intend to interfere with it.

Please call when you can, so I can learn more about your life for the story: 917-774-5674

I also must to go over this document with you.

It is a Motion for Appropriate Relief that you (and a lawyer named Vernetta Alston) filed May 11, 2011. I'd like to know what motivated you to file this MAR (as it is called), how you learned to do it and how you connected with Ms. Alston.

You have to read this document entirely, not only for your own knowledge, but also so you'll understand some of my questions.

Read it all (the pages are double-sided), but I underlined the most important parts in blue. These sentences basically say that you are admitting to the crime.

I know that is *not* how you feel. I know that is *not* what you are saying now.

But this MAR complicates things. It contradicts your claims of innocence and could hurt your review with the Inquiry Innocence Commission.

So, I need to understand why in 2011 you filed a document that states your actions caused Mr. Jones' death. Pages 8-9 say: "There is no dispute that Nathaniel's actions proximately caused the death of Mr. Jones. And there is no dispute that Nathaniel should be held responsible for the conduct that proceeded Mr. Jones' death."

Rayshawn filed a nearly identical MAR on May 16, 2011, stating the same things.

Call me any time. Thanks so much,

Hunter Atkins

230 W. Alabama St. #1001

Houston, TX 77006





## The North Carolina Innocence Inquiry Commission\*

Judge Anna Mills Wagoner  
Chair

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Lindsey Guice Smith  
Executive Director

April 16, 2019

*VIA FIRST CLASS MAIL*

Nathaniel Cauthen, #0849870  
Lanesboro Correctional Institute  
P.O. Box 280  
Polkton, NC 28135

Dear Mr. Cauthen:

We recently received your letters regarding the Houston Chronicles reporter Hunter Atkins contacting you again. We appreciate the information and that you are not speaking to the media, as this is a requirement under our rules.

Please be assured that your case is still under investigation and remains open at the Commission.

Enclosed with this letter please find the original documents you recently mailed to the Commission that you received from Hunter Atkins. I made a copy of the documents to keep with your file at the Commission.

Best Regards,

A handwritten signature in cursive script that reads "Julie Bridenstine".

Julie Bridenstine  
Staff Attorney

---

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



RECEIVED  
6/17/2019

Hello Ms. Bridenstine how are you doing, wonderful I hope. Me I'm maintaining as usual, just keeping myself out of trouble as much as possible. Well I'm writing you to inform you of the report, Mr. Atkins again. I've recently received a letter from him and after reading the content of it I wasn't pleased. Again, I've wrote my counsel Ms. Boyer and I guess Mr. Atkins wasn't moved by her, so now I'm very upset b/c he's trying things that I do not like, and he's using my mother and brother as a bridge to talk to me. I don't want no dealing with the guy for any reason until after you'll investigation is finish. Please relate the message. If he continues after you have spoken with him again, because I'm trying to be respectful and understanding to his purpose he is getting out of ~~hand~~ hand. Here's his late letter to me. Thank you and please get back with me soon.

Sincerely

Nathaniel A. Cauthen  
~~Nathaniel A. Cauthen~~



Dear Nathaniel,

(Please read this letter on the front and back sides.)

I understand your concerns about talking over the phone. So, I have come up with another way that I can learn about your life and the case.

I have gotten some help from Christine Mumma, a great person and the compassionate director of the NC Center for Actual Innocence. Her non-profit organization is completely different and not affiliated at all with the Innocence Inquiry Commission. They are two completely different groups.

Christine had looked into your case years ago. She kept some valuable files. They might have information on how the police interrogated you, which would be helpful for me to know.

But she cannot share them without your permission. Please give me permission to see those files.

I have included a consent form. I have yellow highlighted the three blanks that you have to fill out: 1) your name (top); 2) the day, month and year (second-to-last line bottom bottom); and 3) your signature (bottom).



I also have provided an "EXAMPLE" form that I filled out, to show you how and where to write in everything.

Please fill out the form and mail it back to me:

**Hunter Atkins**  
**230 W. Alabama St. #1001**  
**Houston, TX 77006**

After a year of reporting on your case, I am more convinced that all of the claims of innocence are credible. It will help even more if I get to see your files that Christine Mumma has at the Center.

