

## LOCAL NEWS

## Former Franklin sheriff pleads guilty to embezzlement

Posted August 17, 2012

**LOUISBURG, N.C.** — Franklin County's former sheriff pleaded guilty Friday to two felony counts of embezzlement and was sentenced to three to five years in prison for taking more than \$221,000 from the county.

As part of the plea deal, Pat Green also agreed to re-pay all the money to the county, including approximately \$18,000 that will go to the local school system.

That money was repaid Friday, and Green's attorneys asked Superior Court Judge Stephens to consider that when determining a sentence.

Green faced a maximum of 124 months in prison had the case gone to trial.

In a tearful address to the court, the former sheriff, who was highly respected in the community, admitted that he deserves to go to prison for betraying the public's trust.

"The people of this county trusted me and loved me, and I love them," Green said. "Those of you that hate or wish ill will toward me, I can't blame you."

Stephens called the case a prime example of why there is so much public distrust of government.

"Sir, there's no wonder that the average citizen is so cynical of government, because on days like today they have every right to be," Stephens said. "I'm so disheartened."

North Carolina Attorney General Roy Cooper expressed similar sentiments in a statement Friday afternoon.

"Law enforcement and elected officials have a solemn trust with the public that must be upheld," he said. "Our State Bureau of Investigators and our special prosecutors are dedicated to making sure law breakers are held accountable."



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Green resigned last year after the State Bureau of Investigation launched a probe into missing money, \$203,000 which had been earmarked for undercover drug buys between October 2007 and December 2010. The rest was drug money, which would have eventually gone to Franklin County Schools, that was taken from the sheriff's office evidence room.

Danny Mayes, an agent with the State Bureau of Investigation, said Green repeatedly requested money from the county finance office for a major drug investigation. Court records indicate Green told county Finance Director Chuck Murray that it involved a county commissioner and two senators.

One day, during a conversation with a sheriff's deputy over a copy machine in the county office, Murray realized there was no drug investigation, Mayes said.

SBI agents later interviewed Green, who admitted to taking as much as \$90,000 while in a state of depression following the November 2008 death of his first wife.

Green told the SBI that he also used some of the drug unit money to pay his mortgage and other bills.

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**CREDITS**

**Reporter** Beau Minnick

**Web Editor** Kelly Gardner

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**PATRICK ALLEN GREEN**

**CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
EMBEZZLEMENT > \$100,000 (F)	FRANKLIN	11/20/2007	8/17/2012
EMBEZZLEMENT > \$100,000 (F)	FRANKLIN	7/22/2009	8/17/2012





1 [REDACTED]  
2 [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED] [REDACTED] [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED] [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED] [REDACTED] [REDACTED]  
14 [REDACTED]  
15 [REDACTED] [REDACTED]  
16 [REDACTED] [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 MS. TANNER: Let me just ask you a quick question  
20 about that. Mr. McDougall -- and that's who collected the  
21 evidence in this case -- were there any other times with  
22 McDougall where there were difficulties related to his  
23 collection of evidence in his cases in your experience?

24 MR. GREEN: No, no, it was just his attitude.

25 MS. TANNER: His attitude. Tell me more about that

1 if you don't mind.

2 MR. GREEN: Just -- he, he was ill. I don't know if  
3 he didn't want to be, to get called out in the middle of the  
4 night. For some reason I seem to have, after this when we got  
5 the do-rag that he didn't collect that Rick and I had a  
6 discussion about it and I think Rick was a little disgusted  
7 because he didn't do the thorough job that he was supposed to  
8 have done at the scene and obviously -- and it's  
9 embarrassing.

10 MS. MYERS: Sure.

11 MS. TANNER: Okay.

12 MR. GREEN: We, we were a small department and we  
13 depended heavily on the SBI.

14 MS. TANNER: Right.

15 MR. GREEN: Even though we had a CCBI, we still for  
16 major crimes we still called the SBI and their crime scene  
17 people to come help because of their expertise so --

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

## FORENSIC TESTING CHART

Item Tested	Results
<b>Do-rag</b>	<p><b>1993 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>4/12/1993: Hair analysis. No hairs noted. "Odorous."</li> </ul> <p><b>2018 Commission Testing – NMS Labs</b></p> <ul style="list-style-type: none"> <li>1/18/2018: STR DNA Analysis. Mixed partial profile of at least two individuals, including at least one male. Evans excluded as a contributor. NOTE: Vacuum swab used on areas most likely to have been touched by wearer.</li> </ul> <p><b>2018 Commission Testing – Sorenson Forensics</b></p> <ul style="list-style-type: none"> <li>12/17/2018: Vacuum swab of entire do-rag. Insufficient human DNA was detected to likely obtain a usable DNA profile. No male DNA detected. No further testing performed.</li> </ul> <p><b>2019 Commission Testing – NC State Crime Lab</b></p> <ul style="list-style-type: none"> <li>2/14/2019: The NMS profile from the do-rag was not suitable for search or entry into the CODIS database.</li> </ul> <p><b>2019 Commission Testing – NMS Labs</b></p> <ul style="list-style-type: none"> <li>4/25/2019: STR DNA profiles developed for Larry Davis, Pat Green, Jackie Manning Kemp, and David McDougall. All are excluded as contributors to this profile.</li> </ul>
<b>Tapings From Crime Scene</b>	<p><b>1993 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>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).</li> </ul> <p><b>2018 Commission Testing – NC State Crime Lab</b></p> <ul style="list-style-type: none"> <li>8/3/2018: Crime Lab identified hair fragment from #4a as having mixed racial characteristics.</li> </ul> <p><b>2018 Commission Testing – Bode Cellmark Forensics</b></p> <ul style="list-style-type: none"> <li>9/27/2018: mtDNA testing. No mtDNA profile developed from hair fragment from #4a.</li> </ul>
<b>Several Pieces of Duct Tape From Victim's Eyes</b>	<p><b>1992 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>10/23/1992: Latent print analysis. No latent prints developed.</li> </ul> <p><b>2018 Commission Testing – NMS Labs</b></p> <ul style="list-style-type: none"> <li>4/25/2018: Due to an insufficient amount of DNA in the quant, DNA testing was not performed on this item.</li> </ul>
<b>Several Pieces of Rope and Duct Tape Used to Tie Victim's Hands</b>	<p><b>1992 Crime Lab Testing</b></p> <ul style="list-style-type: none"> <li>10/23/1992: Latent print analysis. No latent prints developed.</li> </ul> <p><b>2018 Commission Testing – NMS Labs</b></p> <ul style="list-style-type: none"> <li>4/25/2018: Rope and duct tape were extracted and quanted separately. Due to an insufficient amount of DNA in the quant, DNA testing was not performed on this item.</li> </ul>



Item Tested	Results
Several Pieces of Duct Tape From Victim's Mouth	<b>1992 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>10/23/1992: Latent print analysis. No latent prints developed.</li> </ul> <b>2018 Commission Testing – NMS Labs</b> <ul style="list-style-type: none"> <li>4/25/2018: Due to an insufficient amount of DNA in the quant, DNA testing was not performed on this item.</li> </ul>
One Piece of Duct Tape From Inside Victim's Home*	<b>1992 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>10/23/1992: Latent print analysis. No latent prints developed.</li> </ul>
Several Pieces of Duct Tape From Victim's Feet*	<b>1992 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>10/23/1992: Latent print analysis. No latent prints developed.</li> </ul>
Latent Prints from Victim's Home*	<b>1992 Crime Lab Testing</b> <ul style="list-style-type: none"> <li>10/23/1992: Latent print analysis. One palm print of value noted. Compared to standards of Kenneth Leon Evans. No identification effected.</li> </ul>

\*The Commission was not able to locate these items during its investigation



**Name:** Kristen M. Crawford  
**Laboratory:** Raleigh Crime Laboratory  
**Job Title:** Forensic Scientist III  
**Date:** May 22, 2019

## CASEWORK

**Laboratory Section:** Trace Evidence Section  
**Discipline(s) of Casework:** Fire Debris, Hair, Glass

## EDUCATION

Institution	Dates Attended	Major	Degree Completed
North Carolina State University	1999 – 2003	Chemistry	B.S.
University of Alabama at Birmingham	2003 – 2005	Forensic Science	M.S.

## PROFESSIONAL AFFILIATIONS AND CERTIFICATIONS

- American Board of Criminalistics – Diplomate, passed the certification examination December 2011
- American Society of Trace Evidence Examiners – Regular Member

## COURTROOM TESTIMONY

Discipline	Date Authorized	Approximate Testimony Appearances
Fire Debris	February 2008	10
Hair	April 2007	10
Glass	July 2006	5
<b>Total Number of Testimony Appearances:</b>		25

## TRAINING AND EXPERIENCE

### Fire Debris

Date	Title
April 2019	GCMS Fundamentals of Maintenance and Troubleshooting <i>Workshop presented by Agilent Technologies at the 2019 SAFS/ASTEE combined meeting</i>
October 2018	Mass Spec and So Much More <i>Agilent Technologies Seminar in Research Triangle Park, NC</i>
August 2018	GC/MS Training <i>Agilent Lunch-and-Learn at the NC State Crime Laboratory</i>
March 2018	Sci-Dev Day 2018 <i>Agilent Technologies Seminar in Research Triangle Park, NC</i>
September 2017	Petroleum-laced Background Matrix Interpretation in Fire Debris Analysis <i>Workshop presented by Mary Williams (UCF) at the 2017 MAFS/SAFS/ASTEE combined meeting</i>
September 2017	GC/MS Fundamentals of Troubleshooting and Maintenance and Column Method Development <i>Workshop presented by Agilent Technologies at the 2017 MAFS/SAFS/ASTEE combined meeting</i>
June 2017	INTour 2017 Inspiring Innovation Workshop



January 2017	<i>PerkinElmer Workshop in Cary, NC</i>
January 2017	<i>Intuvo GC Lunch Seminar</i>
February 2016	<i>Agilent Technologies Seminar in Research Triangle Park, NC</i>
February 2016	<i>Fire Cause Determination for Company Officers</i>
January 2016	<i>National Fire Academy-Sponsored Course in Raleigh, NC</i>
January 2016	<i>Installation, Care and Maintenance of Capillary GC Columns webinar</i>
November 2015	<i>Agilent online eSeminar</i>
November 2015	<i>Thermo Scientific Productivity Series seminar: Gas Chromatography track</i>
November 2015	<i>Thermo Scientific in Durham, NC</i>
November 2015	<i>GC Method Development webinar</i>
October 2015	<i>Agilent online eSeminar</i>
October 2015	<i>Tips in GC Troubleshooting webinar</i>
September 2015	<i>Agilent online eSeminar</i>
September 2015	<i>Tips on Making your GC System and Analysis more Robust webinar</i>
July 2014	<i>Agilent online eSeminar</i>
July 2014	<i>Forensic Gas Chromatography – Mass Spectrometry workshop</i>
June 2014	<i>West Virginia University's Forensic and Investigative Science Outreach program in Morgantown, WV</i>
June 2014	<i>Advanced Gas Chromatography Troubleshooting workshop</i>
May 2014	<i>Agilent Technologies "Breaking Bad Chromatography Habits" Seminar in Cary, NC</i>
May 2014	<i>Fire Debris Analysis for the Experienced Analyst workshop</i>
April 2014	<i>2014 MAAFS meeting in State College, PA</i>
April 2014	<i>Reducing Pressure on Operational Budgets; He Conservation Strategies for GC and GC/MSD webinar</i>
October 2013	<i>Hosted by C&amp;EN and sponsored by Agilent Technologies</i>
October 2013	<i>Advanced Instrument Troubleshooting class</i>
March 2013	<i>2013 SAFS meeting in Huntsville, AL</i>
March 2013	<i>Scientific Protocols for Fire Investigation</i>
February 2013	<i>Taught by John Lentini in Columbia, SC</i>
February 2013	<i>Converting Helium Carrier Gas GC Methods to Nitrogen and Hydrogen webinar</i>
February 2013	<i>Hosted by C&amp;EN and sponsored by Agilent Technologies</i>
February 2013	<i>Gaining Speed with "Fast GC": A Practitioner's Perspective webinar</i>
October 2012	<i>Hosted by RTI International and NIJ</i>
October 2012	<i>Forensic Mass Spectrometry online class (~31 hours)</i>
March 2012	<i>West Virginia University Extended Learning</i>
March 2012	<i>Thermo Scientific Productivity Series seminar: Gas Chromatography &amp; Mass Spectrometry track</i>
March 2010	<i>Thermo Scientific in Cary, NC</i>
March 2010	<i>Advanced Fire Debris Analysis class</i>
July 2009 to September 2009	<i>Hosted by the FBI Laboratory in Houston, TX</i>
July 2009 to September 2009	<i>Organic Chemistry for Fire Debris Analysts class (online and class lecture)</i>
April 2008	<i>Hosted by the National Center for Forensic Science with the 2009 TWGFEX Symposium in Orlando, FL</i>
April 2008	<i>Laboratory Analysis of Fire Debris Evidence class</i>
April 2007 to February 2008	<i>Hosted by the FBI Laboratory in Quantico, VA</i>
April 2007 to February 2008	<i>NCSCS training program for Fire Debris Analysis</i>
April 2007 to February 2008	<i>Raleigh, NC</i>

**Hair**

**Date**

September 2017

**Title**

Hair Evidence

*Workshop presented by Amy Michaud (ATF) at the 2017 MAFS/SAFS/ASTEE combined meeting*



June 2014	Hair Evaluation for DNA Analysis online class (~28 hours) <i>West Virginia University Continuing and Professional Education</i>
May 2014	Postmortem Hair workshop <i>2014 MAAFS meeting in State College, PA</i>
January 2009	Advanced Forensic Microscopy for Hairs & Fibers class <i>Hosted by the McCrone Research Institute in Chicago, IL</i>
September 2005 to April 2007	NCSCL training program for Hair Analysis <i>Raleigh, NC</i>

#### Glass

Date	Title
January 2019	Use of fTA GRIM3 <i>Presented by Allyce McWhorter and Michael Zontini (Foster + Freeman) after GRIM3 installation</i>
December 2016	uXRF of glass: A practical explanation of ASTM E2926 webinar <i>Hosted by RTI International and NIJ</i>
June 2014	Glass: Basic Principles of Trace Evidence Series online class (~10 hours) <i>West Virginia University Continuing and Professional Education</i>
June 2012	Instrumental Analysis of Trace Evidence Workshops with a Focus on Interpretation Instruction: Examination and Comparison of Glass Evidence <i>Hosted by Florida International University in Miami, FL</i>
March 2009	Advanced Forensic Microscopy for Glass class <i>Hosted by the McCrone Research Institute in Chicago, IL</i>
December 2007	Elemental Analysis class <i>Hosted by Florida International University in Miami, FL</i>
July 2006	Tour of the Pilkington North America Inc. glass manufacturing facility <i>Laurinburg, NC</i>
September 2005 to July 2006	NCSCL training program for Glass Analysis <i>Raleigh, NC</i>

#### General Forensic Science

Date	Title
January 2018	Applied Polarized Light Microscopy for Trace Evidence Examiners(16 hours) <i>Workshop presented by Andrew Bowen (US Postal Inspection Service) and Sebastian Sparenga (McCrone Research Institute) at the IPTES 2018 symposium</i>
September 2017	Cognitive Bias <i>Workshop presented by Erin Morris (Los Angeles County Office of the Public Defender) at the 2017 MAFS/SAFS/ASTEE combined meeting</i>
June 2013	Perspectives in Expert Testimony online class (~20 hours) <i>West Virginia University Continuing and Professional Education</i>
June 2011	Forensic Science 101: An Introduction online review class (~40 hours) <i>West Virginia University Extended Learning</i>
July 2008 to August 2008	Forensic Microscopy class <i>Taught by Skip Palenik in Louisburg, NC</i>

#### Management and Professional Development

Date	Title
October 2018	ISO 17025:2003 Overview of Requirements for Internal Auditors <i>North Carolina State University</i>



November 2017	Leading at All Levels – Supervisor (LAAL-S): Managing Work for Supervisors (16 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>
November 2017	Leading at All Levels – Supervisor (LAAL-S): Coaching for Supervisors (16 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>
November 2016	Leading at All Levels – Supervisor (LAAL-S): Supervisory Foundations (16 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>
September 2016	Leading at All Levels – Supervisor (LAAL-S): Leading Teams (7 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>
August 2016	Leading at All Levels – Individual Contributor (LAAL-IC): Foundations (7 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>
May 2016	Equal Employment Opportunity Institute – Level 1 (13 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>
September 2014	Leading at All Levels – Individual Contributor (LAAL-IC): Dealing with Change (4 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>
September 2014	Leading at All Levels – Individual Contributor (LAAL-IC): Personal Productivity (6 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>
September 2014	Leading at All Levels – Individual Contributor (LAAL-IC): Communicating with Your Team (6 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>
August 2014	Leading at All Levels – Individual Contributor (LAAL-IC): Exploring Supervision (14 hours) <i>Office of State Human Resources Personnel Development Center in Raleigh, NC</i>

#### Meetings and Conferences

Date	Title
May 2019	Trial and Error: Improving Provider Testimony and Documentation in Sexual Assault/Abuse Care <i>Hosted by the NC Chapter of the International Association of Forensic Nurses</i>
May 2019	Southern Association of Forensic Scientists (SAFS) and American Society of Trace Evidence Examiners (ASTEE) Combined Meeting <i>Asheville, NC</i>
January 2018	Impression, Pattern and Trace Evidence Symposium <i>Presented by the National Institute of Justice in Arlington, VA</i>
September 2017	Midwestern Association of Forensic Scientists (MAFS), Southern Association of Forensic Scientists (SAFS) and American Association of Trace Evidence Examiners (ASTEE) Combined Meeting <i>Cincinnati, OH</i>
May 2014	Mid-Atlantic Association of Forensic Scientists (MAAFS) Annual Meeting <i>State College, PA</i>
October 2013	Southern Association of Forensic Scientists (SAFS) Annual Meeting <i>Huntsville, AL</i>
February 2007	American Academy of Forensic Sciences (AAFS) Annual Meeting <i>San Antonio, TX</i>

#### State Bureau of Investigation Agent Training

Date	Title
Annually	State Bureau of Investigation sworn in-service and firearms training <i>Various locations in NC</i>
August 2006 to November 2006	North Carolina State Bureau of Investigation 36 <sup>th</sup> Special Agent Academy <i>Salemburg, NC</i>
January 2006 to May 2006	Basic Law Enforcement Training (BLET) <i>Wake Technical Community College in Raleigh, NC</i>



## EMPLOYMENT HISTORY

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### **Tenure:** September 2005 – Present

- **Employer:** North Carolina State Crime Laboratory
- **Job Title:** Forensic Scientist III
- **Primary Duties:**
  - Examine cases involving the analysis of glass, hair and/or fire debris evidence.
  - Technical Leader of the fire debris and glass disciplines.
  - Perform administrative and technical case file reviews.
  - Testify in court as an expert witness.
  - Primary Instrument Operator for GC/FID and GC/MS instruments.
  - Fire debris discipline Training Officer.
  - Perform applicant background investigations.
  - Trace Section Intern Coordinator - select and supervise interns.

### **Tenure:** June 2005 – September 2005

- **Employer:** LabCorp
- **Job Title:** GC/MS Technologist
- **Primary Duties:**
  - Operated 7 to 11 GC/MS instruments simultaneously to analyze urine samples for the presence of drugs of abuse.
  - Troubleshoot instrument problems by performing maintenance.

### **Tenure:** May 2004 – April 2005

- **Employer:** Alabama Department of Forensic Sciences
- **Job Title:** Fire debris work-study student
- **Primary Duties:**
  - Prepared samples, set up GC/MS sequences and input case reports into LIMS software for fire debris cases.
  - Assisted with a research project involving the presence of ignitable liquids in vinyl flooring. This resulted in the publication of a technical note in the Journal of Forensic Sciences titled “The Identification of Isopar H in Vinyl Flooring” by Sharee Wells.
  - Aided in dismantling, cleaning and assembling the Mass Selective Detector to ensure quality analysis of samples.
  - Performed organic extractions and analyzed drug samples using infrared spectroscopy.

### **Tenure:** May 2001 – August 2001

- **Employer:** North Carolina State Bureau of Investigation Crime Laboratory
- **Job Title:** Trace Evidence Section Intern
- **Primary Duties:**
  - Organized and analyzed arson standards for 2001 on the GC/FIDs and GC/MS.
  - Assisted supervisor with fire debris casework.
  - Aided fellow intern with a project requiring the collection of sixty paint samples for Canada's Paint Database Query.
  - Helped organize and execute an experiment involving crime scene contamination by Accelerant Detection Canines.

## OTHER QUALIFICATIONS

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### Training, Instruction and Presentations

- Tour guide, instructor and presenter for the Crime Laboratory
- Instructor for the North Carolina Fire Investigation Technician NFPA 1033 class (2016 to present)



## Curriculum Vitae

**Meghan E. Clement, MS, D-ABC**

### Education

- 1985      Master of Science, Forensic Science**  
University of New Haven, West Haven, Connecticut  
Honors: Graduate Fellow, 1984
- 1983      Bachelor of Science, Biology**  
Westfield State College, Westfield, Massachusetts  
Graduated Cum Laude

### Professional Experience

#### **FORENSIC SEROLOGY/ DNA CONSULTANT** April 2017-Present

Clement Consulting, LLC  
Owner

Provide Forensic Serology and DNA consultation to civil and military attorneys, law enforcement and civilian clients. Review case files and raw data to assist in understanding the serological and STR, Y-STR or mtDNA testing performed, suggest potential new and/or additional testing if applicable, educate as to what conclusions can and cannot be drawn by the testing results, explain the limitations of testing results and assist with trial preparation as well as cross-examinations.

Lead teams during assessments of laboratories for accreditation by ANSI National Accreditation Board (ANAB)

#### **DIRECTOR OF OPERATIONS** June 2015- April 2017

Bode Cellmark Forensics, LabCorp Specialty Testing Group  
Lorton, VA

Responsibilities: Oversee all forensic laboratory operations, quality assurance aspects, applied research endeavors and work closely with the General Manager on other aspects of the business, perform case consultations, case reviews and provide expert testimony.

#### **SENIOR DIRECTOR** July 2012- December 2015

Cellmark Forensics, LabCorp Specialty Testing Group



Dallas, TX

Responsibilities: Manage the daily responsibilities of laboratory personnel and flow of both contract and independent casework, manage implementation of new tests, participate in analysis of casework and interpretation of results of STR, Y-STR and mtDNA analysis, perform technical reviews and administrative reviews, provide expert testimony, participate in marketing and sales functions.

**TECHNICAL DIRECTOR, FORENSIC IDENTITY** May 2000- July 2012

Laboratory Corporation of America  
Research Triangle Park, North Carolina

Responsibilities: Manage the daily responsibilities of laboratory personnel and flow of casework, as well as implementation of new tests, participate in analysis of casework and interpret results of DNA analysis, prepare reports, provide expert testimony, direct and coordinate marketing and sales functions.

**ASSOCIATE DIRECTOR, FORENSIC IDENTITY** Aug. 1998- May 2000

Laboratory Corporation of America  
Research Triangle Park, North Carolina

Responsibilities: Direct and participate in the DNA analysis of samples submitted to the laboratory, prepare reports of results and provide expert testimony, supervise and direct laboratory technologists and lab clerk positions, direct and coordinate marketing and sales functions.

**ASSISTANT DIRECTOR, FORENSIC IDENTITY** Nov. 1994- Aug. 1998

Laboratory Corporation of America (formerly Roche Biomedical Laboratories)  
Research Triangle Park, North Carolina

Responsibilities: Conduct forensic DNA analysis on biological samples using both RFLP and PCR techniques, oversee and direct the laboratory technologists in the production of forensic DNA casework, prepare reports of results and provide expert testimony, assist in laboratory operations to ensure timely handling of cases and QA/QC measures, assist in the marketing and sales aspects of the Forensic Identity department.

**FORENSIC BIOLOGIST** March 1991 - Nov. 1994

Tarrant County Medical Examiner's Office  
Fort Worth, Texas

Responsibilities: Forensic analysis of biological samples using traditional serological techniques as well as RFLP DNA profiling, conduct research and validation of new techniques in the forensic biology field, provide expert testimony, provide training to officer's in various law enforcement agencies

concerning the collection and preservation of evidence, crime scene investigation.

**SENIOR CRIMINALIST** March 1985 - March 1991

City of Albuquerque, Police Department, Criminalistics  
Albuquerque, New Mexico

Responsibilities: Assisted in implementing a DNA section including setting up quality control measures and population data bases, as well as performing validation studies, traditional serological analysis, blood/breath alcohol concentration analysis, provide expert testimony, crime scene investigation, train new personnel, officers and detectives.

**TEACHING ASSISTANT, FORENSIC SCIENCE** Sept. 1984- Mar. 1985

University of New Haven, West Haven, Connecticut

Responsibilities: Assist in teaching serological techniques to graduate students in the Criminalistics laboratories, assist in research projects being conducted.

**TEACHING ASSISTANT, BIOLOGY** Sept. 1983 - Sept. 1984

University of New Haven, West Haven, Connecticut

Responsibilities: Set up and assist in teaching various biology laboratories to undergraduate students.

**FORENSIC SCIENCE INTERNSHIP** August 1984

New Mexico State Police Crime Laboratory,  
Santa Fe, New Mexico

Observed and participated in case analysis under the supervision of New Mexico State Police forensic analysts in the serology, trace, drugs and firearms sections.

**Affiliations**

American Academy of Forensic Sciences, Member

Southwestern Association of Forensic Scientists, Member

ASCLD/LAB-Biology Proficiency Review Committee Member (2013-Present)

**Expert Testimony and Depositions**

Testified 360+ times in 33 states

Testified in local, state, military and federal courts

Forensic Laboratory Experience	Qualified
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- |                                   |      |
|-----------------------------------|------|
| • RFLP                            | 1989 |
| • PCR Analysis and Interpretation | 1990 |
| • DQ Alpha + Polymarker Testing   | 1995 |
| • Paternity Testing               | 1995 |
| • Mitochondrial DNA Analysis      | 1997 |
| • Commercial Kit STR Analysis     | 2002 |
| • Y-STR Analysis                  | 2003 |

Certifications
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Molecular Biology Diplomate - American Board of Criminalistics (**ABC**)

Publications and Oral Presentations
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Budowle, B., Monson, K., Anoe, K.S., Baechtel, S., Bergman, D.L., Buel, E., Campbell, P.A., Clement, M.E. et al (1991) A Preliminary Report on Binned General Population Data on Six VNTR Loci in Caucasians, Blacks and Hispanics from the United States. Crime Lab Digest 18:9-26.

Validation of Multiplex STR Profiling Systems for Forensic Casework Specimens  
American Academy of Forensic Sciences, Feb. 1998

Developing a DNA Laboratory on a Shoestring Budget  
Southwestern Association of Forensic Scientists, Spring Meeting 1991

Continuing Education
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- |           |                                                                                                                                                  |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| July 2018 | <i>Green Mountain Conference</i> , Burlington, VT                                                                                                |
| Feb 2018  | <i>AAFS Workshops: Moving from CPI to Probabilistic Genotyping for DNA Mixtures and Proposed Revisions to the FBI QA Standards</i> , Seattle, WA |
| Feb 2017  | <i>AAFS Annual Meeting</i> , New Orleans, LA                                                                                                     |
| Sept 2016 | <i>International Symposium on Human Identification</i> , Minneapolis, MN                                                                         |
| Oct 2015  | <i>International Symposium on Human Identification</i> , Grapevine, TX                                                                           |
| Feb 2015  | <i>AAFS Annual Meeting</i> , Orlando, FL                                                                                                         |

Sept 2014	<b><i>Genome ID Forum</i></b> , Greensboro, NC <b><i>Forensic Genomic Applications</i></b>
May 2014	<b><i>ASCLD Annual Meeting</i></b> , Scottsdale, AZ <b><i>Workshop-Solving Mixtures Genome-wide: Practical, Measureable Solutions</i></b>
Feb 2014	<b><i>AAFS Annual Meeting</i></b> , Seattle, WA
Oct 2013	<b><i>International Symposium on Human Identification</i></b> , Atlanta, GA
Feb 2013	<b><i>AAFS Annual Meeting</i></b> , Washington, DC
June 2012	<b><i>2012 NIJ Meeting</i></b> , Arlington, VA
Feb 2012	<b><i>AAFS Annual Meeting</i></b> , Atlanta, GA
Oct 2011	<b><i>Mixture Interpretation Workshop-Promega International Symposium on Human Identification</i></b> , National Harbor, DC
Nov 2011	<b><i>CODIS Meeting</i></b> , Jasonville, FL
Feb 2010	<b><i>AAFS Annual Meeting</i></b> , Seattle, WA
Aug 2009	<b><i>HID Future Trends in DNA Technology</i></b> , Applied Biosystems, Richmond, VA
Ape 2009	<b><i>FBI DNA Auditor's Refresher Training</i></b> , Raleigh, NC
Feb 2009	<b><i>AAFS Annual Meeting</i></b> , Denver, CO
July 2008	<b><i>NIJ Meeting</i></b> , Arlington, VA
Feb 2007	<b><i>AAFS Annual Meeting</i></b> , San Antonio, TX
Aug 2006	<b><i>AFDAA Summer Meeting</i></b> , Austin, TX
May 2006	<b><i>ABI Human Identity University</i></b> , Research Triangle Park, NC
Feb 2006	<b><i>AAFS Annual Meeting</i></b> , Seattle, WA
Jun 2005	<b><i>6<sup>th</sup> Annual DNA Grantees Workshop</i></b> , Arlington, VA
Apr 2004	<b><i>FBI DNA Auditor's Training</i></b> , Quantico, VA

Feb 2004	<i>AAFS Annual Meeting</i> , Dallas, TX <i>Forensic Human mtDNA Analysis Workshop</i>
Oct 2003	<i>International Symposium on Human Identification</i> , Phoenix, AZ <i>Making Sense of Popstats Workshop</i>
Apr 2003	<i>ASCLD/LAB-Laboratory Inspector Training Course</i> , Raleigh, NC
Feb 2003	<i>AAFS Annual Meeting</i> , Chicago, IL <i>Low Copy Number DNA Analysis Workshop</i>
Jun 2002	<i>DNA Grantees Workshop</i> , Arlington, VA
Oct 2001	<i>7<sup>th</sup> Annual CODIS User's Conference</i> , Arlington, VA
Feb 2001	<i>AAFS Annual Meeting</i> , Seattle, WA
Feb 2000	<i>AAFS Annual Meeting</i> , Reno, NV
Oct 1999	<i>NIJ Meeting</i> , Arlington, VA
Apr 1998	<i>Mitochondrial DNA Analysis and Data Basing</i> , presented by Mark Wilson and Clint Stauffer
Feb 1998	<i>AAFS Annual Meeting</i> , San Francisco, CA
Sept 1997	<i>International Symposium on Human Identification</i> , Phoenix, AZ
Feb 1997	<i>AAFS Annual Meeting</i> , NYC, NY
Oct 1996	<i>English Speaking Working Group International Society for Forensic Haemogenetics</i>
Sept 1996	<i>International Symposium on Human Identification</i> , Phoenix, AZ

### **Specialized Schools and Training**

Nov 2018	<i>ANAB LEAD ASSESSOR TRAINING</i> Denver, CO
Dec 2011	<i>ASCLD/LAB TECHNICAL ASSESSOR REFRESHER TRAINING</i> <i>(June 2011 revision-on line training)</i>
Apr 2009	<i>DNA AUDITOR REFRESHER TRAINING</i> , Presented by the FBI, Research Triangle Park, NC

Jan 2006      ***ASCLD/LAB-International ASSESSOR TRAINING COURSE***,  
Houston, TX

Apr 2004      ***DNA AUDITOR TRAINING***, FBI Academy, Quantico, VA

Apr 2003      ***ASCLD-LAB INSPECTOR TRAINING***, Raleigh, NC

Mar 1995      ***FORENSIC AMPLITYPE PM + HLA DQA1 PCR WORKSHOP***,  
Perkin-Elmer Training Dept., Foster City, CA

June 1991      ***ADVANCED FORENSIC DNA TYPING SCHOOL***, FBI Academy,  
Quantico, Virginia

Mar-Jun1990 ***VISITING SCIENTIST PROGRAM***, FBI Academy, Quantico,  
Virginia

Assisted in numerous DNA research projects being conducted by the  
FBI Research and Training Center including data base compilation,  
ethidium bromide use in DNA analysis, quantitation of human DNA  
using slot blot techniques, effect of glycerol concentration on DNA,  
studies on possible ladders for amplified fragment length  
polymorphisms (amp-FLPs)/variable number tandem repeats  
(VNTRs), and population data base compilation of amp-Flp MCT118.

Dec 1989      ***FORENSIC APPLICATIONS OF DNA TYPING***, FBI Academy,  
Quantico, Virginia

Fall 1988      ***MOLECULAR GENETICS AND FORENSIC SCIENCE***, University  
of New Mexico, Albuquerque, New Mexico

May 1988      ***DNA POLYMORPHISM AND DNA TYPING***  
***COURSE/WORKSHOP***, University of New Haven, West Haven,  
Connecticut





1. AGENCY F. C. S. Dept.		2. IDENTIFIER-ORI NC 0350000		3. OFFENSE TRACT		4. DATE/TIME REPORTED MO DAY YR 1/17/85 2200 hr. Clock		5. OCA FILE NO. 86010711											
6. CRIME(S)/INCIDENT Arm Robbery		7. UCR CODE		8. VICTIM/BUSINESS NAME Manning Gro.		9. RACE/ETHN		10. SEX		11. D.O.B. AGE		12. Relationship (Victim To Offender)							
13. OFFENSE DATE AT (FOUND) 9:30 PM Tue Jan 7 85		14. HOUR		15. D-WK		16. MTH		17. DATE		18. YR		19. VICTIM ADDRESS Rt 6 Box 302 Louisburg, N.C.		20. PHONE 853-2641					
(LAST KNOWN SECURE)												21. EMPLOYER/SCHOOL ADDRESS		22. BUS. PHONE 853-2666					
23. PERSON REPORTING CRIME (LAST, FIRST, MIDDLE) Manning Esly May				24. ADDRESS Rt 6 Box 302 Lbg, N.C.				25. BUSINESS ADDRESS PHONE				26. WEAPON/TOOLS Pistol							
26. LOCATION OF CRIME Manning Gro. Centerville				27. PREMISE TYPE Store				28. WEAPON/TOOLS Pistol				29. HOW ATTACKED OR COMMITTED (M.O.) By Holding a Pistol on the owner & taking his money				30. WEATHER Cool & Cloudy			
PROPERTY CLASSIFICATION		C O D E		VALUE STOLEN		VALUE AT RECOVERY		PROPERTY CLASSIFICATION		C O D E		VALUE STOLEN		VALUE AT RECOVERY					
CURRENCY, NOTES, ETC.		A		31\$ 5100		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\$		38\$						51\$		52\$					
OFFICE EQUIPMENT		E		39\$		40\$						53\$		54\$					
T.V., RADIO, CAMERA, ETC.		F		41\$		42\$						55\$		56\$					
FIREARMS		G		43\$		44\$		GRAND TOTAL 5100				57\$		58\$					
59. VEHICLE INFO. (VICTIM-SUSPECTED) YEAR 76 MAKE Ford MODEL Torino STYLE 4dr Yellow gold- Dark brown vinyl top 000.00 COLOR body LIC # & STATE VIN																			
60. # OF SUSPECTS		61. CAN SUSPECTS BE ID'ED ____ YES ____ NO		62. WAS EVIDENCE FOUND ____ YES ____ NO		63. WITNESS NAMES		ADDRESS				PHONE							
64. LAB TECHNICIAN CALLED				65. REPORT FILED FOR INSURANCE PURPOSES ____ YES ____ NO															
66. OFFENDER 1 RACE ____ ETHN. ____ SEX ____ AGE ____ OFFENDER 2 RACE ____ ETHN. ____ SEX ____ AGE ____ OFFENDER 3 RACE ____ ETHN. ____ SEX ____ AGE ____																			
67. NARRATIVE Mr Manning stated that he had closed for the night he had his truck running outside as usual warming up. He had put all the checks & Paper money in his Front Pocket, and started out the door all the lights were out inside & outside. He met this man at the door with a Pistol in his hand. Manning Immediately grabbed the barrel of the gun & was trying to take it from																			
68. OFFICER'S NAME		69. OFFICER'S SIGNATURE		70. DATE/TIME SUBMITTED MO DAY YR 24 hr.		71. SUPERVISOR NAME		72. CASE STATUS <input type="checkbox"/> FURTHER INV. <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED		73. CASE DISPOSITION <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CL. BY ARREST <input type="checkbox"/> EXC. CLEARED ADULT <input type="checkbox"/> EXC. CLEARED JUV		74. PAGE OF							



1. AGENCY F. C. S. Dept.	2. IDENTIFIER - ORI NC 0350000	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. 86010711
5. NARRATIVE The man and shut the door to keep him out at the same time. But the man over-powered him shove him back he trip and fell loosing his glasses & then he couldn't see much. Best he could tell about description of the man was 6'2" 250 lb Black Male wearing a stocking over his face with the eyes cut out. Mr Manning stated that the man said I am going to kill you, Get up and go to the back of the store. This is where the man used Black electrician Tap to bound Manning hand to his head covering his eyes. Mr Manning stated then the man spent him around several times to make him loose his sense of direction. The man told Mr Manning earlier that he was going to take him with him but change his mind. Mr Manning stated that the man searched him after he tied him up & took his wallet containing \$500.00 and the Currency & checks that he had collected from the store. Mr Manning left hand was cut while the man was taping him up when he used the knife to cut the Tape wrapped around Manning hands. The Robber then took Manning truck & Fled the scene headed North on 58. The truck was later recovered 2 miles North of Centerville on Highway 58.			
6. OFFICER'S NAME Tommy Perry	7. OFFICER'S SIGNATURE T. H. Perry	8. DATE SUBMITTED MO 1 DAY 8 YR 86	9. SUPERVISOR NAME W. T. Dement
10. PAGE 2 OF 2			

**PAULINE MORTON**

**CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
SIMPLE WORTHLESS CHECK (M)	FRANKLIN	2/13/1996	7/29/1997

## **SHIRLEY BRODIE EVANS**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
WORTHLESS CHECK (M)	VANCE	12/3/1984	4/16/1985
WORTHLESS CHECK (M)	VANCE	12/23/1984	4/16/1985
WORTHLESS CHECK (M)	FRANKLIN	1/13/1985	6/3/1985
WORTHLESS CHECK (M)	FRANKLIN	1/19/1985	6/3/1985
WORTHLESS CHECK (M)	FRANKLIN	1/25/1988	7/6/1988
SCHOOL ATTENDANCE LAW VIOLATION (M)	NASH	3/9/1999	3/31/1999
SCHOOL ATTENDANCE LAW VIOLATION (M)	NASH	3/9/1999	3/31/1999
ASSAULT WITH A DEADLY WEAPON (M)	EDGECOMBE	1/26/2000	5/23/2000

STATE OF NORTH CAROLINA  
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
93 CRS 2261-2263

STATE OF NORTH CAROLINA,

v.

KENNETH LEON EVANS

**AFFIDAVIT OF SHIRLEY EVANS**

NOW COMES Shirley Evans being first been duly sworn, who deposes and says the following:

1. I am over the age of eighteen and of sound mind. I make this affidavit based on my person knowledge.
2. I do not recall the year I married Kenneth Leon Evans. To my knowledge, we separated in 1984 or 1985. I did not have any contact with Mr. Evans from the time we separated until this year. I moved from Franklin County to Wake County in 1986 or 1987.
3. I do not have any knowledge of the facts of this case and I did not attend Mr. Evans' trial.
4. Around February 2018, I was at my sister Bobbi Long's home in Franklin County, NC for a family gathering. During this family gathering, Pauline Morton, my aunt, stated that she had gone to the Euther Manning's house with my son, Antwone Evans. Ms. Morton stated that Ms. Manning invited Ms. Morton and Antwone Evans into her home. During this meeting, Ms. Manning told Ms. Morton and Antwone Evans that Kenneth Evans did not commit this crime. I do not know when this meeting between Ms. Morton, Ms. Manning, and Antwone Evans took place.
5. To my knowledge, my sisters, Bobbi Long and Deborah Perry Moore, and my niece Tamera Perry were present at the family gathering when my aunt talked about this meeting between Ms. Manning, Ms. Morton, and Antwone Evans.
6. My son Antwone Evans had previously told me about this meeting at Ms. Manning's house with Ms. Morton. I do not recall when he told me this, but believe it may have been within the last five years.
7. I have not talked to Mr. Evans about what Ms. Morton told me about the meeting between her, Ms. Manning, and Antwone Evans.

8. During the time we were married, I do not recall Mr. Evans wearing a du-rag. I do recall him wearing a wave cap while in the house.

FURTHER THE AFFIANT SAYETH NOT.

This the 7<sup>th</sup> day of December, 2018.

Shirley Evans  
Shirley Evans

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn to and subscribed before me,  
this 7<sup>th</sup> day of December, 2018.

Derek A. Dorazio  
Notary Public



My Commission Expires: 2/4/23

1 A. -- you know.

2 I'm believing, you know; that he's innocent. And  
3 my great aunt and I, we went to Ms. Manning's residence.

4 Q. Okay.

5 A. And we spoke within Ms. Manning before my aunt  
6 passed. And I believe because my mother was not present  
7 there in that particular situation, she didn't feel forward  
8 to come to this particular setting.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]  
2 [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED]  
4 [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED] [REDACTED]  
6 [REDACTED] [REDACTED] [REDACTED]  
7 [REDACTED]  
8 [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED] [REDACTED]

10 All right. So you said you and your aunt went to  
11 Ms. Manning's house.

12 A. And that was because the church that we were  
13 affiliated with was Mt. Zion Holiness Church in Centerville,  
14 and I did not know, but my aunt was on top of it because  
15 she'd spoken with my father. They had integral, you know,  
16 conversations and so on.

17 And so we just decided, because we would always go  
18 around the church, my aunt would clean up and cook, and she  
19 was just that type of person. She was a great missionary  
20 around the church. And so she just decided, you know,  
21 probably -- I believe like one Saturday when we were around  
22 the church, she said, "We're not going over there -- we're  
23 going to go meet Ms. Manning, but we're not going to go  
24 there in, you know, a spirit of hostility. We just want to  
25 go over there." She took me because she felt that it was

1 needful for me to know and she wanted to hear Ms. Manning's  
2 side of the case and so ...

3 Q. Do you know how old you were when you went there?

4 A. I can't recollect what age I was at that time but  
5 I remember being there.

6 Q. Were you a child? A teenager?

7 A. Right. I was somewhere around -- probably around  
8 teenagers.

9 Q. Teenage? Okay.

10 A. Right. But I do remember being there. And she  
11 greeted us very warmly then when we came in.

12 Q. Ms. Manning did?

13 A. Right. Right.

14 Q. Had you -- prior to going to her house with  
15 Ms. Morton, had you ever met Ms. Manning before?

16 A. No, I've never met Ms. Manning prior. That was my  
17 first time ever laying eyes on Ms. Manning.

18 Q. Okay. And then what happened after she -- did you  
19 have the impression that she knew you were coming? Or did  
20 you guys just show up?

21 A. No, no. She did not know we was coming.

22 Q. And then she greeted you warmly. And then what  
23 happened after that?

24 A. After we got in, Ms. Morton -- you know, we sat  
25 down. You know, just like regular custom people do. And of



1 course, you know, Ms. Manning knew of the case and all of  
2 that. So -- and so my aunt just wanted to get an  
3 understanding --

4 Q. Okay.

5 A. -- you know, and she wanted to hear her side of  
6 the situation so that we could have got some closure, you  
7 know.

8 Q. Okay. And what did Ms. Manning tell your aunt  
9 during that meeting?

10 A. I honestly -- what I did hear was Ms. Manning  
11 revealed to my aunt that she didn't know who the individuals  
12 were.

13 She said all she knew was she had duct tape --

14 Q. Uh-huh.

15 A. -- on her eyes, you know. And then she told me  
16 she could not, in other words, recollect it was him per  
17 se -- my father --

18 Q. Okay.

19 A. -- you know. So that's what I heard in that  
20 situation.

21 Q. Okay. A question just popped right out of my  
22 head.

23 She said individuals? Do you remember her -- did  
24 it sound like more than one person?

25 A. You know, individuals is more than one --

1 Q. Yes.

2 A. -- you know. So that's all I'm -- you know --

3 Q. That's your recollection?

4 A. -- can hear --

5 Q. Okay.

6 A. -- from that situation. She didn't know who it  
7 was, but she know there was duct tape on her eyes. And from  
8 there -- and it sounded like to me she really didn't want to  
9 blame him.

10 Q. "Him" meaning your father; right?

11 A. My father, right. Kenneth Evans.

12 Q. So did she -- do you remember her saying directly  
13 that she did not think that Kenneth Evans had committed the  
14 crime against her or just that she didn't know who committed  
15 the crime?

16 A. Well, I understand -- you know, the way I  
17 perceived it is that she didn't believe it was him.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 Q. So going back to this meeting at Ms. Manning's  
2 house, was anyone with you beside you and your aunt?

3 A. It was just my aunt, myself, and Ms. Manning.

4 Q. So her family wasn't there?

5 A. No, wasn't nobody there.

6 Q. Okay. And do you recall any other details about  
7 what happened during that meeting other than your  
8 perception -- your understanding that she was saying she did  
9 not know the (indiscernible)?

10 A. No, I -- now, she was just kind of warm -- warm.  
11 She had a warm spirit that we did come --

12 Q. Yeah.

13 A. -- you know, to talk with her about this -- you  
14 know, that we didn't come in anger.

15 Q. Right.

16 A. We came to make resolve, you know. And from  
17 there, we never really went back.

18 Q. Okay.

19 A. And next thing I know, the grass is just grown up  
20 on the house a little bit, you know.

21 Q. On Ms. Manning's house?

22 A. Right. Right.

23 Q. Okay. Do you recall having any conversations with  
24 your aunt about it after it happened between the two of you,  
25 hearing your aunt tell other people?

1           A.    Well, I've heard many, you know, times that my  
2   aunt has said that she would desire to -- this case with  
3   Kenneth and the courts, you know, if -- being that he's  
4   innocent, you know, and she said that's her prayer, she  
5   believe, that was her persuasion, that he was innocent. And  
6   so, you know, and so ...

7                   I believe she would've been here to testify, you  
8   know, because she told good things about my father, how he  
9   would work and provide and how neat he was, and I'm sure  
10  they're saying that. I been -- so he was that kind of  
11  person. They're saying that now in the correctional center.

12           Q.    Okay.

13           A.    You know, I hear that he -- I guess because being  
14  in the environment in which he's in, he's tried to -- to  
15  outprocess where he's at, and work hard --

16           Q.    Yeah.

17           A.    -- in that particular environment, you know, and  
18  he -- like my aunt say, he worked hard like that on the  
19  outside; so, you know.

20                   But I did understand that this is what was given  
21  to me, that somewhere my father worked for Ms. Manning -- I  
22  don't know if it was light jobs or something like that.  
23  This is just what was, you know, maybe -- I don't know,  
24  cutting grass or -- you don't know how people have worked  
25  for certain people. And she knew him. So I do want to put

1 that out on the table. But, you know ...

2 Q. Okay. And just going back -- again, I just want  
3 to be clear, your understanding from that meeting with  
4 Ms. Manning, just -- there's a difference between her  
5 saying, "I just don't know who did this to me" --

6 A. Right.

7 Q. -- or, "I don't think that Kenneth Evans did this  
8 to me."

9 Do you know -- can you, from your recollection --

10 A. I can process what you're saying. And in that  
11 meeting, it -- verbally, it's as she said he didn't do it.

12 Q. Okay.

13 A. He did -- she can't specifically just say, right  
14 out, "He, did it," you know.

15 Q. Right.

16 A. Right.

17 Q. Okay.

18 A. You know, like me sitting right here next to you,  
19 you know, "You just touched me," you know.

20 Q. Right.

21 A. You know, so ...

22 Q. To your knowledge -- and, again, since you're --

23 A. And this is just to -- like I said, to my  
24 knowledge --

25 Q. Correct.

1 A. -- you know, and --

2 Q. And I know your aunt has passed so I'm going to  
3 ask you a few questions --

4 A. And I wish --

5 Q. And if you don't --

6 A. And I really wish, you know, she -- I think, with  
7 this meeting here, it brings a lot of, you know -- a lot of  
8 tensions (indiscernible) being here because she's not here,  
9 you know, and the meeting has been called, and it's been  
10 months -- a couple of months now she's been deceased, and I  
11 think this is what my father wanted to happen. He wanted a  
12 situation where my aunt could defend and, you know, to come  
13 forward and to speak on his behalf --

14 Q. Right.

15 A. -- you know, which I have to, but I wish she  
16 (indiscernible).

17 Q. But, again, if I ask you something and it's just  
18 outside of your knowledge, just tell me you know don't  
19 know --

20 A. Right, right.

21 Q. -- and that's fine.

22 A. Right.

23 Q. To your knowledge --

24 A. Because I'm not going to tell you anything, you  
25 know, that's not correct --

1 Q. Right.

2 A. -- incorrect, you know --

3 Q. Right.

4 A. -- basically.

5 Q. To your knowledge, did your aunt, after this  
6 meeting -- did she ever go talk to an attorney or --

7 A. No.

8 Q. -- go talk to anyone?

9 A. No. She never talked to an attorney.

10 Q. Okay.

11 A. She didn't go further with this because my aunt  
12 was like she was, she was a person was going to lay it on  
13 the altar.

14 Q. Okay.

15 A. You know, she was believing God was going to fix  
16 it. And actually, she said, you know, "This man have been  
17 incarcerated too long, you know, and some -- the Lord has to  
18 defend this man on this situation." Because she said many  
19 times, you know, "Well, if he got 180 years" -- this is what  
20 I'm understanding that he had, 180 years for the whole case,  
21 and he been in there for like 30-some-odd years -- she said,  
22 "Now, what is going on?" You know, "We just need God to  
23 just -- we need some facts."

24 The Scripture said that any man be a liar, but let  
25 God be true. And we know that God is all-seeing and

1 all-knowing.

2 But we just want the truth.

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED] --

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED]



1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 And so that's why I believe him and Ms. Morton had  
15 this --  
16 Q. -- connection?  
17 A. -- connection.  
18 Q. Okay. So --  
19 A. And she the type that if you was wrong, you was  
20 wrong, and she was going to tell you you was wrong. And she  
21 would tell you, if you did it, go face the court, go face  
22 the judge, and serve your time, give God justice. If you  
23 didn't do it -- because she said if you did it, we're going  
24 to stand behind you 100 percent.  
25 Q. Okay.

1 A. But we'd rather for you to stand and tell the  
2 truth. My aunt always told us, "Tell the truth. Tell the  
3 truth. It may hurt, but tell the truth." You may --

4 Q. (indiscernible).

5 A. -- have to suffer time, but she would tell you,  
6 "Tell the truth."

7 Q. Okay.

8 A. And so, you know, that's -- he's stuck on his  
9 truth, you know.

10 Q. Other than your aunt and being here today and  
11 telling me about it, who have you told about this meeting  
12 with Ms. Manning?

13 A. Who have I told?

14 Q. Uh-huh.

15 A. I told a couple people, but they have not advised  
16 me in nothing to say, or I've shared -- I did share with a  
17 coworker.

18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED] --  
25 [REDACTED]

## **KENNETH LEON EVANS**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
BREAKING/ENTERING AND LARCENY (F)	FRANKLIN	4/14/1980	5/27/1980
MISDEMEANOR LARCENY (M)	FRANKLIN	5/12/1980	5/27/1980
BREAKING/ENTERING AND LARCENY MISDEMEANOR (M)	FRANKLIN	5/14/1980	5/27/1980
BREAKING/ENTERING AND LARCENY MISDEMEANOR (M)	FRANKLIN	5/16/1980	5/27/1980
BREAKING/ENTERING AND LARCENY (F)	FRANKLIN	3/8/1983	4/9/1984
COMMUNICATING THREATS (M)	FRANKLIN	10/24/1985	11/4/1985
SHOW CAUSE (M)	FRANKLIN	7/4/1987	12/7/1987
DWLR (M)	FRANKLIN	11/21/1987	1/4/1988
WORTHLESS CHECK (M)	FRANKLIN	3/12/1988	4/3/1990
SHOW CAUSE (M)	FRANKLIN	3/12/1988	8/20/1990
DWLR (M)	FRANKLIN	3/29/1988	4/18/1988
DWLR (M)	FRANKLIN	3/30/1988	4/18/1988
DWLR (M)	FRANKLIN	4/2/1988	4/11/1988
MISDEMEANOR PROBATION VIOLATION OUT OF COUNTY (M)	VANCE	4/13/1988	4/15/1988
DWLR (M)	FRANKLIN	6/26/1988	3/27/1989

COMMUNICATING THREATS (M)	FRANKLIN	7/10/1988	3/29/1989
POSSESS STOLEN GOODS/PROPERTY (M)	FRANKLIN	12/26/1988	1/17/1989
SECOND DEGREE TRESPASS (M)	FRANKLIN	3/31/1989	5/2/1989
DWLR PERMANENT (M)	FRANKLIN	6/26/1989	10/31/1989
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FRANKLIN	12/21/1989	3/20/1990
ROBBERY WITH DANGEROUS WEAPON (F)	FRANKLIN	3/5/1990	4/7/1995
KIDNAPPING (F)	FRANKLIN	3/5/1990	4/7/1995
BREAKING AND OR ENTERING (F)	FRANKLIN	3/5/1990	6/12/1997
BREAKING AND OR ENTERING (F)	FRANKLIN	7/16/1990	11/13/1990
FELONY LARCENY > \$400 (F)	FRANKLIN	7/16/1990	11/13/1990
ATTEMPTED SAFE cracking (F)	FRANKLIN	7/16/1990	11/13/1990
BREAKING OR ENTERING (M)	FRANKLIN	7/18/1990	9/4/1990
BREAKING AND OR ENTERING (F)	FRANKLIN	10/29/1991	2/10/1992
FELONY LARCENY > \$400 (F)	FRANKLIN	10/29/1991	2/10/1992
BREAKING AND OR ENTERING (F)	FRANKLIN	9/3/1992	3/3/1993
FELONY LARCENY (F)	FRANKLIN	9/3/1992	3/3/1993
SECOND DEGREE RAPE (F)	FRANKLIN	9/7/1992	3/3/1993
FIRST DEGREE BURGLARY (F)	FRANKLIN	9/7/1992	3/3/1993

BREAKING AND OR ENTERING (F)	FRANKLIN	9/15/1992	3/3/1993
FELONY LARCENY (F)	FRANKLIN	9/15/1992	3/3/1993

HANDOUT # 17

SEALED BY ORDER OF THE COURT

## Kenneth Evans Phone Calls from Prison

	DATE/TIME	TO	RELEVANT PORTION
1.	5/25/14 19:47	Alice Faye Johnson (friend)	Evans tells Faye that he did not commit the crime. Evans tells Faye he has paperwork about his case that says he kidnapped the Victim for a \$100,000 ransom, and he needs these papers for when his case goes back to court for a new trial.
2.	6/16/14 18:36	Augusta (aunt)	Evans tells Augusta that people turned against him on a crime he did not commit. He does not say who these people are.
3.	9/4/14 18:29	Alice Faye Johnson (friend)	Evans and Faye talk about him trying to find a lawyer in Raleigh to help him with his case. Faye tells him that she is going to try to find someone in the NAACP to help him with his case since he's black and the Victim is white. Faye then tells Evans that if he is guilty, she is going to "whoop his ass." Evans says, "You know I'm not guilty, Faye."
4.	9/5/14 18:58	Barbara (sister-in law)	Evans tells Barbara that he's getting his paperwork together so he can get his case back in court. Evans tells her that he was <i>accused</i> of kidnapping the Victim in response to Barbara saying all he did was kidnap the woman. He tells her that "they" know he was at home. Evans says they won't allow him to get his transcript. He says he's never kidnapped or arm robbed anyone in his life.
5.	11/17/14 9:32	Patricia (relation unknown)	Evans tells Patricia that he was convicted despite the fact the Victim stated the perpetrator was 6" tall and did not give a description that matched Evans.
6.	11/28/14 14:02	Patricia (relation unknown)	Evans tells Patricia he received a letter from an innocence project in New York. Evans states he was at home when the Victim was kidnapped, and that he doesn't know anything about the crime. Evans states that "they" tried to make him think he did.
7.	12/29/14 20:33	Alice Faye Johnson (friend)	Evans tells Faye that if his family had money, he probably wouldn't be in prison.
8.	1/28/15 19:31	Alice Faye Johnson (friend)	Evans tells Faye that he didn't kidnap the Victim and the Victim knows he didn't do it. Evans says he wants "them" to talk to the Victim before she passes away and hear her side of the story. Evans says he wants her to tell the truth, and that all it will take is an affidavit from the Victim saying he didn't do it, and then they could run DNA testing. Evans says he's incarcerated while the person who did the crime is still out there. Evans tells Faye he did not commit this crime and that "they" told lies on him.

	<b>DATE/TIME</b>	<b>TO</b>	<b>RELEVANT PORTION</b>
<b>9.</b>	12/9/15 20:36	<b>Alice Faye Johnson (friend)</b>	Evans tells Faye, “In my case, I didn’t do that. But everybody knew that woman. They need to tell her to write an affidavit, but she’s not going to do that. She’s staying with her daughter Jackie now. They should be ashamed of themselves, holding me in this place for this long. It’s been 25 years. Ever since 1990.” Evans goes on to tell Faye that he doesn’t have anyone who can vouch for him because they have all passed away. Evans tells her he passed a polygraph, the fingerprint and the palm print, but says none of this was brought up in court.
<b>10.</b>	2/27/16 18:52	<b>Levi and Rosella Evans (father and step-mother)</b>	Evans tells his step-mother that he is going to be getting out sooner, and that 29 years have been taken off his sentence. He says he’ll be getting out earlier because they don’t want him to sue the people in Franklin County. Evans tells her that he is going to sue them because they have made him to do all this time for nothing. Evans tells his father that they know they put him in prison for something he didn’t do, and they knew they didn’t have anything on him, but wanted him.
<b>11.</b>	1/16/17 22:10	<b>Alice Faye Johnson (friend)</b>	Evans tells Johnson that Joann Clemonts lied about him, but does not give any details about what Clemonts lied about. He also says that they have a daughter together.
<b>12.</b>	2/20/17 9:37	<b>Bessie Mae Carter (aunt)</b>	Evans tells his aunt that Joann Clemonts turned on him, but does not give any details as to what Clemonts did.
<b>13.</b>	5/15/17 18:50	<b>Alice Faye Johnson (friend)</b>	Evans tells Johnson that he was so happy she showed up for him at his court date (NOTE: it is unclear what court date Evans is talking about). Johnson tells Evans that she told the truth. He tells her he knows she did, and says his aunt told the truth, too.
<b>14.</b>	5/23/17 23:14	<b>Alice Faye Johnson (friend)</b>	Evans tells Johnson that his cousin, Jerry Moore, turned against him and that Moore should not have turned against him. Evans tells Johnson that Moore can’t come visit him because the State would charge him with perjury since he testified for the State against him.
<b>15.</b>	6/11/17 9:03	<b>Alice Faye Johnson (friend)</b>	Evans tells Johnson that he took the blame for the Senator Speed burglary, which was committed by his cousin, Jerry Moore, and Billy Glenn Solomon.



	<b>DATE/TIME</b>	<b>TO</b>	<b>RELEVANT PORTION</b>
<b>16.</b>	7/31/17 20:06	<b>Alice Faye Johnson (friend)</b>	Evans tells Johnson about an attorney coming to visit him. He says the attorney asked him a lot of questions about the crime, and that Evans told him he did not do it and had nothing to do with it.
<b>17.</b>	8/30/17 13:21	<b>Patient Williams (aunt)</b>	Evans tells Williams about the Commission collecting his buccal swab and asking him questions, but does not give any additional details about the interview.
<b>18.</b>	8/31/17 9:03	<b>Bessie Mae Carter (aunt)</b>	Evans tells Carter that Joann Clemonts lied on him, but does not give any details about what Clemonts lied about. Carter says that's a shame because Evans was so good to Clemonts.
<b>19.</b>	9/2/17 19:49	<b>Alice Faye Johnson (friend)</b>	Evans tells Johnson that the Commission collected his buccal swab and asked him questions. Evans tells Johnson that he was "down that way, but Lord knows, I did not do that woman like that. I did not kidnap that woman."
<b>20.</b>	9/10/17 19:30	<b>Alice Faye Johnson (friend)</b>	Evans tells Johnson that Joann Clemonts told him one of her daughters was his, but does not say which daughter.
<b>21.</b>	10/18/17 19:44	<b>Charlene Booth (sister)</b>	Evans tells Booth that he hopes the DNA test done on him comes back negative.
<b>22.</b>	5/1/18 17:28	<b>Keith Evans (son)</b>	Keith asks Evans if he (Keith) has a sister. Evans tells him that he doesn't, but there was a woman who tried to claim Evans was the father of her daughter. NOTE: Evans does not say who this woman was.
<b>23.</b>	5/1/18 19:00	<b>Levi and Rosella Evans (father and step-mother)</b>	Evans tells his step-mother that a woman has claimed he is the father of one of her daughters. Evans tells her that he's going to find out if this is true. NOTE: Evans does not say who this woman was.
<b>24.</b>	6/13/18 13:18	<b>Patient Williams (aunt)</b>	Evans tells Williams that he received a letter from the Commission and that the person he believes committed the crime he's incarcerated for is his Uncle Jack. Williams tells Evans the Commission is working with him because he is going to receive a lot of money, and that NCIIC will get part of the money.
<b>25.</b>	6/13/18 22:44	<b>Alice Faye Johnson (friend)</b>	Evans tells Johnson that he received a letter from the Commission that mentioned his cousin Johnny Evans. Evans stated he thought Johnny might have something to do with the crime.

	<b>DATE/TIME</b>	<b>TO</b>	<b>RELEVANT PORTION</b>
<b>26.</b>	6/16/18 19:18	<b>Delano Borys (friend)</b>	Evans tells Borys that he received a letter from the Commission that had the name of his cousin as a possible DNA match for the crime he's in prison for.
<b>27.</b>	6/19/18 19:21	<b>Ricky Williams (brother)</b>	Evans tells his brother he thinks the Commission found the person who committed the crime and that the Commission will be getting him out of prison.
<b>28.</b>	7/10/19 23:10	<b>Alice Faye Johnson (friend)</b>	Evans tells Johnson that the people in Louisburg know he didn't commit this crime, and says they put it on him "because I stayed in a bunch of stuff out there."
<b>29.</b>	7/13/18 23:36	<b>Alice Faye Johnson (friend)</b>	Johnson tells Evans that Pat Green stole money. Evans tells Johnson that Pat Green lied against him.
<b>30.</b>	7/18/18 19:10	<b>Ceatrise Yarborough</b>	Evans calls Ceatrise and speaks to several of his family members. Evans tells Ceatrice that Joann Clemonts told "some lies on [him]." Evans also tells her that he wants to figure out if her daughter, Sharron, is his.
<b>31.</b>	7/18/18 23:10	<b>Bessie Mae Carter (aunt)</b>	Evans calls Carter and speaks to both her and her son, Anthony Carter. Evans tells Carter that the Commission found a person who showed up in some DNA and that the Commission is working to get him out of prison because his second cousin, Johnny Evans, committed this crime.
<b>32.</b>	8/19/18 17:56	<b>Cathereen ? (acquaintance)</b>	Evans calls a woman named Cathareen. Evans tells her that he'll be getting out of prison soon because "they" figured out who committed the crime, and that he'll be getting a lot of money.
<b>33.</b>	9/15/18 12:43	<b>Dan Evans (brother)</b>	Evans tells Dan that the Commission knows who committed the crime and that he's going to be paid for all the years he's been in prison.
<b>34.</b>	10/8/18 22:34	<b>Keith Evans (son)</b>	Evans tells Keith that the Commission knows who committed the crime and that he will be coming home soon.
<b>35.</b>	11/13/18 12:48	<b>Anthony Carter (cousin)</b>	Carter tells Evans that he was locked up with Pat Green. Carter said he told Green that he should write a letter to the State because of what he did to Evans. Carter tells Evans that he spoke with Green for a long time, and that Green told him he paid Joann Clemonts, Larry Davis, and Jerry Moore in drugs to get them to testify against Evans.
<b>36.</b>	2/12/19 8:18	<b>Shirley Evans (wife)</b>	Evans tells Shirley that the Commission is working to get him out of prison. He asks Shirley if the Commission has said anything good about the case. Shirley tells Evans that she told the Commission about what her Aunt Pauline Morton told her, but does not go into details.

