North Carolina Innocence Inquiry Commission Brief

STATE v. KENNETH EVANS

Franklin County – 93 CRS 2261, 2262, 2263

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Franklin County – 93 CRS 2261, 2262, 2263

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I. Format for Brief and Hearing

Beginning the week of September 9, 2019, the North Carolina Innocence Inquiry Commission ("Commission") will conduct a hearing in this case. Pursuant to statute, this hearing is open to the public.[1] A court reporter will be present at the hearing.

This brief is submitted to the Commissioners prior to the hearing with the request that each Commissioner carefully read it in preparation for the hearing. This brief covers investigations and legal proceedings that occurred in the case prior to the investigation by the Commission staff. The upcoming hearing will cover the Commission's investigation in this case. Information presented in this brief that was not presented at trial or considered at a hearing granted for post-conviction relief may be considered as "new evidence."

This brief is formatted to be read from start to finish with any attachments inserted directly into the body of the brief. Any attachments that have notes or highlights were received by Commission staff with these notes or highlights and no other copy was available. Commission staff has redacted certain portions of documents where that information is not discussed in that section. Photos are oriented correctly based on what they show so in a printed copy, it may appear sideways. In addition, you have been provided with the best copy of the documents received. The bate stamp numbers of the attachments may not be sequential as the documents are stamped in the manner received from the various document sources. This brief also contains an appendix that will be referenced throughout the brief. Any cited material within the brief that is not provided in full can be made available to Commissioners upon request to the Executive

[1] N.C.G.S. § 15A-1468(a) and NCIIC Rules and Procedures Article 7(E).

Director. Please make those requests as soon as possible so that any review can be completed **prior to the first day of the hearing.** Also, where a document is included in full in the brief, the brief itself will not contain a citation to the record.

At the conclusion of the hearing, the Commission will be asked to consider the following three (3) options:

1. Conclude that there is sufficient evidence of factual innocence to merit judicial review and refer the case to a three-judge panel pursuant to N.C.G.S. § 15A-1468(c). All documents considered by the Commission and the transcript of the proceedings shall become public record once filed with the Clerk of Superior Court in Franklin County.[2]
2. Conclude that there is not sufficient evidence of factual innocence to merit judicial review and close the investigation pursuant to N.C.G.S. § 15A-1468(c). Evidence favorable to the convicted person would be disclosed to him and his attorney pursuant to N.C.G.S. § 15A-1468(d).
3. Direct the staff to conduct further investigation into this case and continue the hearing to a later date.

[2] N.C.G.S. §§ 15A-1468(c) and 15A-1468(e) and NCIIC Rules and Procedures Article 7(G).

II. Standard of Review

This case arises from the conviction of Kenneth Evans (Evans) in the robbery and kidnapping of Euther "Ray" Andrews Manning which occurred on 3/5/1990. Evans was found guilty after a trial on 4/7/1995 of Robbery with a Dangerous Weapon, First Degree Kidnapping, Second Degree Burglary, and Larceny. The court arrested judgement on the larceny convictions and sentenced Evans to 40 years on each of the other offenses. Evans only appealed his conviction for Second Degree Burglary. The Court of Appeals vacated that conviction and remanded it for entry of judgment as a conviction of felonious breaking or entering.

Ultimately, Evans was sentenced for Robbery with a Dangerous Weapon (Sentence BA-003), First Degree Kidnapping (Sentence BA-004), and Breaking and/or Entering for this case (Sentence BA-005). Evans is currently serving his sentence for Robbery with a Dangerous Weapon (Sentence BA-003) which has a maximum term of 40 years. The First Degree Kidnapping (Sentence BA-004), also a maximum term of 40 years, will run consecutive to the Robbery, and the Breaking and Entering (Sentence BA-005), with a maximum term of 10 years, will run consecutive to the Kidnapping.

Although convicted in 1995, Evans began serving his sentences for this case on 11/25/2011. Evans had other criminal convictions that immediately preceded these sentences. Evans was convicted for a 10/29/1991 Felony Breaking and Entering and Larceny over $200 (Sentence BA-001), as well as several other convictions related to three different occurrence dates that were consolidated together for sentencing as Sentence BA-002. Sentence BA-002 was for offenses on 9/3/1992 (Felony Breaking and Entering, Larceny over $200); 9/7/1992 (First

Degree Burglary, Second Degree Rape); and 9/15/1992 (Felony Breaking and Entering, Larceny over $200). Evans' sentences in this case did not begin until he had completed both sentences BA-001 and BA-002, which ran consecutively. Evans is not claiming innocence for any of the convictions related to Sentences BA-001 and BA-002, only the convictions related to the Kidnapping, Robbery, and Breaking and entering on 3/5/1990 (Sentences BA-003, BA-004, and BA-005). Following is a chart outlining these sentences for your reference.

Evans Sentencing Chart

Sentence and Case #	Case	Conviction Date	Sentence Begin Date	Actual Release Date	Case Status
BA-001	(F) B&E & Larceny over $200	2/10/92	2/8/93	9/25/96	Expired
BA-002	Burglary 1st Degree, Rape 2nd Degree, Larceny over $200, (F) B&E, Larceny over $200	3/3/93	9/25/96	11/25/11	Expired
BA-003	RWDW	4/7/95	11/25/11	Projected release date: 8/24/26	Active
BA-004	Kidnapping 1st	4/7/95	Projected start date: 8/24/26	Projected release date: 8/20/42	Future: runs consecutive to BA-003
BA-005	Felony B&E	4/7/95	Projected start date: 8/20/42	Projected release date: 8/20/46	Future: Runs consecutive to BA-004

The Commission's governing statute provides that a "claim of factual innocence" is a claim "on behalf of a living person convicted of a felony" in North Carolina, "asserting complete innocence of any criminal responsibility for the felony for which the person was convicted and for any reduced level of criminal responsibility relating to the crime, and for which there is ***some credible, verifiable evidence of innocence that has not previously been presented at trial or considered at a hearing granted through postconviction relief.***" N.C.G.S. § 15A-1460(1). *Also see* the *Commission's Rules and Procedures,* Article 2(A).

When a case is presented to the full Commission, ***all relevant evidence shall be presented***. N.C.G.S. § 15A-1468(a). All eight voting members are required to participate in the vote to determine whether there is "sufficient evidence of factual innocence to merit judicial review." N.C.G.S. § 15A-1468(c). *Also see* Commission's Rules and Procedures, Article 7(I). For cases ***where defendant was found guilty after trial***, "if ***five or more of the eight*** voting members of the Commission conclude there is sufficient evidence to merit judicial review, the case shall be referred to the senior resident superior court judge in the district of original jurisdiction." *Id.* Evans was convicted after a trial, so ***five or more of the eight*** voting members must conclude there is sufficient evidence to merit judicial review to refer the case to a three judge panel.

III. Introduction to Case

Victim spent the evening of March 5, 1990 at Edwards Funeral home related to the death of her aunt. She arrived at her home around 9:25pm on March 5, 1990 and encountered an intruder. The intruder taped her up extensively with what appears to have been duct tape, even partially obstructing her vision. The suspect took her in her own vehicle for a drive and pulled down a dirt road where the suspect demanded her husband's phone number and mentioned requesting a ransom. She was left by the suspect down the dirt road in her car with the threat that he would return. She stayed in the car all night and when it started to get light she left the car and began walking, barefoot, back to the road. She was picked up by a member of the search party for the Victim, who saw her walking. The Victim was initially taken to her residence and then transported to the hospital. The suspect did not take any of her jewelry from her person and it was ultimately determined very little was stolen from the Victim's home. The Victim identified the suspect as a light skinned, good looking black male with some type of freckles around the nose, but did not identify the person by name and did not appear to recognize his voice.

The case was investigated by the Franklin County Sherriff's Office (FCSO) with assistance from the State Bureau of Investigation (SBI). Though Evans was identified as a suspect shortly after the crime and polygraphed, there were no arrests made in the case until 1993 when Evans was arrested for this crime, following his arrest for a series of other crimes that occurred in 1992.

The documents in this case are **very limited**. The SBI provided its complete file and crime scene photographs. The FSCO file provided to the Commission was approximately 10 pages. The defense attorney files also contained approximately 10 additional pages that appear to be from

the FSCO file. Commission staff was **not able to collect any transcripts** from the trial of this case. The portion of the brief dedicated to what happened at trial will be based on what Commission staff has been able to gather from information contained in other document sources and through interviews with individuals who were at the trial. Evans was convicted after a trial which included testimony against him by JoAnn Clemonts, Evans' ex-girlfriend, and Larry Davis, a witness that was jailed with Evans. The State also entered into evidence the do-rag found near the Victim's car, which the State asserted was worn by the perpetrator. During her testimony, Clemonts identified the do-rag as being similar to one that she had bought for Evans prior to the crime. It does not appear, based on what is available, that the Victim ever identified Evans as the perpetrator.

IV. Timeline

DATE	TIME	DESCRIPTION	CITATION TO FILE
3/5/1990	Approx. 9:25 PM	Victim drops her daughter, Jackie Manning Kemp, off at home, which is next door to the Victim's home. Victim arrives home and is kidnapped by an unknown male in her car.	SBI file, pg. 24
3/5/1990	Approx. 9:25 PM	Jackie Manning Kemp arrives home and contacts her father, Esley Manning, at Manning's Grocery and asks him to bring medicine for her child.	SBI file, pg. 12
3/5/1990	Approx. 9:35 – 9:45 PM	Esley Manning arrives home and discovers items in the home disturbed and the Victim and her car missing.	SBI file, pg. 13
3/5/1990	9:57 PM	Victim is reported as missing to FCSO.	SBI file, pg. 9-10
3/5/1990	10:30 PM	Franklin County Sheriff Arthur Johnson calls in SBI Special Agent Rick Sims to assist with the investigation.	SBI file, pg. 7
3/5/1990	10:29 PM	BOLO issued for the Victim.	SBI file, pg. 18; 10
3/5/1990	11:30 PM	SA Sims contacts SBI SA David McDougall to request his assistance at the crime scene.	SBI file, pg. 41
3/6/1990	12:30 AM	SA McDougall arrives at the Victim's home.	SBI file, pg. 41
3/6/1990	12:45 – 5:30 AM	SA McDougall begins crime scene search of Victim's home.	SBI file, pg. 41
3/6/1990	1:30 AM	FCSO Deputy Kent Winstead conducts neighborhood canvass.	SBI file, pg. 16
3/6/1990	7:00 AM	Forestry Service Agent Willie Bartholomew finds the Victim on Vaiden Road. Bartholomew takes Victim back to her residence before she is taken to hospital.	SBI file, pg. 10
3/6/1990	7:40 AM	BOLO for Victim canceled.	SBI file, pg. 20
3/6/1990	8:00 – 10:10 AM	SA McDougall begins search of area where Victim's car was found.	SBI file, pg. 41-42
3/6/1990	8:00 AM	Victim arrives at Franklin Memorial Hospital.	SBI file, pg. 29
3/6/1990	8:07 – 8:45 AM	Victim interviewed by SA Sims and FCSO deputy Shirley Dent while at the hospital.	SBI file, pg. 24-27

DATE	TIME	DESCRIPTION	CITATION TO FILE
3/6/1990	9:05 AM	Victim is released from the hospital.	SBI file, pg. 28
3/9/1990	UNK	Victim meets with FCSO Deputy Pat Green and SA Sims at FCSO to look through mug books. Partial composite drawing completed.	SBI file, pg. 34
4/18/1990	UNK	Anonymous source tells FCSO that Evans confessed to kidnapping the Victim.	SBI file, pg. 48
4/20/1990	9:00 AM	Evans is polygraphed. Denied making that statement or having any involvement. No deception indicated.	SBI file, pg. 48-49
5/18/1990	UNK	Victim polygraphed by SBI to determine whether any part of her account was false. No deception indicated.	SBI file, pg. 50-51
2/12/1991	UNK	Meeting between SA Sims and Deputy Green. No leads developed despite Crime Stoppers reward money and numerous interviews. SA Sims stated this case would be closed until further leads could be developed.	SBI file, pg. 53
4/21/1993	9:45 AM – 10:00 AM	Evans is interrogated at FCSO by SA Sims and Detective Green. Evans stated he understood his rights and signed a waiver form. He denied his involvement in the kidnapping, stated he was at Tommy Perry's Garage until 9pm, and has never owned or worn a do-rag.	SBI file, pg. 65
4/21/1993	UNK	Bernadine Ballance is appointed after A.S. Tomlinson, Jr. is allowed to withdraw due to a conflict.	Norman file, pg. 291
10/28/1993	UNK	The Court orders that Daniel Williams be appointed as an investigator for the defense.	Norman file, pg. 304-305
December 1993	UNK	Bernadine Ballance withdraws from case and Frank Ballance is appointed.	Ballance file, pg. 198
11/29/1994	UNK	Letter from Frank Ballance to Judge Narley Cashwell thanking him for allowing his oral motion to withdraw from the case and detailing both his and Bernadine Ballance's representation of Evans.	Ballance file, pg. 198

DATE	TIME	DESCRIPTION	CITATION TO FILE
1/30/1995	UNK	Letter from Larry Norman to Frank Ballance stating he has been appointed to represent Evans on the Manning case and requesting investigative material.	Ballance file, pg. 194
4/4/1995 – 4/7/1995	UNK	Trial.	Norman file, pg. 12-13
4/7/1995	UNK	Notice of Appeal.	Norman file, pg. 12
4/24/1995	UNK	Notice that the Office of Appellate Defender Declines Appointment.	Norman file, pg. 13
5/13/1996	UNK	Case heard in the Court of Appeals. Evans' sole argument on appeal is that the trial court denied Defendant's motion to dismiss the Second Degree Burglary charge at close of evidence based on the State failing to prove beyond a reasonable doubt the essential elements of the crime. The Court of Appeals vacated this conviction and remanded it back to the trial court for judgment and sentencing based upon a conviction of Felonious Breaking or Entering.	Clerk file, pg. 8-11
8/13/1996	UNK	Trey Duckworth is appointed as Evans' attorney for resentencing.	Clerk file, pg. 12
6/12/1997	UNK	Evans sentenced on Felonious Breaking and Entering (93 CRS 2263).	Clerk file, pg. 163-164

V. Law Enforcement Initial Investigation

Based on what files are available concerning the initial investigation, the case started when the Victim's husband realized that the Victim was missing late in the evening on March 5, 1990. After receiving that call, FCSO contacted the SBI to provide assistance in the missing person investigation. A BOLO was issued for the Victim at 10:29pm on March 5, 1990. (SBI, 17-22). Search parties were created and the Victim was found on March 6, 1990 at approximately 7:00am.[3] The BOLO was called off at 7:40am on March 6, 1990. (SBI, 17-22). The FSCO initial offense report and the SBI initial offense report are provided in full below.

[3] Several of the SBI reports and law enforcement reports contain reference to dates that appear to be incorrect in that they provide that the Victim was reported missing and/or the family was interviewed while the Victim was missing on the evening of March 6. Based on the totality of the documents and the interviews Commission staff has completed the case, it is clear that the Victim was reported missing late in the evening on March 5, 1990 and was found around 7:00am on March 6, 1990.

FCSO INCIDENT REPORT

NORTH CAROLINA INTERNAL RECORDS

INCIDENT/INVESTIGATION REPORT

1. AGENCY	2. IDENTIFIER-ORI	3. OFFENSE TRACT	4. DATE/TIME REPORTED	5. OCA FILE NO.
Franklin Co. Sheriffs Dept	NC 0350000		3 MO / 5 DAY / 90 YR 21:57 24 hr Clock	90030515

6. CRIME(S)/INCIDENT	7. UCR CODE	8. VICTIM/BUSINESS NAME	9. RACE ETHN	10. SEX	11. D.O.B. AGE	12. Relationship (Victim To Offender)
Kidnapping/ Larceny, Burglary		Manning, Euther Andrews	W	F	110328	

13. OFFENSE DATE	14. HOUR	15. D-WK	16. MTH	17. DATE	18. YR.	19. VICTIM ADDRESS	20. PHONE
AT (FOUND)	9:57P	Mon	3	5	90	Rt 6 Box 302 Louisburg NC 27549	
(LAST KNOWN SECURE)	9:55P	Mon	3	5	90	21. EMPLOYER/SCHOOL ADDRESS	22. BUS. PHONE

23. PERSON REPORTING CRIME (LAST, FIRST, MIDDLE) PHONE	24. ADDRESS	25. BUSINESS ADDRESS PHONE
~~XXXXXX~~ Tommy Kemp	Rt. 6 Louisburg	

26. LOCATION OF CRIME	27. PREMISE TYPE	28. WEAPON/TOOLS
Centerville, NC SR 1436	Residential	firearm

29. HOW ATTACKED OR COMMITTED (M.O.) — 30. WEATHER

perpetrator entered home, subdued victim, taped her up removed from residence against her will. Fair

PROPERTY CLASSIFICATION	CODE	VALUE STOLEN	VALUE AT RECOVERY	PROPERTY CLASSIFICATION	CODE	VALUE STOLEN	VALUE AT RECOVERY
CURRENCY, NOTES, ETC.	A	31$ 100.00	32$	HOUSEHOLD GOODS	H	45$	46$
JEWELRY, PRECIOUS METALS	B	33$	34$	FOODSTUFFS	I	47$	48$
CLOTHING, FURS	C	35$	36$	LIVESTOCK	J	49$	50$
MOTOR VEHICLES	D	37$ 3000.00	38$ 3000.00			51$	52$
OFFICE EQUIPMENT	E	39$	40$			53$	54$
T.V., RADIO, CAMERA, ETC.	F	41$	42$			55$	56$
FIREARMS	G	43$ 200.00	44$	GRAND TOTAL		57$ 3300.00	58$ 3000.00

59 VEHICLE INFO (VICTIM-SUSPECTED)

YEAR MAKE MODEL STYLE COLOR LIC # & STATE VIN

60. # OF SUSPECTS	61. CAN SUSPECTS BE ID'ED	62. WAS EVIDENCE FOUND	63. WITNESS NAMES ADDRESS PHONE
one	____YES ____NO	XX YES ____NO	

64. LAB TECHNICIAN CALLED	65. REPORT FILED FOR INSURANCE PURPOSES
SBI	____YES ____NO

66. OFFENDER 1 RACE____ETHN.____SEX____ AGE____ OFFENDER 2 RACE____ETHN.____SEX____AGE____ OFFENDER 3 RACE____ETHN.____SEX____ AGE____

67. NARRATIVE

On 3-5-90 Mrs. Euther Andrews Manning W/F DOB 110328 entered her residence in Centerville NC and was forcibly assaulted and manhandled against her will by a B/M approximately 6 feet to 6'2" tall brandishing a long gun not a pistol. He tied her up, hands behind her back with silver duct tape, and covered her mouth, and eyes with same tape. She was then dragged to her 1984 Ford Station Wagon underneath the carport, the subject then drove the car away with Mrs. Manning inside. Upon arriving at the scene we observed her shoes, glasses, (Pocketbook) and cigarett on the livingroom

COMPLAINANT'S SIGNATURE

68. OFFICER'S NAME	69. OFFICER'S SIGNATURE	70. DATE/TIME SUBMITTED	71. SUPERVISOR NAME	72. CASE STATUS	73. CASE DISPOSITION	74. PAGE
Pat Green	Pat Green	MO 3 DAY 19 YR 90 11:00 24 hr.		FURTHER INV / INACTIVE / CLOSED	UNFOUNDED / CL BY ARREST / EXC CLEARED ADULT / EXC CLEAR	OF

0003469 NCIIC

1. AGENCY	2. IDENTIFIER - ORI	3. CONTINUATION TO:	4. OCA FILE NO.
Franklin Co. Sherioffs Dept	NC 0350000	☐ INVESTIGATION ☐ SUPPLEMENTARY INV.	90030515

5. NARRATIVE

floor, there was red mud on the floor also throughout most of the house. In the Master bedroom there was a small amount of blood on the bed (comforter), also a small amount of duct tape was on the floor beside the bed. Upon family members checking the scene for items missing, it was learned that a Smith & Wesson 38 caliber revolver nickle plated with bone handles (old) a Elgin Yellow gold watch (Mens) were the only items that were found to be missing. The home and crime scene were protected and secured and the SBI was called in to assist. Agent Rick Sims of the SBI, and Dave McDougal reported to the scene. The Centerville Fire and Rescue and EMS, WLFD and GSFD responded to the Fire Dept to begin with search for vehicle and missing woman. All available deputies were called out to look for her and car. Car. 1, 2,4,6,8,910,12,14, 15,16,

Mrs. Manning was found at approximately 7:00PM by Forestry Service agent Willie Frank Bartholomew on the Veyton Road. approximately 1/10th of mile from NC 58. She was walking in circles next to road with her hands still bound behind her back, and tape on eyes and mouth. Bartholomew removed tape and brought back to residence. She was transported to FRMC by Centerville Rescue. She was treated and released.

A description of suspect is as follows: Male, Black Light Skinned approximately 6' to 6'2" in height weight 200 suspect had blotches, or large freckles on cheeks (Very noticable

Suspect acted mannerable under the circumstances, used no profanity, victim stated that suspect speech sounded like he was from a city not country.

The height, and weight are an a xxxxxxxxxxxxxxxx estimate, also the age ranged from 20's to 40's.

6. OFFICER'S NAME	7. OFFICER'S SIGNATURE	8. DATE SUBMITTED MO DAY YR	9. SUPERVISOR SIGNATURE	10. PAGE ___ OF ___
Pat A. Green		3 19 99		

NCIC 0003477

PIN - IR 202

Rev. 1/79

North Carolina Internal Records

CONTINUATION PAGE

1. AGENCY	2. IDENTIFIER - ORI	3. CONTINUATION TO:	4. OCA FILE NO.
Franklin County Sheriff's Dept.	NC 0350000	☐ INVESTIGATION ☐ SUPPLEMENTARY INV.	90030515

5. NARRATIVE

The change removed from home was approximately$125.00 , in 50, cent pieces, 25¢, 10¢ and 5¢ coins.

The gun used by suspect was a short gun possibly a sawed off shotgun, was not a handgun according to victim. The suspect was waiting inside the residence when Mrs. Manning returned home from the Funeral Home.He came into livingroom from the front den, after opening up the french doors.

~~MXXXXMXXXXXXXX~~

The investigation is continuing:

6. OFFICER'S NAME	7. OFFICER'S SIGNATURE	8. DATE SUBMITTED MO DAY YR	9. SUPERVISOR SIGNATURE	10. PAGE ___ OF ___
Pat Green	Pat Green	3 / 9 / 90		

NCIIC 00348

PIN - IR 202

Rev. 1/79

SBI INITIAL REPORT

SBI FILE: 360-M-12-2
ACTIVITY: March 6, 1990
VICTIM: Euther Andrews Manning, AKA: "Rea", W/F/DOB: 11/03/28
DIC: March 16, 1990
REC: March 21, 1990
TYPE: March 21, 1990
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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DETAILS OF INVESTIGATION

PREDICATION:

This investigation was initiated pursuant to a verbal request, via telephone, from Franklin County Sheriff Arthur Johnson to SA R. G. Sims on Tuesday, March 6, 1990 at approximately 10:30 p.m.

RGS:cjw

NCIIC - SBI 000007

AA.00033.00006 (24)

The SBI and FSCO initially interviewed the Victim's husband Esley Manning and her daughter, Jackie Kemp, who lived next door to her parents. The reports related to those interviews are provided in full below.

SBI REPORT INTERVIEW ESLEY MANNING AND JACKIE KEMP

SBI FILE: 360-M-12-2
ACTIVITY: March 6, 1990
VICTIM: Euther Andrews Manning, AKA: "Rea", W/F/DOB: 11/03/28
DIC: March 16, 1990
REC: March 21, 1990
TYPE: March 21, 1990
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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Esley May Manning, W/M/DOB: 10/17/26, Business Address: Manning's Grocery, Centerville Crossroads, Louisburg, North Carolina 27549; Telephone: 919-853-2666, Home Address: Route 6, Box 410, Louisburg, North Carolina 27549; Telephone: 919-853-2641; and Jackie Manning Kemp, W/F/DOB: 12/30/55, Business Address: Epsom Public School, RFD #1, Henderson, North Carolina 27536; Telephone: 919-438-6535, Home Address: Route 6, Box 409, Louisburg, North Carolina 27549; Telephone: 919-496-5884, (Witnesses)

Interviewed on Tuesday, March 6, 1990, at their residence, at 11:00 p.m., by SA R. G. Sims and Detective Pat Green.

Esley Manning is the husband of the victim, Rea Manning and Jackie Manning Kemp is the daughter of the victim.

Mrs. Kemp stated that she, her mother (the victim) and her grandparents, Mr. and Mrs. Andrews, had all gone to Edward White Funeral Home that night. Mrs. Kemp stated that after visiting the funeral home, her mother, who was driving, dropped off Mr. and Mrs. Andrews first, and then her mother dropped her off. Mrs. Kemp stated this was around 9:25 p.m. She further stated that she lives right next door to her mother. Kemp added that her mother usually goes to their store, Manning's Grocery, and comes home with her husband, but on this particular night, she said she wanted to go home and wash dishes before her husband got there.

Mrs. Kemp said she then called her father at the store. She asked her father to bring some Tylenol by because their baby had a fever. Mr. Manning drove right over in about ten (10) minutes, dropped off the Tylenol and from there he went home. Mrs. Kemp stated that about five (5) or ten (10) minutes later her father called back and told her that her mother was not at home and some things at the house had been disturbed.

Mr. Manning then added that he was driving to his daughter's house to drop off the Tylenol when he drove by his house and

NCIIC - SBI 000012

AA:00033.00011 (24)

he thought he saw their Ford station wagon in the carport. Although it was dark, he also stated that he thought he saw a figure standing next to the car. He did not know who the figure was, although he knew it was not his wife. He thought the figure might have been wearing brown clothes. He added that when he dropped off the medicine and returned home, the station wagon and his wife were both gone. Mr. Manning stated that when he walked in the back door of his residence, the back door was open. The screen door was closed, but unlocked. He noticed mud throughout the house. (The Manning residence was immaculate; therefore the mud would have been very obvious). He noticed his wife's shoes were on the carpet, along with her watch and her eyeglasses; all were located near the fireplace toward the hallway entrance to their bedroom. One of her cigarettes was also on the living room carpet and had burned a small hole in that carpet.

Manning stated he then went into their bathroom and saw some mud on the linoleum floor. He then went into their bedroom and saw several drops of blood on the comforter on their bed. He noticed a piece of duct tape on the floor near the bed.

He said he then called his daughter, Julie, and then his wife's parents, Mr. and Mrs. Andrews, and none of them had seen her. Jackie Kemp added that at this point her husband, Danny, called the police.

Manning stated the only thing he knows of that is missing is his gold Elgin watch, which had been located on top of the VCR in the living room and his Smith and Wesson revolver, which was in the night stand in the other bedroom. He stated the Smith and Wesson revolver is an antique weapon. It is somewhat rusted, was loaded and had "bone" grips. Nothing else appeared to be missing from the house; even his wife's purse was still at the house and had not been ransacked.

The Ford station wagon was a cream and brown color, according to Manning. It is a 1984 LTD, and it probably did not have a lot of gas. Manning stated that the keys are usually kept in the car and they usually kept the back door of their house unlocked.

He added that about four (4) years ago, he had been robbed and abducted by a tall black male while he was closing up the store. The person had been standing outside the door waiting for him to close. The abductor had bound him with duct tape, drove him down Highway 58 and then dropped him off. The

NCIIC - SBI 000013

AA.00033.00012 (24)

abductor had stolen several thousand dollars. The man was never caught. Manning stated he usually carries about $5,000.00 on him when he comes home, and the person who kidnapped his wife may have been waiting for him.

Manning said he worked at his store all that day from 5:30 a.m. until 9:30 p.m. At around 8:00 a.m. and 10:00 a.m., he left the store briefly to run a few errands and at 2:00 p.m. he went to his residence. Everything appeared to be okay at that time. He stated he last saw his wife around 6:30 p.m., when she came in to get the checkbook. At that time she stated she was going to the funeral home.

This interview was concluded at 12:30 a.m., on March 6, 1990.

RGS:cjw

NCIIC - SBI 000014

AA.00033.00013 (24)

SBI FILE: 360-M-12-2
ACTIVITY: March 6, 1990
VICTIM: Euther Andrews Manning, AKA: "Rea",
W/F/DOB: 11/03/28
DIC: March 16, 1990
REC: March 21, 1990
TYPE: March 21, 1990
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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AGENT'S NOTE:

During the interview with both Mr. Manning and his daughter, Jackie Kemp, investigators noted that both seemed to quite calm and did not appear to be particularly worried.

RGS:cjw

NCIIC - SBI 000015

AA.00033.00014 (24)

FCSO and the SBI also canvassed the neighborhood, but only found one neighbor, Clay Arnold with any information. Mr. Arnold said he saw a truck back into a road near the Manning residence and then turn and head in the opposite direction from around the time the Victim was reported missing but he could not provide any further detail about the truck. (SBI, 16).

Ms. Manning was found by two members of the search party walking down the side of the road. She was interviewed at the hospital by FCSO and SBI. One of the individuals that found Ms. Manning, Willie Bartholomew, was also interviewed. The report related to both the interview of the Victim and the interview of Bartholomew is provided in full below.

SBI REPORT VICTIM INTERVIEW 3/6/1990

SBI FILE: 360-M-12-2
ACTIVITY: March 6, 1990
VICTIM: Euther Andrews Manning, AKA: "Rea", W/F/DOB: 11/03/28
DIC: March 16, 1990
REC: March 21, 1990
TYPE: March 21, 1990
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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Euther Andrews Manning, W/F/DOB: 11/03/28, AKA: "Rea", Business Address: County of Franklin, Louisburg, North Carolina 27549; Telephone: 919-496-5994, Home Address: Route 6, Box 410, Louisburg, North Carolina 27549; Telephone: 919-853-2641, (Victim)

Interviewed on Tuesday, March 6, 1990, at 8:07 a.m., at the Franklin County Hospital, by SA R. G. Sims and Franklin County Deputy Shirley Dent.

The victim, Mrs. Manning, was found in the Centerville area of Franklin County. She was driven to the hospital to be observed. It was during this time that she was interviewed by SA Sims and Deputy Dent.

Investigators asked Mrs. Manning to recall the events of her kidnapping as accurately as possible. She stated that she had gone to the funeral home and had dropped off her parents and her daughter. She then went home at approximately 9:25 p.m., and when she got out of her car she took her pocketbook and a book, then walked through the back door. She noticed that the porch light was on and a light was on inside the house. The storm door was closed, although the wooden door was open.

She stated she walked in the back door and put the book and the purse on the recliner in the living room. Just about that time, a man stepped out from the French doors, which were located right behind the fireplace in the living. She stated the man had a gun and pointed it at her. The gun was not the gun that she and her husband kept in the house, but was a longer type of gun. She estimated its length to be six (6) or eight (8) inches long. She stated she did not recognize the man, but he was very tall, about six (6) feet or so. He appeared to be a black male with light skin. She stated she did not know what he was wearing, although he had an old brownish colored cap on and was wearing a mask and gloves that appeared to be made of a type of rubber. She stated when she saw him she started to scream and begged him not to kill her.

She told him to take anything he wanted. She stated that he told her that he wanted money and asked where the money was in the house.

At the same time, he grabbed her and was pulling her and she was trying to get away. He eventually brought her back to her bedroom and made her lie face down on the bed. At this time he taped her head, eyes, hands and ankles with duct tape. They were back there for five (5) or ten (10) minutes. She stated she knew her husband was coming home soon, so she tried to stall him while he was doing this by begging him not to take her life and saying other things. She stated that he told her he would not hurt her if she cooperated.

Again he asked her where her money was and she said she did not have any, except some change in the bedroom. The change was located in a plastic container and contained approximately $100.00 in coins. She stated he grabbed this, but did not take anything else, as far as she knew.

He then said he was going to take her with him and said, "We got to go." He grabbed her by the arm, took her down the steps into the carport. She could hear Jackie's dog off in the distance barking loud and in a real high pitch sound. He then put her in the front seat. She thought that he was very nervous. After she was in the front seat, she stated she did not say another word. He got into the car and they started to drive all over the area. She said even though her eyes were taped, she could occasionally see a little bit out of the bottom, and did see a sign that said they were in Molton. She stated she did not know if he knew the roads or not, but she knew in fifteen (15) or twenty (20) minutes they headed back toward Centerville. The reason she said this is that she looked out the tape covering her eyes and saw a sign that said "Centerville, three (3) miles." Mrs. Manning said it was a miracle she saw this sign when she did because right after that they pulled down a dirt path. They had been traveling on the Baden Road and she knew where they were.

She stated that after they pulled down the path off Baden Road, he stopped the car and made her get out of the car. He laid her across the hood of the car and retaped her hands behind her back and made them tighter. He then put her back in the car and taped her feet. While he was doing this, he told her, "I'm going to see if your husband really loves you. What is your phone number?" Mrs. Manning stated she gave him the phone number and then he said, "I'm going to get

$100,000.00. I'm in debt and I'm going to get some ransom money." She stated he did not say much after this. He then said he was getting ready to leave and would return in a half hour. She stated she begged him not to leave her by herself in the car, but he said he would be back in a half hour and he locked the doors and took the keys. He had their key ring which had the initials J.M.E. on them. The keys were Jackie's.

Mrs. Manning stated that she stayed in the car all that night in a state of shock and the man never returned. When it started getting light outside, she stated she took her hands from behind and unlocked the door. She eventually got the tape off her ankles and started walking up the path. She still had the tape around her eyes and mouth. She stated it was cold outside and she walked barefoot for about one-fourth to one-half of a mile to the highway. After she reached the highway, a Kim Stewart from Centerville and another man (Willie Bartholomew) saw her on the side of the road and stopped. They took the tape off her and took her home. She was then rushed to the hospital.

When investigators asked why the man did not take her rings and bracelets, Mrs. Manning stated she did not know. She had on three (3) rings that were worth a considerable amount of money, some necklaces and two (2) gold bracelets. Mrs. Manning also stated that the man took his mask off in the car and he appeared to be a light skinned, good looking black male. She thought he had some type of freckles around his nose. She does not remember seeing a beard or mustache on him, and she does not know what type of hair he had since he wore a hat. She stated he was about 6'1" or 6'2" in height and talked more like a city person than a country person. She stated he talked like he was not from around the area. She also stated that he did not hurt her and did not use any type of profanity. Furthermore, he did not touch her in a sexual manner. Mrs. Manning stated the man did not say much of anything, except that he was "kidnapping her," and never called her by her name. He only asked where her husband was. When he left, he took his mask and the coins with him. She also stated she did not see him take off his gloves.

When investigators asked if it was her anniversary, Mrs. Manning stated that she and her husband were to celebrate their 38th anniversary that night.

000185
NCHC

At this time, a doctor came in to check Mrs. Manning and this interview concluded at 8:45 a.m.

RGS:cjw

000186
NCIIC

SBI REPORT BARTHOLOMEW INTERVIEW 3/9/1990

SBI FILE: 360-M-12-2
ACTIVITY: March 9, 1990
VICTIM: Euther Andrews Manning, AKA: "Rea", W/F/DOB: 11/03/28
DIC: March 16, 1990
REC: March 21, 1990
TYPE: March 21, 1990
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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Willie Frank Bartholomew, W/M/DOB: 09/29/35, Business Address: U. S. Forestry Service, Box 249, Airport Road, Rocky Mount, North Carolina 27804; Telephone: 919-442-1626, Home Address: Route 4, Box 517, Louisburg, North Carolina 27549; Telephone: 919-853-2336, (Witness)

Interviewed on Friday, March 9, 1990, at 9:15 a.m., at the Franklin County Sheriff's Department, by SA R. G. Sims and Detective Pat Green.

Bartholomew, who is employed by the U. S. Forestry Service, was part of the search team looking for the victim.

Bartholomew stated that he and others had been looking for the victim all night. At around 7:00 a.m. on the morning of March 6, 1990, he and Ricky Stewart were looking at some areas around Baden Road near Centerville. While on the Baden road they turned right and as they started driving down Highway 58, Bartholomew stated he spotted the victim, Mrs. Rea Manning. The time was approximately 7:15 a.m. When he saw her she had her hands bound and tied behind her with rope and tape. Her mouth and eyes were also taped. He stated that when he saw her he went over to her and identified himself because he was afraid she might be scared and run back into the woods. As soon as he identified himself, he heard her mumble under the tape, "Get my hands untied." He untied her hands and then helped take the tape off her mouth.

After he did this, she stated, "I'm sure glad to see ya'll." She then stated to him, "They did not harm me in anyway. All they wanted was money." Bartholomew said he thought she used the term "they", but he did not know if she was talking about one (1) or more persons. He also stated that she told them that her mother was probably worried to death about her and how did they find out that she had been kidnapped. Bartholomew stated she seemed overwhelmed by all the people who were looking for her. He stated she appeared to be cold and barefooted. He stated he took her to the house and then left. He stated he also told them she had never been so scared in her life.

NCIIC - SBI 000036

AA 00033.00035 (24)

Bartholomew stated she was just dressed in her blue dress and had no shoes on. She still had all of her jewelry and her bracelets were caught in the tape. She also had some tape wrapped around her ear lobes and it covered part of her earrings.

When asked by investigators about the tape around her hands, Bartholomew reiterated that the tape and rope were tied extremely tight and in his opinion could not have been done by her. In fact, Bartholomew wondered how she opened the door of the car with her hands tied so tightly.

This interview concluded at 9:45 a.m.

RGS:cjw

NCIIC - SBI 000037

AA.00033.00036.(24)

Law enforcement also reviewed the Victim's hospital records which were summarized in a report as saying that the Victim had borderline hypothermia with bruises on her arms from tape and bruises on her legs and ankles from "walking in the woods." (SBI, 28). The Victim participated in reviewing photos in mug books to identify her kidnapper, but she did not identify anyone. The Victim also assisted in creating a partial composite drawing; however, the composite was not complete enough to be distributed. The report and drawing are provided in full below.

SBI REPORT LINE UP AND COMPOSITE 3/9/1990

SBI FILE: 360-M-12-2
ACTIVITY: March 9, 1990
VICTIM: Euther Andrews Manning, AKA: "Rea",
W/F/DOB: 11/03/28
DIC: March 16, 1990
REC: March 21, 1990
TYPE: March 21, 1990
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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PHOTOGRAPHIC LINEUP/COMPOSITE ANALYSIS:

On Friday, March 9, 1990, the victim met with SA R. G. Sims and Detective Pat Green with the Franklin County Sheriff's Department for the purpose of looking through photos to see if the victim could identify the alleged kidnapper. In addition, Detective Green was going to attempt to do a composite of the alleged kidnapper.

The victim looked through the photos in the mug book, but was unable to pick out the perpetrator. In addition, Detective Green attempted to do a composite, but the victim was able to give only a partial description of the suspect. The composite was not complete enough to be distributed.

A copy of the partial composite is being made a part of this investigation.

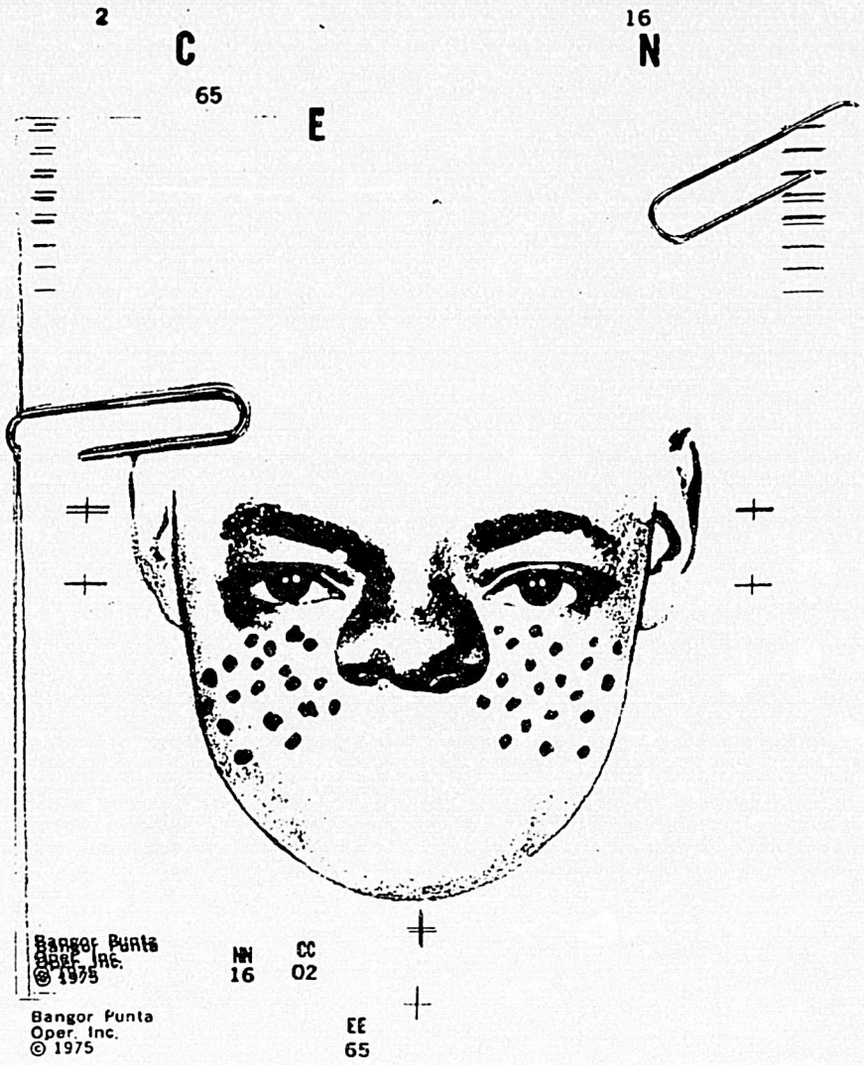
RGS:cjw

(Attachment #4a)

NCIIC - SBI 000034

AA 00033.00033 (24)

ATT #4
360.M.12.L



NCIIC - SBI 000035

AA.00033.00034 (24)

There were two crime scenes in this case processed by the SBI: the Victim's home and the Victim's car and the surrounding area where it was found. The reports and drawings related to the processing of those two scenes are provided in full below, followed by photos taken at both scenes. These reports contain a list of all the evidence collected at the scene. The labels on the photos have been added by Commission staff for context. The Clerk's file contained certain photos with exhibit stickers which indicated they were used at trial and that is noted on the picture where applicable. No forensic analysis was done in the initial investigation.

REPORTS AND DRAWINGS RELATED TO CRIME SCENE PROCESSING

SBI FILE: (593)RML90DM012
360-M-12-2
ACTIVITY: March 5, 1990
VICTIM: Euther Andrews Manning
DIC: April 5, 1990
REC: April 6, 1990
TYPE: April 9, 1990
COPIES: (1) Records; (2) SA D. G. McDougall; (3) Supervisor R. P. Hawley; (4) SA Rick Sims; (5) District Attorney David Waters

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CRIME SCENE:

To reach the crime scene, travel Highway 401 North from Raleigh to Louisburg. Take Highway 561 North from Louisburg, approximately five miles to Route 6, Box 410, Louisburg, North Carolina. The crime scene was the home of Euther Andrews Manning. It was a single story, detached, single family dwelling, constructed primarily of brick, and located on approximately a one acre lot. An open carport was attached to the rear of the residence. The floor of the carport area was constructed of concrete. White bannisters bordered each side of the stairwell, which led into the house from the carport area.

The den area was furnished with well constructed furniture. The den floor was covered with a high quality, tan carpet. A cigarette burn was noted approximately in the middle of the den carpet.

An organ and its bench, were noted in the northeast corner of the den area. A pocketbook, believed to be that of the victim's, was noted on the organ bench. A pair of women's shoes were noted on the den floor toward the southeast corner of the room near the back door. A pair of women's glasses and a woman's watch was on a table located next to the south wall of the den.

The master bedroom, described in the crime scene sketch as bedroom #1, was reached by entering a hallway area from the den. Once in the hallway area, a bathroom was observed to the left. Bedroom #1 was located in the southwest corner of the room. Bedroom #1 was furnished with expensive looking cherry furniture. The curtains and bedspread, which matched, were a trimmed off-white color and appeared to be very expensive. A chest of drawers, which was located in the southwest corner of bedroom #1, had two of its top drawers partially pulled out. A plant and several small framed pictures, which appeared to have been undisturbed, were noted on top of the chest of drawers.

NCIIC - SBI 000039

AA.00033.00038.(24)

The back to a pierced earring was observed on the floor of bedroom #1, near the doorway. Several small pieces of what appeared to be used tissue (Kleenex) were on the floor near the southeast corner of the bed in bedroom #1. Also at the southeast corner of the bed was a piece of duct tape, approximately 6" in length, which was on the carpet, face down. Further examination of the duct tape indicated that a red lipstick-like substance was on the adhesive side of the tape. A dark red blood-like stain, approximately a quarter of an inch wide was observed on the bedspread, approximately 5' from the head of the bed on the east side.

Dirt was observed on the floor in front of the chest of drawers.

The windows of bedroom #1 were covered with mini-blinds, which were partially closed. The bed in bedroom #1 was made up. The bed covers, including the bedspread, did not appear to have been disturbed. Bathroom #1 was reached by leaving bedroom #1 and walking toward the den area. Bathroom #1 was neat and clean. Some dirt, similar to that which was observed on the floor of bedroom #1, was noted on the floor of bathroom #1. A partial footwear impression was observed on the floor near the commode near the east wall of the bathroom.

The remaining areas of the home were clean and well furnished. No sign of struggle or disturbance was noted in the remaining areas of the home.

Crime scene #2 was the victim's vehicle, a 1984 Ford LTD wagon, white in color, with wood grain sides, VIN #1FABP4033E6157628 and North Carolina registration CTK-663. The crime scene was located approximately five miles from the victim's home, off Route 6, Louisburg, and approximately 714' from Veyton Road behind a house trailer. The vehicle was located in a heavily wooded area on a dirt road. The right passenger door of the vehicle was open approximately sixteen inches. The ashtray was full of cigarettes. Approximately 6' from the driver's side of the vehicle, a tissue-like material was noted in the weeds. The driver's seat of the vehicle was in the forward position. A black scarf was observed on the dirt road approximately 33' to the rear of the vehicle. Dark clothing was noted on the floorboard of the front passenger side of the vehicle.

DGM/mbr

NCIIC - SBI 000040

AA.00033.00039 (24)

SBI FILE: (593)RML90DM012
360-M-12-2
ACTIVITY: March 5, 1990
VICTIM: Euther Andrews Manning
DIC: April 5, 1990
REC: April 6, 1990
TYPE: April 9, 1990
COPIES: (1) Records; (2) SA D. G. McDougall; (3) Supervisor R. P. Hawley; (4) SA Rick Sims; (5) District Attorney David Waters

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CRIME SCENE SEARCH:

At approximately 11:30 p.m., on Monday, March 5, 1990, SA McDougall was contacted by SA Sims, and advised that Sergeant Pat Green of the Franklin County Sheriff's Department had requested technical assistance in conjunction with an alleged kidnapping, which had occurred in Franklin County earlier on the evening of March 5, 1990. SA McDougall arrived at the scene at approximately 12:30 a.m., Tuesday, March 6, 1990. The crime scene search (crime scene #1) began at approximately 12:45 a.m., Tuesday, March 6, 1990 and was conducted by SA D. G. McDougall. Also present was SA Sims and Sergeant Pat Green of the Franklin County Sheriff's Department.

Members of the Manning family were in the den and kitchen areas during the crime scene search. The area of bedroom #1, bedroom #2, bathroom #1, and the hallway, were roped off with crime scene tape. Integrity of those areas appeared to be good.

Weather during the crime scene was as follows: In the early morning hours of Tuesday, March 6, 1990, the temperature was in the sixties. Skies were clear.

Exterior and interior photographs of the crime scene were taken by SA McDougall. A crime scene sketch of the exterior and interior of the residence was done by SA McDougall.

The crime scene search was conducted with available light and the use of hand held flashlights, as well as the use of interior illumination.

The crime scene search (crime scene #1) ended at approximately 5:30 a.m., Tuesday, March 6, 1990.

Crime scene #2 was a 1984 Ford, LTD wagon, white in color, North Carolina registration CTK-663, VIN 1FABP4033E6157628. The crime scene was located at Route 6, Louisburg, off the Veyton Road. The vehicle was in a heavily wooded area

NCIIC - SBI 000041

AA.00033.00040 (24)

approximately five miles from the victim's home and approximately 714' from the road behind a house trailer.

The crime scene search began at approximately 8:00 a.m., on Tuesday, March 6, 1990, and was conducted by SA McDougall at the request of Sergeant Pat Green of the Franklin County Sheriff's Department.

Security at the scene had been maintained by Deputy Ted Horton, Deputy Kent Winstead, and Sergeant Pat Green of the Franklin County Sheriff's Department. The integrity of the crime scene appeared to be excellent.

Weather conditions at the crime scene were as follows: Temperature at that time was in the 50's and the skies were partly cloudy.

The crime scene search was conducted with the use of available daylight conditions.

Photographs were taken by SA McDougall.

The crime scene search ended at approximately 10:10 a.m., Tuesday, March 6, 1990.

DGM/mbr

NCIIC - SBI 000042

AA.00033.00041 (24)

SBI FILE: (593)RML90DM012
360-M-12-2
ACTIVITY: March 5, 1990
VICTIM: Euther Andrews Manning
DIC: April 5, 1990
REC: April 6, 1990
TYPE: April 9, 1990
COPIES: (1) Records; (2) SA D. G. McDougall; (3) Supervisor R. P. Hawley; (4) SA Rick Sims; (5) District Attorney David Waters

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EVIDENCE COLLECTED FROM THE CRIME SCENE:

(Crime scene #1)

Item #1 - Hair and fiber tapings from the bedspread in bedroom #1.

Item #2 - An earring back from the floor of bedroom #1.

Items #3 through #5 - Hair and fiber tapings from the floor of bedroom #1.

Item #6 - Duct tape from the floor of bedroom #1.

Item #7 - Bedspread (comforter) from the bed in bedroom #1.

Item #8 - Small pieces of tissue from the floor of bedroom #1.

Item #9 - A footwear impression from the floor of bathroom #1.

Item #10 - Dirt samples from the floor of bathroom #1.

Item #11 - Palm print from the sink in the bathroom in bathroom #1.

Item #12 - Latent lifts from the sink in bathroom #1.

(Crime scene #2)

Item C-1 - Cigarette butts from the Ford LTD station wagon.

Items C-2 through C-9 - Hair and fiber tapings from the interior of the Ford LTD station wagon.

Item C-10 - Latent lifts from the Ford LTD station wagon.

Item C-11 - Kleenex from the Ford station wagon.