My communication with Christine Mumma will not interfere with the Innocence Commission's review of your case. You do not have to worry about that. I am mindful as to not interfere with that.

Please call me if there is anything I can help with. Thanks, as always,

**Hunter Atkins**

**Houston Chronicle Reporter**

**230 W. Alabama St. #1001**

**Houston, TX 77006**

**917-774-5674**



nccai

~~Sample~~  
North Carolina Center on Actual Innocence

~~Identify, Investigate and Advance Toward Justice~~

P.O. Box 52446 Shannon Plaza Station, Durham, NC 27717-2446  
admin@nccai.org (919) 489-3268 (Phone) (919) 489-3285 (Fax)

#### CONSENT FOR RELEASE OF INFORMATION

I, Hunter Atkins, hereby authorize any and all entities and persons, including my former trial attorney(s), my former appellate attorney(s), my former post-conviction attorney(s), North Carolina Prisoner Legal Services and The North Carolina Innocence Inquiry Commission to release to the North Carolina Center on Actual Innocence for its use, or for the use of student or faculty representatives from affiliated or independent North Carolina Innocence Projects®, any and all records, files, reports, and information of any kind related to me or to any criminal case for which I may have been convicted.

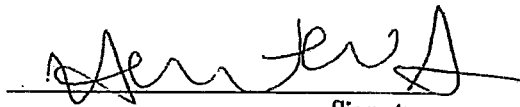
I understand that any information that I give the North Carolina Center on Actual Innocence may be shared with other individuals. This may be done in the context of working on my case, for educational purposes, for fund raising purposes, or any other reason deemed appropriate by the North Carolina Center on Actual Innocence. If I do not wish any information regarding my case to be shared with others, I understand that I must put that specific request in writing. If I had any questions about this policy, I have had the opportunity to contact the North Carolina Center on Actual Innocence for clarification.

I understand that the North Carolina Center on Actual Innocence will undertake such measures as, in its sole judgment and discretion, are necessary and appropriate to evaluate and present reasonably meritorious legal claims in this matter, but that this authorization does not obligate the North Carolina Center on Actual Innocence to represent me in court proceedings without further written commitment by letter to me from the North Carolina Center on Actual Innocence.

I also authorize the North Carolina Center on Actual Innocence to represent me for the limited purpose of determining whether any evidence related to my case is still in the custody of the Clerk of Court of the county in which I was convicted or any law enforcement agency that investigated my case.

By my signature below, I represent that this waiver is voluntary and given without any reservation. I understand that this authorization may be revoked by the undersigned at any time; it is effective until revoked by the undersigned in writing.

Signed this the 29 day of April, 2019.

  
Signature

NOTE: The North Carolina Center on Actual Innocence (including all its affiliated Innocence Projects® and individuals) reviews cases for the sole purpose of investigating claims of actual innocence. The Center does not act as legal counsel to any person whose case is being investigated, until and unless the Center, through its legal counsel or her designees, specifically agrees in writing to take on such representation. The North Carolina Center on Actual Innocence is a separate entity from the North Carolina Innocence Inquiry Commission.





# North Carolina Center on Actual Innocence

*Identify, Investigate, and Advance Toward Justice*

P.O. Box 52446 Shannon Plaza Station, Durham, NC 27717-2446  
admin@nccai.org (919) 489-3268 (Phone) (919) 489-3285 (Fax)

## CONSENT FOR RELEASE OF INFORMATION

I, \_\_\_\_\_, hereby authorize any and all entities and persons, including my former trial attorney(s), my former appellate attorney(s), my former post-conviction attorney(s), North Carolina Prisoner Legal Services and The North Carolina Innocence Inquiry Commission to release to the North Carolina Center on Actual Innocence for its use, or for the use of student or faculty representatives from affiliated or independent North Carolina Innocence Projects®, any and all records, files, reports, and information of any kind related to me or to any criminal case for which I may have been convicted.