	<b>DATE/TIME</b>	<b>TO</b>	<b>RELEVANT PORTION</b>
<b>37.</b>	2/12/19 13:18	<b>Shirley Evans (wife)</b>	Evans tells Shirley that the Commission knows who committed this crime, but that the Commission is waiting to get enough money to get him out of prison. Shirley asks Evans who committed the crime, and Evans says that Johnny Evans is the one who did it. Evans tells her that he received a letter from the Commission with Johnny Evans' name on it in June. Evans says he is going to win his case. Evans tells Shirley that when he gets out of prison, he is not going to live in Louisburg because they will do this to him again.
<b>38.</b>	2/28/19 19:23	<b>Alice Faye Johnson (friend)</b>	Evans tells Faye that his attorney, Kevin Tully, and the Commission, came to visit him. Evans says that the Commission had all the people who had lied about Evans, including Billy Solomon, Larry Davis, and Joann Clemonts. Evans says that Clemonts lied about Anthony Carter. Evans says that Tommy Perry testified in court that Evans came into his store the night of the kidnapping. He tells Faye that he saw pictures taken from inside the Victim's vehicle, and that there were things written on a piece of paper that were not in the picture. Evans says he was never in the Victim's vehicle. Evans also tells Faye about taking the blame for a crime committed by Jerry Moore and Billy Solomon involving breaking into Senator James Speed's feed store.
<b>39.</b>	3/5/19 13:42	<b>Anthony "Amp" Carter (cousin)</b>	Evans calls his aunt, Bessie May Carter, but speaks to her son, Anthony. Evans tells Anthony that Joann Clemonts wrote a statement stating Evans sold Anthony a shotgun that Anthony used to shoot his mother's boyfriend. Anthony tells Evans that he (Anthony) purchased the gun he used to shoot his mother's boyfriend during the time Evans was already in prison.
<b>40.</b>	3/6/19 8:08	<b>Bessie May Carter (aunt)</b>	Evans tells Bessie May Carter that Joann Clemonts lied about him because he would not leave his wife, Shirley.
<b>41.</b>	3/19/19 22:36	<b>Alice Faye Johnson (friend)</b>	Evans tells Faye that he believes the next step in his case will be that it goes to court. Evans and Faye discuss how crooked the people in Louisburg are, particularly Pat Green. Evans tells Faye that he has never "arm robbed or kidnapped anyone" in his life.
<b>42.</b>	4/2/19 22:41	<b>Ida Yarbrough (family member)</b>	Evans calls Ida and tells her that the Commission is going to get him out of prison. Ida tells Evans that she knows he is innocent and that the Victim should not have lied about him.

	<b>DATE/TIME</b>	<b>TO</b>	<b>RELEVANT PORTION</b>
<b>43.</b>	5/25/19 23:22	<b>Alice Faye Johnson (friend)</b>	Evans tells Faye that he has passed everything the Commission has given him, and says that he knows he will be getting out soon because the Commission contacted his Aunt Patience about the case. Evans tells Faye that this is good because the Commission knows he has somebody.
<b>44.</b>	6/24/19 11:16	<b>Alice Faye Johnson (friend)</b>	Evans tells Faye that he wants to ask the Commission why his case is taking so long when he has passed everything given to him. Evans tells her about a paper that states Pat Green did not find any evidence and that he (Evans) passed a polygraph. Faye and Evans talk about the Sheriff's Office having something against him. Evans tells Faye that he has committed crimes in the past, but that he is innocent for the crime he is serving time on. Evans tells Faye that the latent prints found were not his and that "they know [he] was not in that car."
<b>45.</b>	8/19/19	<b>Alice Faye Johnson (friend)</b>	Evans tells Faye that the Commission sent him a letter about someone and that it was a test to see if he was telling the truth. Evans tells Faye that he was at home when the Victim was kidnapped, and that his grandmother was not allowed to testify because "they" knew his grandmother knew the Victim well and that his grandfather worked in the Victim's store.

# EVAN'S WHEREABOUTS NIGHT OF CRIME

DATE	INDIVIDUAL	DESCRIPTION	LOCATION IN FILE
4/12/1990	Kenneth Evans	Evans tells FCSO that on the night of the kidnapping he was on Vaiden Road at Tommy Perry's store playing pool.	Ballance file, pg. 180
4/6/1993	Jerry Moore	Moore tells FCSO that Evans didn't live with him and his grandmother in March 1990. He was living with his girlfriend.	Ballance file, pg. 178
4/21/1993	Kenneth Evans	Evans tells FCSO and the SBI that he was at Perry's Garage (Pleasant's Garage) on night of kidnapping until 9pm.	SBI file, pg. 65
4/26/1993	Tommy Perry	Perry tells FCSO that Evans was in Perry's store the night of the crime. They had a lengthy conversation. Evans left between 8:30-8:45 PM and said he was going to Rocky Ford to "to see a babe."	Ballance file, pg. 152
10/3/1993	Linda Collier	Collier tells PI Dan Williams that she does not know whether Evans stopped by her house on 3/5/1990, but doesn't think he did. Collier says she didn't see Evans around the time of the kidnapping. NOTE: It is unclear when Collier's name is first brought up in the case.	Ballance file, pg. 715-719
10/27/1993	Kenneth Evans	Evans tells defense attorneys to ask Tommy Perry if he remembers offering Evans a ride home. Evans also indicates he talked to Tommy Perry after the crime and Perry said that he would tell FCSO Evans was at his store. Evans says he had been at Linda Collier's house between 7-7:30pm. He watched her son. They watched either Wheel of Fortune or Family Feud. Collier lives about ½ mile away from the store. Evans got to the store around 8pm or after. Evans says he left the store walking. Police passed him when he left the store.	Ballance file, pg. 41-44
10/28/1993	Kenneth Evans	Evans tells defense attorneys that "on day he came to house" Linda Collier called out to him to buy a bottle of brandy. Evans didn't have money to buy it. Only Collier and her grandson were home. Danny wasn't home.	Ballance file, pg. 45
10/28/1993	Tommy Perry	Tommy Perry tells defense attorneys that Evans was not at the store at closing from 9-10:00 pm. Evans left walking. Perry says he never saw Evans driving.	Ballance file, pg. 151
12/7/1993	Kenneth Evans	Evans tells his defense attorneys that he got to Tommy Perry's store at 8:30pm. He left the store at 9pm walking. Evans says it was a 15-20 minute walk home and in a different direction from the	Ballance file, pg. 171-174

# EVAN'S WHEREABOUTS NIGHT OF CRIME

DATE	INDIVIDUAL	DESCRIPTION	LOCATION IN FILE
		Victim's house. Evans got home and watched TV with his cousin Jerry Moore until 11pm.	
8/20/1994	Kenneth Evans	Evans tells defense attorneys that he was at Tommy Perry's store at 9pm and only Perry saw him at the store. Evans got there at 8:15pm and played pool with Donald and Larry Wiggins. Evans was at Linda Collier's house until 7:30pm. Evans says he wasn't going in the direction of the Manning home. Evans says his grandmother (already deceased), Mary Alice Moore, Jerry Moore, and Greg Evans were home that night. Evans says he didn't leave.	Ballance file, pg. 276-285
8/21/1994	Mary Moore, Greg Evans	Both are interviewed by defense attorneys. They indicate they are satisfied that Evans was home between 9:30-10pm. Greg Evans says he broke the knob off of his radio trying to record something for Evans.	Ballance file, pg. 258.
9/5/1994	Kenneth Evans	During his Dorothea Dix assessment, Evans says he has an alibi as to being somewhere else and has witnesses.	Ballance file, pg. 189-191
UNK	Notes related to Tommy Perry	Handwritten notes from Larry Norman related to cross of Tommy Perry indicate that while Perry and Evans were at the store a report came over the scanner about a school teacher being robbed in Franklinton using a butcher knife. NOTE: A news article from 3/7/1990 indicates that this crime took place around 10pm.	Ballance file, pg. 157-159
1995	Draft Closing	Larry Norman says Evans was at Tommy Perry's store until 8:45pm. Jerry Moore said Evans arrived home between 9-9:30pm acting normal and went in the other room and played records. Norman says this was corroborated by Mary Alice Moore, who said Evans came home around 9pm. Tommy Perry said Evans left his store walking.	Norman file, pg. 189-192, 209, 215
2002	Kenneth Evans	In PLS questionnaire, Evans names Queen Evans (Evans' mother, now deceased) and Levi Evans (Evans' father, now deceased) as being able to testify for him. Evans says in the letter to Commission that both would have testified as to him being home at the time of the crime.	PLS questionnaire and Evans Commission letter
8/30/2017	Kenneth Evans (Commission interview)	Evans tells the Commission he was home by 9pm. His aunt, Mary Moore, had heard about the kidnapping on the news or a scanner and she told him about it. Evans was at Tommy Perry's store from 8-8:30pm and it was a 20-minute walk home.	Commission interview transcript.

# EVAN'S WHEREABOUTS NIGHT OF CRIME

DATE	INDIVIDUAL	DESCRIPTION	LOCATION IN FILE
		<p>Evans would not have passed the Victim's store. Mary Moore and Carrie Williams (grandmother) were home. Greg Evans (nephew) wasn't there. Evans says he went straight to bed. Evans says Mary Moore said in court that Evans hadn't left the house. Evans was at Linda Collier's house around 7pm. Evans remembered that night because he was in trouble a lot and talked to his aunt about being home at 9pm because he thought law enforcement might question him about this crime.</p> <p>Evans says he heard about the kidnapping on Tommy Perry's scanner and said he was going home. Evans says Perry testified that Evans was at the store in court. Evans didn't recall if Perry said he heard about the kidnapping on the scanner.</p>	
2/28/2019	Kenneth Evans (Commission interview)	Evans tells the Commission he was at Tommy Perry's store at 8:30–8:45pm. He stayed until closing at 9pm. Evans heard something on the scanner about an abduction. Evans says Tommy Perry told law enforcement Evans didn't have a weapon on him. It was a 15-30 minute walk home. When they heard about kidnapping, Evans' grandmother said Evans needed to be at home. Evans was already home by the time the kidnapping occurred. There was no shortcut from Perry's store to Evans' grandmother's house and he would not have walked past the Victim's house. Evans says Jerry Moore was not home. His aunt, Mary Alice Moore, told police that Evans came home and she didn't see him leave. Evans says he was at Linda Collier's house before going to Perry's store.	Commission interview transcript.
7/9/2019	Anthony Carter (Commission Interview)	Anthony Carter tells the Commission that he believes Evans was at another family home in a different area the night of the crime. Carter indicated he had never told anyone about this. When Commission staff told Carter Evans had indicated he was at the Vaiden Road house the night of the crime, Carter says he may have been mistaken.	Commission interview transcript.
7/10/2019, 7/25/2019	Jerry Moore (Commission Interviews)	Jerry Moore told the Commission that Evans was in and out of living at their grandmother's house on Vaiden Road. After being shown prior interviews, Moore recalls Evans coming home on	Commission interview transcripts.

## EVAN'S WHEREABOUTS NIGHT OF CRIME

DATE	INDIVIDUAL	DESCRIPTION	LOCATION IN FILE
		the night of kidnapping, showering, and then leaving. Moore is not sure how he knew this happened on the day of the kidnapping when he was not interviewed until 1993.	
8/1/2019	Larry Wiggins (Commission Interview)	Larry Wiggins tells the Commission he does not know Evans. He indicates there was not a pool table at Tommy Perry's store, but Perry did have cornhole boards and he would go almost every day after work. He had no way of knowing what time or day Evans was talking about.	Commission interview transcript.
8/1/2019	Donald Wiggins (Commission Interview)	Donald Wiggins tells the Commission that Evans is his cousin, but he didn't recall hanging out with Evans at Tommy Perry's store.	Commission interview transcript.
8/13/2019	Linda Collier (Commission interview)	Linda Collier tells the Commission she does not know any information about this crime or Evans' whereabouts.	Commission interview transcript.



**JERRY MOORE JR.**

**CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
SECOND DEGREE TRESPASS (M)	FRANKLIN	4/13/1991	6/25/1991
ASSAULT BY POINTING A GUN (M)	FRANKLIN	4/13/1991	6/25/1991

## **ANTHONY HUGH CARTER**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
BREAKING OR ENTERING (M)	FRANKLIN	8/13/1988	8/29/1988
ASSAULT ON A FEMALE (M)	FRANKLIN	5/4/1990	6/5/1990
ASSAULT ON A FEMALE (M)	FRANKLIN	5/7/1990	6/5/1990
DWI (M)	FRANKLIN	6/17/1990	9/10/1990
DWI (M)	FRANKLIN	8/9/1990	9/10/1990
ASSAULT WITH A DEADLY WEAPON INTENT TO KILL AND INFLICTING SERIOUS INJURY (F)	FRANKLIN	3/29/1991	8/26/1991
DWLR (M)	FRANKLIN	4/14/1991	5/20/1991
DWLR (M)	FRANKLIN	2/29/1992	5/4/1992
DWLR (M)	FRANKLIN	12/14/1992	2/1/1993
CARRYING CONCEALED WEAPON (M)	FRANKLIN	3/13/1993	10/19/1993
ASSAULT ON A FEMALE (M)	FRANKLIN	4/9/1993	10/19/1993
BREAKING OR ENTERING (M)	FRANKLIN	4/9/1993	10/19/1993
DWI – LEVEL 1 (M)	FRANKLIN	5/4/1993	10/19/1993
DWLR PERMANENT (M)	FRANKLIN	5/4/1993	10/19/1993
POSSESS WITH INTENT TO SELL OR DISTRIBUTE COCAINE (F)	FRANKLIN	1/25/1997	5/21/1997

POSSESS WITH INTENT TO MANUFACTURE SELL OR DISTRIBUTE COCAINE (F)	FRANKLIN	7/8/1998	1/27/1999
POSSESS WITH INTENT TO MANUFACTURE SELL OR DISTRIBUTE COCAINE (F)	FRANKLIN	7/11/1999	7/28/1999
DWI – LEVEL 3 (M)	FRANKLIN	6/9/2002	6/28/2002
DWI – LEVEL 3 (M)	FRANKLIN	2/21/2006	5/8/2006
DWLR (M)	FRANKLIN	6/24/2006	9/19/2006
ASSAULT ON A FEMALE (M)	FRANKLIN	6/17/2007	8/21/2007
DWLR (M)	FRANKLIN	9/22/2007	12/4/2007
DWI – LEVEL 2 (M)	FRANKLIN	10/28/2007	5/12/2008
DWLR (M)	FRANKLIN	12/13/2007	1/27/2009
DOMESTIC CRIMINAL TRESPASS (M)	FRANKLIN	1/5/2008	3/18/2008
DWLR (M)	FRANKLIN	6/13/2008	1/27/2009
DWLR (M)	FRANKLIN	8/11/2008	2/9/2009
DWI – LEVEL 1 (M)	FRANKLIN	1/11/2009	4/1/2009
DWLR (M)	FRANKLIN	3/31/2010	2/8/2011
DWLR (M)	NASH	8/27/2010	1/18/2011
POSSESSION OF FIREARM BY FELON (F)	FRANKLIN	5/17/2014	7/6/2015
ASSAULT WITH A DEADLY WEAPON (M)	FRANKLIN	5/17/2014	7/6/2015
DWLR IMPAIRED REVOCATION (M)	FRANKLIN	4/16/2018	5/13/2019

DWLR NOT IMPAIRED REVOCATION (M)	FRANKLIN	5/19/2018	10/29/2018
CRIMINAL CONTEMPT (M)	HALIFAX	1/18/2019	3/20/2019

## **DONALD RAY WIGGINS**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
DUI (F)	FRANKLIN	UNKNOWN	9/28/1978
DEATH BY VEHICLE (F)	FRANKLIN	UNKNOWN	9/28/1978
TAKING INDECENT LIBERTIES WITH A MINOR UNDER 16 YEARS (F)	FRANKLIN	UNKNOWN	9/28/1978
DWLR (M)	FRANKLIN	10/4/1983	11/7/1983
EMPLOYMENT SECURITY LAW FRAUD VIOLATION (M)	FRANKLIN	5/1/1984	4/21/1986
EMPLOYMENT SECURITY LAW FRAUD VIOLATION (M)	FRANKLIN	5/30/1984	4/21/1986
EMPLOYMENT SECURITY LAW FRAUD VIOLATION (M)	FRANKLIN	5/30/1984	4/21/1986
EMPLOYMENT SECURITY LAW FRAUD VIOLATION (M)	FRANKLIN	6/15/1984	4/21/1986
EMPLOYMENT SECURITY LAW FRAUD VIOLATION (M)	FRANKLIN	6/15/1984	4/21/1986
EMPLOYMENT SECURITY LAW FRAUD VIOLATION (M)	FRANKLIN	7/3/1984	4/21/1986
EMPLOYMENT SECURITY LAW FRAUD VIOLATION (M)	FRANKLIN	7/3/1984	4/21/1986
EMPLOYMENT SECURITY LAW FRAUD VIOLATION (M)	FRANKLIN	12/19/1984	4/21/1986

EMPLOYMENT SECURITY LAW FRAUD VIOLATION (M)	FRANKLIN	1/2/1985	4/21/1986
DWI (M)	WARREN	2/28/1987	7/22/1987
STATUTORY RAPE/SEX OFFENDER DEFENDANT >=6 YEARS (F)	FRANKLIN	2/21/1997	7/13/1998
ASSAULT WITH A DEADLY WEAPON (M)	FRANKLIN	1/16/2016	5/25/2016
DWI – LEVEL 5 (M)	FRANKLIN	1/21/2017	12/12/2017
ASSAULT ON A FEMALE (M)	FRANKLIN	10/21/2017	3/5/2018

## **LESTER LEE HAWKINS**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
ROBBERY WITH DANGEROUS WEAPON (F)	FRANKLIN	12/3/1980	4/21/1981
RAPE, 1ST DEGREE BY INJURY/WEAPON (F)	FRANKLIN	12/3/1980	4/21/1981
ARSON (F)	FRANKLIN	12/3/1980	4/21/1981

# SAWED-OFF SHOTGUN CHART

DATE	PERSON	DESCRIPTION	LOCATION IN FILE
3/5/1990	Victim (Investigation Report)	The Victim says the suspect was brandishing a long gun ("not a pistol; possibly a sawed off shotgun").	SBI File, pg. 8-11
3/6/1990	Victim (Interview Report)	The Victim says the suspect had a gun that was not the gun from her home. It was 6-8 inches long.	SBI File, pg. 24-27
4/20/1990	Kenneth Evans (polygraph report)	Evans is asked if he pulled a gun on Mrs. Manning. He answers no. The test did not show any deception.	Ballance file, pg. 182
3/24/1993	Joann Clemonts (Interview Report)	Clemonts says Evans carried a small shotgun.	SBI file, pg. 66-67
4/6/1993	Jerry Moore (Interview report)	Moore says he never saw Evans with a sawed-off shotgun. Moore didn't see Evans with a pistol during that time.	Ballance file, pg. 178
8/8/1993	Christine & Joann Clemonts (Defense interview Notes)	Clemonts says Evans had a sawed-off shotgun that he gave to Anthony Hugh Carter. It is the same gun with which Carter shot his mother's boyfriend in the leg. Officers asked her if she knew where the gun was.	Ballance file, pg. 24-26
8/8/1993	Linwood Earl Williams (Defense interview notes)	Williams says he heard that Evans had pulled a gun on Joann Clemonts.	Ballance file, pg. 119-121
8/10/1993	Kenneth Evans (Defense interview Notes)	"Sold gun to guy at carwash; Samuel Thorpe helped him saw off the gun at the trailer."	Ballance file, pg. 4
9/7/1993	Victim (PI interview transcript)	The Victim says the gun the suspect had was a "sawed-off looking shotgun thing." The gun was not in the car when the suspect left her.	Ballance file, pg. 292-319
10/27/1993	Kenneth Evans (Defense interview notes)	Evans says he had a sawed-off shotgun. He went with Joann Clemonts to pawn it, but they said it was sawed off too short. He sold it to a guy in a van for \$10.	Ballance file, pg. 41-44
10/30/1993	Joann Clemonts (PI interview transcript)	Clemonts said Evans had a single-barrel sawed-off shotgun.	Ballance file, pg. 701-708
10/30/1993	Linwood Earl Williams (PI interview transcript)	Williams says Evans pulled a "play gun" on him. Williams says Evans had a sawed-off shotgun, but he doesn't know what happened to it.	Ballance file, pg. 710-713
10/30/1993	Linda Collier (PI interview transcript)	Collier said her son had seen Evans with a shotgun before, but it wasn't loaded.	Ballance file, pg. 715-719



# SAWED-OFF SHOTGUN CHART

DATE	PERSON	DESCRIPTION	LOCATION IN FILE
UNK	Notes in Ballance file	"Earl Williams – started. Sawed-off shotgun – had it at Rustic Ridge – Showing to another guy brown sawed off. Could hide under clothes."	Ballance file, pg. 3
8/30/2017	Kenneth Evans (Commission interview)	Evans denied owning a gun and denied Samuel Thorpe helping him saw off a shotgun.	Commission interview transcript.
12/18/2018	Joann Clemonts (Commission deposition)	Clemonts says Evans brought a sawed-off shotgun with him when he moved in with her. She always knew Evans to have it, but never saw him use it. Evans would take it with him when he took her car by himself. She did not remember Evans selling the gun to a guy in a van for \$10.	Commission interview transcript.
2/28/2019	Kenneth Evans (Commission interview)	Evans says he didn't have a small shotgun. He denied giving a shotgun to Anthony Carter or trying to pawn a shotgun. Evans didn't have any gun. Evans says his Grandfather had a shotgun in the house but it was a long barrel, 12 gauge.	Commission interview transcript.
7/9/2019	Anthony Carter (Commission interview)	Carter denies shooting his mother's boyfriend in the leg with a shotgun Evans gave him. Carter says he bought the shotgun himself at a hardware store. Carter says he did not know Evans to have a gun. Their grandfather had a shotgun that was kept at the Vaiden Road house, but it was not a sawed-off shotgun.	Commission interview transcript.

# GUN STOLEN FROM VICTIM CHART

DATE	PERSON	DESCRIPTION	LOCATION IN FILE
3/5/1990	Investigation Report	Smith & Wesson .38 cal pistol reported as missing.	SBI File, pg. 8-11
3/7/1990	Franklin Times Article	Article notes a .38 cal pistol was stolen from Victim's home.	
10/5/1992	Reese Wardrick Interview	Evans tried to sell a watch and gun to Wardrick's brother while they were playing basketball.	FCSO file, pg. 2-3 <sup>1</sup>
9/7/1993	Victim (PI Interview Transcript)	Husband found out that their gun was missing while she was gone. She didn't see the suspect with an antique pistol.	Ballance file, pg. 292-319
9/7/1993	Esley Manning (PI interview transcript)	Didn't have a serial number for the gun. Describes it as an antique .32 Smith & Wesson. Has not seen the gun since the crime.	Ballance file, pg. 322-328
8/30/2017	Kenneth Evans (Commission interview)	Evans says that Larry Davis told Pat Green that Evans tried to sell him a .32 cal gun. Evans denied doing so to the Commission.	Commission interview transcript.
12/13/2018	Larry Davis (Commission deposition)	Evans tried to sell him a pearl-handled .32 cal pistol. Told him he didn't buy guns and didn't want anything to do with it. Found out later that was the gun Evans stole from the Victim.	Commission interview transcript.
1/10/2019	Jackie Manning Kemp (Commission deposition)	Her parents' gun was an old, antique small Smith & Wesson. It was brassy colored with an inlaid handle. The gun would be out on top of the TV, but wasn't displayed.	Commission interview transcript.
2/8/2019	Pat Green (Commission deposition)	Didn't recall Davis telling him Evans tried to sell him a gun.	Commission interview transcript.
2/26/2019	Larry Davis (Commission deposition)	Davis says the gun Evans tried to sell him a .32 cal, pearl-handled pistol. Davis told Pat Green about it and Pat Green said it was the gun they were looking for. Davis thinks FCSO found the gun on Evans. <sup>2</sup> Davis thinks Evans tried to sell him this gun within a week of the crime. Davis recalls testifying about this in court.	Commission interview transcript.

<sup>1</sup> Commission has not been able to locate anyone by the name of Reese Wardrick in its investigation.

<sup>2</sup> This is not accurate. Based on the files available to the Commission, the gun was never found.

## GUN STOLEN FROM VICTIM CHART

DATE	PERSON	DESCRIPTION	LOCATION IN FILE
2/27/2019	Larry Norman (Commission interview)	Didn't recall Davis saying Evans tried to sell him a gun. Norman didn't recall a gun being found in this case.	Commission interview transcript.
2/28/2019	Kenneth Evans (Commission interview)	Was told by police someone said he tried to sell them a gun. Never sold anyone a gun. Denies trying to sell a gun to Larry Davis. Doesn't know what kind of gun was stolen.	Commission interview transcript

## **GREGORY ALBERT PHELPS**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
LARCENY (M)	FRANKLIN	UNKNOWN	1/7/1980
PARTICIPATE IN UNLAWFUL ASSEMBLY (M)	FRANKLIN	8/10/1979	9/15/1980
WRONGFULLY BREAK/ENTER A BUILDING (M)	FRANKLIN	9/7/1980	11/10/1980
POSSESS/CONSUME BEER/WINE PUBLIC STREET (M)	FRANKLIN	10/19/1980	12/29/1980
MISDEMEANOR LARCENY (M)	FRANKLIN	1/23/1981	5/4/1981
TRESPASS WITHOUT A LICENSE (M)	FRANKLIN	2/19/1981	4/13/1981
PUBLIC DISTURBANCE (M)	FRANKLIN	2/26/1981	4/13/1981
INTOXICATED AND DISRUPTIVE (M)	FRANKLIN	2/27/1981	4/13/1981
COMMUNICATING THREATS (M)	FRANKLIN	2/27/1981	4/13/1981
INJURY TO PERSONAL PROPERTY (M)	FRANKLIN	8/30/1981	9/21/1981
POSSESS/CONSUME BEER/WINE UNAUTHORIZED PREMISES (M)	FRANKLIN	11/13/1981	11/29/1981
INJURY TO REAL PROPERTY (M)	FRANKLIN	12/8/1981	8/19/1985
POSSESS STOLEN GOODS/PROPERTY (M)	FRANKLIN	12/30/1981	8/19/1985

INJURY TO PERSONAL PROPERTY (M)	FRANKLIN	2/5/1982	3/29/1982
TRESPASS WITHOUT A LICENSE (M)	FRANKLIN	12/16/1984	2/4/1985
DWI (M)	FRANKLIN	3/9/1985	7/15/1985
RESIST/OBSTRUCT PUBLIC OFFICER (M)	FRANKLIN	3/9/1985	7/15/1985
DWLR (M)	FRANKLIN	4/4/1986	8/11/1986
BREAKING OR ENTERING (M)	FRANKLIN	2/3/1987	9/2/1987
MISDEMEANOR LARCENY (M)	FRANKLIN	2/3/1987	9/2/1987
COMMON LAW FORGERY (M)	FRANKLIN	4/17/1988	3/21/1989
MISDEMEANOR LARCENY (M)	FRANKLIN	2/28/1989	3/21/1989
UNAUTHORIZED USE OF MOTOR VEHICLE (M)	FRANKLIN	3/28/1990	7/17/1990
BREAKING AND OR ENTERING (F)	FRANKLIN	2/8/1991	4/29/1991
FELONY LARCENY > \$400 (F)	FRANKLIN	2/8/1991	4/29/1991
MISDEMEANOR LARCENY (M)	FRANKLIN	11/20/1991	9/1/1992
BREAKING OR ENTERING (M)	FRANKLIN	11/20/1991	9/1/1992
ATTEMPTED BURGLARY (F)	SAN BERNADINO, CA	ARRESTED 1/5/1992	UNKNOWN
SHOPLIFTING (M)	NORTH CHARLESTON, SC	4/20/1997	5/19/1997
POSSESS STOLEN GOODS/PROPERTY (F)	JOHNSTON	3/1/2006	5/4/2006

DWI – ALCOHOL (M)	SPRINGFIELD, MO	ARRESTED 5/19/2011	3/23/2009
ASSAULT – 4TH DEGREE (M)	SPRINGFIELD, MO	2/2/2018	2/27/2019

## **EDDIE ROY MOORE**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
CRIMINAL POSSESSION CONTROLLED SUBSTANCE – 7TH DEGREE (M)	SPRING VALLEY, NY	ARRESTED 10/9/1986	6/24/1987
DWI (M)	FRANKLIN	3/4/1989	10/30/1989
DWI (M)	FRANKLIN	8/17/1991	2/17/1992

**JIMMIE EARL GODFREY JR.**

**CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
BREAKING AND OR ENTERING (F)	FRANKLIN	9/22/1987	1/23/1989
FELONY LARCENY > \$400 (F)	FRANKLIN	9/22/1987	1/23/1989
BREAKING AND OR ENTERING (F)	FRANKLIN	3/8/1987	1/23/1989
FELONY LARCENY > \$400 (F)	FRANKLIN	3/8/1987	1/23/1989
BREAKING AND OR ENTERING (F)	FRANKLIN	4/20/1988	1/23/1989
FELONY LARCENY > \$400 (F)	FRANKLIN	4/20/1988	1/23/1989
BREAKING AND OR ENTERING (F)	FRANKLIN	4/28/1988	1/23/1989
FELONY LARCENY > \$400 (F)	FRANKLIN	4/28/1988	1/23/1989
BREAKING AND OR ENTERING (F)	FRANKLIN	5/2/1988	1/23/1989
FELONY LARCENY > \$400 (F)	FRANKLIN	5/2/1988	1/23/1989
BREAKING AND OR ENTERING (F)	FRANKLIN	5/16/1988	1/23/1989
FELONY LARCENY > \$400 (F)	FRANKLIN	5/16/1988	1/23/1989
LARCENY OF A FIREARM (F)	FRANKLIN	8/22/1989	6/15/1990
ASSAULT WITH DEADLY WEAPON INTENT TO KILL (F)	WAKE	12/1/1989	2/8/1990



ROBBERY WITH DANGEROUS WEAPON (F)	WAKE	12/1/1989	2/8/1990
BREAKING AND OR ENTERING (F)	WAKE	7/30/1998	1/4/1999
FELONY LARCENY (F)	WAKE	7/30/1998	1/5/1999
EMBEZZLEMENT (F)	WAKE	12/18/1998	2/3/1999
CARJACKING 2 COUNTS (F)	FEDERAL	ARRESTED 10/25/2000	12/18/2000
BRANDISHING A FIREARM (F)	FEDERAL	ARRESTED 10/25/2000	12/18/2000
ATTEMPTED BANK ROBBERY (F)	FEDERAL	ARRESTED 10/25/2000	12/18/2000
CARJACKING – ARMED (F)	FEDERAL	ARRESTED 10/25/2000	5/30/2001
ROBBERY – BANKING INSTITUTION (F)	FEDERAL	ARRESTED 10/25/2000	5/30/2001
MISDEMEANOR LARCENY (M)	WAKE	7/9/2013	12/2/2013
BREAKING AND OR ENTERING (F)	WAKE	4/9/2015	8/12/2015
LARCENY AFTER BREAKING/ENTERING (F)	WAKE	4/9/2015	8/12/2015
COMMON LAW ROBBERY (F)	WAKE	4/20/2015	8/12/2015

## **LARRY DARNELL DAVIS**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
TRESPASS WITHOUT A LICENSE (M)	FRANKLIN	10/22/1981	11/23/1981
ASSAULT AND BATTERY (M)	FRANKLIN	11/18/1983	12/5/1983
ASSAULT ON A FEMALE (M)	FRANKLIN	5/9/1987	7/20/1987
TRESPASS WITHOUT A LICENCE (M)	FRANKLIN	10/23/1987	11/16/1987
SIMPLE ASSAULT (M)	FRANKLIN	10/23/1987	11/16/1987
ASSAULT ON LAW OFFICER (M)	FRANKLIN	10/23/1987	11/16/1987
ASSAULT ON LAW OFFICER (M)	FRANKLIN	10/23/1987	11/16/1987
FELONY LARCENY > \$400 (F)	GRANVILLE	5/8/1989	10/3/1989
CARRYING CONCEALED WEAPON (M)	VANCE	5/29/1989	6/23/1989
DWI – LEVEL 5 (M)	NASH	11/16/1990	3/3/1992
DWLR (M)	SAMPSON	5/16/1991	6/12/1991
DWI – LEVEL 5 (M)	GUILFORD	8/21/1991	11/14/1991
DWLR (M)	GUILFORD	8/21/1991	11/14/1991
DWLR (M)	VANCE	8/29/1991	10/8/1991
DWLR (M)	FRANKLIN	8/24/1992	10/26/1992
DWLR (M)	FRANKLIN	3/6/1993	2/9/1994

DWLR (M)	FRANKLIN	3/8/1993	2/9/1994
DWLR (M)	FRANKLIN	7/29/1993	4/21/1994
DWLR (M)	FRANKLIN	9/7/1993	4/21/1994
DWLR (M)	FRANKLIN	11/12/1994	4/11/1995
MISDEMEANOR LARCENY (M)	FRANKLIN	1/5/1995	4/11/1995
DWI – LEVEL 3 (M)	FRANKLIN	11/1/1996	2/3/1997
DWLR (M)	FRANKLIN	11/1/1996	2/3/1997
DWLR (M)	FRANKLIN	6/7/1998	4/15/2002
DWLR (M)	FRANKLIN	5/18/1999	6/21/1999
DWLR (M)	FRANKLIN	9/2/2002	2/24/2003
SEX OFFENSE – PARENTAL ROLE (F)	FRANKLIN	4/20/2005	2/27/2006
SEX OFFENSE – PARENTAL ROLE (F)	FRANKLIN	4/20/2005	2/27/2006
DWI – LEVEL 4 (M)	VANCE	9/3/2009	5/3/2011

Portions Sealed By  
Order of Judge Anna  
Mills Wagoner  
7/4/2020

*February 26, 2019 – Deposition of Larry Davis*

<b>Page #</b>	<b>Description</b>	<b>Exhibit</b>
1	Deposition of Larry Davis (Davis) by Grant Staff Attorney Catherine Matoian (CLM). Associate Director Beth Tanner and Grant Legal Investigator Mackenzie Myers also present.	
2	Exhibit list.	
3	CLM explains the Commission to Davis and asks preliminary questions.	
4	Davis knew about the Manning kidnapping because he heard about it on the news. Davis also knew that the Sheriff was looking for Kenneth Evans pretty soon after the crime.	
5	Davis knew FCSO was looking for Evans because they told him. He knew a lot of deputies.	
5	CLM asks if the sheriff's office told him about this because he was a confidential informant for them and he says yes. Davis then says that he didn't know FCSO was looking for Evans.	
5-6	Davis thinks he was standing in front of Jamee Scott's place, which was a club where you could shoot pool. Evans showed Davis a .32 pearl handled pistol and asked Davis if he wanted to buy it. Davis said no.	
6	Davis got caught with a DWI and was locked up with Evans. He was downstairs and Evans was upstairs. Evans was brought downstairs. When he passed Davis' cell, Evans said if he had the chance to run, he was going to run.	
7	CLM asks Davis how he connected Evans saying her wanted to escape from jail to the kidnapping and Davis says he read about the kidnapping in the paper. Evans was already in jail for it.	
7	The incident where Evans tried to sell him the gun happened before they were in jail together. Davis told FCSO about Evans trying to sell him the gun and they said that was the gun they were looking for related to the kidnapping. Davis thinks FCSO got the gun from Evans.	
8-9	Evans came downstairs at the jail because he was being brought to court.	
9	Davis connected the gun Evans tried to sell him to the kidnapping when he was brought to court.	
9	Davis says he was brought to court and was asked a lot of questions. He told the judge he had one more thing to say and told them about the pearl-handled .32 pistol.	
10	At the time he went to trial, he had not given a	

	statement to police about this case.	
10	Davis says Pat Green asked him about this, but Davis never brought it up. One day he told Green about the gun and Green said that was the gun they were looking for. This was before he was in jail with Mr. Evans.	
11-12	During the Commission's first deposition of Davis, Davis said Evans tried to sell him the gun within a week of the crime. CLM tells Davis that the crime happened in 1990 and Evans was not arrested until April 1993.	
13	Davis says when he went to court, Evans was in the room. Davis was asked a lot of questions that he didn't know the answers to. He told the judge he wanted to add one more thing and told them about Evans trying to sell him the gun. Davis says that after he said that, "the lawyers and them dropped their heads or whatever."	
14	The DA's name was Susan Thompson. He wasn't offered short time or anything else.	
14	The only thing he knew about was the gun.	
14-15	CLM asks Davis if Evans ever talked to him about this case while they were in jail, Evans only said he was going to escape if he had the chance.	
15	<div style="background-color: black; height: 1.2em; width: 100%;"></div> <div style="background-color: black; height: 1.2em; width: 95%;"></div> <div style="background-color: black; height: 1.2em; width: 85%;"></div> <div style="background-color: black; height: 1.2em; width: 90%;"></div> <div style="background-color: black; height: 1.2em; width: 25%;"></div>	
16-17	Davis is shown <b>Ex. 29</b> . Davis thinks the part about him being released from jail is related to him being transferred to the courthouse for the trial.	<b>Ex. 29</b> – 10/8/1992 interview of Larry Davis. (Attached here)
17	Davis says the part about Evans being in jail is false because he was "up top."	
17-18	CLM reads <b>Ex. 29</b> to Davis (NOTE: Davis is legally blind).	
18-19	Davis says the only thing he ever told FCSO about was the gun Evans tried to sell him. He asks who wrote the report. CLM tells him it was Pat Green. Davis says he may have talked to Green about "some of this stuff" in <b>Ex. 29</b> , but "a lot of this stuff, uh-uh (no)."	
19-24	Davis goes through <b>Ex. 29</b> and highlights the things he remembers saying to Green and to use a blue pen and "x" out the lines of things he did not say. See attached <b>Ex. 29</b> for the highlights and x's. Davis says he did not say that Evans had told him about kidnapping the older white lady in Centerville and the other details.	
24-25	Davis says that he is not going to prison for this. CLM says the Commission is investigating Evans' claim and that is what the questions are related to. Davis says he is not going to lie and CLM says all we are asking for is	

	the truth.	
25-26	Davis does not recall Evans giving him specific details about the kidnapping or rape cases. Davis says Evans would “be stupid” to tell him those things. The only thing Davis recalls Evans saying is that he would run if he (Evans) got the chance. Davis says he did not say the things detailed in <b>Ex. 29</b> .	
26-27	Davis doesn’t know why Pat Green would write these things if Davis didn’t say them. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
27-28	CLM points out that <b>Ex. 29</b> does not include any information about Evans trying to sell him a gun. Davis indicates that means Green was lying.	
28-29	Davis recalls being brought into the courtroom and being sworn in. He told the court about Evans trying to sell him the gun.	
29	When Evans told Davis he was going to run if he got the chance, Davis told Evans that he (Davis) didn’t have anything to do with it.	
29	Davis asks why the information about the .32 cal pistol is not in <b>Ex. 29</b> . He asks CLM to read part the statement to him again.	
30-31	Evans was in the upstairs of the jail and Davis was downstairs. They didn’t see each other. The upstairs people would go through the downstairs part to get to jail.	
32-33	CLM reads <b>Ex. 29</b> to Davis. Davis says he did not talk to Evans a lot. He does recall Evans saying the police didn’t have a lot on him.	
33	The jailer didn’t hear Evans saying any of these things to Davis.	
34	Davis does not recall giving any statements to FCSO about the rape case. He only told FCSO about Evans trying to sell him the gun.	
34-35	Davis did not know why he was in court when he was brought in. No one told him he was going to testify. He could see Evans and his lawyer Larry Norman in the courtroom.	

35-38	Davis goes through <b>Ex. 30</b> and highlights the things he remembers saying to Green and to use a blue pen and “x” out the lines of things he did not say. He does recall Evans saying the police couldn’t pin this on him because the woman couldn’t see him. CLM asks if Davis took this statement to be Evans admitting to the kidnapping and Davis says he didn’t.	<b>Ex. 30</b> – 3/5/1993 Larry Davis statement. (Attached here)
38	Davis says Evans would have been crazy to admit to committing the crime to him.	
39	Davis says that Green lied. The first thing Green should have said in the report was about the gun Evans tried to sell him.	
39-40	CLM asks Davis why Evans would have been crazy to make those statements from <b>Ex. 30</b> to him. Davis says there is a code in jail or prison where you don’t tell anyone what you’re in for. Davis did not see eye to eye with Evans because of Davis’ cousin (Shirley Evans). Davis said he would not tell lies about Evans.	
40	CLM asks if that code would apply between two inmates who knew each other outside of jail. Davis says yes. What happens in jail, stays in jail.	
40	████████████████████████████████████████ ████████████████████████████████████████ ████████████████████	
40-41	Davis only recalls testifying at Evans’ trial.	
41	Shirley Evans was scared of Evans. Shirley stayed with Pauline Morton.	
41-42	Evans would take money from Shirley Evans. If he was physically abusive, Shirley Evans would not have told Davis. “Some people you love get beat up, some people don’t.”	
42	CLM asks Davis why he and Evans didn’t see eye to eye and Davis says it is because Evans was “jumpin’ on” Shirley Evans. He didn’t know they were married.	
43	Davis didn’t know that Evans was dating Joann Clemonts. He doesn’t know whether Evans was dating both Shirley Evans and Joann Clemonts or if he left Shirley to date Joann.	
43-44	He knew Clemonts and her mother when he was hanging in the street, drinking and getting high. The whole time he was around Clemonts, he did not see Evans with her. He dated Clemonts’ mother, but doesn’t know the years. He doesn’t recall giving Clemonts’ mother tape or rope.	



45	Clemonts' mother lived in Franklinton. Davis mostly stayed in Louisburg.	
45-46	He had been to the Manning's store in Centerville many times. He didn't know the Victim or husband personally. He had heard about the store getting robbed two or three times. He didn't pay much attention to it.	
46-49	Davis is shown <b>Ex. 17</b> and directed to the notes from the 3/5/1993 interview. CLM reads the notes. Davis highlights the things he remembers saying to Green and to use a blue pen and "x" out the lines of things he did not say. Davis says Evans did not tell him about doing something to a woman, but he did try to sell him a gun.	<b>Ex. 17</b> – FCSO file (Attached here)
48-49	Davis remarks that he does not see any information about the .32 cal pistol in the notes.	
49-50	Davis asks about getting copies of what he said. CLM tells him he will be provided with a transcript of the deposition.	
50	Davis doesn't recall talking to Clemonts about this case. Clemonts didn't tell Davis she was seeing Evans. He doesn't know of a time when Evans lived with Clemonts. He did see Earl Williams.	
51	Davis doesn't recall knowing that Evans dated Clemonts right before Earl Williams. He doesn't know when Clemonts and Earl Williams got together.	
51-52	Davis doesn't recall Clemonts testifying at the trial. He left the courtroom after he testified.	
52-54	Davis is shown <b>Ex. 5</b> . Davis does not recall talking to Joann Clemonts about the car or anything to do with Evans' case.	<b>Ex. 5</b> – 10/21/1994 notes re: phone call from Evans (Brief, pg. 295)
55	CLM tells Davis that the crime happened in March 1990 and confirms with Davis that his recollection is that Evans tried to sell him the gun sometime close to the time of the crime. Davis thinks he got locked up 3-4 days later. Davis doesn't understand "the rest of this stuff."	
55-56	CLM tells Davis she does not have any statements from Davis to FCSO close to 1990 and the first statement is dated 1992. Davis says "Ain't that like two years after?" and asks why his name popped up when he was in jail. CLM says that is her question for Davis.	
56	Davis says he is puzzled that the information about the gun is not in these reports. Davis says he went to court and "that's what really got him (Evans)."	
56-57	CLM continues to explain the timeline of the case to Davis in relation to when his statements appear.	

58	Davis says this is all he can tell the Commission and he doesn't remember more. He asks if he needs a lawyer.	
59-60	Davis says he doesn't want to get locked up for something he doesn't remember. CLM asks him what he thinks he would get locked up for. Davis says "Because it seem like all this stuff being lied – most of this stuff is a lie, that I haven't said... It look like the finger pointing at me..." CLM asks what makes him think a finger's being pointed at him. Davis says he doesn't know but that is "seem (sic) like everything is pointing at me." CLM explains she is trying to piece together information and understand everything she can about the case and is asking these questions to gather information.	
60	Davis says that he doesn't understand why the gun is not mentioned in any of these statements. CLM tells Davis she did not create those documents so she can't answer those questions.	
60	Davis can't remember anything other than the gun and what he remembers Evans saying to him in jail.	
60-61	Davis says that he didn't know why he was going to the courtroom.	
61	Davis says he doesn't want to get involved in anything because it seems when you try to do something to people it comes back on you. CLM asks Davis what he thinks is coming back on him. Davis says he has gotten his life straight now and this case comes up.	
61-62	CLM tells Davis she is not trying to punish him by asking questions. Davis says he knows that but it seems to him that "a lot of this stuff is false." He can't remember some of the things he said, but says Evans would be stupid to tell him what he did to anyone. Davis says that if he had committed this crime, he never would've told anyone anything.	
62	Davis does not remember being interviewed by a defense attorney.	
62-64	Davis knew Debbie Drake but doesn't know anything about the rape case. She lived near him.	
64-65	Davis knew Billy Glenn Solomon, but not well. Solomon stayed in Summerville. Senator Speed lived across from Larry Davis. Davis doesn't know if Solomon and Evans were friends. He doesn't know about Solomon being a witness in this case.	
66	Davis does not know Walt Christopher Best or Marvin Raines.	

66	Davis heard that Jerry Moore testified. Davis never talked to Moore about it.	
67	Davis doesn't know Reese, Tony, or Jean/Gene Wardrick. He's heard the names but wouldn't know them unless he saw them.	
67-68	Davis talks about his mother being in the hospital the night before the deposition.	
68	Davis doesn't remember if the lawyers asked him questions about the information he's been reading in his statements when he testified at trial.	
68-69	Davis thinks he testified about the gun and Evans talking about escaping jail. He doesn't know about the rape.	
69	It puzzles Davis that the information about the .32 pistol isn't in his statements. He does know that Evans tried to sell him that gun.	
70	Davis remembers someone telling him that Jerry Moore testified at the trial. That conversation was years ago. He doesn't know who told him. They were in Louisburg.	
70	Davis doesn't know if the Victim identified Evans as the person who kidnapped her. Davis doesn't recall being offered anything in exchange for his testimony.	
71	CLM asks about a DWLR charge from November 1994. Davis thinks that may have been why he went to jail.	
71	Davis recalls Susan Thompson asking him if he was offered anything and Davis says no. Davis went to prison after this.	
72	Davis doesn't recall a possession of stolen goods and property charge from January 1995. He doesn't recall pleading guilty to a misdemeanor larceny charge. Davis says that must have been another Larry and he has "never been that low."	
72	Davis did not receive anything in connection with his testimony in this case.	
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76	Davis is shown <b>Ex. 31</b> . Davis says no one ever told him that.	<b>Ex. 31</b> – Notes from Larry Norman closing. (Brief, pg. 401)
77	Larry Norman was Davis’ lawyer for Chapter 13.	
77-78	Davis doesn’t know whether it is true that they didn’t have enough information to charge Mr. Evans until he came forward. CLM tells him that a newspaper article said Davis provided information that was not available to the public. Davis doesn’t know whether that is true. He doesn’t remember saying that the Victim’s car was almost out of gas.	
78-79	Davis smoked Newport. The long ones.	
79	Break.	
80-84	CLM asks Davis to clarify if the highlighted lines in <b>Ex. 29</b> and <b>Ex. 30</b> are things he specifically remembers Evans saying to him. Davis asks CLM to read <b>Ex. 29</b> to him. CLM reads the highlighted portions. Davis had previously highlighted a portion that said he talked to Evans a lot and they were friends. He now says that is not true. He marks those lines and initials them. He asks CLM to read it again.	
85-87	CLM asks Davis to clarify that the lines he has marked in <b>Ex. 29</b> with an “x” are things that he doesn’t remember Evans saying. He specifically says the part about him and Evans being friends and talking a lot is untrue.	
87-88	CLM asks Davis to clarify the same points in <b>Ex. 30</b> .	
88-91	CLM asks Davis about the statement Evans made to him about FCSO couldn’t pin him with the kidnapping because the woman couldn’t see him. Davis says Evans said they could not “pin nothing” on him (Evans). Davis now says that Evans did not say the part about the woman not being able to see him. He doesn’t remember Evans saying that.	
91-92	Davis is specific that Evans did not say that he had kidnapped an older woman in Centerville and left her in the woods.	
92-93	Davis says “come to think of it,” he gave Evans a ride that day. He had a black wave cap on his head. He	

	dropped him off where a little store was. It was not the Manning's store. It was a little brick store.	
94	Davis finishes explaining that he doesn't remember the lines with an "x" by them in <b>Ex. 30</b> .	
94-96	CLM asks Davis to clarify the same points regarding the highlights and x's in the 3/5/1993 statement from <b>Ex. 17</b> . He remembers talking to Evans at the poolroom. That is when Evans tried to sell him the gun, but that information does not appear in <b>Ex. 17</b> . The other x's are for information that he doesn't remember Evans saying to him.	
96-98	Davis says that he remembers dropping Evans off at a store. He thinks it was in '93. Evans was wearing a black wave cap. Davis describes a wave cap as being put on your head, tied in the back, and it hangs down. CLM shows him an example of a do-rag in <b>Ex. 24</b> . Davis says that is it. He calls it a wave cap, not a do-rag. Evans wore that in public most of the time.	<b>Ex. 24</b> – Photograph of a do-rag (Brief, pg. 80)
99	Evans was not a neat dresser.	
99	CLM asks Davis why he gave Evans a ride when he said he didn't like him. Davis said he would still give him a ride. He wouldn't do it frequently.	
100	The man who worked at the store was dead. His name was Tommy. He worked for FCSO. CLM asks if he's talking about Tommy Perry and Davis says he is.	
100	Davis dropped Evans off during the daytime.	
101	It takes 15-20 minutes to get to Centerville from Louisburg.	
101	Davis remembers doing this in 1993, but he never said anything about it.	
101-102	CLM reminds Davis she told him the crime happened in March 1990. Davis says he remembers he gave Evans a ride "when that stuff happened."	
103-104	Davis heard people talking about someone going to the store and Davis realized he was the one who gave Evans a ride to the store. Davis thinks this happened the same time of the crime. He heard about the crime the next day. He heard someone broke into the Victim's house and left her outside somewhere for dead.	
104	CLM asks Davis how he connected the crime with dropping Evans off at the store and Davis said because of people telling him what they had on him. He heard the Victim's description of the wave cap.	

105-106	Davis said he didn't testify about this in court because he was surprised about testifying and "you can't think of everything." Nobody talked about the scarf or wave cap in court. He's never talked about this with anyone before.	
106	Davis thinks that Evans has done enough time and needs to spend time with his family.	
106	Davis has not seen any of the statements he was shown today.	
107	Davis would like an answer as to why the gun wasn't mentioned. He wouldn't lie about that.	
107-108	CLM asks if there is any other situation he can think of with Pat Green where Green misrepresented something Davis said. He doesn't think so.	
108-109	Davis cannot recall any situation where he was giving information to law enforcement and they were writing down what they said. Davis wants to know why Pat Green didn't have him (Davis) sign the statements.	
109	Davis doesn't remember anything else about the trial.	
110-111	Davis doesn't recall Evans telling him anything about any crimes he committed. Evans never talked to Davis about the Victim, her husband, or their store.	
112	Davis doesn't know any details about robberies of the Manning's store. He heard rumors, but no one specifically was named.	
112-113	CLM asks Davis if he is scared of Evans. Davis says that when Evans was at Bunn, a man named Rex Crudup who worked there told Davis that Evans said "Hello." Davis didn't know how to take this.	
114	Davis has never been threatened by anyone about this case. He was afraid of the Commission process because he didn't know how to take it.	
114-115	During the time he was a CI, he might have gone to law enforcement with information anyone gave him about a crime that they committed. Davis says that if Evans told him he raped or killed a woman, he would've told law enforcement. He would've told them about the kidnapping.	
116-118	Davis is shown <b>Ex. 28</b> . CLM reads the portion with the Victim's description of the suspect. He can't tell if that description matches the height and weight of Evans.	<b>Ex. 28</b> – Draft closing of Larry Norman (Brief, pg. 392-397)
118	CLM reads the portion of <b>Ex. 28</b> where Norman indicates Davis matches the suspect description. Davis has never heard this before. He denies any involvement in the kidnapping. He never committed any crimes with	

	Evans.	
118-124	CLM asks Davis for a voluntary DNA sample. Davis calls his stepdad for advice. Davis agrees to provide the swab.	
124-129	CLM explains the Commission process to Davis and explains that he may be called to testify at a Commission hearing. Davis asks if he will be locked up. CLM and DET explain that the Commission is not law enforcement. CLM does explain that if he has been subpoenaed for the hearing and the Commission has an indication he will not comply with the subpoena, the Commission would seek to enforce that subpoena. Davis says he will not do that anymore.	

STATE OF NORTH CAROLINA  
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 93 CRS 2261-2263

STATE OF NORTH CAROLINA, ]  
Petitioner, ]  
vs. ]  
KENNETH LEON EVANS, ]  
Defendant. ]

T R A N S C R I P T

Larry Davis  
Deposition

DEPOSITION

OF

LARRY DAVIS

This is the transcript of the audio recording of the deposition taken of Larry Davis, which was audio and video recorded. The deposition was conducted by Catherine Matoian, Grant Staff Attorney from the North Carolina Innocence Inquiry Commission. The witness was sworn in by Beth Tanner. The deposition took place on February 26, 2019.

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**EXHIBITS**

EXHIBIT NUMBER 5 .....	52
EXHIBIT NUMBER 17 .....	46, 94
EXHIBIT NUMBER 24 .....	97
EXHIBIT NUMBER 28 .....	117
EXHIBIT NUMBER 29 .....	16, 80
EXHIBIT NUMBER 30 .....	35, 80, 87
EXHIBIT NUMBER 31 .....	76

**[END OF PAGE]**

1                   **[The deposition commenced on February 26, 2019.]**

2                   MS. TANNER: Okay, Mr. Davis. If you'd put your  
3 left hand on the Bible and raise your right hand for me. Do  
4 you swear that the testimony you're about to give is the  
5 truth, the whole truth and nothing but the truth so help you  
6 God?

7                   MR. DAVIS: Yes.

8                   MS. TANNER: Thank you.

9 EXAMINATION BY MS. MATOIAN:

10                  Q. Okay, Mr. Davis, it is February 26, 2019 at about  
11 3:00 o'clock, p.m. and we are here to complete the deposition  
12 that started on December 13<sup>th</sup>, 2018 in the case of State  
13 versus Kenneth Leon Evans.

14                  I won't go through all my preliminary stuff this time,  
15 but the same rules apply as last time. You're under oath and  
16 are expected to testify truthfully.

17                  The Commission is a neutral State Agency. We don't  
18 represent Mr. Evans, and I would just ask that you let me  
19 complete my questions before you start answering, ask me to  
20 clarify any questions that you don't understand, or ask me for  
21 any documentation you think I might have that would help you.  
22 Do you understand all of that?

23                  A. Yes, ma'am.

24                  Q. Okay. All right. I think we covered a - a little  
25 bit of this last time, but we're probably gonna go over a lot

1 of that again today.

2 Can you tell me what you know about the kidnapping of  
3 Euther Andrews Manning in Centreville from March 1990?

4 A. The kidnapping, I knew about it, but, how can I say  
5 it - I knew about the kidnapping.

6 Q. Okay; and, how did you know about it?

7 A. It was in the paper then, plus the Sheriff was  
8 looking for someone in Louisburg, and then, when they told me  
9 that, you know, then I - [indecipherable]. Okay. I'm gonna  
10 wait until you ask me. So, if there's anything - do you have  
11 something --

12 Q. Okay.

13 A. -- okay. We'll be quiet with this [indecipherable]

14 Q. Okay. Who was the Sheriff looking for?

15 A. Kenny Evans.

16 Q. Okay. Do you - and how close in time was the  
17 Sheriff looking for Mr. Evans to when you were seeing about  
18 the kidnapping in the paper?

19 A. I would say maybe a day later.

20 Q. So, it was pretty soon after --

21 A. Yeah.

22 Q. -- the crime?

23 A. Yes, ma'am.

24 Q. Okay.

25 A. Yes, ma'am.

1 Q. And how did you know that the police were looking  
2 for Kenneth Evans?

3 A. 'Cause they told me.

4 Q. Okay; and, why'd they tell you that?

5 A. 'Cause, I know a lot of Sheriff. Like I'm saying, I  
6 know a lot of people.

7 Q. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. [REDACTED]

11 Q. Okay; and, when they came to you and told you that  
12 Mr. Evans was a suspect, what did they tell you about him?

13 A. Well, okay - oh, let's - let's go back. I'm sorry  
14 about this. No, I didn't know they were looking for him.

15 Q. Okay.

16 A. What - what - what - me and Kenny either we were  
17 standing in front of this place called Jame Scott. There used  
18 to be like a little club like you'd shoot pool in called Jame  
19 Scott.

20 Q. Jane, J-A-N-E?

21 A. J-A-M-E. Jame Scott.

22 Q. Jame Scott. Okay.

23 A. Yes, ma'am. It used to be like a little place you'd  
24 hang out at, shoot pool [indecipherable] bring a little liquor  
25 or whatever. And me and Kenny were standing outside. Well,

1 me, Kenny and two more guys, standing outside on the steps.  
2 He - I was standing, he was sitting on the steps. Then, he  
3 sit there, showed me a .32 pearl handled pistol and asked me  
4 did I want to buy it. I said, "No, I do not want to buy it."

5 So, then, I got caught driving on a license, DWI, got  
6 caught on license - and then, I got locked up with Kenny.  
7 Kenny was upstairs, I was downstairs. Then, when Kenny came  
8 downstairs, like I told you, I never saw Kenny 'cause he was  
9 upstairs, but they brought him - brought Kenny downstairs, and  
10 then Kenny come - you know, they'll come passed, you know,  
11 where you in, the jail. And that's when Kenny told me, he  
12 said, "Larry" - let me make sure I say it right. "If I get a  
13 chance to run, I'm gonna run 'cause I'm not gonna, you know,  
14 I'm - I'm gonna run. I'm - I'm gonna do my best to get away  
15 from these people" and you know, and that's - that's the  
16 honest to God truth. That's what he told me.

17 Q. He said that he was going to escape from jail; is  
18 that what he was saying?

19 A. He said as - once - if he go to court, he get a  
20 chance - 'cause he was going to court.

21 Q. Okay.

22 A. And he was saying that if he get a chance to - to  
23 run from them, get a chance to - to go, to leave, you know,  
24 escape, he - he going. He gonna run from here if he get a  
25 chance.

1 Q. Okay.

2 A. You know, that - that's what he told me.

3 Q. How did you connect that to the kidnapping?

4 A. The kidnapping came - I read about that in the  
5 paper.

6 Q. Okay. Did you know - the time you're in jail with  
7 Mr. Evans, did you - what was he in jail for?

8 A. Kidnapping.

9 Q. So, this was after he'd already been arrested for  
10 the kidnapping?

11 A. Right. I was - he was in jail before me.

12 Q. Okay.

13 A. And then, I went later on after they caught me for  
14 driving on a license, DWI, and then, I was downstairs, he was  
15 upstairs.

16 Q. Okay.

17 A. And - and before all of this, before Kenny got  
18 locked up - before he got locked up, that's when he showed me  
19 he had a .32 pistol with a pearl handled gun. And then, I  
20 told the Sheriff about it before I got locked up and they said  
21 that's the gun they looking for because that's the gun that  
22 the woman had. And I - if I'm not mistaken, I think they got  
23 it from him. I don't know.

24 Q. Okay.

25 A. I'm just being honest.

1 Q. Okay.

2 A. You know.

3 Q. So, you - and I just want to make sure I understand  
4 you correctly, so please correct me if I'm wrong.

5 A. Yes, ma'am.

6 Q. Before you're in jail together, Mr. Evans attempts  
7 to sell you the .32 pearl handled pistol at the Jame Scott --

8 A. Yes, ma'am.

9 Q. -- I don't know if club's the right word but for  
10 lack --

11 A. Well, a little hang out.

12 Q. -- of a better term. The hang out spot?

13 A. Yes, ma'am.

14 Q. And you declined?

15 A. Right.

16 Q. Later on, Mr. Evans is already been charged with the  
17 kidnapping --

18 A. Right.

19 Q. -- and you're in jail at the same time, and  
20 eventually, you get moved in the jail to where you're around  
21 each other?

22 A. No. He upstairs, I'm downstairs.

23 Q. Okay.

24 A. Yes, ma'am.

25 Q. But he came downstairs at some point?

1 A. Right, they carried him to court.

2 Q. Okay.

3 A. Right.

4 Q. And at that time, he told you that if he got to  
5 court and he had the chance he was going to run?

6 A. Okay. He told me, when he came past my bars, he  
7 called me over and that's when told me.

8 Q. Okay.

9 A. While I was - you know, 'cause when they come down,  
10 they gotta come past you.

11 Q. And when did you connect the pearl handled pistol to  
12 this kidnapping?

13 A. When I went to court.

14 Q. When you went to court?

15 A. Right.

16 Q. For Mr. Evans?

17 A. When I went to court - okay, when I went to court  
18 they were asking me a bunch - like you asking, a lot of  
19 questions. When I went to court they was asking me questions  
20 and then I asked the judge, I said I had one more thing to  
21 said, that's all I did. I raised - I told - I had the judge -  
22 that - I said - I got - I had one more thing to said, and I  
23 said that he did try to sell me a pearl-handled .32. A steel,  
24 pearl-handled .32 with - a - a pearl handle on it and then  
25 that's when they said they - that's what - then - that's when



1 they - I guess they had already got the gun; I don't know.