DGM/mbr

NCIIC - SBI 000043

AA.00038.00042 (24)

SBI FILE: (593)RML90DM012
360-M-12-2
ACTIVITY: March 5, 1990
VICTIM: Euther Andrews Manning
DIC: April 5, 1990
REC: April 6, 1990
TYPE: April 9, 1990
COPIES: (1) Records; (2) SA D. G. McDougall; (3) Supervisor R. P. Hawley; (4) SA Rick Sims; (5) District Attorney David Waters

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CRIME SCENE SKETCH:

DGM/mbr

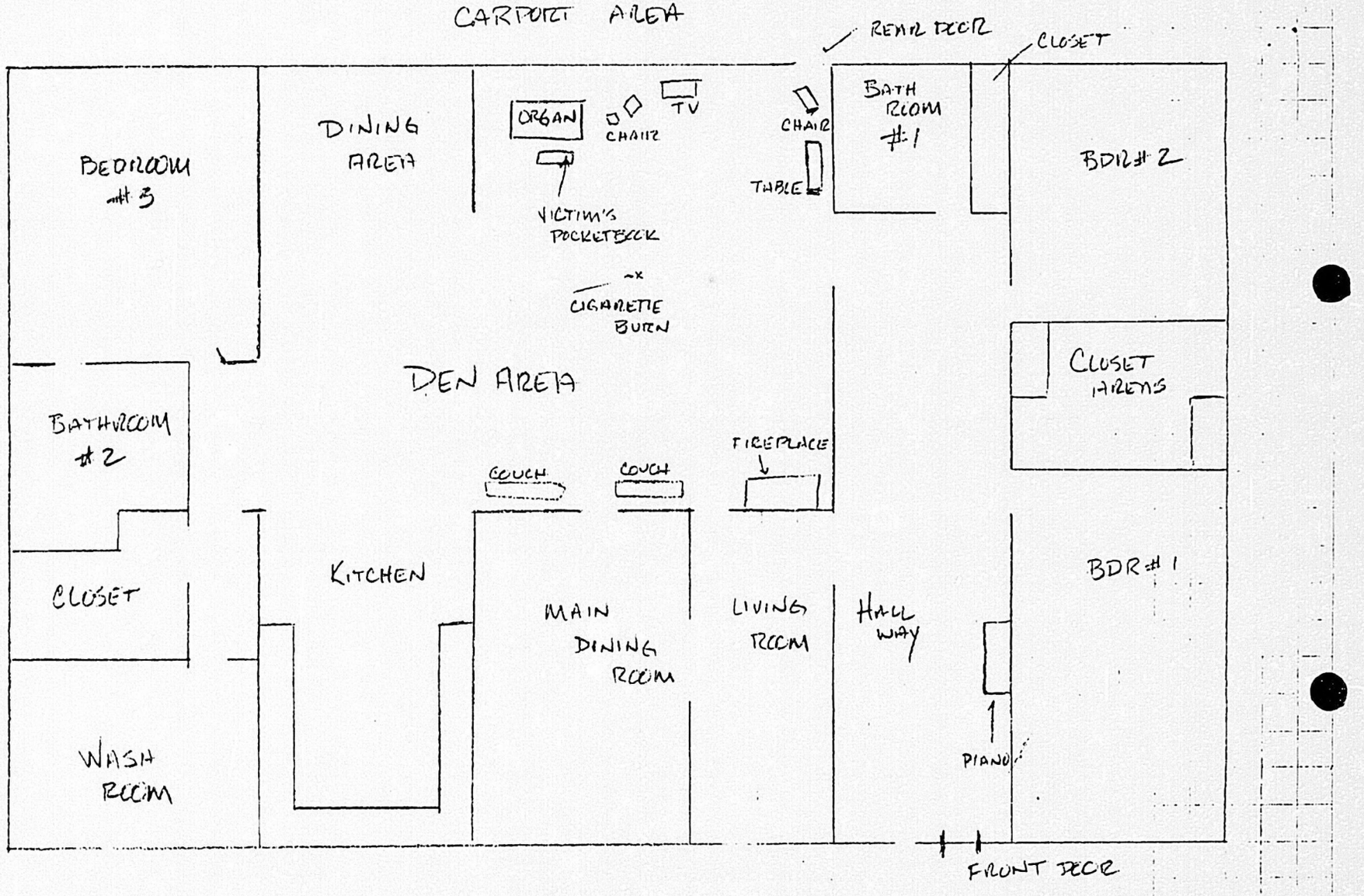
(Attachment)

NCIIC - SBI 000044

AA.00033.00043 (24)

AA.00033.00044 (24)

VICTIM MANNING RT 6 BOX 410 LOUISBURG

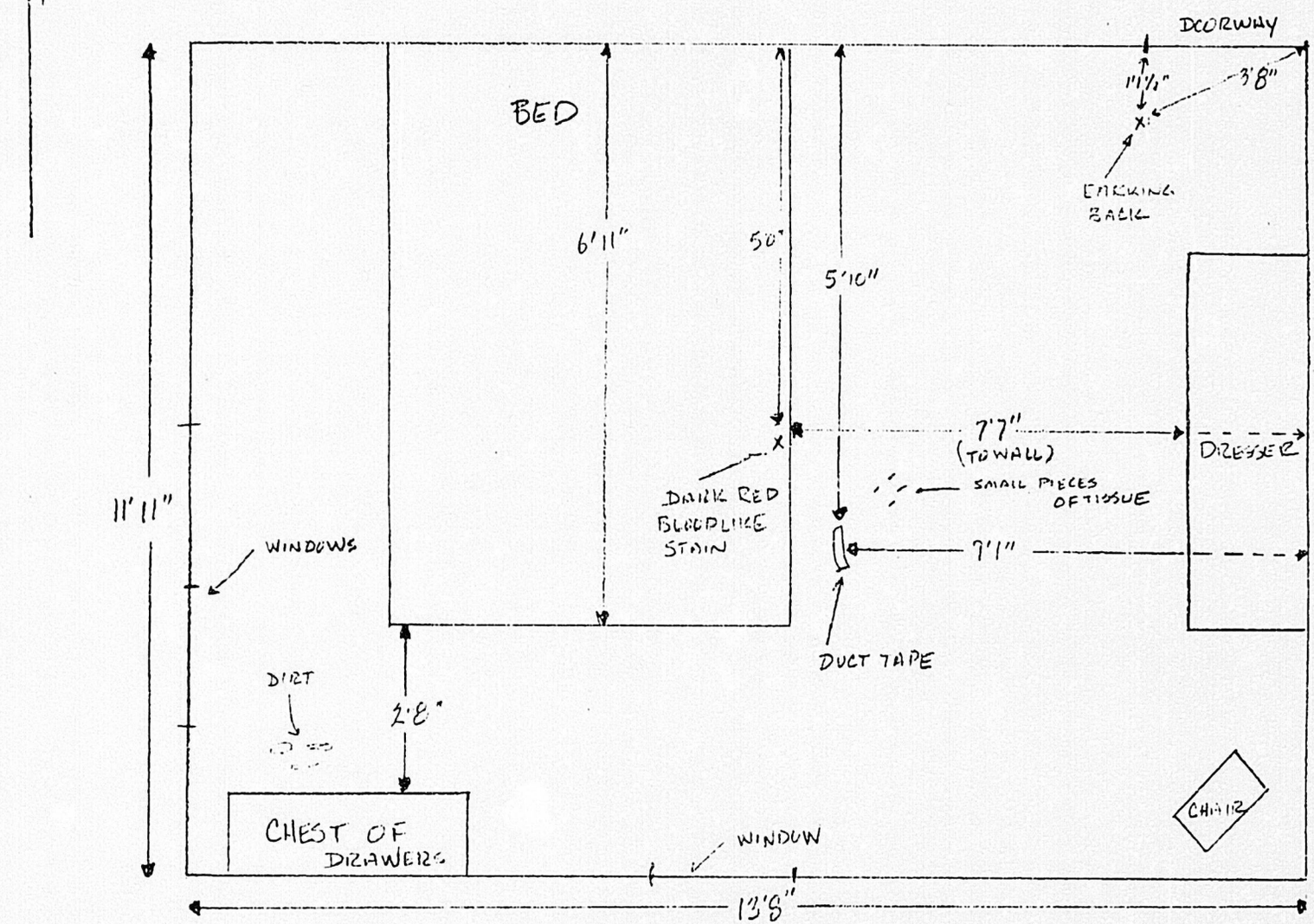


D.G. MCDOUGALL, SBI
593RMLADTM012
360-M-12-2
* NOT TO SCALE

NCIIC - SBI000045

AA.00033.00045.(24)

VICTIM MANNING



BEDROOM #1

D.G. MC DOUGALL, SBI
593RML90DM012
360-M-12-2

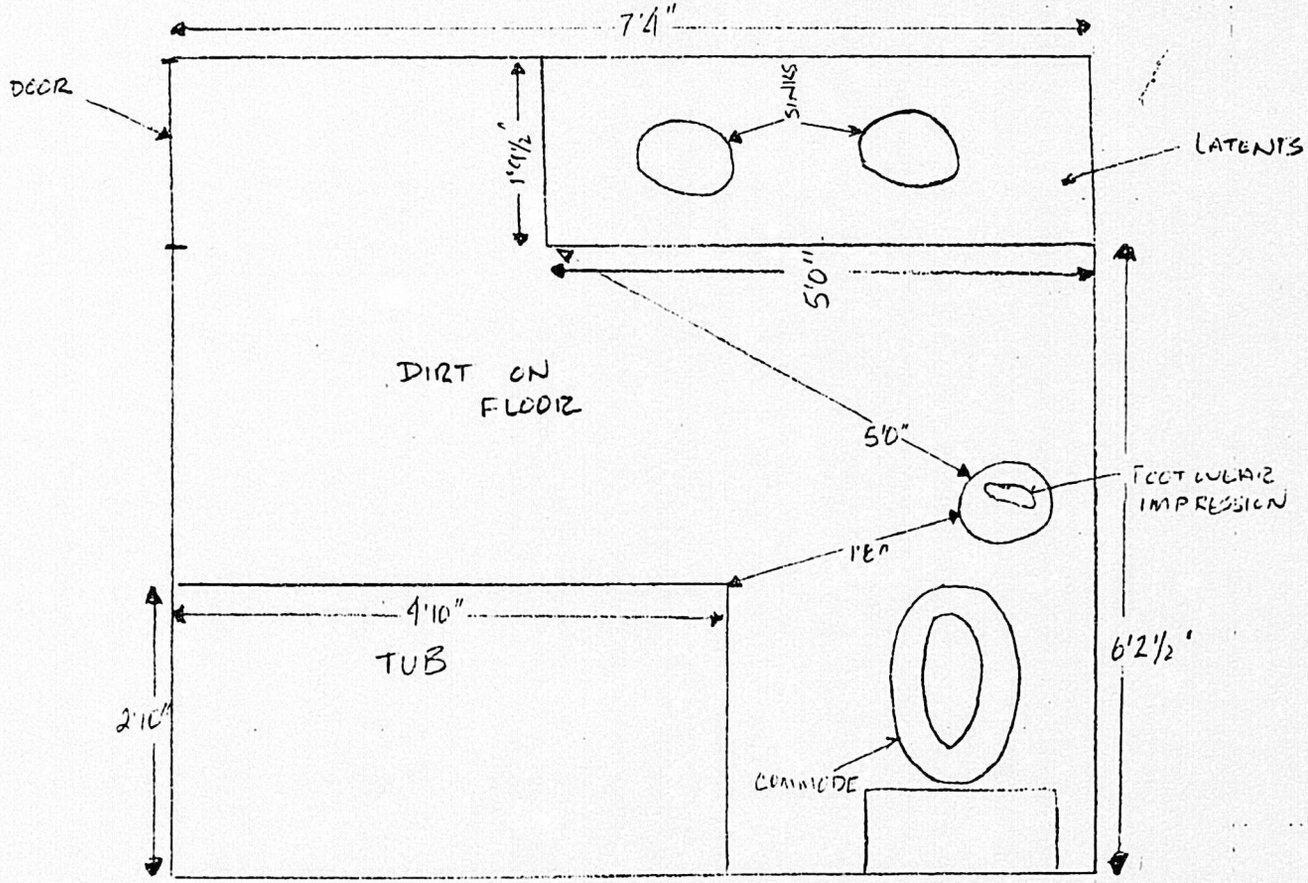
*NOT TO SCALE

NCIIC - SBI 000046

AA_00033.00046 (24)

VICTIM MANNING BATHROOM

N



DG MC DOUGALL
593 RML 90 DM 012
360-M-12-2

* NOT TO SCALE

NCIIC - SBI 000047

SELECT PHOTOS FROM CRIME SCENES

Carport Entrance of Victim's Home -- Where she entered night of kidnapping

Hallway
Leading to
Bedroom
Carport Entrance from Inside of
Victim's Home

Bathroom of Victim's home

Bedspread showing red spot

STATE'S EXHIBIT 7

Victim's Bedroom
STATE'S EXHIBIT 8

Bedspread with red spot

Cigarette Burn in Den Carpet

Dresser in Bedroom

STATE'S EXHIBIT 6

CENTERVILLE BEAUTY SALON

CENTERVILLE BEAUTY SALON

Doors leading to
next room with
white fireplace

STATE'S EXHIBIT 5

CTK 663
NORTH CAROLINA

STATE'S EXHIBIT 10

STATE'S EXHIBIT 11

FORD
F O

There are records in the SBI file that indicate that there was suspicion, at least on behalf of the SBI, that the Victim was not being truthful about her robbery and kidnapping. The SBI polygraphed the Victim and the results indicated no deception. The reports related to this suspicion and the polygraph are provided in full below.

SUSPICION OF VICTIM AND POLYGRAPH

STATE BUREAU OF INVESTIGATION

INITIAL REPORT

SH

FILE NUMBER	TYPE OF INVESTIGATION	NAME-TITLE AGENCY REQUESTING ASSISTANCE
360-M-12-2	Abduction	Sheriff A. Johnson/Franklin Co. SO

DATE	TIME	LOCATION OF OFFENSE	CITY-TOWN	COUNTY
2/5/90	App. 10PM	Rt. 6, Box 410	Centerville	Franklin 35

NAME(S) OF VICTIM(S)	RACE, SEX, AGE OR TYPE OF BUSINESS	D.O.B.	MAJOR OFFENSE AGAINST VICTIM	LOCATION (IF NOT SAME AS ABOVE)
P Euther Andrews E Manning	W/F	11/3/28	Abduction	

SUSPECT(S)	RACE, SEX, AGE	D.O.B.	OTHER DESCRIPTIVE DATA
None			

RECEIVED
MAR 8 1990
SBI
CAPITAL DISTRICT

WEAPONS OR TOOLS USED	VEHICLE(S) USED BY SUSPECTS DURING OFFENSE
Gun	84 Ford LTD Station Wagon, Tag # CTK663NC (Victim's Vehicle)

SYNOPSIS:

The above victim stated she was surprised and abducted by an unknown black male who she stated entered her residence and waited for her to come home. He taped her hands and feet and then drove her to a secluded area in her vehicle. She stated that the alledged kidnapper then told her he was going to demand $100,000 from her husband. He then left and did not return. According tot the victim, she eventually freed herself and sought help.

A strong possibility exists that the victim fabricated the story. None of the expensive jewery the victim was wearing was taken. Her home was not ransacked, and she did not appear to be hurt or emotionally distraught. In addition, her story about the abduction kept changing. Investigators hope to polygraph the victim before pursuing this investigation further.

RECEIVED
MAR 8 1990
SBI RECORDS

3/7/90
DATE INITIATED

RG Sims RG Sims
SPECIAL AGENT

SBI 10 (10/86)

CONTINUATION SHEET ( ) NO ( ) YES

NCIIC - SBI 000002

AA.00033.00001 (24)

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

3320 OLD GARNER RD.
P.O. BOX 29500
RALEIGH 27626-0500

LACY H. THORNBURG
ATTORNEY GENERAL

ROBERT MORGAN
DIRECTOR

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

FILE NUMBER:	360-M-12-2
DATE OF REPORT:	September 4, 1990
VICTIM:	Euther Andrews Manning, AM W/F/DOB: 11/03/28
TYPE OF CASE:	Abduction
CITY:	Centerville
COUNTY:	Franklin
SUSPECT:	None ✓
STATUS:	Pending
REPORT COVERS PERIOD:	March 7, 1990 - September 4, 1990
REPORT MADE BY:	Senior Agent R. G. Sims:cjw
RECEIVED WPC:	September 12, 1990
TRANSCRIBED:	September 14, 1990
COPIES TO:	Supervisor R. P. Hawley Honorable David R. Waters, District Attorney

NCIIC - SBI 000005

AA.00033.00004 (24)

360-M-12-2

SYNOPSIS:

The victim, Euther Andrews Manning, white female, date of birth: November 3, 1928, was abducted by an unknown black male, who she stated entered her residence and waited for her to come home. He taped her hands and feet and then drove her to a secluded area in his vehicle. She stated that the alleged kidnapper then told her he was going to demand $100,000.00 from her husband. He then left and did not return. According to the victim, she eventually freed herself and sought help.

Although it was suspected that the victim may have fabricated the story, she was polygraphed and passed on her statement; however, despite interviews and leads, no suspect has been established up to this point.

This investigation is continuing.

RGS:cjw

NCIIC - SBI 000006

AA.00033.00005 (24)

SBI FILE: 360-M-12-2
ACTIVITY: March 26, 1990
VICTIM: Rhea Manning, W/F
DIC: March 27, 1990
REC: March 30, 1990
TYPE: April 2, 1990
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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CONTACT WITH VICTIM RHEA MANNING REFERENCE POLYGRAPH:

On Monday, March 26, 1990, SA Sims contacted Mrs. Rhea Manning in order to determine if she wanted to take the polygraph test on March 27, 1990. Mrs. Manning stated she had just gotten back to work full time and would be very inconvenienced to take a polygraph test at this particular time.

RGS:cjw

NCIIC - SBI 000038

AA.00033.00037 (24)

SBI FILE: 360-M-12-2
ACTIVITY: May 18, 1990
VICTIM: Euther May Manning, W/F,
DOB: October 17, 1926
DIC: May 25, 1990
REC: June 1, 1990
TYPE: June 1, 1990
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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POLYGRAPH REPORT:

On Friday, May 18, 1990, the victim in this investigation, Euther May Manning, was driven to the SBI Polygraph Section in order to be administered a polygraph examination by SA Ron Keane.

The following questions were asked of Ms. Manning:

(1) "Have you told the complete truth in your statement?

(2) Have you intentionally left out any details from your statement?

(3) Have you made up any part of your statement?"

Ms. Manning answered "yes" to the first question and "no" to questions #2 and #3. No deception was indicated.

RGS:kb

(Attachment #6)

NCIIC - SBI 000050

AA.00033.00049 (24)

No suspects appear to have been developed in the initial investigation in the case besides Kenneth Evans. It is not entirely clear based on the information available how Evans became a suspect. He was first interviewed on 4/12/1990 by law enforcement and denied involvement. The handwritten notes related to that interview are provided in full below. There are no other reports related to that interview.

EVANS INTERVIEW 4/12/1990

Kenneth Evans.

4-12-90

4:15 P.M.

4-12-90. 4:16 P.M.

Kenneth Evans stated that he was in fact on the Veyton Rd on the night Mrs. Manning was kidnapped and that he was at Tokay Georgia store playing pool. He stated that he didn't know no woman and that he knew Mrs. Manning.

During this initial investigation, the records available show that Gregory Phelps, who was in jail with Evans, was interviewed by law enforcement on 4/17/1990 and said Evans implicated himself in a kidnapping. Handwritten notes related to Phelps' information in the case are provided in full below.[4]

[4] There is also mention in Evans' polygraph report that Evans was being polygraphed because an anonymous informant of FCSO stated on April 18, 1990 that Evans told the confidential informant he had kidnapped the Victim. In our deposition of Pat Green from FCSO, he said he believed that this anonymous source was Gregory Phelps.

NOTES FROM GREGORY PHELPS

NCIC
0000018

72546
72472

4-17-90.

Gregory Albert Phelps
D.O.B. 6-13-63
Franklinton
w/m.

I got locked up 3 weeks from Tomorrow. Kennetth Leon Evans has been talking about kidnapping a old Lady, when I Got locked up. ON Thursday of Last week when you got him out he came back to the cell he said he first went up to the store and he and another guy went to the house with a 38 revolver. they thought she had plenty of money but she didn't have but $125.00 cash money. He said they gagged her and they drove the car. The other guy drove the car. The took a left at stop sign and made another left and then went down road made another 2 lefts. left and turned right down a Path. They said they didn't tie her up they gagged her mouth. He said he was wearing Something over his head.

He told trustee Eddie Roy Moore right after he came back into cells - Call somehouse it was coming down. gave him a number.

Evans was polygraphed on April 20, 1990 and the results showed no deception. The SBI report outlining the questions asked and the results is provided in full below.

4/20/1990 POLYGRAPH OF EVANS

SBI FILE: 360-M-12-2
ACTIVITY: April 20, 1990
VICTIM: Rhea Manning, W/F
DIC: May 5, 1990
REC: May 17, 1990
TYPE: May 17, 1990
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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POLYGRAPH REPORT REFERENCE KENNETH LEON EVANS, B/M/DOB: 01/23/64:

On Friday, April 20, 1990, at approximately 9:00 a.m., Kenneth Leon Evans was driven to the SBI Polygraph Section in Garner by SA R. G. Sims and Detective Pat Green of the Franklin County Sheriff's Department. Evans was being polygraphed because an anonymous informant of the Franklin County Sheriff's Department stated that on the previous Wednesday (April 18, 1990), Evans had told this confidential informant that he had "kidnapped Mrs. Manning."

Evans was briefly interviewed at that time by Detective Pat Green, but denied making that statement. Evans eventually agreed to take a polygraph examination.

The following questions were asked of Mr. Evans:

1) "Did you force Mrs. Manning from her home?

2) Did you pull a gun on Mrs. Manning?

3) Did you tie up Mrs. Manning?"

Evans answered no to all three (3) questions and did not show any deception.

RGS:cjw

(Attachment #5)

There are no other records that Commission staff has been able to gather that indicate anything further was done during the initial investigation. The SBI returned the evidence to FCSO on October 11, 1990 (SBI, 52) and there was a meeting between the SBI and FCSO in February 1991 that indicated the SBI was closing the case.[5] That report is provided in full below.

[5] Though we do not have a report from FCSO, FCSO Detective Green indicated in his Commission deposition that the case was never closed with FCSO prior to the arrest and conviction of Evans.

SBI REPORT CLOSING CASE 2/12/1990

SBI FILE: 360-M-12-2
ACTIVITY: February 12, 1991
VICTIM: Euther Andrews Manning, AKA: "Rea"
DIC: February 14, 1991
REC: February 20, 1991
TYPE: March 4, 1991
COPIES: (1) Records; (2) SA R. G. Sims; (3) Supervisor R. P. Hawley; (4) District Attorney David R. Waters

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CONFERENCE WITH DETECTIVE PAT GREEN, FRANKLIN COUNTY SHERIFF'S DEPARTMENT:

On Tuesday, February 12, 1991, SA Sims and Chief Investigator Pat Green with the Franklin County Sheriff's Department discussed the status of the kidnapping case reference "Rea" Manning.

Despite "Crime Stoppers" reward money and numerous interviews, neither Detective Green nor SA Sims could develop any further leads in reference to this case. In addition, the victim, Ms. Manning, was unsure about her attacker and could not even identify if the attacker was black or white.

Because of this information, SA Sims advised Detective Green this case would be closed, and if further leads developed, it would be reopened.

RGS:cjw

NCIIC - SBI 000053

AA.00033.00052 (24)

VI. Kenneth Evans' Criminal History Leading Up to 1992 Reinvestigation

Rape – Victim Debbie Drake

Evans was arrested for this crime on 9/20/1992.

Certain documents related to the SBI investigation in to Ms. Drake's rape are provided below.

Debbie Drake SBI Interview

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

Evans' defense attorney file further indicates that Evans initially denied involvement in the rape but ultimately pled guilty in March 1993 to 2nd Degree Rape, 1st Degree Burglary, two counts of Breaking and Entering, and Larceny. (Clerk, 390)

Evans has not applied to the Commission regarding this crime and in an interview with Commission staff admitted his guilt to this crime.

MEMO TO EVANS REGARDING PLEA

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

EVANS 9/8/1992 STATEMENT

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

EVANS 9/21/1992 HANDWRITTEN STATEMENT

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

ATTORNEY NOTES FROM MEETING WITH EVANS

SEALED BY ORDER OF THE COURT

Evans' Other Convictions During this Time Period

Evans was also convicted for two separate counts of both felony breaking and entering and larceny over $200 dollars with offense dates 9/3/1992 and 9/15/1992. The 9/3/1992 (93 CR 660) charge is related to a breaking and entering and larceny of State Senator James Speed's storage shed where chainsaws were stolen. The 9/15/1992 (93 CR 659) charge related to a breaking and entering of larceny of the residence of Robert Hardy where various items were stolen. Evans pled guilty to both the Drake case and these two cases. The plea transcript related to all three cases is provided in full below.

Plea Transcript Drake Case, Hardy Case, Speed Case

93 CRS 659, 660

STATE OF NORTH CAROLINA

File No. 92 CRS 4717, 4718, 4719

Franklin County

In The General Court Of Justice
☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

Kenneth Leon Evans

TRANSCRIPT OF PLEA

G.S. 15A-1022

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

	Answers
1. Are you able to hear and understand me?	Yes
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you?	Yes
3. Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other intoxicants?	No
(a) When was the last time you used or consumed any such substance? Medicine for pain 3 hours ago	
4. Have you discussed your case fully with your lawyer and are you satisfied with his legal services?	Yes
5. (a) Do you understand that you are pleading (guilty) (no contest) to the felonies of second degree rape, first degree burglary, two counts of breaking or entering and larceny?	Yes
5. (b) Do you understand that you are pleading (guilty) (no contest) to the misdemeanors of _____?	N/A
6. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge?	Yes
7. Do you understand that upon your plea you could be imprisoned for a possible maximum sentence of 30 years _____ months (and that the mandatory minimum sentence is 14 years _____ months) (or you could be fined up to $_____) (or you could be both imprisoned and fined)?	Yes
8. Do you understand that you have the right to plead not guilty and be tried by a jury and at such trial to be confronted with and to cross-examine the witnesses against you, and by this plea you give up these and your other constitutional rights relating to trial by jury?	Yes
9. Do you understand that, if you are not a citizen of the United States of America, this plea may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law?	N/A
10. Do you now personally plead (guilty) (no contest)?	Yes
11. (a) *(if applicable)* Are you in fact guilty?	Yes
(b) *(if applicable)* Do you understand that upon your plea of no contest you will be treated as being guilty whether or not you admit your guilt?	N/A
12. Have you agreed to plead as a part of a plea arrangement? Before you answer, I advise you that the Courts have approved plea negotiating, and if there is such, you may advise me truthfully without fear of incurring my disapproval.	Yes

AOC-CR-300
Rev. 7/91

(Over)

13. *(If applicable)* The prosecutor and your lawyer have informed the Court that these are all the terms and conditions of your plea. **Answers**

All cases shall be consolidated for the purpose of judgment. Defendant shall receive a sentence of 40 years. The charge of assault with a deadly weapon, inflicting serious injury and the habitual felon indictment shall be dismissed. Defendant shall receive credit for time served awaiting trial. ~~Defendant will not be eligible for parole prior to 85% of sentence~~ at expiration.

(a) Is this correct as being your full plea arrangement? Yes

(b) Do you now personally accept this arrangement? Yes

14. (Other than the plea arrangement between you and the prosecutor) has anyone made any promises or threatened you in any way to cause you to enter this plea against your wishes? NO

15. Do you enter this plea of your own free will, fully understanding what you are doing? YES

16. Do you have any questions about what has just been said to you or about anything else connected with your case? NO

I am 29 years of age and have completed the 12th grade of school. *(List any additional education, if applicable.)*

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

SWORN AND SUBSCRIBED TO BEFORE ME	*Date* 3 - 3 - 93
Date	*Signature Of Defendant*
Signature Of Deputy Or Assistant CSC	*Name Of Defendant (Type Or Print)* Kenneth Lee Evans

CERTIFICATION BY LAWYER FOR DEFENDANT

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

Date	*Signature Of Lawyer For Defendant*

CERTIFICATION BY PROSECUTOR

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated above, if any, are the terms agreed to by the defendant and his lawyer and myself for the entry of the plea by the defendant to the charge in this case.

Date	*Signature Of Prosecutor* Doug Mann

PLEA ADJUDICATION

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

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

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

Date	*Signature Of Presiding Judge*

AOC-CR-300
Rev. 7/91

Judge gave time at expiration of sentence

000391
NCIIC

VII. 1992-1993 Law Enforcement Investigation

Evans was arrested and charged in the Drake case on 9/20/1992. On 10/8/1992, FSCO Detective Pat Green interviewed Larry Davis, who had been incarcerated with Evans, regarding the Manning case. Based on the records Commission staff has been able to gather, this appears to be the first action on the Manning case since the 1991 meeting between FSCO and the SBI where the case was essentially closed by the SBI. It does not appear that the SBI was involved in all of this later re-investigation and the SBI file only contains reports related to a 1993 interrogation of Evans and a 1993 interview of JoAnn Clemonts.[6] All documents that Commission staff could gather concerning this 1992-1993 law enforcement investigation are provided in this section.

In the October 1992 interview with Davis, Davis told Detective Green that Evans had told him that he kidnapped an older white lady from Centerville and stole her car. Law enforcement interviewed Davis again on 3/8/1993. The only available documents regarding this interview are the handwritten notes as well as the handwritten report. All documentation related to interviews with Larry Davis is provided below.

[6] Throughout the documents, Ms. Clemonts name is spelled as Clemmons, but she indicated to Commission staff the proper spelling is Clemonts.

Interviews of Larry Davis 10/8/1992 and 3/8/1993

Larry Dowin

10-8-92
8:27 Am.

Kenneth was talking about climbing out window from jail. Kenneth told me that would look some kin (blood) that we didn't have anything on him. Kenneth told me earlier that he had raped a white woman.

Joann Clemmons — Kenneth Sidfield

Arthur Capton
Burg Hargett.

Lewisburg.

Donnell. trailer. Light blue house. Purple & black Camis 45 cal. in back.

Roberto — Lee Dix

Shelton Smith
Lee at Crows house.

Walt Christopher - 13 cent

Billy Glenn Soloman
Hated that Kenneth
Evans.
Carol + Billy Glenn home
the next day with a whole
Bunch of quarters.

Kenneth told Billy
Glenn Soloman that
he took Lady in woods
and took her
Bag off her.

Percell Richardson
shot in head
twice found.

NCIIC
0001112

DR

Larry Darnell Davis
B/M DOB 7-11-63
514 Glenn St
Louisburg N.C.

Date 10-8-92
time 8:27 AM.

Interview with Davis
Conducted by Det. Patterson

Larry Davis came to the Sheriff's Dept after being released from jail and stated to me the following.

Davis stated that while he was in jail (upstairs), Kenneth Evans had told him that he was planning to climb out one of the windows of the jail when he was taken out to visit. Davis went on to say that Evans told him that the jailers take him out after he visits and he walks around for several minutes in the back before the jailers put him back in the cell. Davis stated that he and Kenneth talked together alot, because he and Kenneth were friends. Davis stated that Kenneth had told him while in jail together that he had raped a white woman and had broke in her house in Louisburg.

NCIC
0001113

(5)
Davis, Larry

Davis stated that Evans was talking about the police catching his blood and hair, he was stating that the Police didn't have nothing on him. Davis went on to say that Evans began talking about kidnapping an older white lady from Centerville and that he stole her car, and was bragging about tieing her up, and covering her eyes up so she couldn't see who he was. Evans went on saying to Davis that he (Evans) had a hose of some type over his face, and that the woman couldn't tell who he was. Evans also told Davis that he stole money from the lady along with her car. Evans also stated that the car got low on gas and that he parked car in woods and left the woman in the car and he (Evans) left on foot.
Davis stated that Evans told him the woman lived in Centerville N.C, and was a older white woman.

8-5-93
1:30 p.m.

He was walking around, having DTs,
he saw him at the pool rooms
& told me he had
did something & this woman
got pool tickets for up woods.
He found money. - Continued
a white woman. He lived in
the field. He
in jail that he
a white woman
& stood
him, he had
LP over face"

Kenneth said that he kidnapped her at gold white Lady and he stole her car and took her car keys, left her in woods. And the car was almost out of gas.

NCIIC
000114

PAT GREEN, Sheriff's Dept.
2nd interview. Larry DAVIS

3-5-93 1:50 P.M.

I was in jail with Kenneth Evans. He (Evans) told me that the police couldn't pin him with a kidnapping because the woman couldn't see him. I asked Kenneth what was he talking about, he stated that he had kidnapped a older white woman in Centreville and tied her up and left her in the woods. Evans told me that he stole her car also and left that in the woods with her because it was almost on empty (out of gas). Evans also told me that he had gotten some money from the old lady. He said that the woman couldn't see him because he had covered over his face and that he put something over her eyes. He told me that he left her in the woods and he left on foot.

The law enforcement investigation into Evans as a suspect in the Manning case also included interviews of JoAnn Clemonts[7], Evans' ex-girlfriend. Clemonts dated Evans starting sometime in 1987. It is somewhat unclear when Clemonts and Evans broke up, but by the time of her interview with law enforcement they were no longer in a relationship.[8] Clemonts was interviewed by law enforcement on 3/24/1993. The SBI reports from these interviews are provided in full below.

[7] Appendix A is a chart related to the statements made throughout the case by JoAnn Clemonts as a guide to her various statements. The reports or notes Commission staff has from her various statements are provided where her statements are discussed throughout the brief.

[8] The timeline of the relationship between Clemonts and Evans is relevant as it relates to Clemonts' claim that Evans borrowed her car to potentially commit this crime on 3/5/1990. Commission staff will testify further as to their attempts to narrow down the timeline of this relationship, but Commission staff has not been able to narrow this to a specific date. Clemonts said in her interviews with law enforcement (provided below) that she and Evans broke up in "mid-1990" but later told Evans' defense attorneys that she and Evans broke up in 1989. (Ballance File 23). Clemonts was in a relationship with Linwood Earl Williams after Evans. According to Williams in an interview with the defense PI, he and Evans had a "falling out" over Clemonts in 1989, which would suggest that Evans and Clemonts relationship was over before 1990. (Ballance File 119-121, 710-713).

Clemonts' Interview with Law enforcement

SBI FILE: 360-M-12-2
ACTIVITY: April 21, 1993
VICTIM: Rea Manning
DIC: April 27, 1993
REC: April 29, 1993
TYPED: April 30, 1993
COPIES: (1) Records; (2) Criminal Specialist R. G. Sims; (3) SAC R. P. Hawley; (4) District Attorney David R. Waters

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JoAnn Clemmons, B/F/DOB: 11/05/68; Residence: Academy Village #3D, Franklinton, North Carolina 27525, No Telephone; Unemployed; (Witness):

Clemmons was interviewed on Wednesday, March 24, 1993, at 10:20 a.m., at the Franklin County Sheriff's Department, by SA R. G. Sims and Detective Pat Greene.

JoAnn Clemmons is the former girlfriend of Kenny Evans. She stated she had dated Kenny Evans from April 1987 and stopped dating him in the middle of 1990. She stated she stopped dating him because he had hit her several times, and the last time he had "busted" her eye open.

She also stated she used to have a white '77 Cordoba vehicle that Kenny used to drive. Inside the white vehicle she had gray masking tape. She also had some orange twine that was in the car. Clemmons stated the orange twine had come from her mother's boyfriend and it was used to tie down the trunk of her (JoAnn) vehicle. The orange twine had been in the car when Kenny used to borrow it.

Clemmons stated she eventually sold her Cordoba to a person by the name of Brenda Kingsberry, who lives on River Road in Louisburg.

Clemmons further stated that sometime in early 1990, Kenny had gone out and used her car and had come back with a lot of loose change in First Citizens Bank bags. Enclosed in the change were dimes, quarters, nickels and pennies. Clemmons related this was around March 1990.

Clemmons stated she asked Evans about the money and he told her it was none of her business.

Clemmons also stated that when he came back, he was wearing a light-yellow T-shirt, brown work pants, and black shoes that had red mud on them. She stated he threw the shoes away shortly afterward. Again she asked him why he did it and he said it was none of her business. She also stated Evans gave her a woman's watch with diamonds all around it. He told her he had given it to his wife before. Later, she stated he took the watch away from her.

NCIIC - SBI 000066

AA.00033.00065 (24)

Clemmons said Evans carried a small shotgun with him and he smoked Newport 100s.

Clemmons stated she bought Kenny Evans a black scarf that he wore around his head at the Family Dollar sometime in early 1990. She remembers the scarf and she paid about $2.19 for it.

This interview was concluded at 4:45 p.m.

RGS:kb

NCIIC - SBI 000067

AA.00033.00066 (24)

Law enforcement also interviewed Evans' cousin Jerry Moore on 4/6/1993, Tommy Perry, a potential alibi for Evans, on 4/26/1993, and Reece Wardrick[9], a teenager that played basketball with Evans around the time of the crime, on 10/5/1992. The notes related to these interviews are provided below.

[9] During the Commission's investigation, nobody has been able to identify Reece Wardrick and Commission staff has so far not been able to locate or identify an individual named Reece Wardrick that is connected with this case.

Interview Jerry Moore

90030515
Manning/Euther

Interview with/

Jerry NMN Moore
B/M DOB 9/26/56
Rt 6 Box 483,
Louisburg NC

Date interview conducted April, 6 1993 5:37PM Franklin County Sheriff's Dept. Conducted by Chief Inv. Pat Green, Chief Deputy Walter Beckham, and Det. Sgt. FW Burnette.

Moore stated that he and Kenneth Evans were cousins and that back in March of 1990 three years ago, Kenneth did not live with him and his Grandmother, but was living with his girlfriend in or near Franklinton. Moore stated that he remembered seeing Kenneth with a brown grocery bag with a large amount of loose change, in it. Moore stated that he would estimate the change to be between $75.00 and $100.00 worth. Moore stated that Kenneth came to his home on the Veyton Rd near Centerville NC, with the bag of change and when he(Moore) asked Kenneth where he got the money from, Kenneth would'nt say and walked back out of house with the money and left.
Moore stated that he had never seen Kenneth with a sawed off shotgun but that he could have had one. Moore stated that he did'nt see Kenneth with a pistol during that period of time.
Moore stated that he knew Kenneth did not work back then and he did not know how or where he got the change but that he knew Kenneth would steal.

Interview Tommy Perry

04/26/73 At Approx. 1550 hrs. interviewed Tommy Perry at Pleasants Garage at Centerville as to the Whereabouts of Kenneth Leon Evans on the evening that Mrs. Manning was kidnapped. Mr. Perry stated that Evans was in Mr. Perry's store and that he and Evans had entered into a lengthy Conversation that Evening and Evans left the store between 2030 and 2045 hrs. He was asked what Evans was wearing Mr. Perry stated that he could not be specific about that Evening but Kenneth usually wore a black rag around his head.

Robert Hall
04/26/73

As Evans left he stated that he was going to Rocky Ford to "see a babe"

Interview Reese Wardrick

10-5-92

mother, Gene Wardrick

Tony Wardrick. 14-15 yrs old.

Billy Glenn Solomon

Rec. Wardrick

all boys at Home

Playing basketball

Kenneth went there,

he was Counting out money for picnic table.

he was Counting Money on picnic table.

he was by himself at my brothers house,

Kenneth told my brother he had a gun

he wanted to sell.

what was kenneth wearing -

he said he had a watch

and a gun. he got

my brother told him

Guarter got away from her!

Kent said he had a pistol he wanted to sale. He also said he had a watch he wanted to sell.

The Quarters were in a box about 60 cm x 20 cm tall worth they were a lot.

This was around 7:00 P.M. the next day.

There is also an SBI report regarding an interrogation of Evans on April 21, 1993 related to this case. That report is provided in full below. There is nothing else in the records Commission staff was able to gather in this case that provides any further information or any further investigation related to the Manning case by law enforcement.

Report Interrogation of Evans 4/21/1993

SBI FILE: 360-M-12-2
ACTIVITY: April 21, 1993
VICTIM: Rea Manning
DIC: April 27, 1993
REC: April 29, 1993
TYPED: April 30, 1993
COPIES: (1) Records; (2) Criminal Specialist R. G. Sims; (3) SAC R. P. Hawley; (4) District Attorney David R. Waters

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Kenneth Leon Evans, B/M/DOB: 01/23/64; Central Prison, Raleigh, North Carolina 27609, Telephone: 919-733-0800; (Suspect):

Evans was interrogated on Wednesday, April 21, 1993, at 9:45 a.m., at the Franklin County Sheriff's Department, by SA R. G. Sims and Detective Pat Greene with the Franklin County Sheriff's Department.

Before any questioning, Kenny was read his Miranda Rights. After each one of his rights were read to him, he stated he understood those rights. He also stated he would talk to investigators after signing a waiver form.

Evans denied any involvement in the kidnapping of Rea Manning. He stated that on the night of the kidnapping, he was at Simon Perry's garage. He also stated he was there until 9 p.m. He did not say anything else further on that subject.

Further, Evans stated he did not own any type of black "do-rag" headpiece. Evans vehemently denied ever having one or ever wearing one.

Evans continued to deny any involvement in the murder and questioning ceased at approximately 10 a.m.

RGS:kb

NCIIC - SBI 000065

AA.00033,00064 (24)

Based on the records Commission staff has gathered, no forensic testing was done around the time of the crime itself. All forensic analysis, which included hair analysis and latent print analysis, was done in late 1992-1993. The forensic analysis done in the case is summarized in the below chart followed by the reports.

Item Tested	Results
Do-Rag	**1993 Crime Lab Testing** • 4/12/1993: Hair analysis. No hairs noted. Noted as being "odorous."
Tapings from Victim's Home	**1993 Crime Lab Testing** • 4/12/1993: Hair analysis. Revealed presence of a hair fragment exhibiting Negroid racial characteristics on Item #4A (evidence taping taken from bed in bedroom #1). Hair fragment unsuitable for further comparison. No hairs noted on #4B (taping from front of dresser in bedroom #1), #4C (taping from carpet in bedroom #1), and 4D (taping from bedroom #1 in front of door). One fiber noted on #4D.
Latent Prints[10] from Victim's Home	**1992 Crime Lab Testing** • 10/23/1992: Latent print analysis. One palm print of value noted. Compared to standards of Kenneth Leon Evans. No identification effected.
Pieces of Duct Tape From Victim's Eyes	**1992 Crime Lab Testing** • 10/23/1992: Latent print analysis. No latent prints developed.
Pieces of Tape Used to Tie Victim's Hands	**1992 Crime Lab Testing** • 10/23/1992: Latent print analysis. No latent prints developed.
Pieces of Duct Tape From Victim's Mouth	**1992 Crime Lab Testing** • 10/23/1992: Latent print analysis. No latent prints developed.
One Piece of Duct Tape From Inside Victim's Home	**1992 Crime Lab Testing** • 10/23/1992: Latent print analysis. No latent prints developed.
Pieces of Duct Tape From Victim's Feet	**1992 Crime Lab Testing** • 10/23/1992: Latent print analysis. No latent prints developed.

[10] Based on the information Commission staff has gathered, there is no indication elimination prints were collected or compared.

Forensic Testing Reports

North Carolina

STATE BUREAU OF INVESTIGATION

Department of Justice
RALEIGH

LABORATORY REPORT

TO: Deputy Pat Green
Franklin County Sheriff's Department
113 Market Street
Louisburg, N. C. 27549

DATE: April 12, 1993

SBI LAB NO.: R920020693

SBI FILE NO.: 360-M-12-2

TYPE OF CASE: Kidnapping

AGENCY FILE NO.: 90030515

LOCATION: Franklin County

EXAMINED BY: J. D. Reavis

SUBJECT: EUTHER ANDREWS MANNING (VICTIM)
KENNETH LEON EVANS (SUSPECT)

MATERIAL SUBMITTED BY: S. R. Jones

DATE OF OFFENSE: March 5, 1990

DATE SUBMITTED: October 8, 1992

ITEMS SUBMITTED:

Item #4: Tapings from crime scene.
Item #5: Cloth from crime scene.

TYPE ANALYSIS REQUESTED:

Hair analysis.

RESULTS OF ANALYSIS:

Examination of the above listed evidence revealed the presence of a hair fragment exhibiting Negroid racial characteristics on Item #4A, an evidence taping taken from the bed in bedroom #1. This hair fragment is unsuitable for further comparison.

DISPOSITION OF EVIDENCE:

The evidence is being returned via first-class mail in the attached package.

JDR:gh
Attachment

I, Michael F. Easley, Attorney General of the State of North Carolina, hereby certify that the form identified as: North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report is a form approved by me for the purpose stated in G.S. 90-95(g) and approved by me in compliance with the said statute.

COPIES TO:

Mr. David Waters, D. A.
SAC R. P. Hawley
S/A R. G. Sims

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL CRIMINAL INVESTIGATION.

James J. Coman, Director

This report represents a true and accurate result of my analysis on the item(s) described.

J. D. Reavis

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

SBI-5

N.C. STATE BUREAU OF INVESTIGATION
Post Office Box 2000
Garner, North Carolina 27529-2000
(919) 779-1400

Req case: R92-18715 Latent + Hair

Jab/Jab

REQUEST FOR EXAMINATION OF PHYSICAL EVIDENCE

PART A:

Requesting Officer PAT GREEN County FRANKLIN SBI Lab # R92-20693
Requesting Agency FRANKLIN CO SO ORI # NC035[illegible] SBI File # 360-M-12-2
Agency Address 113 MARKET ST City LOUISBURG Zip 27549
Agency File # 90030515 Type of Case KIDNAPPING Date of Offense 3-5-90
Investigating Officer PAT GREEN / RICK SIMS Phone # 496-2186 DCI TID # FKA

VICTIM(S)	Race	Sex	DOB
1. EUTHER ANDREWS MANNING	W	F	
2.			
3.			
4.			

SUSPECT(S)	Race	Sex	DOB	SID #
1. KENNETH LEON EVANS	B	M	1-23-64	
2.				
3.				
4.				

Has any evidence in this case been submitted to the laboratory previously? _____ To which section? _____

Do any subjects have the following:
(Circle) AIDS V.D. HEPATITIS TETANUS TB LICE

Which subject(s)? _____

Item(s)	Type Container / Description of Evidence	Examine For	Origin of Evidence (Exact Location)
#1	PLASTIC BAG CONTAINING GREY MASKING TAPE	LATENT PRINTS	VICTIM'S EYES
#2	PLASTIC BAG CONTAINING GREY MASKING TAPE	"	TIED BEHIND VICTIM'S HANDS
#3	PLASTIC BAG CONTAINING GREY MASKING TAPE	"	VICTIM'S MOUTH
#4	PLASTIC BAGS CONTAINING HAIR TAPINGS (4 BAGS) INSIDE ENVELOPE	HAIR FROM SUSPECT	CAR DOOR, INSIDE HOUSE
#5	PLASTIC BAG HAIR TAPE (BLACK IN COLOR)	"	CRIME SCENE NEAR VICTIMS CAR
#6	PLASTIC BAG CONTAINING TAPE	Latents	INSIDE HOUSE
#7	PLASTIC BAG CONTAINING TAPE	"	VICTIM'S FEET
#8	ENV. CONTAINING LATENT LIFTS	W/SUSPECT PRINTS	VICTIM'S HOUSE
#9	Manila Envelope/inked impressions	Comparison	Capt. Ralph Brown

Additional Analysis Requested / Instructions: COMPARE WITH HEAD HAIR OF KENNETH LEON EVANS, SUBMITTED IN CASE 360-S-1-20 (R92-18715) & MAJOR CASE PRINTS OF EVANS SUBMITTED IN CASE 360-S-1-20 (R92-18715)

Return Evidence To (if different from Requesting Officer): _____

CHAIN OF CUSTODY
SBI USE ONLY

Item(s)	Received By: (Print)	(Initial)	From: (Print)	(Initial)	Date/Time
1 thru 8	S.R. Jones	S.R.J	PAT A. GREEN	P.A.G.	10-7-92 2:40P
#9	S.R. Jones	S.R.J	RALPH F BROWN	RFB	10-7-92 2:45P
1-9	Deane Burn		S.R. Jones	SRJ	10-8-92 [illegible]
1,2,3,6,7,8,9	Jament A. Gregory		Deane Burn		10-8-92
4,5	Joseph D. Lewis		Deane Burn		10-8-92
1 SE	Deane Burn		Joseph D. Lewis		4-13-93
	FCM		Deane Burn		4-13-93

Evidence being submitted for Firearms, Serology, Trace Evidence, Poison, and/or Tampering Examinations must have additional Parts completed as outlined on the instruction sheet.

CASE NOTES

3/25/93
jar
R92-20693

ITEM #4 TAPINGS FROM CAR DOOR, AND INSIDE HOUSE.

R92-20693
jar

#4A - S PLASTIC BAG C 1 MEOH SOL TAPING
NUMEROUS FIBERS, FEW CHHF, AH's
1 NHF - NSA

MKD: jar
ITEM #5
593 RML 90 DM 012
DR
TAPING - TOP OF BED IN BDR #1
153 A
3-6-90

#4B - S PLASTIC BAG C 1 MEOH SOL TAPING
NUM. F, HF, C
NO NEG HS/FRAGS.

MKD jar
ITEM #5
593 RML 90 DM 012
DR
3-6-90
2:16 A
TAPING IN FRONT OF DRESSER
BDR #1

#4C - S PLASTIC BAG C 1 MEOH SOL TAPING
NUM. F, HS, FRG, ALL C.
NO NEG. HS

MKD
ITEM #3
593 RML 90 DM 012
DR
TAPING CARPET BESIDE BED
IN BDR #1
2:05 A
3-6-90
DR

#4D - S PLASTIC BAG C 1 MEOH SOL TAPING
NUM. F, HS, FRG ALL C.
NO NEG. HS 1 MFC - FIBER

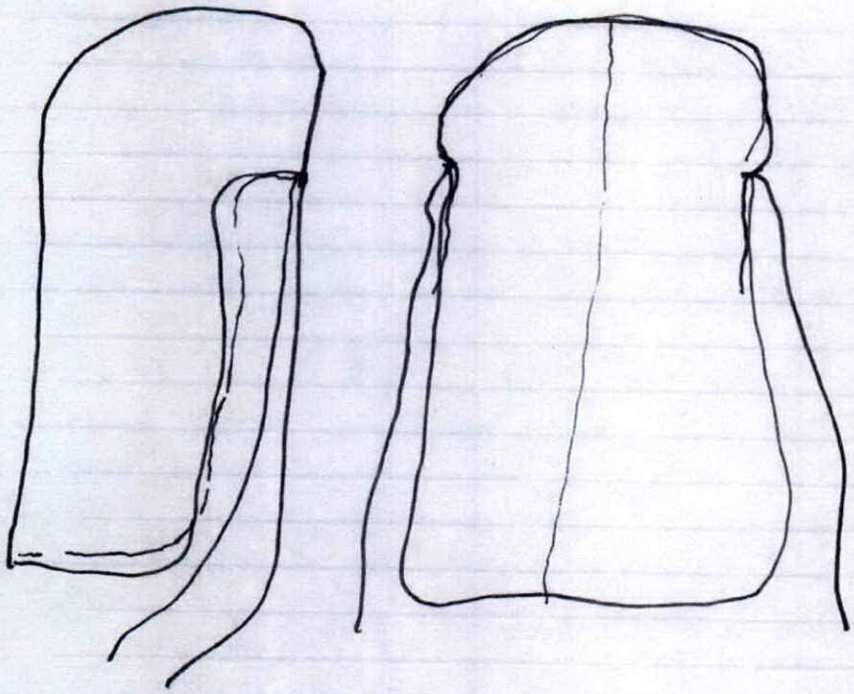
MKD
ITEM #4
593 RML 90 DM 012
TAPING FROM BDR #1 IN FRONT OF DOOR
3-6-90
DR

ALL THE ABOVE SUBMITTED IN A
S. MANILLA ENVELOPE F.P. CARD ID ENVELOPE
PA K - (ORANGE SEAL) REC 10-7-92
ITEM #4 PER DAT GREEN SRJ
4 - PLASTIC BAGS CONTAINING HAIR TAPINGS
R92-20693
DB 10-8-92 90030515
#4 R92-20693
jar
10/8/92

#4 10-8-92 SRJ

CASE NOTES
R92-20693
JM
3/26/93

ITEM #5 -



CLOTH "HEAD COVERING"? BLACK SYNTHETIC MATERIAL
TAPED W/ HELMAC.
NO H's -
ODOROUS -

MARKS
ITEM #5 3-6-90 (RED) 10-8-92 P.A.K. 90030515

3-6-90

REC
10-7-92
PAT GREEN
~~SRJ~~ 90030515
P.A.K.