I understand that any information that I give the North Carolina Center on Actual Innocence may be shared with other individuals. This may be done in the context of working on my case, for educational purposes, for fund raising purposes, or any other reason deemed appropriate by the North Carolina Center on Actual Innocence. If I do not wish any information regarding my case to be shared with others, I understand that I must put that specific request in writing. If I had any questions about this policy, I have had the opportunity to contact the North Carolina Center on Actual Innocence for clarification.

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By my signature below, I represent that this waiver is voluntary and given without any reservation. I understand that this authorization may be revoked by the undersigned at any time; it is effective until revoked by the undersigned in writing.

Signed this the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
*Signature*

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## The North Carolina Innocence Inquiry Commission\*

Judge Anna Mills Wagoner  
Chair

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Lindsey Guice Smith  
Executive Director

May 29, 2019

*VIA FIRST CLASS MAIL*

Nathaniel Cauthen, #0849870  
Warren Correctional Institution  
Box 728  
Norlina, NC 27563

Dear Mr. Cauthen:

We recently received your most recent letter regarding the Houston Chronicles reporter Hunter Atkins contacting you once again. We have discussed the concerns you raised in your letter with your attorney, Julie Boyer, as we do not represent you.

Enclosed with this letter please find the original documents you recently mailed to the Commission that you received from Hunter Atkins. I made a copy of the documents to keep with your file at the Commission.

Best Regards,

A handwritten signature in cursive script that reads "Julie Bridenstine".

Julie Bridenstine  
Staff Attorney

---

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





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Lindsey Guice Smith  
Executive Director

February 18, 2020

***VIA FIRST CLASS MAIL***

Nathaniel Cauthen #0849870  
Warren CI  
Post Office Box 728  
Norlina, NC 27563

Dear Mr. Cauthen,

Please mail to us any and all correspondence you have received from Hunter Atkins. We will make copies and mail back the originals to you.

As a reminder, under Article 3 Section C of the Commission's Rules and Procedures, "Once a claim is initiated with the Commission, the Claimant or his counsel shall not directly or indirectly relay information about the Commission's investigation to members of the media or the public, unless specifically authorized by the Executive Director or his/her designee." Further, subsection 1 states, "Violation of this provision may result in closure of the case for failure to cooperate."

Please mail the correspondence from Hunter Atkins and return it to the Commission in the enclosed envelope as soon as possible.

Sincerely,

The North Carolina Innocence Inquiry Commission

Enclosure

cc: Julie Boyer (via email)

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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.



● Hello Ms. Julie Brindenstine, how are you? I've received your letters, and this is the only that I have, but I've already sent you this before. I threw everything away that was concerning Mr. Hunter





## The North Carolina Innocence Inquiry Commission\*

Judge Anna Mills Wagoner  
Chair

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Lindsey Guice Smith  
Executive Director

April 16, 2019

*VIA FIRST CLASS MAIL*

Nathaniel Cauthen, #0849870  
Lanesboro Correctional Institute  
~~P.O. Box 280~~  
Polkton, NC 28135

Dear Mr. Cauthen:

We recently received your letters regarding the Houston Chronicles reporter Hunter Atkins contacting you again. We appreciate the information and that you are not speaking to the media, as this is a requirement under our rules.

Please be assured that your case is still under investigation and remains open at the Commission.

Enclosed with this letter please find the original documents you recently mailed to the Commission that you received from Hunter Atkins. I made a copy of the documents to keep with your file at the Commission.

Best Regards,

Julie Bridenstine  
Staff Attorney

\* A state agency created by the North Car

*Initially mailed to Lanesboro  
and received letter back in  
mail today - resent to  
Warren CI. Sorry for delay!*



# HOUSTON CHRONICLE

HoustonChronicle.com | Chron.com

Dear Nathaniel,

I'm glad you got my letter. Your mom told me.

Unfortunately, you did the **exact opposite** of what I asked you to do.

I was trying to work without the Commission's involvement. Your mom told me that you sent my letters to the Innocence Commission.

That is like planning surprise birthday party for a friend, and then you told that friend about the surprise party.

I tried to explain in my letter that I had found a way to benefit your case without the Commission being informed. But then you went ahead and sent the Commission my letters...