2 Q. Okay. So, they brought you to court to talk to you  
3 about the kidnapping?

4 A. Yes.

5 Q. Okay.

6 A. Yes.

7 Q. Was it a trial; was it a hearing?

8 A. It was a trial then, yes. It won't no hearing. It  
9 was a trial, yes.

10 Q. So, they - when at that point, you had not given any  
11 statement against Mr. Evans to law enforcement?

12 A. No. I didn't know anything - I - my right hand to  
13 God, I didn't even know I was going.

14 Q. Okay.

15 A. But - but, see the reason why I went, I guess,  
16 'cause they had me locked up.

17 Q. Okay.

18 A. If they didn't never have me locked up, I probably  
19 wouldn't even went, period. I'm - I'm - I'm just being  
20 honest.

21 Q. Okay.

22 A. You know, you want me to be honest, that's the  
23 honest - 'cause I had talked to Pat Green, he was the Sheriff  
24 then about this, you know, when he was asking me something  
25 about that, but I never brought it up. But then, one day me

1 and Pat was sitting down, and I tell him about this gun. Then  
2 he told me that that's the gun they were looking for.

3 Q. When did that conversation happen with Pat Green  
4 about the gun?

5 A. See, I can't remember that far.

6 Q. Was it before you were in jail with Mr. Evans?

7 A. Yes.

8 Q. Okay.

9 A. That's something I do know.

10 Q. Okay.

11 A. I - I do know that it was - it was - I know it was  
12 before I was in jail with Mr. Evans.

13 Q. And --

14 A. That's something I do know, yes.

15 Q. Okay. In the first part of our deposition on  
16 December 13<sup>th</sup>, you thought you recalled at that time that Mr.  
17 Evans tried to sell you a gun within a week of the crime.

18 A. Uh-huh (yes).

19 Q. And that, you had gone to Mr. Green to do some work  
20 for him.

21 A. Uh-huh (yes).

22 Q. And mentioned to him that Mr. Evans had tried to  
23 sell you this gun and that Mr. Evans, at that time - or, Mr.  
24 Green at that time told you that that was the gun they were  
25 looking for --

1 A. [Indecipherable].

2 Q. -- is that accurate?

3 A. Yes.

4 Q. Okay. Mr. Evans was not actually - this crime  
5 happened in March, 1990. Mr. Evans was not actually arrested  
6 for this crime until April, 1993.

7 A. Uh-huh (yes).

8 Q. And your recollection of that conversation with Pat  
9 Green is that it happened - or, your recollection at the first  
10 of the deposition was that that conversation happened within  
11 about a week of the crime?

12 A. Yes.

13 Q. Okay.

14 A. Yes, 'cause that's - they said that's the gun we're  
15 looking for 'cause that's the gun he took from the lady or  
16 wherever.

17 Q. Okay.

18 A. And then, that's - that's mostly all I know, you  
19 know.

20 Q. So, you didn't connect the gun to this case when you  
21 were brought into the courtroom? You had been told --

22 A. No.

23 Q. -- around the time of the crime?

24 A. When they carried me to the courtroom --

25 Q. Uh-huh (yes).

1           A.     Kenny was in there, too. They called me on the  
2 stand, and they were asking me stuff and I said I said I  
3 didn't know a lot of the stuff. So then, when I - then,  
4 before I got ready to go, before - before - before we got  
5 ready to go, evidentially, they must have had - already had  
6 the .32 gun or pistol. I didn't know nothing about whether  
7 they had it or not. So, I told the judge, I said, "May I say  
8 one more thing?" He said, "Yes, sir, you may." I said, "He  
9 tried to sell me - only thing he tried to sell me a pearl-  
10 handled .32 pistol."

11           Q.     Okay.

12           A.     And then, that's when the lawyers - the lawyers and  
13 them dropped their head or whatever. That's mostly all I know  
14 about it.

15           Q.     Okay.

16           A.     I'm just being - you want me to be honest? I'm  
17 being honest.

18           Q.     When you were talking to Pat Green and told him  
19 about Kenneth Evans trying to sell you this gun, do you recall  
20 him taking notes during this conversation?

21           A.     I have no idea. I'm not gonna lie to you. I don't  
22 remember.

23           Q.     Do you remember signing a statement about this?

24           A.     I don't remember that, neither.

25           Q.     Do you remember him asking you to sign a statement?

1 A. No, ma'am.

2 Q. Okay.

3 A. I know - only thing I know, when they got ready to  
4 send me - the DA's lady name was Ms. Susan Thompson, I think.  
5 She was the DA, and she told - she told - actually told the  
6 people in the people in there, they said well, the State, they  
7 - they didn't offer me nothing, no short time or nothing. I  
8 went ahead and still did my time, regardless 'cause I did not  
9 know - like I said, a lot of the stuff they were asking, I  
10 didn't know.

11 Q. Okay.

12 A. Only thing I knew was about what he tried to sell  
13 me.

14 Q. Okay.

15 A. You know, and that's - you told me to be honest;  
16 that's - that's being honest.

17 Q. Okay. So, to your - recollection today is that the  
18 only thing that you knew in connection with this crime was  
19 that Mr. Evans had tried to sell you this gun?

20 A. The .32 pistol.

21 Q. Okay.

22 A. That's being honest.

23 Q. When you were in jail together, did Mr. Evans ever  
24 talk to you about this case or any other cases?

25 A. No, only thing he - only thing he talked to me about

1 was, when he came downstairs and he said that if get a chance,  
2 he gonna run or break loose.

3 Q. Okay.

4 A. That's - them the only two things I know.

5 Q. [REDACTED]  
6 [REDACTED]

7 A. [REDACTED]

8 Q. [REDACTED]  
9 [REDACTED]

10 A. [REDACTED]

11 Q. [REDACTED]

12 A. [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15 Q. [REDACTED]

16 A. [REDACTED]

17 Q. [REDACTED]  
18 [REDACTED]

19 [REDACTED]

20 A. I might have. It's been so long ago. I - I don't  
21 remember. Do you have the papers where I could see?

22 Q. I do.

23 A. And then --

24 Q. If you can - this binder that's in front of you --

25 A. Yes, ma'am.

1 Q. -- I would like you to - there's little tabs that  
2 have numbers, and if you go towards the back there, it's  
3 number 29 and it's 10/8/1992. Do you need me to read this to  
4 you?

5 A. Let me look where 29 at.

6 Q. You're close. It's this one right here.

7 A. Okay.

8 Q. Do you want me to read that to you, or do you think  
9 you can read it?

10 A. Uh-huh (yes). Yes, ma'am, I can read it.

11 Q. Okay.

12 A. [Indecipherable].

13 Q. If you could, take a few minutes and read that.

14 A. I must have been locked up then. Okay. About me  
15 release from jail? You know what that release mean? When I  
16 was released from jail, when I had talked to him?

17 Q. Uh-huh (yes).

18 A. That'd be when I was released to go over there to  
19 the courthouse.

20 Q. Okay.

21 A. See what I'm saying?

22 Q. So, this --

23 A. That's exactly what that means.

24 Q. So, you are - so you're saying this statement came  
25 from when you were released from jail to be taken over the

1 courthouse to give information?

2 A. Let me - yes, it had to be.

3 Q. So --

4 A. Because - I'm - I'm confused. I - I don't know.

5 Q. Okay.

6 A. But I do know this statement, but the - the release  
7 from jail is this [indecipherable] to me the following, that  
8 had to be when I was locked up.

9 Q. Okay.

10 A. Well, no, this - this had to be before I was locked  
11 up.

12 Q. Why don't you finish reading - there's two pages of  
13 it.

14 A. Okay.

15 Q. Just finish reading those two pages and see if that  
16 helps clarify for you anything that was happening around that  
17 time.

18 A. And this false, too. Kenny - Kenny wasn't in jail.  
19 He was up top. I can't hardly read this, now.

20 Q. Okay. Tell me what - what line you can't read from  
21 and I'll - this whole page?

22 A. Yeah.

23 Q. Okay. I will do my best to read it for you, but, as  
24 you know, sometimes people's handwriting can be difficult.

25 All right, so, starting at the second page, that's marked



1 page 113 up at the top, it says, "Davis stated that Kenneth  
2 Evans was talking about the police wanting his blood and hair.  
3 He was stating that the police didn't have nothing on him.  
4 Davis went on to say that Evans began talking about kidnapping  
5 an older white lady from Centreville and that he stole her car  
6 and was bragging about tying her up and" something "her eyes  
7 up so she couldn't see who he was. Evans went on saying to  
8 Davis that he, Evans, had a hose of some type over his face  
9 and that, the woman couldn't tell who he was. Evans also told  
10 Davis that he stole money from the lady along with the car.  
11 Evans also stated that the car got low on gas and that he  
12 parked car in woods and left the woman in the car, and he,  
13 Evans left on foot. Davis stated that Evans told him that the  
14 woman lived in Centreville, North Carolina and was an older  
15 white woman."

16 A. No. Uh-uh (no). I'm gonna say that again, all I  
17 ever told them about was the .32 pearl-handled pistol.

18 Q. Okay.

19 A. I'm gonna be - you said be honest.

20 Q. Okay.

21 A. I'm being honest. Who wrote this, I don't know.

22 Q. So, this was written by Pat Green and says,  
23 "Interview with Davis conducted by Detective Pat Green" and  
24 that's from 10/8/1992.

25 A. I - I can't remember before - I might have talked to

1 him about some of this stuff but a lot of this stuff, uh-uh  
2 (no).

3 Q. So, today you can't --

4 A. I can't - I can't - I can't remember this. I'm not  
5 gonna lie to y'all.

6 Q. Can you tell me what specific things that you've  
7 read that you do not recall hearing from Mr. Evans?

8 MS. TANNER: Do you have a highlighter?

9 BY MS. MATOIAN:

10 A. Could you just start from the beginning and then -  
11 and then, I'll - I'll - I'll try --

12 Q. You'll tell me as we go?

13 A. Yes, ma'am.

14 Q. I'm gonna ask --

15 A. Because I'm not gonna lie to you 'cause I don't want  
16 to come back up, here.

17 Q. I'm just gonna ask you as we're going along --

18 A. To circle it?

19 Q. -- if I read something that you say that you do not  
20 recall --

21 A. Okay.

22 Q. -- highlight it for me. Just run that highlighter -  
23 -

24 A. So, I don't recall I --

25 Q. -- that you --

1 A. -- or stuff I - I know I recall.

2 Q. Do you - in reading - in what you've read so far, do  
3 you think there is more that you don't recall hearing than  
4 what you do recall hearing?

5 A. Some of this stuff I said, but there's a lot of this  
6 stuff I haven't said.

7 Q. Okay.

8 A. You - you see what I'm trying to say?

9 Q. I'd like you to highlight the things that you said -  
10 -

11 A. Okay.

12 Q. -- and then, take this blue pen and mark any lines  
13 with things that you didn't say.

14 A. Okay. Can - all right. I'm gonna mark the things  
15 that I - I did say with this, right?

16 Q. So, I'll --

17 MS. TANNER: Yes.

18 BY MS. MATOIAN:

19 Q. So, I'll read through. It says, "Larry Davis came  
20 to the Sherriff's Department after being released from jail  
21 and stated to me the following. Davis stated that while he  
22 was in jail (upstairs) Kenneth Evans had told him that he was  
23 planning to climb out one of the windows of the jail when he  
24 was taken out to visit."

25 A. Okay. Hold on. I did remember that.

1 Q. Okay. "Davis went on to say that Evans told him  
2 that the jailers take him out" --

3 A. Okay. I'm lost - okay. I'm at "visiting Davis" --

4 Q. Let's see.

5 A. -- or "He was taken out to visit Davis."

6 Q. "To visit" period.

7 A. Okay.

8 Q. Then it says, "Davis went on to say that Evans told  
9 him."

10 A. Uh-uh (no). You - you way ahead of me. I'm - I'm  
11 right here. I'm still right here.

12 Q. Let's just do this.

13 A. Okay.

14 Q. This will be easier.

15 A. Okay. I'm sorry.

16 Q. No, it's fine.

17 A. [Indecipherable].

18 Q. All right. So, that a period right there --

19 A. Right.

20 Q. -- at the end of visit. "Davis went on to say that  
21 Evans" --

22 A. Okay. Davis down here. This Davis, too?

23 Q. I'm talking about this Davis.

24 A. Oh, okay. Okay.

25 Q. "Davis went on to say that Evans told him that the

1 jailers take him out after he visits and he walks around for  
2 several minutes in the back before the jailers put him back in  
3 the cell." Do you recall saying that?

4 A. Yes.

5 Q. Okay.

6 A. I recall saying that. All right. Stop here, right?

7 Q. Yeah, go through to the end of that line.

8 A. Okay.

9 Q. "Davis stated that he and Kenneth talked together a  
10 lot because he and Kenneth were friends."

11 A. Yes.

12 Q. Okay.

13 A. 'Cause Kenny's got kids by my first cousin.

14 Q. And that's Shirley Evans, correct?

15 A. Right. She's some kin to me. Yes.

16 Q. All right. So, stop there.

17 "Davis stated that Kenneth" - "Kenneth had told him while in  
18 jail together that he had raped a white woman and had broke  
19 into her house in Louisburg."

20 A. And I circled that. I [indecipherable].

21 Q. So, for this, take that blue pen and just kind of  
22 mark those lines.

23 A. Uh-huh (yes). I'm not gonna lie about that.

24 Q. All right. So, can you mark that line, too, for me

25 --

1 A. Oh, I'm sorry.

2 Q. -- please. No, it's fine.

3 A. I'm sorry.

4 Q. I just want to make sure that we are very clear.

5 A. Yes, ma'am.

6 Q. All right. So, going on to the second page it says,  
7 "Davis stated that Kenneth Evans was talking about the police  
8 wanting his blood and hair. He was stating that the police  
9 didn't have nothing on him."

10 A. I do remember that.

11 Q. You remember saying that?

12 A. When - when - I do remember saying that, yes.

13 Q. Okay. Stop there. "Davis went on to say that Evans  
14 began talking about kidnapping an older white lady from  
15 Centreville and that he stole her car and was bragging about  
16 tying her up and covering her eyes up so she couldn't see who  
17 he was."

18 A. No.

19 Q. Okay.

20 A. I didn't say that.

21 Q. So, if you'll mark those lines.

22 A. Okay. Tell me when to stop.

23 Q. Okay.

24 A. You know I'm going blind. Keep going?

25 Q. Okay. Stop there.

1 A. Okay.

2 Q. All right. "Evans went on saying to Davis that he,  
3 Evans, had a hose of some type over his face, and that the  
4 woman couldn't tell who he was."

5 A. No.

6 Q. All right. So, just the next two lines. There we  
7 go.

8 "Evans also told Davis that he stole money from the lady  
9 along with her car. Evans also stated that the car got low on  
10 gas and that, he packed - that - parked car in woods."

11 A. No.

12 Q. "And left the woman in the car and he, Evans, left  
13 on foot."

14 A. No.

15 Q. Okay. So, I'll tell you when to stop.

16 A. It said me and him?

17 Q. It says, "The car and he, Evans, left on foot."

18 A. Oh.

19 Q. Okay. Stop there, and then, this is the last part.

20 "Davis stated that Evans told him the woman lived in  
21 Centreville, North Carolina and was an older white woman."

22 A. No.

23 Q. Okay. So, just mark those last lines. And then, if  
24 you'll do me a favor, down there, will you just initial with  
25 the pen and then highlight it.

1           A.    I'm not getting no - I'm not going to prison this -  
2 for this.

3           Q.    The Commission is only tasked with investigating Mr.  
4 Evans' claim.

5           A.    Uh-huh (yes).

6           Q.    And I just - my questions are solely related to  
7 investigating Mr. Evans' claim.

8           A.    Okay. 'Cause, I don't - I'm not gonna lie, 'cause  
9 like I told you, I [indecipherable] don't lie.

10          Q.    All we're asking for is the truth. Can I see my pen  
11 back for a little bit?

12          A.    Oh, I'm sorry.

13          Q.    No, you're fine.

14          A.    I'm sorry.

15          Q.    So, just going through that, all the things related  
16 to specific details about the crimes that Mr. Evans was  
17 charged with, 'cause he was also in jail at the time related  
18 to a rape case --

19          A.    Uh-huh (yes).

20          Q.    -- you do not recall him giving you specific details  
21 about those crimes?

22          A.    No, no.

23          Q.    You don't recall him admitting guilt to you in any  
24 crimes?

25          A.    No, 'cause he - he'd be stupid to tell me that. I



1 mean, only thing - like I said, only thing he told me that he  
2 get a chance, he was gonna take off running. That's what he  
3 told me. And I'm not gonna sit here and lie - lie.

4 Q. Okay.

5 A. That's exactly what he told me. He said he get a  
6 chance - a gift from the Gods way up, you know, God's will, he  
7 - he gonna - he gonna burn the road down.

8 Q. Okay.

9 A. You know, he - he gonna run. I'm just being honest.

10 Q. So, he was telling you that he was intending to  
11 commit a crime, meaning escape from jail, but he did not tell  
12 you about any --

13 A. No.

14 Q. -- specific crimes that he had committed?

15 A. No, no, no, no. I'm not gonna lie. No.

16 Q. Okay.

17 A. No, I didn't say this stuff.

18 Q. Okay.

19 A. No, I did not.

20 Q. Why do you think that Pat Green would have written  
21 those things if you say you didn't say them?

22 A. I don't know. I didn't say that.

23 Q. Did you know Pat Green to be dishonest in your  
24 dealings with him?

25 A. Yeah, 'cause he ain't too long got out of prison his

1 self.

2 Q. I'm - I'm aware of that.

3 A. Think about it, now.

4 Q. I'm - I'm aware of that.

5 A. Think about it. Now, he ain't too long got out of  
6 prison his self, now.

7 Q. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. [REDACTED]

11 Q. [REDACTED]

12 [REDACTED]

13 A. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. [REDACTED]

19 A. [REDACTED]

20 Q. Okay.

21 A. You know.

22 Q. Do you recall giving a - so, this, that we've gone  
23 over is listed - I'll say that in the law enforcement files  
24 that I have reviewed in this case, this is the first statement  
25 that I have from you in the case. So, over two years after

1 the crime happened. I don't have anything from 1990, and I  
2 know you said that you talked to Pat Green about Evans' trying  
3 to sell you a gun close in time to the crime.

4 A. The only time I said, that's when I was in court.

5 Q. Right; and --

6 A. You know what I'm saying? That's when I was in  
7 court.

8 Q. And we've gone - we've gone over this statement. I  
9 didn't see anything in the statement about Mr. Evans trying to  
10 sell you a gun, correct?

11 A. No, so, he must've lied.

12 Q. Okay.

13 A. I mean, think - I don't - you talking about what we  
14 just read it's not in the there.

15 Q. Okay.

16 A. And I - this is my right hand to God. Well, in the  
17 court I raised my hand - the Judge was sitting just like that.  
18 I was at the table with - I was at the table with - no, I was  
19 not at the table. They had me in the room, a little room.

20 Q. Okay.

21 A. When I came down, Pat and that - did I tell you  
22 about that woman?

23 Q. Ms. Thompson?

24 A. Ms. Thompson. Then they told me swear in, I swore  
25 [sic] in and then, I - and then, the stuff they talking - I

1 don't know, but then, I raised my hand up. Just then, raised  
2 my hand, I said, "He tried to sell me a .32 pistol with a  
3 pearl-handled gun." You know. And - I don't understand, this  
4 - a lot - like I said, he came down there. Like I said, I  
5 can't remember a lot but I can remember what I do remember.  
6 That's being honest just because that's been over 26 years  
7 ago.

8 Q. Right.

9 A. Like I said, he said he get a chance, breaking out  
10 of jail. I mean, break out - but, which he didn't.

11 Then, he told me to make sure I said that somewhat - let  
12 me see - that's when he came down to the bottom, down - when I  
13 was downstairs that's when he told me that he get a chance to  
14 run out, he's gonna run. I said, "Well" - I said, "I ain't  
15 got nothing to do with it." Point blank, I don't.

16 But other than that, a lot of this stuff, uh-uh (no).

17 Q. So, when they brought you to the courtroom --

18 A. Yeah, but - but why don't have it about the .32  
19 pistol in here?

20 Q. I can't answer that question.

21 A. I mean, I'm - I'm - I'm being for real. Everything  
22 - let me look at this again. I'm gonna be honest. Like I  
23 said, read that part again to me, please.

24 Q. Which part?

25 A. The parts that - what I said.

1 Q. That you --

2 A. That I said.

3 Q. The parts that you said?

4 A. Yes, ma'am.

5 Q. "Davis stated that while he was in jail (upstairs)"  
6 and I'm gonna stop there for a minute. Your recollection is  
7 that you were downstairs and Mr. Evans --

8 A. He - he was --

9 Q. -- upstairs.

10 A. He was upstairs. He was not in the same  
11 [indecipherable].

12 Q. Why would someone be upstairs or downstairs?

13 A. Okay, 'cause we - us down - they got jail - we -  
14 back then we had two jails. We had one upstairs, you know,  
15 and one downstairs.

16 Q. Okay.

17 A. And then, they had to come downstairs to go to the  
18 jail [sic], but Kenny was not in - in jail with me. I mean,  
19 he was in jail but he was upstairs, that's why I told you I  
20 don't never see him.

21 Q. So, there's two floors?

22 A. Right, bottom floor, top floor.

23 Q. And I - were there other floors in-between or were  
24 they two floors right next to each other?

25 A. No, okay. No, no. It's like - see, like this

1 ceiling?

2 Q. Yes, ma'am.

3 A. They on top of the ceiling.

4 Q. And then, you're just right downstairs?

5 A. That's - we down the bottom, right.

6 Q. Okay; and, I've - some jails are different. So, are  
7 you comingling with other inmates during the day, like  
8 upstairs, or is it strictly divided, if you're upstairs you're  
9 only hanging out with upstairs people?

10 A. Only - the only time - okay. Upstairs people, you  
11 up there by - with - with just them - them people.

12 Q. Okay.

13 A. Downstairs, you're down here with these people.

14 Q. Okay.

15 A. But then, upstairs guys still come downstairs to go  
16 passed you to go to court.

17 Q. Got it.

18 A. Okay. Thank you.

19 Q. And that's that.

20 A. But now you got what I'm saying. In other words, I  
21 can't see him, I can't talk to him.

22 Q. Right.

23 A. That's why I told you, I'd never see him.

24 Q. So, when he's going to court --

25 A. He got --

1 Q. -- he walks passed you --

2 A. -- he got, yes, and that's when he told me about  
3 read - read what - what I said.

4 Q. All right. So, "Davis stated that while he was in  
5 jail upstairs, Kenneth Evans had told him that he was planning  
6 to climb out one of the windows at the jail when he was taken  
7 out to visit. Davis went on to say that Evans told him that  
8 the jailers take him out after he visits and he walks around  
9 for several minutes in the back before the jailer put him back  
10 in the cell. Davis stated that he and Kenneth talked together  
11 a lot because he and Kenneth were friends."

12 A. Me and Kenneth don't talk a lot. I need to put an X  
13 down there.

14 Q. I believe in our first deposition, you said you did  
15 not like Mr. Evans a lot.

16 A. No, me and him do not talk a lot. See, that's  
17 another - that's - that's more lies.

18 Q. Okay.

19 A. I mean, excuse me for saying - I'm sorry. I didn't  
20 mean to say it like that. You know, I don't want to - offend  
21 nobody.

22 Okay. What else I said?

23 Q. All right; and then, the other part that you've  
24 highlighted as being something you said was, "Davis stated  
25 that Kenneth Evans was talking about the police wanting his

1 blood and hair. He was stating that the police didn't have  
2 nothing on him."

3 A. Let me think. Make sure I tell you the truth.  
4 Yeah, he did say that.

5 Q. Okay.

6 A. That's something - he did say - that's when he was  
7 at the cell.

8 Q. So, that's when - he says all that to you as he's  
9 walking passed you to go to court?

10 A. They - well, see, the way we was back then, we could  
11 stand there - you know, when you see somebody, we could talk  
12 'til they tell you to come on, you know?

13 Q. Okay.

14 A. It's just like me talking - but you carrying me to  
15 court then, he say, you know time for you to go. You know,  
16 that's the way it was back then.

17 Q. Did a jailer hear him say any of these things to  
18 you?

19 A. No, no, ma'am, 'cause they was standing over there -  
20 -

21 Q. Okay.

22 A. -- or somewhere else.

23 Q. Okay.

24 A. But this other stuff? Uh-uh (no). I'm not gonna -  
25 I don't - I - I can't lie for that. I don't - I don't --



1 Q. All we're asking for is the truth, Mr. Davis.

2 A. I can't re - re - recollect that. I'm sorry.

3 Q. Do you recall - and - let me make sure that I  
4 understand. You don't recall giving a statement to the police  
5 about Mr. Evans related to any of these crimes, right?

6 A. Not that rape and stuff, no.

7 Q. Okay.

8 A. No. I only - excuse me, God. I gotta tell the  
9 truth. Only statement I told them about this - about when he  
10 came down there - talking about if he get a chance he gonna  
11 run, do whatever he gonna do. Then when I went into court -  
12 when I went to court for - for - for they got through I said,  
13 "Judge, may I say one thing?" The Judge said, "Yes." I said,  
14 "He tried to sell me a .32 pearl-handled pistol."

15 Q. So, when you're --

16 A. And - and I don't understand why [indecipherable].  
17 This is all made up.

18 Q. So, when you're brought into court - I mean, did  
19 they just bring you into a courtroom and you didn't know why  
20 you were there?

21 A. No, I swear. I didn't know why I was there.

22 Q. They didn't say --

23 A. They - they --

24 Q. -- Mr. Evans is on trial. We think you have  
25 information, you're gonna go testify?

1 A. For once, me and you agree on something.

2 Q. Okay.

3 A. For - I'm being for real. I - I might not  
4 [indecipherable] this but for once, they - I thought I was  
5 going to court for me; you see what I'm saying?

6 Q. Okay.

7 A. Then I go out there, they swear me in, and say,  
8 "Now, why I'm getting swear" - and then, I just said what I  
9 had to said, but see, I didn't know that.

10 Q. Was Mr. Evans in the courtroom?

11 A. Yes, he was sitting with his lawyer.

12 Q. Okay.

13 A. I did - I do - I do remember that. He was sitting  
14 with his lawyer, and matter of fact, his lawyer's name was  
15 Larry Norman.

16 Q. Right.

17 A. Larry Norman.

18 Q. I am gonna ask you, Mr. Davis - I'm gonna flip it to  
19 number 30 --

20 A. Yes, ma'am.

21 Q. -- and this is a statement dated - it's a little  
22 hard to tell, but I believe it's 3/5/1993.

23 A. Yes, ma'am.

24 Q. And this says, "Pat Green, Sherriff's Department,  
25 second interview Larry Davis." So, I'd like to go through and

1 do the same thing we did with the other one where you  
2 highlight things that you did say, and you mark down the  
3 things that you didn't say.

4 A. Okay.

5 Q. All right. So, I'm gonna start at that first line.  
6 It says, "I was in jail with Kenneth Evans. He (Evans) told  
7 me that the police couldn't pin him with the kidnapping  
8 because the woman couldn't see him." Did you say that?

9 A. Yes, I did say that.

10 Q. Okay. Can you highlight that for me?

11 A. But I don't know nothing about what this - this -  
12 the other stuff is, though. Okay. See him. I stop at him?

13 Q. Uh-huh (yes).

14 A. All right.

15 Q. All right. "I asked Kenneth what he was talking  
16 about. He stated that he had kidnapped an older white woman  
17 in Centreville and tied her up and left her up and left her in  
18 the woods." Did - did you say that?

19 A. Okay. Read the first verse, again.

20 Q. Okay. "I was in jail with Kenneth Evans."

21 A. Uh-huh (yes).

22 Q. "He (Evans) told me that the police couldn't pin him  
23 with the kidnapping because the woman couldn't see him."

24 A. Right. He told me that. But I don't know what he  
25 did. I mean, what I'm saying is - go ahead, go ahead. I'll

1 tell you.

2 Q. Do you take that statement from Mr. Evans to be him  
3 admitting to the kidnapping?

4 A. No, I didn't.

5 Q. Okay.

6 A. That's what I'm saying. He - he - this is what he  
7 told - but, this other stuff I don't understand.

8 Q. Okay. So --

9 A. That's what I'm saying.

10 Q. -- let's --

11 A. If - unless somebody added that to it.

12 Q. Let's keep going. Did I give you the blue pen?

13 A. Yes, ma'am.

14 Q. Okay.

15 A. Okay.

16 Q. All right. "I asked Kenneth what he was talking  
17 about. He stated that he had kidnapped an older white woman  
18 white in Centreville and tied her up and left her in the  
19 woods."

20 A. No.

21 Q. Okay.

22 A. No.

23 Q. Okay.

24 A. Okay. How far do I go down?

25 Q. Down to that line.

1           A.    All right. I understand. He'd have been stupid to  
2 tell me something like that.

3           Q.    All right. "Evans told me that he stole her car  
4 also and left that in the woods with her because it was almost  
5 on empty (out of gas)."

6           A.    No.

7           Q.    Okay.

8           A.    I don't know where I'm at.

9           Q.    All right. Let me see.

10          A.    Okay.

11          Q.    We're gonna start right there.

12          A.    Okay.

13          Q.    "Evans also told me that he had gotten some money  
14 from the old lady." Did he say that?

15          A.    No.

16          Q.    Okay. So, do that next line. "He said that the  
17 woman couldn't see him because he had something over his face,  
18 and that he put something over her eyes."

19          A.    No.

20          Q.    Okay. So, mark down to right here.

21          A.    He'd be - he'd be crazy to tell me -  
22 [indecipherable]. Come on. No, uh-uh (no). That's another  
23 one.

24          Q.    And then, the last line is that "He told me that he  
25 left her in the woods and he left on foot."

1           A.    No.  He'd - he be foolish to tell me something like  
2 that, no.

3           Q.    So, I'm gonna ask you again to - just initial and  
4 highlight at the bottom there.  Okay.  Thank you.

5           A.    Yes, ma'am.

6           Q.    So, reading that one with me, there's also nothing  
7 about the .32 pearl-handled pistol --

8           A.    I see so far --

9           Q.    -- in there?

10          A.    So - so, far [indecipherable].

11          Q.    Okay.

12          A.    So, I'm - I'm for real.  He - he lied.  That - that  
13 should have been the first thing he should've said; about the  
14 gun.  That should've been the first thing.

15          Q.    And when you say that Mr. Evans would've had to have  
16 been crazy to say these things to you, what do you mean by  
17 that?

18          A.    There's a code.  What I mean by it's a code, when  
19 you go in jail or you go in prison you don't tell people what  
20 you're in there for 'cause it ain't nobody's business but your  
21 own, you see - you see - you - you get what I'm saying?  I  
22 don't - he would - no, he - 'cause when he was going with my  
23 cousin, me and him didn't really see eye to eye.  But I'm not  
24 gonna sit here and lie on the man for something I know I  
25 didn't - you know, something that's wrote down I know I didn't

1 say.

2 Q. Okay.

3 A. No. Like I said, he - he told me about if he get a  
4 chance he gonna run or whatever, yeah, he did. Tried to sell  
5 me a .32 pistol handle [sic], he did. A lot of this stuff,  
6 oh, no. Talk - he had told me something like this, if he  
7 crazy or he'd be in a nut house. And - and that - I'm - I'm  
8 just being honest. Either he crazy or he be - what - if you  
9 do something this bad or do something like this, you - you  
10 really need help. Why would you tell someone this anyway?

11 Q. Does that code still apply if you know each other  
12 outside of jail?

13 A. Yes, yes. It - what happened in jail stays in jail.  
14 What happens in prison stays in prison. When you out of  
15 prison, all this behind you. You got a new life then. That's  
16 - that's the way it work.

17 Q. [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21 A. [REDACTED] [REDACTED] [REDACTED]  
22 [REDACTED]

23 Q. [REDACTED]  
24 [REDACTED]

25 A. [REDACTED]

1 Q. [REDACTED]

2 A. [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED]

4 Q. Okay.

5 A. For 20 - like I - like I said, I can't remember that  
6 far.

7 Q. Can I see my pen?

8 A. Again, I'm sorry. I'm sorry.

9 Q. All right. Since you - you brought up Shirley  
10 Evans, can you tell me, if you know, about the years that they  
11 were together?

12 A. I'm gonna tell you the truth; she was scared of him.

13 Q. Okay.

14 A. I mean, she my cousin - 'cause she was staying with  
15 my aunt 'cause my uncle Don had died. It was Shirley and her  
16 other sister; they were staying at my aunt house.

17 Q. Is that Ms. Pauline Morton?

18 A. Yeah, Aunt Pauline. She over there at Louisburg  
19 College. And - how can I say it, to me, it was like she was  
20 afraid of because he would take money from her and stuff like  
21 that.

22 Q. Did you know him to be abusive to her, physically?

23 A. How can I say it, if she - if it was, she wouldn't  
24 tell me.

25 Q. Okay.



1           A.     You know, she - she wouldn't tell me if it was.  
2     That's being honest. She wouldn't tell me, but how can I say  
3     it - but the way I look like - the way I see it, like, she -  
4     see, I - how can I say it? Some people you love get beat up,  
5     some people don't. But I think as they grew - but as she  
6     grew, as he grew, they loved - you know, I think things worked  
7     out for them.

8           Q.     Okay.

9           A.     You know?

10          Q.     And you said that when he was married to your cousin  
11     that you and Mr. Evans did not see eye to eye with each other.  
12     What was the reason for that?

13          A.     Because I knew he had been jumpin' on her.

14          Q.     Okay.

15          A.     That's something I do know, but she never wanted me  
16     to get involved.

17          Q.     Do you know when they separated?

18          A.     No, no. No. No, ma'am, I don't. I'm not gonna lie  
19     - I don't - I don't know. I - I didn't even know they was  
20     married.

21          Q.     Okay.

22          A.     I'm being honest. I didn't even know they was  
23     married.

24          Q.     Do you recall?

25          A.     Joanne Clemonts?

1 Q. Well, that was gonna be my next --

2 A. Okay. I got you.

3 Q. -- next question, but we can go there.

4 A. Okay. See, that - [indecipherable]. I know a lot.

5 I didn't know he was going with Joanne Clemonts.

6 Q. You didn't know about her?

7 A. I - I didn't know. I'm - I'm being real. I didn't  
8 know this.

9 Q. To your recollection, was there overlap between  
10 Shirley Evans and Joanne Clemonts?

11 A. I didn't know - how can I say it, I didn't - I don't  
12 know. I don't - I don't know. I don't know whether he was  
13 going with both of them or how he leave her or go with her. I  
14 - I - I - that's something I can't answer.

15 Q. And how do you know Joanne Clemonts?

16 A. I knew her momma and I knew Joanne 'cause that's  
17 when - I just hang in the street drinking and getting high,  
18 acting the fool. No, I'm just being honest. And I changed my  
19 whole life around.

20 Q. And the time that you were --

21 A. The whole time I was hanging out with Joanne and  
22 stuff like that, I never seen Kenny.

23 Q. You never saw him?

24 A. I never seen her - him around her.

25 Q. And you didn't - when did you find out that they had

1 dated?

2 A. I guess when you brought - you had talked to me  
3 about it.

4 Q. Okay.

5 A. I mean, I'm just being - about, both of them, but I  
6 - I never knew - like I said, I never knew.

7 Q. Were you ever in a relationship with Joanne  
8 Clemont's mother?

9 A. Yes.

10 Q. Okay; and, do you know about the years that that  
11 was?

12 A. No, 'cause she dead and gone. That's been - I would  
13 - like I said, I [indecipherable] hang out, drinking, drugging  
14 and - stupid stuff.

15 Q. Do you recall ever giving her mother tape or rope or  
16 anything like that?

17 A. No.

18 Q. Okay.

19 A. No, I - no.

20 Q. Where was she - what - Ms. Clemont's mother, I'm  
21 sorry. What was her name?

22 A. Christine.

23 Q. Christine. When you were dating Christine, where  
24 was she living?

25 A. In Franklinton.

1 Q. Okay; and, at that - so, this is just a question  
2 about locations. If you lived in Franklin County, would you  
3 be in Louisburg and Centreville and Franklinton, would you be  
4 all around the county or did people - did you mostly stay in  
5 the Louisburg area?

6 A. Me?

7 Q. Yeah.

8 A. I stayed mostly in Louisburg --

9 Q. Louisburg.

10 A. -- 'cause I was [indecipherable].

11 Q. Had you ever gone to the victim's store, the  
12 Manning's store --

13 A. Yeah.

14 Q. -- in Centreville?

15 A. I had been there a whole lot of times.

16 Q. Okay.

17 A. Yes.

18 Q. Did you know Mrs. Manning and her husband?

19 A. Not by - not personally.

20 Q. Okay.

21 A. No, no, ma'am.

22 Q. Did you ever hear about that store getting robbed  
23 before?

24 A. Oh, it been robbed before, yes.

25 Q. Okay. What --

1           A.    Not - not only - they had been robbed a lots - from  
2 what I heard, they been robbed two or three times.

3           Q.    And what'd you hear about those?

4           A.    Really, I ain't never paid attention to them 'cause  
5 it really wasn't none of my - matter of fact, you know, I  
6 really won't thinking about it.

7           Q.    Okay.

8           A.    You know, I just - I'm sorry your store got robbed,  
9 you know, and they keep going.

10          Q.    Just find the page that I need. All right. I'm  
11 gonna ask you to turn to number 17, and I will find the page  
12 for you in just a second. All right. This page right here  
13 that is titled, Larry Davis --

14          A.    Uh-huh (yes).

15          Q.    -- and I believe this is also 3/5/1993, the same  
16 date as that second interview that we just read.

17          A.    Uh-huh (yes).

18          Q.    1:50 p.m. It says, "He was walking around. He saw  
19 him at pool room. He told me he had did something to this  
20 woman. He had tied her up. Woods. Got some money." Do you  
21 recall saying anything like that to Pat Green?

22          A.    No, ma'am. I don't - no. Read that one more time,  
23 please.

24          Q.    Okay; and, I'm gonna hand the pen back to you --

25          A.    Okay, thank you.

1 Q. -- 'cause we're gonna do this again.

2 A. Yes, ma'am.

3 Q. All right.

4 A. This is 1993?

5 Q. Uh-huh (yes).

6 A. I can't - okay. I remember - try to remember what I  
7 can.

8 Q. So, it's the same date as that second interview that  
9 we just looked at.

10 A. Yes, ma'am.

11 Q. Says, "Larry Davis. He was walking around. He saw  
12 him at pool room. He told me he had did something to this  
13 woman."

14 A. No.

15 Q. Okay.

16 A. He was walking around, yes. He - he - what this  
17 says?

18 Q. It says, "He saw him at pool room."

19 A. Yes, I did.

20 Q. Okay. Then it says, "He told me had did something  
21 to this woman."

22 A. No. He told - I - he had told me he would sell me  
23 [indecipherable].

24 Q. Okay.

25 A. He said he'd sell me a .32 pistol.

1 Q. Okay. So, I'd ask you to mark --

2 A. Okay --

3 Q. -- those lines where it says, "He told me he had did  
4 something to this woman."

5 A. Right.

6 Q. And then, the next line says, "He had tied her up.  
7 Woods."

8 A. No.

9 Q. "Got some money."

10 A. No, he did not tell me that.

11 Q. Okay. "He said she lived in Centreville. A white  
12 woman."

13 A. He didn't tell me that.

14 Q. Okay. "He told me again while he was in jail that  
15 he had kidnapped a white woman in Centreville."

16 A. No.

17 Q. I'm sorry. I'm trying to read this handwriting  
18 myself. "He said the woman didn't see him. He had his face  
19 covered up and had something over his face."

20 A. No, 'cause we - that's on the other page that we  
21 just got through reading.

22 Q. Right.

23 A. Same paper, no.

24 Q. If you'll mark that last one, if that's accurate.

25 A. He should've said about the .32 pistol. I don't see

1 that anywhere.

2 Q. Okay; and, then, if you'll turn the next page, and  
3 I'll apologize. I am not sure if this is actually related to  
4 this first page or not, but on the off chance that it is --

5 A. Okay.

6 Q. -- I'm gonna see if you recall saying anything like  
7 this, as well. "Kenneth said that he kidnapped her, an old  
8 white lady, and he stole her car -- "

9 A. Same thing. Same - same - that's the same one that  
10 we just --

11 Q. Right.

12 A. -- put all the X's on. [Indecipherable].

13 Q. "And hid her car in the woods."

14 A. Uh-huh (yes).

15 Q. "Left her in woods."

16 A. Uh-huh (yes).

17 Q. And "The car was about out of gas."

18 A. Same thing, no.

19 Q. Okay. All right. If you'll mark that last line,  
20 and then, mark the bottom of that page, as well. All right.

21 A. And, can I have a copy of what I said, too, before I  
22 leave?

23 Q. You'll be provided a copy of the transcript and  
24 everything from today.

25 A. Okay.



1 Q. Once it's ready.

2 A. Yes, ma'am.

3 Q. Well, it's up to you, but if you're indicating you  
4 want it, you'll be provided a copy.

5 A. Yes, ma'am. I would like one. Yes, ma'am.

6 Q. All right. Do you ever recall talking to Joanne  
7 Clemonts about this case?

8 A. Not - no, not as I know of. If anything, she would  
9 have told me about it if she was going with Kenny. I don't -  
10 'cause I didn't even know they were going together.

11 Q. Okay. So, you don't recall a time where Mr. Evans  
12 ever lived with Joanne Clemonts and --

13 A. No.

14 Q. -- Christine?

15 A. No, no. Never. Uh-uh (no). That's a lie - no - I  
16 ain't never remember, no.

17 Q. Okay.

18 A. Uh-uh (no) 'cause, I - whenever I went there, I  
19 ain't never seen no Kenny Evans. I saw a boy named Earl that  
20 she used to go with, but Kenny? No. [Indecipherable].

21 Q. Are you talking about Earl Williams?

22 A. Yes.

23 Q. Okay.

24 A. That's the only one I ever seen.

25 Q. Okay.

1           A.     But Kenny? I ain't never seen [indecipherable] in  
2 my life. No. Uh-uh (no).

3           Q.     Information we have from Ms. Clemonts' indicates  
4 that she had dated Mr. Evans immediately before starting to  
5 date Mr. Williams. Do you recall anything about that time  
6 period?

7           A.     No. No, ma'am.

8           Q.     Anything about the year or time period she got to -  
9 together with Earl?

10          A.     No, ma'am. Like I say, I don't remember it 'cause  
11 when I went there I just went and came - went back to my wife.  
12 I won't - I might have stayed one night up there but other  
13 than that, I don't remember - I don't know them people like  
14 that.

15          Q.     Okay.

16          A.     You know, I don't.

17          Q.     Do you recall Ms. Clemonts being a witness in this  
18 case?

19          A.     No, I don't remember that.

20          Q.     Were you aware of Ms. Clemonts' maybe testifying at  
21 the trial, as well?

22          A.     No, ma'am, I don't remember that.

23          Q.     When you were brought in for Mr. Evans' trial, were  
24 you only in there for your testimony or were you in there for  
25 a while?

1           A.    What I'm saying is, I don't even know I was - even  
2 going - I didn't know.

3           Q.    Okay.

4           A.    You see what I'm saying. I didn't know, and - and  
5 when they put me up there to sit down after swearing me in, it  
6 scared me. I was scared to even look at the people that was  
7 out there. You know, I'm - I'm being honest. I was scared to  
8 look in front of me, because I didn't know what they - what  
9 they were asking me, but I did see Kenny and his lawyer, and -  
10 and I went, what's going on.

11          Q.    Did they keep you in the courtroom after you were  
12 done testifying?

13          A.    No, they carried me - put me - carried me right on  
14 back over there.

15          Q.    They took you right back over to the jail?

16          A.    Sent me right on back over. Right then --

17          Q.    Okay.

18          A.    -- soon as I got off, they took me right back over  
19 there. That's the truth.

20          Q.    Let's see, I'm gonna ask you to look at Number 5,  
21 and that page is marked page 269. It's dated 10/21/94. This  
22 is a note from one of Mr. Evans' attorneys' files.

23          A.    Uh-huh (yes).

24          Q.    It says, "Call from Kenneth Evans. He" --

25          A.    A call from him?

1 Q. Yes.

2 A. Kenny called his lawyer?

3 Q. His lawyers, correct.

4 A. All right.

5 Q. So, these are their notes from that phone call.

6 A. Okay.

7 Q. "He has contacted Joanne Clemonts. She say Larry  
8 Davis is lying about the car. Parenthesis, (he's the one who  
9 was in jail.) He will keep me informed. He is in Louisburg.  
10 Brought him back from Dix last month." Which is not relevant  
11 to that, so.

12 A. Okay. Read this again, here.

13 Q. The part that is relevant to you is that Mr. Evans  
14 says that he has contacted Joanne Clemonts. She says Larry  
15 Davis is lying about the car.

16 A. I had to be 'cause, I - I ain't said none of this.

17 Q. Do you recall talking to Joanne Clemonts about a  
18 car?

19 A. Never.

20 Q. And telling her that you were lying about it?

21 A. I ain't never told - I - I ain't never talked to  
22 Joanne about none of this stuff.

23 Q. Never?

24 A. Never.

25 Q. Okay.

1           A.    Never, oh, no.  Never - what - about what - about  
2 what car?

3           Q.    This is all the information --

4           A.    That - that - that --

5           Q.    -- I have.

6           A.    I don't know about no car.  Why would I talk to her  
7 about a car?  It's a - it's a - read this, again, now.

8           Q.    It says, "She says Larry Davis" --

9           A.    She said me.

10          Q.    -- "is lying about the car."  And then, parenthesis,  
11 he's the one who was in jail.  So, that's their parenthesis  
12 talking about you.

13          A.    What that mean, he's the one in jail.  I - I don't -  
14 -

15          Q.    It means, it's from the attorney's note that you  
16 were the witness from the jail.

17          A.    I was the witness, but all this stuff about the car  
18 - but you knew - I told you that they brought me from jail,  
19 carried me in there, swore me in, as I soon as I did - what I  
20 said - whatever they said I - I got - 'cause I didn't know,  
21 really, why they had me in there.  And that's the honest to  
22 God - but this - I don't even know what this means here.  I'm  
23 being honest.

24          Q.    I just want to orient you to the - the time, real  
25 quick, 'cause I know it's been a long time and I want to just

1 make sure --

2 A. Yeah.

3 Q. -- we're all clear. So, this crime happens in  
4 March, 1990 and your recollection is that sometime close in  
5 time to the crime Mr. Evans tried to sell you the .32 pearl-  
6 handled pistol.

7 A. Yes.

8 Q. And that, you also close in that time had told Pat  
9 Green about it, correct?

10 A. Everything I had told him was surrounding the same  
11 thing; about the .32 pistol. At - at - let me see, I - then,  
12 I believe I got locked up three or four days later. I - I - I  
13 can't recall, and that's when he came - I told you he was  
14 telling me about he get a chance to break out, whatever, this  
15 and that. That's it.

16 Q. Okay.

17 A. The rest of this stuff - I don't understand the rest  
18 of this.

19 Q. All right.

20 A. I'm being honest.

21 Q. So, again, the crime happens in March, 1990.

22 A. Uh-huh (yes).

23 Q. I do not have in the law enforcement files that I  
24 have been able to collect --

25 A. Uh-huh (yes).

1 Q. -- any statement from you to the police close in  
2 time to 1990.

3 A. Uh-huh (yes).

4 Q. The first time that your name is on any documents in  
5 the law enforcement file is 10/8/1992, which is this statement  
6 that we've gone through. That is the first time --

7 A. And this happened when?

8 Q. March 1990.

9 A. Okay; ain't that like two years after?

10 Q. Two and a half years, yeah.

11 A. So, why my name popped up then when I was in jail?

12 Q. That would be my question for you.

13 A. And then, another thing, I'm - I'm not - I'm not  
14 trying to be funny to y'all, why haven't this .32 pistol, what  
15 I said was in the reports? Now, I'm puzzled. But - but you  
16 see what I'm saying, right?

17 Q. Right.

18 A. I can't - how can I say it? That's all - when I  
19 went to court, really, that's what really got him. This -  
20 this right - that - I don't know - I - but this other stuff, I  
21 - I - I - somebody lying somewhere.

22 Q. So, let me - let me keep going.

23 A. Yes, ma'am.

24 Q. So, again, March, 1990, the crime happens. In  
25 October of 1992, you give - or there is this first statement

1 dated from you. Mr. Evans was in jail on a rape case at that  
2 time.

3 A. I don't know.

4 Q. He was not in jail for - he had not been charged  
5 with this case.

6 A. Uh-huh (yes).

7 Q. So, your first statement is 10/8/1992. The next  
8 statement we have from you is 3/5/1993, and Mr. Evans is  
9 arrested for this crime in --

10 A. Uh-huh (yes).

11 Q. -- in April, 1993, about a month later.

12 A. Uh-huh (yes).

13 Q. He is not taken to trial until April of 1995.

14 A. Okay. Tell me what you're saying again, now. 1990,  
15 what now?

16 Q. 1990 the crime happens.

17 A. Uh-huh (yes).

18 Q. Mr. Evans is arrested on a separate crime and put in  
19 jail in September, 1992.

20 A. Uh-huh (yes).

21 Q. In October, 1992, there is a statement from you  
22 providing information about things that Mr. Evans said to you  
23 in jail about both cases that we've gone through.

24 A. Okay.

25 Q. So, that's October, 1992.



1           A.     So, I won't in jail at that time then, was I?

2           Q.     This statement says, "Larry Davis came to the  
3 Sheriff's Department after being released from jail and stated  
4 to me the following."

5           A.     But was I in jail? Okay. That - that's all I can  
6 tell you. I - I don't remember no more, man.

7           Q.     Sure.

8           A.     I'm being for real 'cause I'm not gonna put myself -  
9 I - I - that's all I can remember. I'm - I'm just being  
10 honest. I can't remember no more.

11          Q.     Okay. So, I'm just gonna keep going just 'cause I  
12 want you to understand the timeline of how things happened.

13          A.     Yes.

14          Q.     So, that's your first statement in October --

15          A.     Unless I need --

16          Q.     -- in 1992.

17          A.     If - do I need to get a counselor or a lawyer? I'm  
18 asking y'all this now 'cause I - I --

19          Q.     The judge --

20          A.     Yeah, I - I know, but, still. I did - I'm doing  
21 what I can do. I - this is all I can remember 'cause I can  
22 not remember that far. I'm - I'm just being honest.

23          Q.     All - and that's all I'm asking for you is the truth  
24 about what you remember, and if you don't remember something I  
25 understand that it's been a long time.

1           A.     'Cause I - I - I don't want to get locked up for  
2 something I don't remember.

3           Q.     What do you think you'd get locked up for?

4           A.     You, know, prison. I don't want to go to prison. I  
5 don't want nothing to with going to prison or jail for this  
6 stuff.

7           Q.     What are we talking about that you think you'd go to  
8 prison for?

9           A.     Because it seem like all this stuff being lied -  
10 most of this stuff is a lie, that I haven't said. Do you see  
11 what I'm saying? It look like the finger pointing at me, and  
12 just like a lot of this stuff - Joanne - I don't - really, I  
13 don't even remember them going together.

14          Q.     What about this makes you think a finger's being  
15 pointed at you?

16          A.     I don't know. It just - it just seem like everything  
17 is pointing at me. I don't know. Like I said, it's - I don't  
18 know.

19          Q.     So, I want you to understand that what I'm trying to  
20 do is - it's hard for you to piece things together from over  
21 20 years ago?

22          A.     Yes.

23          Q.     I'm trying to piece things together from over 20  
24 years ago with limited information. So, I am trying to  
25 understand absolutely everything that I can understand about

1 this case. So, when I'm asking you questions, my - I'm trying  
2 to gather information.

3 A. Yes, but still, out of all these questions I see the  
4 .32 pistol still ain't came up. I don't understand that.

5 Q. And I did not create any of these documents so I  
6 can't answer why the .32 pistol does not appear in those.

7 A. And see, just like you saying, I went back over  
8 there - I talk to Pat Green - see, I can't remember all this  
9 stuff. And then, about him being in jail. I got out of jail.  
10 As soon as I got out of jail, I went over there and talked to  
11 him. I can't remember - I can't recollect all of that.

12 Q. Okay.

13 A. I'm just being honest. I can't remember all of  
14 that.

15 Q. If you can't remember something, all you have to do  
16 is tell me you can't remember.

17 A. I - I - that's why - I can't remember this stuff.  
18 Only thing I remember is the stuff that I [indecipherable]  
19 about this when I was in jail, this and that. But all the  
20 rest of this stuff, a lot of this stuff, I can't remember.  
21 I'm not gonna lie.

22 Q. Okay.

23 A. Just like I told you, when they took me out of that  
24 court - I mean, took me out of jail, carried me to the  
25 courtroom, I didn't know about going to that courtroom for.

1 Q. Yeah.

2 A. But, is - if I know coming - let's say like, when  
3 you try to do something for some people, it always come - it  
4 always, you know, it backfires. That's why the next time I  
5 see someone get hurt or something, I - I'm not - I'm not gonna  
6 get involved, and that - that's my right hand. I'm not  
7 getting involved. I told my wife that the other night. I  
8 said, "I'm not getting involved for - for nothing - for - for  
9 anything that happens to people." Because it seems like when  
10 you do something for people or try to help it always come back  
11 on you. So, I'm - I'm learning.

12 Q. What do you think is coming back on you, though?

13 A. It just that - how can I say it - things that I did  
14 in life maybe - maybe getting paid for. I don't know.  
15 Drinking, acting the fool, running the street, cheating on my  
16 wife, or - well, not cheating, like, where I was, acting  
17 stupid, cheating on wife, acting stupid. And now, I'm trying  
18 to get my life straight - well, I got my life straight. Doing  
19 the right thing in life. Trying to be the man I want, and  
20 then, all of a sudden all this stuff come up. I - I don't  
21 understand this.

22 Q. You understand that I'm not trying to punish you by  
23 asking these questions, right?

24 A. Well, I know, but - okay, this what I'm saying, it  
25 seemed like a lot of this stuff is false. You - you get what

1 I'm saying? It seem like a lot of this stuff is false. I  
2 can't remember everything I said back then. I can remember  
3 some of the things I said, yes, but I know - how can I say -  
4 he'll - he'd be stupid to tell me that he went out here, did  
5 this to that woman, did that to the woman. That's false.

6 If I did something like - excuse me for saying - I - I  
7 would never tell nobody this stuff. I - I mean, that's common  
8 sense, so. I just - I just - I don't know. It seems like  
9 everything going to - towards me, that all, is the way that -  
10 I guess the way he wrote the report, Pat Green, wrote it up.  
11 I don't know.

12 Q. Okay. Do you recall anyone like a defense attorney  
13 or private investigator interviewing you about this case?

14 A. No, ma'am. I don't remember that.

15 Q. Other than the time you were in court, am I the  
16 first person to come talk about Mr. Evans?

17 A. You - so far, yes.

18 Q. Okay.

19 A. I don't remember back then.

20 Q. Do you know anything about a rape case that Mr.  
21 Evans was charged with involving Debbie Drake?

22 A. No, ma'am. I know Debbie Drake. I stayed - they  
23 stayed by me at Louisburg College.

24 Q. You know - you knew Ms. Drake?

25 A. I think - I think her name's Drake. She got a

1 sister named Becky Drake, Debbie Drake? A white girl?

2 Q. I just know that she - Mr. Evans was charged with  
3 raping Debbie Drake.

4 A. I don't know. I know a Debbie Drake.

5 Q. Okay.

6 A. 'Cause me and her - her daddy - at Louisburg College  
7 'cause that's where we used to stay at behind Louisburg  
8 College. I know Debbie and Becky Drake.

9 Q. Okay.

10 A. And her dad was coach of the - Louisburg College  
11 Basketball team and I could go up there and play basketball,  
12 baseball and stuff like that in the gym. And I had --

13 Q. Were you friends with Debbie?

14 A. Yeah, I was friends with her - well, I was - well, I  
15 can't say we was like friends, friends. Where we'd go, "Hey,  
16 how you doing?" You know - I - you know. It wasn't like I  
17 was, you know, we were everyday thing, just like, "Hey, how  
18 you doing" and keep walking.

19 Q. But you don't remember her --

20 A. I don't remember none of this - I don't --

21 Q. -- being a victim in a case?

22 A. I don't remember none of this stuff. I swear to the  
23 Lord and on my Mommma life. I don't remember none of this.  
24 When you said that, that really shocked me. I - I - I - if -  
25 if it is the same Drake girl, 'cause they was staying at

1   Louisburg College. And like I tell you that, Coach Drake -  
2   Coach Drake used - and Coach Frazier. I used to go and play  
3   baseball [indecipherable] American League pro baseball for a  
4   long time --

5           Q.    Okay.

6           A.    -- 'til I got - well, American Legion baseball.  
7   Then, I played basketball. I - I did a lot. Baseball,  
8   football; I did a lot. I even played tennis.

9           Q.    I like tennis.

10          A.    You believe this - the thing - only reason why I  
11   won't play golf because I'm not gonna hit a golf ball  
12   somewhere and then, I gotta walk behind it to go get it.  
13   That's the only reason. I think that's crazy. Okay.  
14   [Indecipherable].

15          Q.    Do you - do you know somebody named Billy Glenn  
16   Solomon?

17          A.    I know a Solomon.

18          Q.    Billy Solomon?

19          A.    Billy Solomon. Yeah, I know him.

20          Q.    Okay. How do you know him?

21          A.    I don't - what I'm saying - how I knew him, just, I  
22   see him and, "Hey, how you doing?" I don't - I don't know him  
23   like - Billy Solomon stay in Summerville.

24          Q.    Okay.

25          A.    Yeah, he stay in Summerville. Yeah. I don't - I

1 don't know him like - like - I know the Drake girl way - way  
2 about I know him, you know?

3 Q. Okay.

4 A. I don't - I don't know him. I know him, 'cause me  
5 and my wife had brought him - what happened was, when the  
6 hurricane came through the house that - when the hurricane  
7 came through, long, long time ago - that's when Senator Speed  
8 stayed across the road from us. I'm trying to think where was  
9 that. Laurel Mill, we stayed down to Laurel Mill, and a  
10 tornado blew the top of our roof off over there into another  
11 field. And I think we went somewhere in Summerville to see  
12 this man about getting a trailer. I wish I had never got in  
13 it, 'cause it had a lot of ants in it. We got the trailer and  
14 I think Billy Solomon was with that man. That's how I met  
15 him; if I'm not mistaken.

16 Q. Okay.

17 A. And then, again, I could've met him because, back  
18 then, like I said, I was drinking, drugging; I'm just being  
19 honest.

20 Q. Do you recall him being a friend of Kenneth Evans or  
21 knowing Kenneth Evans?

22 A. I don't know.

23 Q. Do you know about him being a witness in this case,  
24 at all?

25 A. I swear to God, I didn't know that.



1 Q. Do you know a man named Walt Christopher Best?

2 A. No, no, ma'am.

3 Q. Do you know a man named Marvin Raines?

4 A. No, ma'am.

5 Q. What about Reese Wardrick?

6 A. I heard of it, but I don't think - I don't think I  
7 know him.

8 Q. Uh-huh (yes).

9 A. But I heard his cousin was there, too. Jerry. Some  
10 guy named Jerry?

11 Q. Jerry Wardrick? Or, I'm sorry, whose cousin?

12 A. Kenny cousin. What's Jerry's name.

13 Q. Are you talking about Jerry Moore?

14 A. Jerry Moore.

15 Q. What about him?

16 A. I heard that he was at the - he testified or  
17 something.

18 Q. You heard he testified?

19 A. That's what I heard. I don't know.

20 Q. Where'd you hear that?

21 A. Who told me that? I just heard that he - he  
22 testified then. Then, somebody told me he didn't. And I - I  
23 never asked him. But see, that's how lies get - you see what  
24 I'm saying? A lot of people tell lies. But I know - I - from  
25 what heard Jerry and him is cousin. I don't know - Ken -

1 Kenny and Jerry is cousin. I don't know.

2 Q. Did you hear what they testified about?

3 A. No.

4 Q. Or what Jerry testified about?

5 A. No, ma'am.

6 Q. Okay.

7 A. No, ma'am.

8 Q. So, going back, I'm just trying to see if you know  
9 who these people are. Reese Wardrick, Tony Wardrick or Gene  
10 Wardrick; do you know any of those people?

11 A. I heard them names but I don't - I don't know - I  
12 heard them names. I won't know them unless I see them.

13 Q. Okay.

14 A. That's - that's being honest. I - I can't tell you,  
15 but the - the other guy I did know.

16 Q. Billy?

17 A. Billy Solomon. Yes.

18 Q. What else do you remember about the trial; either  
19 what you saw when you were there or what you heard?

20 A. Only thing I remember about the trial, like I said,  
21 when I walked through that - when they brought - came to the  
22 jail, then they [indecipherable] - my - matter of fact my mom  
23 in the hospital - from last night, she fell on the floor, and  
24 she lost a lot of blood. She in --

25 Q. Last night?

1           A.    Yeah.  She in the hospital --

2           Q.    I'm sorry to hear that.

3           A.    -- right now.  On my Momma life, only thing I  
4 remember, like I said, come from the - came - brought me from  
5 the jail.  Didn't know what I was there for.  I thought it for  
6 me.  For - for - for me.  I'm being - I thought it was for me  
7 to come on in there, you know, I thought, you know, I'm gonna  
8 get out or something, and then, that's when I got up there.  
9 That's when they swore me in.  And like I said, I was scared  
10 to look at the people out there but I - I saw Kenny and his  
11 lawyer 'cause this was [indecipherable] - just like this.  
12 Just like this.

13          Q.    Do you remember - I know you remember telling them  
14 at the end on your own about --

15          A.    The dirt.

16          Q.    -- the gun.

17          A.    That's it.

18          Q.    Right.  The questions they were asking you  
19 beforehand, were they asking you about any of the stuff we've  
20 read in these statements about things Mr. Evans told you in  
21 jail?

22          A.    Not as I know.  Like, I said, I can't remember back  
23 that far.  I don't remember.  I do - I do recognize -  
24 recognize about the .32, about he trying to break out of jail  
25 or what - I mean, he - once he get over there --

1 Q. So, you testified about that, as well?

2 A. That's the only thing I could - I'm being honest.  
3 That's the only thing I remember. I - all I - only thing I  
4 could've - could've said, but the rest of this stuff about - I  
5 didn't know he rape - rape or did all this stuff. That's  
6 something I don't know, and I'm not gonna lie and say I do  
7 know, you know. I - I can't tell that lie.

8 Q. Do you recall anything else about the trial, either  
9 other people you heard testify or what else?

10 A. No, ma'am. That's it. I was scared 'cause I - I  
11 was the only one that testified, and then, I wondered why, you  
12 know, and still - what still puzzle me - by the grace of God,  
13 what puzzle me why is it that this .32 pistol's not in here.  
14 I don't --

15 Q. Why do you think that is?

16 A. 'Cause somebody lying or doing something.

17 Q. Why do you think someone would like about that?

18 A. I - I don't know. I don't know. But still, I - I -  
19 I can say this, I did say it was a - he tried to sell me a .32  
20 pearl-handled pistol. That's something I do know. That's  
21 something I do know.

22 Q. But that's your - your recollection of the trial is  
23 what you testified to, and you heard about Jerry Moore; you  
24 didn't hear about anyone else?

25 A. [Indecipherable] - how I can say about I heard about

1 Jerry Moore - this was years - years - that's when I was  
2 drinking and stuff. That's when all this had been over with  
3 and everything and, some guy was talking to. I can't think of  
4 his name. Talking about, "Yeah, you and Jerry Moore, y'all  
5 testified." I said, "I don't know nothing." I said, "What  
6 are you talking about, man?" I think he was some kin to  
7 Kenny. I don't know.