ITEM #5

#5
R92-20693
JM
10/8/92

#5

North Carolina

STATE BUREAU OF INVESTIGATION

Department of Justice
RALEIGH

LABORATORY REPORT

TO: Deputy Sheriff Pat Green
Franklin County Sheriff's Department
113 Market Street
Louisburg, N. C. 27549

DATE: October 23, 1992

SBI LAB NO.: R920020693

SBI FILE NO.: 360-M-12-2

TYPE OF CASE: Kidnapping

AGENCY FILE NO.: 90030515

LOCATION: Franklin County

EXAMINED BY: J. A. Gregory

SUBJECT: EUTHER ANDREWS MANNING (VICTIM)
KENNETH LEON EVANS (SUSPECT)

MATERIAL SUBMITTED BY: S. R. Jones

DATE OF OFFENSE: March 5, 1990

DATE SUBMITTED: October 8, 1992

ITEMS SUBMITTED:

Item #1 - Several pieces of duct tape.
Item #2 - Several pieces of duct tape.
Item #3 - Several pieces of duct tape.
Item #6 - One (1) piece of duct tape.
Item #7 - Several pieces of duct tape.
Item #8 - Two (2) latent lifts.
Item #9 - Known inked impressions of Kenneth Leon Evans.

TYPE EXAMINATION REQUESTED:

Latent print examination and comparison.

RESULTS OF EXAMINATION:

There were no latent prints developed on Items #1, #2, #3, #6, and #7.

One (1) latent palmprint of value for identification was noted on Item #8.

The latent palmprint of value was compared to Item #9, with no identification being effected.

I, Lacy H. Thornburg, Attorney General of the State of North Carolina, hereby certify that the form identified as: North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report is a form approved by me for the purpose stated in G.S. 90-95(g) and approved by me in compliance with the said statute.

COPIES TO:

Mr. David Waters, D. A.
SAC R. P. Hawley
S/A R. G. Sims

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL CRIMINAL INVESTIGATION.

Charles Dunn, Director

This report represents a true and accurate result of my analysis on the item(s) described.

J. A. Gregory

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

DISPOSITION OF EVIDENCE:

Items #1, #2, #3, and #6 through #9 are enclosed and being returned to the addressee via United Parcel Service.

JAG:pg
Attachment

SBI-5

KEY CASE R92-18715 Latent + Hair

Job/Job

N.C. STATE BUREAU OF INVESTIGATION
Post Office Box 2000
Garner, North Carolina 27529-2000
(919) 779-1400

REQUEST FOR EXAMINATION OF PHYSICAL EVIDENCE

PART A:

Requesting Officer PAT GREEN County FRANKLIN SBI Lab # R92-20693
Requesting Agency FRANKLIN CO SO ORI # Q3500000 SBI File # 360-M-12-2
Agency Address 113 MARKET ST City LOUISBURG Zip 27549
Agency File # 90030515 Type of Case KIDNAPPING Date of Offense 3-5-90
Investigating Officer PAT GREEN / RICK SIMS Phone # 496-2186 DCI TID # FKA

VICTIM(S)	Race	Sex	DOB
1. EUTHER ANDREWS MANNING	W	F	
2.			
3.			
4.			

SUSPECT(S)	Race	Sex	DOB	SID #
1. KENNETH LEON EVANS	B	M	1-23-64	
2.				
3.				
4.				

Has any evidence in this case been submitted to the laboratory previously? _____ To which section? _____

Do any subjects have the following:
(Circle) AIDS V.D. HEPATITIS TETANUS TB LICE

Which subject(s)? _____

Item(s)	Type Container / Description of Evidence	Examine For	Origin of Evidence (Exact Location)
#1	PLASTIC BAG containing GREY MASKING tape	LATENT PRINTS	VICTIM'S EYES
#2	PLASTIC BAG containing GREY MASKING tape	"	TIED BEHIND VICTIM'S HANDS
#3	PLASTIC BAG containing GREY MASKING tape	"	VICTIM'S MOUTH
#4	PLASTIC BAGS containing HAIR TAPINGS (4 bags) INSIDE ENVELOPE	HAIR FROM SUSPECT	CAR DOOR, INSIDE HOUSE
#5	PLASTIC BAG HEAD HAIR (BLACK IN COLOR)	"	CRIME SCENE HAIR VICTIMS CAR
#6	PLASTIC BAG containing tape	Latents	INSIDE HOUSE
#7	PLASTIC BAG containing tape	"	VICTIM'S FEET
#8	ENV. containing LATENT LIFTS	w/SUSPECT PRINTS	VICTIM'S HOUSE
#9	Manila Envelope / inked impressions	Comparison	Capt. Ralph Brown

Additional Analysis Requested / Instructions: COMPARE WITH HEAD HAIR OF KENNETH LEON EVANS, SUBMITED IN CASE 360-S-1-20 (R92-18715) & MAJOR CASE PRINTS OF EVANS SUBMITED IN CASE 360-S-1-20 (R92-18715)

Return Evidence To (if different from Requesting Officer): _____

CHAIN OF CUSTODY
SBI USE ONLY

Item(s)	Received By: (Print)	(Initial)	From: (Print)	(Initial)	Date/Time
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#9	S.R. Jones	S.R.J	RALPH F BROWN	RFB	10-7-92 2:45P
1-9	Diane Brown		L.R. Jones	LRJ	10-8-92
1,2,3,4,5,6,7,8,9	James A. Gregory		Diane Brown		10-8-92
1 SBK	Diane Brown		James A. Gregory		10-23-92
	UPS		Diane Brown		10-23-92

Evidence being submitted for Firearms, Serology, Trace Evidence, Poison, and/or Tampering Examinations must have additional Parts completed as outlined on the instruction sheet.

SBI CRIME LAB NOTE COVER SHEET

Place this cover sheet on top of your case notes and staple all notes, charts, and photographs together.

CASE FILE NUMBER: R92-20693

10-14-92

ANALYST: JAMES A GREGORY

TYPE EXAMINATION REQUESTED:

_____FOOTWEAR AND/OR TIRETREAD IMPRESSION EXAMINATION AND COMPARISON.

_____LATENT PRINT COMPARISON.

__X__LATENT PRINT EXAMINATION AND COMPARISON.

_____LATENT PRINT EXAMINATION; AFIS SEARCH AND COMPARISON.

_____LATENT PRINT EXAMINATION.

_____VERIFICATION OF IDENTIFICATION.

_____UNKNOWN DECEASED IDENTIFICATION.

DATE(S) SUBMITTED TO THE LAB: 10-8-92

DATE(S) RECEIVED FROM EVIDENCE CONTROL: 10-8-92

DATE ANALYSIS STARTED: 10-13-92

DATE ANALYSIS COMPLETED: 10-13-92

DISPOSITION OF EVIDENCE:

SUBMITTED TO	ITEMS	DATE
P. Brand	#1-#3, #6-#9	5EE[illegible]

Case Analysis Notes

10-13-92

R92-20693

James A. Gregory

Intro.

The case was received from D. Brown on 10-8-92 & following received:

One(1) SBI & form => See Attachment

Five(5) pl. bags and two(2) manila envelopes. All sealed & initialed w/ 900305T5

Opening Evidence

The containers were opened on 10-12-92 & following found:

Item #1 - Several strips of Duct tape (cont. Hair).
Item #2 - Bundle of Duct tape & orange twine.
Item #3 - Several strips of Duct tape.
Item #6 - One(1) piece of Duct tape.
Item #7 - Several strips of Duct tape.
Item #8 - Two(2) latent lifts.
Item #9 - KII of Kenneth Leon Evans (RP & Palms 1 card 2 sheets)

Processing & Results (#1-#3, #6, #7)

The tape was separated -> Crystal Violet => NO LPs ~~developed~~ observed.

Comparison

#	of value	type	ID
8-1	no value	DTS	
8-2	no value	overlapping DTS	
8-2	PD	palm	not suspects

Disposition (See Coversheet)

VIII. Pre-Trial Defense Investigation

Evans Defense Attorneys

There were several changes to Evans' defense team throughout this case. For ease of reference, the below chart outlines the attorneys, their dates of representation, and the reason for their withdrawal, if available.

EVANS' DEFENSE ATTORNEYS

Date Appointed	Attorney Name	Substance of Work	Date Withdrawn	Reason for Withdrawal
04/21/1993	A. S. Tomlinson Jr.	None	04/21/1993	Conflict
04/21/1993	Bernadine S. Ballance	- Accumulated 20 hours in conferences with the defendant, motions for change of venue, bill of particulars, disclosure of favorable evidence and information, to suppress, to produce and the appointment of an investigator - Interviewed Evans (Ballance 4; 41-44; 142 - Interviewed Joanne Clemonts and her mother Christine Clemonts (Ballance 000024-26) - Interviewed Lynwood Earl Williams (Ballance 000119-21) - Interviewed	12/1993	Reason unknown
12/1993	Frank W. Ballance, Jr.	- Accumulated a total of 63.5 hours (Ballance 000198) - Had Evans admitted and evaluated at Dorthea Dix (Ballance 189-191) - Jury Selection (Ballance 251-53) - Interviewed Mary Moore and Greg Evans (Ballance 258) - Spoke with Evans re: Clemonts (Ballance, 269) - Interviewed Evans (Balance 276-285)	11/29/1994	Conflict with General Assembly Service
11/29/1994	B. D. Williamson III	None	1/30/1995	Prosecution witness formerly worked for Williamson and they had an on-going attorney-client relationship
01/24/1995	Larry E. Norman	- Trial Counsel - Interviewed Evans (Norman, 000219 – 20) - Interviewed Jerry Moore (Norman 000209)	N/A	N/A
08/13/1996	Trey Duckworth	Re- Sentencing	06/12/1996	N/A

There were motions filed for discovery by defense attorneys during the case, but it is not entirely clear what was received by the defense in discovery. Commission staff collected files from both Ballance attorneys, which included the files of the defense PI, and also from attorney Larry Norman. Below is a chart that provides all the documents that were in these two files that appear to have come from either law enforcement or the prosecution, presumably as discovery.

DISCOVERY

Date	Page	Document
2/2/84	FCSO Esley Manning File 7-12	Franklin County Sherriff's Department Crime Report for Manning Store Larceny.
3/5/90	Ballance 346-348	Incident/Investigation Report.
3/6/90	Ballance 183-186	SBI Report of Interview with Victim (by Shirley Dent).
3/6/90	Ballance 349-350	Portion of Victim's SBI interview.
4/12/90	Ballance 181	Rights waiver signed by Kenneth Evans.
4/20/90	Ballance 182	SBI Polygraph Report for Kenneth Evans (Rick Sims, Pat Green).
7/30/90	Ballance 364-389	Letter from ADA Thomas Murphy to Genetic Design, Inc. re: NC Supreme Court holding RFLP-DNA analysis admissible in NC courts. With attached copy of State v. Pennington and other documents related to DNA analysis.
1992	Ballance 516-517	Evans rights waivers.
9/3/92	Ballance 590-591	Warrants for B&E.
9/7/92	Ballance 390-391	Evans plea transcript.
9/7/92	Ballance 393	Louisburg Police Department Report for 1st Degree Rape/Burglary (Evans plea).
9/8/92	Ballance 519	Consent form signed by Evans for collection of standards.
9/9/92	Ballance 163-170	DCI report for Kenneth Evans.
9/9/92	Ballance 533-535	Warrants for Evans' arrest for 1st degree burglary, rape, AWDWISI.
9/21/92	Ballance 536	Louisburg PD arrest report for Evans
10/2/92	Ballance 508-509	SBI Lab Report for rape case. Two latent prints ID'd as right thumb and left palm of Evans.
10/8/92	Ballance 112-113	Interview with Larry Davis conducted by Det. Pat Green.
10/14/92	Ballance 36	Victims description of attacker
10/23/92	Ballance 40	SBI Lab Report: Latent Print Examination and Comparison.
2/3/93	Ballance 530	Warrant for Evans' arrest.
3/8/93	Ballance 114	Interview with Larry Davis conducted by Det. Pat Green.
3/24/93	Ballance 21-22	SBI Interview of Joann Clemonts.
4/1/93	Ballance 110-111	Letter from Bernadine Ballance to DA David Waters requesting discovery.
4/6/93	Ballance 178	Interview of Jerry Moore by Pat Green, Walter Beckham, and FW Burnette.
4/12/93	Ballance 39	SBI Lab Report: Hair Analysis.
4/21/93	Ballance 287	SBI report of interview of Evans (Rick Sims and Pat Green).
4/21/93	Norman 287	Order for Arrest.
4/26/93	Ballance 152	Interview with Tommy Perry conducted by Det. Pat Green.
8/9/93	Ballance 23	Affidavit Joann Clemonts.
8/10/93	Ballance 28-29	DMV registry information for David Lee Clemonts.

Date	Page	Document
8/10/93	Ballance 30-32	DMV registry information for Christine Hawkins Clemonts.
12/20/93	Ballance 117	Addendum to earlier statement made by Larry Davis signed by Douglas Berger.
8/24/94	Norman 297-298	Motion and Order Committing Defendant to Dorothea Dix.
9/15/94	Ballance 189-191	Dorothea Dix Forensic Psych History/Legal Assessment/Discharge Summary/Aftercare Plan for Kenneth Evans.
NA	Ballance 510-512	SBI Lab Report related to rape case.
NA	Ballance 422-424	Criminal record for Tommy Perry.
NA	Ballance 486-501	Motions/Orders for rape case.
NA	Ballance 697-698	Copy of wave cap packaging.
N/A	Norman 238-243	Franklin County property records.

Prior to the trial in this case both defense attorneys and a defense private investigator undertook investigation into the case primarily through interviewing witnesses in the case. Provided below, in full, is the private investigation file of Williams Investigative Services, the defense private investigator in this case. Following that file are notes from defense attorney files related to interviews they completed. Prior both the PI file and the attorney notes, there is a digest outlining and summarizing those documents.

PRIVATE INVESTIGATOR DAN WILLIAMS

9/7/1993: Interview of Euther "Rea" Manning

- She dropped her daughter, mother, and father off at home at 9:25. Arrived at her home at approximately 9:35pm. (Ballance 294)
- She walked in through the carport at the rear of the house and into the den. Threw pocketbook in chair and suspect came into the den from the living room. He was wearing a beige jacket and beige pants and had a gun. Suspect had on "some kind of hood. He also had on a dough face, which was a pink rubbery looking type thing." Described the mask as looking like a white person. (Ballance 295-296)
- The gun was a "sawed-off looking shotgun thing." She begged him not to kill her and he told her he was taking her. (Ballance 296)
- She begged the suspect not to kill her and he told her he was taking her. (Ballance 296)
- She did not recognize the suspect's voice "… it was a person who did not talk normally like a black in our area. He sound more like he was raised in a city or something like that." (Ballance 296)
- She identifies the voice as belonging to a black male. The suspect was wearing black gloves. She believe they were leather. She was unsure what color the hood was but thinks it was black. Suspect was also wearing "…one of these things that blacks wear that cover the whole head up that tie in the back, because it was left in my car." (Ballance 297).
- Describes it as a "dust catcher is what the blacks call it. I don't know what it is. It's net. It looks like fine net. It comes around and ties." Describes it as being coarser than stockings. States that this item was not the same thing as the hood and you could not see it as the time, but was found in her car. (Ballance 297-98)
- She "tussled around" with the suspect in the den. They got on the floor and then he dragged her and told her to get up and he would not harm her. Her shoes, watch, and glasses were knocked off. (Ballance 298)
- She can see without her classes, but she cannot read. (Ballance 298)
- The suspect got her into the bedroom across the hall from the den and had her lie on the bed face down. She cut her lip and got blood on the bedspread. (Ballance 298-99)
- The suspect tied her face and hands up with silver masking tape. Tape was about two inches wide. Everything but her nose was covered with tape down to the start of her cleavage. Her hands were tied behind her back. He did not tie her feet. (Ballance 299-300)
- The suspect asked where her husband was and where the money was. She told him about a white, plastic bucket of change that had between $100-150 of change in it that was in the closet. (Ballance 300)
- She noted that the suspect did not take her pocketbook or any of the jewelry she was wearing. (Ballance 301)
- The suspect pulled her through the house to the back door. She could hear her daughter's dog barking. (Ballance 301)
- She asked the suspect who brought him to her house and he said he walked through the woods to get to her house. He got red mud all over the carpet. (Ballance 000301-02)

9/7/1993: Interview of Euther "Rea" Manning

- She fought to avoid being taken from the house. (Ballance 302)
- The suspect got her out of the house and opened the driver's side door to get her in. (Ballance 302-03)
- Her husband had come up the road. He told her he saw her station wagon and somebody that he thought was her taking something out to the car. Her husband went to her daughter's to give medicine for their granddaughter and came back home and parked under the carport. He saw that the station wagon wasn't there and thought she had one to the store. He went to the store and she was not there. (Ballance 303-04)
- She was able to see a little while in the car. She provided Williams with directions of where the suspect drove her on the night of the crime. (Ballance 304-06)
- The suspect got out of the car and opened the passenger door. He told her to get up and put her head on the hood of the car. He said "I know your husband loves you and I want a hundred thousand dollars. What is his telephone number?" She gave him her phone number. (Ballance 306)
- She looked up and could see that the suspect was "a very light person. He was bound to have been a light black." The suspect was no longer wearing the mask at this time. She described the suspect as "…clean shaven. Nice looking. It was no black, black person. It was a light skinned person." When asked by Williams about the suspect's skin tone in comparison to chocolate milk, she describes him as "a lot lighter." She described the suspect as an "Is you" and explained that "An 'is you' is what we call them. They are not black folks and they are not white." When asked by the interviewer if that was a cross between an "Indian and the black that you have up here," she responded that yes and those individuals came from Hollister. (Ballance 306-07)
- She could not see the suspect's entire fire, but did note that he did not have facial hair and a few freckles. She described them as looking "like a black freckle. You have seen black folks with freckles, haven't you?" The freckles looked to be all over his face. She did not see his hair. She indicates she believed the suspect to be "either a light-skinned black or a very dark-skinned white." (Ballance 308)
- She indicates the suspect's speech was "put-on." He did not speak like the Hollister people. She stated that "You could tell that it was somebody trying to change their talking." The person was trying to sound like they were from the city. (Ballance 308)
- Husband realized his antique gun was missing but she only saw the suspect with the sawed-off shotgun. (Ballance 308-09)
- When she got out of the car and had her head on the hood, the suspect re-tied her hands with hay baling cord. He left the tape on and also taped her feet from midleg to the ankles. He put her back in the car and said his buddy was watching for her, that he would be back in 30 minutes, and he was going to call her husband for $100,000. She never saw or heard reference to another person with the suspect except this one time. (Ballance 310-12)
- She stayed in the car all night and got her feet out of the tape. She also hurt her shoulder trying to undo the bindings on her hands. She was able to unlock the door when it was light outside. She walked to the road and started screaming. The individuals who found her got the tape off of her, threw it down, and brought her home. (Ballance 312-14)

9/7/1993: Interview of Euther "Rea" Manning

- She has known Evans since he was a little boy. He lived on the Manning's farm with his grandfather. (Ballance 314)
- She believes the suspect was wearing something like a Reebok jogging or tennis type shoe. (Ballance 315)
- The car was almost on empty, but did not run out of gas. (Ballance 316)
- Evans could see his grandmother's house from where they were in the woods. (Ballance 316)
- Either she had a cigarette or the perpetrator did. There was a burn hole in the middle of the floor. (Ballance 317)

9/7/1993: Follow-up Interview of Euther "Rea" Manning

- She gives a physical description of the suspect: 160-170 pounds; 5'10"-6'. Thin. (Ballance 000320)
- The suspect did not touch her sexually. He was strictly after money. (Ballance 000320)

9/7/1993: Interview of Esley Manning

- He closed up the store at 9:30pm and went home. The Victim's station wagon was not there. He went to his daughter's house first and thought he saw the station wagon, but it was gone by the time he got back. He thought the Victim had gone to the store to check on him. He went back to the store and didn't see her. (Ballance 322-23)
- When he got back to the house and went inside, he saw the rug was muddy and there were things on the floor. The Victim and the station wagon were gone. He called his daughter Jackie Kemp and called the sheriff's office. He did not see the Victim until the next morning. (Ballance 323)
- He has known Evans his whole life. He doesn't know where Evans was living. Evans' grandmother lived on Vaiden Road on the opposite end from where the car was found. (Ballance 023-24)
- The suspect stole his antique .32 Smith & Wesson, watch, and a flashlight. (Ballance 325)
- He found "one of these mask that you put over your head that's got a thing that hands down like a gypsy." He described it as a "silk hose thing. You pull it down over your eyes or you can't see nothing but your eyes." He indicates he found it in the car after the car was returned. (Ballance 325)
- He indicates that the item was like a "pair of hose" and when asked by the interviewer if it tied in the back he stated yes and that "You see a lot of these colored boys wearing them." (Ballance 326)
- He states you could see where the suspect had been in the house. There was mud in every room of the house and the blinds were open where he had peeked out of them. (Ballance 327)
- It takes 10 minutes to get from the store to their house. He would have been home by 9:40pm. (Ballance 327)

9/7/1993: Interview of Shirley Dent
• Dent was a FCSO deputy at the time of the crime. (Ballance 330) • She went to the Manning house the morning of the kidnapping. The Victim was inside the house and waiting for rescue to take her to the hospital. She was there to keep people away from the house. (Ballance 330) • She did not do any interviews. Rick Sims and Pat Green were the lead investigators. (Ballance 331) • She never saw written statements or the file. Her only job was to keep people away from the house. (Ballance 442) • She knew of Evans from serving him with civil papers but never arrested him. She stated Evans was "high most of the time" and a "real mouthy person. He would run off at the mouth any time you would say anything to him." She never had any trouble with him other than with his mouth. (Ballance 332-33) • Evans' name came up as a suspect during the Johnson administration. "I know that he was questioned. I don't know by whom." She wasn't privy to the files. To her knowledge, the files were left at the office for the new sheriff. (Ballance 333).
9/9/1993: Interview of Gregory Albert Phelps
• He knew Evans from jail. He believes they were incarcerated together in 1989 or 1990. (Ballance 336) • He thought Pat Green interviewed him regarding Evans, but wasn't sure. Green talked to him about a lot of different things. (Ballance 337) • Phelps was read his statement to FCSO. He did not recall making the statement at all and indicated it wasn't in his handwriting. (Ballance 338) • He remembers Evans telling him they were trying to "pin him" for something he hadn't done, "kidnapping an old lady." (Ballance 338) • He denies making this statement to Pat Green. (Ballance 339) • When asked if he would remember having "ratted" on Evans for this kidnapping, he stated "Yeah. I damn sure would." He denies ever giving any information heard in the cell block to a deputy. (Ballance 340)
Map
• Williams made a map of areas significant to the crime and approximate distances and times between them. (Ballance 343-44)
10/30/1993: Interview of Joann Clemonts
• She dated Evans from 1987-1990. They lived together for two years and when he moved out, Linwood Earl Williams moved in. (Ballance 701) • She bought her white Cordoba in February 1990 and kept it until June or July. Evans was living with her while she owned it. One day he took it by himself and was gone for two days. He never took the car another time. (Ballance 702-03) • Evans used tape and orange twin/wire to fix the speaker in her car. He left it in the trunk. It was still in the trunk when she sold the car. (Ballance 703) • One night in March Evans came home around 8pm with a bag full of change. It was in a gray or blue drawstring First Citizens Bank bag. Doesn't know how much money was in it. Evans told her it was none of her business. (Ballance 703-04)

10/30/1993: Interview of Joann Clemonts
• She bought Evans a scarf, “most guys call them do rags.” (Balance 704) • Evans gave her a woman’s watch with diamonds and Roman numerals on it but he took it back after about two months. He gave it to her right before her mother threw Evans out on May 22nd. (Ballance 705) • Evans had a sawed-off single barrel shotgun. He gave it to his cousin, Amp Carter right after Evans moved in May. (Ballance 705-06) • He was wearing a yellow t-shirt with Panama Jack on it and black shoes with red mud on them. He threw them away and told her he got them muddy mowing a lawn. (Ballance 706) • Evans never mentioned the Manning kidnapping to her. She never asked. She never knew him to kidnap anyone. They had a “so-so” relationship but he liked to fight and beat her. He didn’t do drugs, but he did drink. She wouldn’t classify him as a drunk or addict. (Ballance 707-08) • She bought the gray tape in her car from the Family Dollar but the orange wire was already in the car. (Ballance 708)
10/30/1993: Interview of Linwood Earl Williams
• He knew Evans through Joann Clemonts. Met him in 1989. They had falling out over Clemonts. Evans had pulled a play gun on him. (Ballance 710) • He knew Evans had a sawed-off shotgun but doesn’t know what happened to it. (Ballance 711) • He never heard Evans talk about the Manning case. (Ballance 712).
10/30/1993: Interview of Linda Collins
• She knew Evans from when he used to live with his grandfather. Evans’ would play with her children. (Ballance 715) • She did not see Evans in the days surrounding the Manning kidnapping. The last time he came to watch TV with Danny she had to tell him to leave because it was getting late, around 9:30-10pm, but she is unsure when that was. She has not seen him in 2-3 years. (Ballance 716) • To the best of her recollection, the last time she saw Evans was in February. (Ballance 717) • Her son had seen Evans with a sawed off shotgun. (Ballance 718)

WILLIAMS INVESTIGATIVE SERVICES

RE: KENNETH LEON EVANS

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WILLIAMS INVESTIGATIVE SERVICES

KENNETH LEON EVANS

Interview

Rea Andrews Manning
Route 6, Box 410
Louisburg, NC
W/F, DOB 11-3-28

September 7, 1993
1:55 p.m.

Mrs. Manning is the victim of a kidnapping which occurred March 5, 1990. This interview is in regards to that kidnapping. [Investigator first talked to Mrs. Manning at the church where she had been assisting with the weekly cleaning.]

DW: Mrs. Manning, would you tell me about your activities on March 5, 1990? What were you doing that evening before you went to the funeral home?

RM: I had worked.

DW: Where did you work?

RM: I worked at the Franklin County Emergency Services.

DW: What did you do there?

RM: I was secretary.

DW: To whom?

RM: Angie Callaghan. She is the Emergency Coordinator for Franklin County.

DW: Did you stay in the office all day or did you go out and about the county?

RM: No. I stayed in the office.

DW: In your position as secretary, did you have contact with other people in the county?

RM: Yes. They would come in and out of the office.

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DW: But, you didn't travel around the county?

RM: No. I stayed in the office.

DW: What kind of work did you do in the office?

RM: Secretarial. Filing insurance. I filed insurance.

DW: After you left work that day, what did you do?

RM: I came home.

DW: About what time?

RM: I got off work at four-thirty and I probably got home about ten minutes to five. I fixed a light supper. I did not wash any dishes. I had not washed my breakfast dishes, because I had to go to work. I had a meeting before I went to the funeral home. Something with the town of Centerville. I'm the clerk. We had a meeting. I left the Centerville town meeting, went and picked up my daughter, went and picked up my mama and daddy.

DW: Where did you pick up your daughter?

RM: She lives next door to me.

DW: Where did you pick up your mama and daddy?

RM: Right across the highway from me.

DW: So, everything's right there together?

RM: You can see all three houses.

DW: Go ahead.

RM: We went to the funeral home. My mother's sister was dead and we took mama and daddy to the funeral home.

DW: What time did you get to the funeral home? If you recall.

RM: I would say seven-thirty. I'm not positive because I don't know. I know what time I got back.

DW: Okay. It's just an estimate.

RM: Um uh.

DW: What time did you leave the funeral home?

RM: Just before we got back home, which is not but ten miles from Louisburg, we came straight, my daughter looked at me and asked what time it was. I looked at my watch and I said, it's twenty-five minutes after nine. Then I went and put her off at her house, which is right next door to me. Then I took my mama and daddy home. They were real old. Eight-five years old. I took them home and I normally go to the store always. But, I had not washed my breakfast and supper dishes. I said I'm going to run in my house and get my dishes washed before my husband gets here. I had already seen that he was not there, at home.

DW: That was about what time?

RM: This was probably twenty-five minutes til ten. Just before we got home, it was twenty-five after nine.

DW: Okay. What happened when you to home?

RM: I walked in my back door. I got out of the car. My back door. Every door to my house was locked except the back door.

DW: Is that back door on the side or the back of the house?

RM: On the back side of the house.

DW: Is there a garage or carport?

RM: I have a huge carport that's big enough for four cars. Not closed. It's open.

DW: That's on the back side of the house?

RM: Yes. I walked in the house. I had my pocketbook in my arms.

DW: Let me stop you there. When you go into the house from the carport, are there any steps to go up?

RM: There's about six steps.

DW: From the carport?

RM: Six steps up from the carport to my den.

DW: That goes into the den?

RM: Yes, it does.

DW: Okay.

RM: I walked into the den and I threw my pocketbook in a chair, in a recliner that was sitting not too far from the door. About the time I threw it down, this person came out of my living room door which opens into my den. He had a gun. He had on beige clothes. I remember well. He had on a beige jacket and beige pants.

DW: Were they the same color as these I'm wearing?

RM: Yeah. Khaki color. He had on some kind of hood. He also had on a dough face, which was a pink rubbery looking type of thing. I have seen them in stores since then.

DW: Describe the hood to me, if you would. Is it the kind of hood that is on a jacket and it comes up and the face is open?

RM: No. No. It was, the face was open, and he had on the dough face or whatever you call it.

DW: A mask.

RM: A mask of some kind.

DW: Do you recall if the mask was a person or an animal?

RM: It was a person. It looked like a white person. Trying to. It was a pinkish white dough face or whatever you call it.

DW: Was it a grotesque looking mask like an ugly man?

RM: No, it wasn't. It was just a plain mask.

DW: A white man's face?

RM: Yes. A face and he left it in the car.

DW: You said he had a gun?

RM: He had a sawed-off looking shotgun thing, as best as I can remember. It scared me to death.

DW: Did he have it in one hand or both hands?

RM: I do not know. I screamed when I saw him. I said don't kill me because I've got a baby. I had a new grandbaby that was a little over a year old and I just screamed and I said don't kill me, take anything you want, I've got a baby. A grandbaby is what I meant to say, but I said I've got a baby. He said, I'm taking you. That's what he said.

DW: At that time, did you recognize his voice?

RM: No. I did not, but it was a person who did not talk normally like a black in our area. He sound more like he was raised in a city or something like that. Now, this boy does have, ah.

DW: Could you distinguish whether it was a black male or a white male by the voice?

RM: I would say that it was black.

DW: Did he have anything on his hands?

RM: Yes.

DW: What?

RM: Gloves. I believe they were black. I'm not positive.

DW: Could you tell whether they were leather or cloth?

RM: Leather. I believe that they were leather.

DW: Black leather gloves.

RM: I believe black leather.

DW: What color was the hood?

RM: I don't know. It's been three years.

DW: I know you have to go back on your recollection.

RM: I think it was black, but he also had on one of these things that blacks wear that cover the whole head up that tie in the back, because it was left in my car.

DW: What kind of thing are you talking about?

RM: It's a dust catcher is what the blacks call it. I don't know what it is. It's net. It looks like fine net. It comes around and ties.

DW: Is it as fine as stockings.

RM: Yes, just about. A little bit more coarse than that, but not too much. That's at the Franklin County, ah.

DW: That was tied around the back of his head?

RM: It was evidently tied on his head and tied around to cover his hair.

DW: Could that have been the hood?

RM: No, it was not.

DW: Could you see it at the time?

RM: No.

DW: You couldn't see that at the time.

RM: No. They found it in the car.

DW: You know about it because it was in the car.

RM: They found it in the car. It was left in my car.

DW: It was not in your car when you came home?

RM: No.

DW: After he said he was going to take you, what happened?

RM: Well, we tusseled around a little bit.

DW: Was that in the den?

RM: In the den. We both kind of got on the floor and he kind of drug me and he told me to get up. He told me that if I got up, he would not harm me or something like that.

DW: How were you dressed?

RM: I had on a two-piece dress. I had on hose and heels, because I had been to the funeral home. He knocked my shoes off when he knocked me down. He knocked my watch off, knocked my glasses off. They were lying on the floor.

DW: How well do you see without your glasses.

RM: Oh, I can see anything. I just can't read.

DW: You use the glasses for really up close stuff.

RM: Just for seeing up close.

DW: After you tusseled on the floor and your shoes, watch, and glasses got knocked off, what happened then?

RM: He got me into the bedroom. You go from my den on to the bedroom, across a little hall. He made me lay face down

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on my bed. Evidently, he cut my lip trying to tie me up.

DW: Did he drag you into the bedroom?

RM: Well, kinda pulling, walking, and all. I was not doing it just on my own. He was forcing me to more or less.

DW: He made you lay face down on the bed?

RM: Face down on the bed and he evidently cut my lip, because I had a place on it and there was blood on the bedspread. That's when he tied me up.

DW: What did he tie you up with?

RM: Silver tape. I don't know what you call it. Masking tape. It's silver. About this wide.

DW: About two inches wide?

RM: Yes. He tied my whole head up. Everything but my nose. My mouth was, ah.

DW: Were your eyes covered up, too?

RM: Yes. Yes.

DW: Where else did he tie you up?

RM: He tied my hands behind my back, just like this. I'm suffering right now from it, because he pulled them. I worked so hard trying to get loose. For hours. Anyway, that's where he tied me there. I was blindfolded and after, he.

DW: When you say blindfolded, do you mean he put something else on?

RM: Nothing but tape. All in my hair. They had to cut it out of my hair.

DW: Did he tie up your feet at that time?

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RM: No.

DW: Your hands and your head, except for your nose?

RM: All the way down to here.

DW: All the way down to the start of your cleavage.

RM: Yeah. And, he said, where is your money. He first said, where is your husband? I said he is at work. Then he said where is your money? I said what I have got is in the closet. I have a little plastic bucket that penny candy comes in. I had it sitting inside the closet and I'd throw my quarters in there for my grandbaby. I had between a hundred and twenty and a hundred fifty dollars. I don't know.

DW: What size bucket was it?

RM: A little old bucket about like this. A white one, if I recall.

DW: Was it as much as a half gallon?

RM: No, it wasn't.

DW: About a quart size?

RM: A little bit bigger than a quart. About a quart and a half.

DW: Was it a bucket you purchased?

RM: No. Some candy came in it at the store and I just carried it to the house and set it inside the closet.

DW: You think it was white and plastic.

RM: I think so.

DW: Go ahead.

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RM: He said is that all you got? I said yes it is. Well, when I came in, I had my pocketbook and the fool didn't even pick that up. It was sitting right there in the chair. I also had my jewelry on and he did not get it. He did not take my jewelry and I've got some pretty jewelry.

DW: Apparently, he was just after money.

RM: That's bound to be, because I just knew my rings were gone. He didn't have sense enough to know what it was.

DW: What happened after you told him about the money?

RM: He got it. He picked it up and said let's go. I said, I'm not going or something to that effect. We got to the back door. He was kind of pulling me through the house to the back door that I came in and I'm sure he had to go in there. The little dog. Me and my daughter have a little dog. He was her dog, but he stayed at my house during the day, because they were gone a lot. He husband said that night that he had to get up three times while we were gone and make that little dog stop barking. He was just wild that night.

DW: What kind of dog is it?

RM: Well, it's dead now. It was a little P--- about this high. Thomas said the little dog would run between my house and his. Whoever it was walked through the woods there. They probably lived on the Vaiden Road. They walked through there. In fact that person that told me said that. I ask him who brought him to my house and he said they probably walked through the woods. And, I'm sure they

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did. They got red mud all over my carpet in my house. See, he went and hid out in another bedroom on the back, on the other side of my kitchen. When he saw the car lights come around the house, that's when he took a dive for the living room. He had to go through my kitchen and dart in my dining room and on into the living room. He was hiding in the living room. Would you like to go see the layout of it?

DW: I would like to later this afternoon.

RM: Okay.

DW: After he told you that you were going to leave, you told him that you weren't going anywhere. What did he do then?

RM: He was pulling me. I was holding on for dear life.

DW: You fought and struggled the whole time, didn't you?

RM: Well, yes, as much as I good. We got to the door and the little dog jumped. That scared him and he knocked me out of the door and hurt my knee and broke my toe or something. I couldn't walk.

DW: Was the dog outside?

RM: Yes. The little dog was outside. That is when, when he knocked me on the steps, the tape on one of my eyes came open just a little where I could see a little bit. He did not know it. He finally got me in the car. He opened the door and said to get in and I didn't move. So, he more or less just pitched me in.

DW: Which side of the car?

RM: On the driver's side. I had driven under the carport.

DW: Was your car parked next to the steps?

RM: Yes.

DW: Were there any other cars parked there?

RM: Yes. My other car was there. I was on the station wagon. My other car was there.

DW: What kind of car was that?

RM: Oldsmobile.

DW: What kind is your station wagon?

RM: Ford. I told him when I first went in the house to take either car he wanted. They both had the keys in them. I said just take the car and go. He said, I'm taking you. He said that. I was trying to get him to take the car and go ahead.

DW: He threw you in the car on the driver's side. What happened then?

RM: He got in himself. In the meantime, my husband came up the road. My son-in-law, the little girl was sick with a temperature, had called Esley and told him to bring some Tylenol to the house. He told him that he would bring it as soon as he closed up the store. Esley came up the road while we were under the carport. He said when he got up there, he saw the station wagon and somebody out there, but he thought it was me taking something out of the car. He went on over to Jackie's, which is next door, and blew the horn for them to come out and get the Tylenol for Brooke. Esley didn't get out of the truck. They came to the truck. He backed around and came on back around

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like he usually does, under the carport to park the truck. When he got around to the corner, he saw that the station wagon wasn't there. He said, well, Rea is scared and she thinks I'm still at the store and something has happened. She's gone to the store, so Esley didn't even cut the truck off. He drove around the house and went to the store to see if I had gone to look for him. When he got to the store, I was not there. He came back.

DW: Okay. Let's stop what he did right there. Were the keys in your car?

RM: Yes. I had just gone in the house.

DW: Were there any other keys on that key ring other than the car keys?

RM: Yes. Yes. My house key, my office key. We had to change locks.

DW: Those keys have never been found?

RM: No. The keys were never found.

DW: After he started the car, what happened? Are you sitting up in the car?

RM: Sitting up in the front seat. We took out and went up the road toward Goldsand School. See, now remember, I can see a little now.

DW: You were going north from your house?

RM: Yes. I don't know what number the highway is. We went to Goldsand School. I could see just enough, where he knocked me out of the door, to tell where I was. Didn't, I wouldn't have never known anything. We turned in front

of Goldsand School and went from there over to the Warrenton-Henderson highway.

DW: Which way did you turn?

RM: Turned right at Goldsand School and went right on through A-lert and came out there on that road. I can't tell you what number it is. I'm not good on numbers. We came out at Bill's Place.

DW: You took a right on Goldsand Road.

RM: No. I took a right in front of Goldsand School, which is now Laurel Mill School. It's been changed. And went through A-lert.

DW: A-lert.

RM: And hit, I believe, 39. Is that 39 from Warrenton to, ah.

DW: From Warrenton to Louisburg? Yes.

RM: I'm not talking about straight to Henderson. What number is that?

DW: I'm not sure.

RM: Well, I don't know either, but we came out on the Warrenton-Henderson Road at Bill's Place.

DW: When you got to Bill's Place, which way did you turn?

RM: We turned right, going toward Warrenton. Okay. We went about a couple of miles and turned back right. The highway came out at Inez. I remembered so vividly. I held my eye up and I saw Inez Fire Department. I knew then exactly where I was. Then, I knew which way he turned.

DW: Which way did he turn in Inez?

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RM: He, well, it would be right, coming back to Centerville. He got back on 58. I looked up and it said Centerville--3 miles. I saw that sign. I didn't move. I was as stiff as a board, but I did my eye. We got past the two bridges and then I exactly where I was. In just a little way, we turned on the Vaiden Road.

DW: Would that have been a left or right turn?

RM: Right turn. Immediately, almost, after we turned, he hit that path that was not visible to the highway and went down almost to the creek, as far as the station wagon would go with the undergrowth and stopped.

DW: Then what happened?

RM: He got out of the car. He came around to my side and opened the door and told me get out and I did. He said lay your head up there on the hood of the car. Then he said, I know your husband loves you and I want a hundred thousand dollars. What is his telephone number? So, I give it to him. I happened to look up. I just glanced up with that eye I could see and I saw that he was a very light person. He was bound to have been a light black.

DW: Did he have the mask off at that time?

RM: Yes. He had left it off. He had taken it off.

DW: Was the hood still on?

RM: I don't remember that, but I saw his face. It was clean shaven. Nice looking. It was no black, black person. It was a light skinned person.

DW: In comparison to chocolate milk?

RM: It was a lot lighter.

DW: Lot lighter.

RM: He looked like a "Is You." About that color.

DW: A what?

RM: An "Is You" is what we call them. They are not black folks and they are not white.

DW: Is that the cross between the Indian and the black that you have up here?

RM: Yes. In Hollister.

DW: It's almost like a dark-skinned Indian.

RM: Yes. It's in that family.

DW: Could you see his whole face?

RM: Well, I saw enough of it to tell. See, I couldn't recognize because I didn't focus that long.

DW: What about facial hair?

RM: No. He had a few freckles. I think black spots, but they could have been put on there.

DW: Pock marks?

RM: Looked like a black freckle. You have seen black folks with freckles, haven't you?

DW: Where were they on the face?

RM: Looked like they was all over.

DW: Both sides?

RM: I believe it was, but I can't be positive right now.

DW: What about the hair?

RM: I did not see the hair.

DW: Anything other than the freckles that stood out?

RM: No. I said then that he was either a light-skinned black or a very dark-skinned white.

DW: What about his speech?

RM: It was a "put-on" speech. It wasn't a black "I seen so and so."

DW: How much did it sound like the Hollister people?

RM: Nah. They don't talk like that. You could tell that it was somebody trying to change their talking.

DW: In your opinion, he was trying to disguise his voice.

RM: Yes. Tried to sound like a city dude. He was not flat talk.

DW: How well could you see with the tape over your face?

RM: I could see enough to know where I was. I got out of the car.

DW: You had seen the signs and all.

RM: Yeah, but he didn't know that.

DW: Was it dark? Were there any lights out there where you were?

RM: He had Esley's flashlight. That's all he had.

DW: Was that in the car?

RM: He took it out when he got out of the car.

DW: Was the flashlight in your house originally?

RM: Yes. It was in the drawer between the twin beds. He got my husband's watch that was in the house and an antique gun.

DW: Did you ever see him with the antique gun?

RM: No.

DW: When did you find out that the gun was missing?

RM: My husband found out while I was gone.

DW: When did you find out?

RM: The next day when I got home and we got to talking.

DW: The only gun you saw was what he had and you thought it was a sawed-off shotgun?

RM: Yes.

DW: Okay. You're standing outside the car. Were you hands behind your back?

RM: Yes, and he re-tied them again with hay baling cord.

DW: Did he leave the tape on?

RM: Yes he left the tape on and put the baling cord on. Then he put me back in the car.

DW: Were your feet tied?

RM: Not then. Then he put that tape on my feet just like this.

DW: From your knees, how far down?

RM: Just about here.

DW: About mid-leg down to the ankles?

RM: Yes. I got it off.

DW: That's the same tape he used to put around your head. Did he put any of that cord on?

RM: No. I had on hose and that tape, I just kept doing my feet like this until I finally got one side turning a little loose and I kept doing that until it got one foot out. I used that to work the other foot out.

[SIDE #2]

DW: He put you back in the car. Front or back seat?

RM: Front. He took that bucket of money with him. Well, the first time he got out, he didn't. He forgot it. He had locked the car and I screamed and said, "Don't leave me down here by myself. Carry me to the road." He said, "My buddy is watching for you." He told me that he would be back in thirty minutes to get me. He was going to call my husband for a hundred thousand dollars. Well, in thirty minutes there was a hundred people in Centerville and down there on that road and all. But, we could not be seen from the highway. That road was not visible.

DW: When you came out of your house, did he have the sawed-off shotgun in his hand at that time?

RM: Yes. The first curve we went to, I was sitting up there tied up, I kind of lent and I groaned and he took the gun and put it in my side. I thought we was going to get killed anyway, so I said, ah.

DW: Where was the bucket of money at that time?

RM: It was sitting in the car. I was blindfolded.

DW: So, you couldn't see the money?

RM: No. I remember in the woods when he got out, he locked the door and he took my keys. He forgot the money, because he came back and opened the door and I could hear the money rattling in the back.

DW: And, he locked you back up?

RM: Yeah, and said he'd be back in thirty minutes. I never heard a car of any description.

DW: How long was it from the time you went in your house and

the time you two left the house?

RM: Fifteen to twenty minutes. I was stalling for my husband to get home. He was late that night. He told me he was going to close early, but he did not. Somebody came in.

DW: From the time you left the house until he left you locked in the car, how long was that?

RM: Thirty to forty minutes at the most.

DW: So, basically, from the time he first approached you in the house up to the time he left you in the car was approximately an hour. You were with him about one hour total?

RM: Right.

DW: How far from your house is the path that you went down?

RM: Depends on which way you go. You can go across the woods and it's not but a little ways. Probably a mile. I went around.

DW: If you went by the road, how far would it be?

RM: If you go from my house straight down this way, it's not over two miles, but we went around up by Henderson highway to Inez.

DW: Oh, I realize that you went to Inez. I was just asking about directly from your house if you walked it.

RM: Through the woods wouldn't be but a half a mile.

[Investigator Williams and Mrs. Manning left the church and drove to and entered Mrs. Manning's residence. **See photos.**]

[Interview Location: Manning Residence]

DW: When we stopped talking at the church, we were talking about him leaving you in the car. Was the gun still in the car? The shotgun.

RM: No.

DW: He had the gun with him. He told you that his friend was watching you. During the whole time that you were with him, had there been any reference or indication that another person was involved?

RM: No.

DW: You never saw or heard another person?

RM: No. I never saw anybody else. Just the one person.

DW: After he left you in the car, what happened?

RM: I stayed in the car all night, but I got my feet out. That's what's wrong with my shoulder. I worked so hard to get my hands undone. I couldn't move. They were behind me. Evidently, I was in a state of shock. I shook so bad all night. The doctor said that's why I didn't freeze to death. It was real cold. I did not have on a jacket. I didn't have on any shoes. The doctor said that the jerking was what kept my blood circulating so I didn't go into hypothermia.

DW: You stayed in the car all night?

RM: All night. I would go and come. I cannot explain it. I remember when it got light. I knew I had to get out

of there because nobody knew where I was. I twisted around. The car was locked. I took my hands, they were tied up, and took my fingers and unlocked the car with my hand. I got the door open. I knew exactly where I was. I could see a little bit when we went down in there. I said I'm going to get out of here and try to get to the road if I can. I got out of the car and walked to the back of the station wagon and I almost fell down. I was barefooted with hose on and they were slick. There was dew and it was wet. I said I cannot make it because after I fall, I'll never be able to get up. So, I finally got back in the station wagon. I could not shut the door because I could not reach it with my hands tied. I sat there a few minutes and then I said I've got to go because nobody will ever find me. I got out and I went real slow and I finally found the path, just walking blindfolded.

DW: You still had the tape on?

RM: Everything was on me. I got to the road and I started screaming. I could see just a little bit and I saw two colored girls up there. It scared them so bad that they ran back home.

DW: How loud was your screaming.

RM: As loud as I could.

DW: Was the tape still over your mouth?

RM: Yes. They could tell that something was wrong. That muffled sound, I guess. They were going back home to get somebody to see what was wrong. I knew that if I ever

got to the highway, somebody would see me. While they were trying to get home, I guess, this car, I heard a car and I kinda got in the road, and they almost, but they stopped. It was the two guys that found me. They got out and cut the tape off me. My hair was all tangled up in it.

DW: Did they save the tape or did they throw it down?

RM: Throwed it down, I guess.

DW: Did they go down to your car?

RM: No. He brought me home. Him and this other man from White Level. They were all on rescue. They were in their private car.

DW: Did they know that you were missing?

RM: They had been looking all night long.

DW: When they brought you back here, did the sheriff's department come out.

RM: They were already here. Seventy-five folks were here.

DW: When we talked about the man's voice, you told me that you did not recognize the voice as anyone that you know.

RM: No.

DW: You felt like the voice was being changed intentionally.

RM: Yes.

DW: How long have you known Kenneth Evans?

RM: Since he was a little boy. He lived with his grandfather on our farm.

DW: He's lived in this community all his life?

RM: Practically.

DW: You said that the kidnapper had on khaki shirt and pants. What about shoes?

RM: I think it was something like a Reebok. My husband said you could see where he shifted red dirt, mud, in the house.

DW: It was a tennis or jogging type shoe?

RM: Yes.

DW: What about a cap? You said he had the hood.

RM: He had on that hood and that flesh-colored mask. It was a rubbery type thing. It was no hard looking stuff.

DW: You learned from your husband the next day about the gun being taken?

RM: Yes. I didn't know what he had taken.

DW: All you knew about was the money?

RM: Yes.

DW: Did he ever have to pick you up at any time and place you any where?

RM: Nah. He pulled me, but I was pulling, too.

DW: He never completely picked you up?

RM: No. He kind of pitched me in the car.

DW: I believe that you said he didn't tape your ankles until you got to the woods. Your ankles were not taped while you were in the house.

RM: Right.

DW: Okay. I believe you said the keys to the car and the keys to the house were never found.

RM: No, they weren't. We had all the locks in the house changed.

DW: How much gas was in your car when you got home?

RM: Not too much. We couldn't have gone too far. It was just about on empty.

DW: Did the car ever run out of gas?

RM: No.

DW: Do you know any reason he would abandoned you and the car like he did?

RM: He just wanted to get back home, I reckon. See, he lived less than, ah, he could see his grandmother's house from where we were. See, he had to be walking. I could have heard another car.

DW: I believe you said that the gloves he was wearing were black leather.

RM: As best as I can remember.

DW: While you were in the car, did you ever turn the car lights on or blow the horn, trying to get somebody's attention?