I understand that you want to follow the Commission's rules about not speaking with media. And I respect that.

Well, my story can add credibility to your claims of innocence — if you would let me.

There is a folder of 300 documents — some explain how the police might have wrongfully investigated you five — which I want to see. These are not documents from the Commission. They are from Christine Mumma's organization, the Center for Actual Innocence.

But Mumma's organization will not share them with me without your permission. Again, this is not the Commission.

I'm just trying to help. But I can't if you don't let me.

Thanks and I hope to hear from you,

Hunter Atkins

230 W. Alabama St. #1001

Houston, TX 77006

917-774-5674





## The North Carolina Innocence Inquiry Commission\*

Judge Anna Mills Wagoner  
Chair

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Lindsey Guice Smith  
Executive Director

May 29, 2019

**VIA FIRST CLASS MAIL**

Christopher Bryant  
739 East Devonshire Street  
Winston-Salem, NC 27107

Dear Mr. Bryant:

We are writing this letter to give you an update about your case at the Commission. Your case is still open and is being actively investigated. As a reminder, it is a requirement under our rules that you do not speak to the media about your case. If you have any questions or concerns, you can reach me at (919) 890-1580.

Best Regards,

A handwritten signature in cursive script that reads "Julie Bridenstine".

Julie Bridenstine  
Staff Attorney

---

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**Matoian, Catherine L.**

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**From:** Bradley Bannon <bbannon@pathlaw.com>  
**To:** Tuesday, February 18, 2020 2:51 PM  
**Cc:** Matoian, Catherine L.  
**Subject:** Rabil, Mark; Bridenstine, Julie E.; Myers, Mackenzie C.; Trisha Pande  
**Attachments:** Re: NCIC - Request for Information (State v. Bryant and State v. Tolliver)  
Bryant - Docs from Atkins.pdf; Bryant - Texts with Atkins.pdf

Catherine:

Re: written correspondence, Chris has a handful of documents that Hunter Atkins has shared with him related to the case. Given your emphasis on a quick response, and because Chris does not have access to much technology, I just asked him to take pictures of the documents with his phone and send them to me. I did my best to make them readable and then converted them to a single PDF, which is attached, named "Bryant - Docs from Atkins." Chris has nothing else in physical form from Atkins.

Re: emails, Chris has none.

Re: text messages, Chris had a few exchanges with Atkins in January and February. Again, so I could get them to you soon, I asked him to just send me the screen shots of all the messages he had. I then put them together in chronological order, and they're in a single PDF, which is attached, named "Bryant - Texts with Atkins." Chris told me he had previous text message exchanges with Atkins in 2018 and/or 2019, but those and the rest of his text messages died with his previous phone a few months ago.

What Chris can remember about his communications with Atkins, he believes his first contact with Atkins was sometime in late 2017 or early 2018. Atkins was working on a story about the case and had received Chris's contact information from someone else. After that initial contact, Atkins would periodically communicate with Chris to ask him for various facts about the case, if Chris knew them. In all those contacts, Chris maintained his innocence, as he has pre-trial and post-conviction.

Although I haven't had any contact with Atkins myself, in light of this inquiry I plan to get in touch with him, advise him to refrain from any further communications from my client, and ask him to direct any questions about the process to Commission staff. I've also advised Chris to have no further contact with Atkins, or anyone else in the media, about any aspect of the case.

Please let me know if you have any other questions or requests.

Thanks,  
Brad

On Feb 18, 2020, at 12:07 PM, Rabil, Mark <rabilsm@wfu.edu> wrote:

Dear Catherine, after I received the January 27, 2020 email about not communicating with the media about the investigation, I explained the rule to Mr. Tolliver, and he tells



me that he's complied with that. He did speak with Hunter Atkins before that on the phone, but they were not texting or emailing or writing letters. Also, his phone broke after I spoke with him initially, and he now has a new phone, so I cannot independently verify any of that. I texted Mr. Atkins on January 22, 2020 to let him know that we could not communicate with him about this case per Commission rules and he replied that he understood. I will be meeting with Mr. Tolliver tomorrow and can find out more if need be. Take care, Mark