8 Q. Do you remember who that guy is?

9 A. No, ma'am.

10 Q. Do you remember where you were when that  
11 conversation took place?

12 A. We was in Louisburg, but that's all I remember. And  
13 that been, oh, years and years ago.

14 Q. Do you know whether or not the victim in this case,  
15 Mrs. Manning, ever identified Mr. Evans as the man who  
16 kidnapped her?

17 A. I don't know.

18 Q. Okay.

19 A. I'm gonna be - that's something I don't know. I - I  
20 - I don't know.

21 Q. Either before or after you testified, do you recall  
22 anyone offering you anything in exchange for --

23 A. No, no, ma'am.

24 Q. -- your testimony?

25 A. That's - that's exactly what I was trying to tell

1 you the first time. I went ahead and did my time. No.

2 Q. Do you recall getting a DWLR charge in November,  
3 1994?

4 A. Driving while, what?

5 Q. License Revoked.

6 A. Like I said, I - I don't remember. I think that's  
7 why I went to jail. I don't remember.

8 Q. Do you recall pleading guilty to a lessor offense  
9 from that charge the same week as Mr. Evans trial?

10 A. The same week?

11 Q. Uh-huh (yes).

12 A. They locked - they sent me to prison.

13 Q. So, in April of 1995 --

14 A. When - when I went to that courthouse - that's my  
15 right hand to God, when I went to the courthouse, the lady  
16 name is Susan Thompson --

17 Q. Uh-huh (yes).

18 A. -- when I went to the courthouse, about maybe - I -  
19 I can't recollect, but I went to prison.

20 Q. Okay.

21 A. I went to prison - [indecipherable] she said, "Have  
22 I ever" - exact words she said, "Did I offer you anything -  
23 this" and I said, "No, ma'am." And then, I went to prison. I  
24 went to prison and, matter of fact, okay - yeah, I went to  
25 prison.

1 Q. Do you recall a possession of stolen goods and  
2 property charge from around January, 1995?

3 A. For me?

4 Q. Uh-huh (yes).

5 A. I - I don't remember that.

6 Q. Do recall pleading to a misdemeanor larceny instead  
7 of the felony charge this - the week after Mr. Evans trial?

8 A. I don't remember that.

9 Q. Okay.

10 A. No. Felony? Felony for what? What'd I do?

11 Q. Possession of stolen goods and property?

12 A. No, no, no. I ain't never been that low. No, no,  
13 no, no, no, no. No, ma'am. No, ma'am. Swear to God. That  
14 must another Larry - that - that ain't me.

15 Q. So, to your recollection you did not receive any --

16 A. No.

17 Q. -- deals, rewards --

18 A. No.

19 Q. -- anything in connection with your testimony in  
20 this case?

21 A. No, ma'am. I swear for the Lord, no. No.

22 Q. [REDACTED]

23 [REDACTED]

24 A. [REDACTED]

25 Q. [REDACTED]

1 A. [REDACTED] [REDACTED]

2 Q. [REDACTED] [REDACTED]

3 A. [REDACTED]

4 Q. [REDACTED]

5 [REDACTED]

6 A. [REDACTED]

7 Q. [REDACTED]

8 A. [REDACTED]

9 Q. [REDACTED]

10 A. [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED]

17 Q. [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 A. [REDACTED] [REDACTED]

22 Q. [REDACTED] [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]

25 A. [REDACTED] [REDACTED] [REDACTED]



1 Q. [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED]

3 A. [REDACTED] [REDACTED]

4 Q. [REDACTED] [REDACTED]

5 [REDACTED]

6 A. [REDACTED]

7 Q. [REDACTED]

8 A. [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED]

10 Q. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A. [REDACTED] [REDACTED]

14 Q. [REDACTED]

15 [REDACTED]

16 A. [REDACTED] [REDACTED]

17 Q. [REDACTED] [REDACTED]

18 [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 A. [REDACTED]

22 Q. [REDACTED]

23 A. [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

7 A. [REDACTED]

8 Q. [REDACTED]

9 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 Q. [REDACTED]

13 A. [REDACTED] [REDACTED] [REDACTED]

14 Q. [REDACTED]

15 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 Q. [REDACTED]

18 A. [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

22 Q. [REDACTED]

23 A. [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 Q. [REDACTED]

1           A.   [REDACTED] [REDACTED]  
2   [REDACTED] [REDACTED] [REDACTED]  
3   [REDACTED]  
4   [REDACTED] [REDACTED]

5           Q.   What did I want to just ask about? Oh, I'm gonna  
6 ask you to turn to the very last page, and I believe this is  
7 number 31. These are some notes from --

8           A.   Me?

9           Q.   -- from Mr. Evans' attorney, and it's - they appear  
10 to --

11          A.   Larry Norman?

12          Q.   Larry Norman.

13          A.   Yes, ma'am.

14          Q.   And it appears to be notes about a closing, and I'm  
15 just gonna read this top paragraph to you.

16          A.   Uh-huh (yes).

17          Q.   "Susan Thompson in opening statements said, admitted  
18 that they did not have enough evidence to even charge the D"  
19 meaning, defendant.

20          A.   Uh-huh (yes).

21          Q.   "Until statement to Larry Davis."

22          A.   Uh-huh (yes).

23          Q.   Did anyone ever tell you anything like that?

24          A.   No, ma'am, not this. I never seen this.

25          Q.   It says - and then, if you go down to the third

1 paragraph it says, "Larry Davis doesn't have a truthful bone  
2 in his body."

3 A. Who said that?

4 Q. This is from Mr. Norman's notes.

5 A. Mr. Norman used to be my lawyer.

6 Q. Before or after this?

7 A. Be - he - he always - him and [indecipherable]. He  
8 used to be my Chapter 13 lawyer --

9 Q. Okay.

10 A. -- and I don't know why he would said this.

11 Q. Was this before or --

12 A. And - and --

13 Q. -- or after the trial?

14 A. And lawyers lie, too. Lawyers - lawyers - that's  
15 how you get people convicted or not convicted because they  
16 lie. That's their - that's their job. Lawyers, this is their  
17 job. No. Okay. What - what --

18 Q. Do you think - do you think it's true that they  
19 didn't have enough information to charge Mr. Evans until you  
20 came forward?

21 A. I can't answer that. I don't know. I don't know  
22 what - what was said or what - what was said or anything. I  
23 don't know. I can't - I can't answer that.

24 Q. If Susan Thompson said in a newspaper article that -  
25 -

1 A. It's --

2 Q. -- you provided information to law enforcement that  
3 Mr. Evans had told you, that was not known in the public  
4 record --

5 A. Uh-huh (yes).

6 Q. -- meaning, the gas being almost out in the victim's  
7 car, would that be accurate?

8 A. I don't know nothing about that.

9 Q. Okay.

10 A. I don't know nothing about that, about the - I - I -  
11 I - like I said, I don't - I don't remember that.

12 Q. Do you re --

13 A. I don't remember saying that.

14 Q. Do you recall anyone asking you about it when you  
15 were testifying?

16 A. I don't remember that; like I said. I don't  
17 remember.

18 Q. Did you smoke at the time?

19 A. Yes.

20 Q. What brands did you smoke?

21 A. Newports.

22 Q. Newports.

23 A. Yeah.

24 Q. The short box or the long ones?

25 A. Long.

1 Q. Longs?

2 A. Okay. What's wrong with that?

3 Q. I'm just asking.

4 A. Okay. Okay.

5 Q. I am going to check with them real quick about any  
6 follow-up questions I need to ask you, and then, I just have a  
7 few more things to ask you, and then, we should be able to get  
8 you out of here.

9 A. Okay; but, we'll try to get everything  
10 [indecipherable] today, right?

11 MS. TANNER: Yes, sir. We'll do our best to do  
12 that. If you can hang right here, we're just gonna step  
13 around --

14 MS. MATOIAN: Yeah.

15 MS. TANNER: -- right there, okay?

16 MR. DAVIS: Yes, ma'am.

17 MS. TANNER: We'll stay in the same room.

18 MR. DAVIS: Yes, ma'am.

19 **[Pause]**

20 MS. TANNER: Thank you.

21 BY MS. MATOAIN:

22 Q. Okay. We'll be back on. I've just got a few follow  
23 up questions for you, and then, we can hopefully get you out  
24 of here.

25 A. Yes, ma'am.

1 Q. Going back to these statements that we've marked 29  
2 and 30, I just want to be clear for the record. These lines  
3 that you have highlighted --

4 A. Uh-huh (yes).

5 Q. -- these are things that you specifically remember,  
6 Mr. Evans saying to you?

7 A. Could - could you read it to me, please?

8 Q. Sure.

9 A. Appreciate it. I'm not trying to - I can't hardly  
10 see.

11 Q. No.

12 MS. TANNER: It's okay.

13 BY MS. MATOIAN:

14 Q. I would like it to be accurate, so that's fine.

15 A. Yes, ma'am.

16 Q. So, this first highlighted portion, and the question  
17 that I have for you is, I want to know, are these things you  
18 remember Mr. Evans saying to you, number one. And number two,  
19 you remember saying these things to Pat Green.

20 "Davis stated that while he was in jail upstairs, Kenneth  
21 Evans had told him that he was planning to climb out one of  
22 the windows at the jail when he was taken out to visit. Davis  
23 went on to say that Evans told him that the jailer - that the  
24 jailers take him out after he visits, and he walks around for  
25 several minutes in the back before the jailers put him back in

1 the cell. Davis stated that he and Kenneth talked together a  
2 lot because he and Kenneth were friends."

3 A. No, me and Kenny won't friends. We didn't talk a  
4 lot 'cause he was upstairs, I was downstairs.

5 Q. So, you talked - you didn't talk a lot and you  
6 weren't friends?

7 A. No.

8 Q. So, I'm gonna ask you to mark with blue pen these  
9 three lines. Uh-huh (yes); and, then I'm gonna put a little  
10 thing combining them, and I'd like you to initial right there  
11 so that --

12 A. Okay. Can - can you read it one more time --

13 Q. Uh-huh (yes).

14 A. -- 'cause I want to make sure I do everything --

15 Q. Sure.

16 A. -- do it right - tell the truth.

17 Q. "Davis stated that while he was in jail parenthesis,  
18 (upstairs,) Kenneth Evans had told him that he was planning to  
19 climb out one of the windows at the jail when he was taken out  
20 to visit. Davis went on to say that Evans told him that the  
21 jailers take him out after he visits and he walks around for  
22 several minutes in the back before the jailers put him back in  
23 the cell."

24 A. Well, I might have said that, 'cause I can't  
25 remember --



1 Q. Do you recall that?

2 A. I can't remember, but I think I did say that. But I  
3 do know he - when he talking about he - going out the jail if  
4 he get a chance.

5 Q. So, this --

6 A. And maybe that what Ms. Susan and them asked me.

7 Q. So, this part that you've highlighted --

8 A. I --

9 Q. -- you remember --

10 A. -- I think, yes --

11 Q. -- Mr. Evans saying this?

12 A. I do remember that but this - this other stuff --

13 Q. And you think that you remember Mr. Evans saying  
14 these things to you, and you think that you may have told this  
15 information --

16 A. Yes.

17 Q. -- to Ms. Thompson?

18 A. Yes. I'm not --

19 Q. Okay.

20 A. -- I'm not gonna lie about that. I think I do  
21 remember that.

22 Q. I just want to be clear. I'd like you to initial  
23 these lines here where it says, "Davis stated that he and  
24 Kenneth talked together a lot because he and Kenneth were  
25 friends" and that - you've now marked those out?

1 A. Right.

2 Q. And I'd like you to initial there so that we know  
3 we're overriding the highlight on that.

4 A. Okay.

5 Q. All right; and, I'm - we'll go back to these other  
6 parts but I want to go back to this highlight.

7 The second highlighted portion says, "Davis stated that  
8 Kenneth Evans was talking about the police wanting his blood  
9 and hair. He was stating - stating that the police didn't  
10 have nothing on him."

11 A. He told me that when he was - came to my - when he  
12 came from downstairs.

13 Q. Right.

14 A. He did --

15 Q. So, you remember --

16 A. I do remember that.

17 Q. Okay.

18 A. He did tell me that.

19 Q. Do you remember telling that to law enforcement or  
20 Ms. Thompson?

21 A. I - I don't remember.

22 Q. Okay; but, you recall --

23 A. It's been so long. If I - if I were called to  
24 testify I probably did tell it but I - I do remember. This I  
25 do remember.

1 Q. Okay.

2 A. This I do.

3 Q. All right. So, those are the highlighted portions,  
4 and you re - you don't know who you told this to but you  
5 recall Mr. Evans saying these highlighted portions to you?

6 A. I - I do. Swear for the Lord.

7 Q. Okay.

8 A. I - I remember this.

9 Q. All right. So, now, I'm gonna go to the portions  
10 that you have marked with the blue pen.

11 A. Okay.

12 Q. And I want to be clear, that you do not recall Mr.  
13 Evans saying those things to you?

14 A. Right; and --

15 Q. All right.

16 A. -- ma'am - I'm gonna raise my hand like I'm in  
17 school - and can you make a note about the .32 pistol, too?  
18 Well, that --

19 Q. You can make a note about the .32 pistol.

20 A. Yeah.

21 Q. -- on this back page right here at the bottom --

22 A. Okay.

23 Q. -- if you'd like. So, these blue parts - so, now,  
24 this part that was originally highlighted but is now in blue -  
25 -

1 A. Okay.

2 Q. "Davis stated that he and Kenneth talked together a  
3 lot because he and Kenneth were friends."

4 A. No.

5 Q. Okay; and, that is not true?

6 A. That's not true.

7 Q. "Davis stated that Kenneth had told him while in  
8 jail together that he had raped a white woman and had broke  
9 into her house in Louisburg."

10 A. That's not true.

11 Q. Mr. Evans did not tell you that?

12 A. No, ma'am. That's a lie.

13 Q. All right. So, now, I'm gonna go to this next  
14 portion that you've marked with the blue pen, and I'll stop  
15 every little bit and ask you. "Evans began talking" - "Davis  
16 went on to say that Evans began talking about kidnapping an  
17 older white lady from Centreville, and that, he stole her car  
18 and was bragging about tying her up and covering her eyes up  
19 so she couldn't see who he was."

20 A. No.

21 Q. That's not true; Mr. Evans --

22 A. Not - not --

23 Q. -- did not tell you that?

24 A. No, ma'am.

25 Q. "Evans went on saying to Davis that he" parenthesis

1 Evans, "had a hose of some type over his face and that the  
2 woman couldn't tell who he was."

3 A. I can't - like I say, I can't remember that stuff  
4 that far.

5 Q. You do not remember Mr. Evans saying that?

6 A. I can't remember that stuff that far.

7 Q. And I'm - so, it's a little --

8 A. I'm - I'm --

9 Q. -- it's a little bit of distinction, so I'm just  
10 gonna ask you.

11 A. I'm just being honest; I can't remember that far.

12 Q. Mr. - Mr. Evans did not say this or you do not  
13 remember him saying that?

14 A. I - I don't remember him saying that.

15 Q. Okay.

16 A. But, if he said it, I don't remember. I'm just  
17 being honest.

18 Q. Don't remember. Okay. All right. Going on, "Evans  
19 also told Davis that he stole money from the lady along with  
20 her car. Evans also stated that the car got low on gas and  
21 that he parked car in woods and left the woman in the car, and  
22 he, Evans, left on foot."

23 A. I don't remember that stuff that far.

24 Q. You do not remember --

25 A. I do not remember.

1 Q. -- Mr. Evans saying that?

2 A. No, ma'am.

3 Q. "Davis stated that Evans told him the woman lived in  
4 Centreville, North Carolina and was an older white woman."

5 A. I don't remember that stuff. It - it been so long  
6 ago. I don't remember him even saying something like that.

7 Q. So, you - these parts that you've marked in the blue  
8 pen is because you do not remember Mr. Evans saying that to  
9 you?

10 A. No, ma'am.

11 Q. And this part on the first page marked 112 that  
12 we've marked in the blue pen related to Mr. Evans and you  
13 talking a lot and being friends, that part is just not true?

14 A. No, ma'am, 'cause he was upstairs, I was down  
15 downstairs.

16 Q. Okay. So, there's just the distinction between what  
17 is not true to your knowledge and what you don't remember Mr.  
18 Evans --

19 A. Right.

20 Q. -- saying to you.

21 A. I don't remember that, no.

22 Q. Okay. So, I'm gonna go to number 30, which is that  
23 3/5/1993 interview. I'm gonna read this first highlighted  
24 portion and ask you the same question. "I was in jail with  
25 Kenneth Evans. He, Evans, told me that the police couldn't

1 pin him with the kidnapping because the woman couldn't see  
2 him."

3 A. Yeah, I do remember that.

4 Q. You remember that?

5 A. But the rest - the other stuff I - I can't - I can't  
6 reflect [sic] no more.

7 Q. Okay. Do you recall telling anybody that Mr. Evans  
8 said that to you?

9 A. No, not as I - no. I'm trying to think. Read that  
10 again, now.

11 Q. "I was in jail with Kenneth Evans. He, Evans, told  
12 me that the police couldn't pin him with the kidnapping  
13 because the woman couldn't see him."

14 A. If I did, it would have been when I testified.

15 Q. Okay.

16 A. If anything.

17 Q. But you recall him saying that to you?

18 A. Yes, I think so, yes.

19 Q. And I asked you this earlier but I'm gonna ask you  
20 again, when he said this to you, did you take that to mean  
21 that he had actually committed this crime?

22 A. I - read that again, now. I'm not trying to be -  
23 I'm not trying funny 'cause --

24 Q. You're fine.

25 A. -- 'cause --

1 Q. I want to make sure we're accurate so we can read it  
2 as many times as you want.

3 A. Okay.

4 Q. "I was in jail with Kenneth Evans. He, Evans, told  
5 me that the police couldn't pin him with the kidnapping  
6 because the woman couldn't see him."

7 A. All right. Read it one more time, slower for me,  
8 please. I'm not trying to be funny. Please.

9 Q. I don't think you're being --

10 A. Okay.

11 Q. "I was in jail with Kenneth Evans."

12 A. Right.

13 Q. "He, Evans, told me that the police couldn't pin him  
14 with the kidnapping because the woman couldn't see him."

15 A. No. What he said - he said, they couldn't - read  
16 this - them - I'm gonna add to it.

17 Q. Okay. "I was in jail with Kenneth Evans."

18 A. Uh-huh (yes).

19 Q. "He, Evans, told me that the police couldn't pin him  
20 with the kidnapping" --

21 A. They could not pin nothing on him. That was it.

22 Q. Okay. Will you write that off to the side and  
23 initial?

24 A. I don't know how to spell pin.

25 Q. P-I-N.



1 A. Nothing on him.

2 Q. Do you recall him saying the part about the woman  
3 about the woman not being able to see him?

4 A. Ma'am? No.

5 Q. No? Okay. So, I'm gonna ask you on this line right  
6 here where it says, "because the woman couldn't see him" to  
7 put an X right there --

8 A. Right here?

9 Q. -- and then, initial right there since we're gonna  
10 override that highlight.

11 A. All right.

12 Q. All right. Now, so, now I'm gonna go to these other  
13 spots that you've marked with a blue pen.

14 A. Yes, ma'am.

15 Q. All right. So, this one, that we've just changed,  
16 "because the woman couldn't see him" you do not recall him  
17 saying that?

18 A. No, ma'am.

19 Q. All right.

20 A. No. He said they couldn't pin him - put nothing on  
21 him.

22 Q. And is that, you can't recall him saying that or did  
23 he did not say this part.

24 A. This part here - okay, read this part.

25 Q. Okay. So, "I was in jail with Kenneth Evans. He,

1 Evans, told me that the police couldn't pin him with the  
2 kidnapping because" --

3 A. No, no.

4 Q. -- "the woman" - okay.

5 A. Okay.

6 Q. So, I'm gonna stop there. I there at the  
7 kidnapping.

8 A. Stop - put - put mines in there and stop.

9 Q. Okay. Couldn't pin him --

10 A. Pin nothing on him.

11 Q. -- could pin nothing on him --

12 A. That was it.

13 Q. That was what he said?

14 A. That was it.

15 Q. He did not say this part about "because the woman  
16 couldn't see him."

17 A. No.

18 Q. Okay.

19 A. No. I - I - I can't reflect [sic] - I can't  
20 [indecipherable]. No, ma'am, I don't remember that.

21 Q. Okay. "I asked Kenneth what he was talking about.  
22 He stated that he kidnapped an older white woman in  
23 Centreville and tied her up and left her in the woods."

24 A. No.

25 Q. No, you don't remember or --

1 A. I - I --

2 Q. -- no, he didn't say that.

3 A. He couldn't have said that. No.

4 Q. "Evans told me that he stole her car also and left  
5 that in the woods with her because it was about - it was  
6 almost empty - on empty, parenthesis, (out of gas.)"

7 A. I don't remember none of that stuff.

8 Q. Okay. You do not remember that?

9 A. No, ma'am.

10 Q. "Evans also told me that he had gotten some money  
11 from the old lady."

12 A. I can't remember that far. I don't remember none of  
13 that stuff.

14 Q. "He said that the woman couldn't see him because he  
15 had something over his face and that he put something over her  
16 eyes."

17 A. I - I can't remember [indecipherable]. Any -  
18 anyway, come to think of it, I gave Kenny [indecipherable] a  
19 ride that day. I just thought about it, and he had a black  
20 wave cap on his head. I swear to God. He had a black wave  
21 cap. I gave him a ride to Centreville and dropped him off.

22 Q. Can you describe --

23 A. Not - not Centreville, but on - it's before you get  
24 to Centreville. I just thought about that. I gave him a  
25 ride, and he got off on - what's the name of that road?

1 Motain Road? Not Motain Road. It's a road where another  
2 little store at.

3 Q. Not the Manning store?

4 A. Not the Manning store. It was like, the Manning  
5 store was about - I'd say about three or four miles from the  
6 store. I'm trying to think - and when I dropped him off he  
7 had a black wave cap on.

8 Q. Okay. I'm gonna ask you --

9 A. I swear to God he did. I just thought about that.  
10 It was - what's the name of that daggone road?  
11 [indecipherable] I - I know the road but [indecipherable] it's  
12 a little store - a store where you turn - a little brick store  
13 then you go all the way down the stop sign then you turn right  
14 then there go the other two stores right there. Yeah.

15 Q. The other two stores, is one of those the Mannings?

16 A. Yeah. Well, store I stopped - I stopped him off way  
17 before we got there. It was a little brick store.

18 Q. Let - let's just finish this real quick.

19 A. Okay.

20 Q. -- and then --

21 A. Okay.

22 Q. -- we're gonna about that.

23 A. Okay.

24 Q. Okay. So, I think we're at the part, "He said that  
25 the woman couldn't see him because something over his face and

1 that he put something over her eyes."

2 A. I don't remember that.

3 Q. Okay.

4 A. I can't say.

5 Q. "He told me that he left her in the woods and he  
6 left on foot."

7 A. I - I don't remember.

8 Q. You don't recall that?

9 A. None of that stuff [indecipherable].

10 Q. Okay; and then, I think we've got this shorter one  
11 with notes right here. So, let's just do the same thing for  
12 that one and then, we're gonna talk about you taking Mr. Evans  
13 to the store.

14 A. [Indecipherable]. I don't know.

15 Q. Okay. So, this one from Exhibit 17, that's titled  
16 3/5/93 1:50 p.m. Larry Davis. The only part that you have  
17 highlighted on this is a part that says, "He was walking  
18 around. He saw him at pool room."

19 A. At Jame Scott --

20 Q. Okay.

21 A. -- pool room.

22 Q. Okay. So, that part, you recall?

23 A. Yeah, I recall that. He was walking around at Jame  
24 Scott pool room. He tried to sell me a .32 pistol - pearl-  
25 handled pistol.

1 Q. But we read this before, and that information does  
2 not appear in this, correct?

3 A. No.

4 Q. Okay; and then, you have marked out all the  
5 subsequent lines. Can you actually put an X right there? I  
6 think we've missed this last little one. Let's make sure  
7 we're complete.

8 A. And what - what is this --

9 Q. I'm gonna do the same thing with this one.

10 A. Okay.

11 Q. "He told me that he had did something to this woman.  
12 He had tied her up. Woods. Got some money."

13 A. Can't remember. That one's just like the other one  
14 just read. I - I can't remember.

15 Q. And I'll say that I - based on the time that this  
16 was taken, I believe these to be handwritten notes --

17 A. Okay.

18 Q. -- that Pat Green took --

19 A. Okay.

20 Q. -- and then, later turned into a statement, but  
21 there's a few differences between the two so, I just want to  
22 make sure that we've --

23 A. Okay.

24 Q. -- gone through it. "He said she lived in  
25 Centreville. A white woman."

1 A. Uh-huh (yes).

2 Q. You recall that?

3 A. I don't remember that.

4 Q. All right. "He" --

5 A. I can't remember that far.

6 Q. -- "He told me again while he was in jail that he  
7 had kidnapped a white woman in Centreville."

8 A. I can't remember that far. I don't remember that.

9 Q. "He said the woman couldn't - didn't see him. He  
10 had his face covered up and had something over her face."

11 A. I don't remember that.

12 Q. And then, going on to the second page, and, again, I  
13 think we just missed this last line. If you could mark that.  
14 "Kenneth said that he kidnapped her, an old white lady, and he  
15 stole her car and hid her car woods. Left her in woods and  
16 it's and the car was almost out of gas."

17 A. I can't remember that far.

18 Q. Okay.

19 A. I - I don't remember that.

20 Q. So, these blue marks, in this instance, mean that  
21 that you do not recall Mr. Evans saying these things to you?

22 A. No, ma'am. It's been so long ago. I don't remember  
23 that.

24 Q. Okay. All right. All right. So, talk to me about  
25 how you know that this day that you took Mr. Evans to the

1 store was the same day that this crime happened.

2 A. Because - let me make sure I say it right now.

3 Q. Okay.

4 A. I heard it. I heard it.

5 Q. You heard what?

6 A. I heard - I heard that. Well, no, I didn't hear it  
7 but - how - how can I say it? I don't know whether he did or  
8 not then 'cause the only thing I remember driving him that  
9 store and putting him off. That's all I remember. Not to -  
10 to the Manning store but a store up the street and that was  
11 about - that was in '93 back then, if I'm not mistaken, 'cause  
12 I remember he had a black wave cap ways - cap on. Well --

13 Q. Can you describe what a wave cap looks like to me?

14 A. You put it on your head and tie it around the back  
15 and it hangs down. That's been so long ago.

16 Q. I am gonna show you our number 24.

17 A. That's it, right there.

18 Q. Okay. I - and this is just my understanding of  
19 these things. My understanding is that this is called a do-  
20 rag.

21 A. Yeah. I call it a wave cap.

22 Q. Okay. My - what other people have told me about a  
23 wave cap is that is more of a nylon material and that it ties  
24 on the top of your head and it doesn't have like the cape or  
25 the ties.



1 A. That's right. That's what I call - right there.

2 Q. You call that a wave cap, but either way, this is  
3 what Mr. Evans was wearing that day?

4 A. Okay. That what I call - okay. Well --

5 Q. But, I - I - that's I might --

6 A. Okay. I'm - I'm --

7 Q. That's my question; was Mr. Evans wearing --

8 A. It - it was like that, yes.

9 Q. Okay.

10 A. I can't say if that's - it - it was like that.  
11 That's something I do know; it was like that.

12 Q. It was like that.

13 A. That's something I do know.

14 Q. Okay. Did you frequently see him wearing something  
15 like that --

16 A. [Indecipherable].

17 Q. -- out in public?

18 A. He wore it most of the time.

19 Q. Most of the time?

20 A. Yes.

21 Q. Okay.

22 A. Yes. [Indecipherable] - mostly I saw him, he wore  
23 it.

24 Q. How did he usually dress when you saw him out?

25 A. I - he was like - I couldn't say he was a neat

1 dresser. He was like - it - I don't know. I can't say he was  
2 a neat dresser.

3 Q. Not a neat dresser?

4 A. No, ma'am.

5 Q. Okay. So, you said that you and him didn't see eye-  
6 to-eye --

7 A. Uh-huh (yes).

8 Q. -- because of Shirley Evans?

9 A. Uh-huh (yes). Well, I only thought she was a  
10 [indecipherable]. I didn't know she was married.

11 Q. Okay; and, you've also told me previously that you  
12 didn't really like Mr. Evans?

13 A. Not saying I didn't really like him, I just I didn't  
14 care for what he - the way he treated her.

15 Q. But you'd still give him a ride?

16 A. Yeah, I gave him a ride, yeah.

17 Q. Okay.

18 A. I'd still give him a ride, yeah.

19 Q. Did you give him rides frequently?

20 A. No. No, no, no. No, ma'am.

21 Q. So, this time where you take him to the store and  
22 he's wearing the wave cap --

23 A. Yes.

24 Q. -- that's the only time you recall giving him a  
25 ride?

1 A. Yes, I do remember that, yes.

2 Q. All right; and, you said, the store was --

3 A. Was about it?

4 Q. -- a brick store?

5 A. The store I put him off at was named back then -

6 I'll tell you the name of the store if I can think of it.

7 What was the name of that store.

8 Q. Do you recall who worked at the store?

9 A. That man dead and gone now [indecipherable]. He was  
10 a - what was the name of that store. I know that store - I  
11 can't think of it but it ain't - ain't but - won't but one  
12 store out there.

13 Q. You said he was - he's dead now?

14 A. Yes, ma'am.

15 Q. What do you recall about him?

16 A. His name - his name was Tommy - he worked for the  
17 Sheriff's Department - Office, too, but then he let his family  
18 ran it. What's Tommy's last name?

19 Q. Tommy Perry?

20 A. Tommy Perry. I'm talking about right there, that  
21 store, what he used to run.

22 Q. Was it light out, was it dark out?

23 A. It was light; it was during the day.

24 Q. During the day?

25 A. Yes, ma'am.

1 Q. Okay; and, did you --

2 A. That's something I - I do remember, yes.

3 Q. Did you see him going into the store?

4 A. No, I just - I got up and just left.

5 Q. Okay.

6 A. I just got up and turned around, kept straight and I  
7 - I came on back home.

8 Q. About how long does it take to get from Louisburg to  
9 Centreville?

10 A. On the car?

11 Q. Uh-huh (yes).

12 A. It don't take long. I can't - I --

13 Q. Can you estimate?

14 A. About 15 or 20 minutes.

15 Q. Okay; and, did you say that you had done this in  
16 1993?

17 A. Yeah, I do remember that.

18 Q. Okay.

19 A. I do remember giving him a ride to that store when  
20 all of this had happened.

21 Q. In 1993?

22 A. But - but - I didn't never - I didn't never say  
23 nothing about that. I just thought about it. I do remember  
24 that. That's something I do remember.

25 Q. You remember that I said that this crime happened in

1 March, 1990, right?

2 A. Yeah, but I remember - well, that's when I gave him  
3 a ride.

4 Q. Well, you said '93 a few minutes ago.

5 A. I'm saying - I gave him a ride to that store when  
6 that stuff had happened; that's something I do remember.

7 Q. And how do you know - 'cause you said you never told  
8 anyone about that and - and now, we're --

9 A. No, I - I know, because - because - I can't remember  
10 everything.

11 Q. Right.

12 A. It's just like, I'm trying to tell you about that.

13 Q. Right.

14 A. I can't remember everything.

15 Q. Right; but, just from what you've said --

16 A. Uh-huh (yes).

17 Q. -- you're remembering that. So, you haven't told  
18 anyone about that --

19 A. No.

20 Q. -- and it's been --

21 A. Be - because --

22 Q. -- it's been --

23 A. That's been --

24 Q. -- 29 years, almost --

25 A. Uh-huh (yes).

1 Q. -- exactly.

2 A. But it just hit me when y'all were talking about it.

3 Q. How do you know it was that day?

4 A. I know it was day because I - I - because people  
5 talk. People try - people talk. Pep - people talk.

6 Q. Who - who talks?

7 A. People just was talking.

8 Q. What'd they say?

9 A. They just saying that, you know, such and such went  
10 down there and did - went down to that store, and I - I be  
11 just listening, and then, I thought about it. I'm the one who  
12 gave him a ride to that store.

13 Q. What does the store have to do with this crime?

14 A. No. Hardly, but it happened at the same; if I'm not  
15 mistaken. All just [indecipherable] happened that same - that  
16 - that day, or that night whenever he did it. I went there,  
17 even dropped him off, and came back to Louisburg, and then,  
18 the next day or two - it was the next day - next day - next  
19 day that - when people started talking, and that's my right  
20 hand to God. Like hand on that do-rag - I call it do-rag, on  
21 God.

22 Q. I just want to make sure I'm understanding you. You  
23 recall that the day you took him to Tommy Perry's store was  
24 the day of the crime --

25 A. Uh-huh (yes).

1 Q. -- because you took him there?

2 A. I - I took him - I --

3 Q. Dropped him off?

4 A. -- matter - matter of fact, I - I had taken him  
5 right there the intersection. The store to the right; I  
6 dropped him right there in yard, the store yard, and then, I  
7 left. I swear before God. I left.

8 Q. And you know that that was the same night that Mrs.  
9 Manning was kidnapped --

10 A. I - I heard, yeah.

11 Q. -- because you heard the next day?

12 A. I heard the next day.

13 Q. What'd you hear?

14 A. I heard that somebody broke - did this at a house -  
15 did that - left her outside somewhere for dead or something.  
16 I don't - that's - that what I heard.

17 Q. So, you heard that she had been kidnapped the next  
18 day?

19 A. Right, that's right. That's about all.

20 Q. And when did you connect that with dropping Mr.  
21 Evans off at Tommy Perry's store?

22 A. 'Cause the people talking about what they had on  
23 him, but I - I - couldn't - I - it was - I - I didn't want to  
24 think about it.

25 Q. People were talking about what they were wearing?

1           A.    I guess.  I - I guess they were saying what the lady  
2 was trying to describe what he had on or what - what --

3           Q.    Okay.

4           A.    I - I don't remember.  It been so long ago but - but  
5 I do remember that - that cap.

6           Q.    And you - the lady was describing what the guy had  
7 on.  Did that connect you to Mr. Evans?

8           A.    I don't know.  I'm - no, I'm - I'm just saying back  
9 then when I dropped him at the store, about two or three days  
10 later that's when I - I heard about this stuff; if I'm not  
11 mistaken.  And I do remember - see, I ain't never -  
12 [indecipherable] you have your book, right?  Think about it  
13 now, I didn't know.  Then what hit me, something I never said  
14 when I went to court that he was wearing that scarf because I  
15 - I won't thinking about it 'cause every - like I'm saying,  
16 see it's a shocker.  When you - when they bring you somewhere  
17 and - like bring you to court and you don't know where you  
18 going for, you - you can't think of everything.

19          Q.    What do you recall talking about the scarf in court?

20          A.    Nobody.  Ain't nobody talk about no scarf in court,  
21 nobody.

22          Q.    Or the wave cap?

23          A.    Nobody.  Nobody.  I - I --

24          Q.    Did you talk about it?

25          A.    No, I just thought about it just now on top of my



1 head. Nobody.

2 Q. So, you've never talked about this --

3 A. No.

4 Q. -- with anyone else before?

5 A. Because I'm being honest with y'all. I think the  
6 man has done enough time; to my recollection. I mean, for me,  
7 I really think he has done enough.

8 Q. Okay.

9 A. I'm - I'm - I'm being straight with y'all. He need  
10 to come out here to be with his family. I'm - I'm being a man  
11 about it. He - that man needs to come out here be a family  
12 'cause he needs - let his kids know who he is. And that - I'm  
13 - I'm just being honest. It ain't a point that I want this  
14 man to stay this. I just didn't understand the way stuff  
15 worked.

16 Q. Okay.

17 A. But now, I mean, he need to be out here with his  
18 family. I'm - I'm just being honest.

19 Q. Did - these statements that I've showed you today  
20 that we've looked at and highlighted and marked on, have you  
21 ever seen those before?

22 A. No, ma'am.

23 Q. No? Okay.

24 A. No, ma'am.

25 Q. Have you ever seen any statements or written -

1 anything written about Mr. Evans case and something you said?

2 A. No, ma'am.

3 Q. Okay.

4 A. No, ma'am.

5 Q. Have --

6 A. It just --

7 Q. Go ahead.

8 A. It just what puzzle me, out of all this stuff, why  
9 wasn't the gun mentioned? Talking about - I - I just really  
10 like for something - an answer to that.

11 Q. Okay.

12 A. And - and it can't be no answer. Evidentially, if -  
13 if a gun - gun won't [indecipherable] why Larry Norman got  
14 that, or why Pat Green and them ain't got that wrote down on  
15 that. I wouldn't lie about that. Why - that - that puzzle  
16 me, unless they working together.

17 Q. Okay. To that end, has - can you think of another  
18 situation where Pat Green has misrepresented something you've  
19 told him?

20 A. I want to make sure I tell the truth. I don't want  
21 to tell no lies. How can I say this, before I start - the law  
22 - how - how they work. The law work in - in funny ways. It -  
23 it's just like, you know a person but you don't know them. I  
24 - I guess all I can - that's the only way I can it. You know  
25 a person but you don't know them.

1           Q.    But you - am I understand that you can't recall a  
2 specific instance where Pat Green has said that you said  
3 something that you did not say?

4           A.    Far as I know, I don't think so.  If he did, I - I  
5 can't recall that far.

6           Q.    Can --

7           A.    I can't.

8           Q.    -- can you recall any other situations where you  
9 were providing information to law enforcement and they were  
10 writing down what you said?

11          A.    No, ma'am.

12          Q.    Okay.

13          A.    No, ma'am.  Only time they would do that, when I'm  
14 getting a ticket or a DWI.  I'm not trying to be funny, now -  
15 just being honest.

16          Q.    And --

17          A.    And - and - and number one thing, just like you had  
18 me to sign that stuff, why didn't he have me to sign it.  That  
19 - I - I mean, I'm trying to help you out, too, now.  You  
20 [indecipherable] help me out.  Just being honest.  I - I look  
21 at like this, if you gonna give a statement, you need to sign  
22 it.  If I'm gonna give a statement, why didn't I sign it?  I'm  
23 gonna leave it alone.  It just - it just - I don't know.  The  
24 - the - and that's anywhere, in any kind of court or any kind  
25 of statement, you supposed to sign.  And that - that make -

1 don't that make sense? If you - you want me - you give me a -  
2 like I'm doing now, sign it. If I give you - if I tell you  
3 something, if I tell you something and you write word for word  
4 what I said, supposed to said, and you don't let me sign it?  
5 Wouldn't you want me to sign it if - if I do that? I'm asking  
6 you a question; wouldn't you want me to sign it?

7 Q. I like you to sign things. I can't speak for anyone  
8 else's practices.

9 A. Okay.

10 Q. And I can't speak to anyone's practices in the  
11 '90's.

12 A. I - I - I'm just saying, you know, but really, as  
13 [indecipherable] stuff aside, I don't want to  
14 [indecipherable]. The guy needs to be with his family.  
15 That's being honest. I mean, I know y'all ain't no  
16 [indecipherable] or whatever - fine - or whatever, but still,  
17 I think he needs to be with his kids where - where he can know  
18 them.

19 Q. I know we've talked quite a bit about what you  
20 recall from the trial. Do you recall anything other than  
21 hearing at some other time that Jerry Moore testified, and you  
22 being brought in and testifying about Evans saying he wanted  
23 to escape from the jail and him trying to sell you the gun?

24 A. No, ma'am.

25 Q. Do you recall anything else?

1           A.    I ain't - I never heard that.

2           Q.    Okay.

3           A.    Only thing that I said, he did this on his own;  
4    tried to sell it to me.

5           Q.    Okay.

6           A.    We were standing in front of Jame Scott.

7           Q.    Do you recall - and this can be when you and Mr.  
8    Evans are out on the street together doing anything or in  
9    jail, do you recall Mr. Evans ever talking to you about any  
10   crime --

11          A.    No, ma'am.

12          Q.    -- that he committed?

13          A.    No, ma'am. Not as I knows of. I can't remember  
14   that far. Only - only thing - no, he ain't never told me  
15   about what he did with that woman. No.

16          Q.    Do you --

17          A.    I can't remember that far, but like I said, I don't  
18   remember. No.

19          Q.    Did Kenneth Evans ever talk to you about Mrs.  
20   Manning? She went by Rhea. Her name was Euther Manning.

21          A.    No, no, no, no, no. I - that's something I do know.  
22   No. No, ma'am. I'm sorry, but no, ma'am.

23          Q.    Did Mr. Evans ever talk to you about the victim's  
24   husband, Esley Manning?

25          A.    No, ma'am. I don't know him.

1 Q. Did --

2 A. I don't - I mean - I don't - I don't know the people  
3 like --

4 Q. Okay.

5 A. I - I know them just like I know y'all.

6 Q. Uh-huh (yes).

7 A. I'd see y'all now. I might not see you, you know,  
8 unless I see you on the street.

9 Q. Do you --

10 A. Or I come to your store.

11 Q. Do you recall Mr. Evans ever talking to you about  
12 the Manning's store?

13 A. No, ma'am.

14 Q. I know you said you recalled hearing that the  
15 Manning's store had been robbed a couple times. Do you recall  
16 any suspects in those cases?

17 A. Oh - go - go back to the first one about - how about  
18 - about did he said anything Mrs. Manning store. Say it  
19 again?

20 Q. Right. Did he ever talk to you about the Manning's  
21 store?

22 A. No, not as I knows of. It's been so long ago. No,  
23 ma'am.

24 Q. Okay.

25 A. I can't remember that, no.

1 Q. And you mentioned earlier that you had heard that  
2 the victim's store, the Manning's, their store had been robbed  
3 a couple times.

4 A. Oh, yeah.

5 Q. Do you recall any suspects in those cases?

6 A. Now, read it again, please.

7 Q. The Manning's store --

8 A. Had been robbed.

9 Q. Did you ever heard anything about who committed  
10 those robberies?

11 A. No, ma'am. I had just heard rumors, that's it.

12 Q. Did the rumors name anyone specific?

13 A. No. No, ma'am. I can't - that's a no.

14 Q. Okay.

15 A. No, that's a no.

16 Q. When we've been talking to you and trying to - to -  
17 to get this deposition completed, you've mentioned a couple  
18 times that you needed to protect your family. Are you afraid  
19 of Mr. Evans?

20 A. In - how can I say it? Can I put this off of the  
21 record? This got to do with somebody at Bunn Prison Camp.

22 Q. At Bunn Prison Camp.

23 A. Where Kenny was at.

24 Q. When?

25 A. When - when he was at Bunn Prison Camp.

1 Q. Okay.

2 MS. MYERS: Uh-huh (yes).

3 A. This guy named Rex - Rex Crudup he - he - he was -  
4 he worked at that prison camp.

5 Q. He worked there?

6 A. Okay? Yeah, he worked there. He dead now. He - he  
7 died about - he died, and he told me that Kenny said, "Hello."  
8 And I didn't know how to take that.

9 Q. Do you recall about how long ago that was?

10 A. It'd been - it was like - I don't know how long he  
11 been dead now. He probably been dead seven or eight years. I  
12 don't know. But, see --

13 Q. What was his last name?

14 A. He name was Rex Crudup.

15 Q. Can you spell -

16 A. Crudup?

17 Q. C-U-R-D -- C-U -- C-R-U-D-U-P?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. He used to work at Bunn Prison.

21 Q. And all he said to you was, "Kenny Evans says hi."

22 A. Kenny said - yeah, Kenny Evans said hi.

23 Q. Okay; and, you didn't know how to take that?

24 A. No, right.

25 Q. But not --



1           A.     I'm - I'm just being honest.

2           Q.     Okay.

3           A.     You told me to be honest. I'm being honest. And he  
4 - 'cause he - he saw me. He told me that one day. I was  
5 like, you know.

6           Q.     Have you ever been threatened by anybody about this  
7 case?

8           A.     Oh, no. No.

9           Q.     Okay.

10          A.     No, no. Not as I know, no. No, ma'am. I'm - I'm  
11 not afraid, it's just that - how can I say it? I was afraid  
12 because I didn't know how to take this stuff.

13          Q.     Yeah.

14          A.     I'm - I'm being honest. That's what I was afraid  
15 about.

16          Q.     Okay.

17          A.     And then, I learned - you do - go ahead and do it  
18 regardless because I had to pay \$1,000. My wife look at me,  
19 talk about, "Oh, you sleeping now?" And I said, "Yes, ma'am."  
20 But I - I learned my lesson. You know, I - I had to learn - I  
21 learned my lesson, that's the main thing. I learned my  
22 lesson.

23          Q.     At that time in the early '90's and when you were  
24 doing the controlled buys for the Sheriff's Office, if anyone  
25 had told you anything about a crime that they had committed,

1 would you have gone to the police with that information?

2 A. The police, or the Sheriff?

3 Q. Or the Sheriffs. Any law enforcement?

4 A. I might would've. I mean, back then 'cause I - like  
5 I said, I used to get high, I used to drink, and I - something  
6 like that, yes, but lot - a lot of the stuff - I don't know -  
7 I - I don't remember.

8 Q. When you say, "something like that" do you mean  
9 something like this crime?

10 A. If he had, excuse me for saying it, rape or killed a  
11 woman or did this and I knew about it, yes, I would've told  
12 them.

13 Q. And you say, "did this" that includes the kidnapping  
14 of Mrs. Manning?

15 A. I - I would've told them.

16 Q. Okay.

17 A. That - I'm being honest - but I can't tell something  
18 that I don't know.

19 Q. Okay. So, there is - let's see - I'm gonna ask you  
20 these few questions then I'm gonna have one last thing and  
21 then, we'll be done.

22 A. Will this be for good?

23 Q. Like I said, I can't --

24 A. Okay.

25 Q. -- I can't promise that.

1 A. Okay.

2 Q. Did you look at or review anything prior to coming  
3 to the deposition today?

4 A. No, ma'am.

5 Q. Okay. Did you bring anything with you, any  
6 paperwork?

7 A. Nothing but this right here.

8 Q. Related to you bonding out?

9 A. Yeah.

10 Q. Okay.

11 A. That's all I brought.

12 Q. And we've a copy of that. Did you talk to anybody  
13 about the deposition today?

14 A. No, ma'am, not I knows of.

15 Q. Okay. Have you been asked by anybody to withhold  
16 any information or misrep - misrepresent any facts today?

17 A. No, ma'am. No, ma'am.

18 Q. Are there any circumstances or issues preventing you  
19 from in any way giving truthful, accurate and complete  
20 testimony?

21 A. No, ma'am.

22 Q. Okay. I'm gonna have you look at one last thing.  
23 This is - here we go. This is number 28. This is a draft of  
24 a closing argument that was written by Larry Norman --

25 A. Yes, ma'am,

1 Q. -- presumably. I'm just gonna direct you to one  
2 specific part.

3 A. This is what he was asking me, right?

4 Q. This is his closing argument so, what he would have  
5 given at the end of the trial.

6 A. Oh, so I was gone by then, right?

7 Q. Right. So, you may not have heard this.

8 A. Yes, ma'am. What did he say?

9 Q. Hold on I just want to --

10 A. Yes, ma'am.

11 Q. I need to find the specific part.

12 A. Yes, ma'am.

13 Q. Okay. So, on this page that's marked 191 --

14 A. Yes, ma'am.

15 Q. -- he - Mr. Norman is talking about the victim's  
16 description of the suspect.

17 A. Uh-huh (yes).

18 Q. And she described him as six foot to six foot, one  
19 inches tall.

20 A. Uh-huh (yes).

21 Q. And weighed from around 185 to 200 pounds.

22 A. Uh-huh (yes).

23 Q. In your recollection of Mr. Evans, does that  
24 description match him height and weight wise?

25 A. I can't tell - I don't remember about - you know,

1    how - how - how big he was.

2           Q.    All right.  It then says, "Pat Green told you that  
3    when arrested the defendant was only 5'9 - five feet nine  
4    inches tall and weighed 135 pounds; far smaller than Kenneth  
5    Evans.  In fact, the perpetrator was more the size of Larry  
6    Davis."

7           A.    [Indecipherable].  I heard, I heard it.  It's not  
8    funny but I - I get what you're saying.

9           Q.    Do you recall hearing anything like that?

10          A.    I ain't heard none of this stuff.  None of this.

11          Q.    Did you have any involvement in the kidnapping of  
12    Mrs. Manning?

13          A.    No, ma'am.

14          Q.    Okay.  Have you ever committed any crimes that are  
15    similar to the kidnapping of Mrs. Manning?

16          A.    No, ma'am.

17          Q.    Okay.  Did you and Mr. Evans ever commit any crimes  
18    together?

19          A.    No, ma'am.

20          Q.    All right.

21          A.    No, ma'am.  No, ma'am.

22          Q.    Mr. Davis, I'm gonna ask you - part of what the  
23    Commission does sometimes is, we look for new credible  
24    innocence in these cases --

25          A.    Uh-huh (yes).

1 Q. -- and that can mean doing things that didn't exist  
2 at the time like DNA testing --

3 A. Uh-huh (yes).

4 Q. -- or that have gotten more sophisticated --

5 A. Uh-huh (yes).

6 Q. -- over time. Would you be willing to provide a  
7 voluntary DNA sample to --

8 A. Yes.

9 Q. -- the Commission?

10 A. Yeah, no problem. No problem. No problem.

11 Q. Will you guys just mark the times that I take it and  
12 seal it?

13 A. No, I ain't got nothing - [indecipherable].

14 Q. I'm just gonna swap the inside of each of your  
15 cheeks and I'll seal this right in front of you.

16 A. Will I - do I get the results, too, please.

17 Q. We can give you the results when they're - when they  
18 arrive.

19 A. Okay. Yeah, and - and, still you'll send me a copy  
20 of this other stuff, right?

21 Q. We'll send you a copy when the transcript of the  
22 deposition --

23 A. Okay.

24 Q. -- is ready.

25 A. Okay. Yes.

1 Q. And you'll have an opportunity --

2 A. But --

3 Q. -- to - we'll send it to you.

4 A. But can you call my dad where he come here where  
5 y'all can see - he - him - y'all do this?

6 Q. Watch us take the swab?

7 A. Right. Can I --

8 Q. Do you want to see if he's if he's out there?

9 MS. TANNER: I can go see if he's out there.

10 MR. DAVIS: No, can call him on his phone and tell  
11 him to come up here?

12 MS. TANNER: Sure, I can. Also, it's being  
13 recorded, so there won't be any confusion about what has  
14 happened here; is that what your concern is?

15 MS. MATOIAN: Right. It'll be right on camera.

16 MR. DAVIS: Yeah, but --

17 MS. TANNER: And you get to see a copy of this.  
18 That's not like a secret. I mean, I'm happy to call him.

19 MR. DAVIS: Yeah.

20 MS. TANNER: What's his phone number

21 MR. DAVIS: 9-1-9 --

22 MS. TANNER: Uh-huh (yes).

23 MR. DAVIS: 4-9-5 --

24 MS. TANNER: Uh-huh (yes).

25 MR. DAVIS: 53-90.

1 MS. TANNER: Go ahead and get it ready 'cause it's  
2 almost 5:00.

3 MR. DAVIS: But do - do I have to take this DNA?

4 MS. MATOIAN: It is voluntary. It is totally up to  
5 you.

6 MR. DAVIS: Uh-huh (yes).

7 MS. MATOIAN: This is something that we do at the  
8 Commission because we are trying --

9 MS. TANNER: Hi, is this Mr. Davis' step-dad?

10 UNKNOWN SPEAKER: (via telephone). [Indecipherable].

11 MS. TANNER: This is Beth. We met earlier. We're  
12 on the third floor. Do you mind coming to the third floor of  
13 the courthouse?

14 UNKNOWN SPEAKER: (via telephone).

15 [Indecipherable].

16 MS. TANNER: Okay.

17 MR. DAVIS: Okay.

18 UNKNOWN SPEAKER: (via telephone).

19 [Indecipherable].

20 MS. TANNER: Oh, they might not let you in 'cause  
21 it's --

22 MR. DAVIS: Because I - I - I don't think I'm gonna  
23 take a DNA 'cause it's - it's not for me to take.

24 UNKNOWN SPEAKER: (via telephone).

25 [Indecipherable].



1 MS. MATOIAN: Okay.

2 MR. DAVIS: It's - it's not for me to take.

3 MS. TANNER: Okay. Hold on just a second. I'm  
4 gonna put you on speaker; is that okay?

5 UNKNOWN SPEAKER: (via telephone). Yes.

6 MS. TANNER: I think the question is that, we have  
7 asked Mr. - this is Beth Tanner. We have asked Mr. Davis if  
8 he would be willing to submit to a voluntary DNA swab. It is  
9 voluntary. Ms. Matoian has asked him that because part of  
10 what we do is do new DNA testing and we use DNA to eliminate  
11 suspects because --

12 UNKNOWN SPEAKER: Uh-huh (yes).

13 MS. TANNER: -- has told us that he's not been  
14 involved in the crime in any way and because --

15 UNKNOWN SPEAKER: Right.

16 MS. TANNER: -- and because there is some notes --

17 MR. DAVIS: Sir?

18 MS. TANNER: -- from a closing that say he was  
19 involved, we've asked for that swab, but it is voluntary. So,  
20 I'm gonna let him ask you whatever question --

21 MR. DAVIS: Oh, no. Oh, you said I was involved?

22 MS. TANNER: No, no, no.

23 MS. MATOIAN: No. Just, so --

24 MS. TANNER: That closing.

25 MS. MATOIAN: -- that part I just read you from

1 that closing argument --

2 MR. DAVIS: Uh-huh (yes).

3 MS. MATOIAN: -- and I - that's - that's what I  
4 have.

5 MS. TANNER: That's not us.

6 MS. MATOIAN: That's not what I said. That was the  
7 defense attorney who, for various reasons --

8 MR. DAVIS: Make sure you tell Larry Norman said  
9 this, right?

10 MS. MATOIAN: -- may have --

11 MS. TANNER: [Indecipherable].

12 MS. MATOIAN: -- tried to in his closing --

13 MR. DAVIS: Said that I was hanging with --

14 MS. MATOIAN: -- cast - cast suspicion on you.

15 MR. DAVIS: Please go ahead.

16 MS. MATOIAN: Okay.

17 MR. DAVIS: Please.

18 MS. TANNER: Okay.

19 MR. DAVIS: I - I - I'm - please.

20 MS. TANNER: Are you good? I'm gonna leave him on  
21 the phone --

22 MR. DAVIS: Yeah, stay on the phone.

23 MS. TANNER: -- while this happens.

24 MR. DAVIS: Yeah, stay on the phone, daddy --

25 MS. TANNER: Okay.

1 MR. DAVIS: -- 'cause I ain't never - no.

2 MS. MATOIAN: I'm just gonna swab the inside of each  
3 of your cheeks.

4 MS. TANNER: Okay.

5 MS. MATOIAN: I'm gonna let these dry for one  
6 second, and then, I'll seal this box up right in front of you  
7 and --

8 MR. DAVIS: Yes, ma'am.

9 MS. MATOIAN: -- so you can see.

10 MR. DAVIS: [Indecipherable]. I hope not. No, no.  
11 Uh-uh (no). I ain't no --

12 MS. MATOIAN: And this is something that - we ask  
13 for this from a lot of people because it is just a way for us  
14 to be able to --

15 MR. DAVIS: And --

16 MS. MATOIAN: -- clear up any confusion from --

17 MR. DAVIS: And then --

18 MS. MATOIAN: -- the case.

19 MR. DAVIS: May I ask a serious question?

20 MS. MATOIAN: Sure.

21 MR. DAVIS: Will this be entered, all this?

22 MS. MATOIAN: So, I'm gonna tell you a little bit  
23 about our process.

24 MR. DAVIS: Okay.

25 MS. MATOIAN: The Commission investigates claims of

1 innocence. Like we've told you, we don't represent anyone.

2 If we find new credible evidence of innocence --

3 MR. DAVIS: Uh-huh (yes).

4 MS. MATOIAN: -- it is possible that the case would  
5 go to a hearing before our Commissioners --

6 MR. DAVIS: Uh-huh (yes).

7 MS. MATOIAN: -- where we would present everything.  
8 The good, the bad, the ugly --

9 MR. DAVIS: Right.

10 MS. MATOIAN: -- for Mr. Evans, and the  
11 Commissioners would make a determination if there is  
12 sufficient evidence of innocence to merit judicial review.

13 MR. DAVIS: Okay.

14 MS. MATOIAN: There is a possibility during that  
15 hearing that my Director would decide that the Commissioners  
16 needed to hear from you directly --

17 MR. DAVIS: Uh-huh (yes).

18 MS. MATOIAN: -- and in that instance, we would ask  
19 you to testify at that hearing. We would subpoena you just  
20 like we did for the deposition --

21 MR. DAVIS: Uh-huh (yes).

22 MS. MATOIAN: -- to be there for - it's --

23 MS. TANNER: 4:57 p.m.

24 MS. MATOIAN: Okay. NCIIC and today is the 26<sup>th</sup>?

25 MS. TANNER: Yes.

1 MS. MYERS: Uh-huh (yes).

2 MS. MATOIAN: Let me mark that seal.

3 So, there is a possibility that if we have a hearing in  
4 this case and if my Director decides that you need to testify  
5 --

6 MR. DAVIS: Uh-huh (yes).

7 MS. MATOIAN: -- that we would be coming back to you  
8 then.

9 MR. DAVIS: Uh-huh (yes).

10 MS. MATOIAN: If the case goes to a hearing and they  
11 do decide there is sufficient evidence - evidence of innocence  
12 to merit judicial review they may - it would go to a three-  
13 judge panel, which is kind of a like a reverse trial where Mr.  
14 Evans would have to prove --

15 MR. DAVIS: Uh-huh (yes).

16 MS. MATOIAN: -- that he's innocence by clear -  
17 innocent by clear and convincing evidence. And so, in that  
18 instance either the State or Mr. Evans attorneys may call you  
19 to testify for that. So, I just want to - you to be aware --

20 MR. DAVIS: Uh-huh (yes).

21 MS. MATOIAN: -- that those things may happen.

22 MR. DAVIS: Uh-huh (yes).

23 MS. MATOIAN: So, we would obviously be in touch  
24 with you if we decided - if the case goes to hearing and if we  
25 decide that we need you to testify at it. So, I don't want

1 you to be surprised.

2 But we are going to send you a copy of the deposition for  
3 you to review.

4 MR. DAVIS: Is that this stuff and --

5 MS. MATOIAN: For you to re --

6 MR. DAVIS: And that --

7 MS. MATOIAN: -- and we'll send you the results --

8 MR. DAVIS: Okay.

9 MS. MATOIAN: -- of this when we receive it, yes.

10 MS. TANNER: Do you want me to leave him on the  
11 phone --

12 MR. DAVIS: Yeah, yeah.

13 MS. TANNER: -- or can I - leave him on the phone.  
14 Okay.

15 MR. DAVIS: And - and the question I had, when  
16 whatever happen, whatever, will - will y'all lock me up?

17 MS. MATOIAN: Will I lock --

18 MR. DAVIS: I mean - I mean, I know I ain't worried  
19 about this stuff there, but I'm just saying, about what we  
20 talked about today?

21 MS. TANNER: We do not have the powers of arrest.

22 MR. DAVIS: Okay.

23 MS. MATOIAN: Right.

24 MS. TANNER: Okay? We're not --

25 MS. MATOIAN: Right, we're not law enforcement.

1 MS. TANNER: -- law enforcement --

2 MR. DAVIS: Okay.

3 MS. MATOIAN: We're not District Attorneys.

4 MS. TANNER: We don't have the powers of - of  
5 arrest. That's not some --

6 MR. DAVIS: Okay.

7 MS. TANNER: -- we're - we're just lawyers.

8 MS. MATOIAN: Now, I will say that if we decided to  
9 - if we have a hearing and if we decide you need to testify  
10 and we had an inkling that we would be in a similar situation  
11 from the deposition where you were not showing up and --

12 MR. DAVIS: Like I did.

13 MS. MATOIAN: -- refusing --

14 MR. DAVIS: I won't do that no more. I promise.

15 MS. TANNER: Okay.

16 MS. MATOIAN: We would - I would say that the  
17 Commission would seek all the remedies at its disposal to --

18 MR. DAVIS: I got it.

19 MS. MATOIAN: -- ensure that you were there.

20 MR. DAVIS: I'll be there.

21 MS. MATOIAN: Okay.

22 MR. DAVIS: It won't be no more hiding.

23 MS. MATOIAN: So, I just want to --

24 MR. DAVIS: No more.

25 MS. MATOIAN: -- and I'm gonna write your name right

1 on the front of this envelope. So, but, I will say that - I  
2 just want to ask before I leave, is there anything else that I  
3 haven't asked you that you want to tell me about this case?

4 MR. DAVIS: No, ma'am.

5 MS. MATOIAN: Is there anything you think I should  
6 know or anyone you think I should talk to?

7 MR. DAVIS: No, ma'am. Like I said, all - all I  
8 remember was that do-rag and - and that, I ain't never talked  
9 about that, so.

10 MS. MATOIAN: Sorry, let me just check this one  
11 thing real quick.

12 MR. DAVIS: Uh-oh.

13 MS. MATOIAN: Just one - I - I promise it'll be a  
14 second. Okay. All right. I am going to close the deposition  
15 at 5:05.

16 MR. DAVIS: Five past --

17 MS. TANNER: Yep.

18 MS. MATOIAN: All right. You can turn that camera  
19 off.

20 MS. TANNER: Can I let your --

21 MR. DAVIS: Okay. See you --

22 [The recording ended]

23 [END OF DEPOSITION]



STATE OF NORTH CAROLINA  
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 93 CRS 2261-2263

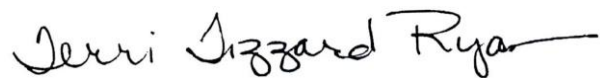
STATE OF NORTH CAROLINA, ]  
Petitioner, ]  
vs. ]  
KENNETH LEON EVANS, ]  
Defendant. ]

C E R T I F I C A T I O N

Larry Davis  
Deposition

I, Terri Tizzard Ryan, having been assigned to transcribe the above-captioned Interview from February 28, 2019 do hereby certify that said hearing, pages 1 through 130, inclusive, is a true, correct and verbatim transcript of said proceeding to the best of my ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of the action.



Terri Tizzard Ryan  
Transcriptionist

10-21-94

15 min

Call from Kenneth Evans

- He has contacted Jo Ann Clark
- She says Larry Davis is dying  
about the car (He's the one  
who was in jail)

He will keep me informed

He is in Lexington brought him  
back from Dix last month.



000269  
NCIC

10-5-92

Mother  
Gene Wardrick

Tony  
Wardrick

14-15 years old

Billy Glenn Solomon

Reece Wardrick

All boys at home  
playing basketball

Kenneth went there, money  
he was counting out money

he was counting money on picnic table.  
he was by himself at my brother's house,  
Kenneth told my brother he had \$300

he wanted to sell.  
what was Kenneth wearing?

he said he had a watch  
and a gun  
my brother told him to get  
quarters get away from here!

EXHIBIT

17

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 60.00 for \$20.00 value  
worth they were a lot.