RM: No, I couldn't. I was tied up. The only thing I was able to do was take my finger and unlock the car on my side.

DW: If we drove a car from here to the location where you were abandoned, how far would that be? Not through the woods. Driving on the road.

RM: Probably two miles. Go to Centerville and take a left. It's about a mile down the road.

DW: The cord that he used to tape your hands.

RM: They said it was hay baling cord. I didn't see it.

DW: Was there any in your car? Any in your house?

RM: No. Those boys. He brought it in his pocket.

DW: Mrs. Manning, let's cover the time span again to make sure I'm correct about it. You got home at approximately what time?

RM: At twenty-five minutes after nine is when I told my daughter the time. I went directly to her house and put her out. Went and put my mama and daddy out and I pulled out of the driveway and come on home.

DW: When you left the funeral home, was the visitation over? Was everyone leaving?

RM: Yes. We probably left there at ten minutes after nine.

DW: You got here at nine twenty-five and dropped your daughter off at the north side of your house and then went to your mother's house across the street and then you came home. We're looking at twenty-five minutes to ten when you came in. How long had you been inside the house before you saw him?

RM: I walked in the door in a hurry. I pitched my handbag and he walked out of the living room.

DW: You were in here less than a minute.

RM: I had a cigarette or he did. It burned a hole in the middle of the floor.

DW: How long were you in the house with him?

RM: Fifteen to twenty minutes.

DW: How long was it from the time he put you in the car until he abandoned you and the car?

RM: Thirty minutes.

DW: So, we're talking about fifty minutes to an hour total time?

RM: That's right.

DW: And, at no time did you have any reason to believe that anyone else was with him other than the fact that he told you that his friend was watching you?

RM: That's right. Yes.

DW: Is there anything about this case that I haven't asked you that you think I need to know?

RM: I've told you to the best of my knowledge exactly how it happened.

DW: Is there anything that you told the sheriff's department that you haven't told me?

RM: No. I told you and I told them exactly the same thing because that's the way it happened. Now, you didn't ask me about my husband. As I told you, when he left Jackie's, he came around the house and he saw that the station wagon was gone. He didn't stop. He turned right around and went to Centerville. He thought I was at the store. He thought I was looking for him. When he didn't see me, he came back here and went in the house. He called my daughter and asked her where I was. Jackie told him that I had just put her off and I was at home. He said no I wasn't. Then Esley called mama and then he was really getting upset. He told her I was not at home. By that time, Jackie's husband had picked up a gun and run out the door to come over here. When he got here, Esley was

so upset that he had not even seen the tape. The nigger dropped some tape in there on the floor. They went in there and Thomas saw my shoes and my watch and my glasses that were all on the floor. He called the sheriff's department. My husband was getting so upset.

DW: What's your son-in-law's name?

RM: Tommy Kemp.

DW: Do you know what time he notified the sheriff's department?

RM: It was all in less than ten minutes. Soon as my husband got here.

DW: As soon as they realized that something had happened.

RM: My son-in-law called and it was on the scanner in less than ten minutes. In no time there was a hundred folks from all the counties around here, Warren, Vance.

DW: As we were talking earlier, your reputation in the community of Franklin County far exceeds itself now.

RM: They know who we are. Anyway, you can tell that woman that I'm not going to Warren County.

DW: Okay.

RM: Because I don't have nothing to do with Warren County.

This will conclude interview with Mrs. Rea Manning.

Investigator Daniel C. Williams

R. Manning - 28

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WILLIAMS INVESTIGATIVE SERVICES

KENNETH LEON EVANS

Interview

Rea Manning
(Follow-up Questions)

September 7, 1993

DW: Mrs. Manning, give me a description of the height, weight, and all that of the guy who kidnapped you.

RM: He was thin. I'd say 160 or 170 pounds. He looked like he was about six feet. From five-ten to six feet. He was thin. Not fat at all.

DW: At any time did he try to molest you sexually?

RM: Nah. No. No. No way. He didn't touch me.

DW: Your impression is that he was strictly after the money.

RM: He was strictly after the money. He was strictly after Esley. He thought he could get some money. [Laughter]

DW: After his money, uh?

RM: Yeah. I think I walked in and he didn't know what else to do.

This concludes follow-up interview with Mrs. Manning.

Investigator Daniel C. Williams

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ESLEY MANNING

WILLIAMS INVESTIGATIVE SERVICES

KENNETH LEON EVANS

Interview

Esley Manning
Manning's Community Store
Centerville, NC

September 7, 1993

DW: Mr. Manning, would you tell me what happened on the night of March 5, 1993?

EM: The only thing I know is that I closed up about nine-thirty and went to the house. I went to the house and the station wagon wasn't there. Well, I went to Jackie's house first and then come back. I thought I saw the station wagon under the shelter, but when I come around the house, it was gone.

DW: You went to Jackie's house. Is that your daughter next door?

EM: Yeah.

DW: What did you go there for?

EM: To take her something that she had called for.

DW: Merchandise from the store. When you went by your house, you said you thought you saw the station wagon?

EM: I thought I saw it, yes. Sitting under the shelter.

DW: When you say shelter, are you saying carport?

EM: Yeah. And when I went to Jackie's and come back and come around the house, it was gone. Evidently, they had left between the time I left her house and the time I got back.

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DW: When you left Jackie's house, which is on the north side of your house, you went into the driveway on the south side of your house?

EM: That's right.

DW: Did you see the station wagon leave?

EM: Well, I thought maybe she had gone to the store checking on me to see when I was coming. I came on back down here and made a circle and I didn't see her nowhere.

DW: Did you get out of your truck at the house?

EM: Not that time. I just went around. I thought maybe she had come down here looking for me. She wasn't here so I went on back to the house and went in. I saw that the rug was muddy and some things was on the floor. I called Jackie and asked her if she knew where Rea was and she said no. She said she hadn't seen her. I told her that she was gone and the station wagon, too, and there's mud all over the floor. I said something's happened. Then I dialed the, ah, I don't know if it was me or Tommy dialed the sheriff's office and told them about it. Then they come down here and started looking and that's about all I know.

DW: When was the next time you saw your wife?

EM: The next morning a little after sun-up.

DW: This Kenneth Evans that has been charged with this kidnapping, do you know him?

EM: Yeah. I been knowing him all his life.

DW: You've known him all his life. Do you know where he was

living at the time?

EM: When this happened?

DW: Yes.

EM: No, I don't. Not unless he was living over there with his grandmother over on the Vaiden Road. Just a little ways from where she was found at.

DW: Tommy Perry, who works at the garage across the street, how long have you known him?

EM: Probably forty years.

DW: Do you know where his store was at? The one he had.

EM: Yeah. Right on the end of the Vaiden Road.

DW: On the end opposite from where the car was found?

EM: Yeah.

DW: Does anybody run that store now?

EM: I don't think so.

DW: When was that store closed?

EM: He closed it, I guess in been out about two years. I think somebody else went in there and run it for a while. I don't know when they closed it.

DW: Didn't Mr. Perry used to be a deputy sheriff?

EM: Yeah.

DW: When did he leave the sheriff's department?

EM: I believe he was, ah, well, he left before William Dement's term was over.

DW: Is there anything about this case that you are aware of that I haven't asked you about?

EM: Nah. That's about all I know about it. Except the things

he stole in the house. He got my antique 32 Smith and Weston pistol and he got my watch, a brand new watch, and he got the flashlight.

DW: Were any of these items found in the car the next day?

EM: They might of found the flashlight. I don't remember about that, but they found this here, ah, one of these mask that you put over your head that's got a thing that hangs down like a gypsy.

DW: Rubber type mask?

EM: No. I think it's like a silk hose thing. You pull it down over your eyes or you can't see nothing but your eyes. I don't remember, but I found that in there after the car came back.

DW: Do you know if anything else was found in the car?

EM: I don't know what the sheriff's department got, because I didn't go over there before they brought it home. They drove it home and put it in my back yard. I got to looking and cleaning. They had put this black stuff in there, taking fingerprints and stuff.

DW: It made a mess, didn't it?

EM: Yeah. I had to clean that out and that's when I found that mask in there.

DW: Was it like a stocking type mesh?

EM: Yeah. Kind of like a pair of hose.

DW: I think your wife described it as something a little coarser than a pair of hose.

EM: Maybe so.

DW: With a knot in the back.

EM: Yeah. You see a lot of these colored boys wearing them.

DW: As far as a Halloween or dough mask?

EM: I didn't see that, no. He might have had that, but I didn't see that.

DW: Did you have the serial number of your pistol?

EM: Nah. I had just had it fixed. The trigger spring was broke and I took it up to Gupton in Henderson. He tried to order one and he couldn't find one, so he made one and put it in.

DW: Has the gun ever shown up?

EM: I hadn't heard no tell of it. I wish I could get it back.

DW: What about the keys to the car and the house?

EM: Ain't never seen them. We changed the locks.

DW: The watch, the keys, the things that were taken were never recovered?

EM: Ain't heard no tell of it.

DW: Was the flashlight left in the car?

EM: Nah. Not that I know of.

DW: Did you find anything else missing from the house?

EM: Well, not that I know of. I had some pocket knives. I wouldn't be surprised if he didn't get them. I had them in a little thing there in the bathroom. I didn't even think of the knives until a week or two later. I went in there and checked it. Seems like I had more knives than was there. If he got any, he didn't get but one or two.

DW: Tell me where all the mud was at?

EM: It went in every room in the house.

DW: Could you trace where he had been by the mud?

EM: Yeah. You could trace where he went. He'd been there a long time. You could trace where he peeked out the window. Out the blinds, you know. He didn't fix them back. He left a hole through there where he took his hand and pushed them apart. When he left and went to another room, it didn't fall back in place. Yeah, he'd been all over the house.

DW: You closed up the store here at nine-thirty.

EM: I'd say about nine-thirty. It might have been a few minutes before then.

DW: That would have put you getting home about what time?

EM: It wouldn't have been over ten minutes getting from here to the house.

DW: You would have gotten home about twenty minutes to ten?

EM: Yeah, I guess. Well, it would depend. Sometimes it takes me a few minutes to check up and then sometimes I check up before I close.

DW: At the maximum, it would have been fifteen minutes from the time you left here until you got home?

EM: Yeah. I'd say a few minutes after nine-thirty.

DW: Anyway, you would have been home by twenty minutes to ten?

EM: Yeah. I think when I went by the house to go out to Jackie's, I had to go by my house, I thought I saw tailights on that car. But I thought maybe Rea had just got back.

DW: You didn't see the station wagon leave, did you?

EM: Nah. I didn't see it leave, but it was there when I went by there and when I come back, it was gone. It as gone between the time I went by there and come back.

DW: Did you get out of the car at Jackie's?

EM: I believe that I blowed the horn and she come and got whatever it was that she wanted. I might have met her at the door, but I didn't go in the house.

DW: So you wouldn't have been there over three to five minutes?

EM: I wouldn't have been a minute.

This concludes interview with Esley Manning.

Investigator Daniel C. Williams

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SHIRLEY DENT

WILLIAMS INVESTIGATIVE SERVICES

KENNETH LEON EVANS

Interview

Shirley Yarborough Dent
Route 5, Box 29
Louisburg, NC
Tel. 496-6313
B/F, DOB 8-8-53
Employed by Vance County Sheriff's Department
Employed Part-time by Franklinton Police Department

September 7, 1993

Ms. Dent was a Franklin County Sheriff's deputy in 1990 when Rea Manning was kidnapped.

DW: Shirley, would you please tell me what your involvement was in the Rea Manning kidnapping case?

SD: Really, it was not a whole lot. When I went to work that morning, I was told that there was a kidnapping and where it was located. I went out to the Manning's home. There were a lot of other people and officers around. She had been found. She was inside the house and waiting for the Rescue to come down to pick her up and carry her to the hospital. All I did was keep the people away from the house. Basically, that's all I know about it.

DW: Did you do any interviews regarding the case?

SD: None whatsoever.

DW: Do you know who did most of the interviews in the case?

SD: I can remember SBI agent Rick Sims being out investigating. Detective Patrick Green. They are the only two that I know that had direct involvement.

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DW: Were they lead investigators on the case?

SD: Yes.

DW: Did you ever see any written statements from anybody?

SD: No. I did not.

DW: Did you ever see any of the file on the case?

SD: No. I did not.

DW: Did you receive a description of the suspect before you went to the Manning house that morning?

SD: No. I sure didn't.

DW: Have you ever gotten a description of that suspect?

SD: No.

DW: Your only involvement was going out to the house to protect it and to keep the seekers, or whatever you call those people who ride by and look, away from the house?

SD: That's correct.

DW: Did you know the Mannings?

SD: Knew of them. Directly, I did not know them. I knew that they ran that country store right there in the heart of Centerville. I very seldom even stopped by there.

DW: Mrs. Manning worked for Franklin County Emergency Medical Services. Did you ever have any contact with her in that office?

SD: No. I did not.

DW: Do you know Kenneth Evans?

SD: Know of him just by serving papers on him. The only thing that I knew about Kenneth was that he lived toward Kenmore Avenue during a particular time and I was always serving

civil papers on him. Child support or disturbance. He would have caused problems with his wife. High most of the time, I would say. I remember hearing calls on the radio. I had been called over there maybe once or twice and Deborah was saying that he was not taking care of the kids and they had go in a big fight. I think that's her name, Deborah. That's about the only dealings I had with him.

DW; Did you ever have to place him under arrest?

SD: No. Never. I just know him when I see him.

DW: Based on your knowledge, what was his reputation?

SD: He was a real mouthy person. He would run off at the mouth any time you would say anything to him. I served some papers on him one time and he said, "What the hell you coming over here now for?" That was Kenneth. He just ran his mouth off a lot.

DW: When you served papers, did you ever have any trouble other than mouth? Ever have to fight him?

SD: No. Never did.

DW: Do you know of any other deputies that he gave a hard time to? Ever assault any officers?

SD: No. None that I know of.

DW: After the election, how many people left the sheriff's department?

SD: Just about everybody left. There was only one black deputy that stayed on. That was William Hunter. Patrick Green

stayed. Kenneth Winstead. Ted Hardin. Pete McGee. Barnette. They are the only ones that stayed on.

DW: Do you know what Mr. Johnson is doing now?

SD: He's retired and working part-time at Wal-Mart here in Louisburg.

DW: Where does he live?

SD: Right down the road here from me. Go past the second bridge here on this road and his house is the second house on the left hand side. It's up on the hill. He drives a navy blue Blazer. I think the house is trimmed in light blue. Brick. It's got a real pretty yard.

DW: Is there anything about this case that you know that I haven't asked you?

SD: The only thing that I know about is that during the time that the Johnson administration was in office, Kenneth Evans' name came up as a suspect then. I know that he was questioned. I don't know by whom. Everything else was kept within the detective division. I was not involved.

DW: You were not privy to the reports and files they had?

SD: No.

DW: Do you know whether those files have been maintained by anyone? After the administration changed, were the files destroyed or did someone take them with them?

SD: If I can recall, I believe that all the files were left there at the office for the new sheriff.

DW: To your knowledge, nothing was destroyed or misplaced?

SD: Not that I know of. I haven't been back since I left. I've been to the jail transporting inmates.

DW: Was there much animosity when the new sheriff took over?

SD: Very much so, because of the big turnover and Redmon not wanting any females or blacks on the department. Even the white deputies that was there, they was leaving. Redmon never did speak to me. Not very professional.

DW: How long has he been in law enforcement?

SD: Since 1987. I worked sexual assault and child abuse cases there and all the cases I was working on that were caught in the change-over, I gave Detective Green all the information.

DW: You didn't leave any cases pending that you didn't fill somebody in on?

SD: Right. Everything I had pending, they knew about.

DW: In regards to the Manning case, your only involvement was going out to protect the house that morning?

SD: Right. Making sure that nobody got to her. Keeping the news reporters away. I think I may have taken Rick Sims to the hospital. I gave the SBI agent a ride.

DW: You never interviewed Mrs. Manning or was present when she was interviewed?

SD: No.

This will conclude interview with Shirley Dent.

GREGORY PHELPS

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WILLIAMS INVESTIGATIVE SERVICES

KENNETH LEON EVANS

Interview

Gregory Albert Phelps
W/M, DOB 6-13-63
Single

September 9, 1993
3:50 p.m.
Durham Correctional Center

Mr. Phelps is an inmate at Durham Correctional Center. He is serving a five year and a two year sentence for breaking and entering of a business. This interview is in regards to the charges against Kenneth Leon Evans for the kidnapping of Rea Manning.

DW: Greg, if you would, tell me how you know Kenneth Leon Evans.

GP: From the jail house. We've been in jail a couple of times together.

DW: Which jail?

GP: Franklin County.

DW: When was the last time you were incarcerated with him?

GP: Um. I want to say '89. I think it was '90.

DW: 1990. When you were incarcerated with Evans in 1990 in Louisburg, were you interviewed by the sheriff's department in regards to any statements that Mr. Evans might have made to you?

GP: Nope.

DW: Do you know deputy Pat Green?

GP: Yeah, I know him.

DW: Did Deputy Green interview you in regards to anything that Evan's might have said while you two were in jail together?

GP: Nah. I don't believe so. He might have. I ain't. I don't know. He talked to me so much about different things.

DW: When did you get arrested in 1990?

GP: I think is was early January.

DW: Was Evans in jail when you arrived?

GP: Think so.

DW: Do you know anybody else that was in jail at that time in Louisburg? Any other inmates in your cell block?

GP: It was crowded. Over-crowded.

DW: Do you know any of them by name?

GP: Yeah, but I ain't going to bring nobody into nothing they don't need to be brought into.

DW: All I'm after is the truth. I don't have anything to hide from you.

GP: I know, but if I tell you a name, you'll want to interview him.

DW: I probably would.

GP: How did my name come up in this?

DW: I'll explain that to you.

DW: Greg, I want to read to you a statement that's attributed to you. One that you made to a deputy in the Franklin County Sheriff's department. If there is anything in this statement that is not true, I'd like for you to tell me. If it is true, I'd like for you to tell me that, too.

[Investigator reads statement to Greg Phelps.]

Did you make that statement to any deputy with the Franklin County Sheriff's department?

GP: Not as I recall, no.

DW: You don't recall making that statement at all?

GP: No.

DW: Is there.

GP: That's supposedly a copy of my statement, right?

DW: It's a copy of a statement. It's got your name.

GP: Where's my name at?

DW: It's got your name up here in the upper right hand corner and your date of birth, Franklinton, white male.

GP: Well, I know that ain't my writing up there.

DW: I doubt this is your writing. It's whoever was talking with you. You don't recall talking to anybody about this?

GP: Un uh.

DW: Do you remember Kenneth Evans telling you anything about the kidnapping?

GP: I remember he mentioned that they was trying to pin him with one.

DW: Do you recall what he said?

GP: I mean, I mean, it's been a few years ago. All I know is they took him out of the cell a few times and each time he come back in he was hot, saying that they was trying to get him for something he hadn't done. Kidnapping a old lady. I remember the incident on TV.

DW: Did you know Mrs. Manning?

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GP: No. I don't know her. I live probably twenty miles from down there.

DW: You don't recall making any of this statement?

GP: Sure don't.

DW: Is it possible that this statement could have been written up and you had not said any of this?

GP: Yeah, it's possible. Anything's possible.

DW: Do you think you would recall if you had made this statement?

GP: Yeah.

DW: And, your recollection says that you didn't make it?

GP: Yeah.

DW: Your answer is that you did or did not make the statement?

GP: I didn't make that statement.

DW: I believe that I asked you about the other inmates that were in the cell with you. Could you give me any of those names?

GP: Yeah. One's right on this yard. Jimmy Godfrey.

DW: Jimmy Godfrey. Anybody else?

GP: Several in there that I didn't even know. One guy in there kicked Kenny's butt. His name was Wayne. I don't know his last name. That's all. I know a lot of people, but it's hard to remember who you been in jail with at certain times.

DW: Do you know Eddie Moore?

GP: The name sounds familiar.

DW: This statement says he was a trustee in the Louisburg jail at the time.

GP: I can't recall right now. I know a lot of people. I know them better by face than name.

DW: I'm going to leave my name. Let me put my telephone number on there. If you have any recollection about making this statement, I'd like for you to have one of the guards here call me and I'll come back over and talk to you.

GP: Where's Kenny at now. CP?

DW: I don't know.

GP: Didn't he get. Didn't they find him guilty for that?

DW: I'm not sure where he is.

DW: Greg, if you had talked to a deputy sheriff and ratted on Kenneth Evans in regards to this kidnapping, would you recall it?

GP: Yeah. I damn sure would.

DW: Have you ever given any information you heard in a cell block to any deputy?

GP: NO! No, I haven't.

DW: Is your reputation in the Department of Corrections that of being a rat or someone who gives information to guards?

GP: Nope. It sure ain't. I got to live in them jails when I do go. If I did hear something, I sure wouldn't tell it. I'll be honest with you. I ain't never had enough hanging over my head to even try to rat my way out of it.

You know what I mean. Five years, what's that? I can do another two years.

DW: In other words, the impression I'm getting is that people who rat are usually the ones who are facing a long sentence and trying to help themselves out.

GP: Yeah. They're trying to help themselves out. I'm not saying they got big long sentences and shit. Trying to help themselves out.

DW: If you had made a statement to Deputy Pat Green of the Franklin County Sheriff's department or any other deputy or police officer in Franklin County, you would recall it?

GP: Most definitely.

DW: You've indicated to me that you did not give this information to the Franklin County Sheriff's department or any law enforcement agency?

GP: That's right.

This concludes interview with Greg Phelps.

Investigator Daniel C. Williams

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MAP

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No. 1 Manning Resid.

No. 2 Centerville

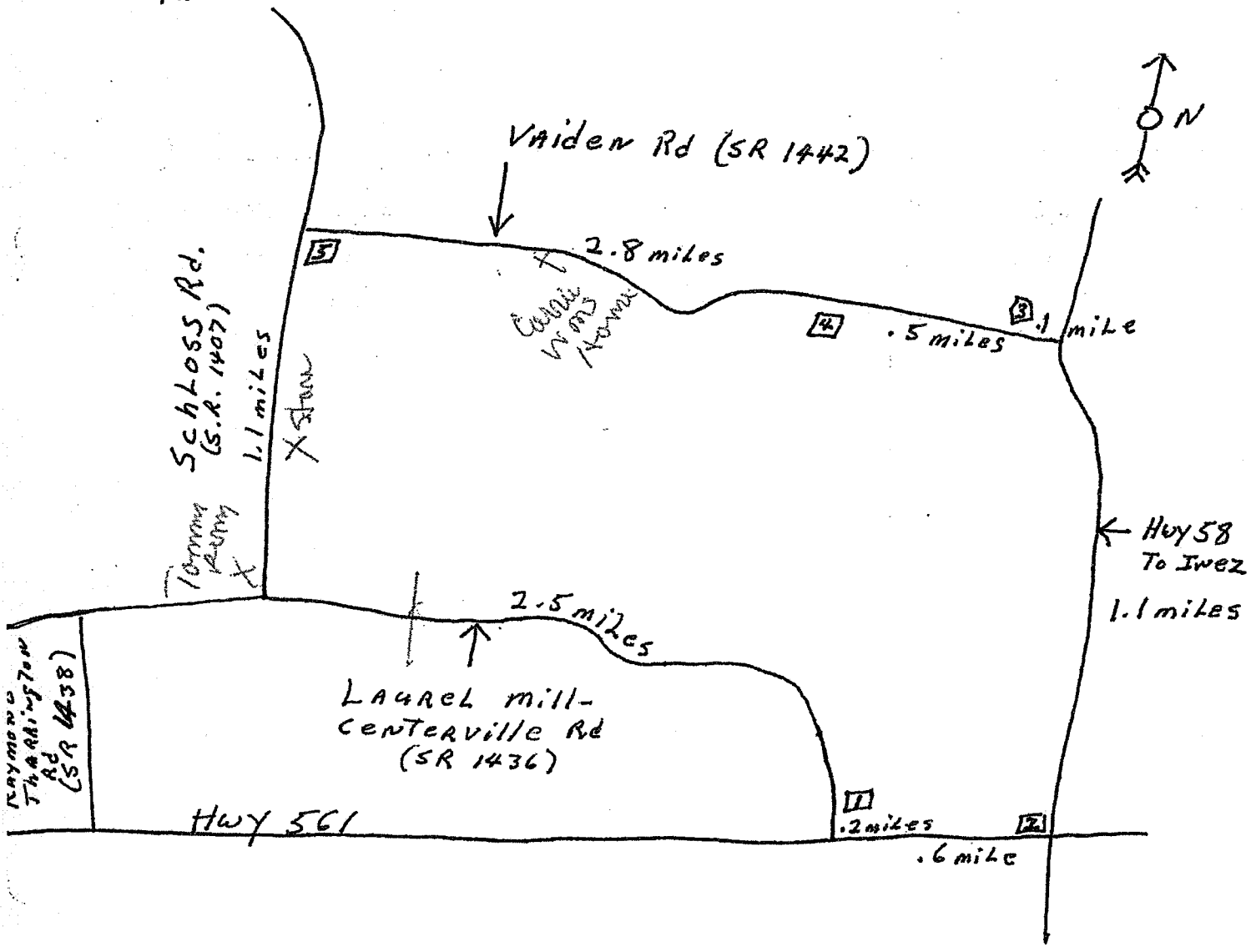
No. 3 Location Vit. a Veh Abandoned

No. 4 Resid. of Evans in 1990

No. 5 Tommy Perry's Store in 1990

Distance

From #1	To #2	.8 mile
From #1	To #3	2 miles
From #1	To #4	2.5 miles
From #1	To #5	4.7 miles (By 561, 58 and Vaiden Rd)
From #5	To #1	3.6 miles (By S.R. 1407 and 1436)
From #3	To #4	.5 mile



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Map Information

Assume walking a 14 minute mile:

From #5 to #1	1 hr. 6 mins.	By SR 1442, 58, 561 to 1436
From #5 to #1	51 mins.	By SR 1407 and 1436

Assume jogging a 10 minute mile:

From #5 to #1	47 mins.	By SR 1442, 58, 561 to 1436
From #5 to #1	36 mins.	By SR 1407 and 1436

Assume running a 7 minute mile:

From #5 to #1	33 mins.	By SR 1442, 58, 561 to 1436
From #5 to #1	26 mins.	By SR 1407 and 1436

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WILLIAMS INVESTIGATIVE SERVICES

KENNETH LEON EVANS

Interview

Joann Clemonts
Apt. 3D, Academy Village Apartments
Franklinton, NC
Tel. 494-1139
B/F, DOB 11-5-68, SSN [redacted]

October 30, 1993
1:00 p.m.

DW: Joann, tell me how you know Kenny Evans.

JC: I used to go with him.

DW: When was that?

JC: Started in 87 up to 90.

DW: Did you live together during that time?

JC: Yeah. For two years.

DW: Where were you living?

JC: Rusty Ridge to start with. That was in 87. He left in 88 and went to Virginia and came back and moved to 135 South Street.

DW: Do you two have any children?

JC: No.

DW: When Kenneth moved out, Linwood Williams moved in. Do you know where Linwood is now?

JC: You saw him.

DW: Was one of those guys Linwood?

JC: Yeah.

DW: Having never seen him, I didn't know. Do you recall the night of March 5, 1990?

JC: I recall March.

DW: What do you recall about March?

JC: A lot of things happened in March.

DW: Do you recall the white Cordova automobile you had?

JC: Yes.

DW: When did you buy that car?

JC: I got that car in February of 1990.

DW: How long did you keep it?

JC: I kept it until June or July. The motor blew up.

DW: Did you sell the car?

JC: Yeah.

DW: Who did you sell it to?

JC: She was a Kingsberry. Don't know her first name.

DW: During the time you had the white Cordova, was Kenny living with you at that time?

JC: Yes.

DW: Did he ever drive your car?

JC: When he was in there with me.

DW: I mean by himself?

JC: No.

DW: You never let him drive the car by himself?

JC: He took it by hisself.

DW: When did that happen?

JC: He took it one day and stayed gone for two days.

DW: Do you know about what date that was?

JC: It's been so long.

DW: Did Kenny ever take the car any other time?

JC: No.

DW: I believe when you talked to the police, you mentioned something about some gray masking tape being in the car.

JC: Yeah. A great big tape and some orange twine. He used the orange wire to fix my speaker.

DW: Was it orange wire?

JC: Yes.

DW: Orange wire. What about the masking tape? Was that used to adjust the speakers of the car, too?

JC: Yes.

DW: What did he do with it after he put the speakers in?

JC: Throwed it in the trunk.

DW: Was it still in there when you sold the car?

JC: Yeah.

DW: I believe that you told the police that Kenny came home one night with some loose change. Tell me about that.

JC: A bag full of change.

DW: What kind of change?

JC: First Citizens Bank.

DW: Was it a draw-string bag or did it have a zipper?

JC: Draw-string.

DW: What color was it?

JC: A gray or blue bag.

DW: Do you know how much money was in it?

JC: I not sure. I asked him and he said it was none of my business.

DW: About what time of day or night was that?

JC: About dark.

DW: About five or six in the evening?

JC: It was later than that.

DW: In March it gets dark between five and six. That's why I asked.

JC: It was later than that. It was around eight.

DW: Do you recall the date?

JC: I was about March.

DW: Do you know whether it was the first day of March or the 25th of March.

JC: I know it wasn't the first. On the first he didn't go nowhere. He stayed there and begged.

DW: Begged?

JC: Begged for money.

DW: What about the 25th?

JC: I don't know.

DW: So you really don't know what day it was. I believe that you told the police that you also bought Kenny a scarf.

JC: Yeah.

DW: Describe that scarf.

JC: Black scarf. Most guys call them Do Rags. I hangs down here.

DW: Was it as big as a scarf that a woman wears? Show me on your hands about the size of it.

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JC: It was ...

DW: I believe that you told the police that Kenny also gave you a woman's watch with diamonds on it. Describe that watch to me.

JC: It was a diamond watch and it had Roman numerals on it and diamonds on it.

DW: Do you remember the name brand name?

JC: No. He took it back.

DW: How long did you keep it?

JC: About two months.

DW: Do you recall when he gave it to you?

JC: Um.

DW: You don't know when he gave it to you. Was it before he moved out or after?

JC: Right when he was ready to leave. My mama put him out.

DW: Your mama put him out when?

JC: He didn't want to work.

DW: When did your mama put him out?

JC: Around, uh, before May 22nd.

DW: After Kenny put the stereo in your car, did it work?

JC: Yeah.

DW: Do you know where he bought the wire to put it in with?

JC: The wire? The wire was in the car when I bought it. The tape was not.

DW: Do you recall Kenny having a shotgun of any kind?

JC: It was a sawed-off shotgun.

DW: Was it a single or double barrel?

JC: Single.

DW: Do you know what he did with it?

JC: Gave it to his cousin.

DW: Which cousin?

JC: Amp Carter.

DW: Do you know when he gave it to him?

JC: All I know is his cousin had it right after he moved.

DW: That was in May.

JC: Yeah.

DW: You mentioned something about some clothes to the police. A yellow T-shirt. How many different T-shirts did Kenny wear?

JC: All different colors. I bought them.

DW: Where did you buy them?

JC: Family Dollar.

DW: Did they have any writing on them?

JC: The yellow one was Panama Jack.

DW: I believe that you mentioned something about him having some black shoes that had some red mud on them.

JC: Yeah.

DW: I think you told the police that he threw those shoes away. When was that?

JC: Yeah. Let me see. The same day that he had kept my car for two days. He claimed he cut grass. You don't mow grass and get your shoes muddy at the same time.

DW: Was this the last of March or the first of March?

JC: It wasn't the first of March. On the first he don't go nowhere.

DW: Did Kenny ever mention anything to you about being involved in a kidnapping of Ms. Manning?

JC: Nope.

DW: Did you ever ask him if he was involved in a kidnapping of Ms. Manning?

JC: No.

DW: Have you ever known Kenny to kidnap anybody?

JC: No.

DW: Was your relationship with Kenny a good one?

JC: So-so.

DW: Describe so-so to me.

JC: He was alright part of the time.

DW: What was his biggest fault?

JC: Loved to fight.

DW: Other men or women?

JC: Women.

DW: Did he ever beat you?

JC: Yeah.

DW: Is that what caused most of the problems?

JC: Yes.

DW: Did he do many drugs?

JC: No.

DW: Did he drink much?

JC: He drank, but he didn't drink heavy.

DW: You wouldn't classify him as a drunk or an addict?

JC: No.

DW: Is there anything about this that you might have told the police that I haven't asked you?

JC: Not that I can think of.

DW: You said that you bought the gray tape that was in the car.

JC: I bought it at Family Dollar.

DW: The wire was already in the car.

JC: Wire was already in the car.

DW: Do you know what happened to the bank bag that Kenny brought the change in?

JC: No.

DW: During that time, was Kenny running around with anybody in particular?

JC: Johnny Roberson and his cousin Moe.

DW: Do you know Moe's last name?

JC: No.

DW: Where is Kenny's grandmother now?

JC: She was staying in Centerville or Castalia.

DW: Is his grandfather dead?

JC: Yeah.

DW: Do you know a Linda Collins?

JC: Linda Collins? No.

DW: Is there anything about this case that I haven't asked you that you think I need to know?

JC: Ask me what you need to know.

This concludes interview with Joann Clemonts.

L. Williams

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WILLIAMS INVESTIGATIVE SERVICES

KENNETH LEON EVANS

Interview

Linwood Earl Williams
Apt. 3D - Academy Village Apartments
Franklinton, NC
B/M, DOB 8-5-61, SSN [redacted]

October 30, 1993
1:25 p.m.

DW: Linwood, tell me how you know Kenny Evans?

LW: Through Joann Clemonts.

DW: When did you first meet Kenny?

LW: About 89 when I met Kenny.

DW: Did you ever have any falling out with him?

LW: Yeah.

DW: What was that about?

LW: Over her.

DW: When was that?

LW: I don't know when it was, but it was before, uh, he pulled a gun on me. A play gun. He tried to hit me in the head with a bottle. I ducked that. My mama-in-law threw me a brick and I caught the brick and he took off running. I went up and caught him. Joann begged me not to have him up, so I let him go. I just told him that I didn't want him around anymore. The next day, he was right back around me and my woman. I ask him nice to stay away from her. I gave him his chance. He kept beating up on her.

I used to ride in the car with them to go get parts to fix the car and he punched her in the eye one day and I didn't like it. I had just got off work that day. I went and bought me some shoes and some pants and a shirt. He took me down to my mother's house down on 39.

DW: I really don't need to know where your mama lives. You and Kenny had some problems over Joann.

LW: Yes.

DW: I believe that you were in jail with him at one time.

LW: Yeah.

DW: At the time you two were in jail, did you have occasion to discuss what he was charged with?

LW: No.

DW: Did you discuss with him what you were charged with?

LW: No.

DW: Did you have any discussion with him about him being charged with kidnapping?

LW: No.

DW: At any time, did he ever tell you about kidnapping anybody?

LW: No.

DW: Do you recall Kenny having a shotgun?

LW: Yeah.

DW: What kind was it?

LW: Sawed-off.

DW: Do you know what happened to that shotgun?

LW: No.

DW: Were you with Kenny when he sold that shotgun?

LW: No.

DW: Did you sell that shotgun?

LW: No.

DW: Do you know anything at all about Mrs. Manning being kidnapped?

LW: No.

DW: Kenny has never told you about the kidnapping?

LW: No.

DW: Did you ever drive the white Cordova that Joann had?

LW: No.

DW: Do you have a valid North Carolina driver's license?

LW: No.

DW: Have you been interviewed by the sheriff's department regarding this case?

LW: No.

DW: Is there anything about this case that you know that I haven't asked you about?

LW: No.

DW: I believe that you told me that you never heard Kenny mention this case or discuss it in any way.

LW: No. We don't like each other.

DW: Did you ever discuss Mrs. Manning's kidnapping with anyone else in the Louisburg jail?

LW: Miss Bernadene came to talk to me about when I met Joann and when we started going out together. We didn't discuss nothing about the kidnapping.

DW: Miss Bernadene. Is that Mrs. Balance, the attorney?

LW: Yes.

DW: You have no personal knowledge about the kidnapping?

LW: I don't know nothing about that.

DW: Is what you told Mrs. Balance the truth?

LW: Everything I told her was the truth. I have nothing to hide.

This concludes interview with Linwood Williams.

Investigator Daniel C. Williams

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Linda Collins

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NCIIC

WILLIAMS INVESTIGATIVE SERVICES

KENNETH LEON EVANS

Interview

Linda Faye Collins
Route 2, Box 456
Louisburg, NC 27549
Tel. 853-3061
W/F, DOB 5-9-48, SSN [redacted]

October 30, 1993
11:00 a.m.

Ms. Collins has an eighth grade education. She has been living at the above address for thirteen years.

DW: Linda, how do you know Kenny Evans?

LC: He used to stay with his grandparents and he used to come up here and play basketball with my kids.

DW: Do you remember what year he lived with his grandparents?

LC: Probably in the late eighties. Three or four people have lived in that house since then.

DW: When Kenny was living with his grandparents, how often did he come to your house?

LC: Mostly on Saturday when they was out in the yard playing.

DW: He'd come down and play basketball?

LC: Yeah. That's how I knew him.

DW: During those times, did he ever come inside the house and watch television?

LC: No. He'd come and knock on the door and Dan would come in here and get him some water.

DW: Did he ever come in the house and watch television with Danny?

LC: Yeah.

DW: Let me draw your attention to March 5, 1990. Do you recall that date?

LC: I remember it.

DW: Do you recall hearing on the news about Ms. Manning being kidnapped?

LC: Yes.

DW: The day before or the day after you heard about the kidnapping did you have an occasion to see Kenneth Evans?

LC: I didn't see him no time around then.

DW: Would Kenneth Evans have been at your house any time prior to March 5? Four or five days before?

LC: I don't think so.

DW: When was the last time he was in your house watching television?

LC: He came in with Danny. I had to tell him to leave, because it was probably getting to be nine-thirty or ten o'clock. I don't know exactly when. I haven't seen him in probably three, two years.

DW: How often would he stay until nine-thirty or ten o'clock and you would have to run him off.

LC: Just that one time.

DW: Could that have been around March 5, 1990?

LC: I don't think so. I don't think it was. I remember hearing about that and I didn't see him before or after.

DW: To the best of your recollection, when was the last time you saw him?

LC: It was in February. It was cold. He's cousin come and knocked on the door. I told him to leave.

DW: His cousin was with him that time?

LC: Yeah.

DW: And you think that was in February?

LC: Best I can remember.

DW: Have you had any dealings with Kenneth Evans since that time?

LC: No.

DW: Do you know any of Kenneth's family?

LC: Just his cousin Moe.

DW: Do you know where Moe lives now?

LC: No.

DW: Do you know where his grandparents are living now?

LC: I'm not sure, but I think they died.

DW: You can't recall whether Kenneth was over here on March 5, 1990 or not?

LC: No, but I don't think so.

DW: Linda, have you ever seen Kenneth with a shotgun?

LC: No. I ain't, but my son did. He was around the back of my trailer one night.

DW: Tell me what happened.

LC: It as late, probably two or three o'clock in the morning, and I happened to see a shadow go by my bedroom. I come in here and got my son. He got him a knife and went out

and around the corner. He was standing right there at the back window and James said he did have a sawed-off gun, but it wasn't loaded. He told him to hit the road, so he went on up the road.

DW: Back toward his grandmother's house?

LC: Yeah.

DW: Have you ever had any problems with Kenny as far as stealing or anything?

LC: No.

DW: When Kenny was around the house, was he considered a fairly nice young man?

LC: He was very polite. He used to come up here and use the phone to call the doctor for his grandmother. He'd always say thank you. Very nice.

This concludes interview with Linda Collins.

Investigator Daniel C. Williams

BALLANCE CONTACTS WITH EVANS AND OTHER WITNESSES

8/8/1993: Phone Interview of Joanne Clemonts and Christine Clemonts

- Evans had a grey work coat. (Ballance 24)
- Evans had a sawed off shotgun and gave it to his cousin, Anthony High Carter. This is the same gun Carter show his mother's boyfriend in the leg with. (Ballance 24)
- Evans did not smoke at all. (Ballance 25)
- She gives a description of a gold watch with a black face. (Ballance 24)
- The gray tape balled up and the orange twin had bene used to hook speakers together two months before he left. (Ballance 25)
- After her mother put Evans out, he never came back to stay. (Ballance 25)

8/8/1993: Interview of Linwood Earl Williams At Jail

- He dated Joann Clemonts while Evans was still around. He used to drive around Franklinton with Evans and Clemonts. (Ballance 119)
- He heard that Evans pulled a gun on Clemonts but Evans said he didn't. (Ballance 119)
- He moved in with Clemonts after Evans moved out. He has been with Clemonts for four years. (Ballance 119-20)

8/9/1993: Affidavit of Joann Clemonts

- She first met Evans in 1987, when her daughter was four days old. (Ballance 23)
- Evans lived with his wife sometimes through 1989. He lived with Clemonts in 1987 before moving to Virginia. (Ballance 23)
- Evans came to live with her again in March or April 1989. She had bought the Cordoba about two months before. (Ballance 23)
- Her mother kicked Evans out around May or June 1989. Linwood Earl Williams moved in around July 1989. Evans never lived with her again. (Ballance 023)
- When Evans was living with her he took her car and was gone for two days. He came back wearing black shoes and brown work pants with mud on them. He was wearing a shirt with Panama Jack on it and a black scarf. He said he had had been at his grandmother's in Centerville. He had a gray sack and a blue bag with change, both had First Citizen's Bank on them. (Ballance 23)

8/10/1993: Interview of Kenneth Evans

- Tommy Perry runs Pleasant Auto Parts in Centerville near the Manning's store. (Ballance 4)
- He sold his gun to a guy at the carwash. Samuel Thorpe had helped him saw off the gun at the trailer. (Ballance 4)
- He has known the Victim for about 20 years and had been in the store while she was working. (Ballance 4)
- His grandparents used to rent a house and do farm work for the Mannings. (Ballance 4)
- Evans is 5'9" and does not have freckles. (Ballance 4)

8/10/1993: Interview of Kenneth Evans

- Evans rejects a pleas off of 20 years at the expiration of his current sentence. (Ballance 142)

10/14/1992: Victim's Description of Suspect (received from ADA Doug Berger)
• 6'-6'2" light-skinned black male, 200 lbs., blotches or large freckles on cheeks. (Ballance 36) • Wearing an old brownish-colored cap, mask and gloves made of rubber. Took the mask off in the car. (Ballance 36) • He talked like a city person. (Ballance 36) • She could not identify in the attacker was black or white. (Ballance 36)
10/27/1993: Interview of Kenneth Evans
• Evans and Clemonts went to Franklinton and tried to pawn the shotgun but it was sawed off too short. They sold it to a guy in a van for $10. (Ballance 42) • He got to the store around 8pm. (Ballance 42) • Linda Collins, who lived below the store, was home from 7-7:30pm. (Ballance 42) • Watched Family Feud or Wheel of Fortune with Melinda, Danny, and Ricky then walked to Perry's store. (Ballance 42) • Larry Davis works out of town. (Ballance 44)
10/28/1993: Phone Call From Evans
• Linda Collins was at her house most of the afternoon. She tried to sell him Apple Brandy. (Ballance 42) • He caught a ride from Louisburg to an intersection near Sandy Creek Church; she called as he walked past but he didn't have money to buy it. (Ballance 42)
10/28/1993: Interview of Tommy Perry
• Evans was not at the store at closing time, 9-10pm. (Ballance 151) • Business was slow. Evans left walking. He never saw Evans driving, he was always walking at night. (Ballance 151) • Evans wore do-rags, "regular rag black guys wore." Would sometimes wear a cap (Balance 151)
12/7/1993: Interview of Kenneth Evans
• On the day in question, he was at Tommy Perry's store in Centerville at approximately 8:30pm. (Ballance 172) • He left the store around 9pm and walked in the opposite direction of where the Victim was kidnapped. He lived about 15-20 minutes away. (Ballance 172) • He got home and watched TV with cousin Jerry Moore until 11pm. (Ballance 172) • "Denied involvement in this crime. He pled guilty in all convictions only not guilty plea was when he was innocent." (Ballance 172) • He wore do-caps, not do-rags. (Ballance 172)
8/20/1994: Interview of Kenneth Evans
• He is asked how he got mud on his shoes and says he was wearing dress shoes. (Ballance 000276) • He says he is not guilty of the crime. (Ballance 000276) • He knew Larry Davis from jail, they were in the same cell black, but had not had a conversation with him. Davis says Evans told him about the crime. (Ballance 000277) • Pat Green and Rick Simmons wanted to find out if Evans was involved in the Manning case. Evans passed a polygraph. (Ballance 000277)

8/20/1994: Interview of Kenneth Evans
• Evans was arrested for rape, which he admits guilt to, on 9/21/1992. (Ballance 278) • It is about a mile walk from Vaiden Road to the Manning house but there is no red mud along the way. (Ballance 278) • Evans let Tommy Perry's store at 9pm, the same time Perry left. He got home at 9:20pm and did not leave the house for the rest of the night. His grandmother (now deceased), Jerry Moore, Alice Moore, and Gregory Evans were at the house. (Ballance 279-80) • Evans was at Linda Collins' mobile home watching Family Feud at 7:30pm. He was friends with her sons Ricky and Danny. (Ballance 281) • At 8:15pm he went to Tommy Perry's store and played pool with Donald and Larry Wiggins until the store closed. (Ballance 281)
8/21/1994: Interview with Mary Moore and Greg Evans
• Mary Moore and Greg Evans state that Evans was home from 9:30-10pm. (Ballance 258) • Greg Evans broke the knob off his radio trying to record something for Evans. (Ballance 258)
8/25/1994: Note from Evans re: Plea
• Evans rejects a plea bargain stating he is not guilty. The plea offered was 5 years at the end of his current sentence as opposed to 50 years. (Ballance 257)
8/30: Meeting Between Defense and District Attorney's Office
• Confirms there is no fingerprint evidence. (Ballance 192)
9/20/1994: Dorothea Dix Evaluation of Evans
• Evaluated by Forensic Psychiatrist C.W. Lynn, MD for competency to stand trial. (Ballance 189) • Evans reported being depressed since his grandmother's death on 6/20/1994. (Ballance 190) • Psychiatric Impression: Adjustment Disorder with Depression but found competent to stand trial and contribute to his defense. (Ballance 189-90) • Evans knows and understands the charges and denied his guilt. He reported that he had an alibi and witnesses. (Ballance 189)
10/21/1994: Phone Call From Evans
• He had contact with Clemonts who said that Larry Davis was lying about the car. (Ballance 269)

NCIC 2
000024

8/87 t/c Christine
Joanne
1st came around 2 p.m.
Uncle, Earl and next door
neighbor

(a) Asked about scarf
(b) Clothes — told wash
(c) Asked what color T-shirt
on day driving car; Sd
yellow Panama Jack

Coat — asked about brown
work coat with brown work
pants. Told he had a grey
coat
Sd Someone else with him.
Sd lady sd there were 2

Sd Eyewitness sd saw both together

Watch

Gold watch / black face
Roman Numbers; Ladies
Watch; Sd going back
up road → then turned

NCIC
000025

Had sawed off shot gun; gave it to cousin: Anthony Hugh Carter; same gun he shot his mama's boyfriend in leg with. Mama's boyfriend Charles.
Officers asked if she knew where gun was.

If Kenneth didn't have Kools; he didn't smoke at all. 100's — long

Asked about Cambridge

They found some cigarette butts in ash tray

Showed grey tape balled up Orange twine — like

Used it to hook speakers about two months before left.

After mama ~~came~~ put out never came back to stay.

NCIIC
000026

Hippie scarf.
Wave cap
Do rag

NCIIC
0001119

8/8/93 Interview at Jail.

Linwood Williams

Lived in New York for 20 years; moved to N.C. 3 months later met Jo Ann

Driving white cordoba; took pictures; might have dates on them

dated about month; rode bike every day to see her.

Staying with Mom at the time; Kenneth was still around at the time. he used to drive; would get in back and ride around Franklinton with them.

Jo Ann fell a trailer; he helped her get trailer; heard he had pulled gun on her; she said he didn't do it; when Williams got there Kenneth & Ant were hanging up curtains.

NCIC
000120

Jo Ann was still going with Kenneth.

Been together 4 years

Was 27 or 28 when moved down; turned 32 on Thursday.

17 month month old

8/5/61 dob

Jo Ann had been on Savage Street about 6 or 7 months before moved

As soon as Kenneth moved out; he moved in;

Was working at Container System at time at first moved in with Jo Ann. Had been there about 4 - 5 - 6 months date of employm

NCIIC
000121

Worked about 2 months at Chicken House.

Met her when working at Chicken House; Job at Chicken House ran out 1 month later, went to work at Container System.

on 56

About a month, both of them stayed there

Father was about 2 yrs old when he moved down.

Need Clerk Jo Ann for rent receipts

DIION

000023

NORTH CAROLINA

FRANKLIN COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

STATE OF NORTH CAROLINA

vs.

KENNETH LEON EVANS,
Defendant

AFFIDAVIT

JoAnn Clements, being first duly sworn deposes and says:

1. I was interviewed by Attorney Bernadine S. Ballance on June 15, 1993.

2. She asked me questions about Kenneth Leon Evans.

3. The answers I provided were true to the best of my knowledge.

4. I have read fully all of the information in the affidavit prior to signing and the information herein is what I told Attorney Ballance during my interview.

5. I related the following information to Attorney Ballance:

I first met Kenneth Leon Evans in 1987. I know this because Tosha was four days old and she was born on April 5, 1987. During 1987, 1988 and part of 1989 Kenneth Evans was living with his wife Shirley Evans on Kenmore Street in Louisburg. He lived with me for a while in 1987, but moved to Virginia in June or July, 1987.

Kenneth came to live with me around March or April of 1989. I bought the white Corboda about two months before he came to live with me. My mother put Kenneth out of my house in May or June of 1989. I was living in a white trailer on Savage Street at the time. Brick Taylor was my landlord.

After, Kenneth left, my boyfriend Earl moved in with me around July, 1989 and Kenneth never came back to live with me again.

When Kenneth was living with me, he took my car and stayed gone for two days. He returned wearing black shoes with mud on them, brown work pants with mud on them and a yellow T-shirt with Panama Jack on it. He was also wearing a black scarf. He said he had been down to his grandmother's house in Centerville.

Kenneth brought home a big gray sack with First Citizens Bank on it. He also had a blue bag with nickels, pennies, and dimes in it which had First Citizens on the side.

Signed _____

8/9/93

JoAnn Clements
Affiant

NCIIC
000004

8/10/93 Interview with Kenneth Lovan

— Tommy Jones Pleasant Auto Parts
near Easley Manning's Store

— Manning Store is in Centerville

— Sold gun to guy at car wash; Samuel Sharpe helped him saw off the gun at the trailer.

— Metrics

(a.) Manning — knew 20 some years; been in store many times while she was working

(b.) Kenneth doesn't have freckles

(c.) Kenneth is 5'9"

G/M and grandfather used to rent house from them. One did farm work for Manning

NCIC
~~Recd~~
000142

8/10/93

Interview with Evans — Fct Sheet —
Not taking plea — Jury room

Plea offer → 20 yrs at
operation 2
Current term

Rejected by Evans

Statement

I will not take the
above plea.