**Mark Rabil**

**Director, Wake Forest Innocence & Justice Clinic**

**Clinical Professor of Law**

**P. O. Box 7206**

**Winston-Salem, NC 27109**

**Tel. (336) 758-6111**

**Fax - (336) 758-2231**

On Mon, Feb 17, 2020 at 3:47 PM Matoian, Catherine L. <[Catherine.L.Matoian@nccourts.org](mailto:Catherine.L.Matoian@nccourts.org)> wrote:

Good Afternoon,

I hope you are both doing well! Mackenzie and Julie are both unavailable and have asked to reach out to you with an additional request from the Commission for your clients:

The Commission is requesting copies of any and all communications Christopher Bryant and Jermal Tolliver have had with journalist Hunter Atkins. This includes, but is not limited to, screen shots of text messages, emails, and letters.

In the event that either of your clients have deleted or disposed of any of these communications, please ask them when they think they did so and what they can remember about those communications.

If you have any questions, please let me know. We would appreciate this information as soon as possible.



Thank you!

Catherine Matoian  
Grant Staff Attorney  
919- 890-1580 Office  
919-890-1937 Fax  
[www.InnocenceCommission-NC.gov](http://www.InnocenceCommission-NC.gov)

<image001.png>

E-mail correspondence to and from this address may be subject to the North Carolina public records laws and if so, may be disclosed.



**Ziegler, Brian T.**

---

**From:** Chris Mumma <cmumma@nccai.org>  
**Sent:** Wednesday, February 19, 2020 11:11 AM  
**To:** Tanner, Beth  
**Cc:** Smith, Lindsey G.  
**Subject:** Re: Reminder

Beth,

I talked to Rayshawn about the hearing and he talked to his mother, who then told Hunter Atkins when he called her to ask. I have told his mother not to talk to Hunter at all and not to talk to anyone about the case.

Chris Mumma

Executive Director

N.C. Center on Actual Innocence

P.O. Box 52446 Shannon Plaza Station

Durham, North Carolina 27717-2446

Office: (919) 489-3268

Fax: (919) 489-3285

[www.nccai.org](http://www.nccai.org)

On Tue, Feb 18, 2020 at 3:51 PM Tanner, Beth <[Beth.Tanner@nccourts.org](mailto:Beth.Tanner@nccourts.org)> wrote:

All:

Though I know you may have received separate communications from us as well at points during this process, it bears reminding that communication with the media or the public is **forbidden** during the Commission's process. Please advise your clients and/or your offices accordingly.

Under Article 3 Section C of the Commission's Rules and Procedures, "Once a claim is initiated with the Commission, the Claimant or his counsel shall not directly or indirectly relay information about the Commission's investigation to members of the media or the public, unless specifically authorized by the Executive Director or his/her signee." Further, subsection 1 states, "Violation of this provision may result in closure of the case for failure to cooperate."



At this time, even the fact that this specific case is going to hearing in March is not a matter of public record. The Commission's investigation is ongoing and will likely continue up and to the date of the hearing. You are welcome to refer any media to the Commission staff and I understand some of you have already taken that position so we appreciate that very much. My direct dial is 919-890-1581.

Thank you!

Beth T.

**Beth Tanner**

Associate Director

919- 890-1580 Office

919-890-1937 Fax

[www.InnocenceCommission-NC.gov](http://www.InnocenceCommission-NC.gov)



THE NORTH CAROLINA  
**INNOCENCE**  
INQUIRY COMMISSION

E-mail correspondence to and from this address may be subject to the North Carolina public records laws and if so, may be disclosed.



# Handout 123





## **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  
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**Lindsey Guice Smith**  
Executive Director

### **STATEMENT OF EXECUTIVE DIRECTOR LINDSEY GUICE SMITH**

3/13/2020

This statement is in response to certain portions of the District Attorney's statement that address the Commission staff and its work on this case. Notwithstanding any factual errors that may be contained in the District Attorney's statement, I want to bring your attention to page 12, Section 4, paragraphs e and f.