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



8-5-93  
1:50 p.m.

he was walking around,  
he saw him at fool room  
he told me he had women  
did something to this woman  
he got some money  
said she lived in Centerville  
a white woman  
he said he was  
in jail that he had  
a white woman  
he said the woman  
had his face  
over his face

ED

Kenneth said that he kidnapped X  
her in a old white lady and he X  
stole her car and hid her cat X  
woods, left her in woods. X  
and the car was almost out X  
of gas X

LP

Larry Davis

8-92

8:27 AM

Kenneth was talking about  
climbing out window from jail.  
Kenneth told me that you'd look  
some hair, blood that we didn't  
have anything on him. Kenneth told  
me earlier that he had raped a  
white woman.

Joanne Claman-

Kenneth Gilman

Arthur Capton  
Bug Hendryeth.

Lewisburg.

Donnell. Trailer. Behind back house.  
Powder & Ash

- Roberto - Carries 45 cal. in back.  
for 200

Shelton Smith  
be at Crown house.

Walt Christensen - Best

Billy Glenn Solomon  
stated that Kenneth

Evans & Billy Glenni horse  
the next day with a whole  
Bunch of quarters.

Kenneth told Billy  
Glenn Solomon that  
he took a lady in woods  
up.  
Sag off her.

Perce Richardson -  
shot in head  
twice found.



## NORTH CAROLINA INTERNAL RECORDS

ARREST REPORT

1. AGENCY Franklin Co. Sheriff's Dept.		2. ORI NC 0350000		3. OCA NO. 90030515		4. ARREST TRACT Z1		5. PRINTS PHOTO		6. ARREST NO.											
7. NAME - LAST Evans			FIRST Kenneth			MIDDLE Leon			8. ALIAS - NICKNAME Kenny			9. DATE OF BIRTH 1-23-64		10. AGE 29		11. SEX M		12. RACE/ETHN B I			
13. ADDRESS Rt 6 Louisburg/ Central Prison						PHONE		RESIDENCE TRACT 7-1		14. PLACE OF BIRTH Franklin		15. HEIGHT 5'9"		16. WEIGHT 135		17. HAIR blk		18. EYES bro			
19. SCARS/MARKS/TATTOOS scar forehead				20. SOCIAL SECURITY NUMBER				21. OPERATOR LIC # & STATE				22. MISC. # / TYPE				23. OCCUPATION unemployed					
24. EMPLOYER / SCHOOL				25. ADDRESS																26. PHONE	

## DETAILS OF ARREST

27. DATE OF ARREST MO DAY YR 4 / 24 / 93		28. TIME 24 hr. CLOCK 9:45am		29. ON VIEW <input type="checkbox"/> WARRANT <input checked="" type="checkbox"/> ORDER FOR ARREST <input type="checkbox"/> CRIMINAL SUMMONS <input type="checkbox"/> OTHER <input type="checkbox"/>		30. PLACE OF ARREST Sheriff's Dept.							
31. 1st/INITIAL CHARGE Kidnapping		32. COUNTS 1		33. UCR CODE		34. STATUTE		35. OFFENSE JURISDICTION		36. OFF. TRACT		37. WARRANT DATE MO DAY YR	
38. 2nd/SUBSEQUENT CHARGE Armed Robbery		39. COUNTS 1		40. UCR CODE		41. STATUTE		42. OFFENSE JURISDICTION		43. OFF. TRACT		44. WARRANT DATE MO DAY YR	
45. VEHICLE INFO. LIC.# STATE MAKE VIN										46. PLACE STORED			
47. VEHICLE INVENTORY INFO. MO DAY YR TIME BY: Green Pat						48. COMPLAINANT'S NAME ADDRESS							

## CONFINEMENT/BOND INFORMATION

49. DATE/TIME CONFINED MO DAY YR 24 hr. CLOCK 4 / 24 / 93 0800		50. PLACE CONFINED Franklin Co. Jail/ Central		51. COMMITTING MAGISTRATE Laughter		52. TYPE BOND secured		53. AMOUNT 100,000.00 CITY	
54. DATE/TIME RELEASED MO DAY YR 24 hr. CLOCK		55. RELEASED BY		56. TRIAL DATE MO DAY YR 5 / 24 / 93		57. COURT OF Louisburg, Superior court			

## DISPOSITION INFORMATION

58. DISP. DATE MO DAY YR		59. CT. DOCKET #		60. COURT OF CITY		61. DISPOSITION	
62. SENTENCE							

## 63. NARRATIVE

Subject indicted for the March 6 1990 kidnapping of Euther Manning from Centerville NC, and for first degree burglary offher home, and for armed robbery.

RIGHT THUMB

64. ARRESTING OFFICER/ID.		65. DATE/TIME SUBMITTED MO DAY YR 24 hr. CLOCK 5 / 24 / 93 0800		66. SUPERVISOR SIGNATURE		67. ARRESTEE SIGNATURE	
---------------------------	--	-----------------------------------------------------------------------	--	--------------------------	--	------------------------	--

File No. 93 CRS 2261, 2262, 2263

## ORDER FOR ARREST

Offense Armed Robbery; 1st Degree

Kidnapping; 1st Degree Burglary; Larceny

THE STATE OF NORTH CAROLINA VS.

Name, Address and Telephone No. Of Defendant

Kenneth Leon Evans

Race b Sex m Date Of Birth            Age 29

Driver's License No.

Social Security No.

Name And Address Of Defendant's Employer

Date Defendant Failed To Appear

Amount Of Bond

\$ 100,000.00

**TRUE BILL OF INDICTMENT ONLY**

Date Of Arrest And Check Digit No. (From Fingerprint Card)

4-21-93 W06539E

Offense Code            Offense In Violation Of G.S.           

Date Of Offense           

Date Issued

4-11-93

Date Of Service

4-21-93

AOC-CR-217

Rev. 3/91

## STATE OF NORTH CAROLINA

Franklin

County

In The General Court Of Justice

☐ District ☒ Superior Court Division

To any officer with authority and jurisdiction to serve an Order For Arrest:

The Court finds that:

- ☐ 1. FTA - RELEASE ORDER (G.S. 15A-305(b)(2))  
the defendant has been arrested and released from custody and has failed on the date shown to appear as required by the Release Order.
- ☐ 2. FTA - CRIMINAL SUMMONS (Do not use for infraction.) (G.S. 15A-305(b)(3))  
the defendant has failed on the date shown to appear as required by a duly executed Criminal Summons.
- ☒ 3. TRUE BILL OF INDICTMENT (G.S. 15A-305(b)(1))  
a Grand Jury has returned a true bill of indictment against the defendant, a copy of which is attached. (Note To Arresting Officer: If this option is checked, defendant must be fingerprinted. G.S. 15A-502(a))
- ☐ 4. FTA - SHOW CAUSE AFTER FTC (G.S. 15A-305(b)(8))  
the defendant has failed on the date shown to appear as required in a Show Cause Order entered in this criminal proceeding.
- ☐ 5. FTA - SHOW CAUSE ORDER IN ORIGINAL CRIMINAL JUDGMENT (G.S. 15A-305(b)(8); -1362(c); -1364(a))  
the defendant has failed by the date shown to pay a fine or costs or both as required by a judgment entered in this case and has also failed, as required upon such failure, to appear on that date and show cause why he should not be imprisoned.
- ☐ 6. PROBABLE CAUSE THAT DEFENDANT MAY FAIL TO APPEAR - CIVIL CONTEMPT (G.S. 15A-305(b)(9); 5A-16)  
this Court has initiated plenary proceedings for contempt against the defendant under G.S. 5A-16, has issued a show cause order and finds probable cause to believe that the defendant will not appear as required in response to that order.
- ☐ 7. PROBATION VIOLATION (G.S. 15A-305(b)(4))  
the defendant has violated the conditions of his probation, a copy of which is attached.
- ☐ 8. Other: (specify)

You are DIRECTED to take the defendant into custody and bring him before a judicial official for the purpose of:

- ☒ determining conditions of release, and for commitment if he is unable to comply.  
☐ commitment since release of the defendant is not authorized.

Signature

Barbara D. Edwards

Location Of Court

Louisburg, NC

☐ Magistrate ☒ Deputy CSC ☐ Dist. Cl. Judge  
☐ Assistant CSC ☐ CSC ☐ Sup. Cl. Judge

Court Date

5-24-93

Court Time

10:00 ☒ AM ☐ PM

# STATE OF NORTH CAROLINA

Franklin County

File No.

93CRS2261-2263

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

☐ Civil: Plaintiff: \_\_\_\_\_

☒ Criminal

STATE  
VERSUS

Additional File Numbers

Name Of Defendant

Kenneth Leon Evans

## EXHIBITS/EVIDENCE LOG

☐ PLAINTIFF (P)  
☐ STATE (S)

☐ DEFENDANT (D)  
☐ BOTH

Name And Address

Sam Currin/S. Thompson

Rule 14, General Rules of Practice for the Superior and District Courts

Name And Address

Larry E. Norman

☐ Plaintiff's Attorney

☒ Prosecutor

☐ Party

☒ Defendant's Attorney

☐ Party

Exhibit No.	Description And Notes, If Applicable	*Offered (✓)	Admitted (✓)	**Item Received Or Retained By
<u>1</u>	<u>Do-Rag</u>	✓	✓	<u>lde</u>
<u>2</u>	<u>Tape and Rope</u>	✓	✓	<u>lde</u>
<u>3</u>	<u>Tape</u>	✓	✓	<u>lde</u>
<u>4</u>	<u>Tape</u>	✓	✓	<u>lde</u>
<u>5-8</u>	<u>Photos</u>	✓	✓	<u>lde</u>
<u>9</u>	<u>Hair and Tappings</u>	✓	✓	<u>lde</u>

NOTE: See reverse for additional description.

Not Stored in Vault After Trial Ends

4-7-95

Signature Of Clerk Storing Exhibits

Balvora D. Edwards

Appeal Taken

☒ Yes  
☐ No

(Date)

General Rules of Practice, Rule 14: Exhibits received by the Clerk shall be removed by the party offering them (except as otherwise directed by the Court) within thirty (30) days after final judgment if no appeal is taken; if the case is appealed, then, within sixty (60) days after certification of a final decision from the appellate division. If the party offering an exhibit fails to remove such article, the Clerk shall write the attorney of record, calling attention to provisions of this Rule. If the articles are not removed within thirty (30) days after mailing of such notice, they may be disposed of by the Clerk. (NOTE: To give notice the Clerk may use form AOC-G-151. The Clerk may wish to obtain an order of the Court to remove or dispose of exhibits/evidence in criminal cases.)

## RECEIPT FOR REMOVAL

Date Of Final Judgment Or Certification

4-7-95 / 6-12-97

Date Notified In Writing To Remove Exhibits/Evidence

2-5-07

## DISPOSITION

Date Disposed

Date Of Court Order, If Applicable

Date Released

Exhibit No.(s) Released

Date Released

Exhibit No.(s) Released

Exhibit No.(s)

Signature Of Party Removing Exhibits/Evidence

Signature Of Party Removing Exhibits/Evidence

Signature Of Clerk Disposing Of Exhibits/Evidence

Signature Of Clerk Releasing Exhibits/Evidence

Signature Of Clerk Releasing Exhibits/Evidence

Signature Of Witness

Additional Documentation Of Disposition

If item not admitted or retained by counsel or party, Clerk may add any relevant information as a note. Clerk's initials go in this column, or name of counsel or party.

(NOTE: This form may be used in both civil and criminal cases.)

Prison Release Date  
10-21-2059





Date 10-8-92

Time 8:27 AM

Larry Donald Davis

B/M DOB 7-11-63

514 Glen St

Louisburg N.C.

Interview with Davis  
Conducted by Det. Fitzgerald

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 at the jail  
when he was taken out to visit. Davis  
went on to say that Evans told him  
that the jailer's take him out other he  
visits and he walks around for  
several minutes in the back before  
the jailer's 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 into  
her house in Louisburg.



Davis Larry

Davis stated that Kenneth Evans was talking about the police wanting 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 tying 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 nose 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 NC, and was a older white woman.





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

Larry Davis

3-5-93 1:50 PM.

I was in jail with Kenneth Evans. He (Evans) told me that the police couldn't find 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.

can't see woman  
Evans

HANDOUT 31: SEALED  
BY ORDER OF JUDGE  
ANNA MILLS WAGONER  
7/4/2020



## **BILLY GLEN SOLOMON**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
COMMON LAW FORGERY (M)	FRANKLIN	1/14/1989	1/2/1990
COMMON LAW FORGERY (M)	FRANKLIN	2/20/1989	1/2/1990
COMMON LAW FORGERY (M)	FRANKLIN	4/22/1989	1/2/1990
COMMON LAW FORGERY (M)	FRANKLIN	4/24/1989	1/2/1990
RESIST/OBSTRUCT PUBLIC OFFICER (M)	GUILFORD	12/3/1991	12/4/1991
DWLR (M)	GUILFORD	12/3/1991	12/4/1991
POSSESS STOLEN GOODS/PROPERTY (F)	FRANKLIN	9/3/1992	12/8/1993
POSSESS STOLEN GOODS/PROPERTY (F)	FRANKLIN	9/15/1992	12/7/1993
DWLR (M)	FRANKLIN	11/28/1992	2/15/1993
DWLR (M)	FRANKLIN	9/12/1995	12/11/1995
POSSESS DRUG PARAPHERNALIA (M)	FRANKLIN	7/25/1996	12/17/1997
DWLR (M)	FRANKLIN	11/12/1998	1/26/1999
DWLR (M)	FRANKLIN	2/15/1999	6/6/2000
DWI – LEVEL 4 (M)	FRANKLIN	2/14/2009	3/9/2010

## **WALT CHRISTOPHER BEST**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
BREAKING AND OR ENTERING (F)	FRANKLIN	2/1/1990	9/24/1990
FELONY LARCENY > \$400 (F)	FRANKLIN	2/1/1990	9/24/1990
BREAKING AND OR ENTERING (F)	WAKE	2/12/1990	6/28/1990
FELONY LARCENY > \$400 (F)	WAKE	2/12/1990	6/28/1990
FELONY PROBATION VIOLATION (F)	WAKE	2/12/1990	5/16/1991
POSSESS STOLEN GOODS/PROPERTY (F)	WAKE	2/13/1990	6/28/1990
FELONY PROBATION VIOLATION (F)	WAKE	2/13/1990	5/16/1991
BREAKING AND OR ENTERING (F)	HARNETT	3/28/1990	1/31/1991
FELONY LARCENY > \$400 (F)	HARNETT	3/28/1990	1/31/1991
BREAKING AND OR ENTERING (F)	HARNETT	3/28/1990	1/31/1991
FELONY LARCENY > \$400 (F)	HARNETT	3/28/1990	1/31/1991
POSSESS STOLEN GOODS/PROPERTY (F)	WAKE	3/28/1990	6/28/1990
FELONY PROBATION VIOLATION (F)	WAKE	3/28/1990	5/16/1991
CRIMINAL CONTEMPT (M)	HARNETT	4/25/1990	4/25/1990
CRIMINAL CONTEMPT (M)	HARNETT	4/25/1990	4/25/1990

FELONY PROBATION VIOLATION OUT OF COUNTY (F)	WAKE	3/9/1991	5/16/1991
FELONY PROBATION VIOLATION OUT OF COUNTY (F)	WAKE	3/9/1991	5/16/1991
FELONY POSSESSION OF COCAINE (F)	WAKE	4/25/1991	5/16/1991
POSSESS STOLEN GOODS/PROPERTY (M)	WAKE	2/4/1992	2/21/1992
MAINTAIN VEHICLE/DWELLING/PLACE CONTROLLED SUBSTANCES (M)	JOHNSTON	2/17/1995	6/20/1996
MISDEMEANOR LARCENY (M)	WAKE	5/8/1995	6/2/1995
MISDEMEANOR LARCENY (M)	WAKE	2/20/1996	3/14/1996
OBSTRUCT POLICE OFFICER	MIAMI, FL	ARRESTED 9/10/1996	9/11/1996
COCAINE SELL DELIVER WITH INTENT (F)	MIAMI, FL	ARRESTED 9/13/1996	10/16/1996
CANNABIS POSSESSION WITH INTENT (F)	MIAMI, FL	ARRESTED 9/13/1996	10/16/1996
COCAINE SALE DELIVER (F)	MIAMI, FL	ARRESTED 9/13/1996	10/16/1996
COCAINE POSSESSION WITH INTENT (F)	MIAMI, FL	ARRESTED 9/13/1996	10/16/1996
HOMICIDE – WILLFUL KILL (F)	MIAMI, FL	ARRESTED 8/28/1997	9/7/1999
ROBBERY ARMED ATTEMPT (F)	MIAMI, FL	ARRESTED 8/28/1997	9/7/1999
BURGLARY ASSAULT ARMED (F)	MIAMI, FL	ARRESTED 8/28/1997	9/7/1999
ROBBERY CARJACK ARMED (F)	MIAMI, FL	ARRESTED 8/28/1997	9/7/1999

FALSE REPORT OF A CRIME (M)	FULTON COUNTY, GA	10/7/2009	7/20/2010
BATTERY (M)	FULTON COUNTY, GA	10/7/2009	7/20/2010
BATTERY (M)	GWINNETT COUNTY, GA	10/26/2009	1/19/2010
DRIVING WHILE LICENSE SUSPENDED OR REVOKED (M)	FORSYTH COUNTY, GA	8/13/2010	4/11/2013
GIVING FALSE NAME, ADDRESS, OR BIRTHDATE TO LAW ENFORCEMENT OFFICER (M)	FORSYTH COUNTY, GA	8/13/2010	4/11/2013
COMMON LAW ROBBERY (F)	WAKE	3/4/2011	5/9/2011
DISORDERLY CONDUCT (M)	LUMPKIN COUNTY, GA	12/11/2013	2/6/2014

## **MARVIN LOVELL RAINES**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
UNAUTHORIZED USE OF MOTOR VEHICLE (M)	WAKE	10/2/1986	2/16/1987
MISDEMEANOR LARCENY (M)	WAKE	12/5/1986	1/8/1987
FELONY PROBATION VIOLATION (F)	WAKE	10/2/1986	2/24/1988
LARCENY OF MOTOR VEHICLE (F)	WAKE	8/21/1987	2/24/1988
DWLR (M)	WAKE	10/18/1989	5/24/1990
LARCENY OF MOTOR VEHICLE (F)	WAKE	1/25/1990	7/16/1990
BREAKING AND OR ENTERING (F)	FRANKLIN	2/1/1990	9/24/1990
FELONY LARCENY > \$400 (F)	FRANKLIN	2/1/1990	9/24/1990
BREAKING AND OR ENTERING (F)	WAKE	2/12/1990	7/16/1990
FELONY LARCENY > \$400 (F)	WAKE	2/12/1990	7/16/1990
BREAKING AND OR ENTERING (F)	FRANKLIN	2/23/1990	9/24/1990
FELONY LARCENY > \$400 (F)	FRANKLIN	2/23/1990	9/24/1990
POSSESS STOLEN GOODS/PROPERTY (F)	WAKE	3/8/1990	7/16/1990
POSSESS STOLEN GOODS/PROPERTY (F)	WAKE	3/27/1990	7/16/1990
POSSESS STOLEN GOODS/PROPERTY (F)	WAKE	3/28/1990	7/16/1990

BREAKING AND OR ENTERING (F)	JOHNSTON	2/15/1995	9/27/1995
LARCENY AFTER BREAKING/ENTERING (F)	JOHNSTON	2/15/1995	9/27/1995
BREAKING AND OR ENTERING (F)	JOHNSTON	2/24/1995	9/19/1995
LARCENY AFTER BREAKING/ENTERING (F)	JOHNSTON	2/24/1995	9/19/1995
BREAKING AND OR ENTERING (F)	JOHNSTON	2/24/1995	9/19/1995
LARCENY AFTER BREAKING/ENTERING (F)	JOHNSTON	2/24/1995	9/19/1995
POSSESS DRUG PARAPHERNALIA (M)	WAKE	4/10/1998	11/10/1998
SECOND DEGREE KIDNAPPING (F)	WAKE	11/22/1999	12/13/2000
SECOND DEGREE KIDNAPPING (F)	WAKE	11/22/1999	12/13/2000
ACCESSORY BEFORE THE FACT OF A FELONY (F)	WAKE	11/24/1999	12/13/2000
BURNING PERSONAL PROPERTY (F)	WAKE	11/24/1999	12/13/2000
ARMED BANK ROBBERY AND AIDING AND ABETTING (F)	FEDERAL	ARRESTED 5/18/2000	10/30/2000
USING BRANDISHING AND DISCHARGING A FIREARM DURING A CRIME OF VIOLENCE AND AIDING AND ABETTING (F)	FEDERAL	ARRESTED 5/18/2000	10/30/2000
POSSESSION OF FIREARM BY FELON (F)	CUMBERLAND	8/10/2016	12/6/2017
PROBATION VIOLATION	FEDERAL	ARRESTED 10/25/2018	12/5/2018

## **JO ANN CLEMONTS**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
MISDEMEANOR LARCENY (M)	FRANKLIN	4/1/1988	9/12/1988
POSSESS STOLEN GOODS/PROPERTY (M)	FRANKLIN	11/20/1993	2/15/1994
FELONY POSSESSION OF COCAINE (F)	FRANKLIN	3/18/1994	10/4/1994
FLEE/ELUDE ARREST WITH MOTOR VEHICLE (M)	FRANKLIN	8/12/2000	3/21/2001
DWLR (M)	VANCE	7/22/2004	8/31/2004
DWLR (M)	FRANKLIN	11/9/2004	3/21/2005
DWLR (M)	FRANKLIN	2/19/2005	5/9/2005
DWLR (M)	GRANVILLE	3/14/2007	7/25/2007
DWLR (M)	VANCE	5/8/2007	7/1/2008
DWI – LEVEL 3 (M)	GRANVILLE	8/31/2010	2/23/2011
DWLR (M)	FRANKLIN	9/20/2010	6/7/2011
DWLR (M)	FRANKLIN	12/10/2010	5/24/2011
FLEE/ELUDE ARREST WITH MOTOR VEHICLE (M)	FRANKLIN	12/10/2010	5/24/2011
ELUDE ARREST MOTOR VEHICLE 2 AGGRAVATING FACTORS (F)	FRANKLIN	12/10/2010	7/27/2011
POSSESS DRUG PARAPHERNALIA (M)	FRANKLIN	11/19/2011	4/16/2013
MISDEMEANOR LARCENY (M)	WAKE	1/24/2014	8/8/2014

*December 21, 2018 – Deposition of Joann Clemonts*

<b>Page #</b>	<b>Description</b>	<b>Exhibit</b>
1	Deposition of Joann Clemonts (Clemonts) by Grant Staff Attorney Catherine Matoian (CLM). Administrative Secretary Donna Rowe (DDR) also present.	
2	Table of Contents	
3-9	Preliminary questions. Ms. Clemonts indicates she did not testify at the trial.	
9-10	Clemonts started dating Evans in 1988 or 1989. They didn't know each other before that. He moved in with her in Franklinton in 1989 after about six months of dating. Her daughter, Latoshia Perry, was six months old at the time. She was born in 1987.	
10	Clemonts didn't know Evans was married until he was locked up. She did know he had children.	
11	While they were living together, Evans worked at Tony Lumber Company for about two months and then started "living off" of her. She was not working at the time.	
11-12	Evans had a car when they started dating. It was a gray and white Oldsmobile or Ford. At some point, he started taking over her white Cordoba and driving it. He would take it on his own.	
12	She had had that white Cordoba since her daughter was born in 1987. She got rid of the car when it blew up and gave it to the junkyard. Evans would take the car seven days a week.	
12-13	Clemonts broke up with Evans when the cops came to her house about this case. CLM asks if she thinks that was in 1992 or 1993 and she says she can't remember.	
13	Clemonts said that Evans came home with her car and he had blood stains on his clothes. She asked him what was wrong and he said it was none of her business. Evans took a shower and burned the clothes. Then detectives came to the house. They found him up under the trailer.	
14	The detectives asked if it was okay to search her car and said the car had been described in "a kidnapping case and rape." They searched the car and found orange duct tape and rope in the car. The detectives said it was the same things the Victim had been tied up with.	
14	Clemonts confirms that Evan lived with her up until his arrest. He hadn't moved out.	
14-15	Clemonts didn't know anything about the Manning kidnapping until the detectives told her. They said that	



	Evans' family used to work in tobacco. Clemonts didn't know the Victim. She never went to the Manning's store.	
15	The police came to Clemonts' house the day Evans came back. Evans never talked to her about the crime. She asked him what happened and he told her it was none of her business.	
16	Clemonts never heard Evans talk to anyone else about the crime. He didn't have any friends and no one liked him because "he always thought he was too pretty."	
16	Clemonts says the police told her that the car with the tag number was described as being in a kidnapping. They asked her if she had been in her car and said Evans had just got back with it. She told them Evans was in the house. Evans had crawled under the house and dog sniffed him out.	
17	Clemonts didn't know that Evans had gone under the house.	
17	The police did not interview Clemonts after they searched her car.	
17-18	Clemonts is shown <b>Ex. 1</b> . CLM tells Clemonts the interview is from 1993 and the crime happened on March 6, 1990 and there is no record of police coming to Clemonts' house directly after the crime. Clemonts says she thought it was the same day.	<b>Ex. 1</b> – Clemonts 3/24/1993 SBI interview report. (Brief, pgs. 148-149)
18	CLM points out on <b>Ex. 1</b> where Clemonts says she stopped dating Evans in the middle of 1990 and asks if this is accurate and Clemonts says she thinks so.	
18-19	CLM says Clemonts just said she broke up with Evans at the time of his arrest, but the SBI report indicates they broke up in mid-1990. Clemonts says she thinks the mid-1990 date is more accurate.	
19-20	CLM points out the part of <b>Ex. 1</b> that indicates Clemonts had already sold the Cordoba to Brenda Kingsberry. Clemonts said she had two. She thinks that she was talking about the Cordoba that was not involved in the crime in <b>Ex. 1</b> . She would not have gotten rid of the car involved in this crime before the police interviewed her. She remembers him searching the car.	
20	CLM points out that <b>Ex. 1</b> does not mention anything about Evans having blood stains. Clemonts says the stains were on Evans' shirt. She remembers telling the police about this.	
20	CLM asks how Clemonts was sure that this was the same day as the crime when she was not interviewed until 1993 and Clemonts says it was the same day that her eye was bust open. Clemonts did not want Evans to	

	take the car and "He bust my eye up with a tire iron."	
21	Clemonts said she went to the hospital after this incident. Clemonts says Evans took her car and came back the same day.	
21	CLM asks who first brought up the tape and twine when she was talking to police and Clemonts says it was the police.	
21	Clemonts declines to provide a medical release for information on when Clemonts received treatment for the injury to her eye.	
22	CLM asks for the difference between a do-rag and a wave cap. Clemonts says it is the same thing. Black people say "do-rag." CLM describes a scarf that ties in the back and Clemonts says that is a do-rag. CLM describes a nylon item and ties at the top and Clemonts says that is "just a rag." That is not a wave cap. A wave cap is the same thing as a do-rag.	
22-23	Evans wore a do-rag. Clemonts bought him one. It was black. He wore the do-rag seven days a week because he had a close haircut.	
23-24	CLM points out the watch Clemonts describes in <b>Ex. 1</b> . Clemonts says that is a lie and she bought herself a watch. Clemonts says Evans never bought her or anyone anything. "He couldn't buy a box of Kotex if he wanted to buy some." He never gave her a watch.	
24	Clemonts does not remember speaking to defense attorneys or defense PIs.	
24-25	Clemonts is shown <b>Ex. 2</b> . Clemonts says Evans never moved to Virginia. Clemonts confirms it is her signature on <b>Ex. 2</b> . She recalls signing a lot of papers. She doesn't remember for who.	<b>Ex. 2 – 8/9/1993 Affidavit of Joann Clemonts (Brief, pg. 265)</b>
25	CLM asks if there is anything in <b>Ex. 2</b> besides the Virginia part of the affidavit that is inaccurate and Clemonts says no.	
26	CLM points out the part of <b>Ex. 2</b> where it says Clemonts' mother put Evans out in May or June of 1989. Clemonts says he moved out and came back two days later. CLM points out the part where she says Earl (Linwood Earl Williams) moved in with her around July 1989 and Evans never moved back in. Clemonts says she married Earl and he's now deceased.	
26-27	CLM asks what is accurate: that Evans moved out and moved back in two days later, or that Evans moved out and didn't come back to live with her. Clemonts says it's accurate that Evans didn't come back to live with her, but she still saw him.	
27	Clemonts says Evans probably wasn't living with her in	

	March 1990, but she can't remember the years. She only remembers when the law came.	
27-28	Clemonts says her head is hurting and she needs to take Seroquel. Once she takes the Seroquel, she can't be around anyone or hear any noise. CLM asks if she wants a break and Clemonts declines.	
28-29	CLM indicates that Clemonts said in <b>Ex. 1</b> that Evans was living with her in March 1990, however, the affidavit from <b>Ex. 2</b> indicates she wasn't. CLM asks whether she knows if Evans was living with her in March 1990. Clemonts says she does not know.	
29	CLM asks Clemonts if she ever got back together with Evans and she says no. He would come by begging for money.	
29	Clemonts married Linwood Earl Williams the same year her daughter was born, 1992.	
29	Clemonts says she asked Evans about the First Citizen's Bank bag in her car and Evans told her it was none of her business.	
30	Clemonts does not remember who from the defense attorneys interviewed her. She didn't type up the affidavit herself. CLM asks if the affidavit is accurate and Clemonts says "Yeah it – it really is accurate" and her signature is on it.	
30-31	Clemonts says that after they broke up, Evans would come by begging for money on the first of the month. CLM asks how Earl felt about Evans coming by and Clemonts says Earl "whooped his ass." After that, Evans didn't come by after that. Clemonts doesn't know how many months Evans coming by for money went on.	
31-32	CLM asks if there is anyone else who could help clear up the timeline of when they were living together and Clemonts says that her mother is dead.	
32	CLM asks if Evans ever borrowed her car after they broke up and he was kicked out and Clemonts says no. CLM says that if Evans was kicked out in 1989 (as described in <b>Ex. 2</b> ), he wouldn't have been able to take her car in March 1990. Clemonts says "...let me go back. I don't remember years." She knows Evans took her car the same day the law came.	
32	Clemonts says going through this again is the worst day of her life. "And he - he know he did all this. So he ain't doing nothing but making an ass out of all y'all."	
33-34	Clemonts is shown <b>Ex. 3</b> . Clemonts indicates that Christine is her mom. She does not recall this.	<b>Ex. 3</b> – 8/8/1993 interview notes. (Brief, pgs. 259-261)
34	Evans smoked Newport 100s.	

34	CLM asks about the portion of <b>Ex. 3</b> that says “Showed gray tape balled up, orange twine.” Clemonts says that she had the tape and rope in her trunk for when she went to sell junk.	
34-35	CLM asks about the portion of <b>Ex. 3</b> that says “After mama put out, never came back to stay.” CLM says that indicates Evans didn’t come back after he had been put out and Clemonts says “Naw.”	
35	Linwood Earl Williams never told Clemonts that the defense attorney had come to interview him while he was in jail.	
35-36	Her daughter Toshia was two years old when Williams moved in with her. She can’t remember how long he moved in after they met.	
36	CLM shows Clemonts the parts of <b>Ex. 3</b> that talk about a shotgun. Clemonts recalls that Evans had a sawed-off shotgun. She never saw him use it. He never drew it at her. He only hit her. He would take the shotgun with him when he took her car by himself.	
37	Clemonts does not recall going with Evans to Franklinton to try and pawn the shotgun. She does not remember Evans selling it to a guy in a van for \$10.	
37-38	Clemonts thinks Evans called her while she was staying in Fairport. Her cousin, Jesse Crudup, was in the same prison as Evans. Her second husband Otis’ oldest child got on the phone and told Evans not to call back. They also reported the incident to Bunn prison and asked them to prevent Evans from calling.	
38	Clemonts did not talk to Evans about this case. She didn’t want to talk to him.	
38-39	Clemonts is shown <b>Ex. 5</b> . CLM reads the notes to her. Clemonts does not recall talking to Evans about Larry Davis while Evans was in jail. Davis used to date her mother, but she doesn’t remember when.	<b>Ex. 5</b> – 10/21/1994 notes re: call from Kenneth Evans (Brief, pg. 295)
40	CLM tells Clemonts that Davis is a witness in this case as well. Clemonts indicates she was not aware of this.	
40	Davis and Evans knew each other. Everybody liked Davis.	
40	Clemonts does not know what it means in <b>Ex. 5</b> that Larry Davis was lying about the car.	
41	Clemonts is shown <b>Ex. 6</b> . CLM points out on page 2 where Clemonts said she bought the car in 2/1990 and sold the car in June or July to a Kingsberry. Clemonts says that she thought she had sold it to a junkyard.	<b>Ex. 6</b> – Clemonts PI interview 10/30/1993 (Brief, pgs. 238-245)
41-42	CLM points out on <b>Ex. 6</b> where Clemonts says that Evans never took his car on her own. Clemonts says that is a lie. CLM points out in <b>Ex. 6</b> where Clemonts says	

	there was one occasion where Evans took her car for two days. Clemonts says "It's been long – so long."	
42-43	Clemonts agrees that she doesn't remember the day he came back with her car by the date but because he abused her before he took her car. She thinks he took the car and came back the same day.	
43	Clemonts called her uncle Earl from the hospital.	
43-44	Clemonts did not go to the trial. No one ever talked to her about testifying at the trial. She didn't want to.	
44-45	Clemonts does not know anything about the Drake case.	
45-46	CLM says there is a document from the defense file that indicates Clemonts did testify at the trial. Clemonts maintains she did not testify at the trial. She found out Evans had been convicted from hearing people talk about it. She doesn't remember who they are.	
46	Clemonts doesn't know if the Victim ever identified Evans. She doesn't know the Victim.	
46-47	Clemonts was not offered anything in exchange for testifying. She doesn't recall being on probation at the time of the trial. Clemonts says that has nothing to do with this case. She didn't receive anything in this case.	
47	Clemonts says she has not slept. She's going to get a lawyer so she can having "nothing to do with this mess."	
48	Clemonts says Tasha was born in 1987. Her other child is Tank. She was born in 1992. CLM asks if she has other children and Clemonts says "dead."	
48-49	The tape and rope in her trunk were for when she went to sell junk. She would use it to tie down her trunk. She got the tape from her mom's boyfriend.	
49-50	There was a blood on Evans' stomach. She doesn't know if it was a drop or a smear. She didn't see blood anywhere else.	
50	Evans burned his clothes "but they didn't burn good" and then threw them in the trash. It was a yellow t-shirt, brown khaki work pants, and black shoes with a string, and a do-rag.	
51	She's never talked to anyone else or given any other statements. There's nothing else she thinks the Commission needs to know or anyone she thinks we should speak to.	
51	Evans didn't have any other friends.	
52-53	Clemonts wants to review the deposition transcript.	
54	Certification of Transcript.	

1 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
 2 COUNTY OF FRANKLIN SUPERIOR COURT DIVISION  
 93 CRS 2261-2263

3  
 4 STATE OF NORTH CAROLINA, )  
 Plaintiff, )  
 5 v )  
 KENNETH LEON EVANS, )  
 6 Defendant. )

ORIGINAL

7  
 8 DEPOSITION OF JOANN CLEMONT  
 9

10 This matter coming on for deposition on December 21, 2018, at  
 11 Franklin County Library Annex, 106 Justice Street, Louisburg,  
 12 North Carolina, the following proceedings were had, to wit:

13  
 14 APPEARANCES

15 For the Innocence Inquiry Commission:

16 Catherine Matoian, Staff Attorney  
 17 NORTH CAROLINA INNOCENCE INQUIRY COMMISSION  
 Post Office Box 2248  
 18 Raleigh, North Carolina 27602

19  
 20 Present: Donna Rowe, Notary  
 21  
 22

23 Transcribed by: Victoria L. Pittman  
 24 For Pittman Stenography  
 Post Office Box 47  
 25 Wake Forest, NC 27588

## C O N T E N T S

## THE WITNESS

PAGE

JOANN CLEMONT

Examination by Ms. Matoian

3

## NUMBER

## DESCRIPTION

MARKED

1	SBI Interview Transcript	17
2	Affidavit	24
3	Notes, 8/8/93	33
4	Williams Interview Notes, 8/8/93	35
5	Notes, 10/21/94	38
6	Investigative Report, 10/30/93	41

\*\*Reporter's Note: This transcript may contain quoted material.

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Tori Pittman, AOC-Approved Transcriber

PO Box 47, Wake Forest, NC 27588 \* \* \* pittmanstenography.com

1 Friday, December 21, 2018 (4:11 p.m.)

2 (Pursuant to the North Carolina Rules of  
3 Civil Procedure:)

4  
5 JOANN CLEMONTs, having been identified and  
6 sworn by the Notary, was examined and  
7 testified as follows on

8 EXAMINATION

9 BY MS. MATOIAN:

10 Q. All right, Ms. Clemonts. I'm an attorney for the  
11 North Carolina Innocence Inquiry Commission, which is a  
12 state agency that investigates postconviction innocence  
13 claims in North Carolina.

14 So what that means is that someone who's been  
15 convicted of certain crimes in North Carolina and claims  
16 that they're innocent can apply to us stating that they are  
17 innocent, and we investigate their claims. We do not  
18 represent them. We do not represent the State. We're  
19 neutral. So all we are trying to do is find the truth.

20 If we do find new credible evidence of innocence  
21 that was not available at the time that Mr. Evans was  
22 convicted, the case can move through a process where the  
23 person could be potentially exonerated. Mr. Evans' case is  
24 just in the middle of the investigation process right now,  
25 if that makes sense.



1           So you've been subpoenaed here today in the matter  
2 of Kenneth Leon Evans. It involves the victim named Euther  
3 Rea Manning in a kidnapping case that happened in  
4 March 1990. And Mr. Evans is claiming innocence in this  
5 case.

6           The Commission is a neutral fact-finding agency.  
7 We don't represent the claimants and we don't represent the  
8 prosecution.

9           And you've been subpoenaed here today because you  
10 were a witness in Mr. Evans' case.

11           Have you ever been deposed before?

12           A.    What's that?

13           Q.    This is a deposition right now. Anything like  
14 this?

15           A.    Uh-uh.

16           Q.    Have you ever testified other than at Mr. Evans'  
17 trial?

18           A.    I didn't testify at no trial. I just gave a  
19 statement to the detectives or whatever.

20           Q.    Okay. So you didn't testify at Mr. Evans' trial?

21           A.    No. Because I didn't want to go there.

22           Q.    Okay. All right. So the purpose of this  
23 deposition is so that I can find out what you know about the  
24 facts surrounding the case. So I have a few questions to go  
25 over with to begin with.

1           The first thing I will say is that because  
2 inaudible responses like shaking your head yes or no can be  
3 difficult to capture on the recording, I'll ask that you  
4 give audible responses to my questions. So saying "yes" or  
5 "no" out loud.

6           A.     Okay.

7           Q.     Do you understand that?

8           A.     Yeah.

9           Q.     Okay. And a deposition is similar to testimony in  
10 court. So you're under oath and are expected to answer  
11 completely and truthfully.

12                   Do you understand that?

13           A.     Yeah.

14           Q.     Okay. And I understand that you may want to  
15 answer questions before I've completed them. However,  
16 please wait until you hear the entire question before you  
17 answer.

18                   And if you do not understand a question, that's  
19 okay. Please just let me know that you don't understand the  
20 question and ask me to clarify.

21                   Will you agree to ask me if you don't understand a  
22 question?

23           A.     Yeah.

24           Q.     Okay. And if you do not ask me to clarify a  
25 question, I will assume that you understood it and that you

1 gave a complete response.

2 Is that understood?

3 A. Yeah.

4 Q. Okay. And after you've given an answer, you may  
5 remember more information later on in the deposition that  
6 responds to that earlier question. If that happens, stop me  
7 and tell me you remember more information and provide that  
8 information.

9 And if I believe I have a document that will help  
10 you respond to a question, I will label it as an exhibit and  
11 ask you to review the document.

12 If you believe that I have a document that will  
13 refresh your memory and help you respond, please ask me to  
14 see it and I will provide it to you if I have it.

15 Do you understand that?

16 A. Yeah.

17 Q. And then, finally, if you find yourself getting  
18 tired at any time during this deposition, please let me know  
19 and we'll talk about taking a break. I will ask that you  
20 answer any questions pending before we take the break.

21 Is that okay?

22 A. Yeah.

23 Q. Is there any reason you can't give full and  
24 complete responses today?

25 A. No. I can respond real clearly.

1 Q. Okay. And are you currently under the influence  
2 of any alcohol or drugs, whether illegal or prescription?

3 A. No.

4 Q. Okay. Are you taking any medications that impair  
5 your ability to remember or to testify completely,  
6 truthfully, and accurately?

7 A. No.

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

10 A. Yeah.

11 Q. Okay. What are those conditions?

12 A. Cancer.

13 Q. Does that prevent you from giving truthful,  
14 accurate --

15 A. No.

16 Q. -- and complete testimony today?

17 A. No.

18 Q. Are there any other circumstances or issues  
19 preventing you in any way from giving truthful, accurate,  
20 and complete testimony today?

21 A. No.

22 Q. Have you examined or reviewed anything regarding  
23 this case before coming to this deposition?

24 A. No. Anybody gave me nothing to read.

25 Q. Okay. Have you talked to anybody about --

1 A. No.

2 Q. -- this deposition?

3 Have you been asked by anyone to withhold  
4 information --

5 A. No.

6 Q. -- or misrepresent any facts during the  
7 deposition?

8 A. No.

9 Q. All right. Can you please state your full name  
10 for the record.

11 A. Joann Clemonts.

12 Q. And can you spell Clemonts for us?

13 A. C-l-e-m-o-n-t-s.

14 Q. Okay. And what's your date of birth?

15 A. 11/5/69.

16 Q. Okay. And what's your current address?

17 A. It's 2599 Charlie Grissom Road.

18 Q. Okay. Is that in --

19 A. Not Charlie Grissom Road. 25 Cambridge Drive.

20 Q. Cambridge Drive?

21 A. Yeah.

22 Q. Is that in Louisburg?

23 A. Franklinton.

24 Q. Franklinton? Okay.

25 Do you have a good phone number for us to reach

1 you?

2 A. No.

3 Q. All right. Are you currently working?

4 A. No. I'm disabled.

5 Q. Okay. All right. Other than giving a statement  
6 in this case, have you ever been involved in other  
7 criminal -- criminal or civil legal issues?

8 A. No.

9 Q. No? Okay. All right, Ms. Clements. How do you  
10 know Kenneth Evans?

11 A. I used to go with him.

12 Q. Okay. Do you know when you started dating him?

13 A. '89, I think -- '89 --

14 Q. Okay.

15 A. -- or '88, one of the two.

16 Q. '88 or '89?

17 A. (No audible response.)

18 Q. Did you know him before you started dating?

19 A. No.

20 Q. No?

21 Did you live together?

22 A. He lived with me.

23 Q. Okay. Do you know when he moved in with you?

24 A. '89.

25 Q. '89?

1                   Was that shortly after you guys got together or  
2 had you been dating awhile?

3           A.     Yeah.   Awhile.

4           Q.     About how long do you think you were dating before  
5 he moved in?

6           A.     About six months.

7           Q.     Six months?

8                   Okay.   Do you know if he was separated from his  
9 wife at that time?

10          A.     I didn't know he was married until he got locked  
11 up.

12          Q.     Okay.   Did you know he had children?

13          A.     Yeah.

14          Q.     Okay.   Where did you guys live when he moved in  
15 with you?

16          A.     In Franklinton.

17          Q.     Franklinton?

18                   Okay.   And who else was living in the house?

19          A.     It was me and my baby -- my oldest daughter.

20          Q.     And what's your oldest daughter's name?

21          A.     Latasha Perry.

22          Q.     Okay.   And about how old was she at that time?

23          A.     Six months old.

24          Q.     Six months?   Okay.

25          A.     I meant -- yeah.   She was born in '87.   Yeah, she

1 was six months old.

2 Q. Okay. During the time that you guys were dating,  
3 did he work?

4 A. He used to work at Tony Lumber Company. I started  
5 going with him. I would say about two months, he stopped  
6 working and started living off me.

7 Q. Okay. And can you say the name of the company he  
8 worked for again?

9 A. Tony Lumber Company.

10 Q. Tony Lumber Company? Okay.

11 And about two months into that, you said he  
12 stopped working?

13 A. He started living on me. I had to take care of  
14 him too.

15 Q. Okay. Where were you working at the time?

16 A. Nowhere.

17 Q. Okay. Did he have a car when you two were dating?

18 A. When I first started going with him, he had a car.

19 Q. What kind of car did he have?

20 A. It was a gray and white car. I don't know what --  
21 Oldsmobile, Ford, whatever. But I think it was his wife's.

22 Q. Okay. Did -- at any point, did he get rid of that  
23 car?

24 A. Yeah. Because he started -- he took over my car  
25 and started driving it.



1 Q. Okay. And what kind of car was that?

2 A. It was a white Cordoba.

3 Q. Would he take it on his own or would you always be  
4 with him?

5 A. No. Take it on his own.

6 Q. Okay. How long had you had that car?

7 A. It's since my daughter was -- oldest daughter was  
8 born in '87.

9 Q. So your oldest daughter was born in '87?

10 A. Uh-huh.

11 Q. And you had it then? Okay.

12 Do you remember when you got rid of that car?

13 A. I got rid of that car when it blowed up.

14 Q. Okay. Do you remember -- did you sell it to  
15 anyone or --

16 A. The junkyard got it.

17 Q. Junkyard? Okay.

18 About how often would you say he used your car?

19 A. He took it whenever he got ready. That's seven  
20 days a week.

21 Q. All right. When did you and Mr. Evans break up?

22 A. When his ass went to jail.

23 Q. For what crime?

24 A. The detective came to the house about this case.

25 Q. And that's when you guys broke up?

1 A. Uh-huh.

2 Q. All right.

3 A. Told him I didn't want nothing else to do with  
4 him.

5 Q. So you think that was in 1992 or 1993?

6 A. I can't remember that.

7 Q. Okay. So can you tell me a little bit about the  
8 timeline of that?

9 He got locked up and then the detective came to  
10 the house? Or the --

11 A. No. When he brought the car back --

12 Q. Uh-huh.

13 A. -- right --

14 Q. Uh-huh.

15 A. -- next thing I know, when he got out, he had  
16 blood stains on his clothes.

17 I asked him, "What's wrong?"

18 He said, "None of your business."

19 He came in the house and took a shower, took those  
20 clothes off and throwed them in the -- you know, burned them  
21 up, throwed them in the trash after he burned them up.

22 Next thing I know, my trailer house was surrounded  
23 with detectives. And they asked were he in the house. I  
24 said yeah. But they searched the house. He wasn't there;  
25 he was up under the trailer, and they got him.

1           They asked me would it be okay to search my car.  
2   They told me that Kenny Evans -- this car was described in a  
3   kidnapping case and rape, whatever. And I -- they searched  
4   the car, got me to open the trunk. It was orange duct  
5   tape -- whatever you call the tape, orange, and rope in the  
6   car. They're the same -- they said that's the same stuff  
7   that that lady was tied up with.

8           Q.    Okay. So when he got picked up that time and went  
9   to jail, that was the last time you two lived together? He  
10   lived with you up until then?

11          A.    Uh-huh.

12          Q.    Okay. Is there any time between when he moved in  
13   with you and when the cops came to get him where he didn't  
14   live with you?

15          A.    Uh-uh.

16          Q.    He stayed the entire time? Okay.

17                So what did you know about -- prior to the police  
18   coming to your house, what did you know about the kidnapping  
19   of Ms. Manning?

20          A.    I didn't know nothing about it until the  
21   detectives came.

22          Q.    Okay. Did you know who Ms. Manning was?

23          A.    They said it was some lady that -- where Kenny  
24   Evans' family used to work in tobacco or something with. I  
25   don't --

1 Q. But you didn't know her?

2 A. No, I didn't know her. I didn't know nothing  
3 about them until they came.

4 Q. Did you ever go -- the Manning -- Ms. Manning and  
5 her husband owned a convenience store in Centerville.

6 Did you ever go to Mannings' store in Centerville?

7 A. I don't know no Manning store.

8 Q. Okay.

9 A. I went to a store where my husband was buried  
10 right down the road.

11 Q. Okay. So the first time you ever heard about this  
12 crime is when the police came to your house?

13 A. Right.

14 Q. Okay. And did you have an understanding of when  
15 the crime had actually happened in between -- like, how long  
16 had it been since the crime happened before the police come  
17 to your house?

18 A. The police came to my house the same day he came  
19 back.

20 Q. Okay. Same day he came back.

21 Did you ever hear Mr. Evans talk about this crime?

22 A. Never.

23 Q. Okay.

24 A. I asked him, "What's wrong?"

25 He said, "None of your business."

1 Q. Did you hear him talking to anyone else about  
2 this?

3 A. No. He ain't had no friends. Nobody didn't like  
4 him.

5 Q. Okay. Why was that?

6 A. Because he always thought he was too pretty.

7 Q. Okay. Thought he was too pretty?

8 A. Yeah.

9 Q. Okay. When the police came to your house, they  
10 said -- they asked to look in your car.

11 Did they tell you anything about the case before  
12 they asked to look in your car?

13 A. They told me that this car was described with the  
14 tag number as being in a kidnapping. And they asked me have  
15 I been in my car.

16 I said, "No." I said, "My boyfriend just got  
17 back, Kenneth Leon Evans."

18 They said, "Where is he now?"

19 I said, "In the house."

20 But they searched the house and he weren't in  
21 there. He had crawled under the house and the dog sniffed  
22 him out.

23 Q. He had crawled under the house?

24 A. Yeah, the trailer house.

25 Q. Did he tell you he was going under the house or

1 did you just see it?

2 A. Didn't I just say the dog sniffed him out? I  
3 thought he was still in that trailer house, and I went  
4 outside.

5 Q. I heard you say that the dog sniffed him out. I  
6 wasn't sure if you knew he had gone under --

7 A. No.

8 Q. -- the house.

9 A. No.

10 Q. Okay.

11 A. If I had knowed it, I would've said.

12 Q. Did they interview you after they looked in your  
13 car? Did the police interview you?

14 A. No.

15 Q. No?

16 Did they tell you any other details about the  
17 crime other than that the car had been described as being  
18 used in the crime?

19 A. No.

20 Q. All right. I am going to hand you what I'm  
21 marking as Exhibit 1, and this is an interview of you by the  
22 SBI dated April 21, 1993. It's two pages long.

23 (Exhibit 1 marked.)

24 Q. I'm going to ask you to read that -- or do you  
25 want me to read it to you?

1 (Pause.)

2 A. Yeah.

3 Q. Do you recall that interview?

4 A. Yeah.

5 Q. Okay.

6 A. Now I do.

7 Q. All right. So that interview is dated as

8 April 21, 1993.

9 This crime happened on March 6, 1990.

10 A. Uh-huh.

11 Q. I do not have any record of the police coming to  
12 your house the week -- or directly after the crime and  
13 searching your car. This is the first instance I have of  
14 law enforcement talking to you.

15 A. Yeah. I thought it was the same day.

16 Q. You thought it was the same day?

17 A. Yeah.

18 Q. Okay. So in this interview, in the second  
19 paragraph on the first page, it says that you stopped dating  
20 him in the middle of 1990.

21 A. Uh-huh.

22 Q. Does that sound accurate?

23 A. Think so.

24 Q. Okay. So just a few minutes ago, you said you  
25 thought you were dating right up until he was arrested,

1 which would have been 1992.

2 Do you think the 1990 date is more accurate?

3 A. Yeah, I think so, it's more accurate.

4 Q. Okay. And in the interview, you also indicated  
5 that, by the time the police came to talk to you -- down  
6 here on this one, two, three, fourth paragraph on the first  
7 page -- that you had already sold the Cordoba to Brenda  
8 Kingsberry.

9 A. I had two Cordobas.

10 Q. You had two Cordobas?

11 A. Uh-huh.

12 Q. Okay. So you think you're talking about the one  
13 that wasn't involved in the crime there?

14 A. Yeah.

15 Q. Or --

16 A. I don't remember.

17 Q. Okay. So according to this interview, you would  
18 have already gotten rid of that Cordoba that you said had  
19 the rope and the tape in it before the police came?

20 A. No.

21 Q. No?

22 A. No.

23 Q. You distinctly remember the police searching that  
24 car?

25 A. That car was here then, yeah.



1 Q. Okay.

2 A. Yeah. They searched ...

3 Q. And in this interview, you did talk about  
4 Mr. Evans taking your car and coming back with it. You  
5 don't mention anything about blood stains.

6 Are you sure that you saw Mr. Evans with blood  
7 stains on him?

8 A. I read -- yeah. It was on his shirt.

9 Q. Okay. Do you remember telling the police that?

10 A. Yeah. I told the law all of that.

11 Q. Okay. It's just not in this interview?

12 A. I told the law all of that.

13 Q. Okay. So if this is the first time the police  
14 come to interview you, in April of 1993, and the crime  
15 happened in March 1990, how are you so sure, three years  
16 later, that you were remembering the --

17 A. Because it's the same that this eye got bust open.

18 Q. The same day?

19 A. Yeah.

20 Q. And you remember that being in March of 1990?

21 A. Uh-huh. Yeah.

22 Q. Okay. Can you tell me about that incident?

23 A. Yes. I didn't want him to take my car. He bust  
24 my eye up with a tire iron.

25 Q. Okay.

1 A. So I got plenty that seen it.

2 Q. Okay. Did you go to the hospital for that?

3 A. Yeah.

4 Q. Yeah? And then he came back how many days later?

5 A. What you mean "how many days"? He came back the  
6 same day.

7 Q. He took your car and then came back the same day?

8 A. Yeah.

9 Q. Okay. And he had busted your eye before he left?

10 A. Uh-huh.

11 Q. And then when he came back, he had blood on him?

12 A. Uh-huh.

13 Q. Okay. When you were talking to the police, who  
14 was the first person to bring up tape and twine?

15 A. The law.

16 Q. They were? Okay.

17 If we were to give you a medical release for  
18 hospital records for the day that he busted your eye with a  
19 tire iron, would you sign that for us to get those?

20 A. No. I ain't giving nobody rights for my medical  
21 records.

22 Q. Okay.

23 A. Because I got a lot of stuff that ain't none of  
24 nobody's business.

25 Q. Okay. Can you tell me what's the difference

1 between a do-rag and a wave cap?

2 A. Is the same thing, a different saying.

3 Q. A different what?

4 A. Put it this way: Black people say do-rag.

5 Q. Okay. So what is -- there is a do-rag or there's  
6 something you would wear on your head which kind of ties  
7 back and it has a --

8 A. That's a do-rag.

9 Q. Okay. What is the one -- what do you call the one  
10 where it's kind of nylon and it goes up on top and just ties  
11 at the top?

12 A. That's just a rag.

13 Q. Is that a wave cap --

14 A. No.

15 Q. -- do people call it?

16 A. No.

17 Q. What's a wave cap?

18 A. Wave cap is the same thing as a do-rag.

19 Q. Okay. Did Mr. Evans wear anything on his head?

20 A. Yeah.

21 Q. What did he wear?

22 A. A do-rag. I bought it.

23 Q. Okay. You only ever bought him the one?

24 A. Yeah. Black.

25 Q. Black?

1                   Would he wear it outside the house or inside the  
2 house?

3           A.     He weared it seven days a week because he had a  
4 close haircut. He kept his hair brushed and tied up.

5           Q.     In this interview, you talked about a watch that  
6 Mr. Evans had given you, and you described it as a woman's  
7 watch.

8                   Can you describe that watch?

9           A.     What? I done said he did what?

10          Q.     If you look down, it's the last paragraph on the  
11 first page.

12                   It says "She also stated Evans gave her a woman's  
13 watch with diamonds all around it."

14          A.     No, I ain't said --

15          Q.     "He told" --

16          A.     Told who -- they told a lie. I said I bought  
17 myself one.

18          Q.     You bought yourself a watch?

19          A.     Kenny Evans ain't never bought me nothing. He  
20 ain't never buyed nobody nothing.

21          Q.     Okay.

22          A.     He couldn't buy a box of Kotex if he wanted to buy  
23 some.

24          Q.     So he never bought or gave you a watch?

25          A.     Nothing.

1 Q. That was something you bought for yourself?

2 A. Yeah.

3 Q. Okay. Got it.

4 Other than this time, do you recall law  
5 enforcement ever interviewing you again?

6 A. (indiscernible). Uh-uh.

7 Q. No? Okay.

8 Do you remember anybody like a private  
9 investigator or defense attorneys for Mr. Evans coming to  
10 talk to you?

11 A. (No audible response.)

12 Q. No? Okay.

13 A. Uh-uh.

14 (Exhibit 2 marked.)

15 Q. I am going to show you what I am going to mark as  
16 Exhibit Number 2.

17 A. Uh-huh.

18 Q. It's one page. It's an affidavit that has a  
19 signature -- your signature on it.

20 A. Uh-huh.

21 Q. And it's dated 8/9/1993.

22 Can you take a moment and read that for me?

23 (Pause.)

24 A. I ain't never -- he moved to no Virginia. So I  
25 don't know why this is up here.

1 (Pause.)

2 A. Here you go.

3 Q. Is that your signature?

4 A. Yeah, it's my signature.

5 Q. Okay. Do you remember signing this?

6 A. I signed a whole lot of papers that day.

7 Q. What do you mean "this day"?

8 A. But I never remember him going to no Virginia --  
9 living in no Virginia.

10 Q. When you say you remember signing a lot of papers  
11 that day, what do you mean?

12 A. Just like these, just these.

13 Q. Okay. So this --

14 A. Yeah.

15 Q. -- was an affidavit that was signed after you were  
16 interviewed by defense attorneys, not law enforcement.

17 A. Well, they -- well, it might have been.

18 Q. Okay.

19 A. I don't remember that part.

20 Q. You don't remember that part? Okay.

21 Other than the Virginia part, is there anything  
22 else about this that's inaccurate?

23 A. No.

24 Q. Okay. So in this, you said -- in this -- let's  
25 see, the second paragraph, it says "My mother put Kenneth

1 out of my house in May or June of 1989."

2 A. Yeah.

3 Q. "I was living in a white trailer on Savage Street  
4 at the time. Brick Taylor was my landlord."

5 A. Yeah.

6 Q. Okay. So a little while ago, you said you thought  
7 that Mr. Evans lived with you right up until when he got  
8 arrested.

9 A. Uh-huh.

10 Q. This indicates that he was kicked out of your  
11 mother's house in 1989, before this crime happened.

12 A. Out of my house, yeah. He got kicked out for two  
13 days. I let him come right back.

14 Q. And you let him come right back? Okay.

15 A. Uh-huh.

16 Q. So the next paragraph, the third paragraph, says  
17 "After Kenneth left, my boyfriend Earl moved in with me  
18 around July 1989 and Kenneth never came back to live with me  
19 again."

20 A. Yeah. That's the one I married, Earl. He's dead.

21 Q. He's dead? Okay.

22 A. Uh-huh.

23 Q. So you just said that you kicked -- Mr. Evans got  
24 kicked out and you let him move back in two days later.

25 A. Uh-huh.

1 Q. This says that Earl, your deceased husband --

2 A. Uh-huh..

3 Q. -- actually moved in, and that Kenneth never came  
4 back to live with you again.

5 Which one is accurate?

6 A. He didn't come back to live with me.

7 Q. Okay.

8 A. But I still saw him. He didn't come back to live  
9 with me.

10 Q. Okay. So after -- in May or June of 1989,  
11 Mr. Evans is kicked out of your house.

12 A. Uh-huh.

13 Q. So that would mean Mr. Evans wasn't living with  
14 you in March 1990.

15 A. Probably won't there for -- I don't remember them  
16 years.

17 Q. Okay.

18 A. All I remember is what the law -- when the law  
19 came. That's it.

20 Q. Okay.

21 A. I'll be so glad when this is over. I'm getting --  
22 head is starting hurting.

23 How much longer --

24 Q. Would you like to --

25 A. -- more --



1 Q. Would you like to take a break?

2 A. No. How much more longer --

3 Q. I've got a few pages of questions for you.

4 A. I got -- I've got to take my Seroquel.

5 Can we hurry up and get this over with?

6 Q. Would you like to take it now?

7 A. No. If I take that Seroquel now, I can't be  
8 around nobody or hear no noise.

9 Q. Okay.

10 A. It takes it from my head.

11 Q. Well, I'll go as I fast as I can. Please let me  
12 know if you feel like you're not able to give answers or you  
13 need to take a break.

14 A. Uh-huh.

15 Q. So, Ms. Clemonts --

16 A. Uh-huh.

17 Q. -- what you've told me is that Mr. Evans took your  
18 car and came back and had blood on him and told you it was  
19 none of your business and that the tape and rope that were  
20 similar to ones that had been used in the crime were in your  
21 car.

22 A. Yes.

23 Q. So that is accurate if Mr. Evans is living with  
24 you in March 1990.

25 So this -- if I'm going by this affidavit that you

1 signed in 1993, he was not living with you.

2 Do you remember whether or not he was living with  
3 you in March 1990?

4 A. No. I don't remember the year.

5 Q. Okay. So after you got together with Earl --

6 A. It's been so long.

7 Q. -- did you ever get back together with Mr. Evans?

8 A. Uh-uh.

9 Q. No?

10 A. After I saw him. He came begging for money.

11 Q. Okay. Do you remember when you and Earl got  
12 married?

13 A. My baby girl was born in '92.

14 Q. '92. And you got married the same year she was  
15 born?

16 A. Uh-huh.

17 Q. Okay. Do you remember, in the first interview and  
18 in this affidavit, you talked about Mr. Evans coming back  
19 with a gray sack that said First Citizens Bank --

20 (Overlapping speakers.)

21 A. -- Citizens Bank on it, uh-huh.

22 Q. Okay. And can you tell me anything else you  
23 remember about that?

24 A. No. I asked, "What's this First Citizens Bank bag  
25 doing in my car?"

1 He said, "None of your business."

2 Q. Okay. And you don't remember who from the defense  
3 attorneys interviewed you?

4 A. No, I don't.

5 Q. Or talked --

6 A. I don't remember none of them face.

7 Q. Okay. Okay.

8 A. It's been a long time ago.

9 Q. All right. Do you remember any other  
10 circumstances surrounding when you signed this affidavit?

11 A. What do you mean?

12 Q. Who was with you when you signed it? Did they  
13 interview beforehand? Did they type it up in front of you?  
14 Did you type it up?

15 Do you remember anything like that?

16 A. I didn't type nothing up.

17 Q. Okay. Did you -- do you feel like this affidavit  
18 is accurate that you've signed?

19 A. Yeah, it -- it really is accurate.

20 Q. Okay.

21 A. My signature on it.

22 Q. How often would you say that you and Mr. Evans --  
23 I know you said he would come begging for money.

24 How often did you and Mr. Evans have contact after  
25 you broke up?

- 1 A. He came back begging for money.
- 2 Q. And about how many times --
- 3 A. Every first of the month.
- 4 Q. Every first --
- 5 A. First and third.
- 6 Q. First and third?
- 7 A. Yeah.
- 8 Q. What was significant about those dates?
- 9 A. I don't know. I had money.
- 10 Q. Okay. How did Earl feel about him coming by?
- 11 A. Earl whooped his ass.
- 12 Q. Okay.
- 13 A. Uh-huh.
- 14 Q. So after he was beat up, did he come over after
- 15 that?
- 16 A. Uh-uh.
- 17 Q. No?
- 18 About how many months did you think that went on?
- 19 A. I don't remember.
- 20 Q. Okay. So talking about this timeline that I'm
- 21 talking about, that if Mr. Evans had been kicked out of your
- 22 house in 19- -- 1989, he wouldn't have been living with you
- 23 at the time this crime happened, is there anyone else in
- 24 your life who could help clear that timeline up?
- 25 A. No. My mama is dead.