Kenneth Leon Evans

NCIIC
9E0000

Ms. Manning

1. 6 feet to 6'2" feet
2. black male light-skinned
3. 200 lbs weight
4. blotches, or large freckles on cheeks
5. old brownish-colored cap
6. mask and gloves - made of rubber took mask off in car
7. talked like a city person

could not identify if attacker was black or white

Received from Doug Berger
on 10/14/93
Bernadine S Ballance

NCIIC
000041

919 612-4668 Maurice Hamilton

5: 30

Kenneth Govan

10/27/93 – Tilley – Caledonia

(1.) Plea — 20 — Consecutive — at the end of time now serving

(2.) Credit on probation for 7 months already served.

(3.) Check court judgment — modify if possible

(4.) Time left

40 + 20 = 60 years
Concurrent
60

900 N. Sale
7603
$15,77

70 years — ~~35~~ 17 1/2

(5.) Life + 80 years
Said going all the way

(6.) Ask Tommy → If remember asking Kenneth if need a ride home. Talked to Tommy later; he said Ed Lee Owens at h.s. store

Wearing —

(a) Left walking

(b) Sawed off shot gun

(c) He + JoAnn went to Frankenstein tried to pawn it; 3d it was sawed off too short; sold it to a guy in van for $10.

Ask JoAnn

(d) Got to Store around 8 pm or after

(e) Linda Collins — lives below Tommy Perry Store, about ½ mile. At her house from 7 to 7:30; watched her son

Melinda
Danny
Ricky

Close to her + Danny

Ask her about prank she + brandy tried to sell

either wheel of fortune or family feud

then walked to Tommy Perry's Store; lives in Yukon house on Gupton Road

NCIC
000043

Do rag →

Nylon

Wave caps ; wore a wave cap
It's like a stocking ; don't have
to tie it. Fits around head ; no hanging
Super 10 — get a wave cap
Black

((Have 2 hooded jacket
1 — McGregor coat — many different colors
light blue — 4 pockets on front

Police passed him as he left
the store. Was on Baden
Bill Kong's car — White
car (

Ask dispatcher if Bill in area

NCIIC
000044

Larry Davis — works out of town

NGHC
000045

10/28/93 — tc from Evans (collect)
Kenneth Evans

Linda Collins — asked on day he came to house if wanted to buy a bottle Apple Brandy in order to get a box of pampers for g/c Son & Melinda (Christopher); holding bottle ~~for it~~ from Danny.

Sell it for 4.00 or 5.00

Had been at her house most of afternoon.

Caught ride from Louisburg to intersection near Sandy Creek Church; she called as he walked past; didn't have the money to buy it. Danny wasn't home

Nobody home except her and her grandson.

853 — ~~30~~ ~~365~~ 3967 (d)
or 3986

10/28/93 — Tommy Perry

(1.) Kenneth was not there at closing
9:00
10:00

(2.) Business slow — something going on

(3.) Came off — always left

(4.) Left walking

(5.) Never saw him driving always walking at night

* (6.) Once or twice a week; walking or catch a ride

(7.) Do — rag
Regular rag black guys wore

(8.) Buy them

(9.) More like a scarf
Sometimes would ~~tie~~ wear a cap

000151
NCIIC

12-7-93
Time 1:15 hrs + 3:10 hrs Cont'd
Interview With Kenneth Evans

Caldwell Correctional Inst
Assigned to N.C.
Prison # 201644 DC
SS# 243-19-4440
D/B 1-25-64
Married - Divorce Pending
Wife Shirley Evans. } moved to Raleigh
708 Kenmore Ave
Louisburg N.C.
496-6690

Children 2
1. Antwone age 10 D/B
2. Keith age 4 D/B

Mail
P.O. Box 131
Caldwell Prison Farm
Tilling N.C. 27887
He was locked up 9-21-92
Tried (Pled guilty) 3-4-93 to 1st Degree
Rape - 1st Deg Burg + Assault
Received - 40 or 60 years
He Says Plea bargain for 40 yrs

000171
NCIIC

(2)

On date in question he was at Tommy Perry's Store in Centerville N.C. on 64 Store to go to Gold Sm's School
— He was at Store at appx 8:30 PM & left at 9:00 went home walking
Took 15 min - 20 min walk.
Different Direction of where Lady who was kidnapped lived.

— Commenced & stated.
< When he got home he went & watched T.V. Jerry Moore his Cousin was watching Rt 6 Box 483 Louisburg, NC
Commenced Carrie Wms Home.

(1) (2) Marry Alice Moore — Same Home

Watched TV til 11 PM.
He & wife- were Separated.
this was on week days
He was not working at time
got fired 2-3 weeks before
working at Food Lion in Louisburg N.C. as bag boy

(3)

His Record was bad

Record

1- Serving 40 - 50 years
2. Pending kidnapping
3. B & E Convicting 1990
~~Served 5 years~~
10 years Sentence Served 4 mo
4. Sex ~~is~~ Convicting 5 years Sentence
Served 14 months
5. B & E. 2 years Sentence
Served 41 + days
6. B & E & L.
Sentence 5 years
Served 18 months
7.

Completed 8th grade.
Had a valid Drivers license
He did give Police a Statement
he do Where he was
Denied involvement in this Crime
He Pled guilty, in all Convictions
only Not guilty Plea was when
he was innocent

000173
NCHC

They're trying to pin this
case on him.

Told Police he did wear Dr Dog
he wore a cap.

He wore a Dr cap Not Dr Dog
thing are different

Jo Ann Clements his ex girlfriend
he was

— Never had psychiatric Exams —

000174
NCIIC

Burgin - 554-0857

8/20/94 4:20 Kenneth Leon Evan
Jail Prison
A: How'd you get mud on your tennis shoes?
K: I had on dress shoes?
A: Purpose: ① position
K: I have not commited this crime.
Time for me to stand up for my rights.
I am guilty of this crime I am
serving now but not the other.
(Grandmother's death did not attend)
A: What is your plea?
Kidnap, burg. 2 large
K: I pled not guilty?
A Plea bargain.
K: I will not plea bargain!
A. Larry Donnell Davis
K: Yes, I know Larry
A: Conversations
K: No conversation w. the Larry

000276
NCIIC

A: Why would Larry Davis say that you told him about crime?

X:

A. When arrested

K: I got arrested 9/21/92 on crime I am serving now. In jail all time

A: Was Larry Davis in jail with you?

R: In Block
Open cell block Larry Davis was there.

A How long

K: 6 month = assault or stolen tags this was after 9/21/92
While in jail of 6 month, charged Pat Green & Rick Simms (Arthur Johnson, Sheriff) wanted to find out if he was involved with Manning case he took and passed a polygraph test.
At end of 57 days he was released When Arthur left the Sheriffs department they came to talk about the case

000277
NCIIC

Case, he is serving 50 years. 1 degree rape, [redacted].

When he got out on the 6 months I committed this crime at am doing now (the rape) arrested 9/21/92

Crime 3/5/90 Manning

A: Can you walk from the V-Road to the Manning house?

K: Yes

A: How far would it be?

K: About a mile

A: Is there any red mud on the V-R

K- No sir

A: In the wood, when you hunt?

K: I don't hunt.

000278
NCIIC

Vaiden Rd.

A: Who are your witnesses

K: Right now it is hard for me
Mary Alice Moore - Agent
she knows if we at home? 9:20 p.m from store

A: Store?

K: It was Tommy Perry's store
we left at the same time 9:00 p.m.
when the left the store

A: Was he going in the direction
of the Manning?

K: No he ~~turned~~ leave just down the
rd from the store on the right
Left went to Gold Sand
(Map) he is right here on the
School Rd.

A: Who was home?

K. Carrie W. Wms. grandmother deceased
Mary Alice Moore, aunt does not work
R.R. 2 Box 483
Lowenburg, NC

000279
NCIIC

K: Jerry Moore, cousin 30
Same house

Gregory Evans, nephew 10 at that time

A: Who can verify that you came home at 9:20?
My aunt.
Will she come to court?

K: Like?
Yes she will come.

853-2960 Telephone #

A: Who else can testify

K: My aunt Ann Lee Kelly?

Jerry can come?
Gregory can come?

A: Did you leave home anymore that night?

K: No sir.

000280
NCIIC

A: How does Annie Lee know that you didn't do it? Were she there.

JC: No

A: Who saw you at the store?

JC: Tommy Perry

A: Time you got to the store?

JC: At 8:15

A: I was at a little girls house?

JC: No. Linda ~~Collier~~ I was at her trailer house
I was at her house at 7:30 we watch Jeopardy. She is about 40. I hang out with her son. I left her house and went to the store.

JC: Son Rich Landry

A: Did anybody come to the store

K: Yes, a lot of people came by.

A: Can you name anybody

K: Donald Wiggins
Larry Wiggins
we played pool until the
store closed.

A: Where are they?

K: Dead Heights trailer park.

A: Will they testify?

K: I don't know? A lot of people
don't want to get involved

A: What happened to your girlfriends car
with the duct tape & Freida &
the Chevy money?

K: If she knows what kind of clothes I
had on in 83 years don't she need to be
with me.

A: Change of venue

K: I want to get this over with.
I want to get this over with
I didn't do this.

A. Mrs. D. Harris, I am being evaluated by ↖, I have been seen Harris, 8/19/94 was the last time. Talked to her 15 to 30 min.

K Talked about my grandmother, the crime pending & my family. Talked about my not doing the crime.
The 1st time 1 month before 8/19/94. Did you request to see her? Why. I was unable to sleep. Crying.

A I want to have you examined by another Dr.

K: I know I have all my B & Q's. I don't want to be examined.

A Change of venue? NO!

000283
NCIIC

K: I never stole anything

Complete 8th grade dropped out at 16. I got in trouble at 16 B&E. Guilty 1-14. served 8 months Hampton. 3 months Fountain. Stole cig. & other item. About 1 year worked at Tony Lumber Co. for 1½ year

1983 married Shirley Ann Evans at 19 have 2 children.

Quit Lumber Co. & went back at a couple of month stayed about 6 months.

A Have you had a regular job since you left Tony lumber company?

K: No

A: How did you support yourself

K: My grandmother

A: Next crime

K: Safe cracking charge at good while after Tonys.

Guilty Plea - year Pitt County Jail

000284
NCIIC

to Oxford August 10, 1992

K: Stayed clean 1 month
9/7/92

8-21-94

spoke to Nilsons
he mean et al
then say he was from

000285
NCIIC

8-21-94
6:30 PM

Conf/wm w/

1. Mrs Mary Moore

2 Coley Evans

They are satisfied that he was home during 9:30 to ten PM.

— Coley says he broke knob on this radio trying to screw something for Kenneth.

000258
NCIIC

August 25, 1994

Re: State Vs Kenneth Leon Evans
96CRS 2261, 2262 & 2263

I KENNETH LEON EVANS WILL NOT ACCEPT ANY PLEA BARGAINING IN these CASES BECAUSE I Am NOT Guilty. MY LAWYER FRANK. W. BALLANCE OR has told ME THAT THE STATE is OFFERING A CONCURRENT SENTENCE OF 50 YEARS OR 5 YEAR AT THE END OF THE SENTENCES I Am ALREADY SERVING. I REJECT THESE OFFER.

Kenneth Leon Evans
August 25th, 1994.

000257
NCIIC

TUES 8-30 MEETING with FRANK BALLANCE, Rick Sims, PAT Green, SUSAN Thomas DOUG BERGER

1) CONFIRMED - NO FINGERPRINT EVIDENCE

2) Answer to #11 ON the Bill of PARTICULARS

PAT Green
DAVE McDOUGALL
Rick Sims
William WHITAKER
Shirley DENT
Kent Winstead
TED HORTON

000192
NCIIC

SEP 20 1994

NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

DDH SPR FOR

95-86-82 EVANS, KENNETH LEON
PROT BMP COO 09-07-94
01-23-64 FRANKLIN
COURT FILE # 93-CRS-2261-63

FORENSIC PSYCH HISTORY/LEGAL ASSESSMENT/DISCHARGE SUMMARY/AFTERCARE PLAN

CONFIDENTIAL AND PRIVILEGED
For Professional purpose only
Not for Publication - Not to be used
Against the Patient's Interests
Redisclosure Prohibited by
Law without Client Consent

Date of Admission: 09-07-94

Date of Discharge:

Date of Dictation: 09-15-94

Correspondent: No Correspondent Given

IDENTIFYING DATA: This is a 30 year old separated black male admitted from Franklin County on 09-07-94 for evaluation of competency to stand trial on charges of Felony Robbery; Kidnapping; 1st. Degree Burglary and Larceny. He has had no previous State Hospital admissions. His attorney is Frank W. Ballance, Jr., POB 616, Warrenton, NC 27589 - Telephone Number - (919) 257-1012.

DATA BASIC TO OPINIONS: This report is based on interviews with the patient, physical exam, lab work, observation of ward behavior. Contact was made with the patient's attorney, the County Jail, the Clerk of Court.

ADMISSION MENTAL STATUS: Chief complaint was not given. Patient was slim black male who was cooperative. He had a normal rate and volume of speech. His mood was calm and serious. He denied suicidal feelings but had been depressed since his grandmother's death on 06-20-94. There were no loose associations. He denied hallucinations and delusions. Concentration was fair. He was oriented times three. Recent and remote memory were normal. Intellectual functioning was in the Average Range. Psychiatric impression was Adjustment Disorder with Depression.

PHYSICAL EXAM: A.I.M.S. showed no abnormal movements. He denied allergies. He denied major illnesses and surgery. He denied alcohol and illegal drug use. Physical exam was within normal limits.

LAB WORK: The following lab work was within normal limits or negative. Chemistry Profile, HIV, Hepatitis Profile.

PAST HISTORY: Lack of confidentiality was explained to the patient when I saw him for the first time on 09-15-94. The patient knows his charges but he denied guilt on the charges. The patient reports that he has an alibi as to being some where else and has witnesses. The patient seemed to be aware of the legal processes and says that he was willing to listen to his attorney. The patient at present time serving a sentence in prison.

In a later interview with the patient he reported that he went through 8th grade and was in regular classes but had problems with the principal. He reports that he was close to his grandmother and that his mother abuses cocaine.

The patient reports no previous mental health treatment and has had no alcohol or drug treatment.

The patient reports that he has had trouble dealing with his grandmother's death in June of 1994. The patient reports that he has been on Elavil for deparession.

In contact with the patient's attorney Mr. Frank Ballance he reports that the patient wants to testify in his behalf and his attorney does not feel like this will be a good thing for his case. The attorney is concerned about the patient's capacity to proceed only.

The Investigating Officer reported that the victim was a 62 year old female. The perpetuator had taped the woman's feet and hands and then carried the lady into a wooded area in her car.

The Clerk of Court's office reported that the date of the offense was March the 5th 1990 and the date of the arrest was April the 21st 1993.

The County Jail was contacted and reported that the patient came back to jail on 08-24-94 and was sent to Dorothea Dix Hospital on 09-07-94. He had no problem behavior in jail.

HOSPITAL COURSE: The patient was admitted and was placed on no medication. He was given information about cessation of smoking. The patient was no behavior problem. He interacted appropriately with the other patients and staff. This examiner thought that the patient did not have a severe depression although he was depressed over his grandmother's death. The patient denied being depressed. There were signs of loose associations, flight of ideals, hallucinations, delusions or suicide. The patient is discharged in essentially the same condition as on admission.

PRINCIPAL & PRIMARY DIAGNOSES: Axis I Adjustment Disorder with Depression 309.00

ADDITIONAL DIAGNOSES:
Axis I No Diagnosis
Axis II No Diagnosis
Axis III No Diagnosis
Axis IV No Diagnosis
Axis V No Diagnosis

ANALYSIS & OPINIONS: The patient is competent to return to stand trial. He understands the nature of the charges and is able to cooperate with his attorney and is able to help in formalating a defense.

MEDICATIONS: None

RECOMMENDATIONS: Recommend that the patient be returned to Franklin County and is able to stand trial.

NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

EVANS, KENNETH LEON

Dorothea Dix Hospital
Raleigh, North Carolina

FORENSIC PSYCH HISTORY/LEGAL ASSESSMENT/DISCHARGE SUMMARY/AFTERCARE PLAN

C. W. Lynn M D

C. W. Lynn, M.D./09-15-94 9/16/94
Forensic Psychiatrist
Pretrial Evaluation Center

CWL/esh
09-16-94

cc: Presiding Judge
Defense Attorney

5 pm

10-21-94

Call from Kenneth Evans

— He has contacted JV Area Chmn
— She says Larry Davis is dying
(He's the son
who was in Jail)

He will keep me informed

He is in Rochester Crouse Irving
Dont know Dix Hills much.

000269
NCIIC

NORMAN CONTACTS WITH EVANS AND OTHER WITNESSES

1/25/1995 & 2/2/1995: Interview of Evans
• Serving time for 9/21/1992 rape. Plea was for 50 years. Denies committing crime. (Norman 219) • Alibis are Jerry Moore and Mary Alice Moore. His grandmother, Carrie Williams, is deceased. (Norman 219) • 3/5/1990: He was at Tommy Perry's store at 9pm. He had a two-way radio. He heard something about the kidnapping. Tommy Perry was the only one there. He got to the store between 8-8:30pm. Was at Linda Collins' until 7:30pm. (Norman 219) • Perry's store was a 15-20 minute walk to home. He got home around 9:15-9:30pm. It was dark. (Norman 219) • He went to school with the Victim's daughter and had known them for a long time. (Norman 219)
Possible Interview of Jerry Moore (Undated)
• Evans came in around 9-9:30pm and looked normal. He went in another room and played the record player. (Norman 215)

1/25/95 - Interview at Jail

Larry leaves Joanne Clemons

Kenneth EVANS

Serving time now for rape = Sept 21, 1992

Plead: 50 years = Manslt. Typeno

Plea Barg 20 - 10 - 5

Caledonia Prison -

"did not do crime" =

Jenay Moore (Mary Alice's son) (*) MaryAlice Moore

was living at AT-6 Box 483 Fowlers (at Centerville)

LV w/ Carrie Williams - g/m - deceased = Mary Alice Moore = 853-2960

3-5-90 =

9PM - At Tommy Perry's store - had 2-way radio - heard something about bushwapper = nobody that but Tommy Perry - Had been at Tommy's store from 8-8:30 PM to 9PM - before that had been to Linda Collins = white lady - knew Manny Collins = went there 7 - left to 7:30 PM + walked to Tommy Perry's = Collins couldn't recall whether Evans had been there or not. =

Polygraph does not match

~~9PM~~ =

Got home = =

2-2-95 - Interview at Jail = Says Mr. Manny says the person was 6' tall + weighed 200 lbs = from Tommy Perry store to home was about 15-20 MN walk = Got home between 9:15 - 9:20 PM = was dark =

Talk to Evans

TTDO = CALL FRANK BALANCE

MS = ~~left~~ right at Manny's store on Hwy 58 = go mile + half = Take left = go down deep bottom - top hill = 4th house (brick) on right =

000219

NCIIC

I went to school w/ Jackie Manning Kemp - knew Ms. Manning for a long time

no drug offense - NO commitments for H.L. or drug problems -

000220
NCIIC

Kenny Moore = Kenny came in 9PM - 9:30 PM = Looked normal - came in Cathy - went in another room - played record player =

works - Lessig - Fred Hamit -

353-2960

Mary Alice Moore =

000215
NCIC

VIX. Trial

Commission staff was not able to recover any portion of a transcript.[11] Ultimately, Commission staff was able to interview individuals who were at the trial of this case to attempt to piece together what was presented at this trial. Evans' trial lawyer was Larry Norman. His file contained several notes from trial and his trial preparations. We used those notes in an interview with Mr. Norman which proved to be the best source of information collected regarding what happened at trial. That interview is provided below in full below along with the exhibits from that interview.

[11] No attorney involved in Evans' case had a transcript. In addition, though Commission staff specifically requested a search for transcripts, the Clerk, the court reporter from trial, the North Carolina Court of Appeals, and the District Attorney's office did not have any transcripts or portions. Even North Carolina Prisoner Legal Services (NCPLS), which was briefly involved in only reviewing Evans' claim post-conviction in 2002 did not have a transcript in their file. The Commission's understanding is that NCPLS was not able to find a transcript during their review.

Full Transcript Larry Norman Commission Interview with Exhibits

NORTH CAROLINA
FRANKLIN COUNTY

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

_____

STATE OF NORTH CAROLINA,

Plaintiff,

FILE NO. 93 CRS 2261-2263

vs.

KENNETH LEON EVANS,

Defendant.

_____

This is the transcript of the recorded interview taken of Larry Norman which was conducted by Catherine Matoian from the North Carolina Innocence Inquiry Commission. The recorded interview took place on February 27, 2019.

APPEARANCES:

Catherine Matoian, Grant Staff Attorney
Mackenzie Myers, Grant Legal Investigator
North Carolina Innocence Inquiry Commission
Administrative Office of the Courts
P.O. Box 2448
Raleigh, North Carolina 27602

P R O C E E D I N G S

MS. MATOIAN: So, I mean, I know we talked before, but just again, the Commission is a neutral State agency, so we don't represent Mr. Evans.

MR. NORMAN: I understand.

MS. MATOIAN: Just trying to get to the truth. So we asked you to take a look at your file because we have not been able to find a trial transcript in this case, and there's just a few things that we just kind of don't understand what happened during the trial.

MR. NORMAN: Wonder why there was not a trial transcript.

MS. MATOIAN: So there may have been one. Trey Duckworth handled the appeal.

MR. NORMAN: Oh, did he?

MS. MATOIAN: Uh-huh. And he, apparently -- it's always a flood or a fire or something like that. There was some kind of flood and his files were destroyed, so he didn't really have a file anymore. It's past the retention period at the Court of Appeals where they would have held onto it. The Court of -- the court reporter herself doesn't have anything

for it, so we've kind of --

MR. NORMAN: So there's just nothing. That's amazing to me that they would have --

MS. MATOIAN: Right.

MR. NORMAN: Looks like they would always be one --

MS. MATOIAN: Right.

MR. NORMAN: -- you know, just no record.

MS. MATOIAN: Yeah. We've checked with the clerk's office to see if it had gotten filed with them at some point, and we just have not been able to locate it.

MR. NORMAN: Okay.

MS. MATOIAN: So your file, if I'm -- and I'm going to ask you about them. If I'm right about some of your notes, maybe the best thing we have to kind of try and piece together what may have happened at the trial.

MR. NORMAN: Sure. Sure.

MS. MATOIAN: So hopefully, we won't take up too much of your time.

MR. NORMAN: That's fine.

MS. MATOIAN: We just want to --

MR. NORMAN: I want to help this guy

any way I can, even though I don't remember him.

MS. MATOIAN: Okay. So even looking back --

MR. NORMAN: If he's innocent, I want him to get out.

MS. MATOIAN: Right.

MR. NORMAN: Obviously.

MS. MATOIAN: So even looking back at your file doesn't ring a bell about anything?

MR. NORMAN: No. I'll tell you, the only thing that -- when you mentioned his name, nothing came to me. When I got the file and found out who the prosecuting major -- who the victim was --

MS. MATOIAN: Uh-huh.

MR. NORMAN: -- I knew her.

MS. MATOIAN: Okay.

MR. NORMAN: And she was kin to -- she lived out towards Centerville, and she was related to another lawyer in town.

MS. MATOIAN: Okay.

MR. NORMAN: And her name was Rae Manning, I believe.

MS. MATOIAN: Correct.

MR. NORMAN: And they used to tell the

story -- and I knew her when I saw her, you know, but they used to tell the story -- and this is what came to my mind --

MS. MATOIAN: Right.

MR. NORMAN: -- was Rae Manning was one of those people that when she died, you could take two weeks to stomp her mouth out.

MS. MATOIAN: Oh, boy.

MR. NORMAN: That's what folks used to say about her.

MS. MATOIAN: I've never heard that particular phrase.

MR. NORMAN: But that's what they -- I mean, she was a big talker.

MS. MATOIAN: Okay.

MR. NORMAN: Always very nice, but a big talker.

MS. MATOIAN: Right.

MR. NORMAN: But that's what I remember, and that was the extent of my memory.

MS. MATOIAN: Right. Right.

MR. NORMAN: At least at that point. I mean, you know, now that I've looked at it, I remember some. I remember Mr. Williams, D.C. Williams who's deceased now, was the private

investigator.

MS. MATOIAN: Right.

MR. NORMAN: And I remember him, but I've had even several others, too, so --

MS. MATOIAN: Right. And it seems like just going by the dates that Mr. Williams had already kind of worked on the case when the Ballances --

MR. NORMAN: He had.

MS. MATOIAN: -- had the case --

MR. NORMAN: He had.

MS. MATOIAN: -- and then -- so when I ask you questions today, I'll probably ask a lot about what you might remember from the trial.

MR. NORMAN: Okay.

MS. MATOIAN: And if you don't remember that's fine, but we'll just see --

MR. NORMAN: Sure.

MS. MATOIAN: -- what we can remember. Let's see, do you remember or looking at that, did it jog your memory as to the evidence against Mr. Evans?

MR. NORMAN: In looking at it, what I remembered was there was a jailhouse snitch and I recall that once I looked back at my notes.

MS. MATOIAN: Uh-huh.
MR. NORMAN: But that's about all I remember.
MS. MATOIAN: Okay.
MR. NORMAN: And I looked at the witnesses who testified and I didn't recall any of them.
MS. MATOIAN: Okay. And so --
MR. NORMAN: I do remember the jailhouse guy.
MS. MATOIAN: What do you remember about him?
MR. NORMAN: Just that he testified and said these things that supposedly he said to them or to him.
MS. MATOIAN: So you remember him testifying at the trial?
MR. NORMAN: Well, I can't picture him testifying, but I recall that he testified.
MS. MATOIAN: Got it.
MR. NORMAN: Let me put it that way.
MS. MATOIAN: That makes sense.
MR. NORMAN: I don't see it in my mind, but --
MS. MATOIAN: Right. Right. And his

name was Larry Davis. Do you know who he is from around town?

MR. NORMAN: I do not.

MS. MATOIAN: No? Okay. There was also -- well, there's some question as to whether or not she testified, but she's an ex-girlfriend of Mr. Evans named Joann Clements.

MR. NORMAN: I believe she did testify.

MS. MATOIAN: You think she did, okay.

MR. NORMAN: I know I had her under subpoena, and I think she testified.

MS. MATOIAN: Okay. Do you remember what she said during her testimony?

MR. NORMAN: I don't recall --

MS. MATOIAN: Okay.

MR. NORMAN: -- what she said.

MS. MATOIAN: So in this case --

MR. NORMAN: Let me ask a question.

MS. MATOIAN: Yeah, sure.

MR. NORMAN: You all did a complete copy of my file; is that right?

MS. MATOIAN: Yes. We actually came and picked up the file from your office, went back to our office and made a copy.

MR. NORMAN: And did you, I mean, did you get my notes and all, too? I hope you did.

MS. MATOIAN: Yes. We got your notes and I'm --

MR. NORMAN: And I know my handwriting -- although when I started reading it, my handwriting was much better than it was now.

MS. MATOIAN: Is it? Yeah. I was --

MR. NORMAN: And it was bad then.

MS. MATOIAN: I was looking through it today and there's probably only a few where I may need to ask you to --

MR. NORMAN: Okay.

MS. MATOIAN: -- read it for me. But yeah, we were able to look through your notes, and I'm going to go through in a little bit --

MR. NORMAN: Okay.

MS. MATOIAN: -- and just see like -- because some of them look like notes you would have taken during the trial --

MR. NORMAN: Probably.

MS. MATOIAN: -- so I just want to make sure that I'm right and that I'm not just assuming.

So in this case, it happened in March

1990, and Mr. Evans was not actually arrested until April 1993. Do you recall anything about that delay between the crime and his arrest?

MR. NORMAN: I do not.

MS. MATOIAN: No, okay. Let's see here. We've been trying to make an exhibit book so that we can use it for everybody and keep ourselves straight when we look back at it.

Okay, so this is Number -- our Number 31, so those look like some notes that you were taking for your closing.

MR. NORMAN: Yeah. Hold on one second.

MS. MATOIAN: Sure.

MR. NORMAN: I got to get my glasses.

MS. MATOIAN: No problem.

(PAUSE)

MR. NORMAN: Yes, that looks like my writing.

MS. MATOIAN: Okay. In that first paragraph is something that you wrote about Susan Thompson's opening statement.

MR. NORMAN: Yes.

MS. MATOIAN: Do you recall that?

MR. NORMAN: No, not independent of

this, I don't. It sounds like something I might have said, but --

MS. MATOIAN: Okay. Let's see, and you don't remember Larry Davis.

MR. NORMAN: I know a Larry Davis, but I don't think it was the same one. I don't have any recollection of him testifying.

MS. MATOIAN: Okay. If you look at 29 and 30, those are both statements that Larry Davis --

MR. NORMAN: Yes.

MS. MATOIAN: -- made.

MR. NORMAN: Yes.

MS. MATOIAN: If you can read those and see if you -- if that jogs your memory about anything he testified about.

(PAUSE)

MR. NORMAN: I generally remember this statement, yes.

MS. MATOIAN: Okay.

MR. NORMAN: That was his story and that he was in jail and he told him that.

MS. MATOIAN: And does that seem like it was similar to what Mr. Davis testified about?

MR. NORMAN: As far as I remember --

MS. MATOIAN: Okay.
MR. NORMAN: -- I would think so.
MS. MATOIAN: Do you recall if Mr. Davis ever testified or if you heard at any time in this case about Mr. Evans trying to sell Mr. Davis a gun?
MR. NORMAN: No. I don't recall that at all.
MS. MATOIAN: Okay. Do you remember a gun ever being found in this case?
MR. NORMAN: No.
MS. MATOIAN: And actually, Number 18 is a picture of Larry Davis, so that may --
MR. NORMAN: That may help me.
MS. MATOIAN: -- may help, or two pictures of Larry Davis, actually.
MR. NORMAN: No, I do not remember him.
MS. MATOIAN: Okay.
MR. NORMAN: And that's not the Larry Davis that I knew.
MS. MATOIAN: Okay. Did you -- do you recall ever asking Mr. Evans if he had made statements like that to Larry Davis or to anyone?
MR. NORMAN: Not independent.

MS. MATOIAN: Okay.
MR. NORMAN: I'm sure I did, I mean, I would think I did once I learned of the statements, but I don't have any recollection of --
MS. MATOIAN: Don't recall, okay. And I think -- I've got the police, their initial report if that helps jog -- if you think that would help jog your memory --
MR. NORMAN: It may.
MS. MATOIAN: -- of like the facts of the case. And that is -- SC, so Incident Report No. 8.
MR. NORMAN: Number 8.
MS. MATOIAN: I think it's just two pages. No, it's three, sorry.
(PAUSE)
MR. NORMAN: I do remember these facts.
MS. MATOIAN: Okay.
MR. NORMAN: I mean, they came out or --
MS. MATOIAN: Do you recall thinking or reading the facts again today, did you think there was anything odd about the victim's account

of the crime?

MR. NORMAN: I don't recall. No, I really don't.

MS. MATOIAN: Okay. Did anyone ever express any doubts to you over what she said happened to her?

MR. NORMAN: No.

MS. MATOIAN: No. I'm going to ask you to look at just the next one, Number 9. And there's two paragraphs down at the bottom. This is from the SBI file.

MR. NORMAN: Okay.

(PAUSE)

MR. NORMAN: I don't recall that at all.

MS. MATOIAN: Okay. So you've never seen that before? No one's ever said anything like that to you?

MR. NORMAN: I'm not sure whether I've seen it before, but no, it doesn't ring any bells to me.

MS. MATOIAN: Do you --

MR. NORMAN: And since, you know, since you called me about this, I mean, it didn't come up, "Well, there was some question." That

never came into my mind. And, you know, I feel like I probably did see this at some point.

MS. MATOIAN: Okay.

MR. NORMAN: I would hope I did. I was supposed to have seen it, but I'm not sure I did.

MS. MATOIAN: That was going to be my question. Do you think that that -- under the laws at the time, do you think that's something you would have been entitled to see under discovery?

MR. NORMAN: No question about it.

MS. MATOIAN: Okay. And --

MR. NORMAN: And frankly, I haven't been through my file --

MS. MATOIAN: Right.

MR. NORMAN: -- to see if it's there.

MS. MATOIAN: I'll say that I've reviewed your file and I haven't seen anything like that in there.

MR. NORMAN: And the times I've been through it I haven't seen that --

MS. MATOIAN: Right.

MR. NORMAN: -- but you know --

MS. MATOIAN: Definitely not that

document, and I haven't seen any notes you've had?

MR. NORMAN: No. No.

MS. MATOIAN: So I think I know the answer to this, but just to ask it, did this get brought up at the trial at all?

MR. NORMAN: No.

MS. MATOIAN: Okay.

MR. NORMAN: Not that I recall.

MS. MATOIAN: Not that you recall. Do you think if you had known about this that you would have brought it up at the trial?

MR. NORMAN: No question about it.

MS. MATOIAN: Okay. And I -- so while we're on that subject, I'll skip ahead a little bit. How did the discovery process work? This trial happened in 1995.

MR. NORMAN: Wow.

MS. MATOIAN: So Mike, not Mike Waters --

MR. NORMAN: David.

MS. MATOIAN: -- David Waters --

MR. NORMAN: David was the DA. Much less formally than it does now.

MS. MATOIAN: Uh-huh.

MR. NORMAN: I mean, now they track everything that you get very carefully. How did it work? I think most of the time -- there came a time when the DAs here were very good about letting you go over and look through their files.

MS. MATOIAN: Okay.

MR. NORMAN: I mean, it was kind of an open book, but that was later. I think most of the discovery that I got back then I would go to the office and check my box and it would be in there.

MS. MATOIAN: Okay.

MR. NORMAN: And then I would look through it, obviously, and I could ask -- I'm sure, I don't recall this, but I can add -- I remember I could ask the DA questions and they would give me anyting I asked for.

MS. MATOIAN: Right.

MR. NORMAN: But that was about it. It was not very formal at all.

MS. MATOIAN: Okay.

MR. NORMAN: Here.

MS. MATOIAN: Would the discovery -- if the SBI got involved in a case, would the discovery process go any different when looking

at an SBI file?

MR. NORMAN: No.

MS. MATOIAN: About the same?

MR. NORMAN: About the same way.

MS. MATOIAN: And would --

MR. NORMAN: I mean, there was never anything direct between me and the SBI. It all came through the DA. He gave me whatever --

MS. MATOIAN: Right.

MR. NORMAN: -- like I said, they had.

MS. MATOIAN: And would you -- like the things that you actually got physical copies of from discovery, would you document it in any way like, "I received these things on this day. Nothing will get filed with the court about these things being turned over"?

MR. NORMAN: No.

MS. MATOIAN: Okay. And I think that Susan Thompson, I believe, tried the case.

MR. NORMAN: She did.

MS. MATOIAN: I think Doug Berger also did some work on the case as well.

MR. NORMAN: He was the Assistant DA at the time.

MS. MATOIAN: Okay.

MR. NORMAN: Along with her.
MS. MATOIAN: All right. Were you aware of any witnesses in this case being regular confidential informants for Pat Green or the sheriff's office?
MR. NORMAN: No.
MS. MATOIAN: No. Do you think you -- if someone was a witness and they were a CI for the sheriff's office, would they have told you that during the discovery process?
MR. NORMAN: Probably not.
MS. MATOIAN: Would you ask if any witnesses were confidential informants?
MR. NORMAN: That's a hard question to answer. I don't know that I did.
MS. MATOIAN: Okay.
MR. NORMAN: But I don't recall any bells being rung to indicate that there was a confidential informant.
MS. MATOIAN: Okay.
MR. NORMAN: But I don't recall that.
MS. MATOIAN: Okay.
MR. NORMAN: I really don't know if I asked or not.
MS. MATOIAN: Right.

MR. NORMAN: Or if I would have back then. I assume I would have, but I don't know. And a lot of that depended on the personality of the DA handling the case. Susan Thompson was one DA that you had no problems talking to. There were some DAs like the other one you mentioned --

MS. MATOIAN: Doug Berger.

MR. NORMAN: -- that was a little bit different.

MS. MATOIAN: Okay.

MR. NORMAN: But generally, you know, I could go over and sit down and talk to them --

MS. MATOIAN: Right.

MR. NORMAN: -- you know, about the case, particularly if we were talking about a plea or that kind of thing. I mean, they would tell me things.

MS. MATOIAN: Okay. We have --

MR. NORMAN: The sheriff's office was a little closer --

MS. MATOIAN: To the chest.

MR. NORMAN: -- to the chest than the DAs were.

MS. MATOIAN: We have received some information during our investigation that Larry

Davis was a regular confidential informant --

MR. NORMAN: Okay.

MS. MATOIAN: -- for the sheriff's office doing control buys and things like that.

MR. NORMAN: Okay.

MS. MATOIAN: Were you ever informed of anything like that involving this case?

MR. NORMAN: No. No.

MS. MATOIAN: Would that have been something you would have brought up at trial if you knew about it?

MR. NORMAN: Yes.

MS. MATOIAN: Okay.

MR. NORMAN: I certainly would have brought it up in my cross-examination of him.

MS. MATOIAN: Okay. Let's see. I'm going to have you -- I think it might be Number 1. It's Joann Clements' interview with the SBI. If you could just look at that and see if that refreshes your recollection about her.

(PAUSE)

MR. NORMAN: Now what's the question?

MS. MATOIAN: Does that refresh your recollection as to anything Ms. Clements said?

MR. NORMAN: Not really.

MS. MATOIAN: Okay. In the work that the Ballances did, they interviewed Ms. Clements, so in this interview with the SBI she's saying in March 1990 her and Mr. Evans were still together and he takes her car for a weekend and that -- she's saying this in April 1993, so three years later.

MR. NORMAN: Uh-huh. Uh-huh.

MS. MATOIAN: In some of the interviews that the Balances did with Ms. Clemonts and in an affidavit she signed for them, it kind of calls that timeline into question a little bit where maybe she broke up with Mr. Evans a little earlier --

MR. NORMAN: Uh-huh.

MS. MATOIAN: -- and there's also kind of a question as to where Mr. Evans was living at the time. Let's look at this, Number 32. I think this is your handwriting, and this looks to me like maybe you were trying to figure that out as well, the timeline of who was living where.

(PAUSE)

MR. NORMAN: This appears to be what it looks like to me, and I can't remember -- I don't know if these were notes in the trial or --

I can't remember.

MS. MATOIAN: Okay.

MR. NORMAN: But that's what it appears to be to me.

MS. MATOIAN: Do you recall if anything about that situation got brought up at the trial at all?

MR. NORMAN: I don't recall.

MS. MATOIAN: Okay.

MR. NORMAN: I simply don't recall.

MS. MATOIAN: Let's see. This one I'm going to mark as 32, and it's another page of notes about Joann Clemonts.

(PAUSE)

MR. NORMAN: Okay.

MS. MATOIAN: Do you recall what was unusual about her record?

MR. NORMAN: About her criminal record?

MS. MATOIAN: Yeah. Or it says -- that first line looks like it says "unusual record," so I don't -- I'm assuming criminal, but --

MR. NORMAN: It says "criminal record."

MS. MATOIAN: Yeah.

MR. NORMAN: No, I don't. I know I found some criminal records in here, but I don't know whether they were hers, and I guess you've got a copy of those, but --

MS. MATOIAN: Yeah. I think --

MR. NORMAN: I would think they --

MS. MATOIAN: I'm going to say maybe they were for Tommy Perry.

MR. NORMAN: They may have been, but no, I don't recall. I know reading that writing says "criminal."

MS. MATOIAN: Right. And notes like this, would have been something you were doing like in trial prep? Does that seem like something you did at the trial, trial prep?

MR. NORMAN: Yeah. Probably trial prep.

MS. MATOIAN: Okay.

MR. NORMAN: Usually the lines are beside it.

MS. MATOIAN: All right. Put that over there. Did -- do you recall anything that Mr. Evans said to you about things Joann Clemonts was saying in that interview?

MR. NORMAN: I do not.
MS. MATOIAN: Okay. Did he indicate that they'd had like a bad breakup and --
MR. NORMAN: I don't recall that.
MS. MATOIAN: No? Okay. Do you know if she was -- in there she mentions that she had a car which she had sold by the time the police came to her --
MR. NORMAN: Right.
MS. MATOIAN: -- and she says there was tape and rope in there.
MR. NORMAN: Right.
MS. MATOIAN: Do you know if she was able to testify about that at the trial?
MR. NORMAN: I honestly don't remember.
MS. MATOIAN: Just knowing those facts, do you think she -- the car's been sold. No one's been able to --
MR. NORMAN: Locate it.
MS. MATOIAN: -- corroborate that the tape and rope was in there. Do you think that would have been allowed for her to testify about that?
MR. NORMAN: I don't know the answer

to that. I think possibly it would be allowed depending upon, you know, what the State was able to establish as to time.

MS. MATOIAN: Right.

MR. NORMAN: But I don't know.

MS. MATOIAN: Okay. Do you recall there being anything in this case that indicated that at the time of the crime, the day of the crime, Mr. Evans had physically abused Ms. Clemonts requiring her to go to the hospital and get treatment? He takes her car, comes back the next day, and the police came to search her car the day after the crime and arrested Mr. Evans. Do you recall anything like that in this case?

MR. NORMAN: I do not.

MS. MATOIAN: Okay. Are you aware of any car ever being searched in this case?

MR. NORMAN: None other than having read the notes, I don't recall.

MS. MATOIAN: Okay. Not that you saw in your file?

MR. NORMAN: No.

MS. MATOIAN: Okay. And let's see, and you do think that she testified?

MR. NORMAN: I do believe she

testified.

MS. MATOIAN: Okay. Let's see. And so this page, my question about this, and I think we're on 33, these are notes that seem like they may have been taken during the trial with that line down the middle.

MR. NORMAN: Uh-huh.

MS. MATOIAN: Is that how you usually took notes during a trial?

MR. NORMAN: Yeah. That would be typical.

MS. MATOIAN: Okay.

MR. NORMAN: And I don't have a real -- I would think that -- of course, we didn't have DVDs back then. I would think that the ones on the left probably was me trying to take down her testimony. And these on the right, evidently, were just notes that I don't know why I wrote them over there, but it might have been she started going too fast and I couldn't keep up, so I was hitting -- I don't know.

MS. MATOIAN: Right. So when you say "that side," on the left like --

MR. NORMAN: But that would be --

MS. MATOIAN: -- if they were doing a

direct examination of her --

MR. NORMAN: That's usually where --

MS. MATOIAN: -- that's where you would take your notes?

MR. NORMAN: Right.

MS. MATOIAN: Okay.

MR. NORMAN: That's generally what I would be doing.

MS. MATOIAN: That is helpful to know. Do you recall a man or do you recall seeing in your file a man named Greg Phelps, Gregory Albert Phelps?

MR. NORMAN: I remember the name, but that's all I remember.

MS. MATOIAN: So Mr. Phelps in April 1990 comes forward -- there's a report in there, I think it's, let's see, Number 13, so on April 17th, 1990, about -- a little over a month after the crime, he comes forward to the sheriff's office and he says that Mr. Evans was telling him things about this crime while he was in jail.

(PAUSE)

MR. NORMAN: I remember seeing this statement either this morning or --

MS. MATOIAN: Uh-huh.

MR. NORMAN: -- I think when I was looking through it a little while ago I remember seeing it, but --

MS. MATOIAN: So the best I'm able to tell from the law enforcement files and what I have in the defense files is that Mr. Phelps -- this statement is dated April 17th, 1990.

MR. NORMAN: Uh-huh.

MS. MATOIAN: Mr. Evans is picked up and he's polygraphed and he passes the polygraph --

MR. NORMAN: Uh-huh.

MS. MATOIAN: -- and denies any involvement in the crime. And after that the case goes cold --

MR. NORMAN: Uh-huh.

MS. MATOIAN: -- until about October 1992 after Mr. Evans gets arrested on the Debbie Drake rape case.

MR. NORMAN: Right.

MS. MATOIAN: So Greg Phelps, Number 15, Greg Phelps is interviewed by Mr. Williams in September of 1993, and if you look on the pages Bates-stamped 337 and 338, it looks like Mr. Williams read this statement to Greg Phelps and

Greg Phelps denies ever making a statement like that.

(PAUSE)

MR. NORMAN: Okay. He doesn't recall the statement.

MS. MATOIAN: Do you know if you ever talked to Mr. Phelps once you got on the case?

MR. NORMAN: I do not know.

MS. MATOIAN: Okay. Has this ever happened to you in another case with the sheriff's office where they got a statement -- they gave you a statement saying someone had said something and you go talk to that person and they say, "I didn't say that"?

MR. NORMAN: Well, yes, I've had that happen, maybe not that abruptly. I've had people say, "Well, I didn't say this particular part of it," you know.

MS. MATOIAN: Right.

MR. NORMAN: There's be some disagreements as to the details.

MS. MATOIAN: Right.

MR. NORMAN: I'm not sure I've ever had one that said, "Oh, I never made that statement to him."

MS. MATOIAN: Right.
MR. NORMAN: "It's just they got it down wrong."
MS. MATOIAN: In your dealings with Pat --
MR. NORMAN: I'm sure that happens a lot.
MS. MATOIAN: Right. In your dealings with Pat Green, do you think that he would have been the type of person to completely fabricate a statement from someone like that? By the way, Mr. Phelps is saying this.
MR. NORMAN: I hate to say this, but yes.
MS. MATOIAN: Okay.
MR. NORMAN: I hate to say it, but yes.
MS. MATOIAN: Can your call of any specific situations where you've dealt with him where he's done that?
MR. NORMAN: No, I can't.
MS. MATOIAN: Okay.
MR. NORMAN: But --
MS. MATOIAN: If you feel comfortable, do you want to say why you think he would have

done something like that?

MR. NORMAN: Just because of what's happened after that and the things he was involved in and other stories I've heard.

MS. MATOIAN: Okay.

MR. NORMAN: You know, I thought I knew him real well. I always thought the world of him up until a certain point. But, you know, I wouldn't doubt it. I found out sometimes they, particularly politics, they need to solve crimes.

MS. MATOIAN: Did you think there was a political angle to solving this case?

MR. NORMAN: Oh, no, no.

MS. MATOIAN: Okay.

MR. NORMAN: Not with regard to this case.

MS. MATOIAN: Okay. There's --

MR. NORMAN: Although I would say that, you know, that family was pretty prominent.

MS. MATOIAN: Okay.

MR. NORMAN: In that area, you know.

MS. MATOIAN: Yeah. There's some indication, and we've got that draft of your closing argument that we'll get to in a little bit, but I think in there you indicated there had

been a lot of publicity about this case.

MR. NORMAN: Right.

MS. MATOIAN: Did -- do you recall ever having a conversation with Mr. Evans about why multiple people were coming to law enforcement with things he supposedly told them in jail?

MR. NORMAN: I'm certain I did. I don't recall.

MS. MATOIAN: Okay. All right. So this looks like -- what are we on, 34? These pages that are marked 193 to 196, these have the victim's name on them, and they look like they're in that same format that you would have used during someone's testimony.

MR. NORMAN: Correct.

MS. MATOIAN: Yeah.

MR. NORMAN: Misery. I do recognize them.

MS. MATOIAN: Okay. Do you recall if the victim ever identified Mr. Evans as the man who kidnapped her?

MR. NORMAN: I do not believe she did --

MS. MATOIAN: Okay

MR. NORMAN: -- definitively identify him.

MS. MATOIAN: Okay.

MR. NORMAN: I don't recall that.

MS. MATOIAN: Do you recall anything about her being shown a photo lineup or anything like that?

MR. NORMAN: I do not.

MS. MATOIAN: Okay. If she -- so this page 193 to 196, if she had ID'd him, do you think you would have included that --

MR. NORMAN: Uh-huh.

MS. MATOIAN: -- in your notes of your direct?

MR. NORMAN: I would certainly think so.

MS. MATOIAN: Okay. What do you make of it that Mrs. Manning said she had known Mr. Evans for most of his life and did not identify him?

MR. NORMAN: And didn't -- well, it's kind of tough to believe, but I guess it's possible she just didn't recognize him for whatever reason, but I don't recall her pointing at him or saying he's the guy that did it.

MS. MATOIAN: Okay.

MR. NORMAN: You know. I would hope I cross-examined her about that pretty closely, but I don't remember.

MS. MATOIAN: And I've read through, and feel free to correct me if I'm wrong, I've read through these notes and I don't recall reading that in these notes.

MR. NORMAN: Well, if you can read them --

MS. MATOIAN: I have done my best.

MR. NORMAN: That's why we have transcripts.

MS. MATOIAN: Hey, you don't realize how helpful they are until you don't have access to them.

MR. NORMAN: Oh, I know. It's terrible.

MS. MATOIAN: And then this page is Bates-stamped 204. I keep smudging the numbers. Does this look like something you would have -- it says "Rae Manning cross." Is that something you would have prepared beforehand or during the trial?

(PAUSE)

MR. NORMAN: I don't recall. I would think that these are notes that I made at some point during the cross, but maybe not.

MS. MATOIAN: Okay.

MR. NORMAN: They may have been things I jotted down the night before or whatever.

MS. MATOIAN: Okay.

MR. NORMAN: But I don't actually recall.

MS. MATOIAN: And I know I --

MR. NORMAN: The context of -- but I don't remember.

MS. MATOIAN: I personally find it difficult if I'm interviewing someone to take notes while I'm doing it. Do you usually take notes while you're crossing or directing anyone?

MR. NORMAN: Yes.

MS. MATOIAN: You do? Okay.

MR. NORMAN: Sometimes.

MS. MATOIAN: Okay.

MR. NORMAN: If they -- well, particularly if there's something I want to go back to, yes.

MS. MATOIAN: Right. Okay. Do you remember anything about Mr. Evans' alibi?

MR. NORMAN: I don't.

MS. MATOIAN: Okay. Do you know a man named Tommy Perry?

MR. NORMAN: I know a Tommy Perry that was a deputy sheriff at one point.

MS. MATOIAN: Right. And he owned a store out in Centerville at some point?

MR. NORMAN: Oh, he did, yes.

MS. MATOIAN: Okay. So Mr. Evans, his alibi generally was that he was at Tommy Perry's store from about 8 to 8:30 and then went home.

MR. NORMAN: Uh-huh.

MS. MATOIAN: And was with his family for the rest of the night. So since he left -- the victim doesn't -- or the victim isn't reported missing until after 9:30, so if he leaves Mr. Perry's store, he's not really part of his alibi. And his -- he named a few different people from his family, including Jerry Moore, who's a cousin, his aunt, Mary Alice Moore, and his grandmother, Carrie Williams. Do you remember anything about that?

MR. NORMAN: The name Jerry Moore seems familiar, but no.

MS. MATOIAN: Okay. Where do I have

his thing? This is 36, and these look like those same type of notes that you took --

MR. NORMAN: Uh-huh.

MS. MATOIAN: -- during the trial for Jerry Moore. So it seems like he may have testified as a State's witness.

MR. NORMAN: I didn't write down State's witness, but I don't know. Okay. They look like my notes.