In paragraph e, the District Attorney's office characterizes my decision to move this case into Formal Inquiry as taking a position on the innocence of the defendants. Commissioners, that is not accurate. It is not my job to prove innocence to you. Neither I nor Commission staff have ever expressed an opinion as to the defendant's innocence in this case and there has been no testimony to that effect by Commission staff this week. My role is to put cases before you where there is new evidence of innocence. When I present a case, the statute requires that I present not only the new, but all relevant evidence, in this non-adversarial hearing. I have done so. In order for me to put a case before the Commission, my threshold is that there must be some new evidence of innocence. It is incumbent upon the Commissioners to determine whether there is sufficient evidence of innocence to merit judicial review. Neither I, nor any of you are tasked with opining on the defendant's innocence.

In paragraph f, the District Attorney's office states that Commission staff has confirmation bias and has "decided that there is enough evidence to show the defendants' actual innocence, and therefore they must present it in such a way as to confirm their decision." Commissioners, I would submit to you that Commission staff provided you what we learned from an extensive and exhaustive investigative effort by not only our lead investigators on the case, but by the entirety of our investigative team. We presented every bit of that to you this week, whether it helped the defendants or not. Where Commissioners had questions that the Commission staff did not have answers to immediately, we sought and obtained those answers for you, as we have in every hearing the Commission has held.

Our staff continually works to ensure that we do not suffer from confirmation bias. We meet regularly on cases and we challenge one another to ensure we are doing everything we can in a case to follow up on avenues intended to learn as much as we can about a case, whether that helps a claimant's case or hurts it. Staff currently has over 1050 comp hours, much of which was earned as we all pulled together to investigate this case.

Our job as Commission staff, and my job as Director, is to seek truth, wherever that truth leads. In the search for truth in this case, I am confident that we have fully equipped each of you to determine whether there is sufficient evidence of innocence to merit judicial review.

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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.



# Handout 124



Chris Mumma - By Ms. Tanner - February 26, 2020

1       them, there was, like, an official closing letter sent.

2               MS. TANNER: Yes. So I'm going to show you 160.  
3       What we've -- we've previously marked these -- but these  
4       are 160 and 161.

5               MS. MUMMA: Mm-hmm.

6               MS. TANNER: And this is Mr. Tolliver and  
7       Mr. Bryant's?

8               MS. MUMMA: Mm-hmm.

9               MS. TANNER: Let's see if I can't find  
10       (indiscernible).

11              MS. MATOIAN: I believe so. I'm checking right  
12       now.

13              MS. MUMMA: The -- know that we -- we could not  
14       get an answer on what evidence --

15              MS. TANNER: Mm-hmm.

16              MS. MUMMA: -- was in custody.

17              MS. TANNER: Okay.

18              MS. MUMMA: And we could not get Jessica Black  
19       to talk to us.

20              MS. TANNER: Mm-hmm.

21              MS. MATOIAN: Oh, I believe I'm seeing a closing  
22       letter from 2009 for Mr. Cauthen.

23              MS. TANNER: Mm-hmm.

24              MS. MUMMA: Do you -- can you show --

25              MS. MATOIAN: It's on page 19 -- I can show it to



Chris Mumma - By Ms. Tanner - February 26, 2020

1 you.

2 MS. MUMMA: I don't see it referenced on here.

3 MS. MATOIAN: Right here. I'll show it to you.

4 And so the date on the letter says July 26, 2019.

5 MS. MUMMA: Right. 'Cause it just --

6 MS. MATOIAN: Right. Right.

7 MS. MUMMA: -- automatically updates. But the  
8 file name --

9 MS. MATOIAN: Right. And then she found the date  
10 of it.

11 MS. MUMMA: Okay.

12 MS. TANNER: Yeah. We say they cannot provide  
13 him with assistance instead of saying, like, this is the  
14 closing letter for sure.