1 Q. Okay. I'm sorry for your loss.

2 A. Uh-huh.

3 Q. So if Mr. Evans was not -- after you and Mr. Evans  
4 broke up and he was kicked out of your house, did you let  
5 him take your car anymore?

6 A. No. For it blew up.

7 Q. Okay. So if Mr. Evans kicked out in 1999 [sic],  
8 in March 1990, he wouldn't have been able to take your car  
9 for two days; right?

10 A. I didn't -- let me go back. I don't remember  
11 years.

12 Q. Okay.

13 A. I know when he took my car. That's the same day  
14 the laws came.

15 Q. Okay.

16 A. And I'm tired of keep saying this stuff over and  
17 over and over. This is the worst day of my life, having to  
18 go through this mess again.

19 Q. I'm just -- I understand that. I'm not trying to  
20 make your life difficult. I'm just trying to make sure that  
21 I understand the timeline of what's going on --

22 A. And he -- he know he did all this. So he ain't  
23 doing nothing but making an ass out of all y'all.

24 Q. Okay. I just -- I don't have an interview from  
25 law enforcement from the day of the crime or the day after

1 the crime where they came to your house.

2 So if I'm asking you questions about that, I'm  
3 just trying to understand those circumstances because I  
4 don't have anything from that time. If that makes sense.

5 A. Uh-huh.

6 Q. I'm going to show you Exhibit Number 3.

7 (Exhibit 3 marked.)

8 Q. This is dated 8/8/1993. So it's the day before  
9 this affidavit was signed. It's three pages.

10 And the top of it says T/C Christine - Joanne.

11 A. That's my mama.

12 Q. Christine is your mom? Okay.

13 Can you take a look at that and see -- was your  
14 mom's name "Christine Joanne"?

15 A. No. No.

16 Q. Okay.

17 A. Her name was Christine.

18 Q. Okay. Can you see if you remember giving any of  
19 the statements in this interview? Or do you think it was  
20 your mom being interviewed?

21 It's just not clear for me when I read it.

22 A. These things won't me. It must be my mama. This  
23 ain't from me.

24 I don't understand.

25 Who put "asked about Cambridge" over here?

1 Q. This is from the defense file. It doesn't have a  
2 name on it. I can assume that a defense attorney wrote it  
3 after interviewing either you or your mother over the phone.

4 A. I don't -- I don't remember this.

5 Q. Did Mr. Evans smoke?

6 A. Cigarettes.

7 Q. Cigarettes? Okay.

8 Do you remember what his brand was?

9 A. Newport 100s.

10 Q. Okay. Let's see. On this second page that's  
11 Bates-stamped page number 25 on Exhibit 3, it says here  
12 "Showed gray tape balled up, orange twine."

13 Do you remember anyone showing you gray tape  
14 balled up and orange twine? Or do you remember showing  
15 anyone?

16 A. No. When I opened my trunk, like I said --

17 Q. Okay.

18 A. -- when the law asked me to, it was -- it was in  
19 there.

20 Q. Got it.

21 A. Because I know I hadn't had it in there when I  
22 just tied it on my trunk, the rope, when I go sell junk.

23 Q. Okay. And then this either -- whoever they were  
24 speaking to, either you or your mother -- well, it says down  
25 here on the second page again, "After mama put out, never

1 came back to stay."

2 So that indicates that Mr. Evans didn't come back  
3 after he had been put out.

4 A. Naw.

5 Q. All right. Did Earl ever tell you that defense  
6 attorneys came to interview him while he was in jail?

7 A. Who?

8 Q. Did Earl ever tell you that defense attorneys came  
9 to interview him --

10 A. Uh-uh.

11 Q. -- when he was in jail?

12 A. Uh-uh.

13 (Exhibit 4 marked.)

14 Q. I'm going to show you what's marked Exhibit  
15 Number 4. It's dated 8/8/1993 -- so the same day as that  
16 phone call. And the Bates-stamped page numbers are 119  
17 through 121.

18 Can you take a look at that?

19 (Pause.)

20 Q. I think we're good.

21 A. All right.

22 Q. Do you recall how old your daughter Tasha was when  
23 Earl moved in with you?

24 A. 2.

25 Q. 2? Okay.



1                   And about how long before he moved in had you met  
2 him?

3           A.    Awhile. I can't remember.

4           Q.    Okay. All right. In a few of these interviews  
5 I've shown you, you mentioned a sawed-off shotgun that  
6 Mr. Evans had.

7           A.    Yeah.

8           Q.    Do you remember that?

9           A.    Yes.

10          Q.    All right. Did he always have that or do you  
11 remember him getting it?

12          A.    He brought it with him when he moved with me.

13          Q.    Okay.

14          A.    Always known him to have it.

15          Q.    Did you ever see him use it?

16          A.    No.

17          Q.    Okay.

18          A.    Never drewed it on me, just hit.

19          Q.    He used it to hit you?

20          A.    Uh-huh.

21          Q.    Did he carry it around with him when he was out  
22 and about? Or did he leave it in the house? What did he  
23 usually do with it?

24          A.    When he'd take my car and go by himself, he took  
25 it with him -- took it with him.

1 Q. Okay. Do you remember going with him to  
2 Franklinton to try and pawn it?

3 A. Uh-uh.

4 Q. No?

5 Do you remember him selling it to a guy in a van  
6 for \$10?

7 A. No.

8 Q. Okay.

9 A. I don't know where that come from.

10 Q. After Mr. Evans was arrested for this crime, do  
11 you recall talking to him while he was in jail?

12 A. Uh-uh.

13 Q. No? Okay.

14 A. He called -- one time in Fairport, he got on the  
15 phone.

16 Q. When he was in Fairport?

17 A. No. When I was staying in Fairport, my second  
18 husband, him -- my cousin was in the same prison he was in,  
19 Bunn prison or wherever.

20 Q. Okay.

21 A. Jesse Crudup. He talked to --

22 Q. That's your cousin?

23 A. Yeah.

24 He talked to the girl, Taisha, and then he put  
25 Kenny Evans on the phone. He started saying something to

1 me. That when my husband's oldest got the phone, told Kenny  
2 Evans don't call the house again. Then he called Bunn  
3 prison back, told them he didn't want Kenny Evans to call  
4 his house again.

5 Q. Earl did that?

6 A. No, not -- my second husband, Otis.

7 Q. What was his name?

8 A. Otis.

9 Q. What was his last name?

10 A. That ain't on there. I don't need to tell that.

11 Q. Okay.

12 And your cousin Jesse Crudup --

13 A. Uh-huh.

14 Q. -- that's C-r-u-d-u-p? Is that how you spell his  
15 last name?

16 A. Uh-huh.

17 Q. Okay. So you didn't talk about the case at all?

18 A. Uh-uh. I didn't want to talk to him.

19 Q. Okay.

20 A. I ain't got no use to talk to somebody that beat  
21 on me and messed my face up.

22 Q. I'm going to show you what's marked Exhibit  
23 Number 5. The Bates-stamped page is 269.

24 (Exhibit 5 marked.)

25 A. Uh-huh.

1 Q. This is a page from the defense file dated  
2 10/21/1994. It's information from a call from Kenneth Evans  
3 to his defense attorneys.

4 A. I can't even hardly read this.

5 Q. I can -- I'll read it to you.

6 A. Uh-huh.

7 Q. It says "15 minutes. 10/21/94. Call from Kenneth  
8 Evans."

9 "He had contact" -- it's either "He had contact"  
10 or "He has contacted Joanne Clemonts."

11 "She say Larry Davis is lying about the car (he's  
12 the one who was in jail.)

13 "He will keep me informed.

14 "He is in "-- I can't read that. Yeah. I can't  
15 read that last sentence.

16 Do you ever recall calling Mr. -- or talking to  
17 Mr. Evans while he was in jail about Larry Davis?

18 A. Uh-uh.

19 Q. Do you know who Larry Davis is?

20 A. Is a guy used to go with my mama.

21 Q. He used to date your mom?

22 A. Yeah.

23 Q. Okay. Do you know when he dated her?

24 A. No. I don't remember all that, the years.

25 Q. Okay.

1 A. What's that got to do with it?

2 Q. Mr. Davis is a witness in this case as well.

3 Did you ever know that?

4 A. No.

5 Q. That he had any involvement in this case?

6 A. No.

7 Q. Okay. Did you ever see him and Mr. Evans  
8 together?

9 A. He -- yeah. He talked to him like everybody else  
10 do.

11 Q. Was Mr. Davis more liked than Mr. Evans?

12 A. He was -- yeah.

13 Q. Okay.

14 A. Everybody liked Larry.

15 Q. But you -- have you ever talked to Larry Davis  
16 about this case?

17 A. No. We ain't talk about no case.

18 Q. Okay. So you wouldn't know what it means when it  
19 says Larry Davis was lying about the car?

20 A. No.

21 Q. Okay. Do you remember a private investigator from  
22 the defense coming to speak to you?

23 A. I don't remember. I saw so many people.

24 Q. Sure.

25 A. (Sotto voce) Jesus.

1 Q. I'm not going to ask you to read the whole thing  
2 right now, but this is Exhibit Number 6.

3 (Exhibit 6 marked.)

4 Q. And this --

5 A. You going to use all of them stickers?

6 Q. Not all of them. This is -- I think this might be  
7 my last one that I'm going to give you. I'm trying, I  
8 promise.

9 So this is a typed report from an interview that  
10 you had with a private investigator of the last name  
11 Williams. And it's dated October 30, 1993.

12 Do you recall that interview happening?

13 A. I saw so many people and I got asked so many  
14 questions, I don't recall.

15 Q. Let's see. So on the second page of that, which  
16 is Bates-stamped page 702, it indicates that you got the car  
17 in February of 1990 and kept it until June or July, when the  
18 motor blew up. And you sold it to a Kingsberry.

19 Is that -- does that sound accurate to you?

20 A. I thought I sold it to the junkyard.

21 Q. Okay. And then down at the bottom of page 702 and  
22 going to the top of page 703, they're asking you -- he asks  
23 you if you ever drove -- if Mr. Evans ever drove your car,  
24 and you said "When he was in there with me."

25 The private investigator said "I mean by himself"

1 and you said "No."

2 A. No. That's a lie.

3 Q. Okay. And then you said -- down at the second to  
4 last line, it says "He took it one day and stayed gone for  
5 two days."

6 And the PI said "Do you know about what date that  
7 was?"

8 And then going on to page 703, you say "It's been  
9 so long."

10 A. Yeah.

11 Q. And the private investigator said "Did Kenny ever  
12 take the car any other time?"

13 And you said "No."

14 A. It's been long -- so long.

15 Q. Okay. So when you -- I'm sorry to go back to this  
16 again. I'm just trying to make sure I have my timeline  
17 right.

18 When you say that you remember the day that he  
19 came -- he came back, you remember that not by the date.  
20 You remember that because of him abusing you before he took  
21 your car --

22 A. Right.

23 Q. -- is that correct?

24 Okay. And he was -- this said he was gone for two  
25 days.

1 Do you remember it being two days or just the one?

2 A. It might have been the same day or two. I don't  
3 remember now.

4 Q. Okay.

5 A. I thought it was the same day.

6 Q. Did you call the police on him when he abused you?  
7 Or was it just you went to the hospital?

8 A. I went to the hospital when I called Earl.

9 Q. Okay. Do you -- you already knew Earl at that  
10 time?

11 A. Yeah. I called Earl and (indiscernible) to  
12 Earl -- my husband Earl.

13 Q. You were already married to Earl?

14 A. No. I called Earl. I have an uncle named Earl.

15 Q. Got it. Got it.

16 All right. I know I asked you this at the  
17 beginning, but I'm going to go back to it.

18 Did you testify at Mr. Evans' trial?

19 A. I ain't go to no trial.

20 Q. Did anyone ever talk to you about testifying at  
21 the trial?

22 A. No. I told the law whatever -- I did not want to  
23 go and look at his face.

24 Q. So they asked you to testify and you said you  
25 refused?



1           A.    No.  I said I told them that I don't want to.

2           Q.    Okay.  Do you remember hearing anything about the  
3 trial?

4           A.    No.

5           Q.    All right.  Mr. Evans, in 1992, was also arrested  
6 for and charged -- or -- and pled guilty to a rape case  
7 involving a woman named Debbie Drake.

8                   Do you remember anything about that?

9           A.    No.

10          Q.    You never heard about a rape?

11          A.    Nothing in -- not but the one the law was talking  
12 about, that he raped somebody.

13          Q.    So the case involving Ms. Manning was not --  
14 actually not a rape case.

15          A.    Uh-huh.

16          Q.    It was a breaking and entering.  And the victim  
17 was kidnapped from her house and taken in her own car and  
18 left out in a field.  She was not raped.  He was involved in  
19 a separate case.

20                   Do you know a woman named Debbie Drake?

21          A.    Uh-uh.

22          Q.    No?

23                   In 1992, he was accused of, arrested, and  
24 eventually pled guilty to a rape case involving a woman  
25 named Debbie Drake.

1 Do you ever remember anything like that?

2 A. Uh-uh.

3 Q. No?

4 A. I don't (indiscernible).

5 Q. So he was actually already in prison and had been  
6 convicted of that rape case before he was even arrested for  
7 this crime.

8 Does that timeline sound --

9 A. I don't know.

10 Q. Okay.

11 A. Damn.

12 Q. I just want to check one thing. Give me one  
13 second.

14 I have a document from one of the defense attorney  
15 files that indicates that you -- I don't have a trial  
16 transcript. I just haven't been able to find one. So I  
17 don't know what actually happened at the trial.

18 I have some indication from Mr. Evans' trial  
19 attorney's file that you may have testified.

20 A. I ain't testified, no. I ain't go to no  
21 courthouse nowhere around Kenny Evans to testify or nothing.

22 Q. You're sure?

23 A. I'm positively.

24 Q. Okay. How did you find out he had been convicted?

25 A. I heard people talk about it.

1 Q. Okay. Do you remember any of those people?

2 A. No.

3 Q. To your knowledge, did Ms. Manning ever identify  
4 Mr. Evans as her attacker?

5 A. I don't know. I don't know a Ms. Manning.

6 Q. Okay. Did the police ever offer you anything in  
7 exchange --

8 A. Ain't nobody offered me nothing.

9 Q. Okay. Do you know if there was a reward involved  
10 in this case?

11 A. I don't know.

12 Q. Okay. Do you recall being on probation at the  
13 time of Mr. Evans' trial?

14 A. Who?

15 Q. You.

16 A. For what?

17 Q. I'm not sure.

18 A. I don't know.

19 What that got to do with it?

20 Q. I'm just asking if you recall.

21 A. No.

22 Q. No?

23 A. I don't remember. Anyway, that ain't got nothing  
24 to do with this.

25 Q. Right. Did you receive anything in exchange for

1 giving --

2 A. I will say it again. I didn't receive --

3 Q. (indiscernible) information.

4 (Overlapping speakers.)

5 A. -- nothing from Kenny -- information or nothing.

6 I don't want nothing to do with none of this mess after

7 today because I'm tired of it. I really am.

8 Q. Okay.

9 A. I ain't slept. Because after I get this over with  
10 and get word, I'm going to go get me a lawyer so I can have  
11 nothing to do with this mess.

12 Q. I will give you my card. They can feel free to  
13 contact me at any time.

14 A. Uh-huh. That's it?

15 Q. One second.

16 MR. ROWE: Do you want to go?

17 MS. MATOIAN: Yeah.

18 Give us one minute. Were gonna take a short  
19 break.

20 Leave it on.

21 (Pause.)

22 Q. I just want to clarify a few things with you, and  
23 then we'll be about done.

24 I know we've talked about your kids in relation to  
25 things. I just want to make sure I have it right.

1 Tasha -- Latasha?  
2 A. Uh-huh.  
3 Q. Was born in?  
4 A. '87.  
5 Q. '87.  
6 And then -- is that your only other child?  
7 A. Uh-huh.  
8 Q. Okay. And what's her name?  
9 A. Tank.  
10 What that got to do with it?  
11 Q. I'm just trying to make sure I -- you referenced  
12 her in reference to Earl; so I am trying to understand.  
13 A. Uh-huh.  
14 Q. You said she was born in '92; correct?  
15 A. Uh-huh.  
16 Q. All right. Do you have any other children?  
17 A. Dead.  
18 Q. Okay. All right. And then -- you mentioned --  
19 what was the rope and the tape in the trunk of your car for?  
20 A. The rope was for when I go sell junk. You know,  
21 like, black people pitiful and need to make a hustle?  
22 Q. Okay.  
23 A. That's what's that for.  
24 Q. So it wasn't used to tie down your trunk. It was  
25 just --

1 A. Yeah. Tie down my trunk to --

2 Q. Okay.

3 A. Because it couldn't hold all the junk in there.

4 Q. Okay.

5 A. Shut down.

6 Q. What was the tape in there for?

7 A. I can't remember what the tape was in there for.

8 I got it with my mama's boyfriend.

9 Q. Okay. And you only used the rope when you had  
10 things in there.

11 A. Yeah, it --

12 Q. It didn't need to be tied down all the time?

13 A. Yeah. Like radiators and stuff.

14 Q. Okay.

15 A. And rims.

16 Q. And then I want to ask you about the blood that  
17 was on Mr. Evans when he came home.

18 Do you remember where it was, how much blood it  
19 was?

20 A. It was right here. That's -- a stab of blood.

21 Q. Right there?

22 A. A little bit of blood, yeah.

23 Q. So you're indicating, like, on his stomach.

24 A. Yeah. It was on his shirt. Put right on his  
25 shirt. This is my stomach (indiscernible).

1 Q. Did it appear to be a drop or a smear?

2 A. I don't remember. All's I know was blood is  
3 blood.

4 Q. Okay. And did you see blood anywhere else on him?

5 A. No.

6 Q. Okay. And you said he went and took a shower  
7 after that --

8 A. Yeah.

9 Q. -- is that correct?

10 Okay. And did he -- what did he do with his  
11 clothes?

12 A. Threw them away after he -- he cut the side of a  
13 match to it, didn't burn them good.

14 Q. He put them where to burn them?

15 A. Outside. He threw a match on them, tried to  
16 burn them --

17 Q. Okay.

18 A. -- but they didn't burn good. He threw them in  
19 the trash.

20 Q. Okay. Do you remember what those clothes looked  
21 like?

22 A. It was a yellow T-shirt, like I had said, some  
23 brown khaki work pants, some black tennis -- not tennis  
24 shoes, just some black shoes with string and do-rag.

25 Oh, boy.

1 Q. All right. Ms. Clemonts, have you ever made or  
2 given any other written or recorded statements or writings  
3 about this that we haven't talked about today?

4 A. No, because I -- I didn't want to talk to y'all.

5 Q. Okay. Is there -- do you have any  
6 documentation -- like newspapers, anything -- at your house  
7 regarding this case?

8 A. I ain't got nothing regarding Kenneth Leon Evans.  
9 I'd rather be dead than keep talking about it.

10 Q. Okay. Is there anything that I haven't asked you  
11 that you think I need to know about this case?

12 A. No.

13 Q. Is there anyone else you think I should speak to?

14 A. No.

15 Q. Any family members of Mr. Evans? Or friends?

16 A. I don't -- I speak and go about my business, I see  
17 them at a store. That's it.

18 Q. Do you know other -- I know you say you saw him --  
19 Mr. Evans with Larry Davis sometimes.

20 Did he have any other good friends?

21 A. No. They weren't friends. They just spoke, like  
22 I told you.

23 Q. Did he have any other acquaintances?

24 A. No. Didn't nobody like him because he thought he  
25 was too pretty.



1 Q. Okay. Is there anything else you think is  
2 important about this that you would like to point out to me?

3 A. No.

4 Q. And were you completely truthful when answering my  
5 questions --

6 A. Yeah.

7 Q. -- today?

8 A. Yeah.

9 Q. Do you remember more information about any  
10 questions I've asked you?

11 A. No.

12 Q. Okay. So pursuant to the statute, you have the  
13 right to review this transcript and the audiovisual portions  
14 of this deposition.

15 Would you like to exercise that right?

16 A. Y'all got a copy of that --

17 Q. When --

18 A. -- for my daughter?

19 Q. When we do have a copy of it, we can send it to  
20 you. You will have 30 days to review it and make any  
21 corrections or changes.

22 A. That's it?

23 Q. Do you want that?

24 A. Yeah.

25 Q. Okay. And the address I should send it to is?

1 A. Send it to my daughter.

2 Q. Okay. What address is that?

3 A. PO Box 53, Kittrell.

4 Q. What is it?

5 A. PO Box 53 in Kittrell.

6 Q. Can you spell that for me?

7 A. K-i-t-r-e-l-l [sic]. ZIP Code 27544.

8 Q. Okay. So we'll send that to you when it's ready  
9 and you'll have the right to review it and you'll send back  
10 a form if there's any changes that you want to make.

11 A. That's it?

12 Q. Okay.

13 A. This is over with?

14 Q. I'm going to close the deposition now.

15 There is my card. Please let me know --

16 A. Thank you.

17 Q. -- if you have any questions.

18 A. Okay. I will.

19 Q. Thank you, Ms. Clemonts.

20 A. I believe I can sleep tonight.

21 (Discussion off the record.)

22 (Deposition concluded, 5:15 p.m.)

23 (Signature reserved.)

24

25

1 STATE OF NORTH CAROLINA )  
2 COUNTY OF WAKE )

3 CERTIFICATE

4 I, Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M,  
5 AOC-Approved Transcriber, the officer by whom the foregoing  
6 proceeding was requested to be transcribed, do hereby certify  
7 that said hearing, pages 1 through 55 inclusive, is a true,  
8 correct, and verbatim transcript of said proceeding, as  
9 transcribed from an electronic recording, to the best of my  
10 ability.

11 I further certify that I am neither counsel for,  
12 related to, nor employed by any of the parties to the action in  
13 which this proceeding was heard; and, further, that I am not a  
14 relative or employee of any attorney or counsel employed by the  
15 parties thereto, and am not financially or otherwise interested  
16 in the outcome of the action.

17 Dated at Wake Forest, North Carolina, the 27th day of  
18 January, 2019.

19  
20  
21 

22 Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M  
23 AOC-Approved Transcriber and Per Diem Reporter  
24  
25

STATE OF NORTH CAROLINA  
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
93 CRS 2261, 2262, 2263

STATE OF NORTH CAROLINA     )  
                                          )  
                                          )  
                                          )  
                                          )  
                                          )  
KENNETH EVANS                    )  
\_\_\_\_\_  
                                          )

**CERTIFICATION**

**NOW COMES** the undersigned, Donna Rowe, and certifies pursuant to N.C.G.S. § 1A-1, Rule 30(f)(1) that on December 21, 2018, Joann Clemonts appeared before her for the purpose of taking a deposition upon oral examination by the North Carolina Innocence Inquiry Commission (Commission). The deponent was duly sworn by the undersigned and the attached sound-and-video recording, together with all exhibits annexed thereto, constitutes a true and accurate record of the testimony given.

The undersigned further certifies that a copy of the deposition transcript was submitted via First Class Mail to the deponent for examination and review on January 29, 2019 with instruction to review all materials, make corrections, sign a deposition certificate, and return the deposition certificate to the Commission within 30 days. The Commission did not receive any request for changes or the signed deposition certificate within 30 days.

This the 19th day of June, 2019.

  
\_\_\_\_\_  
Donna Rowe

ROY COOPER  
GOVERNOR

State of North Carolina  
**DEPARTMENT OF TRANSPORTATION**  
Division of Motor Vehicles  
3157 Mail Service Center, Raleigh, N.C. 27699-3157  
(919) 715-7000

JAMES H. TROGDON, III  
SECRETARY

**TITLE CERTIFICATION**

State of North Carolina  
County of Wake

TO WHOM IT MAY CONCERN:

I, PORTIA MANLEY, Director in charge of Field Services of the Division of Motor Vehicles and duly designated officer for the preparation and certification of records, do hereby certify, pursuant to authority contained in G.S.20-42, that the attached is a true and perfect copy of the Certificate of Title record on file at the Division of Motor Vehicles, Raleigh, North Carolina, for the following described vehicle:

1977 CHRY 2S

VEHICLE IDENTIFICATION NUMBER SS22J7R225477

Certified to under the Seal of the Division of Motor Vehicles this fourteenth day  
of August 2019.



PORTIA MANLEY, DIRECTOR  
Field Services

PORTIA MANLEY is the official custodian of the license plate records, certificate of title records, and certificate of insurance records, and is empowered with such authority as I have for the purpose of preparing, under the Seal of the Division, certificates pertaining to these records.

TORRE J. JESSUP,  
Commissioner



NORTH CAROLINA DIVISION OF MOTOR VEHICLES  
TITLE APPLICATION

Plate Expires \_\_\_\_\_

Plate Valid Thru \_\_\_\_\_

Title Office

FOR DMV USE ONLY

Date 2-10-89

Year <u>77</u>	Make <u>Chry.</u>	Body Style <u>2d</u>	Series Model
Vehicle Identification Number <u>552257R225477</u>		Type of Fuel	
Full Name(s) of Owner(s) (First, Middle, Last) (Print in Ink or Type) <u>Joe Ann Clements</u>		Check When <input type="checkbox"/> One Name <input type="checkbox"/> Initial Only	
Residence Address (Individual) Business Address (Firm) <u>MT. 3 Box 268-8</u>		Check When <input type="checkbox"/> One Name <input type="checkbox"/> Initial Only	
City and State <u>Franklin, N.C.</u>		Zip Code <u>27535</u>	County <u>Frank.</u>
Municipality			

Title Number <u>new</u>	
DMV VALIDATION <b>N. C. D. M. V.</b> <b>FEB 10 '89</b> <b>CASH CHECK</b> <b>CASHIER 26</b>	
Registration Plate No.	License Fee MONTHS \$ Registration Fees \$ <u>5.00</u> Use Tax \$ Penalty (Overweight) \$ Civil Penalty \$ F.R. Restoration Fee \$ F.R. Service Fee \$ Lien Recording Fee \$ Acknowledgment Fee \$ <u>3.00</u> Sub-Total \$ Notary \$ TOTAL \$ <u>8.00</u>
Validation Sticker No.	Classification <u>Little Only</u>
Gross Weight	Annual Fee
Branch No. <u>12</u>	Agent <u>J. S.</u>

## OWNER'S CERTIFICATION FOR ELIGIBILITY TO REGISTER

I CERTIFY FOR THE MOTOR VEHICLE DESCRIBED ABOVE THAT:

1 I have financial responsibility as required by law

Print or type full name of insurance company licensed in N.C. - not agency or group

Policy Number - if policy not issued, name of agent binding coverage

2 I owe no delinquent county or municipal taxes on this vehicle  
3 I was the legal owner of this vehicle on January 1st of the year of this application and the vehicle was listed for property taxesin \_\_\_\_\_ in \_\_\_\_\_ in \_\_\_\_\_  
(County) (Month) (Year)4 I was not the legal owner of this vehicle on January 1st of the year of this application. ☒ (CHECK BLOCK)

## Check Appropriate Block/s

☒ Title Only - Vehicle Not in Operation.☐ Replaced Plate No. \_\_\_\_\_☐ Registration Plate Transferred - Plate No. \_\_\_\_\_

Sticker No. \_\_\_\_\_

Expiration Date \_\_\_\_\_

☐ Title and License☐ Exchanged Plate No. \_\_\_\_\_

ODOMETER READING

FIRST LIEN		Date of Lien		SECOND LIEN		Date of Lien	
Lienholder <u>None</u>				Lienholder			
Address				Address			
City		State		City		State	
Zip Code				Zip Code			
Date First Operated in N.C.		State of Last Registration		Passenger Capacity		N.C. Dealer No.	
Empty Weight		Combined Gross Weight of Truck or Truck-Tractor with Trailer					
Purchased <input type="checkbox"/> New <input type="checkbox"/> Used		SALES PRICE <u>None</u>		Purchased for Use in N.C. <input type="checkbox"/> Yes <input type="checkbox"/> No		From Whom Purchased (Name and Address) <u>Kenneth T. Preddy Franklin, N.C.</u>	
Purchase Date <u>2-10-89</u>		Is This Vehicle Leased? <input type="checkbox"/> Yes <input type="checkbox"/> No		Check Block/s indicating Change or Alteration of <input type="checkbox"/> Motor <input type="checkbox"/> Body <input type="checkbox"/> Identification No.		(Attach Explanation)	
If Yes, Attach Form 330 or Lease Agreement						Class of License <u>T.V.</u>	

I (we) am (are) the owner(s) of the vehicle described on this application and request that a North Carolina Certificate of Title be issued. I (we) certify that the information on the application is correct to the best of my (our) knowledge. The vehicle is subject to the liens named and no others. If a registration plate is issued or transferred, I (we) further certify that there has not been a registration plate relocation and that liability insurance is in effect on this vehicle on the date of this application as required by the North Carolina Financial Security Act of 1957.

OWNER'S SIGNATURE

First Name

Middle Name

Last Name

Application must be signed in ink by each owner or authorized representative of firms or corporations.

## ACKNOWLEDGMENT

Subscribed and sworn to before me this 10 day of Feb.19 89

Notary Public

Address

My Commission Expires

DMV USE ONLY



STATE OF NORTH CAROLINA



Department of Transportation  
Division of Motor Vehicles



Certificate of Title of a Motor Vehicle

The Commissioner of Motor Vehicles of the State of North Carolina hereby certifies that an application for a Certificate of Title to the herein described vehicle has been filed pursuant to the General Statutes of North Carolina

1977 <small>(YEAR MODEL)</small>	CHRY <small>MAKE</small>	26 <small>BODY STYLE</small>	5S22J7R225477 <small>VEHICLE IDENTIFICATION NUMBER</small>
02/10/89 <small>DATE OF SALE</small>			904160090B <small>TITLE NUMBER</small>

Code: R-Rebuilt or Reconstructed; M-Motor Change; B-Body Change.

KENNETH TAYLOR FREDDY  
RT 1 BOX 335  
FRANKLINTON, N.C.

27525

ODDMETER-

And that the applicant has stated under oath that this applicant is the owner of said motor vehicle and that it is subject to the following liens and none other.

	DATE BY AUTHORIZED REPRESENTATIVE
	DATE BY AUTHORIZED REPRESENTATIVE
	DATE BY AUTHORIZED REPRESENTATIVE

ADDITIONAL LIENS.

He does further certify that reasonable diligence has been used in ascertaining whether or not the facts in said application for a certificate of title are true, and he is satisfied that the applicant is the lawful owner of the above described vehicle or is otherwise entitled to have the same registered in his name. Therefore, he does hereby certify that the above named applicant has been duly registered in the office of the Division of Motor Vehicles as the lawful owner of the above described vehicle, or is otherwise entitled to have the same registered in his name, and that it appears upon the official records of the Division of Motor Vehicles that at the date of the issuance of this certificate, said vehicle is subject to the liens hereinbefore enumerated, if any, and none other.

As WITNESS, his hand and seal of this Division the day and year appearing in this certificate on the title issue date.

*William L. Hiett*

COMMISSIONER OF MOTOR VEHICLES



NOTE: RETAIL PURCHASER MUST APPLY FOR NEW TITLE WITHIN 20 DAYS AFTER PURCHASE OR PAY STATUTORY PENALTY

**A** **ASSIGNMENT OF TITLE BY REGISTERED OWNER**  
FOR VALUE RECEIVED, THE UNDERSIGNED HEREBY SELLS, ASSIGNS OR TRANSFERS THE VEHICLE DESCRIBED ON THE REVERSE SIDE OF THIS CERTIFICATE TO THE PURCHASER WHOSE NAME APPEARS IN THIS BLOCK AND HEREBY WARRANTS THE TITLE TO SAID VEHICLE AND CERTIFIES THAT AT THE TIME OF DELIVERY THE SAME IS SUBJECT TO THE LIENS OR ENCUMBRANCES NAMED IN THE PURCHASER'S APPLICATION FOR NEW CERTIFICATE OF TITLE AND NONE OTHER.

Joe Dan Clements Rt. 3 Box 268 - 8 Franklin, NC  
PURCHASER'S FIRST, MIDDLE AND LAST NAMES (PRINT IN INK OR TYPE) STREET OR R.F.D. CITY OR TOWN

(FEDERAL AND STATE REGULATIONS REQUIRE YOU TO STATE THE ODOMETER MILEAGE UPON TRANSFER OF OWNERSHIP (O.R. 20-347)) 275

I CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE ODOMETER READING IS MILEAGE OF THE VEHICLE UNLESS ONE OR MORE OF THE FOLLOWING STATE:  
☐ 1 THE AMOUNT OF MILEAGE STATED IS IN EXCESS OF 99,999 MILES OR  
☐ 2 THE ODOMETER READING IS NOT THE ACTUAL MILEAGE AND SHOULD NOT BE RELIED UPON  
☐ 3 THE ODOMETER WAS ALTERED FOR REPAIR OR REPLACEMENT PURPOSES BY \_\_\_\_\_

Odometer Reading  
275

AND REFLECTS THE ACTUAL MILEAGE IS CHECKED

ON \_\_\_\_\_ AND APPROXIMATELY \_\_\_\_\_ MILES WERE REMOVED BY THE ALTERATION

PURCHASER'S SIGNATURE  
(CONFIRMING ODOMETER READING ONLY)  
Kenneth Taylor Ruckey  
SELLER'S SIGNATURE

DATE VEHICLE DELIVERED TO PURCHASER  
ALL ANSWERS SUPPLIED AND ACKNOWLEDGED BEFORE ME  
THIS 14 DAY OF Feb. 1985  
MY COMMISSION EXPIRES  
\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC IN CHARGE (SEAL)  
Don H. H.

**B** **PURCHASER'S APPLICATION FOR NEW CERTIFICATE OF TITLE**  
THE UNDERSIGNED PURCHASER OF THE VEHICLE DESCRIBED ON THE FACE OF THIS CERTIFICATE HEREBY MAKES APPLICATION FOR A NEW CERTIFICATE OF TITLE AND CERTIFIES THAT SAID VEHICLE IS SUBJECT TO THE FOLLOWING NAMED LIENS AND NONE OTHER, AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND ACCURATE TO MY BEST KNOWLEDGE AND BELIEF.

**OWNER'S CERTIFICATION FOR ELIGIBILITY TO REGISTER**

I CERTIFY FOR THE MOTOR VEHICLE DESCRIBED ON THIS TITLE THAT  
1 I HAVE FINANCIAL RESPONSIBILITY AS REQUIRED BY LAW

Print or type full name of insurance company, address, B or C, not agent or broker

Policy Number - If policy not issued, name of agent issuing coverage

2 I HAVE NO DELINQUENT COUNTY OR MUNICIPAL TAXES ON THIS VEHICLE

3 I WAS THE LEGAL OWNER OF THIS VEHICLE ON JANUARY 1ST OF THE YEAR OF THIS APPLICATION AND THE VEHICLE WAS LISTED FOR FRANCHISE TAXES

IN \_\_\_\_\_ OF \_\_\_\_\_ (County) (State) (Page)

4 I WAS NOT THE LEGAL OWNER OF THIS VEHICLE ON JANUARY 1ST OF THE YEAR OF THIS APPLICATION (Check Box)

**FIRST LIEN** DATE \_\_\_\_\_

LIENHOLDER \_\_\_\_\_

STREET OR R.F.D. CITY OR TOWN

**SECOND LIEN** DATE \_\_\_\_\_

LIENHOLDER \_\_\_\_\_

STREET OR R.F.D. CITY OR TOWN

**SIGNATURE OF OWNER(S) IN INK FOR TITLE, AD VALOREM TAX, AND INSURANCE CERTIFICATION**

FIRST NAME \_\_\_\_\_ MIDDLE NAME \_\_\_\_\_ LAST NAME \_\_\_\_\_

PRINT IN INK OR TYPE NAME EXACTLY AS IT APPEARS ABOVE IN SIGNATURE

RESIDENCE ADDRESS \_\_\_\_\_

POST OFFICE \_\_\_\_\_ COUNTY OF RESIDENCE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

PLATE TO BE TRANSFERRED \_\_\_\_\_ GROSS WEIGHT \_\_\_\_\_ ODOMETER READING \_\_\_\_\_

ALL ANSWERS SUPPLIED AND ACKNOWLEDGED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1985

MY COMMISSION EXPIRES \_\_\_\_\_

SIGNATURE OF NOTARY PUBLIC IN CHARGE

ADDRESS OF NOTARY PUBLIC \_\_\_\_\_ (SEAL)

(Dealer Reassignment must be made on form MVR-2)

ALTERATIONS OR ERASURES WILL VOID THIS TITLE • LIEN OR ENCUMBRANCE - ENTER IN SECTION E



MY-1  
(Rev. 6/87)

NORTH CAROLINA DIVISION OF MOTOR VEHICLES  
TITLE APPLICATION

Plate Expires \_\_\_\_\_

Plate Valid Thru \_\_\_\_\_

True South

904160070

10 DE FILMED

FOR DMV USE ONLY

Date 2-10-89

Year 77	Make Chry.	Body Style 2d	Series Model
Vehicle Identification Number 552257K225477		Type of Fuel	
Full Name(s) of Owner(s) (First, Middle, Last) (Print in ink or type) Kenneth Taylor Priddy			Check When (1) One Name (1) Initial Only  Check When (1) One Name (1) Initial Only
Residence Address (Individual) Business Address (Firm) Rt. 1 Box 355		Property Tax Declaration	
City and State Franklin, N.C.	Zip Code 27525	County Franklin	Municipality
Mailing Address (if different from above)			

Title Number <u>new</u>	
DMV VALIDATION	
N. C. D. M. V. FEB 10 '89 CASH CHECK CASHIER 26	
Registration Plate No	License Fee \$ Registration Fees \$25.00 Use Tax \$ Penalty (Overweight) \$ Civil Penalty \$ F.R. Restoration Fee \$ F.R. Service Fee \$ Lien Recording Fee \$ Acknowledgment Fee \$3.00 Sub-Total \$ Notary \$ TOTAL \$28.00
Validation Sticker No.	Classification Title Only
Gross Weight	Annual Fee
Branch No. 10	Agent

**OWNER'S CERTIFICATION FOR ELIGIBILITY TO REGISTER**

I CERTIFY FOR THE MOTOR VEHICLE DESCRIBED ABOVE THAT:

- I have financial responsibility as required by law.  
Print or type full name of insurance company licensed in N.C. and agency or group.  
Policy Number (if policy not issued, name of agent broking coverage)
- I owe no delinquent County or municipal taxes on this vehicle.
- I was the legal owner of this vehicle on January 1st of the year of this application and the vehicle was listed for property taxes.  
in \_\_\_\_\_ in \_\_\_\_\_ in \_\_\_\_\_  
(County) (Month) (Year)
- I was not the legal owner of this vehicle on January 1st of the year of this application. (CHECK BLOCK)

**Check Appropriate Block/s**

(1) Title Only - Vehicle Not in Operation  
(1) Replaced Plate No \_\_\_\_\_  
(1) Registration Plate Transferred - Plate No \_\_\_\_\_  
Sticker No \_\_\_\_\_  
Expiration Date \_\_\_\_\_  
(1) Title and License  
(1) Exchanged Plate No \_\_\_\_\_

ODOMETER READING

<b>FIRST LIEN</b>		<b>SECOND LIEN</b>	
Lienholder Name		Lienholder	
Address Name		Address	
City	State	City	State
Zip Code		Zip Code	
Date First Operated in N.C.	State of Last Registration	Passenger Capacity	N.C. Dealer No
4.0	N.C.		
Purchased (1) New (1) Used	Purchased for Use in N.C. (1) Yes (1) No	From Whom Purchased (Name and Address)	Purchase Date
SALE (Signature)		From Whom Purchased (Name and Address)	3-10-89
Is This Vehicle Leased? (1) Yes (1) No	Check Block/s Indicating Change or Alteration of (1) Motor (1) Body (1) Identification No	(Attach Explanations)	Class of License
			T-0
If Yes, Attach Form 330 or Lease Agreement			
I (we) am (are) the owner(s) of the vehicle described on this application and request that a North Carolina Certificate of Title be issued. I (we) certify that the information on the application is correct to the best of my (our) knowledge. The vehicle is subject to the liens named and no others. If a registration plate is issued or transferred, I (we) further certify that there has not been a registration plate revocation and that liability insurance is in effect on this vehicle on the date of this application as required by the North Carolina Financial Security Act of 1957.			
OWNER'S SIGNATURE Kenneth Taylor Priddy First Name Middle Name Last Name			

Application must be signed in ink by each owner or authorized representative of firms or corporations

**ACKNOWLEDGMENT**

Subscribed and sworn to before me this 10 day of Feb 1989

Notary Public  
Address  
My Commission Expires

**DMV USE ONLY**



NOTE: RETAIL PURCHASER MUST APPLY FOR NEW TITLE WITHIN 20 DAYS AFTER PURCHASE OR PAY STATUTORY PENALTY

A ASSIGNMENT OF TITLE BY REGISTERED OWNER		
FOR VALUE RECEIVED, THE UNDERSIGNED HEREBY SELLS, ASSIGNS OR TRANSFERS THE VEHICLE DESCRIBED ON THE REVERSE SIDE OF THIS CERTIFICATE UNTO THE PURCHASER WHOSE NAME APPEARS IN THIS BLOCK AND HEREBY WARRANTS THE TITLE TO SAID VEHICLE AND CERTIFIES THAT AT THE TIME OF DELIVERY THE SAME IS SUBJECT TO THE LIENS OR ENCUMBRANCES NAMED IN THE PURCHASER'S APPLICATION FOR NEW CERTIFICATE OF TITLE AND NONE OTHER.		
Kenneth Taylor Preddy, Rt. 1 Box 335		Franklin, N.C.
PURCHASER'S FIRST, MIDDLE AND LAST NAMES (PRINT IN INK OR TYPE)		CITY OR TOWN
FEDERAL AND STATE REGULATIONS REQUIRE YOU TO STATE THE ODOMETER MILEAGE UPON TRANSFER OF OWNERSHIP (G.S. 20-347) 2755		
I CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE ODOMETER READING IS MILEAGE OF THE VEHICLE UNLESS ONE OR MORE OF THE FOLLOWING STATE:		Odometer Reading AND REFLECTS THE ACTUAL MILEAGE CHECKED
<input type="checkbox"/> 1 THE AMOUNT OF MILEAGE STATED IS IN EXCESS OF 99,999 MILES OR		
<input type="checkbox"/> 2 THE ODOMETER READING IS NOT THE ACTUAL MILEAGE AND SHOULD NOT BE RELIED UPON		
<input type="checkbox"/> 3 THE ODOMETER WAS ALTERED FOR REPAIR OR REPLACEMENT PURPOSES BY:		
ON _____ AND APPROXIMATELY _____ MILES WERE REMOVED BY THE ALTERATION		
PURCHASER'S SIGNATURE (CONFIRMING ODOMETER READING ONLY)		DATE VEHICLE DELIVERED TO PURCHASER
James Arthur Dickens		ALL ANSWERS SUPPLIED AND ACKNOWLEDGED BEFORE ME
SELLER'S SIGNATURE		THIS _____ DAY OF _____, 1988
		MY COMMISSION EXPIRES _____
		SIGNATURE OF NOTARY PUBLIC IN P.W. (SEAL)
B PURCHASER'S APPLICATION FOR NEW CERTIFICATE OF TITLE		
THE UNDERSIGNED, PURCHASER OF THE VEHICLE DESCRIBED ON THE FACE OF THIS CERTIFICATE, HEREBY MAKES APPLICATION FOR A NEW CERTIFICATE OF TITLE AND CERTIFIES THAT SAID VEHICLE IS SUBJECT TO THE FOLLOWING NAMED LIENS AND NONE OTHER AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND ACCURATE TO MY BEST KNOWLEDGE AND BELIEF.		
OWNER'S CERTIFICATION FOR ELIGIBILITY TO REGISTER		
I CERTIFY FOR THE MOTOR VEHICLE DESCRIBED ON THIS TITLE THAT		
1 I HAVE FINANCIAL RESPONSIBILITY AS REQUIRED BY LAW		
Print or type full name of owner (one company license is in N.C. and beyond per group)		
Plate # number - if plate is not issued, state or report existing equipment		
2 I HAVE NO DELINQUENT COUNTY OR MUNICIPAL TAXES ON THIS VEHICLE		
3 I WAS THE LEGAL OWNER OF THIS VEHICLE ON JANUARY 1ST OF THE YEAR OF THIS APPLICATION AND THE VEHICLE WAS LISTED FOR PROPERTY TAXES		
IN _____ OF _____ (County) _____ (Municipality) _____ (Year)		
4 I WAS NOT THE LEGAL OWNER OF THIS VEHICLE ON JANUARY 1ST OF THE YEAR OF THIS APPLICATION ( ) (Check One)		
FIRST LIEN		
DATE _____		
LIENHOLDERS _____		
STREET OR R.F.D. _____ CITY OR TOWN _____		
SECOND LIEN		
DATE _____		
LIENHOLDERS _____		
STREET OR R.F.D. _____ CITY OR TOWN _____		
SIGNATURE OF OWNER(S) IN INK FOR TITLE, AD VALOREM TAX, AND INSURANCE CERTIFICATION		
PLATE TO BE TRANSFERRED _____ GROSS WEIGHT _____ ODOMETER READING _____		
ALL ANSWERS SUPPLIED AND ACKNOWLEDGED BEFORE ME		
THIS _____ DAY OF _____, 1988		
MY COMMISSION EXPIRES _____		
SIGNATURE OF NOTARY PUBLIC IN P.W. (SEAL)		
ADDRESS OF NOTARY PUBLIC _____		
FIRST NAME _____ MIDDLE NAME _____ LAST NAME _____		
PRINT IN INK OR TYPE NAME EXACTLY AS IT APPEARS ABOVE IN SIGNATURE		
RESIDENCE ADDRESS _____		
POST OFFICE _____ COUNTY OF RESIDENCE _____ ZIP CODE _____		

(Dealer Reassignment must be made on form MVR-2)

ALTERNATIONS OR ERASURES WILL VOID THIS TITLE • LIEN OR ENCUMBRANCE - ENTER IN SECTION B



FORM MVR-101

STATE OF NORTH CAROLINA



# Department of Transportation Division of Motor Vehicles

## Certificate of Title of a Motor Vehicle



The Commissioner of Motor Vehicles of the State of North Carolina hereby certifies that an application for a Certificate of Title to the herein described vehicle has been filed pursuant to the General Statutes of North Carolina.

1977 YEAR MODEL	CHRY MAKE	2S BODY STYLE	5S22J7R225477 VEHICLE IDENTIFICATION NUMBER
02/10/89 TITLE ISSUE DATE	C M CROSS WEIGHT	LICENSE FEE	904160053A TITLE NUMBER

Codes: R—Rebuilt or Reconstructed; M—Motor Changes; B—Body Change.

JAMES ARTIS DICKENS  
1309 LONDONDERRY CT  
RALEIGH, N.C. 27610

ODOMETER

	THIRD LIEU RELEASED DATE
	BY
	AUTHORIZED REPRESENTATIVE
	SECOND LIEU RELEASED DATE
	BY
	AUTHORIZED REPRESENTATIVE
	FIRST LIEU RELEASED DATE
	BY
	AUTHORIZED REPRESENTATIVE

### ADDITIONAL LIENS:

He does further certify that reasonable diligence has been used in ascertaining whether or not the facts in said application for a certificate of title are true, and he is satisfied that the applicant is the lawful owner of the above described vehicle or is otherwise entitled to have the same registered in his name. Therefore, he does hereby certify that the above named applicant has been duly registered in the office of the Division of Motor Vehicles as the lawful owner of the above described vehicle, or is otherwise entitled to have the same registered in his name, and that it appears upon the official records of the Division of Motor Vehicles that at the date of the issuance of this certificate, said vehicle is subject to the liens hereinbefore enumerated, if any, and none other.

As WITNESS, his hand and seal of this Division the day and year appearing in this certificate as the title issue date.

*William S. Hiett*  
COMMISSIONER OF MOTOR VEHICLES



904160053

TO BE FILMED

## ASSIGNMENT OF TITLE BY REGISTERED OWNER

THE UNDERSIGNED PURCHASER OF THE VEHICLE DESCRIBED ON THE REVERSE SIDE OF THIS CERTIFICATE OF TITLE AND THE PURCHASER'S NAME APPEARS IN THE BACK AND FRONT OF THE VEHICLE AND CERTIFICATE OF TITLE AND NO OTHER DOCUMENTS SUBJECT TO THE LICENSE IN THE BACK OF THE VEHICLE AND CERTIFICATE OF TITLE AND NO OTHER DOCUMENTS INCLUDING STATEMENT HAS BEEN DELIVERED TO PURCHASER AS REQUIRED BY FEDERAL AND STATE LAWS

James H. Dickson  
107 Landenberg Ct. East  
Charlotte, N.C. 27610  
107 Landenberg Ct. East  
Charlotte, N.C. 27610

107 Landenberg Ct. East  
Charlotte, N.C. 27610  
107 Landenberg Ct. East  
Charlotte, N.C. 27610

SEAL

B

## RE-ASSIGNMENT OF TITLE BY REGISTERED DEALER

FOR VALUE RECEIVED, THE UNDERSIGNED PURCHASER OF THE VEHICLE DESCRIBED ON THE REVERSE SIDE OF THIS CERTIFICATE OF TITLE AND THE PURCHASER'S NAME APPEARS IN THE BACK AND FRONT OF THE VEHICLE AND CERTIFICATE OF TITLE AND NO OTHER DOCUMENTS SUBJECT TO THE LICENSE IN THE BACK OF THE VEHICLE AND CERTIFICATE OF TITLE AND NO OTHER DOCUMENTS INCLUDING STATEMENT HAS BEEN DELIVERED TO PURCHASER AS REQUIRED BY FEDERAL AND STATE LAWS

107 Landenberg Ct. East  
Charlotte, N.C. 27610  
107 Landenberg Ct. East  
Charlotte, N.C. 27610

107 Landenberg Ct. East  
Charlotte, N.C. 27610  
107 Landenberg Ct. East  
Charlotte, N.C. 27610

SEAL

C

## PURCHASER'S APPLICATION FOR NEW CERTIFICATE OF TITLE - TITLE FEE \$2.00

THE UNDERSIGNED PURCHASER OF THE VEHICLE DESCRIBED ON THE REVERSE SIDE OF THIS CERTIFICATE OF TITLE AND THE PURCHASER'S NAME APPEARS IN THE BACK AND FRONT OF THE VEHICLE AND CERTIFICATE OF TITLE AND NO OTHER DOCUMENTS SUBJECT TO THE LICENSE IN THE BACK OF THE VEHICLE AND CERTIFICATE OF TITLE AND NO OTHER DOCUMENTS INCLUDING STATEMENT HAS BEEN DELIVERED TO PURCHASER AS REQUIRED BY FEDERAL AND STATE LAWS

107 Landenberg Ct. East  
Charlotte, N.C. 27610  
107 Landenberg Ct. East  
Charlotte, N.C. 27610

107 Landenberg Ct. East  
Charlotte, N.C. 27610  
107 Landenberg Ct. East  
Charlotte, N.C. 27610

NOTE: RETAIL PURCHASER MUST APPLY FOR NEW TITLE WITHIN 15 DAYS AFTER PURCHASE OR PAY \$2.00 FEE

## INSURANCE CERTIFICATION

IF A REGISTRATION PLATE IS ISSUED TO THE VEHICLE, THE PURCHASER OF THE VEHICLE MUST BE A RESIDENT OF NORTH CAROLINA AND THAT THE VEHICLE IS INSURED BY A COMPANY LICENSED BY THE NORTH CAROLINA DEPARTMENT OF REVENUE AS REQUIRED BY THE NORTH CAROLINA DEPARTMENT OF REVENUE

PRINT OR TYPE FULL NAME OF INSURANCE COMPANY AND ADDRESS IN INK

PRINT OR TYPE POLICY NUMBER

SIGNATURE OF PURCHASER OR PURCHASERS IN INK

James H. Dickson  
107 Landenberg Ct. East  
Charlotte, N.C. 27610  
107 Landenberg Ct. East  
Charlotte, N.C. 27610

SEAL

ANY ALTERATIONS OR ERASURES WILL VOID THIS TITLE

NO SALES PRICE 107 INITIALS JD





# Certificate of Title of a Motor Vehicle

1977	CHRY	2S	5522JTR25471		
YEAR	MAKE	MODEL	VEHICLE IDENTIFICATION NUMBER		
	01/17/81		13-00	24564014	
PIR	DATE OF PURCHASE	BUYER'S RESID.	PRICE PAID	TITLE NUMBER	CODE

27610

And that said applicant has stated under oath that said applicant is the owner of said motor vehicle and that it is subject to the following regulations and provisions.

Third Line	DATE	THIRD LINE RELEASED	DATE
Second Line	DATE	SECOND LINE RELEASED	DATE
First Line	TRAVIS FCU PO BOX 1536 TRAVIS AFB, CA 94535	FIRST LINE RELEASED 10-24-75 DATE 10-24-75 BY [Signature]	10/04/79 94535

10163803

As WITNESS his hand and seal of said Division the day and year appearing in the certificate in the title above date.

COMMISSIONER OF MOTOR VEHICLES



# NORTH CAROLINA DIVISION OF MOTOR VEHICLES TITLE-APPLICATION

Valid Thru 6-81

Title Fee: \$3.50 - Transfer of Registration Plate: \$2.00

Year <u>1977</u>	Make <u>Chrysler</u>	Body Style <u>2-8</u>	Series Model
Vehicle Identification Number <u>882257R125477</u>		Type of Fuel	
Full Name(s) of Owner(s) (First, Middle, Last) (Print in Ink or Type) <u>Robert Watson III (NMN)</u>			
Residence Address (Individual) Business Address (Firm) <u>608 Selan Dr.</u>			
City and State <u>Raleigh NC</u>		Zip Code <u>27610</u>	County <u>Wake</u>
Mail Address (if different from above)			

THIS SECTION FOR DMV USE ONLY

Title Number 24564014 Date 11-25-80

Title Number 10S0802

DMV VALIDATION

License Fee 11.25

Registration Fee 3.50

Use Tax

Penalty (Overweight)

F.R. Restoration Fee

Lien Recording Fee

Acknowledgment Fee 1.00

TOTAL 16.25

Registration 0473858

Plate Classification Auto

Gross Weight 13.00 Annual Fee 100 Branch No. 100 Agent May

Insurance Certification (Give Full Name of Company) Not Agency or Group Nationwide N.I. Policy No. or Binder No. or Agents Name 61E-703-529 Ins. Cert. Date 11-25-80

Check Appropriate Boxes

☐ Title Only - Vehicle Not in Operation.

☐ Replaced Plate No.                      ☐ Exchanged Plate No.                     

☐ Registration Plate Transferred - Plate Year                      Plate No.                      Sticker No.                     

FIRST LIEN		SECOND LIEN	
Lienholder <u>Travis Fick</u>	Date of Lien <u>10-6-1979</u>	Lienholder <u>11-1-80</u>	Date of Lien
Address <u>P.O. Box 1516</u>		Address	
City <u>Louisville</u>	State <u>CA</u> Zip Code <u>94575</u>	City	State Zip Code
Date First Operated in N. C. <u>11-1-80</u>	State of Last Registration <u>CA</u>	Passenger Capacity	N. C. Dealer No. Empty Weight Combined Gross Weight of Truck or Truck-Tractor with Trailer
Purchased <input type="checkbox"/> New <input type="checkbox"/> Used	Purchase Price	Purchase Date <u>Nov 1979</u>	Purchased For Use in N. C. <input type="checkbox"/> Yes <input type="checkbox"/> No From Whom Purchased (Name and Address) <u>Hughes Lincoln Mercury, Fairfield</u>
Is This Vehicle Leased? <input type="checkbox"/> Yes <input type="checkbox"/> No		Check Box(es) Indicating Change or Alteration of <input type="checkbox"/> Motor <input type="checkbox"/> Body <input type="checkbox"/> Identification No. (Attach Explanation)	

CHECK CLASS OF LICENSE

<input type="checkbox"/> Official	<input type="checkbox"/> Amateur Radio	<input type="checkbox"/> Farm	<input type="checkbox"/> Contract Carrier	<input type="checkbox"/> Private Passenger
<input type="checkbox"/> National Guard	<input type="checkbox"/> Taxi	<input type="checkbox"/> Special Mobile Equipment	<input type="checkbox"/> Common Carrier	<input type="checkbox"/> Private Property Carrying
<input type="checkbox"/> Horseless Carriage	<input type="checkbox"/> U-Drive-It	<input type="checkbox"/> For Hire	<input type="checkbox"/> Leased	<input type="checkbox"/> Exempt For Hire Carrier

I (we) am (are) the owner(s) of the vehicle described on this application and request that a North Carolina Certificate of Title be issued. I (we) certify that the information on the application is correct to the best of my (our) knowledge. The vehicle is subject to the liens named and no others. If a registration plate is issued or transferred, I (we) further certify that there has not been a registration plate revocation and that liability insurance is in effect on this vehicle on the date of this application as required by the North Carolina Financial Security Act of 1957.

OWNER'S SIGNATURE: Robert Watson III

First Name Middle Name Last Name

Application must be signed in ink by each owner or authorized representative of firms or corporations.

ACKNOWLEDGMENT	DMV USE ONLY
<p>Subscribed and sworn to before me this <u>25</u> day of <u>Nov</u></p> <p>19 <u>80</u></p> <p>Notary Public <u>[Signature]</u></p> <p>Address <u>[Signature]</u></p> <p>My Commission Expires <u>[Signature]</u></p>	<p><u>13.00</u></p> <p><u>33</u></p> <p>JAN 20 1981</p>

DEC 16 1980



IMPORTANT READ CAREFULLY: ANY CHANGE OF REGISTERED OR LEGAL OWNER MUST BE RECORDED WITH THE DEPARTMENT WITHIN 30 DAYS. THIS CERTIFICATE, THE LATEST REGISTRATION CARD AND TRANSFER FEE MUST BE PRESENTED TO THE DEPARTMENT AT TO RECORD THE TRANSFER OF OWNERSHIP.

DEALERS RELEASE OF ACQUIRED VEHICLE

NAME(S) OF DEALER(S) AND SIGNATURE OF PERSON SIGNING FOR DEALER(S)  
DEALER NO. 1015 RELEASE DATE

APPLICATION FOR TRANSFER BY NEW OWNER(S) (Please type or print)  
I HAVE REQUEST NEW REGISTRATION AND OWNERSHIP CERTIFICATES TO BE ISSUED AS FOLLOWS

TRUE NAME(S) OF NEW REGISTERED OWNER(S)  
LAST FIRST MIDDLE PURCHASE DATE

AND LAST FIRST MIDDLE PURCHASE DATE  
OR

STREET OR P.O. BOX ADDRESS

CITY STATE ZIP CODE COUNTY CODE

SIGNATURE(S) OF NEW REGISTERED OWNER(S)

NAME OF NEW LIENHOLDER, FIRM OR INDIVIDUAL (LEGAL OWNER OR MORTGAGEE)  
DO NOT ENTER NAME OF REGISTERED OWNER(S) ABOVE

STREET OR P.O. BOX ADDRESS CITY STATE ZIP CODE

REGISTERED OWNER



AUTOMOBILE

REGISTRATION EXPIRES NOV 16 79 TYPE LICENSE NUMBER 11 0651HP

OWNERSHIP CERTIFICATE

DO NOT CARRY IN VEHICLE

VEH ID 5572 J7R225477

YEAR MODEL SHOWN IS BASED ON MANUFACTURER AND DEALER REPRESENTATION

SD

11/11/77

BK

77 120

DATE ISSUED 10/06/79

AMIS

AMIS

TOTAL FEES \$3

HAISON ROBERT III

4800 2

PSC 4 BX 9475

TRAVIS AFB CA 94535

SIGNATURE OF RELEASEE REQUIRED IN VEHICLE (DATE) UPON SALE. SELLER MUST SIGNIFY NOTICE OF TRANSFER INTO NEW

TRAVIS FCU

PO BX 1536

TRAVIS AFB CA 94535

SIGNATURE(S) RELEASEE INTEREST IN VEHICLE DATE

14462740



**Matoian, Catherine L.**

---

**From:** Brooks, Chris <CBROOKS@ncdoj.gov>  
**Sent:** Thursday, August 22, 2019 3:48 PM  
**To:** Matoian, Catherine L.  
**Cc:** Tanner, Donna E.; Congleton, John; Marsh, William A  
**Subject:** RE: Information from DMV -- Upcoming Commission Hearing

Good afternoon. I follow-up with the Division about your question and I was informed by the Division that:

"To answer the question of what does the ACT 020990 mean, this is the last date any action was done to the title record. We can only hypothesize that since there were no further title records found for this vehicle, it was a common occurrence of a cancellation of title to another state.

Most states will report to the "home" state if they have re-titled a vehicle in their state so that the "home" state knows to cancel their title and that their title record and their title is no longer the newest title. We receive reports from other states with title numbers and we would key those numbers into the system to show that the title had been cancelled which would have caused a last ACT date to show up, however, these reports were not scanned into the title records so we cannot be 100% sure this is what happened on 02-09-1990."

Thanks, Chris

This email has not been reviewed and/or approved as an opinion of the Attorney General.



Christopher W. Brooks  
Special Deputy Attorney General  
Motor Vehicles Section  
919-716-6650  
[cbrooks@ncdoj.gov](mailto:cbrooks@ncdoj.gov)  
114 W. Edenton St., Raleigh, NC 27603  
[ncdoj.gov](http://ncdoj.gov)

Please note messages to or from this address may be public records.

---

**From:** Matoian, Catherine L. <Catherine.L.Matoian@nccourts.org>  
**Sent:** Friday, August 16, 2019 11:48 AM  
**To:** Brooks, Chris <CBROOKS@ncdoj.gov>  
**Cc:** Tanner, Donna E. <Donna.E.Tanner@nccourts.org>; Congleton, John <JCONGLETON@ncdoj.gov>; Marsh, William A <wamarsh@ncdot.gov>  
**Subject:** RE: Information from DMV -- Upcoming Commission Hearing

Thank you for providing this information and the affidavit! We appreciate it. Are you able to tell me what the part that says "ACT DT - 020990" means? Is that related to the title application being exactly one year before?

I'll discuss with my director and let you know if we need any additional information.

Thank you,

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

[www.InnocenceCommission-NC.gov](http://www.InnocenceCommission-NC.gov)

**From:** Brooks, Chris [<mailto:CBROOKS@ncdoj.gov>]  
**Sent:** Friday, August 16, 2019 11:44 AM  
**To:** Matoian, Catherine L. <[Catherine.L.Matoian@nccourts.org](mailto:Catherine.L.Matoian@nccourts.org)>  
**Cc:** Tanner, Donna E. <[Donna.E.Tanner@nccourts.org](mailto:Donna.E.Tanner@nccourts.org)>; Congleton, John <[JCONGLETON@ncdoj.gov](mailto:JCONGLETON@ncdoj.gov)>; Marsh, William A <[wamarsh@ncdot.gov](mailto:wamarsh@ncdot.gov)>  
**Subject:** RE: Information from DMV -- Upcoming Commission Hearing

Good morning. I got an update from DMV. This is what I have been informed of.