MS. MATOIAN: Okay. Did that -- did anyting about these notes indicate to you that he actually testified as an alibi witness for Mr. Evans?

MR. NORMAN: No. I think he -- no, nothing indicates that he did.

MS. MATOIAN: Do you -- outside of these, do you recall what he may have testified about?

MR. NORMAN: I do not recall.

MS. MATOIAN: Okay. And then this was -- we got 37. This was Jerry Moore's statement that he gave to law enforcement.

MR. NORMAN: Okay.

(PAUSE)

MR. NORMAN: Okay.

MS. MATOIAN: Do you recall -- there's a mention in there about seeing Evans with a bag of change.

MR. NORMAN: Yes.

MS. MATOIAN: Do you recall that ever being part of the trial or if he ever said when he saw him with that bag of change?

MR. NORMAN: I don't remember. I don't remember when or if he said it.

MS. MATOIAN: And I have one last page of notes about Jerry Moore from your file that I'm going to mark Number 38.

(PAUSE)

MR. NORMAN: Okay.

MS. MATOIAN: And I'm not sure where that information came from, but reading that, that appears to be him confirming Mr. Evans' alibi, correct?

MR. NORMAN: That's correct.

MS. MATOIAN: Okay.

MR. NORMAN: That he came in at 9 or 9:30, that's correct.

MS. MATOIAN: Okay. All right. In your interviews with Mr. Evans or meetings with him, do you recall him admitting guilt or

claiming innocence in this crime?

MR. NORMAN: I don't remember.

MS. MATOIAN: Don't remember, okay. Do you recall him being offered a plea during your representation?

MR. NORMAN: I don't remember any of that.

MS. MATOIAN: Okay. Let's see. There is -- this one is 39, and this looks like you went to go see him at jail.

MR. NORMAN: Okay.

MS. MATOIAN: And there's some -- let's see, looks like it's 219 and 220, so some pages of notes from that if that refreshes your recollection at all.

(PAUSE)

MR. NORMAN: Okay.

MS. MATOIAN: Does that refresh your recollection about any conversations you had with Mr. Evans?

MR. NORMAN: Not really, but it looks like something I would have talked about. I was trying to remember if that's the old jail or the new jail. It probably was the old jail.

MS. MATOIAN: Speaking of the jail --

sorry, we've just been having some conversations with people and I've heard some different things. There was a point where the jail was two floors in a building?

MR. NORMAN: Yeah, I believe it was.

MS. MATOIAN: Okay. Was that -- is that the old jail or the new jail?

MR. NORMAN: That's the old jail.

MS. MATOIAN: Old jail, okay. And was your understanding that if you were kept upstairs in the jail you were going to be there for a while, and if you were downstairs you were being taken over to court?

MR. NORMAN: I know they had a place downstairs for people to assemble when they were going to court.

MS. MATOIAN: Got it, okay.

MR. NORMAN: So that makes sense.

MS. MATOIAN: Got it.

MR. NORMAN: I know every time I went to see someone, I would always go upstairs.

MS. MATOIAN: Right.

MR. NORMAN: That's where they kept them, generally.

MS. MATOIAN: Right.

MR. NORMAN: You know.

MS. MATOIAN: Okay. And I know I've been asking you a lot about the trial that you don't remember, but just trying to get all the information we can.

MR. NORMAN: Sure.

MS. MATOIAN: I'm going to show your Number 40. These look like notes that you took -- well, it says, "Important Susan opening statement" up at the top. And it's -- 216 is the Bates-stamp number on it. Do these look like notes you would have taken during --

MR. NORMAN: Yes.

MS. MATOIAN: -- the opening?

MR. NORMAN: Uh-huh.

MS. MATOIAN: And this -- so let's see. I think to the right side I see it looks like --

MR. NORMAN: Oh, okay, I'm --

MS. MATOIAN: If you can read that part to me. I just had a little trouble understanding that.

MR. NORMAN: It says, "Looks like person," and I think I tried to write the word "describes, not enough--"

MS. MATOIAN: Okay.

MR. NORMAN: And then I point up to "not enough." I don't know. Looks like "person." Wait a minute, opening statement, 6 to 6/1 in opening statement and then they got a line going over there, looks like "person." That's -- I don't know what that means.

MS. MATOIAN: Okay. And then --

MR. NORMAN: "Have DC --," oh, that's DC, whatever his name is. Okay.

MS. MATOIAN: And then this part after -- next to the star --

MR. NORMAN: Yeah, "Several years later told someone -- told some own" or "one."

MS. MATOIAN: I think it says "Not until he told him Davis," something --

MR. NORMAN: "Not served until he told Larry Davis about it."

MS. MATOIAN: Okay.

MR. NORMAN: It's "Served years later, told someone," and then it says, "Not served --"

MS. MATOIAN: Oh, maybe "several," S-E-V, "several years later?

MR. NORMAN: Could be "several years later." That's probably what it is, "several

years later, told someone." I don't know. I guess that -- I'm making reference to the fact that it was so long before they found out about it. I don't -- that's the only thing I can come up with.

MS. MATOIAN: Do you recall there being any connection between Joann Clemonts and Larry Davis?

MR. NORMAN: No. I don't.

MS. MATOIAN: I'm sorry, that was my bad for the way I asked that question. You don't remember there being connection to them, not that there was no connection?

MR. NORMAN: No. I don't remember --

MS. MATOIAN: Got it.

MR. NORMAN: -- any conversation about it one way or the other.

MS. MATOIAN: All right. So now I think we can go to this closing statement, the draft you had. I kind of -- if you go to -- there's the closing notes and there's one -- okay. It is Number 28, and I -- when we copied it, it was kind of out or order, but I've arranged it in order.

MR. NORMAN: Okay.

MS. MATOIAN: Or what I think is the order.

MR. NORMAN: Gotcha.

MS. MATOIAN: And when you drafted something like this and it's typed like that, would you do that during the trial or is this something you prepared before the trial started with what you anticipated evidence being?

MR. NORMAN: This was in 1995. Now, I normally -- no, I know I didn't do it during the trial. I probably made notes during the trial and then at the appropriate time I came back and did this.

MS. MATOIAN: Got it.

MR. NORMAN: Is what I'm thinking.

MS. MATOIAN: So if you look at Number 31, that's handwritten notes that say "closing"?

MR. NORMAN: Right.

MS. MATOIAN: And then it ends up being this typed document?

MR. NORMAN: I'm shocked I typed that out.

MS. MATOIAN: Well, I'm glad you did because it's kind of our best description of what may have happened.

MR. NORMAN: I don't remember that, but yes, yes, that would be correct.

MS. MATOIAN: Okay. So there's --

MR. NORMAN: I typed this out? Boy, this typing looks weird. Maybe I did. I'm not a very good typist, and other folks couldn't read my writing, but I'm pretty sure I probably sat and did this. More than likely I did.

MS. MATOIAN: Okay. Let's see, there's going to be a few passages I'm going to direct you to and see if you remember anything about this. Okay. So if you go to the page that's Bates-stamped 189, it's the second page.

MR. NORMAN: 189, okay.

MS. MATOIAN: So if you go down to the bottom, that paragraph that says, "One, the physical evidence or scientific evidence presented," so it says that Dave McDougall, who worked for the SBI testified about the evidence he found, and you indicate that a lot of those items he found were not connected to the defendant. And then it says, "And then -- and I was very particular about this questioning. He says he didn't find anything else. After taking a break, he came back and the State put him back

on to attempt to fix that problem. He saw some picture and said that he does now remember that, lo and behold, there were some clothing articles in the car, but then he said they were not important and that he did not collect them."

MR. NORMAN: Okay.

MS. MATOIAN: Do you remember anything about what was presented about that at trial?

MR. NORMAN: I really don't.

(Pause.)

MR. NORMAN: I don't. I just don't remember.

MS. MATOIAN: Okay. Let's see. Okay. On page 190, the next page, I'm going to read this paragraph to you and then I'm going to step away from the closing argument and go through the whole thing because --

MR. NORMAN: Okay.

MS. MATOIAN: -- the du-rag is something that we are really struggling to figure out --

MR. NORMAN: Okay.

MS. MATOIAN: -- what happened. That paragraph where you're saying, "How about that du-rag that the SBI didn't consider to be

important, not even retained by the police, apparently found in the car days after the crime. And Joann Clemonts, while saying it looked like the one she gave the defendant, even said that it was ripped or torn more than when she last saw it." And then you handwrote, "In other words, not in the same condition."

So this du-rag, let me find my -- Mackenzie and I spent quite a while trying to map this all out, if I can find the pages. Did you hand it to me, Mackenzie, or did you put it in your --

MS. MYERS: I put it in there.

MS. MATOIAN: Okay. There we go. Okay. So here's what we know about the du-rag. Dave McDougall in his crime scene report said he noted a black scarf was observed on the dirt road approximately 33 feet to the rear of the vehicle.

MR. NORMAN: Uh-huh.

MS. MATOIAN: To our best guess, Number 27, we believe that's a picture of what he's talking about, that black scarf.

MR. NORMAN: Okay.

MS. MATOIAN: And that -- to me, that looks like a du-rag. If you disagree with me,

please tell me.

MR. NORMAN: No. I think you're right, it does look like one.

MS. MATOIAN: So that is not listed as an item that was collected from the crime scene.

MR. NORMAN: Okay.

MS. MATOIAN: And then the crime scene report also notes a -- articles of clothing in the car --

MR. NORMAN: Right.

MS. MATOIAN: -- that also were not collected, and we've kind of read that paragraph about them. So Number 41 is what we believe to be a picture of those clothing items in the car. And that looks like a jacket to me. That does not -- I can't see a du-rag in that picture.

MR. NORMAN: I cannot either. It does look like somebody's jacket.

MS. MATOIAN: So both of those items are not listed in the crime scene report as things that Dave McDougall collected at trial?

MR. NORMAN: Right. Okay.

MS. MATOIAN: When Esley Manning, the victim's husband, is interviewed by DC Williams in September 1993, he says, and I'll just read

you a quote, he says, "But they found this here, one of those -- one of these masks that you put over your head that's got a thing that hangs down like a gypsy." And DC Williams asked, "A rubber-type mask?" And Esley Manning responds, "No. I think it's like a silk hose thing. You pull it down over your eyes or you can't see nothing but your eyes. I don't remember, but I found that in there after the car came back. They drove it home and put it in my backyard. I got to looking and cleaning. They had this black stuff in there taking fingerprints and stuff. I had to clean that out, and that's when I found the mask in there."

DC Williams asked, "Was it like a stocking-type mesh?" and the victim's husband says, "Yeah, kind of like a pair of hose." And DC Williams says, "I think your wife described it as something a little coarser than a pair of hose." And DC Williams says, "Maybe so --, I'm sorry, the victim's husband says, "Maybe so." DC Williams says, "With a knot in the back," and the victim's husband says, "Yeah, you see a lot of these colored boys wearing them."

Does that description to you sound

like a du-rag?

MR. NORMAN: No.

MS. MATOIAN: Okay.

MR. NORMAN: Not necessarily.

MS. MATOIAN: Okay. Then the victim is interviewed by DC Williams that same day, and she talks about the suspect wearing a doe mask. Have you ever heard of a doe mask?

MR. NORMAN: I've heard the phrase. Do I know what it is? No.

MS. MATOIAN: Don't know what it is? Okay.

MR. NORMAN: But I've heard people say that.

MS. MATOIAN: Google is not helpful for trying to figure out what a doe mask is.

She also says that -- she says, "He was wearing a doe mask. He was wearing a hood. She didn't know the color." She said, "He also had on one of these things that Blacks wear that cover the whole head up that tie in the back because it was left in my car. It's a dust catcher is what the Blacks call it. I don't know what it is. It's net. It looks like fine net. It comes around and ties. It's more coarse than

stockings and was different than the hood." And she says, "They found it in my car. It was left in my car.

MR. NORMAN: Huh.

MS. MATOIAN: Does that sound like a do-rag to you?

MR. NORMAN: Yeah, that comes around and ties is the way I vision it. I mean, most of the time they come around this way and they tie them somewhere.

MS. MATOIAN: Right. So what we have is there's apparently a du-rag in the woods to the rear of the car --

MR. NORMAN: Right.

MS. MATOIAN: -- that is not listed as being an item that's collected.

MR. NORMAN: Right.

MS. MATOIAN: Then there's also something that sounds like a description of a du-rag that's found in the victim's car after it's returned by the SBI --

MR. NORMAN: Right.

MS. MATOIAN: -- and turned over by the victim's husband. The SBI-5 form for when the evidence is turned over to the SBI lists

Number 5 as a black head scarf that was found to the rear of the vehicle, so we are trying to determine if the du-rag that was entered into evidence at trial was that du-rag that got picked up somewhere else or the du-rag that was found in the car, we just are not sure --

MR. NORMAN: Where it came from.

MS. MATOIAN: -- where that came from.

MR. NORMAN: Wow. Good question. Well, and whatever they got, did they do anything with it?

MS. MATOIAN: They did send it to the SBI.

MR. NORMAN: But did they find anything or do you know?

MS. MATOIAN: I do know. They didn't find any hairs on it, I believe.

MR. NORMAN: I don't remember.

MS. MATOIAN: Yeah. Nothing came of the testing, and nothing linked back to Mr. Evans.

MR. NORMAN: Okay.

MS. MATOIAN: So there's -- yeah. So then you have that part in there where you indicate, you know, the du-rag apparently found

in the car days after the crime --

MR. NORMAN: That was 28, right?

MS. MATOIAN: Yes. And it's page -- the page that's marked 190.

MR. NORMAN: Okay.

MS. MATOIAN: And the paragraph that talks about the du-rag is one, two, three, four, five paragraphs down.

MR. NORMAN: Right. Okay.

(Pause.)

MR. NORMAN: I'm just asking this, do they -- I watch -- my wife watches all of the murder shows.

MS. MATOIAN: Uh-huh.

MR. NORMAN: And I've told my children, "If I end up dead, have it investigated because she knows how to kill somebody." But you know how you watch all these shows on NCSI (sic) and they look back at evidence that's 30 years old. Is any of this still around?

MS. MATOIAN: So the Commission's investigations are confidential, so --

MR. NORMAN: Okay.

MS. MATOIAN: -- I can't --

MR. NORMAN: I just hope --

MS. MATOIAN: Yeah.
MR. NORMAN: I hope --
MS. MATOIAN: I'll say that the Commission does look for evidence and collect it, and a lot of what we do is if something, you know -- DNA testing was really new back in 1993 --
MR. NORMAN: Oh, yeah.
MS. MATOIAN: -- so you know, things weren't tested or, you know, stuff like that. DNA testing is certainly a big part of what we do.
MR. NORMAN: Good, good, good. That's all I need to know. Good.
MS. MATOIAN: Yeah.
MR. NORMAN: Okay. I just wondered if this (indiscernible) --
MS. MYERS: Do you mind if I use your bathroom?
MR. NORMAN: Yes, ma'am. It's right across the hallway.
MS. MATOIAN: There's a -- I can't remember. I feel like I'm making it up in my head right now. I'm trying to find a part where you talked about it, the du-rag appearing under suspicious circumstances, but I have to find the

paragraph.

(Pause.)

MS. MATOIAN: Okay, sorry. On page -- after you read that other paragraph about the du-rag. On page 189, the fourth paragraph down where it says "one," it says, "The physical evidence retrieved at the crime scene or in the car I would argue to you that the evidence or lack thereof demonstrates clearly a reasonable doubt. In fact, the State's case in terms of physical evidence is totally devoid of connection to the defendant except, except as the State will argue that mysterious du-rag that appeared at some point in the investigation appeared, I argue to you, under questionable circumstances."

MR. NORMAN: Where are you reading again?

MS. MATOIAN: I'm sorry, page 189.

MR. NORMAN: 189.

MS. MATOIAN: It's the second page of the closing.

MR. NORMAN: I got you. I got you. I'm with you. Okay.

(Pause.)

MR. NORMAN: Yeah.

MS. MATOIAN: So from reading your closing, it seems like that du-rag was presented at trial as being one that was found in the car after the crime scene investigation took place.

MR. NORMAN: I think so.

MS. MATOIAN: Okay. Do you recall anything else about that? Did you argue for its exclusion because of how it was found?

MR. NORMAN: I do not recall whether I did or not.

MS. MATOIAN: Do you know if Esley Manning testified?

MR. NORMAN: I don't remember.

MS. MATOIAN: Okay.

MR. NORMAN: I can't remember.

MS. MATOIAN: Okay. And I'll say I didn't see any notes with his --

MR. NORMAN: Notes about it.

MS. MATOIAN: -- name on them with that line down the middle that we've talked about.

And then on page -- it's kind of repeated on page 190 and 191, but on page 190 it's crossed out at the bottom and -- but then retyped on page 191 about what the victim said

about the suspect and described.

MR. NORMAN: Oh, yeah. Okay.

(Pause.)

MR. NORMAN: Freckles, I don't remember freckles.

MS. MATOIAN: Do you remember Mr. Evans having freckles?

MR. NORMAN: I don't remember any freckles.

MS. MATOIAN: Okay.

MR. NORMAN: I don't remember anything about freckles. She must have said something about she saw some freckles or something. That's the only thing I can figure.

MS. MATOIAN: Do you recall that discrepancy between her description and Mr. Evans' height and weight?

MR. NORMAN: I don't have any independent recollection of it.

MS. MATOIAN: Right.

MR. NORMAN: Other than what I'm reading.

MS. MATOIAN: Are those big differences to you?

MR. NORMAN: Yeah. To me, they are.

I mean, that's, you know, I think it's, you know -- particularly when you're talking about somebody that she supposedly knew, you know, so she may have been given his description from her memory of him elsewhere. I don't know.

MS. MATOIAN: And there's a line up in that paragraph number 3 where you say, "In fact, the perpetrator was more the size of Larry Davis." Were you suspicious of Larry Davis at all?

MR. NORMAN: I don't recall, but I probably was or I wouldn't have said that --

MS. MATOIAN: Okay.

MR. NORMAN: -- is what I'm tending to think.

MS. MATOIAN: Okay.

MR. NORMAN: He must have -- yeah. I don't know why I would pick him out otherwise. He must have testified and I thought he was more that size and I thought he might be the one, but --

MS. MATOIAN: Okay. You can't recall any specific reason why you would have thought that?

MR. NORMAN: I can't recall any reason

now why I would have said him.

MS. MATOIAN: And then if you go still on page 191, number 2, it kind of talks about Mr. Evans' alibi, and it brings up Tommy Perry and Jerry Moore. If you don't mind reading down and see if it jogs your memory at all.

(Pause.)

MR. NORMAN: Okay.

MS. MATOIAN: So that looks like Jerry Moore was a witness for the State.

MR. NORMAN: Yeah. State's witness says Jerry Moore, (indiscernible) State's witness, Jerry Moore, so yeah.

MS. MATOIAN: But it does seem that -- he says, "The defendant arrived at home down the Baden road between 9 and 9:30," so that seems like he was confirming his alibi in his testimony?

MR. NORMAN: Uh-huh, uh-huh.

MS. MATOIAN: Okay. And I'm sorry, just to go back to the victim's description and the fact that she didn't identify Mr. Evans. Do you think there is any way that you had drafted this at some time during the trial and after you drafted this the victim had identified Mr. Evans

after that or do you think you drafted this close to the end when the evidence had been heard?

MR. NORMAN: I think I drafted it close to the end when the evidence was heard.

MS. MATOIAN: Let's see if there's anything else specifically I wanted to ask a question about.

On page 192, that second paragraph, it says, "As Officer Green said, there was pressure to solve this case."

MR. NORMAN: "Pressure to solve this case," yeah.

MS. MATOIAN: Yeah.

MR. NORMAN: (Indiscernible) and a lot of publicity, yeah.

MS. MATOIAN: Okay.

MR. NORMAN: She was well-known, so that was -- yeah. And I'm sure she was talking about it. Probably called her every day.

MS. MATOIAN: And then you get into -- these appear to be summaries of what Joann Clemonts and Larry Davis said --

MR. NORMAN: Right.

MS. MATOIAN: -- during the trial.

Do you recall ever hearing that any

witness got a deal, was offered a deal, was offered a reward, or anything for testifying in this case?

MR. NORMAN: No.

MS. MATOIAN: Does reading that refresh your recollection to anyting else that happened during the trial?

MR. NORMAN: No, it really doesn't, I'm sorry to say.

MS. MATOIAN: It's okay.

MR. NORMAN: But it really doesn't.

MS. MATOIAN: Either from your own memory or from the things you've read in your file, what do you recall being the, for lack of a better word, worst evidence for Mr. Evans that indicated his guilt?

MR. NORMAN: The worst evidence. In my mind, the worst evidence would be what was -- you know, I think the case was extremely weak, yeah, but the worst evidence would have had to be the folks that he allegedly talked to and admitted doing.

MS. MATOIAN: Okay.

MR. NORMAN: In my mind.

MS. MATOIAN: So Larry Davis would

have been the worst evidence in your opinion?

MR. NORMAN: Uh-huh.

MS. MATOIAN: Okay. All right. I'm just going to -- I'm going to hopefully run through these pretty quick. They're just a few pages from your file that I just want to make sure I understand kind of what we've talked about like when you would have taken those type of notes.

MR. NORMAN: Sure.

MS. MATOIAN: There are actually -- let's see. There were a few names, and it's just a list of names in the file, and I just want to see if I can see if you recall who they were or what their involvement was in the case.

Do you know someone named J.A. Gregory?

MR. NORMAN: That's not ringing a bell.

MS. MATOIAN: Walter Bechle, B-E-C-H-L-E?

MR. NORMAN: That might have been Walter Beckham.

MS. MATOIAN: Beckham.

MR. NORMAN: Walter Beckham was Chief

of Police in Franklinton.

MS. MATOIAN: Okay.

MR. NORMAN: And that might have been -- I don't know why I would have contacted him, but he may have known one of the other witnesses or something.

MS. MATOIAN: Right. And this page in the file, I mean it's literally just a list of names with no other context.

MR. NORMAN: Okay.

MS. MATOIAN: And then Ralph Brown?

MR. NORMAN: Ralph Brown was a deputy sheriff.

MS. MATOIAN: Okay.

MR. NORMAN: For years.

MS. MATOIAN: So those sound like law enforcement names?

MR. NORMAN: Right.

MS. MATOIAN: And he -- and that was for the Franklin County Sheriff's Office?

MR. NORMAN: That's right.

MS. MATOIAN: Okay. Do you recall anybody involved in this case named Walt Christopher Best?

MR. NORMAN: Walt Christopher Best,

no.

MS. MATOIAN: Billy Glenn Solomon?

MR. NORMAN: No.

MS. MATOIAN: Do you know who that is?

MR. NORMAN: No.

MS. MATOIAN: Okay. And Reese Wardrick?

MR. NORMAN: No.

MS. MATOIAN: There's -- it's fairly short. I see it (indiscernible). If you go number 17, it's actually on that first page that they list -- I'll say that I'm not able to tell who this interview is actually conducted with because Billy Glen Solomon's name appears. Gene Wardrick, Reese Wardrick, and Tony Wardrick are named. Do you know who any of those people are?

MR. NORMAN: I do not.

MS. MATOIAN: Okay.

(Pause.)

MR. NORMAN: No, I don't.

MS. MATOIAN: Do you recall any information like that being presented at the trial?

MR. NORMAN: No.

MS. MATOIAN: Okay.

MR. NORMAN: No, I don't.

MS. MATOIAN: And then I'm sorry, I don't have these numbered. One, two, three, four, five pages from the end of that section.

MR. NORMAN: Five from the end.

MS. MATOIAN: Yeah. Let me number these. That page right there. So that says Walt Christopher Best. And again, I'm just not able to tell if this was an interview or if it's the second page of an interview with someone else.

MR. NORMAN: No, huh-uh. It doesn't ring any bells with me at all.

MS. MATOIAN: Do you recall any information like this being presented at the trial?

MR. NORMAN: No.

MS. MATOIAN: Okay.

MR. NORMAN: I do not.

MS. MATOIAN: Okay. Let me go to these notes. This one I'll mark Number 42, and it's titled "Ms. Manning." Does -- do these seem like notes you would have taken during the trial, pretrial, anything like that?

(Pause.)

MR. NORMAN: These appear to be notes

I took during the trial.

MS. MATOIAN: During the trial? Okay.

MR. NORMAN: That's what it appears.

MS. MATOIAN: Forty-three, these appear to be notes with that line down the middle, and it's got J.D. Reavis, who worked for the crime lab. Seems to be talking about evidence; am I correct in that?

MR. NORMAN: Yeah. Looks like I started off trying to write real good. Yeah, that, I mean, that's what it appears to me to be notes probably during his direct --

MS. MATOIAN: Okay.

MR. NORMAN: -- testimony that I was trying to -- yeah.

MS. MATOIAN: And then 44, this is Willie Bartholomew and Dave McDougall notes that are in that same format. And I don't see anything, but please correct me if I'm wrong if you do, if there's anything in there about the du-rag and how it was found.

(Pause.)

MR. NORMAN: I see nothing on that page about that, but Willie Bartholomew was the forestry guy.

MS. MATOIAN: Right. And I believe he's the one who found her --

MR. NORMAN: That's right.

MS. MATOIAN: -- the next morning. And then the -- hopefully the last one I'll show you, I'll mark it Number 45.

MR. NORMAN: Okay.

MS. MATOIAN: These are just various type documents that are -- they look -- they're labeled Cross-Examination and then the witness's name. Does -- would you have done this, the typed version, before the trial?

MR. NORMAN: These would have been things I probably did before the trial.

MS. MATOIAN: Okay. And then the notes on them, were those things you would done during the trial?

MR. NORMAN: Exactly.

MS. MATOIAN: Okay. So looking at -- I guess just looking at those notes, I don't believe I've seen anything about the du-rag, but please correct me if I am wrong.

Oh, I'm sorry, if you look at page 2 of 7 where it says "Cross-examination of Pat Green," down at the bottom it says, "6th of March

inside car," and then an arrow, says "Found in car by Manning."

MR. NORMAN: Hm.

MS. MATOIAN: And then at the bottom it says, "What happened to the car?"

MR. NORMAN: Okay.

MS. MATOIAN: I don't know if that's about the du-rag or not.

MR. NORMAN: I don't either. I don't know what else, but I don't either. I don't know for sure --

MS. MATOIAN: And I'm sorry --

MR. NORMAN: -- whether it's referring to the du-rag or not. "What did you find?"

MS. MATOIAN: And I'm sorry, I think I've actually missed a page that should be 208 that goes along with it.

MR. NORMAN: Okay.

MS. MATOIAN: And there's a question about the du-rag on that page.

MR. NORMAN: Right. Yeah. I see it there.

MS. MATOIAN: And then I think if you look at 214, there's -- they're notes for the -- your cross of Esley Manning. And I don't see any

notes about the du-rag there.

MR. NORMAN: No, I don't either.

MS. MATOIAN: Okay.

MR. NORMAN: No.

MS. MATOIAN: Okay. Thank you for looking at those. So yeah, in general, the -- I think if we had a trial transcript we'd probably be able to clarify a few things --

MR. NORMAN: Oh, yeah.

MS. MATOIAN: -- but we are trying to nail down a lot of things, but I think the main ones for us would be where that du-rag came from.

MR. NORMAN: Sure.

MS. MATOIAN: And also whether or not the victim ever identified Mr. Evans --

MR. NORMAN: Right.

MS. MATOIAN: -- as the person who kidnapped her. So if you get to thinking about it and anything jogs your memory, feel free to call me or shoot me an email.

MR. NORMAN: Oh, I will. I will.

MS. MATOIAN: I really thank you for taking the time out to speak with us today.

MR. NORMAN: Anything I can do to help (indiscernible).

MS. MATOIAN: I hope I've asked everything, but if I haven't --

MR. NORMAN: If you haven't, call me.

MS. MATOIAN: -- I'll give you a call.

MR. NORMAN: Now I know that Dr. -- Bev Lake was involved in the Innocence Commission.

MS. MATOIAN: In the founding of it, yes.

MR. NORMAN: In the founding, but he's not -- he's ill now as I understand.

MS. MATOIAN: Yeah. I haven't heard anything for a while, but I did hear that he was dealing with some health issues a while back.

MR. NORMAN: But I remembered that he was involved in it from the beginning, so --

MS. MATOIAN: Right. So we're --

MR. NORMAN: A nice guy, nice guy.

MS. MATOIAN: Yeah. So we're in the investigation stage with Mr. Evans' case right now and if --

MR. NORMAN: Okay.

MS. MATOIAN: -- so our rules are if we find new credible evidence that has not been heard --

MR. NORMAN: Sure. Sure.

MS. MATOIAN: -- at a trial before, so that's why it's important for us to figure out what happened at a trial --

MR. NORMAN: No question. No question.

MS. MATOIAN: -- to know what's been heard. New credible evidence of innocence that hasn't been heard before. It may go in front of a hearing before our commissioners where we will present, we like to say the good, the bad, and the ugly.

MR. NORMAN: Sure.

MS. MATOIAN: All -- we -- since we're neutral, we present everything, and they make a determination if there's sufficient evidence of innocence to merit judicial review.

MR. NORMAN: Right.

MS. MATOIAN: And if it gets through that, it goes to a three-judge panel where we're kind of out of it. It goes back to the parties --

MR. NORMAN: Right.

MS. MATOIAN: -- and Mr. Evans has -- it's kind of like a reverse trial. He has to

prove by clear and convincing evidence that he --

MR. NORMAN: Right.

MS. MATOIAN: -- is innocent, and all three judges --

MR. NORMAN: Have to agree.

MS. MATOIAN: -- have to agree. So that's kind of the trajectory that we're going on.

MR. NORMAN: Gotcha.

MS. MATOIAN: So if it does go to a hearing, usually with defense attorneys and law enforcement, unless there's a specific thing we need them to testify to commissioners about, we may just have you be on standby --

MR. NORMAN: Sure.

MS. MATOIAN: -- in case they do have any questions for you --

MR. NORMAN: Sure.

MS. MATOIAN: -- so we'll be in contact if it goes to hearing and if that happens.

MR. NORMAN: If it goes that far, okay.

MS. MATOIAN: Right.

MR. NORMAN: And anything I can do in

the meantime just call me. Be glad to help in any way.

MS. MATOIAN: Well, I really do appreciate it.

MR. NORMAN: I wish I had a photographic and good recall, but I don't.

MS. MATOIAN: I'm sure you've done enough trials.

MR. NORMAN: It's been interesting.

MS. MATOIAN: Yes. Oh, do you recall ever representing a Larry Davis or that Larry Davis you saw in the picture on Chapter 13? Is that something you do in your practice?

MR. NORMAN: I do check for 13s.

MS. MATOIAN: But you don't recall him by name?

MR. NORMAN: But I don't recall him by name.

MS. MATOIAN: Okay.

MR. NORMAN: I do recall a Larry Davis, and I thought he was Chapter 13, but I don't remember it being him.

MS. MATOIAN: And it didn't look like that man in the picture?

MR. NORMAN: It did not look like him

to me.

MS. MATOIAN: Okay. Okay.

MR. NORMAN: I don't know for certain.

MS. MATOIAN: Yes, thank you so much for that.

MR. NORMAN: All right. And thank you all.

MS. MATOIAN: All right. Thank you for --

MR. NORMAN: And good to meet you.

MS. MATOIAN: Yes. It was so nice to meet you.

MS. MYERS: Good to meet you, too.

MS. MATOIAN: For making time in your day.

(The recorded interview concluded.)

CERTIFICATION OF TRANSCRIPT

This is to certify that the 75 pages of this transcript of the recorded interview of Larry Norman was taken on February 27, 2019, is a true and accurate transcript to the best of my ability.

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

This is the 25th day of June, 2019.

Gloria Veilleux

_____

GLORIA VEILLEUX
Notary Public

SBI FILE: 360-M-12-2
ACTIVITY: April 21, 1993
VICTIM: Rea Manning
DIC: April 27, 1993
REC: April 29, 1993
TYPED: April 30, 1993
COPIES: (1) Records; (2) Criminal Specialist R. G. Sims; (3) SAC R. P. Hawley; (4) District Attorney David R. Waters

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JoAnn Clemmons, B/F/DOB: 11/05/68; Residence: Academy Village #3D, Franklinton, North Carolina 27525, No Telephone; Unemployed; (Witness):

Clemmons was interviewed on Wednesday, March 24, 1993, at 10:20 a.m., at the Franklin County Sheriff's Department, by SA R. G. Sims and Detective Pat Greene.

JoAnn Clemmons is the former girlfriend of Kenny Evans. She stated she had dated Kenny Evans from April 1987 and stopped dating him in the middle of 1990. She stated she stopped dating him because he had hit her several times, and the last time he had "busted" her eye open.

She also stated she used to have a white '77 Cordoba vehicle that Kenny used to drive. Inside the white vehicle she had gray masking tape. She also had some orange twine that was in the car. Clemmons stated the orange twine had come from her mother's boyfriend and it was used to tie down the trunk of her (JoAnn) vehicle. The orange twine had been in the car when Kenny used to borrow it.

Clemmons stated she eventually sold her Cordoba to a person by the name of Brenda Kingsberry, who lives on River Road in Louisburg.

Clemmons further stated that sometime in early 1990, Kenny had gone out and used her car and had come back with a lot of loose change in First Citizens Bank bags. Enclosed in the change were dimes, quarters, nickels and pennies. Clemmons related this was around March 1990.

Clemmons stated she asked Evans about the money and he told her it was none of her business.

Clemmons also stated that when he came back, he was wearing a light-yellow T-shirt, brown work pants, and black shoes that had red mud on them. She stated he threw the shoes away shortly afterward. Again she asked him why he did it and he said it was none of her business. She also stated Evans gave her a woman's watch with diamonds all around it. He told her he had given it to his wife before. Later, she stated he took the watch away from her.

Clemmons said Evans carried a small shotgun with him and he smoked Newport 100s.

Clemmons stated she bought Kenny Evans a black scarf that he wore around his head at the Family Dollar sometime in early 1990. She remembers the scarf and she paid about $2.19 for it.

This interview was concluded at 4:45 p.m.

RGS:kb

EXHIBIT 8

PENGAD 800-631-6989

NORTH CAROLINA INTERNAL RECORDS

INCIDENT/INVESTIGATION REPORT

1. AGENCY	2. IDENTIFIER-ORI	3. OFFENSE TRACT	4. DATE/TIME REPORTED	5. OCA FILE NO.
Franklin Co. Sheriffs Dept	NC 0350000		3 MO / 5 DAY / 90 21:57 24 hr Clock	90030515

6. CRIME(S)/INCIDENT	7. UCR CODE	8. VICTIM/BUSINESS NAME	9. RACE ETHN	10. SEX	11. D.O.B. AGE	12. Relationship (Victim To Offender)
Kidnapping/ Larceny, Burglary		Manning, Euther Andrews	W	F	110328	

13. OFFENSE DATE	14. HOUR	15. D-WK	16. MTH	17. DATE	18. YR.	19. VICTIM ADDRESS	20. PHONE
AT (FOUND)	9:57P	Mon	3	5	90	Rt 6 Box 302 Louisburg NC 27549	
(LAST KNOWN SECURE)	9:55P	Mon	3	5	90	21. EMPLOYER/SCHOOL ADDRESS	22. BUS. PHONE

23. PERSON REPORTING CRIME (LAST, FIRST, MIDDLE) PHONE	24. ADDRESS	25. BUSINESS ADDRESS PHONE
~~XXXXXX~~ Tommy Kemp	Rt. 6 Louisburg	

26. LOCATION OF CRIME	27. PREMISE TYPE	28. WEAPON/TOOLS
Centerville, NC SR 1436	Residential	firearm

29. HOW ATTACKED OR COMMITTED (M.O.) — 30. WEATHER

perpetrator entered home, subdued victim, taped her up removed from residence against her will. Fair

PROPERTY CLASSIFICATION	CODE	VALUE STOLEN	VALUE AT RECOVERY	PROPERTY CLASSIFICATION	CODE	VALUE STOLEN	VALUE AT RECOVERY
CURRENCY, NOTES, ETC.	A	31$ 100.00	32$	HOUSEHOLD GOODS	H	45$	46$
JEWELRY, PRECIOUS METALS	B	33$	34$	FOODSTUFFS	I	47$	48$
CLOTHING, FURS	C	35$	36$	LIVESTOCK	J	49$	50$
MOTOR VEHICLES	D	37$ 3000.00	38$ 3000.00			51$	52$
OFFICE EQUIPMENT	E	39$	40$			53$	54$
T V., RADIO, CAMERA, ETC.	F	41$	42$			55$	56$
FIREARMS	G	43$ 200.00	44$	GRAND TOTAL		57$ 3300.00	58$ 3000.00

59. VEHICLE INFO (VICTIM-SUSPECTED)

YEAR MAKE MODEL STYLE COLOR LIC # & STATE VIN

60. # OF SUSPECTS	61. CAN SUSPECTS BE ID'ED	62. WAS EVIDENCE FOUND	63. WITNESS NAMES ADDRESS PHONE
one	____YES ____NO	XX YES ____NO	

64. LAB TECHNICIAN CALLED	65. REPORT FILED FOR INSURANCE PURPOSES
SBI	____YES ____NO

66. OFFENDER 1 RACE____ETHN.____SEX____ AGE____ OFFENDER 2 RACE____ETHN.____SEX____AGE____ OFFENDER 3 RACE____ETHN.____SEX____ AGE____

67. NARRATIVE

On 3-5-90 Mrs. Euther Andrews Manning W/F DOB 110328 entered her residence in Centerville NC and was forcibly assaulted and manhandled against her will by a B/M approximately 6 feet to 6'2" tall brandishing a long gun not a pistol. He tied her up, hands behind her back with silver duct tape, and covered her mouth, and eyes with same tape. She was then dragged to her 1984 Ford Station Wagon underneath the carport, the subject then drove the car away with Mrs. Manning inside. Upon arriving at the scene we observed her shoes, glasses, (Pocketbook) and cigarett on the livingroom

COMPLAINANT'S SIGNATURE

68. OFFICER'S NAME	69. OFFICER'S SIGNATURE	70. DATE/TIME SUBMITTED	71. SUPERVISOR NAME	72. CASE STATUS	73. CASE DISPOSITION	74. PAGE
Pat Green	Pat Green	MO DAY YR 3 19 90 11:00 24 hr.		FURTHER INV INACTIVE CLOSED	UNFOUNDED CL BY ARREST EXC. CLEARED ADULT EXC CLEAR	OF

NCIC 0003476

1. AGENCY	2. IDENTIFIER - ORI	3. CONTINUATION TO:	4. OCA FILE NO.
Franklin Co. Sherioffs Dept	NC 0350000	☐ INVESTIGATION ☐ SUPPLEMENTARY INV.	90030515

5. NARRATIVE

floor, there was red mud on the floor also throughout most of the house. In the Master bedroom there was a small amount of blood on the bed (comforter), also a small amount of duct tape was on the floor beside the bed. Upon family members checking the scene for items missing, it was learned that a Smith & Wesson 38 caliber revolver nickle plated with bone handles (old) a Elgin Yellow gold watch (Mens) were the only items that were found to be missing. The home and crime scene were protected and secured and the SBI was called in to assist. Agent Rick Sims of the SBI, and Dave McDougal reported to the scene. The Centerville Fire and Rescue and EMS, WLFD and GSFD responded to the Fire Dept to begin with search for vehicle and missing woman. All available deputies were called out to look for her and car. Car. 1, 2,4,6,8,910,12,14, 15,16,

Mrs. Manning was found at approximately 7:00PM by Forestry Service agent Willie Frank Bartholomew on the Veyton Road. approximately 1/10th of mile from NC 58. She was walking in circles next to road with her hands still bound behind her back, and tape on eyes and mouth. Bartholomew removed tape and brought back to residence. She was transported to FRMC by Centerville Rescue. She was treated and released.

A description of suspect is as follows: Male, Light Skinned Black approximately 6' to 6'2" in height weight 200 suspect had blotches, or large freckles on cheeks (Very noticable

Suspect acted mannerable under the circumstances, used no profanity, victim stated that suspect speech sounded like he was from a city nor country.

The height, and weight are an a xxxxxxxxxxxxxxxx estimate, also the age ranged from 20's to 40's.

6. OFFICER'S NAME	7. OFFICER'S SIGNATURE	8. DATE SUBMITTED MO DAY YR	9. SUPERVISOR SIGNATURE	10. PAGE ___ OF ___
Pat A. Green		3 19 97		

000347 NCIC

PIN - IR 202

Rev. 1/79

North Carolina Internal Records

CONTINUATION PAGE

1. AGENCY	2. IDENTIFIER - ORI	3. CONTINUATION TO:	4. OCA FILE NO.
Franklin County Sheriff's Dept.	NC 0350000	☐ INVESTIGATION ☐ SUPPLEMENTARY INV.	90030515

5. NARRATIVE

The change removed from home was approximately$125.00 , in 50, cent pieces, 25¢, 10¢ and 5¢ coins.

The gun used by suspect was a short gun possibly a sawed off shotgun, was not a handgun according to victim. The suspect was waiting inside the residence when Mrs. Manning returned home from the Funeral Home.He came into livingroom from the front den, after opening up the french doors.

~~MXXXXMXXXXXMX~~

The investigation is continuing:

6. OFFICER'S NAME	7. OFFICER'S SIGNATURE	8. DATE SUBMITTED MO DAY YR	9. SUPERVISOR SIGNATURE	10. PAGE ___ OF ___
Pat Green	Pat Green	3 19 90		

NCIC 0003548

DIN - IR 202

Rev 1/79

EXHIBIT 9

PENGAD 800-631-6989

STATE BUREAU OF INVESTIGATION

INITIAL REPORT

SH

FILE NUMBER	TYPE OF INVESTIGATION	NAME-TITLE AGENCY REQUESTING ASSISTANCE
360-M-12-2	Abduction	Sheriff A. Johnson/Franklin Co. SO

DATE	TIME	LOCATION OF OFFENSE	CITY-TOWN	COUNTY
2/5/90	App. 10PM	Rt. 6, Box 410	Centerville	Franklin 35

NAME(S) OF VICTIM(S)	RACE, SEX, AGE OR TYPE OF BUSINESS	D.O.B.	MAJOR OFFENSE AGAINST VICTIM	LOCATION (IF NOT SAME AS ABOVE)
Euther Andrews Manning	W/F	11/3/28	Abduction	

SUSPECT(S)	RACE, SEX, AGE	D.O.B.	OTHER DESCRIPTIVE DATA
None			

RECEIVED MAR 8 1990 SBI CAPITAL DISTRICT

WEAPONS OR TOOLS USED	VEHICLE(S) USED BY SUSPECTS DURING OFFENSE
Gun	84 Ford LTD Station Wagon, Tag # CTK663NC (Victim's Vehicle)

SYNOPSIS:

The above victim stated she was surprised and abducted by an unknown black male who she stated entered her residence and waited for her to come home. He taped her hands and feet and then drove her to a secluded area in her vehicle. She stated that the alledged kidnapper then told her he was going to demand $100,000 from her husband. He then left and did not return. According tot the victim, she eventually freed herself and sought help.

A strong possibility exists that the victim fabricated the story. None of the expensive jewery the victim was wearing was taken. Her home was not ransacked, and she did not appear to be hurt or emotionally distraught. In addition, her story about the abduction kept changing. Investigators hope to polygraph the victim before pursuing this investigation further.

RECEIVED MAR 8 1990 SBI RECORDS

3/7/90
DATE INITIATED

RG Sims RG Sims
SPECIAL AGENT

SBI 10 (10/86)

CONTINUATION SHEET ( ) NO ( ) YES

NCIC
0000018

72546
7247?.2

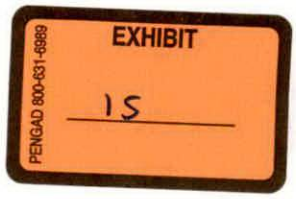
4-7-90.

Gregory albert Phelps
D.O.B. 6-13-63
Franklinton n
w/m.

I got locked up 3 weeks from Tomorrow. Kenneth Leon Evans has been talking about kidnapping a old lady, when I got locked up. ON Thursday of last week when you got him out he came back to the cell he said he first went up to the store and he and another guy went to the house with a 38 revolver. they thought she had plenty of money but she didnt have but $125.00 cash money. He said they gagged her and they drove the car. the other guy drove the car. The took a left at stop sign and made another left and then went down road made another left and turned right down a path. they said they didnt tie her up they gagged her mouth. He said he was wearing something over his head.

He told trustee Eddie Roy Moore right afta he came back into cell - Call somehouse it was coming down. gave him a number.

EXHIBIT
13
PENGAD 800-631-6989



WILLIAMS INVESTIGATIVE SERVICES

KENNETH LEON EVANS

Interview

Gregory Albert Phelps
W/M, DOB 6-13-63
Single

September 9, 1993
3:50 p.m.
Durham Correctional Center

Mr. Phelps is an inmate at Durham Correctional Center. He is serving a five year and a two year sentence for breaking and entering of a business. This interview is in regards to the charges against Kenneth Leon Evans for the kidnapping of Rea Manning.

DW: Greg, if you would, tell me how you know Kenneth Leon Evans.

GP: From the jail house. We've been in jail a couple of times together.

DW: Which jail?

GP: Franklin County.

DW: When was the last time you were incarcerated with him?

GP: Um. I want to say '89. I think it was '90.

DW: 1990. When you were incarcerated with Evans in 1990 in Louisburg, were you interviewed by the sheriff's department in regards to any statements that Mr. Evans might have made to you?

GP: Nope.

DW: Do you know deputy Pat Green?

GP: Yeah, I know him.

000336
NCIIC

DW: Did Deputy Green interview you in regards to anything that Evan's might have said while you two were in jail together?

GP: Nah. I don't believe so. He might have. I ain't. I don't know. He talked to me so much about different things.

DW: When did you get arrested in 1990?

GP: I think is was early January.

DW: Was Evans in jail when you arrived?

GP: Think so.

DW: Do you know anybody else that was in jail at that time in Louisburg? Any other inmates in your cell block?

GP: It was crowded. Over-crowded.

DW: Do you know any of them by name?

GP: Yeah, but I ain't going to bring nobody into nothing they don't need to be brought into.

DW: All I'm after is the truth. I don't have anything to hide from you.

GP: I know, but if I tell you a name, you'll want to interview him.

DW: I probably would.

GP: How did my name come up in this?

DW: I'll explain that to you.

DW: Greg, I want to read to you a statement that's attributed to you. One that you made to a deputy in the Franklin County Sheriff's department. If there is anything in this statement that is not true, I'd like for you to tell me. If it is true, I'd like for you to tell me that, too.

000337
NCIIC

[Investigator reads statement to Greg Phelps.]

Did you make that statement to any deputy with the Franklin County Sheriff's department?

GP: Not as I recall, no.

DW: You don't recall making that statement at all?

GP: No.

DW: Is there.

GP: That's supposedly a copy of my statement, right?

DW: It's a copy of a statement. It's got your name.

GP: Where's my name at?

DW: It's got your name up here in the upper right hand corner and your date of birth, Franklinton, white male.

GP: Well, I know that ain't my writing up there.

DW: I doubt this is your writing. It's whoever was talking with you. You don't recall talking to anybody about this?

GP: Un uh.

DW: Do you remember Kenneth Evans telling you anything about the kidnapping?

GP: I remember he mentioned that they was trying to pin him with one.

DW: Do you recall what he said?

GP: I mean, I mean, it's been a few years ago. All I know is they took him out of the cell a few times and each time he come back in he was hot, saying that they was trying to get him for something he hadn't done. Kidnapping a old lady. I remember the incident on TV.

DW: Did you know Mrs. Manning?

000338
NCIIC

GP: No. I don't know her. I live probably twenty miles from down there.

DW: You don't recall making any of this statement?

GP: Sure don't.

DW: Is it possible that this statement could have been written up and you had not said any of this?

GP: Yeah, it's possible. Anything's possible.

DW: Do you think you would recall if you had made this statement?

GP: Yeah.

DW: And, your recollection says that you didn't make it?

GP: Yeah.

DW: Your answer is that you did or did not make the statement?

GP: I didn't make that statement.

DW: I believe that I asked you about the other inmates that were in the cell with you. Could you give me any of those names?

GP: Yeah. One's right on this yard. Jimmy Godfrey.

DW: Jimmy Godfrey. Anybody else?

GP: Several in there that I didn't even know. One guy in there kicked Kenny's butt. His name was Wayne. I don't know his last name. That's all. I know a lot of people, but it's hard to remember who you been in jail with at certain times.

DW: Do you know Eddie Moore?

GP: The name sounds familiar.

000339
NCIIC

DW: This statement says he was a trustee in the Louisburg jail at the time.

GP: I can't recall right now. I know a lot of people. I know them better by face than name.

DW: I'm going to leave my name. Let me put my telephone number on there. If you have any recollection about making this statement, I'd like for you to have one of the guards here call me and I'll come back over and talk to you.

GP: Where's Kenny at now. CP?

DW: I don't know.

GP: Didn't he get. Didn't they find him guilty for that?

DW: I'm not sure where he is.

DW: Greg, if you had talked to a deputy sheriff and ratted on Kenneth Evans in regards to this kidnapping, would you recall it?

GP: Yeah. I damn sure would.

DW: Have you ever given any information you heard in a cell block to any deputy?

GP: NO! No, I haven't.

DW: Is your reputation in the Department of Corrections that of being a rat or someone who gives information to guards?

GP: Nope. It sure ain't. I got to live in them jails when I do go. If I did hear something, I sure wouldn't tell it. I'll be honest with you. I ain't never had enough hanging over my head to even try to rat my way out of it.

000340
NCIIC

You know what I mean. Five years, what's that? I can do another two years.

DW: In other words, the impression I'm getting is that people who rat are usually the ones who are facing a long sentence and trying to help themselves out.

GP: Yeah. They're trying to help themselves out. I'm not saying they got big long sentences and shit. Trying to help themselves out.

DW: If you had made a statement to Deputy Pat Green of the Franklin County Sheriff's department or any other deputy or police officer in Franklin County, you would recall it?

GP: Most definitely.

DW: You've indicated to me that you did not give this information to the Franklin County Sheriff's department or any law enforcement agency?

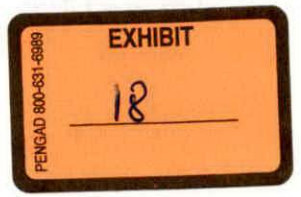
GP: That's right.

This concludes interview with Greg Phelps.