15 MS. MATOIAN: Yeah.

16 MS. MUMMA: Okay. So -- and what -- so what was  
17 your question?

18 MS. TANNER: So is it your understanding that the  
19 Center did, in fact, close Banner -- I'm so sorry -- not  
20 Banner --

21 MS. MATOIAN: Bryant --

22 MS. TANNER: Bryant, Tolliver --

23 MS. MATOIAN: -- Tolliver.

24 MS. TANNER: -- and Cauthen's file?

25 MS. MUMMA: Yes.



Chris Mumma - By Ms. Tanner - February 26, 2020

1 MS. TANNER: Okay.

2 MS. MUMMA: I mean, just as -- yes, I mean, so  
3 let's -- let's understand what close means; right?

4 MS. TANNER: Yes.

5 MS. MUMMA: Close means we can't get anybody to  
6 tell us whether there's evidence. We can't reach Jessicah  
7 Black. I mean, there's been plenty of cases, Dwayne Dail's  
8 being a good example, where work continues after they  
9 receive a closed letter if some avenue opens up.

10 MS. TANNER: I get it. So I will follow up with  
11 that question.

12 Closing a file at the Center does not necessarily  
13 indicate that the folks that you're -- whose cases you're  
14 looking at are guilty.

15 MS. MUMMA: Oh, no.

16 MS. TANNER: Okay.

17 MS. MUMMA: No. God, no.

18 MS. TANNER: Did you ever talk to Mr. Atkins  
19 about the representation scheme with Mr. Banner? Like how  
20 he would get assigned counsel? What that would look like?

21 MS. MUMMA: I don't think so.

22 MS. TANNER: Okay.

23 MS. MUMMA: I don't -- I don't -- I don't think I  
24 knew who was with the Commission and who was not, I mean...

25 MS. TANNER: Did Mr. Atkins ever tell you what



Chris Mumma - By Ms. Tanner - February 26, 2020

1 MS. MUMMA: So he would have known that the  
2 Commission process was the right process for the boys.

3 MS. MATOIAN: Okay.

4 MS. TANNER: You good?

5 MS. MATOIAN: I'm good.

6 MS. TANNER: Okay. Now, I'm going to turn to a  
7 couple of pointed questions about some things in the files.  
8 So Cheryl was very helpful about the process.

9 So I'm going to show you what is marked 161 and  
10 162. 161 is the letter to Mr. Bryant we just talked about  
11 that closes his case, dated February 1st. 162 is a memo by  
12 Cheryl related to a phone call with Mr. Gerber, who is an  
13 attorney. I'm going to give you a second just to look at  
14 those, and then I have some questions.

15 MS. MUMMA: Why would an attorney describe  
16 somebody as disgusting?

17 (Whispering conversation.)

18 MS. MUMMA: Okay.

19 MS. TANNER: So because these are all on the same  
20 day and my understanding of your process is that ultimately  
21 the decision to close the case would lie with you --

22 MS. MUMMA: Mm-hmm.

23 MS. TANNER: Is the reason that you closed  
24 Mr. Bryant's case related to what Mr. Gerber reported as  
25 written in that memo?



Chris Mumma - By Ms. Tanner - February 26, 2020

1 MS. MUMMA: No.

2 MS. TANNER: Okay. Do you have any thoughts  
3 about what Mr. Gerber says? Particularly where he says  
4 that he knew in his gut it was Bryant, and he was getting  
5 murder one, and -- let's see --

6 MS. MUMMA: So -- so this -- I read this first  
7 paragraph, and to me this is a defense attorney who's  
8 reciting what happened at trial.

9 MS. TANNER: Okay.

10 MS. MUMMA: Not personal knowledge. But --

11 MS. TANNER: Got it.

12 MS. MUMMA: -- memory of what happened at -- what  
13 evidence was presented at trial.

14 MS. TANNER: So in your mind, looking at  
15 Exhibit 162, this is not necessarily -- it's just a memory  
16 of what he --

17 MS. MUMMA: Yeah, he's just saying -- he's just  
18 remembering what happened at trial.

19 MS. TANNER: Okay. So I will represent to you --  
20 and, of course, Cheryl was the reviewer on this, so it  
21 presumes that she would do the call. Mr. Gerber has a  
22 different recollection of the information that you were --  
23 he provided to Ms. Sullivan.

24 Have you ever had an issue where Ms. Sullivan  
25 inaccurately reported information to you after an