DMV records reflect that Kenneth Taylor Preddy applied for a title on 2-10-89, which printed on 2-10-89 and then he reassigned to Jo Ann Clemonts on the same day, 2-10-89. Jo Ann Clemonts applied for a North Carolina title only on 2/10/1989 as well without a plate. The North Carolina Division of Motor Vehicles does not have any history on the vehicle after the date of 02/10/1989.

Attached is a copy of the certified title history the Division has pulled for you. If you need originals, please let me know.

As this information may contained person information, the DPPA and GS 20-43.1 cover the use of this information and documents. As you work with State Agency and this is within the course of your work, as well as this may be involved in an administrative proceeding, we believe that providing this information is allowed under DPPA. Please make sure that any further release of the information is for a DPPA allowed reason. Thanks, Chris

This email has not been reviewed and/or approved as an opinion of the Attorney General.



Christopher W. Brooks  
Special Deputy Attorney General  
Motor Vehicles Section  
919-716-6650  
[cbrooks@ncdoj.gov](mailto:cbrooks@ncdoj.gov)  
114 W. Edenton St., Raleigh, NC 27603  
[ncdoj.gov](http://ncdoj.gov)

Please note messages to or from this address may be public records.

**From:** Matoian, Catherine L. <[Catherine.L.Matoian@nccourts.org](mailto:Catherine.L.Matoian@nccourts.org)>  
**Sent:** Friday, August 16, 2019 10:36 AM  
**To:** Brooks, Chris <[CBROOKS@ncdoj.gov](mailto:CBROOKS@ncdoj.gov)>  
**Cc:** Tanner, Donna E. <[Donna.E.Tanner@nccourts.org](mailto:Donna.E.Tanner@nccourts.org)>; Congleton, John <[JCONGLETON@ncdoj.gov](mailto:JCONGLETON@ncdoj.gov)>; Marsh, William A <[wamarsh@ncdot.gov](mailto:wamarsh@ncdot.gov)>  
**Subject:** RE: Information from DMV -- Upcoming Commission Hearing

*August 30, 2017 – Interview with Kenneth Evans*

Page #	Description	Exhibit
1	Kenneth Evans (Evans) is interviewed by Grant Staff Attorney Catherine Matoian (CLM). Staff Attorney Julie Bridenstine (JB) was also present.	
2-3	CLM explains the role of the Commission to Evans and tells Evans that his DNA swab will be collected at the conclusion of the interview.	
3-4	Evans states that on March 5, 1990, he was home at 9:00pm and says this is the same time Euther Rea Manning (Victim) was kidnapped. Evans states he knew her his entire life and used to work on her farm. Evans told his aunt, Mary Alice, that he heard that Victim was kidnapped on a scanner. Evans says that he had been at a store owned by Tommy Perry (Perry) at 8:00pm and left the store and walked to his home at 8:30pm. Evans says this walk is a good 20 minutes and he arrived at home at 9:00pm. Evans says the only people at the store were him and Perry.	
4-5	Evans says Victim lived about 5 miles from where he lived on Vaiden Road. Evans says that he did not pass by V's home on his way back, and that he does not know where Victim was found.	
6-8	<p>Evans says that when he arrived home, his grandmother, Carrie Williams, and his aunt, Mary Alice, were the only ones home. When he arrived home, Evans states he went to bed, and that he did not leave the home and did not have access to a vehicle at the time. Evans also says that Linda Collins* is a friend and he had stopped by her home at 7:00pm that night. Evans used to go to her home and speak to her sons and daughter. He states that her home is 2-3 miles away from Perry's store. On this night, Evans said he spoke to her son, Danny Collins.</p> <p>*The Commission has determined that Linda Collins is actually Linda Collier. She stated she did not have a son named Danny when interviewed by Commissions staff.</p>	
9-10	CLM asks Evans about Joann Clemonts (Clemonts). Evans says Clemonts is one of his ex-girlfriends and that she turned against him after he was charged with a different crime. He says she turned against him by giving the police false information about a do-rag and twine.	
11	Evans says he is 5'9" and weighed around 130 pounds around the time of the crime. He also says he never took Clemonts' vehicle and never drove her car without	

	her.	
12	Evans says he never carried around change in First Union bags, and never used duct tape or orange twine in Clemonts' car.	
13	Evans says he was not in any debt at the time and never gave Clemonts or his wife a watch.	
14	Evans says his grandfather used to work in the store Victim had with her husband, and that he used to go to that store. He never had any issues with Victim or her husband. They lived 5 miles away from his house and knew where they lived. Evans also states he never wore sneakers, but wore dress shoes.	
15-17	Evans says he never wore a do-rag but did wear a wave cap. He says he never wore gloves or a face mask, and never owned a sawed-off shotgun. Evans denies ever telling his attorneys that a man named Samuel Thorpe helped him saw off a shotgun, and denies ever selling a shotgun to a guy at a car wash. Evans says he used to smoke Newports, but not Alpines. He was first aware that he was a suspect in this crime when he was charged with rape in 1992. Evans says he remembers taking a polygraph in relation to this case in 1990.	
18	Evans says he passed the polygraph and Pat Green (Green) told him they weren't going to come back to him anymore about this case.	
19	CLM asks Evans how he remembers what he was doing the night Victim was kidnapped. Evans says he was in trouble a lot at the time and thought they would be coming to him about this crime. Evans says he did not commit this crime.	
20	Evans says the police would come to him often about crimes committed and he was concerned they would come to him about this crime when he heard about it. When he was at Perry's store and heard this on his scanner, he went home. He says it came up on the scanner around 8:30 and that's when he left for home.	
21	Evans says Perry testified that he was at his store at the time of the crime, but couldn't remember if Perry testified that they heard it on his scanner or not.	
22-23	CLM asks Evans if he knows Greg Phelps, and Evans says he thinks he was in jail with him. Evans thinks he spent time in jail in 1990 for a trespassing charge. Evans says he never discussed this case with anyone in jail and never told anyone he kidnapped an old lady.	
24-25	Evans says Larry Davis (Davis) is someone that he was close with and remembers being in jail with him, but denies ever talking to him about this case. Evans says	

	Davis lied about him to get himself out of trouble.	
27	Evans says the evidence at trial was the do-rag, twine, and duct tape. He says the twine was both brown and orange. He also says a strand of hair was presented. Evans says the evidence was not passed around to the jury.	
28	Evans says there's no reason his DNA would be on any of the evidence, and denies ever being at V's home, either on the inside or outside.	
29	CLM explains the process for swabbing Evans' cheeks.	
30-31	Evans says his former lawyer, Bernadine Ballance, told him that the fingerprint and palm print came back and did not match him. He says this was brought up at trial. He also says that he does not have freckles on his face, and that he has "pop pops" and has always had these.	
31	CLM swabs the insides of Evans' cheeks.	
32	Evans denies ever having a gun. CLM tells Evans the Commission will continue to work on his case.	
33-35	Evans says he may be transferred and CLM tells him to write to the Commission if that happens. CLM explains the Commission is neutral, and the interview concludes.	
36	Certificate of Transcript.	

STATE OF NORTH CAROLINA, )  
Plaintiff, )  
v )  
KENNETH LEON EVANS, )  
Defendant. )

This is the transcript of the recorded interview taken of Kenneth Evans, which was conducted by Catherine Matoian, Staff Attorney, from the North Carolina Innocence Inquiry Commission. The recorded interview took place on August 30, 2017.

For the Innocence Inquiry Commission:

Catherine Matoian, Staff Attorney  
Julie Bridenstine  
NORTH CAROLINA INNOCENCE INQUIRY COMMISSION  
Post Office Box 2248  
Raleigh, North Carolina 27602

Transcribed by: Victoria L. Pittman  
For Pittman Stenography  
Post Office Box 47  
Wake Forest, NC 27588

1                   Wednesday, August 30, 2017

2                   MS. BRIDENSTINE: Hello.

3                   MS. MATOIAN: Hi.

4                   MR. EVANS: How y'all doing?

5                   MS. BRIDENSTINE: Julie Bridenstine.

6                   MS. MATOIAN: Catherine Matoian.

7                   MS. BRIDENSTINE: Nice to meet you.

8                   MR. EVANS: How you doing.

9                   MS. MATOIAN: I'm going to give you my card.

10                  MR. EVANS: Thank you.

11                  MS. MATOIAN: All right, Mr. Evans.

12                  MR. EVANS: They won't let me have that.

13                  MS. MATOIAN: Your card -- oh, my card?

14                  Okay. That's fine.

15                  MR. EVANS: You have to mail it to me.

16                  MS. MATOIAN: Okay. We can do that.

17                  MR. EVANS: Okay. Thanks.

18                  MS. MATOIAN: We are here from the North Carolina  
19 Innocence Inquiry Commission.

20                  As you know, you've applied to the Commission --

21                  MR. EVANS: Right.

22                  MS. MATOIAN: -- claiming that you are innocent of  
23 the crime for which you have been convicted.

24                  I just want to reiterate that the Commission is a  
25 neutral agency. We do not represent you; we don't represent

1 the State. Our job is simply to investigate your case and  
2 look for the truth.

3 MR. EVANS: Okay.

4 MS. MATOIAN: So with that said, I have just a few  
5 questions for you today about your case, and then when we're  
6 done with that, I'm going to collect your swab.

7 MR. EVANS: Okay.

8 MS. MATOIAN: So I guess just to begin with, can  
9 you tell me in your own words what happened the night of  
10 March 5, 1990?

11 MR. EVANS: Yeah. I was at home at 9:00 o'clock.  
12 And the crime happened at 9:00 o'clock.

13 MS. MATOIAN: Uh-huh.

14 MR. EVANS: And this lady got kidnapped. I knowed  
15 this lady for all my life. I used to work on her farm  
16 for -- in my younger years, when I was coming up. And when  
17 I was at home, they had said something about this woman got  
18 kidnapped.

19 So I told my aunt Mary Alice.

20 MS. MATOIAN: Who said that? Who told you that  
21 she had gotten kidnapped?

22 MR. EVANS: They had reported on it, like -- like  
23 on a scanner or something like that.

24 MS. MATOIAN: Okay.

25 MR. EVANS: They reported on the news or something



1 like -- like -- they said that she was kidnapped around the  
2 same time that I was at home. Because my aunt -- I had just  
3 walked in. My aunt said, "You all right?"

4 I said, "Yes, ma'am."

5 So she told me. She said, "You know that woman  
6 named Miss Rea Manning?" -- her name Rea Manning -- "she had  
7 got kidnapped from her home."

8 But I said, like, "How can I be the one doing and  
9 I'm already at home?" And the crime happened at 9:00  
10 o'clock and I'm at home at 9:00 o'clock."

11 MS. MATOIAN: What had you done leading up to  
12 9:00 o'clock? What had you done that day?

13 MR. EVANS: Well, I went to the store around about  
14 8:00 o'clock and I stayed at the store around 8:00 o'clock  
15 to 8:30. The store man come told in court -- he was an  
16 ex-deputy sheriff --

17 MS. MATOIAN: And what was his name?

18 MR. EVANS: His name Tony Perry.

19 And he told them that I was at his store at the  
20 time. And then, when I left his store -- it takes me  
21 like -- I'd say from his store to my house it's about a good  
22 15-, 20-minute walk. And when I went to his store and  
23 walked home, I was at home at 9:00 o'clock.

24 MS. MATOIAN: Who else was at Tommy Perry's store?

25 MR. EVANS: Just me and him.

1 MS. MATOIAN: And what were you doing while you  
2 were there from 8:00 to 8:30?

3 MR. EVANS: Me and him was just sitting in there,  
4 just gossiping and talking. And then sometime I may play  
5 pool or something like that.

6 MS. MATOIAN: And did you walk from the store  
7 straight home?

8 MR. EVANS: Yes, ma'am.

9 MS. MATOIAN: Okay. Where is -- where you lived  
10 at the time, what street did you live on?

11 MR. EVANS: I lived on the Vaiden Road.

12 MS. MATOIAN: Vaiden Road?

13 Okay. And where is that in relation to where  
14 Mrs. Manning lived?

15 MR. EVANS: Oh, about like 5 miles from where I  
16 lived.

17 MS. MATOIAN: Okay. And would you have passed by  
18 her house coming back from the store?

19 MR. EVANS: Uh-uh. No, ma'am. It takes, like,  
20 5 miles to get to both areas. From my house is 5, from the  
21 store it's 5.

22 MS. MATOIAN: And from your house to -- do you  
23 know where Mrs. Manning was found?

24 MR. EVANS: No, ma'am.

25 MS. MATOIAN: No? Okay.

1 Who was at your house when you got home?

2 MR. EVANS: My grandmother and my aunt.

3 MS. MATOIAN: And what was your aunt's name?

4 MR. EVANS: Mary Alice Moore.

5 MS. MATOIAN: And what about your grandma?

6 MR. EVANS: Ms. Carri Williams.

7 MS. MATOIAN: Can you --

8 MR. EVANS: Carri.

9 MS. MATOIAN: Carri?

10 And what was her last name?

11 MR. EVANS: Williams.

12 MS. MATOIAN: Williams.

13 Okay.

14 MS. BRIDENSTINE: How do you spell Carri?

15 MR. EVANS: C-a-r-r-i.

16 MS. MATOIAN: Okay. And were they the only two

17 there?

18 MR. EVANS: Yes, ma'am.

19 MS. MATOIAN: Was Greg Evans there?

20 MR. EVANS: No, ma'am.

21 MS. MATOIAN: No? Okay.

22 MR. EVANS: No, ma'am.

23 MS. MATOIAN: Who is Greg Evans?

24 MR. EVANS: That's my nephew.

25 MS. MATOIAN: Nephew.

1           Is that Mary's son?

2           MR. EVANS: That's my sister's son.

3           MS. MATOIAN: Okay. All right.

4           So what time would you estimate that you got home?

5           MR. EVANS: 9:00 -- I would estimate it at around  
6 about five minutes to 9:00.

7           MS. MATOIAN: Five to 9:00? Okay.

8           And what did you do when you got home?

9           MR. EVANS: I went to bed. I went straight on to  
10 bed. And they -- a deputy asked my aunt in court what --  
11 no, not the deputy. I'm going to say they -- well, in the  
12 court, you know, they asked them, like, when I got in my  
13 bed, they asked her did they notice me leaving the room or  
14 window or something. And she said no. Because when I go to  
15 the bed, I don't leave the house.

16           MS. MATOIAN: Did you have a car the time?

17           MR. EVANS: No, ma'am.

18           MS. MATOIAN: Did you have access to a car?

19           MR. EVANS: No, ma'am.

20           MS. MATOIAN: Who's Linda Collins?

21           MR. EVANS: Linda Collins? That's that lady that  
22 lives over -- that I have went to her house. I used to stop  
23 by her house and talk to her sons and -- and her daughter.  
24 No, that's a friend. She's a friend.

25           MS. MATOIAN: Had you been at her house that day?

1 MR. EVANS: Yes, ma'am. I been to her house.

2 MS. MATOIAN: What time?

3 MR. EVANS: Stopped by her house round about 7:00.

4 MS. MATOIAN: 7:00?

5 Did you do anything in between being at  
6 Ms. Collins' house and going to Mr. Perry's store?

7 MR. EVANS: No, ma'am.

8 MS. MATOIAN: Did Linda Collins live near where  
9 Mrs. Manning lived?

10 MR. EVANS: No, ma'am. She lived on the -- I'd  
11 say it's a good little ways.

12 MS. MATOIAN: Okay. About how far away is she  
13 from Mr. Perry's store?

14 MR. EVANS: I'm going to say about a good 3 --  
15 about 2, 3 miles.

16 MS. MATOIAN: Okay. And what was Ms. Collins'  
17 son's name?

18 MR. EVANS: Danny. She's got one named Danny,  
19 Randy. Let's see. Mark. And she got one named Ricky. I  
20 think that's -- and then she got a daughter named Melinda.

21 MS. MATOIAN: Okay. And how old was -- you said  
22 that you saw Linda Collins and talked to her son.

23 Do you remember which one?

24 MR. EVANS: Yes. It was Danny.

25 MS. MATOIAN: Danny? Okay.

1 MR. EVANS: That's they --

2 MS. MATOIAN: And how old was he at the time?

3 MR. EVANS: He was like about 20 -- he about  
4 like -- no, I'm going to say 18.

5 MS. MATOIAN: Okay.

6 MR. EVANS: He were younger than me.

7 MS. MATOIAN: And how old were you at the time?

8 MR. EVANS: I was like -- let's see. I'm about  
9 20 -- let's see. I'm about like 28.

10 MS. MATOIAN: 28.

11 MR. EVANS: 28 or 30, something like that.

12 MS. MATOIAN: All right. Tell me about Joann  
13 Clemonts.

14 MR. EVANS: Okay. Joann is one of my  
15 ex-girlfriends. And well, me and her had a misunderstanding  
16 and she turned against me.

17 MS. MATOIAN: When did you have the  
18 misunderstanding?

19 MR. EVANS: Between me and my wife, you know.  
20 That's the misunderstanding.

21 MS. MATOIAN: I meant when did that  
22 misunderstanding happen?

23 MR. EVANS: Oh, okay. That happened right after  
24 that -- when they charged me for another crime.

25 MS. MATOIAN: Okay.

1 MR. EVANS: That's when that came in.

2 MS. MATOIAN: And you say she turned against you.  
3 What do you mean by that?

4 MR. EVANS: Okay. She turned against me by giving  
5 the police false information and evidence and everything.

6 MS. MATOIAN: And do you remember what that false  
7 evidence was?

8 MR. EVANS: Yes, I do.

9 MS. MATOIAN: Okay.

10 MR. EVANS: It was a do-rag and twine that they  
11 said that -- that I was supposed to have used it on her car  
12 or something like that to tie down the trunk. And they said  
13 they had found this one string of hair that was straight,  
14 which my hair is not straight. My hair was knotty at the  
15 time. And they never did a sample on it.

16 MS. MATOIAN: So how long was your hair at that  
17 time?

18 MR. EVANS: It was kind of -- right up -- I'd say  
19 about right here.

20 MS. MATOIAN: Okay. So not a close cut?

21 MR. EVANS: No cut (indiscernible).

22 MS. MATOIAN: Did you have facial hair at the  
23 time?

24 MR. EVANS: No. I had a wave -- wavy hair.

25 MS. MATOIAN: Did you have facial hair -- like a

1 beard or mustache?

2 MR. EVANS: Oh. No, ma'am. No, ma'am.

3 MS. MATOIAN: No?

4 And what was your -- how tall are you?

5 MR. EVANS: I'm 5'9".

6 MS. MATOIAN: 5'9"?

7 And how much did you weigh at that time?

8 MR. EVANS: About 1 -- 130, somewhere around.

9 MS. MATOIAN: Okay. So going back to Joann  
10 Clemonts.

11 MR. EVANS: Uh-huh.

12 MS. MATOIAN: Did you ever take her car for  
13 multiple days in a row?

14 MR. EVANS: No, ma'am.

15 MS. MATOIAN: Did she let you use her car when you  
16 were dating?

17 MR. EVANS: I mean, we rode together but I never  
18 did take it, no.

19 MS. MATOIAN: So you never drove her car?

20 MR. EVANS: No.

21 MS. MATOIAN: Do you remember what kind of car it  
22 was?

23 MR. EVANS: She had a Honda and then she had a  
24 Chrysler.

25 MS. MATOIAN: All right. Do you remember using



1 duct tape or orange twine to tie down her trunk --

2 MR. EVANS: No, ma'am.

3 MS. MATOIAN: -- or secure speakers?

4 MR. EVANS: No, ma'am.

5 MS. MATOIAN: Did you ever see duct tape or orange  
6 twine in her car?

7 MR. EVANS: Uh-uh. No, ma'am.

8 MS. MATOIAN: I believe Ms. Clemonts had told law  
9 enforcement that -- after a time when she said you had taken  
10 her car for a few days, that you came back and you had loose  
11 change in First Union Bank bags.

12 Do you remember that incident?

13 MR. EVANS: No, ma'am.

14 MS. MATOIAN: Did that -- did you ever carry  
15 around change --

16 MR. EVANS: No, ma'am.

17 MS. MATOIAN: -- in First Union bank bags?

18 MR. EVANS: No, ma'am.

19 MS. MATOIAN: Were you working around the time  
20 that this crime happened?

21 MR. EVANS: Yes, I was.

22 MS. MATOIAN: Where were you working?

23 MR. EVANS: I used to work at Tony Lumber Company.  
24 And I used to work at Food Lion.

25 MS. MATOIAN: Okay. Were you --

1 MS. BRIDENSTINE: I'm sorry. What was the first  
2 one?

3 MR. EVANS: Tony -- Tony Lumber Company.

4 MS. BRIDENSTINE: Okay.

5 MS. MATOIAN: Did you say "loman"?

6 MR. EVANS: Lumber.

7 MS. MATOIAN: Lumber. Sorry.

8 MS. BRIDENSTINE: And the second one was Food  
9 Lion?

10 MR. EVANS: Food Lion.

11 MS. MATOIAN: Yes.

12 Were you in any kind of debt at the time?

13 MR. EVANS: No, ma'am.

14 MS. MATOIAN: Okay. Did you ever give  
15 Ms. Clemonts a watch?

16 MR. EVANS: No, ma'am, I didn't.

17 MS. MATOIAN: Did you ever give your wife a watch?

18 MR. EVANS: No, I haven't.

19 MS. MATOIAN: Okay. Did you have a watch at the  
20 time?

21 MR. EVANS: No, ma'am.

22 MS. MATOIAN: I believe you said earlier that you  
23 knew the victim, Mrs. Manning, your whole life.

24 How did you know her?

25 MR. EVANS: We were -- work on her farm.

1 MS. MATOIAN: Okay. Did you go into her husband's  
2 store frequently?

3 MR. EVANS: Well, we -- my grandfather used to  
4 work there with my (indiscernible) -- with her husband, and  
5 we used to go there lots of times, like you say. And, I  
6 mean, it's a little country store that we used go to all the  
7 time -- Manning's, Moore, and Olivers. We used to go to all  
8 three of them.

9 MS. MATOIAN: Did you ever have any kind of issue  
10 with Mrs. Manning or her husband?

11 MR. EVANS: Never have.

12 MS. MATOIAN: Did you know where they lived?

13 MR. EVANS: Yes, I did.

14 MS. MATOIAN: All right. And you said that was  
15 about 5 miles from your house?

16 MR. EVANS: To my house.

17 MS. MATOIAN: Okay. Were Mrs. Manning and her  
18 husband -- were they known in the community to have money?

19 MR. EVANS: Well, not as I know so.

20 MS. MATOIAN: Okay. All right.

21 Do you remember what kind of sneakers you owned  
22 around that time?

23 MR. EVANS: No, ma'am. I really don't wear  
24 sneakers. I wear like dress shoes.

25 MS. MATOIAN: Dress shoes? Okay.

1 Did you ever own any Reeboks?

2 MR. EVANS: No, ma'am.

3 MS. MATOIAN: Okay. All right.

4 Did you -- I know you said you had kind of short  
5 hair.

6 Did you ever wear a do-rag?

7 MR. EVANS: No.

8 MS. MATOIAN: Did you wear a wave cap?

9 MR. EVANS: Well, I had a wave -- wave cap, but  
10 not a do-rag.

11 MS. MATOIAN: Okay. I just -- I want to make sure  
12 that I understand the difference between a do-rag and a wave  
13 cap.

14 MR. EVANS: See, a lot of them got -- the do-rag  
15 is one that comes down.

16 MS. MATOIAN: And it ties; right?

17 MR. EVANS: Right. And it ties. A wave cap just  
18 goes over, you know. It don't go like -- a wave cap.

19 MS. MATOIAN: Okay. And it kind of knots at the  
20 top?

21 MR. EVANS: I mean, a do-rag goes over like this.

22 MS. MATOIAN: Uh-huh.

23 MR. EVANS: But a wave cap goes down like this.

24 MS. MATOIAN: Okay.

25 MR. EVANS: And it stops.

1 MS. BRIDENSTINE: So it just covers your head?

2 MR. EVANS: Right.

3 MS. BRIDENSTINE: The top of your head?

4 MR. EVANS: Truly.

5 MS. MATOIAN: Okay. So you wore wave caps.

6 MR. EVANS: Right. Wave caps.

7 MS. MATOIAN: Did you own any gloves at that time?

8 MR. EVANS: No, ma'am.

9 MS. MATOIAN: Were you ever known to wear gloves?

10 MR. EVANS: No, ma'am.

11 MS. MATOIAN: I have not seen a picture of it so I  
12 cannot describe it to you, but did you ever own or wear a  
13 doe face mask?

14 MR. EVANS: No, ma'am.

15 MS. MATOIAN: Okay. Do you know what that looks  
16 like? Do you know what that's describing?

17 MR. EVANS: No, ma'am.

18 MS. MATOIAN: Okay. Did you own a gun?

19 MR. EVANS: No, ma'am, I didn't.

20 MS. MATOIAN: All right. Did you have a sawed-off  
21 shotgun?

22 MR. EVANS: No, ma'am.

23 MS. MATOIAN: Did you ever tell one of your  
24 attorneys that a man named Samuel Thorp had helped you saw  
25 off a shotgun?

1 MR. EVANS: No, ma'am. I sure didn't.

2 MS. MATOIAN: Or that you had sold it to a guy at  
3 a car wash?

4 MR. EVANS: No, ma'am, I didn't.

5 MS. MATOIAN: Did you smoke at the time?

6 MR. EVANS: No, ma'am. I smoke cigarettes.

7 MS. MATOIAN: Yeah.

8 MR. EVANS: But not -- nothing else, no. I smoked  
9 cigarettes, yes.

10 MS. MATOIAN: What brands did you smoke?

11 MR. EVANS: I smoked Newports.

12 MS. MATOIAN: Did you ever smoked Alpines?

13 MR. EVANS: No, ma'am.

14 MS. MATOIAN: All right. When were you first made  
15 aware that you were a suspect in this crime?

16 MR. EVANS: When I was -- got charged with a rape  
17 charge.

18 MS. MATOIAN: Okay. And what year was that?

19 MR. EVANS: That was '92. What was it? '92, I  
20 think. '92?

21 MS. MATOIAN: Do you remember taking a polygraph  
22 in 1990?

23 MR. EVANS: Yes, I did.

24 MS. MATOIAN: Okay. Was it in relation to the  
25 rape charge or in relation to this case?

1 MR. EVANS: To this case.

2 MS. MATOIAN: Okay. So you knew that you were a  
3 suspect prior to the rape charge?

4 MR. EVANS: Right. They come and told me -- well,  
5 the detective and the SBI agency, Rick Simms, come and told  
6 me when I got charged with this crime I'm already doing time  
7 for, they asked me -- they said they wanted me to take a  
8 polygraph test to prove to the sheriff that I wasn't the one  
9 that committed this crime with Ms. Rea Manning, of this  
10 kidnapping. They said if I go up and take this test and  
11 pass the test, they'll let me -- they'll let me -- they'll  
12 tell the sheriff that I wasn't the one that commit this  
13 crime.

14 So I go take the polygraph test and go up to  
15 Raleigh to get the test done. So Pat Green, he was the  
16 detective at the time but now he's the sheriff -- he was the  
17 sheriff, but now he ain't the sheriff no more because they  
18 got rid of him, and he told them that I passed the test.  
19 And when I got back, I asked them -- is everything good. He  
20 said they ain't going to come back at me with no more with  
21 this because I passed the polygraph test.

22 MS. MATOIAN: The date on your polygraph is  
23 April 20, 1990, and you weren't charged with this other  
24 crime until 1992.

25 MR. EVANS: Right.

1 MS. MATOIAN: So at the time you took the  
2 polygraph --

3 MR. EVANS: Right.

4 MS. MATOIAN: -- it's shortly after the crime  
5 takes place; correct?

6 MR. EVANS: Right. Right.

7 MS. MATOIAN: Okay. And so April 20th is a month  
8 and about 15 days after the crime took place.

9 With the police coming to you about -- over a  
10 month later, how do you know that the events that you  
11 described to me earlier in this interview, that that is the  
12 night that Mrs. Manning was kidnapped?

13 MR. EVANS: Well, I just -- you know -- it just  
14 appear to me that when something goes on down in that  
15 community, it seems like that I'm going to be the one going  
16 to be a suspect because I been in a lot of trouble in my  
17 time. And I feel like when that went on, I feel like,  
18 uh-oh, now they're going to come at me and bring this to me  
19 because they know I stays in trouble a lots of time.

20 And this is something I did not do, and I want to  
21 get my -- I want to really actually just clear my name from  
22 this right here. That's the reason why I said. I told my  
23 aunt -- I said, "Aunt, I know they're going to come at me";  
24 so that the reason why I want to be home, to let them know  
25 that I was home at 9:00 o'clock when this crime happened.



1 MS. MATOIAN: I just want to clarify. You're  
2 saying that the -- if something happened in the community,  
3 police would come to you a lot.

4 MR. EVANS: Right.

5 MS. MATOIAN: So when you heard over the scanner  
6 or over the news that Mrs. Manning had been kidnapped --

7 MR. EVANS: Exactly.

8 MS. MATOIAN: -- you were immediately concerned  
9 that they would be coming --

10 MR. EVANS: Coming right at me.

11 MS. MATOIAN: -- coming to you.

12 MR. EVANS: Exactly.

13 MS. MATOIAN: Okay. I just want to make sure I  
14 understand what you're saying.

15 MS. BRIDENSTINE: Where did you get the  
16 information that the crime had happened?

17 MR. EVANS: Well, I was at the store when we  
18 was -- see, the officer -- the ex-deputy that runs the  
19 store, he had a scanner in his store, and you could hear it  
20 when it come up on the scanner in the store. So that when I  
21 just went on home.

22 MS. MATOIAN: So you're saying -- you said earlier  
23 the crime happened at 9:00 o'clock.

24 MR. EVANS: Right.

25 MS. MATOIAN: If you're at Mr. Perry's from 8:00

1 to 8:30, how would you have heard about it on the scanner?

2 MR. EVANS: Well, it comes up earlier. When it  
3 got -- when I left Tommy Perry's store --

4 MS. MATOIAN: You already --

5 MR. EVANS: It came up on upon the scanner.

6 MS. MATOIAN: By the time you left Tommy Perry's  
7 store --

8 MR. EVANS: When it first came up --

9 MS. MATOIAN: -- at 8:30 --

10 MR. EVANS: It came.

11 MS. MATOIAN: -- you knew she had been kidnapped.

12 MR. EVANS: It came up on the scanner because I  
13 told Tommy Perry, "I'm going home."

14 MS. MATOIAN: Okay.

15 MR. EVANS: He said -- he came to court and  
16 testified that I was there.

17 MS. MATOIAN: Did he testify that you guys heard  
18 about the crime over the scanner?

19 MR. EVANS: I couldn't say he did or not. Only  
20 thing I know that he said that I was at his store.

21 MS. MATOIAN: Did the police ever tell you why  
22 they came to you?

23 MR. EVANS: No, they haven't.

24 MS. MATOIAN: Who's Greg Phelps?

25 MR. EVANS: Greg Phelps? I don't know who Greg

1 Phelps is.

2 MS. MATOIAN: Is he a your friend of yours?

3 MR. EVANS: Greg Phelps. I'm trying to think of  
4 who Greg is. Because some peoples I done been around  
5 with -- you know, it's just hard for me to remember some of  
6 them that I been around.

7 MS. MATOIAN: Do you remember being in jail with a  
8 man named Greg Phelps?

9 MR. EVANS: I think I might have.

10 MS. MATOIAN: What would you have been in jail for  
11 in 1990?

12 MR. EVANS: 1990? For this crime here. That --  
13 for that kidnap -- that rape charge. I think that was what  
14 it is.

15 MS. MATOIAN: I thought the rape charge wasn't  
16 until 1992.

17 MR. EVANS: Okay. No. No, no, no. It was in '90  
18 because -- no. Matter of fact, in '90, I was at home. I  
19 can -- I mean -- let me see. I'm trying to think. '90. I  
20 might have been in jail for another crime but I can't  
21 remember.

22 MS. MATOIAN: Okay.

23 MR. EVANS: But it might have been just a  
24 misdemeanor charge or might have been just a -- might have  
25 been a -- I think it might've been a trespassing charge,

1 something like that. It might've been something like that.

2 MS. MATOIAN: Did you ever -- when you were in  
3 jail in 1990, did you ever discuss this crime with Greg  
4 Phelps or any other inmates?

5 MR. EVANS: No, ma'am.

6 MS. MATOIAN: Okay. Did you ever tell anyone that  
7 you kidnapped an old lady?

8 MR. EVANS: No, ma'am.

9 MS. MATOIAN: Did you ever tell anyone that you  
10 went with another guy to the woman's house with a .38  
11 revolver?

12 MR. EVANS: No, ma'am.

13 MS. MATOIAN: Did you ever tell anyone that the  
14 other man gagged the victim and that he drove her car?

15 MR. EVANS: No, ma'am.

16 MS. MATOIAN: Do you know who Eddie Ray and Roy  
17 Moore are?

18 MR. EVANS: Eddie Ray and who?

19 MS. MATOIAN: Roy Moore.

20 MR. EVANS: No, ma'am. I don't know them. Unless  
21 they got their name wrong. Jerry -- it might be his name is  
22 Jerry Moore.

23 MS. MATOIAN: Jerry Moore?

24 MR. EVANS: Uh-huh.

25 MS. MATOIAN: Is that someone you would have been

1 in jail with?

2 MR. EVANS: No.

3 MS. MATOIAN: Oh.

4 MR. EVANS: The one I was with -- that's my cousin  
5 named Jerry, Jerry Moore.

6 MS. MATOIAN: Okay. I guess since you don't  
7 remember him, but have you ever seen or spoken to Greg  
8 Phelps since you were convicted of this crime?

9 MR. EVANS: No, ma'am.

10 MS. MATOIAN: Do you know someone named Larry  
11 Davis?

12 MR. EVANS: Yes, ma'am.

13 MS. MATOIAN: Who's that?

14 MR. EVANS: He's supposed to be a friend. But  
15 after I found out about Larry Davis, he wasn't a friend at  
16 all when we was on the street, no.

17 MS. MATOIAN: How did you know him?

18 MR. EVANS: We used to run together.

19 MS. MATOIAN: Were you close?

20 MR. EVANS: Real close.

21 MS. MATOIAN: Do you remember being in jail with  
22 Larry Davis at the same time?

23 MR. EVANS: Yes, I do. Yes. I -- now, I remember  
24 him.

25 MS. MATOIAN: Okay. Did you ever discuss this

1 crime with him?

2 MR. EVANS: No, ma'am.

3 MS. MATOIAN: Did you ever tell him that you  
4 kidnapped a woman and stole her car?

5 MR. EVANS: No, I didn't.

6 MS. MATOIAN: Did you tell him that you left her  
7 car because it was on empty?

8 MR. EVANS: No, ma'am.

9 MS. MATOIAN: Did you tell him that you got some  
10 money from the woman?

11 MR. EVANS: No.

12 MS. MATOIAN: Have you seen or spoken to Mr. Davis  
13 since you were convicted of this crime?

14 MR. EVANS: No, I haven't.

15 MS. MATOIAN: Do you know why Mr. Davis would say  
16 those things happened if you're denying them?

17 MR. EVANS: Yes. Yes, I can.

18 MS. MATOIAN: Why is that?

19 MR. EVANS: Because once he gets into something of  
20 his own, it's just like that he's got to go and tell  
21 something to get hisself out to -- you know, like, if he  
22 charged with a crime and he can't win his crime, then he  
23 going to turn against you. And he turned against me by  
24 telling on me -- by telling a lie on me.

25 MS. MATOIAN: Do you know what he was in trouble

1 for?

2 MR. EVANS: No, ma'am.

3 MS. MATOIAN: I'm going to ask you a few questions  
4 about the evidence at your trial.

5 MR. EVANS: Okay.

6 MS. MATOIAN: Did you see the items of evidence  
7 that were brought out?

8 MR. EVANS: Yes, I did.

9 MS. MATOIAN: Can you remember if those items were  
10 pulled out of their evidence bags?

11 MR. EVANS: Well, the only thing I know that was  
12 pulled out was the do-rag and the twine -- the string --  
13 and -- and the duct tape.

14 MS. MATOIAN: Okay. And those were all removed  
15 from their evidence bags?

16 MR. EVANS: Right. I seen it in the court.

17 MS. MATOIAN: Okay. And just to clarify, was it a  
18 do-rag or was it a wave cap?

19 MR. EVANS: Do-rag.

20 MS. MATOIAN: Do-rag.

21 What did the twine look like?

22 MR. EVANS: It was kind of like a brown string.

23 MS. MATOIAN: It was brown? It wasn't orange?

24 MR. EVANS: Some of -- brown or orange, something  
25 like that but ...

1 MS. MATOIAN: And what did duct tape look like?

2 MR. EVANS: Gray.

3 MS. MATOIAN: Did -- was the hair brought up at  
4 trial?

5 MR. EVANS: Yes. It's one little strand.

6 MS. MATOIAN: Was it taken out of its evidence  
7 bag?

8 MR. EVANS: Right. He showed it -- he showed  
9 it -- he showed it in court.

10 MS. MATOIAN: Okay. Did --

11 MS. BRIDENSTINE: Was it in a bag or was it --

12 MR. EVANS: No. He just had it.

13 MS. MATOIAN: Held it --

14 MR. EVANS: Held it up like this.

15 MS. MATOIAN: Was he wearing -- was he wearing  
16 gloves?

17 MR. EVANS: I don't know if he wearing gloves or  
18 not.

19 MS. MATOIAN: Okay. Were those items passed  
20 around to the jury?

21 MR. EVANS: No, they wasn't.

22 MS. MATOIAN: Okay. Can you remember, the man you  
23 said pulled out the hair --

24 MR. EVANS: I think it was --

25 MS. MATOIAN: -- who was that?



1 MR. EVANS: I can't remember who that was.

2 MS. MATOIAN: Was it a detective or someone who  
3 worked for the lab?

4 MR. EVANS: Somebody probably work with -- I don't  
5 think he worked with the lab.

6 MS. MATOIAN: Okay.

7 MR. EVANS: I don't think --

8 MS. MATOIAN: All right. So the Commission is  
9 preparing to possibly conduct DNA testing in your case --

10 MR. EVANS: Okay.

11 MS. MATOIAN: -- which is why we're here to  
12 collect your swab today.

13 Is there any reason why your DNA would be on that  
14 do-rag?

15 MR. EVANS: No, ma'am, none.

16 MS. MATOIAN: Is there any reason why that hair  
17 would belong to you on the victim's bed?

18 MR. EVANS: No.

19 MS. MATOIAN: Had you ever been in the victim's  
20 house?

21 MR. EVANS: No, ma'am.

22 MS. MATOIAN: Had you ever even gone to her house  
23 at the outside?

24 MR. EVANS: No, I hadn't.

25 MS. MATOIAN: Have you ever been in the victim's

1 car?

2 MR. EVANS: No.

3 MS. MATOIAN: Is there any reason your DNA would  
4 be on the duct tape?

5 MR. EVANS: No, ma'am.

6 MS. MATOIAN: Any reason your DNA would be on the  
7 twine?

8 MR. EVANS: No, ma'am.

9 MS. MATOIAN: All right. I just want you to be  
10 aware that if your DNA is discovered on any of those items,  
11 the Commission would be required to turn that information  
12 over to law enforcement or the district attorney.

13 MR. EVANS: Okay.

14 MS. MATOIAN: Do you want us to conduct DNA  
15 testing in your case?

16 MR. EVANS: Yes, ma'am.

17 MS. MATOIAN: Okay.

18 What I'm going to do is I'm going to put gloves on  
19 and then take a swab of the inside of each of your cheeks.

20 MR. EVANS: All right.

21 Okay. What about with the lawyer -- Ms. Ballance?

22 MS. MATOIAN: Uh-huh.

23 MR. EVANS: Okay. She had came up and told me in  
24 court -- I mean, not in court but in jail -- she's a lawyer,  
25 Ms. Bernadine Ballance.

1 MS. MATOIAN: Uh-huh.

2 MR. EVANS: And she came up to me and she said,  
3 "Kenneth, I want to tell" -- she came directly to the jail,  
4 and she said, "Kenneth, I got good news." This was right  
5 around about like 8:00 o'clock, 9:00 o'clock that night.  
6 And she said, "I have good news." She said -- I said,  
7 "What's the good news, Ms. Ballance?"

8 She said a fingerprint and a palm print that they  
9 found in the house, they matches mine's with their palm  
10 print and fingerprint, but they didn't belongs to me. So  
11 they was telling me whoever these palm prints and  
12 fingerprints they found, it could be somebody that they  
13 never can track down or whoever it could be.

14 MS. MATOIAN: Was that brought up at trial?

15 MR. EVANS: Yes, ma'am. Yes, ma'am. Palm prints  
16 and fingerprints. So whoever they is, they wasn't mine.

17 MS. MATOIAN: I see you have some -- some freckles  
18 on your cheeks.

19 Have you always had those?

20 MR. EVANS: Well, it's not freckles, it's -- I  
21 mean, they are here what you call pop pops.

22 MS. MATOIAN: Okay.

23 MR. EVANS: Yeah. But in the crime that they said  
24 that I'm supposed to have freckles below my chin, but I  
25 don't have freckles below my chin.

1 MS. MATOIAN: But have you always had those on  
2 your cheeks?

3 MR. EVANS: Oh, I already have all these here.

4 MS. MATOIAN: Yeah. At the time?

5 MR. EVANS: Uh-huh.

6 MS. MATOIAN: Okay.

7 All right. Going to do the inside of each one of  
8 your cheeks.

9 Did -- you took a plea in the 1992 case?

10 MR. EVANS: The one --

11 MS. MATOIAN: The rape case?

12 MR. EVANS: Yes, ma'am. Yes, ma'am.

13 MS. MATOIAN: Is there any other information you  
14 think we should know or any information you'd like to  
15 provide us?

16 MR. EVANS: Yes. Because the evidence that they  
17 said that they had, they didn't have. Like, they said  
18 that -- okay. The lady said that there's a gun supposed to  
19 have been missing.

20 MS. MATOIAN: Uh-huh.

21 MR. EVANS: Ms. Manning -- Ms. Rea Manning. Said  
22 the gun had supposed to have been missing out of her home at  
23 the time of this crime. But when they come to the court,  
24 they didn't have that evidence at that court.

25 And Larry Davis --

1 MS. MATOIAN: Uh-huh.

2 MR. EVANS: -- had came to me. Well, he didn't  
3 come to me, he came and told the Detective Pat Green that I  
4 came to him with a .32 caliber gun trying to sell to him,  
5 and I ain't never had that gun.

6 And when it came to court, none of that evidence  
7 was not, you know, in there.

8 MS. MATOIAN: And I just want to reiterate that  
9 you at that time did not have a gun?

10 MR. EVANS: No, ma'am.

11 MS. MATOIAN: Did you carry anyone else's gun?

12 MR. EVANS: No, ma'am, I didn't.

13 MS. MATOIAN: You never owned or carried a  
14 sawed-off shotgun?

15 MR. EVANS: No, ma'am.

16 MS. MATOIAN: Do you have anything else to tell  
17 us?

18 MR. EVANS: No, ma'am.

19 MS. MATOIAN: I'll -- well, you have the  
20 Commission's address. If you -- if you think of anything  
21 else, please write us --

22 MR. EVANS: Yes, ma'am.

23 MS. MATOIAN: -- and let us know.

24 And that will -- we'll continue on your case.

25 MR. EVANS: Okay.

1 MS. MATOIAN: And we'll notify you if there are  
2 any changes.

3 MR. EVANS: They had gave me -- well, they  
4 recommend me for undergrade.

5 MS. MATOIAN: Uh-huh.

6 MR. EVANS: And I'm trying to think, now. They is  
7 trying to get me into, you know, green -- put me in green  
8 color. So they might going to send me to Wake or they might  
9 send me to Tillery or Johnston. So, hopefully, that -- you  
10 know, where I go to, if it would be all right if I keep,  
11 continue to write and be somewhere like Johnston County or  
12 Wake.

13 MS. MATOIAN: If you get transferred, you can  
14 write to us and let us know you've been transferred. We  
15 also tend to check before we schedule an interview or send a  
16 letter and make sure because we know that inmates do tend to  
17 move around.

18 MR. EVANS: Yeah. Because they don't -- they put  
19 me out of medium and put me in minimum.

20 MS. MATOIAN: Uh-huh.

21 MR. EVANS: So now I'm in minimum now but I asked  
22 the man today, I said, "Am I going to leave somewhere?" He  
23 said, "Just be patient because you are on the list to be  
24 transferred to undergrade.

25 So it's a good thing, though, because I was just

1 wondering if I go to another spot, would it hurt me -- would  
2 it still be all right for me to keep -- continue, you know,  
3 because some places, you know, like, you leave, they'll  
4 forget all about you.

5 MS. MATOIAN: Well, the Commission's -- like I  
6 said, we're neutral. We're not affiliated with the prisons.

7 MR. EVANS: Okay.

8 MS. MATOIAN: So you -- you changing prisons does  
9 not affect your case being open --

10 MR. EVANS: Okay.

11 MS. MATOIAN: -- with the Commission.

12 MR. EVANS: Okay.

13 MS. MATOIAN: But like I said, just so that we  
14 know where you are, if you get transferred, write to us and  
15 just let us know where you've been transferred to.  
16 Otherwise, like I said, we do tend to check before we send  
17 letters or schedule any visitation.

18 MR. EVANS: Okay. I thank y'all so much for  
19 coming.

20 MS. MATOIAN: I appreciate your time today. And,  
21 like I said, we'll be in touch.

22 MR. EVANS: Okay. I might -- they might let me  
23 have that card.

24 MS. MATOIAN: We can -- when we open the door, we  
25 can ask him.

1 MR. EVANS: Okay. Take -- y'all have a good day.

2 MS. BRIDENSTINE: You too.

3 MS. MATOIAN: You as well.

4 MR. EVANS: Okay.

5 (End recording.)

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1 STATE OF NORTH CAROLINA )  
COUNTY OF WAKE )  
2

3 CERTIFICATE

4 I, Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M,  
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6 proceeding was requested to be transcribed, do hereby  
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9 as transcribed from an electronic recording, to the best of  
10 my ability.

11 I further certify that I am neither counsel for,  
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13 in which this proceeding was heard; and, further, that I am  
14 not a relative or employee of any attorney or counsel  
15 employed by the parties thereto, and am not financially or  
16 otherwise interested in the outcome of the action.

17 Dated at Wake Forest, North Carolina, the 6th day of  
18 February, 2019.

19  
20 

21 \_\_\_\_\_  
22 Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M  
23 AOC-Approved Transcriber and Per Diem Reporter  
24  
25

*February 28, 2019 – Interview with Kenneth Leon Evans*

<b>Page #</b>	<b>Description</b>	<b>Exhibit</b>
1	Interview of Kenneth Evans (Evans) by Grant Staff Attorney Catherine Matoian (CLM). Grant Legal Investigator Mackenzie Myers (MCM) and Evans' attorney, Kevin Tully (Tully), also present.	
2-6	Evans talks about how his father was sick and recently passed away.	
7-8	Tully goes over his role as Evans' attorney with Evans.	
9	CLM goes over the role of the Commission.	
9-13	CLM asks Evans to talk about what he remembers about March 5, 1990. Evans states he remembers being at Tommy Perry's (Perry) store. Evans states he stayed at Perry's store until he closed the store around 9pm and that he remembers Perry told a detective that he heard on his scanner that someone had been abducted. Evans states he then walked back to his home and it might have taken him 30 minutes to walk there. Evans states he told his grandmother someone was kidnapped and she told him he needed to stay in the house. Evans didn't know anything about the crime until Pat Green (Green) and Rick Sims (Sims) talked to him about it in jail. Green and Sims asked Evans if he would take a polygraph and Evans agreed to take it. In 1992 or 1993, Green and Sims told Evans that Larry Davis (Davis) told them Evans tried to sell Davis a gun and that Joann Clemonts (Clemonts) stated that Evans had duct tape and twine. Evans states he used to work on Rhea Manning's (Victim) farm, but that he never kidnapped her.	
14	Evans was living at his grandmother's home at the time the crime happened because he and his wife were separated. Evans says he was at home at 9:30pm. CLM tells Evans the Victim wasn't reported missing until after 9:30pm and Evans says he was already home.	
15-21	CLM shows Evans the map created by Dan Williams (Williams), the private investigator hired by the Ballances. Evans shows CLM where his grandmother's home and Perry's store were located on the map. Evans shows CLM the route he walked from Perry's Store to his grandmother's house and says there is no way to cut through. Evans states there's no way he could have committed the crime. Evans says his aunt and grandmother were at home when he arrived there.	<b>Ex. 46 – PI Williams Map With Distances.</b> (Brief, pgs. 236-237)
22-25	Evans' grandmother's name was Carrie Williams and his aunt's name was Mary Alice Moore. His cousin, Jerry Moore (Moore), was not there. CLM tells Evans that in past interviews with his defense attorneys, Evans stated	<b>Ex. 28 – Closing Argument Draft.</b> (Brief, pgs. 392-397)

	Moore was at home when he arrived. Evans says this is not true. CLM shows Evans <b>Ex. 28</b> which is the draft closing argument of his attorney at trial, Larry Norman (Norman). Evans says that even though the draft argument states Moore was there, he was not at the home. Evans says he stayed at the home all night and morning.	
26	Evans says he remembers his aunt, Mary Alice Moore, testifying at this trial, but states Moore (Jerry) never did and his grandmother was not allowed to testify because of her age.	
27	CLM explains to Evans that the Commission has not been able to locate a transcript and that a lot of the questions CLM will be asking are about what he remembers happening at trial.	
28-32	<p>Evans says he's been trying to get in contact with Trey Duckworth (Duckworth) to get the transcript. CLM tells Evans that Duckworth's file on the case has been destroyed. Evans says he fired Duckworth because he didn't do what he told Evans he would do at trial.</p> <p>Evans says that the only people at home when he arrived was his grandmother and his aunt, who could provide him an alibi, along with Tommy Perry. Evans says he walked from Linda Collins' (Collins) home at around 7:30 or 8 and walked to Tommy Perry's store. Evans says he knew Collins because he would play basketball with her children. He played pool at Perry's store and then walked home.</p> <p>*Note: the Commission has determined Linda Collins is actually Linda Collier.</p>	
33-36	Evans says Larry Davis (Davis) never gave him a ride to Perry's store. He also stated he did not know who Walt Christopher Best was. He does know who Billy Glenn Solomon (Solomon) is because he lived below his grandmother. Evans says he took the charge for a crime that Solomon and Moore committed when they broke into James Speed's shed. Evans says that he took the charge to keep Moore out of trouble. "And they always knowed that I always go and plead guilty to something. Sometimes they would just bring a crime up to me like somebody did this, and I might just say, 'Yeah' I – I'd go on and take the – take the plea because that's what they do – they just want to add a plea to me, and I just – I stepped up there and go along with it" (p.36).	

37-45	Evans says he believes he knows Reese, Gene, and Tony Wardrick. CLM shows Evans <b>Ex. 17</b> . Evans says he doesn't remember this and never walked around with a bunch of quarters, and never tried to sell anyone a watch or a pistol. Evans says none of this was presented at his trial and no one with the last name of Wardrick or Solomon testified at trial.	<b>Ex. 17</b> – FCSO File Provided to Commission. (Brief, pgs. 17, 139-140, 143-144, 156-157).
46-48	CLM shows Evans <b>Ex. 41</b> , a picture that the SBI took of the inside of V's car. Evans states it doesn't look familiar to him. Evans remembers hearing a ring and not a watch was stolen from V. He believes this was in the trial transcript.	<b>Ex. 41</b> – Photograph of Clothing in Car. (Brief, pg. 82)
48-51	Evans says he became a suspect in this case when he was charged with rape. Evans says in '92 or '93, he was using marijuana, became high, and broke into the home of Debbie Drake and raped her. Evans says he is not applying for innocence on that case, and only for the case involving V.	
52-60	Evans says that he's been in trouble with the law but has never worn gloves. CLM shows Evans <b>Ex. 47</b> . Evans says he recalls a man named Gregory Albert Phelps (Phelps) that he was in jail with, and that they were friends in jail, but not in the streets. Evans says he called Perry from the jail and told him the police were trying to get him for V's kidnapping. Evans says he told Phelps the same thing. Evans says this is how Davis gets involved because he is in the same cell with him and Phelps. CLM then shows Evans <b>Ex. 13</b> and reads the statement to him. Evans says he's never heard this before, and this was never mentioned at trial. CLM then shows Evans <b>Ex. 15</b> . Evans says he's never heard anything about this statement made by Phelps denying that he previously said anything to Green about Evans, and Evans says his attorneys never talked to him about this.	<b>Ex. 47</b> – 4/12/1990 Evans Statement FCSO. (Brief, pg. 100-101)  <b>Ex. 13</b> – 4/17/1990 Gregory Phelps Interview. (Brief, pg. 104)  <b>Ex. 15</b> – Phelps PI Interview. (Brief, pg. 229-234)
60-63	Evans says he married Shirley on 10/4/83 and that they separated in December of 1989. He says he was working at either Food Lion or Toney Lumber Company at the time. Evans states Shirley then moved to Raleigh and he moved in with his grandmother, and he is sure he lived with her in March 1990.	
63-66	Evans met Joann Clemonts (Clemonts) in Franklinton around '85 or '86 and they started a relationship together two or three days after meeting. Evans states Clemonts knew he was still married. Evans remembers that Clemonts' daughter, Latoshia, was three or four years old when he moved in with Clemonts, and that he also stayed with his wife during this period. Evans says	

	that Clemonts thought Evans was the father of Latoshia. Evans can't recall why they broke up, but states he continued to stay there afterwards until they broke up for good. Evans remembers that when he moved in with Clemonts, her sister Sharon, passed away.	
67-76	Evans says he was not living with Clemonts in March 1990, and that he and Clemonts broke up sometime between December and March of 1990. Evans states that Clemonts was also dating Linwood Earl Williams the same time she was dating him, and that the two of them had a run in. Evans says he was also seeing another woman during this time named Theresa Burt. CLM shows Evans <b>Ex. 1</b> which is an interview between Clemonts and law enforcement. CLM has Evans highlight statements that are not true. CLM asks him to read the statements he highlighted and Evans says he had never been abusive towards Clemonts, he's never been around gray tape, and he's never been around twine. Evans also says that he never drove Clemonts Cordoba unless she was with him. He then states that he never had a yellow t-shirt or brown work pants, and that he never threw away a pair of shoes with mud on them. Evans states he never gave his wife or Clemonts a watch, he never had a small shotgun, and that Clemonts never gave him a black scarf to wear around his head.	<b>Ex. 1</b> – Clemonts 4/21/1993 SBI Report. (Attached here)
77-81	Evans stated that Clemonts wanted him to divorce his wife and marry her so that she would not have to testify. He stated that he filed for divorce from his wife in 1996. Evans said that Clemonts testified against him because she was told that if she didn't testify against him, she was going to get as much time as he is serving now for the crime against V. Evans states that Clemonts was on probation at the time. Evans' cousin, Bessie Mae Carter, told him that Pat Green told Clemonts he would pay her to testify against Evans. Evans said Bessie Mae heard this from her son, Anthony Carter, who was in jail with Pat Green.	
82-86	Evans states he showed Clemonts the divorce papers he filed in '96 on the day of his trial. CLM shows Evans <b>Ex. 2</b> which is the affidavit of Clemonts. Evans says that the only statements in the affidavit that aren't true are the ones about his clothing and him taking her car. He also stated he never had a sack with change in it.	<b>Ex. 2</b> – Clemonts 8/9/1993 Affidavit. (Brief, pg. 265)
87	Evans says that Clemonts' sister, Sharon, was killed in a car accident, and that she was with a guy named Samuel Thorpe who went by the name "Flood".	

88-91	Evans says Clemonts is a manipulator and that she never testified against him at trial, but that she was walking outside the building when he was awaiting trial and he was able to give him the divorce papers by tossing them out the window at her. He states she never came into the courtroom, but that Davis was in the courtroom. Davis used to date Clemonts' mother and that he is related to Evans' wife, Shirley. Evans says he would speak to Davis and they might meet up at a club, but that he "didn't deal with him that much" (91).	
92	Evans states that he never abused Clemonts and that the police never searched her Cordoba. Evans says the police never found duct tape or rope in Clemonts' vehicle.	
93-101	Evans states he remembers being in a jail cell with Davis and telling him he was in jail for a crime he didn't commit. CLM shows Evans <b>Ex. 29</b> and Evans denies telling Davis he was planning on climbing out of the window at the jail. Evans also says he never talked to Davis about the rape case or the Manning case. He denies all the other details in the statement and says Davis was paid by Green to tell lies about him, and that Davis is just like Clemonts.	<b>Ex. 29</b> – 10/8/1992 Larry Davis Statement. (Brief, pg. 141-142)
102-104	CLM shows Evans <b>Ex. 5</b> . Evans says he doesn't remember ever having a conversation with Clemonts about Davis. Evans also says he never had contact with Clemonts when he was in jail, and that the only time he ever communicated with her was when he threw his divorce papers out the window from the holding cell when he was awaiting his trial and she was on the street below.	<b>Ex. 5</b> – 10/21/1994 Evans Call Re: Joann Clemonts. (Brief, pg. 295)
105-106	Evans remembers Davis testifying that Evans tried to sell him a pistol, but he couldn't describe the type of pistol. Evans then says Davis never testified in court, but testified to a lawyer about this. He remembers Davis being in the courtroom, but says he never testified.	
107	Evans denies ever having any kind of shotgun and says that he never had a weapon.	
108-109	Evans says he was sent to Dorthea Dix prior to his trial and that he was deemed competent to stand trial after an evaluation. Evans says he never took any medicine.	
110-112	CLM shows Evans <b>Ex. 48</b> . In 48, Clemonts says that Evans had a sawed off shotgun that he gave to his cousin, Anthony Carter (Carter), who then used it to shoot his mother's boyfriend. Evans denies this and says he doesn't know if Carter ever shot his mother's boyfriend.	<b>Ex. 48</b> – 8/8/1993 Christine Joann Notes (Highlighted). (Attached here)

113-114	CLM shows Evans <b>Ex. 49</b> which is an interview the Ballances did with him. Evans denies the statements in it. Evans says he never tried to pawn or sell anything with Clemonts, and says he never told his attorneys any of this, and he never used a gun.	<b>Ex. 49</b> – 10/27/1993 Evans Interview by Defense (Highlighted). (Attached here)
115-116	Evans says that despite multiple people, including his lawyers, saying he was walking around with change and having a shotgun, none of this is true. Evans says people are lying about him because “they just want to get me away from around here” (p.116).	
117-119	CLM goes over the timeline of Evans and his interactions with police. Evans agrees that the timeline is correct and says the police spoke to Clemonts in 1993 because they knew he used to be with her.	
120-135	Evans says the only person that testified at his trial was his aunt and Alice Faye Johnson, a family friend. CLM asks Evans what was presented at his trial. CLM shows Evans <b>Ex. 31 and 28</b> , which are Norman’s notes and his draft closing argument. CLM goes over the exhibits with Evans and eventually it is determined that Evans is confusing his MAR hearing where he was represented by Trey Duckworth with his trial where he was represented by Norman. Evans then states he does not remember anything about his trial in front of a jury where Norman represented him. He does tell CLM that Victim did not identify him in court as the person who kidnapped her, and that she said that he was not the one.	<b>Ex. 31</b> – Closing Handwritten Notes. (Brief, pg. 401)
136-144	Evans says the police got the do-rag from Clemonts and that she said Evans got the do-rag from her. CLM refers to <b>Ex. 27</b> which is a photograph taken by the SBI of a do-rag found at the crime scene. CLM reads V’s husband’s statement to the PI regarding what he found in the vehicle. Evans states he wore a “gunny” which is a wave cap. CLM goes back to <b>Ex. 28</b> and reads to Evans about what Norman stated regarding the collection of the do-rag. CLM then goes to <b>Ex. 41</b> which is the picture of the clothing in V’s vehicle. Evans states it was his understanding that Clemonts gave the do-rag to the police and that the clothing in the vehicle was women’s clothing.	<b>Ex. 27</b> – Do-rag Photo. (Brief, pg. 80)
145-148	Evans states he’s never received mental health treatment, has been on both probation and parole, and is finished serving his time on the rape case. CLM asks Evans who he calls from prison and asks Evans to provide their names and numbers, and he does.	
149-151	Evans says he asked his aunt, Pauline Morton, to talk to Victim about why she said Evans was the one who	

	kidnapped her. His son Antwone, who was 7 or 8 at the time, also went. Evans said his aunt told him that they had a “nice conversation” and Victim told her that Evans was not the one who kidnapped her. Evans said his son said the same thing. He did not tell a lawyer about this because he didn’t know what to do about it.	
152	Evans says that while he was at Bunn Correctional, he called Victim mistakenly. He thought he was calling his son.	
153	Evans says he has no other family members that have direct knowledge about this case because they have all passed away.	
154-156	Evans says Victim has passed and that he sent the obituary to his ex-wife, Shirley. He also says he spoke to her about the Commission speaking to his son, Antwone.	
157-160	CLM explains the formal inquiry process. Evans says he did not commit this crime. He says he has never heard about someone else committing this crime and did not know that V’s husband had been robbed at their store. Evans says he’s always been targeted and talks about Gene and Peggy Davis being robbed in White Leather. Evans tells how the police came to his grandmother’s home and took him, his brother, Willie, and his cousin Jerry and asked the Davis’ if they were the ones that robbed and beat them, and that they told the police they were not the ones.	
161-163	Evans says he’s known the Mannings for years and did work for them and rented a home from them. He says his grandfather used to work at their store, too. Evans says that after the kidnapping, he would go into the Manning store. Evans says Victim didn’t know him by name.	
164-167	Evans says the description Victim gave of the kidnapper sounds like his Uncle Jack. CLM asks him why he thinks that and Evans says it’s because CLM sent him a letter about him and Evans says he “just made a wild guess” (165).	
168-170	CLM concludes the interview and tells Evans to either write to the Commission or contact Tully if he thinks of anything else.	



STATE OF NORTH CAROLINA  
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 93 CRS 2261-2263

STATE OF NORTH CAROLINA, ]  
Petitioner, ]  
vs. ]  
KENNETH LEON EVANS, ]  
Defendant. ]  
]

T R A N S C R I P T

Kenneth Leon Evans  
Interview

Transcript of Interview conducted of Kenneth Leon Evans by Catherine Matoian, Staff Attorney, and Mackenzie Myers, Grant Legal Investigator, on February 28, 2019 as part of an investigation by the North Carolina Innocence Inquiry Commission.

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1 [The interview commenced on February 28, 2019 with the parties  
2 speaking before the recording starts.]

3 MR. TULLY Yeah?

4 MR. EVANS: Yeah, I'm good.

5 MR. TULLY You look well.

6 MR. EVANS: Well, I'm trying' to maintain 'cause my  
7 daddy have passed --

8 MR. TULLY Oh, you're kidding?

9 MR. EVANS: -- last week.

10 MR. TULLY I'm sorry.

11 MR. EVANS: I had went down to the -- to the wing to  
12 see him, but, you know, it's just put a lot on me, and you  
13 know, I know -- it -- you know, when my family leave like  
14 that, it really bothers me, you know, 'cause now, like, my  
15 mother, she's gone.

16 MR. TULLY Yeah.

17 MR. EVANS: My daddy just passed, and now, you know,  
18 like, I got to deal with what's going on now with this here,  
19 this case I'm going through. And it's just a lot. I'm trying  
20 to, you know, carry myself through.