Investigator Daniel C. Williams

000341
NCHC

North Carolina Department of Public Safety Offender Number: 0101803



Known Name(s):
LARRY DARNELL DAVIS
LARRY DONNELL DAVIS
DEPUTY DAWG DAVIS
LARRY ALSTON DAVIS
LARRY DARNELL DAVIS

CLOSING STATEMENT STATE V. KENNETH LEON EVANS

THANKS-FOR ATTENTION--JURY SERVICE IS IMPORTANT--VERDICT--VERDICT SHEET--ANSWERS TO QUESTIONS--JURY INSTRUCTIONS DELIBERATIONS--FIND THE TRUTH-AND DO JUSTICE

THIS IS A VERY IMPORTANT TRIAL--VERY IMPORTANT TO THE DEFENDANT OBVIOUSLY BECAUSE HIS LIBERTY IS AT STAKE--IT IS VERY IMPORTANT ALSO FOR MRS. MANNING AND HER FAMILY--SHE HAS WITHOUT QUESTION BEEN THE VICTIM OF CRUEL AND HORRENDOUS CRIMES--WE ALL FEEL SYMPATHY FOR WHAT SHE HAS UNDERGONE AND IS CONTINUING TO UNDERGO AND SUFFER BECAUSE OF WHAT HAPPENED TO HER--NO QUESTION THAT THE PERPETRATOR OF THESE CRIMES DID TERRIBLE THINGS AND SHOULD BE APPREHENDED AND PUNISHED--HE ~~OR SHE~~ SHOULD PAY--BUT IT IS OUR JOB TO MAKE SURE THAT THE RIGHT OR GUILTY PERSON PAYS--NOT SIMPLY ALLOW THE BOOK TO BE CLOSED ON THIS CASE AND THE FILES MARKED SOLVED BECAUSE LADIES AND GENTLEMEN I ARGUE TO YOU THAT THESE CRIMES HAVE NOT BEEN SOLVED AND CANNOT BE RESOLVED UNTIL THE GUILTY PERSON WHO DID THESE TERRIBLE THINGS IS APPREHENDED AND PUNISHED--TODAY THAT PERSON REMAINS FREE BECAUSE THE INVESTIGATION HAS BEEN CLOSED. THIS CASE IS IMPORTANT THEN FOR MRS. MANNING AND HER FAMILY AND ALL OF US BECAUSE IF YOU CONVICT KENNETH LEON EVANS OF THESE CRIMES--THE REAL GUILTY PERSON WILL REMAIN FREE AND UNPUNISHED.

WHEN YOU DELIBERATE AFTER BEING INSTRUCTED BY HIS HONOR--YOU MUST CONSIDER ALL OF THE EVIDENCE PRESENTED--IT IS YOUR DUTY TO RECALL THAT EVIDENCE AND CONSIDER THESE QUESTIONS--LISTED ON VERDICT SHEET--ANSWER TO THESE QUESTIONS--(USE VERDICT Shee)

Elements - Not going to discuss what the Judge instructs to demonstrate

BUT MUST DO SO ACCORDING TO THE TRIED AND TRUE RULES THAT MAKE OUR SYSTEM FAIR.

THOSE RULES INCLUDE BURDEN OF PROOF--ON THE STATE TO PROVE DEFENDANT COMMITTED THE OFFENSES OR CRIMES THAT HE IS CHARGED BEYOND A REASONABLE DOUBT--HIS HONOR WILL INSTRUCT--USE COMMON SENSE--THE SAME COMMON SENSE YOU USE IN MAKING EVERYDAY DECISIONS IN DETERMINING WHETHER STATE HAS MET THAT BURDEN--I ARGUE TO YOU ~~IN THIS CASE THE STATE~~ HAS NOT MET THAT BURDEN--THE STATE HAS NOT PROVEN THAT KENNETH LEON EVANS COMMITTED THESE CRIMES BEYOND A REASONABLE DOUBT--THERE IS GREAT DOUBT HERE BASED ON THE EVIDENCE

His Honor will define Reas Doubt + READ INSTRUC. ↓ SCALES OF Justice

ANOTHER ONE OF THOSE RULES (Indeed) THAT WE MUST OPERATE UNDER TO MAKE SURE WE HAVE A FAIR TRIAL IN CRIMINAL CASES (is the Rule that A D is PRESUMED TO BE INNOCE) THE CASE IS A CONTEST BETWEEN THE STATE WITH ALL OF ITS RESOURCES--POLICE INVESTIGATORS--YOU'VE HEARD FROM ALL OF THOSE AND AN INDIVIDUAL DEFENDANT--HERE KENNETH LEON EVANS--HE DOESN'T HAVE THE POLICE OR THE LABS OR THE CRIME SCENE SPECIALIST ETC--BUT HE HAS SOMETHING ELSE

PRESUMPTION OF INNOCENCE--NOT A MERE PHRASE--A CLEAR COMMAND OF

THE LAW--BASIC TO THE FAIRNESS OF OUR SYSTEM--=-MEANS HE DOESN'T HAVE TO PROVE HIS INNOCENCE--HE IS PRESUMED BY THE LAW TO BE INNOCENT--

TO OVERCOME THAT THE STATE MUST PROVE THAT THE DEFENDANT COMMITTED THESE OFFENSES BEYOND A REASONABLE DOUBT--I ARGUE THAT THEY HAVE FAILED TO DO SO HERE--THERE IS GREAT-TREMENDOUS DOUBT IN THIS CASE--IN FACT I ARGUE THAT THE EVIDENCE IN THIS CASE--THE EVIDENCE PRESENTED BY THE STATE IN THIS CASE SHOWS THEY HAVE THE WRONG MAN ON TRIAL HERE TODAY---WHY DO I SAY THAT--WELL LETS TAKE A LOOK AT THE EVIDENCE--

THE STATES CASE AS PRESENTED REALLY OFFERS A FOUR PHASED EFFORT OR ATTACK ON KENNETH LEON EVANS--

1) THE PHYSICAL EVIDENCE RETRIEVED AT THE CRIME SCENE OR IN THE CAR--I WOULD ARGUE TO YOU THAT THE EVIDENCE OR THE LACK THEREOF--DEMONSTRATES CLEARLY A REASONABLE DOUBT --IN FACT THE STATES CASE IN TERMS OF PHYSICAL EVIDENCE IS TOTALLY DEVOID OF CONNECTION TO THE DEFENDANT---EXCEPT, EXCEPT--AS THE STATE WILL ARGUE--THAT MYSTERIOUS DO-RAG THAT APPEARED AT SOME POINT IN THE INVESTIGATION--APPEARED I ARGUE TO YOU UNDER QUESTIONABLE CIRCUMSTANCES--

2) THE TIMETABLE OF EVENTS--WHERE MS. MANNING WAS, HOW LONG--WHERE THE DEF WAS, HOW LONG--

3)IEDNTIFICATION EVIDENCE--WHAT MRS. MANNING SAID THAT MIGHT LEAD TO THE PERPETRATOR.

4) THE EVIDENCE OF THE CONVICTED WITNESSES--JOANNE CLEMONTS AND LARRY DAVIS--I WILL DEAL WITH THAT IN A FEW MOMENTS AT LENGTH--AND I WILL DEAL WITH IT LAST BECAUSE IN MANY WAYS IT IS THE MOST INCREDIBLE PORTION OF THE STATE'S CASE.

FIRST, HOWEVER, LETS CONSIDER THE FIRST PHASE I MENTIONED--

1) THE PHYSICAL EVIDENCE OR THE SCIENTIFIC EVIDENCE PRESENTED--OFFICER MCDOUGALL OF THE SBI TESTIFIED--SPECIALIZES IN CRIME SCENE INVESTIGATIONS--COLLECTING EVIDENCE--DESCRIBED IN METICULOUS DETAIL--HOW HE RECOVERED EVIDENCE AND SEARCHED FOR EVIDENCE--PERFORMED THE TAPING PROCEDURES--FOUND A HAIR IN THE HOUSE- SEARCHED AND INVESTIGATED THE CAR--FOUND CIGARETTE BUTTS NOT CONNECTED WITH THE DEFENDANT--FOUND A TISSUE--NOT CONNECTED WITH THE DEF--FOUND FINGERPRINTS NOT CONNECTED TO THE DEFENDANT--FOUND HAIR AND FIBER--NOT CONNECTED TO DEFENDANT--AND THEN AND I WAS VERY PARTICULAR ABOUT THIS QUESTIONING--HE SAYS HE DIDN'T FIND ANYTHING ELSE--AFTER TAKING A BREAK--HE CAME BACK AND THE STATE PUT HIM back on to attempt to fix that problem--he saw some picture and said that he does now remember that low and behold there were some clothing articles in the car-- BUT THEN HE SAYS THEY WERE NOT IMPORTANT AND THAT HE DID NOT COLLECT THEM--

WHY WERE THEY NOT IMPORTANT--COULDN'T HAIR AND FIBERS BE FOUND IN

THEM AND POSSIBLY MATCHED TO SOMEONE--A TRAINED CRIME SCENE INVESTIGATOR SAYS HE FINDS ARTICLES OF CLOTHES IN THE CAR AFTER BEING REMINDED AT THE BREAK AND HE DOESN'T THINK THEY ARE IMPORTANT.

HE SAYS EVEN THOUGH MUD FOUND IN THE HOUSE--NO EFFORT WAS MADE TO ATTEMPT TO FIND FOOTPRINTS IN THE AREA AROUND THE HOUSE--IN THE FIELDS OR WOODS BEHIND THE HOUSE--

SBI AGENT REAVIS TESTIFIED THAT HIS SUBJECT AND AREA OF EXPERTISE IS HAIR--HE FOUND THAT A PORTION OF A HAIR WAS THAT OF A BLACK MAN--ALSO FOUND CAUCASIAN HAIR--COULD NOT MAKE ~~ATTACH~~ WITH THE DEFENDANT--HE EXPLAINED ABOUT HOW HAIR CAN BE MATCHED AND HOW HIS HAIR EXAM IN TRAINING INVOLVED CORRECTLY MATCHING 100 HAIRS--BUT NO MATCH HERE--AND I ARGUE TO YOU THAT NO HAIR WAS ~~APPARENTLY~~ FOUND IN THIS SO CALLED DORAG WE HEARD SO MUCH ABOUT--

PALM PRINTS LATENT FINGER PRINTS--NINE ITEMS DELIVERED TO THE SBI LAB SOME TWO YEARS AFTER THE CRIME AND NOTHING MATCHED THIS DEFENDANT.

AND HOW ABOUT THAT DORAG--THAT THE SBI DIDN'T CONSIDER TO BE IMPORTANT--NOT EVEN RETAINED BY THE POLICE--APPARENTLY FOUND IN THE CAR DAYS AFTER THE CRIME--AND JO ANN CLEMENTS WHILE SAYING IT LOOKED LIKE THE ONE SHE GAVE THE DEFENDANT EVEN SAID THAT IT WAS RIPPED OR TORN MORE THAN WHEN SHE LAST SAW IT--

LADIES AND GENTLEMEN OF THE JURY I ARGUE TO YOU THAT THE STATE EVEN WITH ITS CRIME SCENE SPECIALIST AND FORENSIC ~~SAW~~ SPECIALIST HAVE PROVEN NOTHING WITH PHYSICAL EVIDENCE OTHER THAN WE HAVE A HAIR SAMPLE THAT APPEARS TO BE THAT OF A BLACK MAN BUT CANNOT BE CONNECTED TO THE DEFENDANT--PALM PRINTS, LATENT FINGERPRINTS THAT DO NOT BELONG TO THE DEFENDANT AND CAUCASIAN HAIR SAMPLES THAT DO NOT BELONG TO THE DEFENDANT. AND WHAT ABOUT THE BLOOD SAMPLE ON THE BEDSPREAD--NO EVIDENCE IT MATCHED THE DEFENDANT--IN FACT--NO EVIDENCE THAT IT MATCHED ANYBODY.

DID THEY TRY TO MATCH THE DEFENDANT'S HAIR--DID THEY TAKE A SAMPLE FROM HIM AND TRY TO MATCH IT? WHY NOT? DID THEY LOOK FOR FOOTPRINTS IN ~~THE~~ EITHER THE AREA AROUND THE HOUSE OR AROUND THE CAR AND TRY TO MATCH THE DEFENDANT'S FOOT SIZE? WHY NOT?

3) THE THIRD PHASE OF ATTACK ON THE DEFENDANT PRESENTED BY THE STATE IS THE IDENTIFICATION EVIDENCE OF MS MANNING--SHE TOLD THE OFFICERS IN DESCRIBING THE PERPETRATOR THAT HE WAS 6 TO 6'1" TALL AND WEIGHED FROM 185 POUNDS TO 200 POUNDS--PAT GREEN TOLD YOU THAT WHEN ARRESTED THE DEFENDANT WAS ONLY 5'9" TALL AND WEIGHED 135 POUNDS FAR SMALLER THAT KENNETH EVANS --IN FACT THE PERPETRATOR WAS MORE THE SIZE OF LARRY DAVIS--MS. MANNING TESTIFIED THAT SHE SAW THE FACE OF THE PERPETRATOR--THAT SHE HAD KNOWN KENNETH LEON EVANS ALL HIS LIFE--HAD SEEN HIM AT THE STORE--BUT DID NOT RECOGNIZE HIM AND IN COURT SHE DID NOT RECOGNIZE

~~HIM--SHE DID SAY THAT THE FACE WAS CLEAN SHAVEN AND HAD FRECKLES--~~
~~=-YOU LOOK AT THE DEFENDANT--YOU DECIDE DOES HE HAVE FRECKLES??~~
~~I ARGUE TO YOU THAT KENNETH LEON EVANS IS NOT THE PERPETRATOR.~~
3) THE THIRD PHASE OF ATTACK ON THE DEFENDANT PRESENTED BY THE STATE IS THE IDENTIFICATION EVIDENCE OF MS MANNING--SHE TOLD THE OFFICERS IN DESCRIBING THE PERPETRATOR THAT HE WAS 6 TO 6'1" TALL AND WEIGHED FROM 185 POUNDS TO 200 POUNDS--PAT GREEN TOLD YOU THAT WHEN ARRESTED THE DEFENDANT WAS ONLY 5'9" TALL AND WEIGHED 135 POUNDS FAR SMALLER THAT KENNETH EVANS --IN FACT THE PERPETRATOR WAS MORE THE SIZE OF LARRY DAVIS--MS. MANNING TESTIFIED THAT SHE SAW THE FACE OF THE PERPETRATOR--THAT SHE HAD KNOWN KENNETH LEON EVANS ALL HIS LIFE--HAD SEEN HIM AT THE STORE--BUT DID NOT RECOGNIZE HIM AND IN COURT SHE DID NOT RECOGNIZE HIM--SHE DID SAY THAT THE FACE WAS CLEAN SHAVEN AND HAD FRECKLES--=-YOU LOOK AT THE DEFENDANT--YOU DECIDE DOES HE HAVE FRECKLES?? HE IS ONLY 5'9" AND WEIGHS 135 POUNDS. - the descrip. is inconsistent - because this def. is not the guilty man.

THE STATE'S EVIDENCE IN THIS CASE I ARGUE CREATES REASONABLE DOUBT ~~OR IS~~ IT ~~SIMPLY SHODDY~~ INVESTIGATIVE ~~PROCEDURES.~~ AND ~~State's~~ clearly shows an incomplete criminal

2) THE SECOND GENERAL AREA OF EVIDENCE IN THIS CASE DEALS WITH THE TIMETABLE-- AGAIN LISTEN OR RECONSIDER THE STATES EVIDENCE

MRS. MANNING ARRIVED AT HOME ABOUT 9:30, ENTERED HER HOUSE AND was accosted by a masked man wearing gloves with a gun--mrs. manning described what HAPPENED TO HER --SHE ALSO SAID THAT SHE BELIEVED THE PERPETRATOR HAD BEEN IN THE HOUSE FOR ABOUT AN HOUR BEFORE SHE ARRIVED BECAUSE HER SON IN LAW SAID HE WENT OUTSIDE AFTER HEARING THE DOG BARK TWO TIMES--THAT MEANS THAT THE PERPETRATOR HAD TO ARRIVE AROUND 8:30--BUT THE STATES EVIDENCE INDICATES THAT THE DEFENDANT WAS AT TOMMY PERRY'S STORE UNTIL 8:45 AND TOMMY PERRY'S STORE IS AT LEAST A MILE FROM THE MANNING RESIDENCE--AND THEN YOU ADD TO THAT THE FACT THAT ANOTHER OF THE STATE'S WITNESSES--JERRY MOORE SAID THAT THE DEFENDANT ARRIVED AT HOME DOWN THE VAIDEN ROAD AT BETWEEN 9 AND 9:30--THAT CAME FROM THE STATES WITNESS--JERRY MOORE--NOT CALLED BY THE DEFENSE BUT BY THE STATE--NOW TO BE FAIR THE STATE PUT HIM ON TO TALK ABOUT THE CHANGE THAT JERRY MOORE SAID HE SAW THE DEFENDANT WITH AT SOME POINT--BUT ON CROSS EXAMINATION IT TURNS OUT THAT THE CHANGE EPISODE HAD OCCURRED LONG BEFORE THE KIDNAPPING--NOT THE SAME NIGHT--THATS WHAT THE STATES EVIDENCE INDICATED--AND JERRY MOORED TESTIMONY WAS CORROBORATED BY MARY ALICE MOORE WHO LIVES IN THE SAME HOUSE WHO ALSO SAYS THAT KENNETH LEON EVANS CAME HOME THAT NIGHT AROUND 9PM--THAT MATCHES THE TESTIMONY ~~MONEY~~ OF ANOTHER STATES WITNESS--TOMMY PERRY WHO SAID THE DEFENDANT LEFT HIS STORE AT ABOUT 8:45.

I THEREFORE ARGUE TO YOU THAT THE STATES OWN EVIDENCE--THE TESTIMONY OF TOMMY PERRY AND JERRY MOORE INDICATES THAT KENNETH LEON EVANS COULD NOT HAVE COMMITTED THESE CRIMES--AND THE TESTIMONY OF THOSE TWO STATES WITNESSES WAS CORROBORATED BY MARY ALICE MOORE.--REASONABLE DOUBT--I ARGUE THAT IF YOU BELIEVE THESE STATES WITNESSES--THERE IS NOT DOUBT-KENNETH LEON EVANS IS INNOCENT.

mas MANNING & and

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NOW WE HAVE CONSIDERED THE PHYSICAL EVIDENCE AND THE IDENTIFICATION EVIDENCE, OR LACK THEREOF, AND THE TIME EVIDENCE--I AGREE WITH WHAT PROSECUTOR THOMPSON SAID IN HER OPENING STATEMENT TO YOU--AFTER CONSIDERING ALL THAT EVIDENCE--THERE WAS NOT ENOUGH EVIDENCE IN THIS CASE--SOMETHING ELSE HAD TO BE DONE--

AS OFFICER GREEN SAID--THERE WAS PRESSURE TO SOLVE THIS CASE--YEARS HAD PASSED BY--THE CRIME HAD NOT BEEN SOLVED--THERE HAD BEEN ALOT OF PUBLICITY ABOUT THIS CRIME--

4) AND SO WE COME LASTLY TO THE EVIDENCE I REFER TO AS THE CONVICTED WITNESS EVIDENCE--THAT EVIDENCE PRESENTED THROUGH JO ANN CLEMONTS-THE FORMER GIRLFRIEND AND LARRY DAVIS, THE CONVICTED ONE--

JOANN SAYS THAT IN MARCH--KENNETH WAS LIVING WITH HER--THAT HE HAD HER CAR--THAT HE CAME HOME WITH SOME CHANGE IN A FIRST CITIZENS BAG--THAT HE HAD MUDDY SHOWS--INCREDIBLY SHE REMEMBERS THAT THIS HAPPENED IN MARCH 1990--BUT THEN SHE COULD NOT REMEMBER WHEN SHE MOVED WHERE--AND THE OTHER STATES WITNESSES--JERRY MOORE AND TOMMY PERRY NEVER SAW THIS CAR ON THE NIGHT IN QUESTION--IN FACT TOMMY PERRY SAYS THE DEFENDANT LEFT HIS STORE WALKING--AND HOW ABOUT THE SAWED OFF SHOTGUN WE'VE HEARD ABOUT--THE STATES OWN WITNESS SAYS HE GAVE THAT TO SOMEBODY ELSE IN 1988--SHE ALSO TALKED ABOUT THIS DORAG--THAT SHE GAVE IT TO HIM--THAT THEY HAD A FIGHT AND IT GOT TORN BUT THAT IT IS TORN MORE IN COURT THAN IT WAS--THIS CONVICTED WITNESS--HAS A PROBATION VIOLATION ON THIS WEEKS CALENDAR--WHAT HAS SHE GOT TO GAIN BY TESTIFYING?? WE CAN ONLY SPECULATE?? IN ANY EVENT IF YOU BELIEVE HER--THE DEFENDANT HAD A CAR ON THE NIGHT OF THE KIDNAPPING?WHERE WAS IT? WHY DID TOMMY PERRY OR NO ONE ELSE SEE IT? HOW CAN SHE REMEMBER THE EXACT MONTH SHE SAYS ALL THESE THINGS HAPPENED THREE YEARS AFTER AND SHE CANNOT EVEN REMEMBER WHEN SHE MOVED?

AND LARRY DAVIS--THE OTHER CONVICTED WITNESS SAYS THAT KENNETH EVANS TOLD HIM HE DID IT --AGAIN THREE YEARS AFTER THE FACT--WHY DID HE COME IN AND TELL THIS STORY? WAS HE TRYING TO HELP HIMSELF OR JUST DOING HIS CIVIC DUTY?

THE SHERIFFS DEPARTMENT WANTED TO SOLVE THIS CRIME--THEY WERE UNDER PRESSURE--THEY NEEDED TO CLOSE THIS CASE--KENNETH LEON EVANS LIVED IN THE AREA---HE WAS CONVENIENT AND THE CASE WAS BUILT ON THE ONLY THING THEY COULD BUILD IT ON--THE STORIES OF CONVICTED WITNESSES--AFTER ALL THE PHYSICAL EVIDENCE COULD NOT DO IT--THE IDENTIFICATION EVIDENCE INDICATED THAT SOMEBODY ELSE DID IT? WHAT ELSE COULD THEY DO?

SOMETIMES IN CRIMINAL CASES--THE VARIOUS PORTIONS OF THE CASE START FALLING INTO PLACE AT THE END OF THE TRIAL LIKE THE PIECES OF A PUZZLE--BUT IN THIS CASE NOTHING HAS FALLEN TOGETHER--THE STATE'S EVIDENCE FALLS MISERABLY SHORT--AND FOR ONE REASON--THIS

DEFENDANT WHO HAS ~~BY HIS~~ PLEA ~~OF~~ NOT GUILTY IS IN FACT NOT GUILTY. ITS YOUR DUTY IN THIS CASE TO RETURN VERDICTS OF NOT GUILTY ON ALL COUNTS.

THANK YOU

000184
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NCIC 000112

EXHIBIT 29

PENGAD 800-631-6989

Larry Donnell Davis
B/M DOB 7-11-63
514 Glenn St
Louisburg N.C.

Date 10-8-92
time 8:27 AM.

Interview with Davis
Conducted by Det. Patterson

Larry Davis came to the Sheriff's Dept after being released from jail and stated to be the following.

Davis stated that while he was in jail (upstairs), Kenneth Evans had told him that he was planning to climb out one of the windows of the jail when he was taken out to visit. Davis went on to say that Evans told him that the jailers take him out after he visits and he walks around for several minutes in the back before the jailers put him back in the cell. Davis stated that he and Kenneth talked together alot, because he and Kenneth were friends. Davis stated that Kenneth had told him while in jail together that he had raped a white woman and had broke in her house in Louisburg.

(5)
Davis Larry.

Davis stated that Evans
was talking about the police cause of
his blood and hair, he was stating
that the Police didn't have nothing on
him. Davis went on to say that
Evans began talking about kidnapping
an older white L/F from Centerville
and that he stole her car, and
was bragging about tieing her up, and
covering her eyes up so she couldn't
see who he was. Evans went on saying
to Davis that he (Evans) had a hose
of some type over his face, and that the
woman couldn't tell who he was.
Evans also told Davis that he stole
money from the lady along with her
car. Evans also stated that the
car got low on gas, and that
he parked car for awhile and
left the woman in the car and
he (Evans) left on foot.
Davis stated that Evans told
him the woman lived in
Centerville NC, and was a older
white woman.

EXHIBIT
30
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NCIIC
000114

PAT GREEN, Sheriff's Dept.
2nd interview. Larry DAVIS

3-5-93 1:50 P.M.

I was in jail with Kenneth Evans. He (Evans) told me that the police couldn't pin him with a kidnapping because the woman couldn't see him. I asked Kenneth what was he talking about, he stated that he had kidnapped a older white woman in Centerville and tied her up and left her in the woods. Evans told me that he stole her car also and left that in the woods with her because it was almost on empty (out of gas). Evans also told me that he had gotten some money from the old lady. He said that the woman couldn't see him because he had something over his face and that he put something over her eyes. He told me that he left her in the woods and he left on foot.

EXHIBIT
31
PENGAD 800-631-6989

Closing

Susan Thompson in opening statement said / admitted that they did not have enough evidence to even charge the D — until statement to Jerry Davis

— the circumst. evid - is not enough incomplete investig - could have led to real perpetrator -

Jerry Davis - doesn't have a truthful bone in his body - looking after himself -

20-30 min

In Opening - said Ms Mann said perpetrator was 6' to 6'1" Tall = weight -

160 - 170 -
D - no Freckles = not 6' Tall
6' or 6'1"

Ms Mann knew him hour or more before in Nov.

Probably - knew an hour or so before

No Mtg to discuss because - don't do these things happen to people like

Jeff McBaugh - sentry - etc -
what found in car at 3:30 AM - No docap-dustcap
(Got dirt =) Remembered dirt - bread - Dirt nothing important

000202
NCIIC

JoAnn Clements

- annual record
- breakup w/ Kenny -
- who found out about charge vs Kenny -

Wire/Tape in case when sold 6/90 - p3

Change in 1st Ct. Bag - p 3 -
Turned/dog - about dark? -

- LV w/ you in March? all the time? where?

Scarf - how Acq - what color - where bought -

when bed car??

Black - muddy shoes - p 6

EXHIBIT
32
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Joe Ann Clement

4 Dove Street = House

mom =

2 child - 3 yrs 3 yrs old

1½ yrs = doesn't recall mouth moved

1993

summer

Academy Village =

Apt. Complex Proj.

1992 - 1993 - 1994

92-93

Does not recall.

9:30 or 9:45 START

1990 = MARCH / APRIL

Th + Th

135 Savage St.

Fr. - Bedroom proj.

Trailer = 135 Savage St = MORNING TIME

HER + Child =

1991 =

ME - LA Tasha - Kenneth =

2 yrs.

90-92 - Academy

HWY

1988 = AGE

1987 - 1992

1987 - 1991 =

BROWN / BLACK =

1985 = Days Inn = Dunham

1977 White Cordova = Rale

DRIVE CAR

March

11:00

Next

allowed

9:45

COCAINE = Probation =

EXHIBIT
32
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JOANN C Kennedy - Lv. in Fnk - Jan 1950
Lv in Fnk - Reg of Kenneth Evans -
Was Reg'med 1937-1992 : Knew
D to wear Bo Ling - wear D-fought
To Keep warm in bed = Bought Bo
One = FAMILY Below : 92 - one gun
Kenneth = Town or City wide in fight -

Brown color
was not too this bad =

was not

Lv with her = not every
night = Lv in Fnk

Done for one day =

Shoes were muddy =
Dried shoes in Truck

My Dad in what to
eat it for - round Rum
Last Robb -
April 1993

yellow Pan Tuck Tea shirt +
Brown pants

C + S = Newport 100's Old
Smoke with
served off (1937-1988 = Read
served off shotgun

1999
White London = allowed in to smoke
(George Bush) - used to take it down

used in car = spray tape to tape
speaker wires with

EXHIBIT
33
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000222
NCIIC

6 counts

Esther Rea-Andrews Manning

Lives at Centerville

seen D before =

Def- armed w/ gun for bar fam for sev. yrs - Ransom Williams

Retired = from Co. - Ems - man Lvs w/ Hub = Runs a store - Manny Store. - Centerville store is 3/4 mile from residence store at 561/58 = Resides on Old Sand Hill Road - 3-5-90 = went to funeral home - White Funeral Home - Mans seated back at recd at 9:30 - was alone = drove Ford s/w back to road - left Resp in cen - went in back door to den - lights left on = Patches + den - doesn't remember bad carport - hub not at home - walked in + put pocketbook in recl - Le stepped out of Lv room = in gun Describe gun

den = dr was lite up = Person stepped out of Lv Room Thru French doors = open into d = Saw person walk = through = not lite up in Lv. room = She screamed - but fell one = taking gun - dressed in Levis - Khaki - rubber Type moccasins = pantsuit in color = dressed in mens attire = assumed it was a man = male voice = Standing right beside of her = holding gun (12") = Saved off gun = stuck it to her head = Gun fired = hit in side of face = Turned around - got in Av = Laid face down on bed - put tape on her

EXHIBIT 34

PENGAD 800-631-6989

000193
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in [redacted] bedroom -
on floor = pulled her bed over =
head down - face down on bed - tied hands
behind her = taped arms behind her -
taped mouth = at the nose = can't explain how
it felt - right tight on face = Can't mostly see
blood on the bedspread = 15 MM in Bedroom
Did nothing except where is your husband -
asked about money - do you have any $ =
$100 - kept in there in BR closet =
bubble gum plastic container = Person took
the money - Face down on bed - eyes were
open at the time - was unable to see
Tape over her eyes + mouth =
wearing gloves - never took them off =
cannot fully describe = jacket + pants
[redacted] Entire face covered
dark cap around skin color
Person from his body - person was
nearby - started pulling her - both arms
she was the nearest - started for him
for help - got to bathroom - telephone - had
a little fog - knocked her out of room =
knocked tape loose on right eye - could
see better - threw her on bed =
but in front seat - was in state of shock
at that time = noticed about her family
knocked car up a little = driving fast = was
able to tell where they went - could
see signs = Car went to Culver to
Warsaw - Hwy = got to Fairfield Rd
turned right - came out at Argos -
then on Hwy 53 = took a left = went
back to Ctr = saw sign - Ctr
3 miles - left to Yankee Road

(*) Blood checked

(*) Describe suitcase - color - ranging from each - color shoes -

000194
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Rd - about a mile through woods to
Vantle Rd = just turned on Vantle Rd
through woods until car stopped -
Grunk stopped car & got out of
car came to passenger side - took
gun out = hey Carla turn around
return = I know what I am doing
I want 100,000 put Ra Back
in car & taped both feet -
Retied arms = 1st time w/ tape
2nd time w/ Twine - could see
over tape = where knocked her down
at house = looked up = marked
off - could see face = had
Grunk weapon face = could not
see hair = Slavic features =
Caucasian person = very light-brown
brown black = freckles on
face = could not see over
Reason because of dust cap -
Stole a flashlight from hardware -
Flashlight used on - Put back
in front seat - Pep said My
Buddy will watch you - I'll be
back in 30 min = weather was
cold - Snow flurries - NO jacket
Indiana plates = NO one came
Back for her = was out of
consciousness all night - when
Regained = Hands in car all
night - About 7:00 am = left
Car = turned around & unlocked
car = Pep got out = then got
something out of back seat of car
left - Unlocked car - got out &
walked = 4 feet & almost fell

(When did these hairs) possibly

000195
NCIIC

got back to car - stayed 30-40 min - got out again & walked back to Hwy - bare footed at the time - stood at Hwy - close to Hwy 58 - Under pass - could hear it by going for the bushed type up - walked ½ mile - 5 mins - heard car coming - Mr. Butler Stewart Jr. SW - passed him - backed up. Cut - tires on hands - twice - drink remember what happened to them - went to hospital - treated - dust cap left in envelope - on this hand - person who robbed that night. -

(Path - underbrush)

- chain of evidence to Thomas Hope

(Ft. Exh. #1 - / - Dust Cap -

(*) Pistol out of purse stand - hexbrush metal + flashlight - things taken.

Described person - man about 6ft tall - light skinned - freckles on face - no beard or mustache - clear shave freckles -

(*) had been there a long time so - been meticulous - Glasses - looks very smart

Rubber type mask -

000196
NCIIC

REA MANNING - CROSS

Left work = 4:30 PM

ARV home = 4:50 "

DINNER MEETING

AR FUNHOME-Lbg 7:30 AM

Glasses — p7

Mud ALL over the carpet

Describe sawed off shotgun

Question about Convictions =

saw his face - p15

Black Freckles p16

[Know Kenny all his life]

Pat then - high pressure - case lots of pellets

1 shave | Cook | Many-Rea

EXHIBIT 35

PENGAD 800-631-6989

000204
NCIIC

Jerry Moore - Lives at
Centerville = March 1990
LV at Centerville = 1st Cousin
W/ Def - April 1993 = at home

work - Loggers 2 yrs.
LV with -

what kind of bag wa
Asked him about it = what
was in bag - $76 $100 in
bag change

BAG of Coins = home = when stop
now =

- 2 miles from store to where lived

Linda

Stolen Witness

paper - brown w/ white bag
you - make - 5 m
Emmett Evans

* (*) 9:00 - 9:30 = Tommy Perry - came to door =
(*) kitchen =

EXHIBIT
30
PENGAD 800-631-6989

000209
NCIIC

90030515
Manning/Euther

Interview with/

Jerry NMN Moore
B/M DOB 9/26/56
Rt 6 Box 483,
Louisburg NC

Date interview conducted April, 6 1993 5:37PM Franklin County Sheriff's Dept. Conducted by Chief Inv. Pat Green, Chief Deputy Walter Beckham, and Det. Sgt. FW Burnette.

Moore stated that he and Kenneth Evans were cousins and that back in March of 1990 three years ago, Kenneth did not live with him and his Grandmother, but was living with his girlfriend in or near Franklinton. Moore stated that he remembered seeing Kenneth with a brown grocery bag with a large amount of loose change, in it. Moore stated that he would estimate the change to be between $75.00 and $100.00 worth. Moore stated that Kenneth came to his home on the Veyton Rd near Centerville NC, with the bag of change and when he(Moore) asked Kenneth where he got the money from, Kenneth would'nt say and walked back out of house with the money and left.
Moore stated that he had never seen Kenneth with a sawed off shotgun but that he could have had one. Moore stated that he did'nt see Kenneth with a pistol during that period of time.
Moore stated that he knew Kenneth did not work back then and he did not know how or where he got the change but that he knew Kenneth would steal.

000178
NCIIC

Jerry Moore = Kenny came in 9PM - 9:30 PM = Looked normal - came in Cathy - went in another room - played record player =

works - logging - Fred Hearn .

853-2960

Mary Alice Moore =

EXHIBIT
38
PENGAD 800-631-6989

1/25/95 - Interview at Jail

Kay Davis
Joanne Clemons

Kenneth EVANS =

Serving time now for rape = Sept 21, 1992

Plead = 50 year = max. 7 years

Plea Barg 20 - 10 - 5

California Prison -

"did not do crime" =

Jessy Moore (May Alice's son) (*) MaryAlice Moore

was living at RT 6 Box 483 Lowndes (at Centenville)

Lv w/ Carrie Williams - g/m - deceased = May Alice Moore < 853-2960

3-5-90 =

9PM - At Tommy Reed's store - had 2-way radio - heard something about bushwapper = nobody but Tommy Reed - had been at Tommy's store from 8-8:30 PM to 9PM - before that had been to Linda Collins = white lady - knew Nanny Collins = went there 7 - left to 7:30 PM - walked to Tommy Reed's = Collins couldn't recall whether Evans had been there or not. =

Polygraph does not match

~~9PM~~ =

Got home = =

2-2-95 - Interview at JAIL = says Mr. Manning says the person was 6' tall + weighed 200 lbs = from Tommy Reed store to home was about 15-20 MN walk = that home between 9:15 & 9:20 PM = was dark =

Talk to Van

TTDO = CALL FRANK BALANCE

95 = left ~~right~~ at Manning's store on Hwy 58 = go mile + half - = Take left = go down deep bottom - top hill = 4th house (brick) on right =

000219
NCIIC

I went to school w/ Jackie Mannykemp + knew MC Mannings for a long time

no drug offense = NO commitments for H.I. or drug problems -

000220
NCIIC

Important = Jurors Opening Statement

RBT came up w/ hair that belongs to A Negro man

Everyone knows Mead + Chew Weather person

Interview or emailed

OPENING STATEMENT

6'-6" in opening statement

Looks like person in chambers

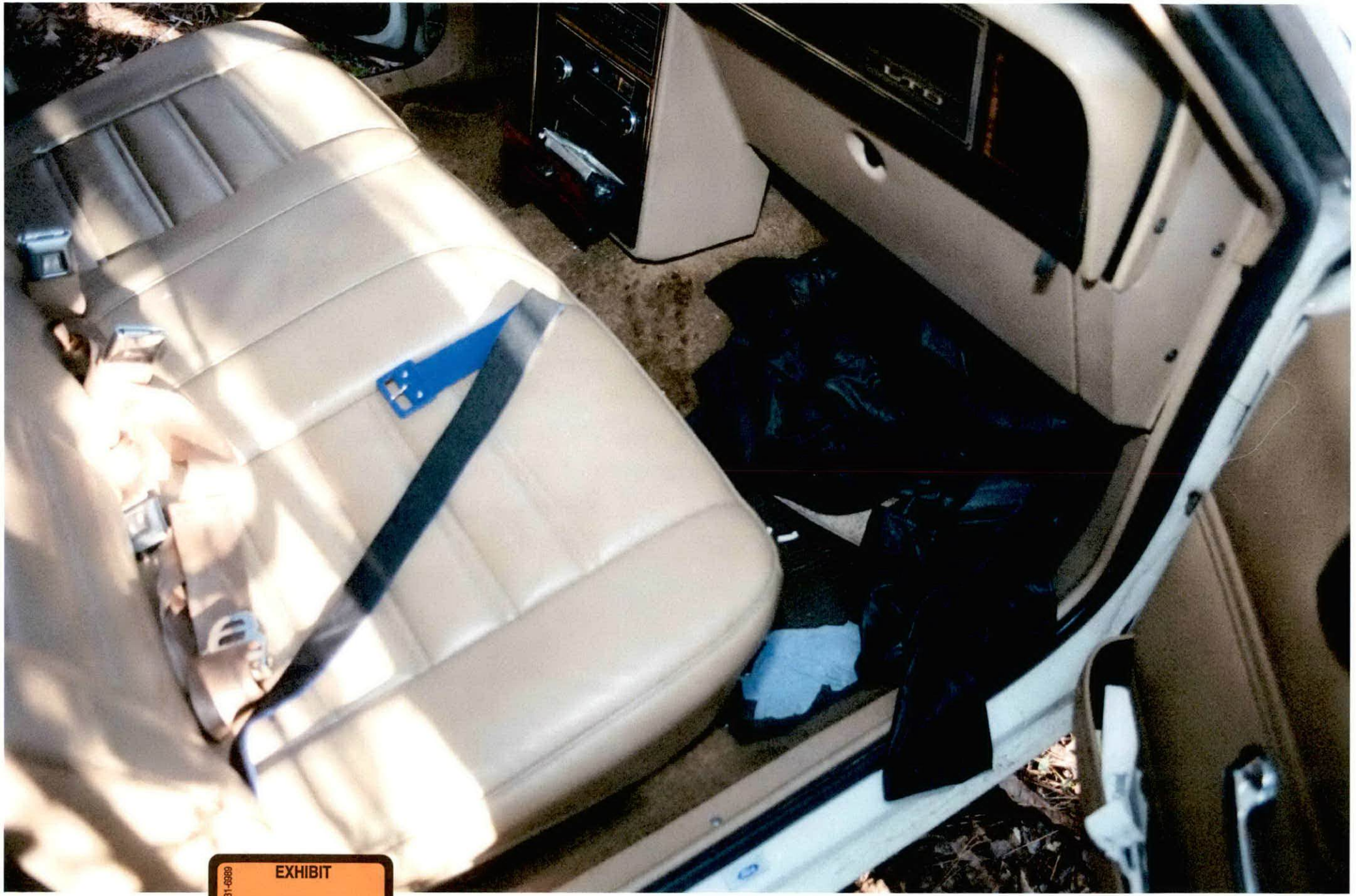
Have DC Medical Reg

Scv. you late telephone conversation

Interviewed until he told them Dennis about it

Larry Dennis

So far elements = know nothing about it = were not = he had previous = this cop = was to me = cop found at scene = found at scene = distinguished it of the tool in the cop



EXHIBIT

41

PENGAD 800-631-6989

EXHIBIT
42
PENGAD 800-631-6989

Mr Murray = no question about cocktail lounge

} told about the double chaps -

ID of Perp = 6'0" 6'1" Tall

BAKERS Evidence type def to crime

Lack of ID not matched

Lack of Physical Evidence

Time problems

JOANN Clements Kay DAVIS testimony

what the standard proof - no fingerprints - no hair matched - no hair matched why not hair sample from def -

DORA Tuesday was

Jacklee - morning

weights 185-200 lbs

known his all his life - seen him for years - saw him after at store - saw the face of perp but still did not recognized

said = Perp took to

work and

said she got home about 9:30 - was my perpetrator about an hour or so because Ben son - Ben said the dog had been barking that long -

D's = not identify = already said -

opening statement of the prosecutor - not enough evidence

Jerry Moore their witness

} found by our witness Mary Alice Moore

000122
NCIIC

Number of Articles of Clothing -

WAS
- Jacket
- Dress

Steve Jones =

City-County = Bureau of ID.
SBI = March 1990 -
1992 - Fr Cty Sheriff's Dept -

JD Reavis = SBI - Sp Agent = Forensic Lab
Facility - Raleigh = hair exam + comparison = Training -
NYC - FA = Chemistry = Chem Mfg. facility -
Chem Trainees - R+D = high temp appl.
1987 SBI = Basic + Trainee - forensic
hair exam = (100 hairs matched using microscope)

Slot-wise = (10-7-92) = SBI LAB

10-8-92
① Fragment and
② sealed envelope =
③
④
⑤
⑥
⑦
⑧
⑨

Jones says re delivered 9 items

Mr. Manning = worked until 9:30 PM = did not notice lights = went to daughters to take medicine =

Anybody else? saw me

Steven #9 = contents
Turpentine = item #A =
from = Credit bedroom #1 =
Hair Fragment =
Negroid Hair Fragment
part of Hk
cross - eyed.

EXHIBIT
43
PENGAD 800-631-6989

000200
NCIIC

EXHIBIT
44
PENGAD 800-631-6989

Willie Bartholomew
Emp- NC Forest Service - involved in search party - Mrs Maney - kidnapped - needed a search party = Called out 10:30 1:00 PM = Others there = 25 or more Road around Centerville + Bethea Church + White Level =

Skinny looking dark tape on eyes = string/twine type material type, her hands, etc =

Agent David McDougall = Sp. Agent SBI =
Exp vs - Expertise = Assign = Cap. Dist Off - Pal =
Conduct crime scene searches - Training =
Home - latent evidence tech = Blood splatter = Trace evidence
other sp. schools = Arson Investigation 350-400
crime scene searches = called out on March 5-6 -
1990 = Called at residence by Sims = 10:30 AM - 3-6-90 -
Rt 6 Box 410 - Crime Scene - Add. = Many Revolvers =
Sims + others were there =
Area Searched = single story home = carport area =
{Women's wrist watch on table = glasses =

Tapping over Bed spread + floor = plastic tapings - dated & initialed & gave them to FCI + SBI Agent

Hair + Fiber to Grass = taken - 3-6-90 -

1934 Ford Wagon = white in Color = down in woods = 714 ft from Rd = =

OTHER ITEMS

how called
whom called
whom called

(J) = Muddy soil in other Room

(3)

(K) (Noticed burn in carpet = cig burn

Dust Tape = = Blood & possible embedded = swiped to Bed spread

(L) (M) Dirt samples + footprint taken from Bathroom

SEARCH #9: (1)

(K) SEARCHED CAR

8 AM = 10:

(Chewing Butts)
Hair + fiber
Latent Lifts
Blanket

Palm Print + latent lifts from Bathroom — 1 left from others —

000201
NCIIC

CROSS EXAMINATION OF JOANN CLEMONTS

WHERE DO YOU LIVE?

WITH WHOM?

WHEN DID YOU MOVE THERE? month

WHERE LIVED BEFORE?

when moved etc (Pin it down)

WITH WHOM?

CONTINUE TO GO THROUGH?

WHERE DO YOU WORK?

WHEN DID YOU LAST WORK? WHERE? month - when start

>DESCRIBE SHOTGUN? WHEN AND WHERE DID YOU SEE IT?

>CHANGE IN BAG--FIRST CITIZENS BAG-WHEN-WHAT TIME-WHERE-

Try to pin down fight where who there whatever? When?

>DO RAG-WHEN GIVEN TO HIM-WHERE BOUGHT-WHY DID YOU BUY IT? WHAT DID HE DO WITH IT? EVER SEE HIM WEAR IT?HOW DID HE WEAR IT?

WHEN DID YOU BUY CAR? WHEN DID YOU SELL IT? Kind of car - who from - who to

SPEAKER WIRE IN THE TRUNK WHEN YOU SOLD IT

YOU SAY THAT KENNETH EVANS KEPT YOUR CAR FOR TWO DAYS?DID YOU GIVE HIM PERMISSION?WHEN,WHAT TIME DID HE TAKE IT? HOW DID HE GET THE KEYS? DID YOU CALL THE POLICE? WHEN DID YOU NEXT SEE THE CAR?

YOU ALSO SAID SOMETHING ABOUT MUDDY SHOES? DESCRIBE THE SHOES?WHAT COLOR MUD? ALL OVER THE SHOES? WHEN, WHERE?HE WAS LIVING WITH YOU AT THE TIME?
when 1st found out Evans Charged — BROKE UP w/ KENNY?
HOW DO YOU REMEMBER WHEN YOU BOUGHT OR SOLD A CAR ALMOST 5 YEARS AGO?

HAVE YOU TALKED TO MS. THOMPSON ABOUT YOUR TESTIMONY BEFORE COURT TODAY?PAT GREEN?DID THEY COACH YOU ABOUT TESTIFYING?

MS. CLEMONTS--WHAT HAVE YOU BEEN CONVICTED OF IN THE PAST TEN YEARS FOR WHICH YOU COULD HAVE RECEIVED A SENTENCE OF MORE THAN 60 DAYS IN JAIL?

YOU ARE, IN FACT ON PROBATION, NOW AREN'T YOU?

CROSS EXAMINATION OF REA MANNING

TIME SEQUENCE--LEFT WORK 4:30 ARR HOME 4:50 DINNER--MEETING ARR FUNERAL HOME 7:30 LEFT FUNERAL HOME- TOOK PARENTS HOME- ARRIVE HOME 9:35 PAGE 3

HOW LONG TOTAL TIME WITH PERSON-ONE HOUR-PAGE 20,27

WEARS GLASSES-WHAT HAPPENED TO THEM- PAGE 7

MUD ALL OVER THE CARPET PAGE 11

WHAT DID HE TAKE FROM THE HOUSE--BE COMPLETE

SAW HIS FACE-- LIGHT SKINNED-FRECKLES PAGE 15,16

KNOWN KENNY EVANS ALL HIS LIFE PAGE 23

WHEN LAST SEEN BEFORE MARCH 5, 1990

~~DESCRIBE SKIN-HE HAD PAGE 5~~

DETAILS ABOUT CLOTHES, MASK,GLOVES PAGE 4,5,6

HEARD HIM TALK-DESCRIBE PAGE 5

PHYSICAL CHARACTERISTICS--6' 6'1"-160-170 LBS-PAGE 1

000206
NCIIC

CROSS ,EXAMINATION OF PAT GREEN

~~GO THROUGH TIMES--WHEN FIRST REPORT RECEIVED ETC. KEEP RECORDS OF THAT~~

~~WHERE DID YOU GO~~

~~WHAT DID YOU DO~~

NOW, OFFICER GREEN--THIS CASE HAD RECEIVED A LOT OF PUBLICITY HAD IT NOT? TV COVERAGE. ETC? WERE YOU ON TV?

AND A LOT OF TIME PASSED BEFORE AN ARREST WAS MADE, WASN'T IT?

THE SHERIFF'S DEPARTMENT WAS, IN FACT, UNDER PRESSURE TO SOLVE THIS CASE, WEREN'T THEY?

WHEN WAS MR. EVANS ARRESTED?

DID YOUR DEPARTMENT INVESTIGATE WHERE HE WAS LIVING IN MARCH 1990?

~~WHERE WAS HE LIVING?~~

~~WITH WHOM?~~

DID YOU INTERVIEW JERRY MOORE AND/OR MARY ALICE MOORE ABOUT WHERE MR. EVANS WAS LIVING?

~~WHEN?~~

~~HOW FAR IS WHERE HE WAS LIVING FROM THE MANNING RESIDENCE?~~

ARE YOU FAMILIAR WITH THE LOCATION OF T PERRY'S STORE IN MARCH 1990?

WHERE WAS IT?

HOW FAR FROM T PERRY'S STORE WAS THE MANNING RESIDENCE?

DID YOU DUST THE MANNING HOUSE FOR FINGERPRINTS?

DID YOU DUST THE CAR FOR FINGERPRINTS?

WHAT DID YOU FIND?

DID YOU FIND A PALM PRINT ANYWHERE?

DID IT MATCH KENNETH EVANS?

000207
NCIIC

DID YOU RECOVER THE SAWED OFF SHOTGUN OR ANY OTHER ITEMS CLAIMED TO HAVE BEEN TAKEN FROM THE RESIDENCE?
Did you recover - Old Rag - Any hair in dorms of car? - Try to match
At Lab - DNA EVIDENCE?

DID YOU DO AN IDENTIFICATION OR LINEUP OR SOME IDENTIFICATION PROCEDURE WITH MS. MANNING? WHAT RESULTS?

~~HOW DID SHE DESCRIBE THE PERPETRATOR TO YOU~~?

~~HEIGHT, WEIGHT~~?

WHEN THE DEFENDANT WAS ARRESTED DID YOU DETERMINE HIS HEIGHT, WEIGHT? WHAT WERE THEY?
(Photos showing Weight - Lawyers have Seen)

~~TESTIMONEY ABOUT MUD ALL OVER THE HOUSE, DID YOU HEAR THAT?~~

WERE YOU ABLE TO FIND FOOTPRINTS AROUND THE ~~MANNING HOUSE? DID YOU FIND~~ ANY IN THE AREA BEHIND THE HOUSE? DID YOU LOOK?

DID YOU ~~FIND FOOTPRINTS ANYWHERE~~ IN THE AREA BETWEEN THE MANNING RESIDENCE AND T PERRYS STORE?

DID YOU ~~FIND ANY FOOTPRINTS BETWEEN THE MANNING RESIDENCE~~ AND SR ~~1442 OR THE VAIDEN ROAD~~?
Footprints Around where Ms. Manning Left in Car?

BASED UPON THE LACK OF FOOTPRINTS BEHIND THE MANNING RESIDENCE-- DID YOU MAKE ANY CONCLUSIONS ABOUT HOW THE -PERPETRATOR GOT THERE THAT NIGHT? BY ROAD?
Blood Found IN BR - Match -

DID FIND ANYTHING OUT ABOUT SIZE OF THE FOOT--MAKE ANY MATCHES?

DID YOU QUESTION MR EVANS ABOUT THIS MATTER? WHAT DID HE SAY?

NINE ITEMS TURNED OVER

4-16-
1990 =

CROSS\DIRECT EXAMINATION OF TOMMY PERRY

LOCATION OF STORE?

REGULAR STORE HOURS?

KNOW WHERE THE MANNING'S LIVE?

HOW FAR BY ROAD? HOW FAR AS THE CROW FLIES?

ABOUT WHAT TIME WAS IT WHEN YOU SAW KENNETH EVANS?

HOW DID HE ACT?

DID YOU KNOW HIM BEFORE? HOW LONG?

DID HE ACT OUT OF THE ORDINARY?

DO YOU KNOW WHERE HE WAS LIVING? HOW FAR WAS THAT FROM YOUR STORE?

HOW DID HE GET THERE?

HAD YOU SEEN HIM DRIVING A CAR ANYTIME THAT DAY? HAD YOU SEEN HIM AT ALL EARLIER THAT DAY?

ANYTIME SEE HIM DRIVE A CAR?

HOW LONG DID HE STAY THERE?

WHAT DID HE DO? WAS HE DRINKING? DID HE ACT DRUNK?

DID HE BUY ANYTHING?

DID YOU TALK?

DO YOU REMEMBER WHAT ABOUT?

WHAT DID HE HAVE ON? COLOR OF CLOTHES, SHOES/ DID HE HAVE A MASK?DID HE HAVE A GUN?DID HE HAVE ON GLOVES?

DID YOU HAVE A SKANNER ON AT THE STORE/

DID YOU HEAR SOMETHING ABOUT A CALL IN THE AREA THAT NIGHT?

WHAT TIME DID YOU CLOSE?

WHAT TIME DID KENNETH EVANS LEAVE? DID HE LEAVE ON A CAR?

000213
NCIIC

CROSS EXAMINATION OF ENSLEY MANNING

9:45

GO OVER TIMES--WHEN STORE CLOSED--WHEN ARRIVED HOME, ETC.

MUD ON THE CARPET—

SPECIFICALLY WHAT TAKEN FROM THE HOUSE

KNOW KENNETH EVANS, HOW LONG?

WHEN LAST SEEN BEFORE MARCH 5, 1990?

KNOW WHERE HE LIVED IN MARCH 1990?

HAD YOU SEEN HIM AROUND YOUR STORE AROUND THAT TIME?

DID YOU EVER SEE HIM DRIVING A CAR WHEN YOU SAW HIM OR WAS HE USUALLY WALKING?

KNOW HIS GRANDMOTHER, WHERE SHE LIVED?

HOW FAR FROM YOUR HOUSE BY ROAD?

HOW FAR AS THE CROW FLIES?

WHAT IS IN THE AREA BETWEEN YOUR HOUSE AND WHERE SHE LIVES?

KNOW WHERE T PERRYS STORE WAS IN MARCH 1990?

HOW FAR FROM YOUR HOUSE?

~~EVER HAD ANY TROUBLE WITH KENNETH EVANS BEFORE MARCH 1990? HOW ABOUT AFTER?~~

000214
NCIIC

Evans' memory regarding his trial is not entirely clear. He recalled that the do-rag, hair, and twine were presented at trial. (Evans 2017[12], 27-30). He also recalled that the "prints" did not match him and that there was no evidence related to the missing gun presented in court. (Evans 2017, 31-32). As far as witnesses, Evans only had a clear memory of his aunt testifying at trial as a character witness. (Evans 2019, 123-124). JoAnn Clemonts provided that she did not testify at trial; however, this contradicts the memory of other witnesses and newspaper articles regarding the trial that indicate Clemonts did testify. (Clemonts, 43). In his deposition with the Commission, Larry Davis indicated that he thought he was being brought from the jail to the courthouse for his own case until he walked into the courtroom and saw Evans and his lawyer, Larry Norman, sitting there. (Davis, 34-35). His only recollection regarding his testimony at Evans' trial was that he testified Evans tried to sell him a pearl handled .32 caliber pistol and that Evans had told him while they were in jail that Evans would escape the jail if he had the chance. (Davis, 68-69).

The Victim's daughter, Jackie Kemp, recalled attending at least one day of the trial but recalled that the trial was three to four days long. (Kemp, 8-9). Her memory of the trial was based on the short amount she attended and discussions with her mother. (Kemp, 28). She did not recall hearing any evidence about the allegations that her mother made up the kidnapping. (Kemp, 15-16). She also did not recall ever hearing any evidence related to any prior robbery of her parents or any prior robbery at her parents' store. (Kemp, 15-16). She remembered that her mother testified at trial but did not recall that her mother identified Evans as her attacker during trial. (Kemp, 24). However, Kemp did say that her mother believed Evans was guilty. (Kemp, 28-

[12] Evans full interviews will be provided for your review prior to the hearing.

29). Kemp believed that Larry Davis testified. (Kemp, 26). She also recalled that Tommy Perry testified at the trial. (Kemp, 28).

Detective Pat Green did not recall Davis, Clemonts, or Phelps testifying. (Green 2/2019, 27, 50, 55). He believed that he, Rick Sims, and SBI Agent McDougall testified, though McDougall does not recall testifying. (Green 2/2019, 67). Green also recalled the Victim testifying in Court and identifying Evans as the perpetrator.[13] (Green 2/2019, 69).

The Assistant District Attorney that tried the case, Susan Thompson, recalled Clemonts and Davis testifying. (Thompson, 41). She did not recall that any mention was made of a prior robbery or of the Victim making up this incident. (Thompson, 22). She also could not recall if the Victim identified Evans at trial as her perpetrator at the trial. (Thompson, 72).

Each of these individuals' interviews will be presented in more detail at the Commission hearing. No other interviews or records provide any further information related to what was presented at trial. Also, as noted previously, where a photo was included with an exhibit sticker in the Clerk's file, we have included that note on the crime scene photos previously provided in this brief.

[13] Green is the only witness that recalls the Victim identifying Evans as the perpetrator in court.

X. Post-Conviction Motions and Appeals

After his conviction, Evans only appealed the issue related to his conviction for second degree burglary. The decision related to that appeal is provided in full below.

Evans' Appeal

No. COA95-1131

NORTH CAROLINA COURT OF APPEALS

****

STATE OF NORTH CAROLINA

Franklin
(93CRS2261-2263)

V

KENNETH LEON EVANS

****

JUDGMENT

This cause came on to be argued upon the transcript of the record from the Superior Court, Franklin County. Upon consideration whereof, this Court is of the opinion that there is error in the record and proceedings of said trial tribunal.

It is therefore considered and adjudged by the Court here that the opinion of the Court, as delivered by the Honorable Linda M. McGee, Judge, be certified to the said trial tribunal to the intent that the judgment is no error in part, vacated and remanded in part for causes stated in said opinion.

Certified to the Superior Court, Franklin County, this the 10th day of June 1996.

John H. Connell
Clerk, North Carolina Court of Appeals

FILED
1996 JUN 11 PM 12:27
FRANKLIN CO. C.S.C.
BY

COA95-1131

NORTH CAROLINA COURT OF APPEALS

Filed: 21 May 1996

STATE OF NORTH CAROLINA

v.

Franklin County
Nos. 93 CrS 2261-2263

KENNETH LEON EVANS

Appeal by defendant from judgments entered 7 April 1995 by Judge Henry W. Hight, Jr., in Franklin County Superior Court. Heard in the Court of Appeals 13 May 1996.

Defendant was convicted of first degree kidnapping, second degree burglary, robbery with a firearm, and larceny. The trial court arrested judgment on the larceny conviction, and sentenced defendant to forty years for each of the other offenses, to be served consecutively. Defendant appeals.

Attorney General Michael F. Easley, by Assistant Attorney General T. Lane Mallonee, for the State.

Trey Duckworth for defendant appellant.

McGEE, Judge.

Evidence presented by the State tends to show the following: On 5 March 1990 the victim, Euther Andrews Manning, left her place of employment and went home. She prepared supper, then left the house to attend a short town meeting approximately three quarters of a mile away. After the meeting, Mrs. Manning took some family members to a local funeral home, and afterwards, dropped them off and returned home. Mrs. Manning testified that her husband had been the victim of an armed robbery the year before, and it was not

her practice to go home alone. However, on this occasion, she did so in order to clean the kitchen prior to her husband's return. She also stated that she had left the lights on in the house.

Mrs. Manning entered the house and went into the den. As she laid her purse down, a man wearing a rubber mask stepped into the den from the living room and pointed a gun at her. After a brief struggle, he dragged her into the bedroom, placed tape over her eyes and mouth, and taped her arms behind her back. He demanded money, and Mrs. Manning told him where to find it. The intruder then pushed Mrs. Manning out the back door of the residence, and placed her in the front seat of her car. He then got into the driver's seat and drove away.

After some time, the individual pulled into a wooded area approximately a mile from the Manning home. He retied Mrs. Manning's hands with twine, taped her feet together, and told her he wanted one hundred thousand dollars from her husband. Earlier, when Mrs. Manning was pushed out the back door, a portion of the tape covering her eyes shifted, allowing her to see her assailant. He removed his mask while retying her, and she was able to see his face.

The assailant left Mrs. Manning in the car and told her he would return but that he was leaving someone else to watch her. Mrs. Manning stayed in the car throughout the rest of the night. She managed to work her feet free and unlock the car door to escape. She made her way to a highway, where she was found by a member of a search party.

Defendant's sole argument presented on appeal is that the trial court erred in denying his motion to dismiss the charge of second degree burglary at the close of all evidence. Defendant contends the State failed to produce evidence of each of the essential elements of the crime of second degree burglary, and therefore his motion to dismiss should have been allowed. We note that defendant has not challenged the remaining convictions in his brief, therefore all assignments of error contained in the record pertinent to those convictions and the resulting sentences are deemed abandoned. N.C.R. App. P. 28(b)(5).

The elements of burglary are as follows: (1) a breaking, (2) and entering, (3) of a dwelling house or a room used as a sleeping apartment of another, (4) at night, and (5) with the intent to commit a felony. N.C. Gen. Stat. § 14-51 (1993). If the dwelling house or apartment is occupied, the offense is in the first degree. If not, the offense is in the second degree. *Id.* Defendant in the instant case contends that the State failed to present evidence of the first element listed above, that a breaking occurred. We agree.

A "breaking" is defined as an act of force, however slight, used to effect entry "through any usual or unusual place of ingress, whether open, partly open, or closed." *State v. Jolly*, 297 N.C. 121, 127-28, 254 S.E.2d 1, 5-6 (1979). Proof of a breaking usually takes the form of testimony that all the doors and windows of the dwelling were closed prior to the time of entry. *State v. Alexander*, 18 N.C. App. 460, 462, 197 S.E.2d 272, 273,

cert. denied, 283 N.C. 666, 198 S.E.2d 721, and *cert. denied*, 284 N.C. 255, 200 S.E.2d 655 (1973). Entry through an open door or window does not constitute a breaking for the purposes of fulfilling the elements of the offense of burglary. *State v. McCoy*, 79 N.C. App. 273, 275, 339 S.E.2d 419, 421 (1986).

No evidence in the instant case was presented by the State tending to show that Mrs. Manning closed the doors and windows of her house prior to leaving for the town meeting, or that it was her habit to regularly do so. Further, no circumstantial evidence, such as injury to a window or door lock or frame, was presented from which the jury could reasonably find that a breaking occurred. Absent such evidence, the jury could only speculate as to whether defendant committed a breaking when he entered the victim's home. Accordingly, the trial court erred in denying defendant's motion to dismiss the charge of second degree burglary.

The trial court's error, however, does not require a reversal of defendant's conviction. Felonious breaking or entering under N.C. Gen. Stat. § 14-54(a) is a lesser included offense of second degree burglary. *State v. Jolly*, 297 N.C. 121, 127, 254 S.E.2d 1, 5 (1979). This offense does not require proof of *both* a breaking and entering. Either will suffice. *State v. Myrick*, 306 N.C. 110, 114, 291 S.E.2d 577, 579 (1982). Since defendant was convicted of second degree burglary, he was necessarily found guilty of facts sufficient to support a conviction of felonious breaking or entering. Therefore, the judgment entered on a verdict of guilty of second degree burglary may be vacated, and the case remanded to

the trial court for entry of judgment upon a conviction of felonious breaking or entering. *State v. McCoy*, 79 N.C. App. 273, 275-76, 339 S.E.2d 419, 421 (1986).

Because defendant has abandoned his assignments of error pertaining to the convictions other than second degree burglary, we find no error regarding those convictions. For the reasons stated, the judgment entered as to the conviction of second degree burglary is vacated and remanded for entry of judgment and sentencing as upon a conviction of felonious breaking or entering.

No error in part, vacated and remanded in part.

Judges GREENE and MARTIN, MARK D. concur.

Report per Rule 30(e).

A TRUE COPY
CLERK OF THE COURT OF APPEALS
OF SOUTH CAROLINA
BY Patricia D. Wheeler
DEPUTY CLERK
June 10 1996

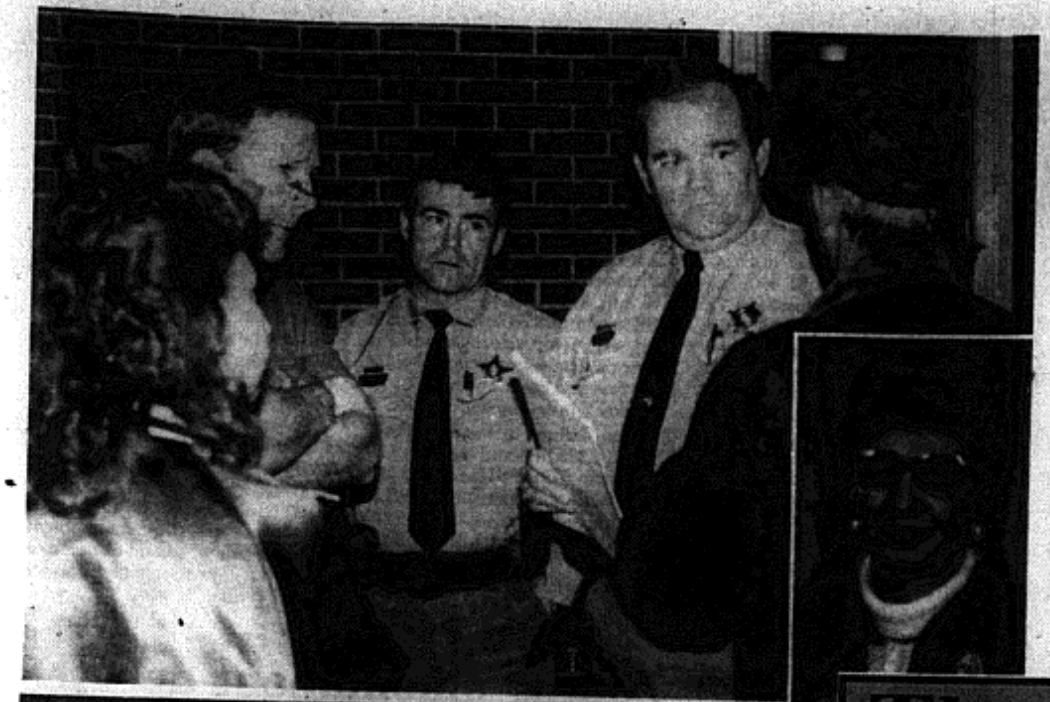
Though North Carolina Prisoner Legal Services had a file related to Evans, they did not file any motions on his behalf. Evans maintained his innocence with NCPLS.

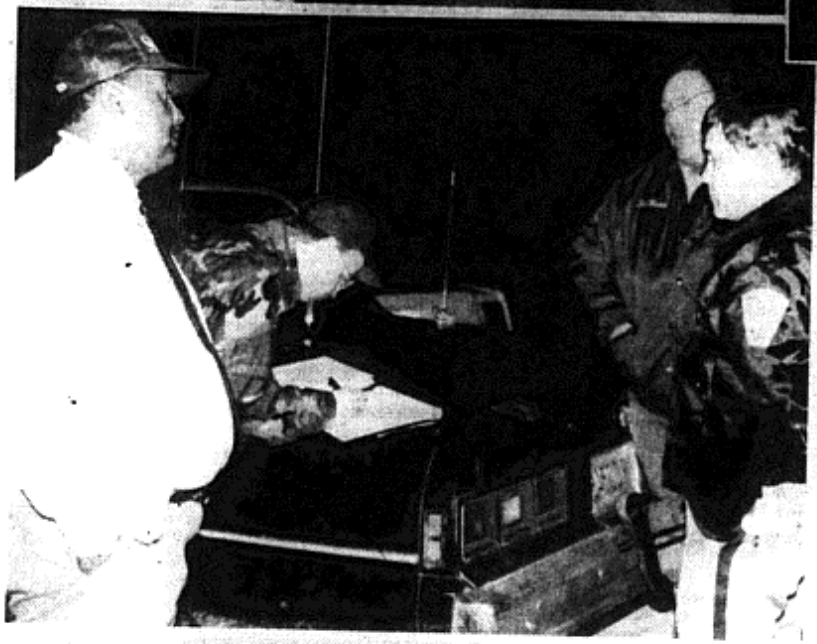
XI. Relevant Media Coverage

The case received some media attention around the time of the crime in 1990, again when Evans was arrested in 1993, and at trial later in 1993. That coverage is provided in full below as it provides some context for the case. One of the articles was very poor quality so we have transcribed it in full and put that transcript right before the original article.

Media Articles

Franklin County Library
Louisburg, N. C.





Major William Whitaker (second from right, top photo), county emergency management director Angie Callihan, Wesley Denton, Larry Pritchett and Centerville Fire Chief Henry Nelms discuss search plans for Rea Manning (inset photo), who was abducted from her home Monday night, while Sheriff Arthur Johnson (bottom left) and Detective Sgt. Pat Green issue assignments to deputies Ted Horton and Larry Pritchett. TIMES photo/ Asher Johnson

Kidnap victim frees self, walks to freedom

By Asher Johnson
Times Associate Editor

Monday was a day Rea Manning is unlikely to forget.

In addition to celebrating her 38th wedding anniversary, the 61-year-old Franklin County employee was abducted from her home at Centerville and spent a chilly night in the woods in an apparent abortive kidnap/ransom attempt.

Sheriff's investigators pieced together the following story after Mrs. Manning walked out of the woods on the Vaiden Road (SR1442) about 2.5 to 3 miles from her home on SR 1436 just north of NC 561 around 6:45 a.m. Tuesday and was picked up by Willie Frank Bartholomew of the N.C. Forestry Service.

Bartholomew was one of 100 or more law enforcement officers, emergency services personnel and neighbors who had been combing the area since Mrs. Manning was reported missing around 10 p.m. Monday.

Rea Manning one of two women accosted when they returned to their homes Monday night.

Mrs. Manning, who was scratched and bruised as a result of her ordeal, told officers that she was knocked down by a light-skinned black man when she entered her home after returning from White Funeral Home in Louisburg where the family of her aunt Mamie Jones, who died Saturday, was receiving visitors.

The house had been left unlocked.

The intruder, who was wearing a face mask and gloves, reportedly forced Mrs. Manning into the master bedroom where he used some silver duct tape to bind her wrists and then gathered up a jar containing about $100 worth of silver coins

See KIDNAP, page 2

The Franklin TIMES
25¢
LOUISBURG, N. C. 27549—WEDNESDAY, MARCH 7, 1990 USPS 208-540 121 YEARS-NO. 9

County defends decision

'Need to move' cited for senior center

By Stephanie Jackson
Times Managing Editor

Things the county commissioners "had no control over" led to their decision to lease the old TG&Y building in Shannon Village Shopping Center for a Louisburg senior citizens' center, Commissioner Johnny Sledge said Monday.

for the senior center at Franklin Plaza Shopping Center, Sledge said.

Also, "I had looked at the Leggett building and we had hoped to buy it," he said. The owner, Mac Joyner, agreed, and "I told Raymond [Boutwell, county manager] to negotiate with him." Joyner was asking $106,000 for the building, Sledge said.

"I feel like once we get this going, we won't be turned down" in the state legislature for half a million dollars, Sledge said. At that time, "if Mr. Burnette's still got the land, I'm sure he'll be generous."

He added having a permanent senior center in the old Louisburg Sportswear

KIDNAP

--cont'd from page one

and a .38 revolver from a bedside nightstand before herding her out to the 1984 Ford station wagon she had just arrived in and drove off.

At the time of this report, officers had questioned Mrs. Manning only briefly before she was taken to the emergency room at Franklin Regional Medical Center for a check-up, but she did tell them that her abductor told her that her husband would pay $100,000 for her return if he loved her, and that he knew he did.

After driving into the wooded area, Mrs. Manning said, she was left in the car with her hands bound and mouth and eyes taped shut. Before leaving, her abductor told her that she would be watched while he was gone, and warned her not to try to escape.

She said she was also forced to give the man her home telephone number so he could supposedly give her husband the ransom instructions.

Sometime after that, Mrs. Manning managed to work her hands free and spent the rest of the night trying to find her way out of the woods.

Sheriff Arthur Johnson said Mrs. Manning was clad only in a knit dress that she had worn to the funeral home. Temperatures during the night dipped into the upper 30s and when found Tuesday morning, Mrs. Manning was cold and her face, arms and legs were covered with scratches where she'd wandered through the woods.

Investigators figure Mrs. Manning couldn't have been gone but a few minutes before her husband, Esley Manning, came in from the grocery store he operates in Centerville.

Manning became concerned when he discovered signs of a "light" scuffle and the duct tape in the bedroom and notified authorities.

Mrs. Manning is a former legal secretary to Yarborough & Yarborough attorneys, and Superior Court Judge Hamilton H. Hobgood of Louisburg. She is currently employed by the county Emergency Medical Services in Louisburg.

Johnson called out all available members of the sheriff's department to assist with the search Monday night, as well as members of fire departments and rescue squads at White Level, Centerville and Gold Sand, and the county OEMS (office of emergency management).

The SBI was also called in to assist.

In addition to this case, the sheriff's department is also investigating the robbery of school teacher at her home just outside of Franklinton about the same time that Mrs. Manning was abducted.

Johnson said 60-year-old Mary Kearney Bussey reported she was accosted by a man with a butcher knife when she returned to her home on South Hillsborough Street around 10 p.m.

The man, whom Ms. Bussey said "sounded like" a black man, took $15 and left without harming her

Correction

A photo caption printed in the Wednesday, Feb. 28 issue of the Franklin Times incorrectly identified the group affiliation of eight newly certified literacy tutors. The new tutors were from the Youngsville Woman's Club.

Louisburg Chiropractic

Reduce yo

No Refina

Youngsville proceeds with annexation

If all goes well, the town of Youngsville will increase its size by 10% in one fell swoop.

Thursday the town commissioners took steps, including calling for a public hearing, to proceed with the annexation of Robert Luddy's 35-acre tract west of town. Luddy has petitioned the town for annexation of this tract, on which he plans to build corporate headquarters for his company, Captive Aire.

Since the town now covers 365 acres, the annexation would be "right at 10 percent," said Mayor Lyn Buffaloe. "It seems like an awfully good way to go."

One possible problem seems to have been resolved, Buffaloe said. The Luddy tract is non-contiguous; that is, it doesn't abut the current corporate limits. But it does adjoin the National Guard Armory property, and the relevant statutes allow annexation where the property that separates the two pieces is publicly-owned, he explained.

"This is an excellent situation, that Mr. Luddy sees the need to be a part of the town and make a contribution to the community," Buffaloe said. He pointed out that since this is a "friendly" annexation, "we don't have to spend two years fighting. I think that speaks well of the developer."

The annexation has "some tremendous implications," said commissioner Leelan Woodlief. "The quality makes me feel like we're really having growing pains—and I like that."

The public hearing will be April 12 at 7 p.m. at the town hall.

The board also voted to send a letter of welcome to Carolina Telephone Company, which has just closed the purchase of 69 acres near Youngsville.

The Franklin 25¢

TIMES

Franklin County Library
Louisburg, N. C.

LOUISBURG, N. C. 27549—SATURDAY, MARCH 10, 1990 USPS 208-540 121 YEARS-NO. 10

Reward offered in kidnap case

A reward is being offered in the Rea Manning kidnap case.

Franklin County Crime Stoppers Friday announced a reward of up to $1,000 for information leading to the arrest and indictment of the person or persons responsible.

Mrs. Manning was abducted from her home in Centerville around 10 p.m. Monday night by a "tall, black man" armed with a long gun, possibly a sawed-off shotgun, and was driven to a wooded area several miles away, where she was left bound and gagged in her own station wagon.

Mrs. Manning, who is employed in the Franklin County EMS office, was found by Willie Frank Bartholomew of the N.C. Forestry Service shortly before 7 a.m. the next morning "walking in circles" beside the Vaden Road with her hands still tied behind her back and tape over her eyes and mouth.

A small slit in one end of the tape over her eyes enabled her to see a little, according to Detective Sgt. Pat Green.

In addition to the long gun her abductor came armed with, he is also believed to have taken a .38 caliber Smith & Wesson revolver from a bedside night stand, an Elgin gold man's watch and approximately $125 in silver coins.

The suspect is described as a light-skinned black male, approximately 6 ft. to 6 ft. 2 in. tall, and weighing around 200 pounds with "blotches or large freckles" on his cheeks.

Anyone with any information about this crime is urged to call 496-STOP (496-7867). You may qualify for a reward.

Callers DO NOT have to identify themselves to qualify for this reward. You may be assigned a number to protect your identity if you wish.

Franklin Sheriff Arthur Johnson said the suspect apparently entered the Manning residence from the den and that he had tracked red mud throughout most of the house

The SBI is assisting with the investigation.

Rape earns man 40 years

A Rt. 6, Louisburg man, charged with raping a local woman last Sept. 7, was sentenced to 40 years in prison by Judge B. Craig Ellis in Criminal Superior Court here last week.

Kenneth Leon Evans, 29, drew the lengthy sentence after pleading guilty to first-degree burglary, second-degree rape and two counts of breaking and entering.

Another man, 43-year-old Aaron Williams, of Brooklyn, N.Y., received 15 years in prison on similar charges.

Williams was charged with breaking into a home in Franklinton last Nov. 5 and raping a resident there.

And 29-year-old Raymond Zalazar, who was shot and wounded while trying to escape from the Bunn Prison Unit last Dec. 22, got an additional year for his trouble.

Others drawing active prison sentences in Superior Court here last week included:

Ronald Lee Johnson, 64, Rt. 1, Louisburg, two counts taking indecent liberties with a minor, 10 years each count, six months active, balance suspended and placed on electronic house arrest (EHA) for six months; pay a $1,000 fine and costs and perform 200 hours community service.

Albert Karcina Cannady, 23, Franklinton, assault with a deadly weapon, 10 years, six months active, balance suspended on payment of a $500 fine and costs and 75 hours community service.

Joel Alston, 41, Louisburg, larceny from the person, three years, three months active, balance suspended, $300 fine and costs, $300 attorney fee and 75 hours community service.

Anthony Antonio Perry, 31, Rt. 2, Zebulon, show cause/failure to comply, six-month sentence invoked.

Wilson Branch, 50, Rt. 3, Franklinton, assault on gov't. official, two-years N.C. Department of Corrections (NCDC) plus two more years for failure to comply with a previous court judgment.

Jasper Kenneth Brodie, 34, Franklinton, larceny, indecent exposure, assault with a deadly weapon, going armed to the terror of the people and second-degree trespass, total four-years, 80 days active Franklin County jail, balance suspended on payment of costs, $425 attorney fee.

Richard Maynard, 21, Rt. 1, Louisburg, breaking, entering and larceny, 10-years NCDC

Lancaster's report hightlights WASA meeting

The Franklin Water and Sewer Authority (WASA) convened for its monthly meeting Monday night and heard good news from its executive director about the monitoring done at its expand the existing treatment plant. The action came about after Lancaster told the board that when the new sewer lines to Novo Nordisk Biochem Inc.

The Franklin
TIMES
35¢
LOUISBURG, N.C. 27549 - Saturday, April 24, 1993
USPS 208-540
94 YEARS - NO. 24
Franklin County Library
Louisburg, N. C.

cal Society and once served, for nearly

cade and barbed-wire topped fence

See JAIL Page 3

ST A TRIM, PLEASE! Brandon Hall, son of Mr. and Mrs. Ralph Edwards in klinton gives one of his prize heifers a little touchup as he readies the an- for the annual Four County Junior Livestock Show and Sale next Tuesday Wednesday at the Granville County Livestock Arena. Some 14 4-H youth Franklin County will be showing lambs, steers and heifers at the event. ther photo appears on page 3.)

Franklinton studies annexation plan that includes Novo plant

By Asher Johnson
Times Associate Editor

The Franklinton town board spent well over an hour talking about storm water problems Tuesday night, but the real news is contained in a contract the board awarded to Davis-Martin-Powell & Associates.

In that contract, the commissioners agreed to pay Davis-Martin-Powell $4,600 to provide engineering services for an annexation study in an area east of town that includes Franklin Veneers and the sprawling multi-million dollar Novo-Nordisk enzyme manufacturing facility on SR 1003 over a mile east of the present town limits.

Davis-Martin-Powell noted in their proposal that the Novo facility is already served by a newly installed wastewater pump station, and it was also noted that Franklinton has a $605,000 bond authorization that doesn't expire until Oct. 1994 that could be utilized to furnish utilities in the area.

Novo is also served by a 16-inch water line that was installed between Louisburg and Franklinton for the express purpose of serving the huge facility.

Other matters that would have to be addressed by the annexation of Novo into the Franklinton corporate limits are control of water and

See FRANKLINTON Page 3

Kidnapping charges face Rt. 6 man

A Rt. 6, Louisburg man, who is currently serving a 40-year prison term for first-degree burglary and rape, has been charged with the 1990 kidnapping of a prominent Centerville woman.

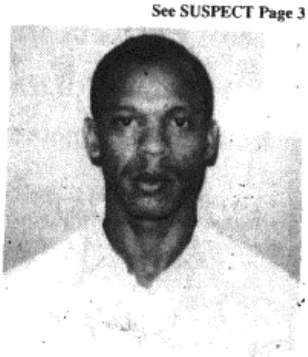
Kenneth Leon Evans, who was 26 years old at the time, was indicted on charges of first degree burglary, first-degree kidnapping and armed robbery by a Franklin County Grand Jury Monday in connection with the abduction of 61-year-old Rea Manning from her home Mar. 5 three years ago.

News reports at the time quoted Mrs. Manning, who was employed by Franklin County EMS, as saying she was abducted by a light-skinned black man who was apparently waiting inside her home upon her return from a visitation at Lancaster Funeral Home.

The kidnapper used Mrs. Manning's 1986 Ford station wagon to drive her to a wooded area some 2.5 to 3 miles from her home where she was left bound and gagged with her eyes taped shut.

Mrs. Manning managed to free herself, however, and spent the rest of the night wandering through the woods until she was discovered by District Forester Willie Frank Bartholomew walking alongside the Vaiden Road around 6:30 a.m. the next morning.

See SUSPECT Page 3



Kenneth Leon Evans

But old facility would take $30,000 in repairs

loving Bunn Town Hall sparks controversy

Andy Carpenter
mes Staff Writer

ontroversy is brewing in Bunn where the town's combination station-town hall should be lo-

Recent N.C. Occupational Safety and Health Division (OSHA) inspections combined with a Franklin County building inspection have established that the building is out of compliance with safety regulations and may be condemned.

Wednesday night, despite the objections of the town's mayor, the Bunn town board voted to move its municipal offices to another town-owned building rather than pay for an estimated $30,000 in renovations to the present facility.

And, while the town may be located in the southern part of modern day Franklin County, its police chief and safety coordinator says the mayor and her followers are adhering to an ancient Greek tradition. They are, claims Police Chief Watt Jones, shooting the messenger.

"There is an impression in some parts of town that I started this," said the chief on Thursday morning. "That perception couldn't be farther from the truth. As the town's safety coordinator I simply reported to the mayor and town board what the OSHA and county inspectors said about the building.

"Other than that, I had nothing to do with the board voting to move the offices to another town property."

The other property Jones is referring to is a town-owned frame house located on N.C. 39 across the street from Bunn High School less than a half a mile from the downtown site of the current municipal building. Jones said he's estimating that it will cost about $2,000 to bring the house into OSHA and American Disabilities Act code compliance.

But it's the move from downtown that has drawn the ire of Mayor Jewel Medlin. "I'm against it personally and because a number of our senior citizens are against the move as well," she said in a telephone interview Thursday afternoon.

Medlin said that many of the town's older citizens don't drive but live close enough to be able to walk to

See BUNN Page 2

Local man is appointed Small Business Council

Jim Hunt has named John O III of Louisburg to the N C Business Council, to help boost business growth and develop- across the state.

ge is president of Murphy Inc., a Louisburg food processing ny, and Murphy House Bar-B-Que Restaurant.

John O. Sledge III

"Our state's economy depends on the vitality of small businesses," Hunt said. "We must give them a voice in our decision-making, and we must listen to that voice. I'm looking to John to help us do that."

Hunt created the council by Executive Order in February. It will be made up of 16 small businessmen and women, as well as the Secretaries of State, Labor, Commerce and Revenue and the presidents of the UNC and state community college system.

The council will serve as an advisory board, presenting legislative proposals to the Governor and General Assembly for changes in laws, tax policies, and regulations including one-stop state permitting to streamline permit regulations.

The council will also coordinate efforts of state and federal small business assistance programs, boost the number of small businesses owned by minorities and women, and study successful small business initiatives in other states.

Sledge is a member of the Franklin County Board of Adjustment and has also served on the Franklin County Board of Commissioners, Board of Health and Chamber of Commerce.

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Bunn meeting more like a squabble

Bunn's board of commissioners conducted the business of running the town Wednesday night during a regular monthly meeting that at times seemed like more an open forum-family squabble than a board meeting.

Highlights from the unruly two-hour session included commissioner Wilma Lassiter's public scolding of fellow board member James Hartsfield, and the constant kibitzing by town citizens on issues the board was discussing.

During her outburst, which followed a discussion of the appointment of Margie Winstead to chair the town's annexation committee, Lassiter rebuked Hartsfield, telling him that "every time we meet, you just have to bitch about something."

What Hartsfield was "bitching" about was the fact that board member Joanie Smith telephoned Winstead asking her to chair the annexation group. Hartsfield's gripe centered around the fact that he felt Smith had spoken for the board without consulting him.

In a move to appease Hartsfield by including him in the decision making process, Bunn Mayor Jewel Medlin asked the board to consider Sheila Stover, who was at the meeting for another reason, to share the chair with Winstead. That motion passed unanimously.

But in a turn of events Friday morning, Winstead and annexation board member Peyton Driver resigned, saying they were protesting the fact that Stover wasn't a landowner in the town.

In Wednesday night's other action, the Bunn town board:

--AGREED to try and sell the town's backhoe.

--HEARD from Stover who is organizing a native American Pow Wow within the town's limits on June 5-6. Stover told the board that in good weather she would estimate about 2,500 people attending the weekend which will be dedicated to native American crafts and traditions.

--PASSED, effective May 1, a new town noise ordinance that the board commissioned Bunn's Police Chief Watt Jones to prepare.

--DECIDED to hire an interim part-time grass cutter while the town advertised for a person to permanently fill the position.

ALL READY TO SHOW. These five Franklin County 4-Hers are all ready to show their lambs at the Four County Junior Livestock Show and Sale. Getting ready were (left to right) Amanda Benson, daughter of Mr. and Mrs. Maylon Edwards of White Level; Heather Collins and Eugene Bradshaw, children of Mr. and Mrs. George Collins of Louisburg; Tony and Misty Grabowski, children of Mr. and Mrs. John Grabowski of Mapleville. The judging will begin Tuesday afternoon at the Granville County Livestock Arena and the awards presentation and auction of steers and lambs is slated for Wednesday evening. Young people from Franklin, Granville, Vance and Warren counties will be exhibiting their livestock at the annual event.

Franklinton

Continued from page 1

sewer services currently furnished by the Franklin Water and Sewer Authority (with water purchased from Franklinton and Louisburg), and fire services currently provided by Mitchiner's Fire Department.

Most of the storm water discussion centered around what Toby Dement referred to as an agreement between the town and his father, the late D.W. Dement, in which the town agreed to maintain drainage ditches running across the Dement property in exchange for a sewage pumping station site.

Actually, records show that the town paid the Dements $170 for .11 acre for the pump station, according to Commissioner J.B. Dixon.

Mayor Charles Draughn and Commissioner Frank Daniel both expressed concern with a proposed contract in which the town would accept responsibility for maintaining a ditch from US1A north and an intersecting ditch across Dement property, with the Dements, their heirs, successors and assigns, agreeing to maintain two other ditches across the property.

The matter wound wound up back in the hands of the Street Committee for further study.

Likewise, the commissioners agreed to look into a drainage problem at Pete Colbert's that was apparently compounded by the construction of curb and gutter along E. Green St., recently and the enlargement of the drainage pipe under the street.

In other action, the Water Committee was to look into ways to stem what Mayor Draughn referred to as a $10,000 a month deficit arising from what is believed to be storm-water infiltration into the town sewer system.

Town Administrator Seth Lawless reported that the town is currently paying WASA to treat approximately two gallons of wastewater for every gallon of water the town sells and that the town is apparently paying to treat a lot of rain water.

The Water Committee was expected to look at all possibilities including increasing sewer charges to cover the deficit.

In other action, the commissioners:

Let a request for the Sunday operation of billiard halls die for lack of a motion.

Voted to apply to the Office of Waste Reduction for a $15,000 grant to establish a curbside recycling program;

Authorized the purchase of 24 Cap-Stun units and holsters at a cost of $840 for use by the police department;

Joined other cities and towns in favor of the establishment of a London Gateway at the Raleigh-Durham International Airport; and

Agreed to accept responsibility for any tax liabilities in relation to the dissolution of the Franklin Development Corp., which was formed in the 1960s to construct the water tank now serving the Americal hosiery plant.

The corporation has accrued a significant sum of money which it plans to turn over to the town, Mayor Draughn said.

Suspect

Continued from page 1

Chief sheriff's investigator Pat Green said that Evans was a suspect in the case all along, but that it was just recently that sufficient evidence was obtained to charge him.

SBI Agent Rick Sims provided invaluable assistance in the case, Green said.

Green said Evans apparently planned on holding Mrs. Manning, wife of Centerville store operator E.M. Manning, for ransom, but abandoned his plan after leaving his victim in the woods.

Evans is currently serving a 40-year prison term, imposed by Judge B. Craig Ellis at the Mar. 1993 session of Franklin Criminal Superior Court, for raping a Louisburg woman at her residence on Spring Street this past Sept. 7.

Jail

Continued from Page 1

21 years ago.

And, although *Times* columnist Asher Johnson wasn't around before the turn of the century, this newspaper has at least once before urged the county to build a new jail.

"It seems," said Davis, who is a former professor of American Literature, "that the prisoners used to go out back to a stream and get their own water. Well sometimes they just didn't come back which caused *The Franklin Times* to once strangely describe an escape as prisoners simply taking "French leave."

All who enter the Jail Museum today will be eligible for immediate release on a parole that has but a single condition -- they must take in a glimpse of a Franklin County that can never be relived.

W.F. Sheldon's 1984 history of the Coley brothers hanging, "The Day the Black Rain Fell," may be checked out on loan from the Franklin County Public Library.

American Heart Association

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The Franklin TIMES

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LOUISBURG, N.C. 27549-Saturday April 8, 1995 USPS 208-540

SIGNS OF SPRING TIME. Few things go together better, especially in springtime, than little children and young animals. In this photo, little Dylan Wells gets to know a still unnamed baby bunny at Winsome Rabbitry in Bunn. [illegible] and [illegible] ed the rabbits while their teachers Belinda Talmage and L. J. Baker kept an eye on things. After touring the barn, the 4 to 5 year-olds formed a circle in the grass and young French Top, English Top and Mini-Rex rabbits were turned loose to socialize and get acquainted. (Staff photo by Linda Shaping)

Center [illegible] kidnap suspect convicted; faces 120-year term

A Franklin County man already serving 5 years in state prison for the [illegible] of a Louisburg woman and the burglaries of her home was sentenced Friday to 120 years in connection with the kidnapping of a Center [illegible] in August of 1994.

Kenneth Leon Evans, II was given 5 years by Judge Henry Hight for [illegible] kidnapping of Rev. Mary [illegible] Evans. Still [illegible] Hight ordered several [illegible] to be served [illegible] sentences [illegible] [illegible] [illegible]

DEATHS

W. CURTIS PARRISH

CLAYTON—Walter Curtis Parrish, 57, of 2430 Government Road, a retired employee of the City of Raleigh, died Sunday, April 2. Funeral services were held at 4 p.m. Tuesday at Mt. Pleasant Advent Christian Church. Burial was in Haves Chapel Christian Church cemetery, Garner.

Surviving: wife Emily Dean Parrish; son, Darren Parrish of Worcester, Mass.; daughters, Karen P. Glover of Clayton, Katina P. Collins of Garner, Vicki Perry of Kent Wash. and Cathy Scianna of Garner; sisters, Vonda P. Boone of Willow Spring, brother, Larry Parrish of Garner; mother-in-law, Nellie Dean of Louisburg; sister-in-law, Martha Dean Collette of Louisburg; and five grandchildren.

Contributions may be made to Mt. Pleasant Advent Christian Church, 3171 N. U. 42 West, Clayton, N.C. 27520.

Arrangements by Bryan Lee Funeral Home, Garner.

JOHN F. JACK ROUSE

SPRING HOPE—John Edward Jack Rouse, 79, died Wednesday, April 5. Funeral services were held at 7 p.m. Friday at Johnson Funeral Home, Sunset Ave. Chapel, Rocky Mount, with the Rev. Stan Smith officiating.

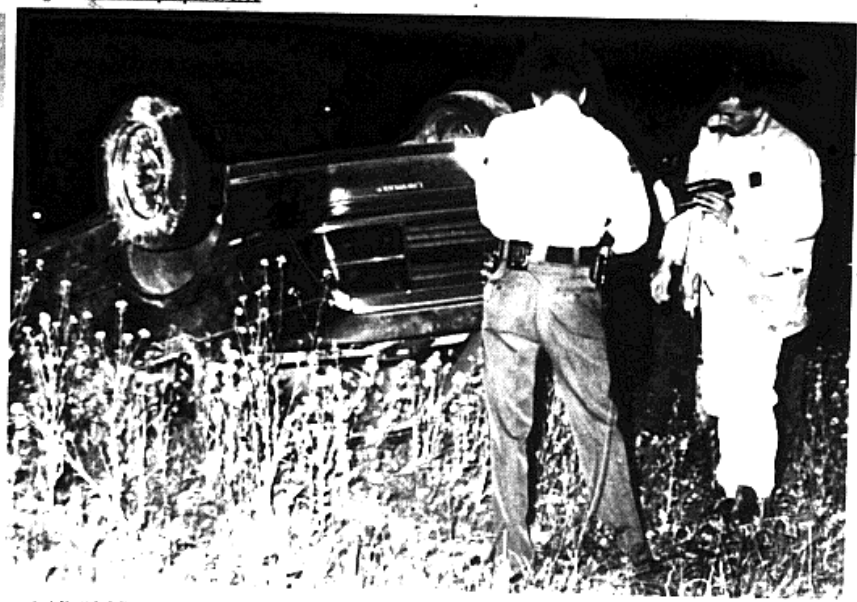
He was born in Halifax County, son of the late John F. and Ina Harris Rouse. He was a retired rural mail carrier. He was former Veterans Service Officer of Franklin County, former president of the Louisburg Rotary Club, former treasurer of the Civitan Club, and a Mason.

Surviving: son, John F. Rouse III of Spring Hope; a sister, Josephine Bynum of Burlington.

FRANK J. DeBOISE

RALEIGH—Frank J. DeBoise of 509 Glenwood Avenue, died Friday, March 31. Funeral services were held at 2 p.m. Thursday, April 6, at Saints Delight U.C.C., Louisburg. Burial was in the church cemetery.

Surviving: daughters, Barbara J. Smith and Carolyn Faye DeBoise of Franklinton; mother, Alma Wilder of Raleigh; sisters, Mary T. Graham of



CAR OVERTURNS—Trooper J.R. Montgomery and a Louisburg firefighter inspect a Chevrolet that was involved in a one-car accident on Breedlove Road (SR 1238) Thursday night. The driver, Derrick Lamont Williams of Rt. 3, Louisburg, was traveling north on the road at about 9:30 p.m. Williams lost control of the vehicle after it crossed the center line and ran up on the left roadside. The car then skidded across the right hand side of the road, over an embankment, overturning in a field. Williams was not seriously hurt and was out of the vehicle by the time rescue workers arrived on the scene. He was treated at Franklin Regional Medical Center in Louisburg for neck injuries.

Government is not the enemy, Democrats told

The crisis of the American Dream and the Democratic Party's response to that crisis was the theme of a speech by Democratic Party chairman Dean Lamm. Lamm spoke last weekend at a banquet held at Louisburg College before about 100 members of the Democratic Party.

Dean Lamm

Citing materialism, violent crime and moral decline as some of the issues of the crisis in America, Lamm said the problem was not an economic one, but a moral one.

[illegible] state [illegible] country [illegible] Knott said. He also helped establish the county's first planning board and provided [illegible] leadership [illegible] the November elections, he said.

Opening doors for foreign teens is project of Louisburg couple

[illegible] television [illegible] the [illegible] girls [illegible] rotating them.

[illegible] Support Students Exchange [illegible] package of $5 and $10 [illegible] republics of the Soviet Union.

This fully funded scholarship [illegible] school student between the ages of 15 and 18 [illegible] high school [illegible] host family [illegible] school [illegible] state [illegible]

Kidnap

Continued from page 1

Computer class slated at VGCC

A four-week computer course, Quicken for Windows, is planned on Thursdays, April 27, [illegible] at Vance-Granville Community College's Franklin Campus in Louisburg.

Sponsored by the Vance Small Business Center, the classes are designed to enable participants to use Quicken for business and efficiently in their home or business environment, said Charlie Finch, small business center director.

Topics will include setting up accounts, maintaining the checkbook, reconciling accounts, establishing standards and categories, setting up budgets and managing investments. The cost will be $35.

Because space may be limited for the course, advance registration is required. Interested persons may preregister by contacting Franklin Campus [illegible]

4/8/1995: Centerville Kidnap Suspect Convicted; Faces 120-Year Term

A Franklin County man already serving 50 years in state prison for the 1993 rape of a Louisburg woman and the burglary of her home was sentenced Friday to 120 years in connection with the kidnapping of a Centerville woman in 1990.

Kenneth Leon Evans, 31, was given 40 years by Judge Henry Hight for first-degree kidnapping of Rea Manning of Laurel Mill-Centerville Road. He received a second 40-year sentence for second degree burglary and an additional 40 years for robbery by firearm. He was also found guilty of felony larceny, but received no additional sentence.

A jury of seven woman and five men deliberated for about five hours at the end of the two-day trial in Franklin County Criminal Superior Court in Louisburg before finding Evans guilty of the charges.

The state had little physical evidence to link Evans to the crime, but a series of circumstantial events derived from the testimony of nine state's witnesses led to the guilty verdict.

Manning was kidnapped from her Centerville area home on March 5, 1990, after she came home around 9 p.m. Sher was bound and gagged by a masked man, then left overnight in a wooded area near her home. Her assailant told her he was going to ransom her for $100,000. \

A one-time jail cellmate of Evans', Larry Davis, testified that Evans told him about the kidnapping in 1993 and said Evans explained that he had left Manning in a wooded area off Vaiden Road just three miles from her home because the car ran out of gas. Assistant District Attorney Susan Thompson said that information was never made public and Davis couldn't have known that fact unless it came from Evans.

A bandana which one witness said Evans owned was found in Manning's car, and was the strongest piece of physical evidence linking Evans to the crime.

Although Evans was a suspect in the 1990 kidnapping, he was not charged until 1993 when a former girlfriend and Davis came forward with new evidence.

XII. Anticipated Evidence at the Commission Hearing

At the upcoming hearing, among other information, Commission staff intends to provide evidence related to DNA testing on the do-rag found at the crime scene which has excluded Evans but has not led to any identification. In addition, Commission staff intend to provide testimony related to interviews they completed in the case.

XIII. Conclusion

A hearing will be conducted before the North Carolina Innocence Inquiry Commission beginning on September 9, 2019. At that time, Commission staff will present in detail the evidence uncovered during the Commission's investigation. That presentation, along with this brief, will constitute the presentation of all relevant evidence in this case.

At the conclusion of the hearing, each Commissioner shall determine whether "there is sufficient evidence of factual innocence to merit judicial review. All eight Commissioners are required to participate in this vote. In this case, Evans was convicted after a trial, so ***five or more of the eight*** voting members must conclude there is sufficient evidence of innocence to merit judicial review in order for the case to move forward to a three-judge panel. If the Commission does not vote to move this case forward to judicial review, it will be closed. There is no right to appeal the decision of the Commission.

XVI. Appendices

Appendix A

APPENDIX A: STATEMENTS MADE BY JOANN CLEMONTS

DATE	March 24, 1993	August 8, 1993	August 9, 1993	October 30, 1993
LOCATION IN FILE	**Interview with Detective Green and Agent Sims** (Ballance 21-22; SBI 66-67)	**Interview with Bernadine Ballance (Mother Christine Clemonts also interviewed)** (Ballance 24-26)	**Affidavit to Bernadine Ballance** (Ballance 23)	**Interview with PI Williams** (Ballance 700-708)
VEHICLE	**Drove a white '77 Cordoba** Kept gray masking tape and orange twine in the vehicle Orange twine was in vehicle when Evans borrowed it; it had been put in the vehicle by her mother's boyfriend in order to die town the trunk of the car Sold vehicle to Brenda Kingsberry	**N/A**	**Purchased a white Cordoba two months prior to Evans moving in with her in 1989**	**Bought a white Cordoba in February of 1990 and sold the car after the motor blew up in June or July of 1990 to someone with the last name of Kingsberry** Tape and twine were in the trunk of vehicle when it was sold "[G]reat big tape and some orange twine" was kept in the vehicle. These were used on the speakers in the vehicle, but were put in the trunk after the speakers were adjusted Clemonts bought the tape and the wire was already in the car when she bought it

DATE	March 24, 1993	August 8, 1993	August 9, 1993	October 30, 1993
NIGHT	**Around March 1990, Evans used the vehicle and came back with loose change in First Citizens bags** Returned to the home wearing a light yellow t-shirt, brown work pants, and black shoes with mud on them Evans threw shoes away	**N/A**	**Evans took her car and was gone for 2 days** Evans returned wearing a yellow t-shirt with Panama Jack on it, brown work pants with mud on them, and black shoes with mud on them Evans was wearing a black scarf Evans said he had been at his grandmother's home in Centerville Evans brought home a big gray sack with First Citizens Bank on it and a blue bag that had the same name on it	**Evans took her car one time and stayed gone for 2 days; she does not know when this was, but later states it was around March** Evans came back to the home around 8pm and had a gray or blue draw string bag with change in it and the words First Citizens Bank printed on the bag Evans returned to the home with black shoes on that had red mud on them and told her he had cut grass
WATCH	**Evans gave her a women's watch with diamonds all around it** Evans told her he previously gave this to his wife Evans took this back from her later on	**Describes a gold women's watch with a thing band, a black face, and roman numerals**	**N/A**	**Evans gave her a diamond watch that had Roman numerals on it** She had the watch for 2 months and Evans took it back when her mother put him out

DATE	March 24, 1993	August 8, 1993	August 9, 1993	October 30, 1993
DO-RAG	**Bought Evans a black scarf from the Family Dollar in early 1990** Evans wore this around his head		**N/A**	**Bought Evans a black scarf that is often referred to as a do-rag**