21 MR. TULLY Yeah.

22 MR. EVANS: But you know, I'm okay though.

23 MR. TULLY Well, I'm really sorry to hear that.

24 MR. EVANS: Yeah, daddy he was -- my daddy, he was  
25 like -- you know, he was really sick. But, you know, he's

1 just gonna fight the -- the sickness that he was going  
2 through. And right now, I say he's better in, you know, God's  
3 hands because he's in a better place. He don't have to worry  
4 with the suffering that he had been going through 'cause I  
5 really didn't get a chance to see him like I wanted to because  
6 I was trying to get down there. I was trying to tell the  
7 people here if they could get me more closer to see him that  
8 way he wouldn't have to travel so far.

9 MR. TULLY: Yeah.

10 MR. EVANS: Because he was on a oxygen tank --

11 MR. TULLY: Yeah.

12 MR. EVANS: -- and the tank that he had would not be  
13 as -- where he can come farther to see me because it was one  
14 of the ones that's -- it's a local. Now, if I could've went  
15 to another camp I might have could've seen him closer 'cause -  
16 -

17 MR. TULLY Yeah.

18 MR. EVANS: -- that way it could've been a place  
19 that he could get some more oxygen or whatever. He had to use  
20 it keep his [indecipherable].

21 MR. TULLY He --

22 MR. EVANS: But I'm alright though.

23 MR. TULLY Yeah; and, he knew that you wanted to see  
24 him, too.

25 MR. EVANS: Yeah, and, when I went down there it's

1 just like -- daddy had lost -- my daddy had lost a lot of  
2 weight.

3 MR. TULLY Uh-huh (yes).

4 MR. EVANS: And he -- like weighed about like 200  
5 and some pounds, but when I got down there he weighed like 90  
6 --

7 MR. TULLY Uh-huh (yes).

8 MR. EVANS: -- to 100 pounds. So, that's how much  
9 weight he had lost.

10 MS. MATOIAN: I'm so sorry, Mr. Evans. I'm really  
11 sorry to hear that.

12 MR. TULLY I lost my dad last May --

13 MR. EVANS: And --

14 MR. TULLY -- and it -- it stinks. It really  
15 stinks. If I could tell you anything, I'd tell you more and  
16 more though every day I know he ain't gone.

17 MR. EVANS: True.

18 MR. TULLY I hear from him, I talk to him. He's --  
19 he's -- he ain't gone.

20 MR. EVANS: Yeah, but I just didn't have to have the  
21 time with my --

22 MR. TULLY Yeah.

23 MR. EVANS: -- mother.

24 MR. TULLY Yeah.

25 MR. EVANS: Well, I had had the time with my mom,

1 but my father, I never had had the time with him when I --

2 MR. TULLY Uh-huh (yes).

3 MR. EVANS: -- coming along, but we got along -- as  
4 day went by, we got along to get to know that, you know, my  
5 daddy was there for me when I didn't know he was there for me,  
6 but he'd been there for me.

7 MR. TULLY Yeah.

8 MR. EVANS: Yeah.

9 MR. TULLY And he will be. He'll continue to be  
10 there for you, so.

11 MR. EVANS: Yeah, it just that I'm not gonna be --  
12 and when I -- like I say, if I do -- when I do get out of this  
13 place or whatever happen, it ain't gonna be the same --

14 MR. TULLY Uh-huh (yes).

15 MR. EVANS: -- as it used to be, and it's gonna be  
16 more different for me to adjust myself when I do get back out  
17 into society.

18 MR. TULLY Yeah, yeah.

19 MS. MATOIAN: Uh-huh (yes).

20 MR. EVANS: You know, I'm just gonna have to work on  
21 that; kind of like.

22 MR. TULLY Well, and like you said, dealing with  
23 this is -- is stressful enough.

24 MR. EVANS: It's a stress.

25 MR. TULLY Allow -- allow your dad and God to help

1 you through it.

2 MR. EVANS: It's a stress.

3 MR. TULLY Yeah.

4 MR. EVANS: But, you know, I know how to try to cope  
5 with it to try to cope with it and try to deal with it to try  
6 to -- not to let myself, you know, go overboard to do anything  
7 stupid or crazy or whatnot. Just to, you know, try to, you  
8 know, maintain what - whatever I got to -- whatever I got to  
9 go on with. You know, that's how I [indecipherable].

10 MR. TULLY Well, I'm gonna invite you to have some -  
11 - some trust -- the system has -- has so far let you down --

12 MR. EVANS: True.

13 MR. TULLY -- but I'm gonna invite you to --

14 MR. EVANS: Yeah.

15 MR. TULLY -- to summon up some trust that -- that  
16 there are people out there, and two of them are sitting in  
17 front of you who are interested in --

18 MR. EVANS: And I thank y'all so much.

19 MR. TULLY -- in getting things right. And --

20 MR. EVANS: Yeah.

21 MR. TULLY -- and -- and seeing that -- that justice  
22 is done.

23 MR. EVANS: Right.

24 MR. TULLY So, I -- is it alright if I just recap my  
25 role with him?

1 MS. MATOIAN: Yeah, sure.

2 MR. TULLY So, you know -- as your - as your lawyer,  
3 this is a little different than usual situations where --

4 MR. EVANS: Okay.

5 MR. TULLY -- are coming to talk with client about  
6 things.

7 MR. EVANS: True.

8 MR. TULLY Normally, I'm -- I'm jumping in, I'm  
9 telling them, "Hold on, he's not gonna answer that" or "Hey,  
10 we need to talk" but -- all of that stuff.

11 MR. EVANS: Okay.

12 MR. TULLY This is not that kind of a situation.  
13 Remember, when we -- when we first go started, we went over  
14 those rights --

15 MR. EVANS: That's right.

16 MR. TULLY -- and you waived certain rights --

17 MR. EVANS: True.

18 MR. TULLY -- in terms of cooperating with them,  
19 being fully truthful and -- and disclosing answers to whatever  
20 questions they have.

21 MR. EVANS: Uh-huh (yes).

22 MR. TULLY You still have rights. You know, you can  
23 still refuse to answer things, but the consequence of that is,  
24 their inquiry then stops.

25 MR. EVANS: True.

1           MR. TULLY   Okay?   So, you know, if you ever hit a  
2 point where you want to talk about that --

3           MR. EVANS:   Right.

4           MR. TULLY   -- then -- then just a call timeout and  
5 we can talk about it.

6           MR. EVANS:   No, I'm here to tell, and just tell the  
7 whole truth and --

8           MR. TULLY   Uh-huh (yes).

9           MR. EVANS:   -- and whatever got going on or whatnot  
10 and whatever -- just whatever the consequences come out to be  
11 and it's like everything is -- well, I'm gonna say, in this  
12 case, that I'm -- that I'm -- that I'm going through right  
13 now. I've been innocent for this long time and I'm gonna  
14 fight to -- to the end of this mess.

15           MR. TULLY   All right; and, I don't want it to be  
16 mistaken, I'm not -- I'm not trying to imply that there's some  
17 real risk here --

18           MR. EVANS:   True.

19           MR. TULLY   -- because, from, you know, from what I  
20 can tell, you -- you've -- run through all through all your  
21 appeals and all of that.

22           MR. EVANS:   Right.

23           MR. TULLY   So, there's -- there's not any -- any  
24 great risk. I just want to you know that if at some point you  
25 do get that kind of level of discomfort in answering questions



1     --

2                 MR. EVANS:   Okay.

3                 MR. TULLY   -- you can call a time out and we can  
4 talk about it.

5                 MR. EVANS:   Okay.

6                 MR. TULLY   All right.

7                 MS. MATOIAN:  Thank you.   Okay, Mr. Evans, and I --  
8 I do want to say I know you're dealing with a very recent  
9 loss.  If you need a break, if you need a minute to gather  
10 yourself while we're going --

11                MR. EVANS:   Okay.

12                MS. MATOIAN:  -- 'cause we've got a lot of things to  
13 go through.  So, if you need a break, if you need a moment,  
14 you just let me know.

15                MR. EVANS:   Okay.

16                MS. MATOIAN:  Like, he said, we -- all we expect  
17 from you in just the most truthful --

18                MR. EVANS:   Okay.

19                MS. MATOIAN:  -- answers that you can give.  And, if  
20 the truth is that you don't know --

21                MR. EVANS:   Right.

22                MS. MATOIAN:  -- then you don't know, and that's the  
23 only answer that we need from you.  I don't want you to  
24 stretch your memory, I don't want you to make things up to fit  
25 facts.  We just want the truth.

1 MR. EVANS: Okay.

2 MS. MATOIAN: And, obviously -- I know we've gone  
3 over this before, your attorney's here. He represents you.  
4 We don't represent you. We're a neutral Agency.

5 MR. EVANS: Okay.

6 MS. MATOIAN: So, we've got -- and I know it has  
7 been a long time. We have these notebooks here. I just want  
8 to make sure I give you the right one. I think this one's  
9 gonna be his.

10 If we have anything that we think would refresh your  
11 memory about anything, we've got some in the binders and some  
12 that we may be adding to the binders after today. So, we're  
13 gonna mark them with a number so we all know what we're  
14 talking about, and we'll point you to them so that you can  
15 review those to help yourself answer those questions.

16 MR. EVANS: Okay.

17 MS. MATOIAN: Okay?

18 MR. EVANS: Oh, yes, ma'am.

19 MS. MATOIAN: Okay; and, I know we went through this  
20 a little bit the last time I came to visit you a few years ago  
21 but I do want to just start with you telling me what you  
22 remember about March 5<sup>th</sup>, 1990.

23 MR. EVANS: Okay. March 5<sup>th</sup>, 1990. I was at Tommy  
24 Perry store, and at that store they asked -- I'll never forget  
25 this, they ask the -- a - a deputy who worked at that store,

1 which he was not no more a deputy but he had ran the store.

2 His name Tommy Perry.

3 MS. MATOIAN: Okay.

4 MR. EVANS: And he asked him, the -- I think it was  
5 one of the police detective -- not detective -- might have  
6 been a detective, and they asked him when I arrived at that  
7 store at, I'll say about 8:30 or it might have been quarter to  
8 nine. And they asked him, when I arrived to his store they  
9 said did I have any type of weapon on me, and he said that  
10 when I arrived to his store, I did not have no weapon, and if  
11 I did have a weapon I was not allowed to come into his store;  
12 you see what I'm saying?

13 So, after that, me and him stayed out there until about  
14 nine -- I'm gonna say 'til he close -- say he closed at nine  
15 o'clock. And that -- his name Tommy Perry. And when Tommy  
16 Perry closed his store, that when he heard something on his  
17 radio. You see, he keep a - a scanner into his store. And he  
18 said that he heard this something come across his radio or  
19 scanner or whatever it -- it was in his store and when he did  
20 that, he heard that somebody got abducted, or --

21 MS. MATOIAN: He heard that or you heard that?

22 MR. EVANS: He said he heard -- Tommy Perry -- but  
23 Tommy Perry, he's no more - no longer living right now. He's  
24 deceased.

25 And he took and told me he go and close his door. So, I

1 went on and walked home. I walked from my house -- to my  
2 house to the store it's about, like good, like 15, 20, 30 --  
3 might be 30 -- about 30 minutes. And after a while, they  
4 saying Ms. Rhea Manning had got kidnapped.

5 Now, I don't know how it come across that she got  
6 kidnapped or whatnot, but I was told that she had got  
7 kidnapped. And I told my grandmother and my grandmother done  
8 told me, said, "Kenneth, you need to be right here." So, I  
9 was at my grandmother and my aunt's house at the time that she  
10 was abducted.

11 And how she got kidnapped -- they said that she was taken  
12 from her home. And I didn't know nothing about it until the  
13 police come and talked to me in the jail. When they came and  
14 talked to me in the jail about her kidnapping, Pat Green and  
15 Rick Simm -- he was the SBI or the FBI person. And they asked  
16 me would I mind taking a polygraph test. It was like on  
17 Thursday or Friday, I remember that. They said -- and I said,  
18 "Well, look -- I will -- yes, I'll go take the polygraph test"  
19 because I know I didn't do this to her.

20 So, next thing you know, Pat Green and -- and Rick Simm  
21 took me up to the polygraph test in Raleigh and polygraph test  
22 me and say, "Look, if you do this right here -- take this test  
23 and if you pass this test right here, we won't bother you no  
24 more."

25 So, next thing you know, I took the polygraph test, and

1    come on -- passed the test, and they come back -- they come  
2    back later about -- I'm gonna say '92 or '93 and they came  
3    back and say, "Someone came and notified saying that I come to  
4    them" -- that was Larry Davis and JoAnne Clemonts came and --  
5    and put a false statement on me and said that I came and tried  
6    to sell him a gun. I never even had to sell nobody no gun.  
7    And Joanne Clemonts, she came up telling the story saying that  
8    I had duct tape, and, you know, like, twine and all that to  
9    tie down a trunk and all that, but that -- I never did had --  
10   had none of this because I never, you know, I never had  
11   anything to do with this crime.

12           You know, only thing I know that I heard from, you know,  
13   how Ms. Rhea Manning got kidnapped. That's the only thing I  
14   know, but it wasn't me, though, 'cause I used to work on this  
15   woman's farm. Her and her husband farm. My grandfather, he  
16   used to work at the store and only thing we did was just farm  
17   and when we was coming along, when I was young, that's that  
18   only thing that we used to do and it was -- but I never did  
19   kidnap Ms. Rhea Manning

20           MS. MATOIAN: So, at the time -- so the night of  
21   that Ms. -- Ms. Manning was kidnapped, you were at Tommy  
22   Perry's store, and then, you went home?

23           MR. EVANS: Right.

24           MS. MATOIAN: And is that where you were living at  
25   the time or you --

1 MR. EVANS: I was staying --

2 MS. MATOIAN: -- were just staying there for a few  
3 nights?

4 MR. EVANS: See, me and my wife, we had got  
5 separated. So, I went down to my grandmother house to stay to  
6 stop fighting with my wife, you know what I'm saying, 'cause  
7 me and her having arguments. So, I said, "I'm gonna go to my  
8 grandmama, live with my grandmama and stayed up for a while."  
9 So, I stayed with my grandma for that time.

10 MS. MATOIAN: Okay. So, at the actual time that she  
11 was kidnapped, do you think that you were at Tommy Perry's  
12 store or you were already at home?

13 MR. EVANS: I was already at home.

14 MS. MATOIAN: You were already home when she got  
15 kidnapped, okay.

16 In your interviews with defense attorneys and law  
17 enforcement, I think you indicated that you had left Tommy  
18 Perry's store sometime around nine o'clock --

19 MR. EVANS: Right.

20 MS. MATOIAN: -- and Mrs. Manning is not reported  
21 missing until after 9:30.

22 MR. EVANS: After 9:30.

23 MS. MATOIAN: And at that time, you're already home?

24 MR. EVANS: I was at home.

25 MS. MATOIAN: Okay. I am -- let's see -- sorry I

1 have to figure out what number I'm at. I need a bigger table  
2 today. We're at 46.

3 I am going to show you what I'm marking as number 46.  
4 It's two pages, I think, and this comes from a PI that was  
5 hired by the Ballance's --

6 MR. EVANS: Okay.

7 MS. MATOIAN: -- that they mapped out the area where  
8 the crime happened and then, did some mileage and time and  
9 distances and things like that. I'm gonna ask you to look at  
10 that and look at those distances and see if that seems  
11 accurate to your recollection of that area.

12 MR. EVANS: Uh-huh (yes).

13 MS. MATOIAN: And I think I didn't bring my second  
14 copy of this. I need to look along with you.

15 MR. EVANS: This is where my grandma - this where my  
16 grandma home at, by Carrie - Carrie Williams.

17 MS. MATOIAN: Right there? Okay.

18 MR. EVANS: And this is where -- the -- this is the  
19 [indecipherable] room.

20 MS. MATOIAN: Uh-huh (yes).

21 MR. EVANS: Okay? From right here, this is where  
22 Tommy Perry store at.

23 MS. MATOIAN: Okay.

24 MR. EVANS: Okay? This is where I walked from,  
25 Tommy Perry store come on down like this, and then, we'd come

1 on down. That's an intersection right here and it -- it goes  
2 to here. See this road right here?

3 MS. MATOIAN: Uh-huh (yes).

4 MR. EVANS: It'll take you all the way to Slosh  
5 Road.

6 MS. MATOIAN: And you walked the roads? You did --  
7 is there a way to cut through --

8 MR. EVANS: No, ma'am, you can't --

9 MS. MATOIAN: -- from the store

10 MR. EVANS: -- no, ma'am.

11 MS. MATOIAN: -- to there?

12 MR. EVANS: No, ma'am, you can't cut through. It's  
13 a -- the store sits here and when you walk down this way right  
14 here you're gonna make a -- you're gonna make that right,  
15 right there.

16 MS. MATOIAN: And that's -- the -- I just, for the  
17 recording, you're talking about Slosh Road?

18 MR. EVANS: Right, that's Slosh Road.

19 MS. MATOIAN: You walk down that and then you take a  
20 right onto Vaiden Road?

21 MR. EVANS: Right, to the Vaiden Road.

22 MS. MATOIAN: Okay.

23 MR. EVANS: And then, you walk right down this road  
24 right here, and my grandma stays right here.

25 MS. MATOIAN: Okay.



1 MR. EVANS: Okay. Now, over here -- now, I can -- I  
2 can tell you but over here's like Laura Mill.

3 MS. MATOIAN: Okay.

4 MR. EVANS: Okay? This right here is going the  
5 opposite way to my grandma's -- right here is like going from  
6 Tommy Perry's store to Laura Mill. Over here is Inez's.  
7 That's like going to Warrenton. This - this is like --

8 MS. MATOIAN: Going to Inez?

9 MR. EVANS: Right, that's going --

10 MS. MATOIAN: Okay

11 MR. EVANS: -- towards Warrenton, North Carolina.

12 MS. MATOIAN: Okay.

13 MR. EVANS: Okay? This is where they saying - on  
14 the Vaiden Road, okay, this is where they said that she had  
15 got kidnapped at.

16 MS. MATOIAN: Okay.

17 MR. EVANS: But I don't know. But, see, I - my  
18 grandma lived on the Vaiden Road --

19 MS. MATOIAN: Uh-huh (yes).

20 MR. EVANS: -- and they saying that she was - she  
21 was kidnapped and put on Vaiden Road. I'm not sure, though.

22 MS. MATOIAN: Okay; and, where - so they marked her  
23 residence as number 1. I think that's right there.

24 MR. EVANS: There.

25 MS. MATOIAN: Okay. So, this is - number one is

1 where she lives and she's eventually left - they say number 3  
2 at this area, right there.

3 MR. EVANS: Right.

4 MS. MATOIAN: So, they have number 4 marked as  
5 residence of Evan's in 1990, and that's right there. But you  
6 think it's right there?

7 MR. EVANS: Right, but they're saying I was supposed  
8 to have ran 5 miles within 30 minutes to commit the crime.  
9 That what they're trying to say.

10 MS. MATOIAN: So, they're saying if you went to -  
11 from Tommy Perry's store - if you had left there and gone to  
12 the victim's house --

13 MR. EVANS: It's five miles.

14 MS. MATOIAN: Five miles, okay.

15 MR. EVANS: On - I mean, not no short cut. This is  
16 straight on foot - on foot. Five miles from Tommy Perry's  
17 store five miles on foot - they say I supposed to ran within  
18 30 minutes. Ain't no way.

19 MS. MATOIAN: Okay; and, this - so, this rendering  
20 looks accurate to your recollection of that area?

21 MR. EVANS: True, yes.

22 MS. MATOIAN: Okay. All right.

23 And so, to get to your grandmother's house from Tommy  
24 Perry's store, you would not have had to walk past the  
25 victim's house to get there?

1 MR. EVANS: No, ma'am.

2 MS. MATOIAN: The shorter way would have been to go  
3 up Slosh Road and a right on the Vaiden Road?

4 MR. EVANS: No, that - the long - both ways gonna be  
5 the same distance.

6 MS. MATOIAN: Okay.

7 MR. EVANS: Okay? Like, if you go to Slosh - on  
8 Slosh Road and make that right, it's gonna be five miles. If  
9 you go from - okay - that's another road that got  
10 [indecipherable] they didn't put in.

11 MS. MATOIAN: Well, I'm saying, if you are leaving  
12 Tommy Perry's store, would you have ever walked past the  
13 victim's house to get around to go to your grandmother's?

14 MR. EVANS: Oh, no, ma'am.

15 MS. MATOIAN: You would have gone up Slosh and right  
16 on the Vaiden Road?

17 MR. EVANS: Exactly, that's right.

18 MS. MATOIAN: Okay.

19 MR. EVANS: That's right. You're correct.

20 MS. MATOIAN: And did you, at that time, did you  
21 know where the Manning's lived?

22 MR. EVANS: Right, yes, ma'am.

23 MS. MATOIAN: And, I don't know if it's on here, do  
24 you know where their store was in relation on this map?

25 MR. EVANS: It should have been a store somewhere

1 right along up in here; that's coming - no, it's a not a store  
2 on the Vaiden Road, [indecipherable] this right here. But a  
3 store that they ran Manning Groceries --

4 MS. MATOIAN: Uh-huh (yes).

5 MR. EVANS: -- that would be on this road, right  
6 here, but --

7 MS. MATOIAN: On 58?

8 MR. EVANS: Yeah, it's - it's a - it's an  
9 intersection right there; it -- cross over 258.

10 MS. MATOIAN: Okay.

11 MR. EVANS: It's going to like - like  
12 [Indecipherable] and Warrenton. So, their store sits right  
13 there at the intersection. So, it should have been somewhere  
14 right along up in here.

15 MS. MATOIAN: Okay.

16 MR. EVANS: That's where they should have put it.

17 MS. MATOIAN: And to your recollection of when you  
18 lived in this area, this area, all in here, are there roads  
19 that crisscross in there, or --

20 MR. EVANS: No, ma'am. That's just - they're just  
21 like - you know, you got, like, houses - all houses down in  
22 there, and there's no - no road in there.

23 MS. MATOIAN: Like, no - there's no through road  
24 from the Vaiden Road --

25 MR. EVANS: No, ma'am.

1 MS. MATOIAN: -- down here?

2 MR. EVANS: No, ma'am. No, ma'am.

3 MS. MATOIAN: And you may not know this, but this  
4 area where they're saying the victim was left - I know from  
5 some crime scene pictures there's a dirt road. I can not tell  
6 if that road goes through to anywhere.

7 MR. EVANS: So, that might be that dirt road that  
8 leaves out from - I'm gonna say, it's a path, not a dirt road.  
9 It might be a path.

10 MS. MATOIAN: Okay.

11 MR. EVANS: And it goes down in the back way somehow  
12 or another --

13 MS. MATOIAN: Okay.

14 MR. EVANS: -- and it go - that still not on the  
15 way, too.

16 MS. MATOIAN: Okay.

17 MR. EVANS: It's still about two or three - about -  
18 maybe more than two or three miles --

19 MS. MATOIAN: Okay.

20 MR. EVANS: -- through that way. You still got a  
21 good jump.

22 MS. MATOIAN: So, when you got home that night --

23 MR. EVANS: Uh-huh (yes).

24 MS. MATOIAN: -- who all was there?

25 MR. EVANS: My aunt and my grandmother.

1 MS. MATOIAN: And what - your grandmother and your  
2 aunt, what are their names?

3 MR. EVANS: Ms. Carrie Williams and Ms. Mary Alice  
4 Moore.

5 MS. MATOIAN: Are they both deceased now?

6 MR. EVANS: Yes, ma'am.

7 MS. MATOIAN: Okay. What about Jerry Moore?

8 MR. EVANS: Jerry, he's my cousin.

9 MS. MATOIAN: Was he there?

10 MR. EVANS: No, he was - I think he was living with  
11 his wife.

12 MS. MATOIAN: Okay. It may take me a second to find  
13 it. My apologies. It's just gonna take me a second to find  
14 what I'm looking for. Now, I'm just looking for - what about  
15 - who is Greg Evans?

16 MR. EVANS: That's my nephew.

17 MS. MATOIAN: Your nephew. Was he there?

18 MR. EVANS: No, ma'am. He was in Virginia.

19 MS. MATOIAN: He lived in Virginia at the time?

20 MR. EVANS: Uh-huh (yes).

21 MS. MATOIAN: Okay. I'm trying to find the exact  
22 page. I'll say that there were a few interviews with defense  
23 attorney's where you indicated that Jerry Moore had been  
24 there, and that he - you guys had maybe watched something on  
25 TV together and he'd recorded something for you; does that

1 sound accurate?

2 MR. EVANS: No, ma'am.

3 MS. MATOIAN: No? You do not remember --

4 MR. EVANS: No.

5 MS. MATOIAN: -- him being there?

6 MR. EVANS: No, ma'am.

7 MS. MATOIAN: Okay. I can't find that

8 [indecipherable]. Okay, if you can turn to number 28 in this  
9 notebook, and we're gonna go to the page marked 191. They're  
10 a bit out of order, I had - page number wise, but it's gonna  
11 be the fourth page in that

12 So, this is a - a draft of the closing argument that  
13 Larry Norman gave at your trial. We don't know if this was  
14 actually how he gave it but --

15 MR. EVANS: Okay.

16 MS. MATOIAN: -- if you get to - it's the fourth  
17 page and it's marked 191 at the bottom. This paragraph, under  
18 two, towards the middle it says - so, it's talking about where  
19 you said you were that night.

20 MR. EVANS: Uh-huh (yes).

21 MS. MATOIAN: "The State's evidence indicates that  
22 the defendant was at Tommy Perry's store until 8:45 and Tommy  
23 Perry's store is at lease a mile from the Manning residence.  
24 And then, you add to that the fact that another of the State's  
25 witnesses, Jerry Moore, said that the defendant arrived home

1 down the Vaiden Road at between 9:00 and 9:30. That came from  
2 the State's witness, Jerry Moore, not called by the defense  
3 but by the State.

4 Now, to be fair, the State put him on to talk about the  
5 change that Jerry Moore said he saw the defendant with at some  
6 point, but on cross-examination it turns out that the change  
7 episode had occurred long before the kidnapping, not the same  
8 night. That's what the State's evidence indicated and Jerry  
9 Moore's testimony was corroborated by Mary Alice Moore, who  
10 lives in the same house who also says that Kenneth Leon Evans  
11 came home that night around 9:00 pm. That matches the  
12 testimony of another of the State's witnesses - State's  
13 witness, Tommy Perry, who said the defendant left his store at  
14 about 8:45."

15 Does that refresh your recollection as to whether or not  
16 --

17 MR. EVANS: Uh-huh (yes).

18 MS. MATOIAN: -- Jerry Moore was there?

19 MR. EVANS: No, ma'am, he wasn't there.

20 MS. MATOIAN: He wasn't there?

21 MR. EVANS: No, ma'am.

22 MS. MATOIAN: 'Cause --

23 MR. EVANS: 'Cause me and my aunt - when we got -  
24 when I got there, me and my aunt met up and she told me how  
25 I'm doing and - that's my aunt, Mary Alice, and after that, I



1 went into my room and I went to bed and when I went to bed  
2 wasn't nobody there but me, my aunt and my grandma.

3 MS. MATOIAN: Okay.

4 MR. EVANS: And my aunt - I'm gonna tell you what  
5 the police said, Detective - when they cross and talked to her  
6 in court, they asked her in court, Mary Alice - they said,  
7 "Ms. Mary Alice, where were you at and when you -  
8 [indecipherable], when your nephew came home at that time, did  
9 you see your nephew leave and go to his room?" And she said,  
10 "Yes." Then, after that they tried to get her to say okay,  
11 like, did you notice Mr. Evans leaving out the window or  
12 whatever out that - I went in to lay down and go to sleep.  
13 And my aunt told them in court, "No" --

14 MS. MATOIAN: Okay.

15 MR. EVANS: -- because once I went to bed, she  
16 didn't notice me being - I mean, she notice I'm in the room  
17 but she don't notice that I went out the window because I  
18 never did go out the window.

19 MS. MATOIAN: Okay.

20 MR. EVANS: So, that's why they tried to did [sic].  
21 They tried to cross - jam her --

22 MS. MATOIAN: Okay.

23 MR. EVANS: -- to get her to say that I left out the  
24 window, but I never did. I stayed at home that morning - that  
25 whole night.

1 MS. MATOIAN: And that's what you remember about  
2 your aunt's testimony at trial?

3 MR. EVANS: Right, I remember she told them --

4 MS. MATOIAN: Do you remember Jerry Moore  
5 testifying?

6 MR. EVANS: No, he did not come to court. He did  
7 not never come.

8 MS. MATOIAN: So, why do you think that's in your  
9 defense attorney's closing argument?

10 MR. EVANS: I don't know because he did not come to  
11 court because they did not let my grandmother come because  
12 they said that her age limit was - but she wanted to come, but  
13 they wouldn't let her come.

14 MS. MATOIAN: Do you know when your grandmother  
15 passed away?

16 MR. EVANS: She passed - I'm gonna say - in the  
17 90's, I know that.

18 MS. MATOIAN: Okay.

19 MR. EVANS: But I can't remember that long. I know  
20 I was in Caldedonia when she passed, but they wouldn't let her  
21 come and testify.

22 MS. MATOIAN: Okay; and, since you just brought up  
23 the trial, I'll say this, I know we've written to you about it  
24 before --

25 MR. EVANS: Right.

1 MS. MATOIAN: -- we have, despite numerous efforts,  
2 not been able to locate a trial transcript in your case --

3 MR. EVANS: Yeah.

4 MS. MATOIAN: -- which is - the Commission - if your  
5 case would - were to go forward to a hearing, we would have to  
6 present new, credible evidence of evidence that hadn't been  
7 heard before.

8 MR. EVANS: Right.

9 MS. MATOIAN: So, knowing what happened at trial is  
10 helpful for us to know what things have been heard before.

11 MR. EVANS: True, yeah.

12 MS. MATOIAN: So, as we're going through things  
13 today, I'm going to be asking you a lot about what you  
14 remember about your trial.

15 MR. EVANS: Okay.

16 MS. MATOIAN: I'll say, the things we have right now  
17 are this draft closing argument --

18 MR. EVANS: Uh-huh (yes).

19 MS. MATOIAN: -- from Larry Norman. The caveat to  
20 that is, we don't know what, if any, of that was actually read  
21 in court and it is from your defense attorney so obviously the  
22 information is filtered through that lens.

23 MR. EVANS: True.

24 MS. MATOIAN: So, I'll be asking you a lot about  
25 what you remember about the trial as we go through different

1 subjects today.

2 MR. EVANS: Okay.

3 MS. MATOIAN: So, just to the best of your  
4 recollection what you remember about the trial.

5 MR. EVANS: Okay.

6 MS. MATOIAN: Okay?

7 MR. EVANS: Okay. There's a lawyer that's - else  
8 that was - that I've been trying to get in contact with to get  
9 the transcript.

10 MS. MATOIAN: Which lawyer --

11 MR. EVANS: And his name is --

12 MS. MATOIAN: -- is that?

13 MR. EVANS: -- James T. Duckworth.

14 MS. MATOIAN: Trey Duckworth.

15 MR. EVANS: And I've been trying to get - that's  
16 where they said the transcript should be at.

17 MS. MATOIAN: I'll - I'll say that Mr. Duckworth has  
18 indicated that that was destroyed in, I believe --

19 MR. EVANS: Oh.

20 MS. MATOIAN: -- it was a flood or a fire or  
21 something like that.

22 MR. EVANS: See, what I done --

23 MS. MATOIAN: So, it does not exist.

24 MR. EVANS: Yeah, 'cause when I had fired him  
25 because he told me when he went to court, when - when he was

1 my lawyer at that time, that he was gonna bring out a map just  
2 like this.

3 MS. MATOIAN: Okay.

4 MR. EVANS: And to show them in the court where I  
5 was located from this woman house.

6 MS. MATOIAN: Uh-huh (yes).

7 MR. EVANS: But he never did do what he said - what  
8 he said he was gonna do. So, I asked him, I said, "Mr.  
9 Duckworth, are you gonna do what you said you were gonna do;  
10 when you came to court you were gonna bring out the map and  
11 everything that showed them that where I was at and where the  
12 victim house was and all?" He said, "Well, we don't need that  
13 right now." I said, "Well, Mr. Duckworth, this right here is  
14 - is - is - it's helping me because like this right here, they  
15 know where I was at when this crime happened. They know it."

16 MS. MATOIAN: Okay.

17 MR. EVANS: So, he said he wasn't gonna do it so I  
18 just told him I didn't need his service no more. So, I just  
19 fired him.

20 MS. MATOIAN: If there is a note in the defense file  
21 that one of your defense attorney's talked to Mary Alice Moore  
22 and Greg Evans --

23 MR. EVANS: Right.

24 MS. MATOIAN: -- and they - that note says that  
25 they're both satisfied that you were home around the time of

1 the kidnapping on the night of the crime --

2 MR. EVANS: Yes.

3 MS. MATOIAN: -- would that be accurate as to Greg  
4 Evans?

5 MR. EVANS: Yes, ma'am. I mean [indecipherable] --

6 MS. MATOIAN: So, Greg Evans was there?

7 MR. EVANS: So, he wasn't there, no.

8 MS. MATOIAN: Okay.

9 MR. EVANS: No [indecipherable].

10 MS. MATOIAN: So, he wouldn't know?

11 MR. EVANS: No, wasn't nobody there but me and my  
12 aunt and my grandmother; that the only people that was there  
13 [indecipherable].

14 MS. MATOIAN: Do you know where Greg Evans lives  
15 now?

16 MR. EVANS: He live in Virginia up in Manassas.

17 MS. MATOIAN: Okay.

18 MR. EVANS: And that's Virginia.

19 MS. MATOIAN: And do you know about how old he is?

20 MR. EVANS: Gregory, he's about - he - he's about 30  
21 - let's see, I'm gonna give him about 37.

22 MS. MATOIAN: 37? Okay.

23 MR. EVANS: Uh-huh (yes).

24 MS. MATOIAN: So, the only - because you were at  
25 Tommy Perry's store before the victim got kidnapped --

1 MR. EVANS: Right.

2 MS. MATOIAN: -- the only two alibi witnesses you  
3 have are Mary Alice Moore and your grandmother, Carrie  
4 Williams?

5 MR. EVANS: Right; and, I had Tommy Perry. He was  
6 my other witness, because he knew that I was at his store.

7 MS. MATOIAN: How did you get to Tommy Perry's store  
8 that day?

9 MR. EVANS: I walked it from Miss Linda Collin's  
10 house --

11 MS. MATOIAN: Okay.

12 MR. EVANS: -- and I left her house around about  
13 like 8 - 7:00, 7:30; something like that.

14 MS. MATOIAN: And, if you can --

15 MR. EVANS: And she's --

16 MS. MATOIAN: -- tell, on this map, where - what  
17 direction is Linda Collins' house?

18 MR. EVANS: Her house should be setting right along  
19 up in here. Like, right here.

20 MS. MATOIAN: So, in that area --

21 MR. EVANS: Right.

22 MS. MATOIAN: -- and then, you walked up to Tommy  
23 Perry's store?

24 MR. EVANS: Right. Her - her - her - the name of  
25 the road that she was living on is - I think it's

1 [indecipherable]. Wasn't that the road, like [indecipherable]  
2 Cotter Road or something like that.

3 MS. MATOIAN: And who was Linda Collins to you;  
4 how'd you know.

5 MR. EVANS: I been - I've been - you know, I'd go to  
6 her house and, you know - she gets [sic] like, three childrens  
7 [sic]. We'd go down there. We probably played basketball, we  
8 probably played cards or something like that, and we just -  
9 just like friend to the - you know, like, to her - I was a  
10 friend to her childrens [sic] and we'd just go out and just  
11 play ball.

12 And she got one son named Danny, got a daughter named  
13 Melinda and she got another son named Mark and - let's see.  
14 There's another one. But we all just sat down, and we just  
15 have fun and played cards and stuff.

16 MS. MATOIAN: Do you remember anything else that you  
17 did that day?

18 MR. EVANS: No, ma'am. Only thing I did was just  
19 left from their house, and from their house I walked down to  
20 Tommy Perry's store. We just played pool at the store and  
21 that's it, and after that I walked home.

22 MS. MATOIAN: And was that the first time you were  
23 at Tommy Perry's store that day; do you remember?

24 MR. EVANS: Yes, that's the only time, yes.

25 MS. MATOIAN: Was there ever a time where Larry



1 Davis - Davis gave you a ride to Tommy Perry's store from  
2 Louisburg?

3 MR. EVANS: No, he didn't. No, he didn't.

4 MS. MATOIAN: No?

5 MR. EVANS: No, he didn't.

6 MS. MATOIAN: Do you know somebody named Walt  
7 Christopher Best?

8 MR. EVANS: No, ma'am.

9 MS. MATOIAN: Do you know someone named Billy Glenn  
10 Solomon?

11 MR. EVANS: Yes, ma'am.

12 MS. MATOIAN: How do you know him?

13 MR. EVANS: He lived down below me.

14 MS. MATOIAN: Okay.

15 MR. EVANS: No, he lived down below my grandmother.

16 I want to correct that.

17 MS. MATOIAN: Okay.

18 MR. EVANS: And we all lived in the same - I mean,  
19 where we was --

20 MS. MATOIAN: Is that in this house?

21 MR. EVANS: Yes, ma'am.

22 MS. MATOIAN: Okay.

23 MR. EVANS: We all lived down in the same community.

24 MS. MATOIAN: Okay.

25 MR. EVANS: And Billy and James, all them - we all

1 just hung together.

2 MS. MATOIAN: Who's James?

3 MR. EVANS: That's is brother.

4 MS. MATOIAN: James Solomon?

5 MR. EVANS: Yes, ma'am. That's his --

6 MS. MATOIAN: Okay.

7 MR. EVANS: -- brother. That's a Solomon brother.

8 MS. MATOIAN: Do - did you and Billy Glenn Solomon  
9 ever get into any kind of trouble together?

10 MR. EVANS: No, ma'am. Jerry have, but not me.

11 MS. MATOIAN: Jerry and Billy, what trouble did they  
12 get into together?

13 MR. EVANS: Well, they got in trouble and I took a  
14 crime for them. I didn't want to take the crime, but I did.  
15 They went into the cemetery. [Indecipherable] his name is  
16 James Speed. I don't know if y'all ever [indecipherable] him,  
17 but he was a Commission or something down in Louisburg.

18 They broke into his place and they told me about it. And  
19 I told them, I said, "Jerry and Bill" - I said, "What y'all  
20 done done, y'all gonna make me get this crime."

21 So, Mr. James Speed came and talked to me and asked me  
22 about it 'cause I had told - and Mr. James Speed paid me to  
23 tell them who it was, and I told him who it was. He only paid  
24 me \$20.00. The one that owns the place 'cause at the time I  
25 was young. So, I told him, I said, "Billy Solomon and Jerry

1   went and broke into your place" but he put it like I did it  
2   and then gave me two years for breaking and entering.

3           MS. MATOIAN:   Who put it like you did it?

4           MR. EVANS:   Mr. James Speed.   So --

5           MS. MATOIAN:   So --

6           MR. EVANS:   -- they came and gave me a charge for  
7   breaking into his shed.

8           MS. MATOIAN:   So, he --

9           MR. EVANS:   So, I took the two years just to keep my  
10   cousin out of - out of trouble.

11          MS. MATOIAN:   So, Speed came to you --

12          MR. EVANS:   Right.   He paid --

13          MS. MATOIAN:   -- paid you \$20.00 to tell --

14          MR. EVANS:   Right.

15          MS. MATOIAN:   -- him what happened.

16          MR. EVANS:   Yes, ma'am, he came to the jail.

17          MS. MATOIAN:   And then, you ended up being charged  
18   with that crime --

19          MR. EVANS:   Exactly.

20          MS. MATOIAN:   -- and you - did you plead guilty?

21          MR. EVANS:   Yes, I did.

22          MS. MATOIAN:   What was their evidence against you?

23          MR. EVANS:   Well, the - the evidence was against me  
24   was, they knowed that I kept - I was in - you know what I'm  
25   saying - they - they knowed that I'd always been in trouble

1 with the law.

2 MS. MATOIAN: Okay.

3 MR. EVANS: And they always knowed that I always go  
4 and plead guilty to something. Sometimes they would just  
5 bring a crime up to me like somebody did this, and I might  
6 just say, "Yeah" I - I'd go on and take the - take the plea  
7 because that's what they do - they just want to add a plea to  
8 me, and I just - I stepped up there and go along with it.

9 But Jerry and Billy had broke in the place. And Jerry  
10 told me what they had done. I said, "Jerry" - I said, "Look,  
11 man, they gonna get me for doing whatever y'all done." But I  
12 just went on and took the plea and ran with it to keep him out  
13 of trouble 'cause he didn't want his momma to know that he was  
14 doing [indecipherable] and they was thinking that I was doing  
15 it, but I wasn't.

16 MS. MATOIAN: I mean, were you on speaking terms  
17 with Jerry Moore after you --

18 MR. EVANS: Well, me and him --

19 MS. MATOIAN: -- took a plea for a crime you say he  
20 committed?

21 MR. EVANS: -- me and him was too tight. He was  
22 just like - me and him was just like a bro, but I - he didn't  
23 want his - he didn't want his mother to know that he was doing  
24 what he was doing, and he thinking that - and the more that  
25 they were thinking that he wasn't doing it, they were thinking

1 I was doing it. So, I just went on and took the plea bargain  
2 and - the two years and went on.

3 MS. MATOIAN: Do you know somebody - and I'm gonna  
4 give you three different names.

5 MR. EVANS: Okay.

6 MS. MATOIAN: Do you know Reese, Gene or Tony  
7 Wardrick?

8 MR. EVANS: Yes, I do.

9 MS. MATOIAN: Which one?

10 MR. EVANS: I'm gonna say both. I know a lot of --

11 MS. MATOIAN: I gave you three names.

12 MR. EVANS: Okay.

13 MS. MATOIAN: Reese, Gene or Tony. Sorry.

14 MR. EVANS: I think I know all three of them.

15 MS. MATOIAN: You think you know all three? Okay.

16 MR. EVANS: Because I know all the Wardricks. I  
17 used to work with - it might have had been with their daddy.

18 MS. MATOIAN: Okay. What was the dad's name?

19 MR. EVANS: Let me think of his name. Let me see.  
20 I can't think of his name right now, but I know that he used  
21 to come and get us to work in tobacco.

22 MS. MATOIAN: Okay. So, I am gonna ask you to turn  
23 to, I believe it is, the tab marked number 17. And this -  
24 that first page is marked 10/5/92, and I'll say that - just  
25 being --

1 MR. EVANS: Okay.

2 MS. MATOIAN: -- clear, the way that this interview  
3 is written out, I'm not actually sure who this interview was  
4 conducted with.

5 MR. EVANS: Right.

6 MS. MATOIAN: And the person who wrote this has not  
7 been able to clarify that for me.

8 MR. EVANS: Okay.

9 MS. MATOIAN: But - so, up at the top, you can see  
10 where it says, "Mother, Gene Wardrick. Tony Wardrick, Reese  
11 Wardrick, 14 to 15 years old and then Billy Glenn Solomon"  
12 written out to the side.

13 MR. EVANS: Okay.

14 MS. MATOIAN: Okay? So, this says, "All boys at  
15 home playing basketball. Kenneth went there. He was counting  
16 out money. He was counting money on picnic table. He was by  
17 himself at my brother's house. Kenneth told my brother he had  
18 some" - I can't tell what that word is "he wanted to sell.  
19 What was Kenneth wearing? He said he had a watch and a gun.  
20 My brother told him to get quarters, get away from here."

21 And then, on the second page, it says, "Ken said he had a  
22 pistol he wanted to sale [sic]. He also said he had a watch  
23 he wanted to sell. The quarters were in a box, about \$60.00  
24 to \$20.00" I can't tell what that word is. "Worth - they were  
25 a lot. This was around seven o'clock pm the next day."

1 Do you recall anything like this happening?

2 MR. EVANS: No, ma'am.

3 MS. MATOIAN: You were never walking around with a  
4 bunch of quarters?

5 MR. EVANS: No, ma'am, I wasn't.

6 MS. MATOIAN: Did you ever try to sell anyone a  
7 watch at any time?

8 MR. EVANS: No, ma'am.

9 MS. MATOIAN: Have --

10 MR. EVANS: I have never - I don't even wear a  
11 watch. No, ma'am.

12 MS. MATOIAN: Do you recall ever having a gun you  
13 wanted to sell?

14 MR. EVANS: No, ma'am.

15 MS. MATOIAN: Are you aware that the victim and her  
16 husband said that a watch, and a pistol were stolen from their  
17 home --

18 MR. EVANS: Yes.

19 MS. MATOIAN: -- on the night of the crime?

20 MR. EVANS: Yes, I did.

21 MS. MATOIAN: Okay. Was anything like this  
22 information I just read to you, was anything like that  
23 presented during your trial?

24 MR. EVANS: No, ma'am.

25 MS. MATOIAN: Do you think any of these - did Billy

1 Glenn Solomon testify at your trial?

2 MR. EVANS: No, ma'am, Billy Solomon did not come.

3 MS. MATOIAN: Did anyone with the last name Wardrick  
4 testify at your trial?

5 MR. EVANS: No, ma'am. No, ma'am.

6 MS. MATOIAN: Okay.

7 MR. EVANS: None of them.

8 MS. MATOIAN: Do you know of any way that I could  
9 find Reese, Gene or Tony Wardrick?

10 MR. EVANS: No, ma'am. I don't [indecipherable]. I  
11 mean I don't know where they could be located.

12 MS. MATOIAN: Did they own a store or a business or  
13 anything like that you can think of?

14 MR. EVANS: Not as I know [indecipherable].

15 MS. MATOIAN: Okay; and, the three people you think  
16 you know, Reese, Gene and Tony; do you know about their ages?  
17 I know this says 14 to 15 years old by Reese's name but I  
18 don't - I can't.

19 MR. EVANS: No, ma'am. I don't know their ages  
20 right now.

21 MS. MATOIAN: And how old were you in 1992 - in  
22 1990?

23 MR. EVANS: Let's see, I was '64, so back in 1990 I  
24 was like 20.

25 MS. MATOIAN: I'm a lawyer. I'm not good at math.



1 MR. EVANS: Let's see, '64 - '64 and '92 that'd be.

2 MS. MATOIAN: What year were you born, that may

3 help?

4 MR. EVANS: '64.

5 MS. MATOIAN: You were born in '64. 92. So, you'd

6 be 28?

7 MR. EVANS: 20-something. That's right.

8 MS. MATOIAN: Maybe?

9 MR. EVANS: [Indecipherable].

10 MS. MATOIAN: At 28 years old, were you playing

11 basketball with 14 and 15-year olds?

12 MR. EVANS: Well, Danny and - let's see - with -

13 like I say, when Miss Linda Collins son --

14 MS. MATOIAN: Uh-huh (yes).

15 MR. EVANS: -- they was like 19 and 15. Yeah, they

16 was - yes.

17 MS. MATOIAN: Okay. Do -- in that - that part of

18 the closing argument where they talked about - where Jerry

19 Moore was talking about you having some change and then, this

20 - this interview with whoever where they're talking about you

21 having some change --

22 MR. EVANS: Right.

23 MS. MATOIAN: -- were you just walking around with

24 change all the time?

25 MR. EVANS: No, ma'am.

1 MS. MATOIAN: You can't ever think of a time you  
2 were walking around with a bag of change, a box of change?

3 MR. EVANS: No, ma'am. I don't [indecipherable] no  
4 box of change.

5 MS. MATOIAN: Are you aware that a plastic container  
6 filled with change was also stolen from the victim's home on  
7 the night of the crime?

8 MR. EVANS: I heard. I heard.

9 MS. MATOIAN: Okay. Why do you think multiple  
10 people are talking about you being found - you walking around  
11 with change?

12 MR. EVANS: Well, it's a lot of rumors that want to  
13 bring me down for something I did not do, and I knew I didn't  
14 do it.

15 MS. MATOIAN: And then, still, on number 17 - I'm  
16 sorry, I keep forgetting to mark these with page numbers.  
17 It's gonna be the one, two, three, four, five - the fifth from  
18 last page.

19 MR. TULLY Fifth from last?

20 MS. MATOIAN: Uh-huh (yes); and, it says, "Walt  
21 Christopher Best" at the top. It's before those typed pages.  
22 Right there.

23 So, this says - and I - and again, I'll say I'm not sure  
24 if this is the continuation - like, a second page of an  
25 interview with somebody else.

1 MR. EVANS: Okay.

2 MS. MATOIAN: But, it says, "Walt Christopher Best"  
3 at the top.

4 MR. EVANS: Right.

5 MS. MATOIAN: And then, it says, "Billy Glenn  
6 Solomon stated that Kenneth Evans came" maybe "to Billy  
7 Glenn's house the next day with a whole bunch of quarters."  
8 Then it says, "Kenneth told Billy Glenn Solomon that he took a  
9 lady in the wood - in woods, taped her up, bag off her." And  
10 then, I can't read this Richardson person's name. It says,  
11 "Shot in head twice. Found."

12 Have you ever said anything like that to Billy Glenn  
13 Solomon?

14 MR. EVANS: No, ma'am. I ain't never said nothing.  
15 He - I ain't even never go to his house.

16 MS. MATOIAN: Well, you say he lived right down  
17 stairs from you grandmother, right?

18 MR. EVANS: Yes, I lived - he lived right down by -  
19 about - I'm gonna say not even a quarter of a mile. About,  
20 I'm gonna say 100 yards.

21 MS. MATOIAN: Oh, okay. I'm sorry. I thought you  
22 said he lived down stairs from your grandmother like --

23 MR. EVANS: No, no, no, no --

24 MS. MATOIAN: -- you lived in a duplex.

25 MR. EVANS: No, [indecipherable] live in the same

1 area but he live like a 100 yards from me.

2 MS. MATOIAN: So, you never said anything like that

3 --

4 MR. EVANS: I never --

5 MS. MATOIAN: -- to Billy Glenn Solomon.

6 MR. EVANS: -- I never been to his house.

7 MS. MATOIAN: Did you have an issue with him?

8 MR. EVANS: No, ma'am. No, ma'am. Only thing -  
9 issue that I got with him is when him and Jerry had broke into  
10 Mr. James Speed place and I had to take a crime for him and  
11 Jerry. That's the only issue that I had.

12 MS. MATOIAN: Did you ever talk to Billy Glenn about  
13 that?

14 MR. EVANS: No, ma'am, I never talked to him.

15 MS. MATOIAN: Okay. Did you talk - I mean --

16 MR. EVANS: I had talked --

17 MS. MATOIAN: -- after you served that time --

18 MR. EVANS: I went to --

19 MS. MATOIAN: -- and you got out, if you saw him,  
20 would you say hi to him?

21 MR. EVANS: I mean, no, because he ain't - he's  
22 deceased now.

23 MS. MATOIAN: When did he pass away?

24 MR. EVANS: He pass - I think about two years ago.  
25 Or it might have been about a year ago.

1 MS. MATOIAN: Right; but, so you - you took a plea  
2 to a crime --

3 MR. EVANS: Right.

4 MS. MATOIAN: -- that you say that Billy Glenn  
5 Solomon and Jerry Moore committed --

6 MR. EVANS: Jerry Moore committed, yeah.

7 MS. MATOIAN: -- and you did some time?

8 MR. EVANS: Right.

9 MS. MATOIAN: And then, you got out, right?

10 MR. EVANS: Right.

11 MS. MATOIAN: That time between when you get out and  
12 when you get charged with these crimes, I mean, would - would  
13 you speak to him after you did that for him?

14 MR. EVANS: Yes, I would - yes, I would speak to him  
15 because I would tell him, I - I mean, I wouldn't just come out  
16 and say, "Billy, why did you tell a lie on me about Ms. Rhea  
17 Manning. I come in your house. Why you didn't just - just  
18 went over and told the truth that I never came to your house,  
19 or you never - I never came with you to no bag or whatnot." I  
20 - I wouldn't - I wouldn't do that, no.

21 MS. MATOIAN: Did you know about this; did you know  
22 that Billy Glenn Solomon had said this before I just read it  
23 to you?

24 MR. EVANS: No, ma'am. No, ma'am. I ain't even  
25 know he had put a statement on me.

1 MS. MATOIAN: Has - was anything like this presented  
2 at your trial?

3 MR. EVANS: No, ma'am. Won't nothing that - at the  
4 trial.

5 MS. MATOIAN: Okay.

6 MR. EVANS: Won't nothing.

7 MS. MATOIAN: All right. I think I might have the -  
8 I'm gonna show you a picture - I asked this a little earlier.  
9 This is what we've marked, number 41, this is a picture of the  
10 inside of the victim's car from - that was taken by the SBI.

11 MR. EVANS: Okay.

12 MS. MATOIAN: Does that look familiar to you?

13 MR. EVANS: No, ma'am.

14 MS. MATOIAN: Did you have a jacket that looked like  
15 that?

16 MR. EVANS: No, ma'am, I didn't.

17 MS. MATOIAN: Did anyone you know have a jacket that  
18 looked like that?

19 MR. EVANS: No, I don't.

20 MS. MATOIAN: Okay. I think we've talked about this  
21 a little bit --

22 MR. EVANS: Okay.

23 MS. MATOIAN: What items do you know that were taken  
24 from the victim.

25 MR. EVANS: I don't - well, the only items that they

1 say was taken from the victim was a pistol and there supposed  
2 to have been a ring.

3 MS. MATOIAN: A ring?

4 MR. EVANS: Yep.

5 MR. MATOIAN: Do you remember what it looked like?

6 MR. EVANS: No, I don't. That - that what they -  
7 that was in the - let's see, that was in her transcript that a  
8 pistol was taken from her house, a ring, it won't a watch. It  
9 was a ring, that what they said. And then, they said it was  
10 some quarters, like a - like you said, a container.

11 MS. MATOIAN: Uh-huh (yes).

12 MR. EVANS: Okay; and, [indecipherable]. Let's see,  
13 that was it, that was the only three. That was the only three  
14 -- that was the only three --

15 MS. MATOIAN: That you recall.

16 MR. EVANS: -- they said.

17 MS. MATOIAN: Okay. Crime scene. So, I'll - I'll  
18 say that looking at what I've been able to find from law  
19 enforcement, there's no mention in the victim's interviews or  
20 the police reports about a ring being stolen.

21 MR. EVANS: Uh-huh (yes).

22 MS. MATOIAN: They all indicate that the change, a  
23 men's watch, and an antique pistol were stolen.

24 MR. EVANS: Okay; because I remember they say it's a  
25 ring.

1 MS. MATOIAN: Do you recall who said that?

2 MR. EVANS: Well, I'm - I think it's in the  
3 transcripts, to be honest.

4 MS. MATOIAN: The trial?

5 MR. EVANS: Yes, ma'am.

6 MS. MYERS: Was it a key ring; do you remember it --

7 MR. EVANS: They said it was something like a  
8 wedding band or [indecipherable] ring. I'm not sure.

9 MS. MATOIAN: My question just popped right out of  
10 my head. Do you know if any of the items that were ever  
11 stolen from the victims were recovered?

12 MR. EVANS: No, ma'am. No, no - none of it was  
13 recovered.

14 MS. MATOIAN: Okay. All right. What do you know  
15 about how you became a suspect?

16 MR. EVANS: How I became a suspect is when I got  
17 that charge for rape.

18 MS. MATOIAN: Okay.

19 MR. EVANS: That's how I came a suspect.

20 MS. MATOIAN: Tell us about that.

21 MR. EVANS: Okay. 1990 - let's see - I'm gonna say  
22 1992 or '93, well - I was - I was - I was using marijuana at  
23 the time; I was high, and I just - well, at - middle of the  
24 night I just broke into the house of this girl named Debbie  
25 Drake and - and I just - raped her at that time. And at that



1 point, they tried to say that the crime that I did with her  
2 was the - similar to the crime to - with Ms. Manning.

3 MS. MATOIAN: Okay.

4 MR. EVANS: So, when I went and - the lawyer told me  
5 to go ahead on and plea guilty to this crime because I know I  
6 was guilty, okay? So, she told me, if I didn't plead guilty,  
7 I could face up to a life sentence. So, I went on and plead  
8 guilty and got - just - I plead for 50 years, okay?

9 After that they send me to CP, and when they sent me to  
10 CP, I'm gonna say, 1993 they came up to me with an ex -  
11 indicted me for the crime of Ms. Rhea Manning. So, I'm  
12 thinking, when I left the court, I asked him in court, am I  
13 finished with everything that they have on me and I was told  
14 yes, I'm clear. So, when I get up to CP and stay at CP about  
15 a good six months I'm gonna say they come to me with an  
16 indictment to indict me back to the county for - charge me for  
17 the crime for Ms. Rhea Manning.

18 MS. MATOIAN: Okay.

19 MR. EVANS: Okay? Pat Graydon brought the warrants  
20 and say, "You kidnapped Ms. Rhea Manning." I said, "No, I  
21 don't know nothing about Ms. Rhea Manning." [Indecipherable]  
22 so, that's how [indecipherable].

23 MS. MATOIAN: We're gonna get back to how you became  
24 a suspect in this case real quick, but MacKenzie's just gonna  
25 ask you a few questions about the Drake case that we just to

1 clarify real quick.

2 MR. EVANS: Okay. Yes, ma'am. [Indecipherable]

3 MS. MATOIAN: And then, we'll get back to this.

4 MS. MYERS: All right. Give me just one moment, and  
5 I apologize.

6 MS. MATOIAN: It's been a week we've been - have not  
7 had as much time to organize ourselves as we usually would.  
8 I'm sorry.

9 MS. MYERS: Well, let me ask you this because I - I  
10 can't find exactly what I'm looking for here, but do you  
11 remember ever saying that what happened with Ms. Drake was a  
12 consensual - was consensual between the two of you?

13 MR. EVANS: No. It's just that, I did something I  
14 ain't have no business of doing.

15 MS. MYERS: Okay.

16 MR. EVANS: [Indecipherable]

17 MS. MYERS: All right; and, okay, and you - are you  
18 applying for innocence on that case?

19 MR. EVANS: No.

20 MS. MYERS: Okay.

21 MR. EVANS: I'm applying to innocent on Ms. Rea  
22 Manning.

23 MS. MATOIAN: The Manning case. Okay.

24 MS. MYERS: Just wanted to be sure of that.

25 MS. MATOIAN: Yeah, I'll just say that there is a

1 memo in the Ballance file that - I think it was Bernadine  
2 Ballance had sent to you --

3 MR. EVANS: Right.

4 MS. MATOIAN: -- and it says something to the effect  
5 of that you were originally saying you weren't guilty in that  
6 case --

7 MR. EVANS: Right.

8 MS. MATOIAN: And you said you talked to your mother  
9 and she told you to tell the truth.

10 MR. EVANS: Yeah.

11 MS. MATOIAN: And you said that although the sex  
12 between you and Ms. Drake was consensual that Ms. Drake had  
13 become upset because you had run out of drugs, and that's why  
14 she was saying you raped her.

15 MR. EVANS: Yes. Yeah.

16 MS. MATOIAN: You - you remember telling your  
17 attorney that?

18 MR. EVANS: Yeah, yes.

19 MS. MATOIAN: But you're saying today that you --

20 MR. EVANS: But I am guilty.

21 MS. MATOIAN: -- you are guilty of that crime?

22 MR. EVANS: Right. I am guilty.

23 MS. MATOIAN: Right. We just wanted to clarify that  
24 and make sure.

25 MR. EVANS: Yeah, because it was the truth that when

1 I did run out of drugs and she got kinda pissed off about it,  
2 and I know that it's going to happen, I know it's gonna come  
3 around on me and I know that they gonna get me for it, so I  
4 had to go ahead and plea to it so that's why I just say, I'm  
5 gonna [indecipherable] deal with it. I'm just gonna go ahead  
6 on and tell my mother. I'm gonna deal with it and go on with  
7 it.

8 MS. MATOIAN: Did you wear gloves --

9 MR. EVANS: No, ma'am. I --

10 MS. MATOIAN: -- during that crime?

11 MR. EVANS: I never wore gloves.

12 MS. MATOIAN: Okay; and, you said you've gotten in  
13 trouble with the law a lot?

14 MR. EVANS: I've got in trouble with the law. I  
15 never wore gloves.

16 MS. MATOIAN: Never wore gloves.

17 MR. EVANS: Never wore any gloves.

18 MS. MATOIAN: Okay. All right. So, just because  
19 the timeline kinda matters, I'm just gonna orient ourselves to  
20 the timeline --

21 MR. EVANS: Okay.

22 MS. MATOIAN: -- real quick. This crime happens  
23 March 5<sup>th</sup>, 1990.

24 MR. EVANS: Right.

25 MS. MATOIAN: So, I'm gonna show you number 47.

1 MR. EVANS: Okay.

2 MS. MATOIAN: And I'll say that in our review of  
3 what has been able to be found of law enforcement files --

4 MR. EVANS: Okay.

5 MS. MATOIAN: -- it's two pages. It's 4/12/90, so a  
6 little over a month after the crime, and you signed a Right's  
7 Waiver form. It says this took place at the jail. If you'll  
8 just read that real quick.

9 MR. EVANS: Okay.

10 MS. MATOIAN: And this is the first interview we've  
11 been able to find with you related to this case.

12 **[Pause]**

13 MS. MATOIAN: Okay. Do you recall that interview?

14 MR. EVANS: Okay, well, I see it right here.

15 Kenneth Evans stated --

16 MS. MYERS: Right.

17 MR. EVANS: -- he was - what's that  
18 [indecipherable].

19 MS. MATOIAN: Let's see. That says, "Kenneth Evans  
20 stated that he was, in fact, on the Vaiden Road" although they  
21 misspelled Vaiden "on the night Mrs. Manning was kidnapped and  
22 that he was at Tommy Perry's store playing pool."

23 MR. EVANS: Right.

24 MS. MATOIAN: "He stated that he didn't kidnap no  
25 woman and that he knew Mrs. Manning."

1 MR. EVANS: That's right.

2 MS. MATOIAN: Okay.

3 MR. EVANS: Yes, ma'am.

4 MS. MATOIAN: Do you recall hearing about - so  
5 that's about a little over a month after the crime --

6 MR. EVANS: Right.

7 MS. MATOIAN: Do you recall hearing about a man  
8 named Gregory Albert Phelps.

9 MR. EVANS: I know a guy - I - I - now, it's kind of  
10 recalled me to this night, Phelps. He's a white guy I think,  
11 I'm not sure.

12 MS. MATOIAN: Correct.

13 MR. EVANS: Okay. I'm trying to think that - me and  
14 him was in jail.

15 MS. MATOIAN: Okay.

16 MR. EVANS: Now - now, I know I - I know I talked -  
17 I talked to you about this last time when you come and I kind  
18 of pictured this guy named Phelps --

19 MS. MATOIAN: Uh-huh (yes).

20 MR. EVANS: -- when you was here. Now, I kind of  
21 like went back, and I said, now I think I - I think I really  
22 know this guy named Mr. Phelps; this young boy. He's young.  
23 Because he robbed his nephew - he robbed his uncle and he went  
24 to jail. That's how he came to jail that night. And to my  
25 recall, that, yes, he was in jail with me.

1 MS. MATOIAN: Were you guys friends?

2 MR. EVANS: Well, not friends on the street. We  
3 were just friends, just in jail.

4 MS. MATOIAN: Did you have conversations with each  
5 other about why you were in jail?

6 MR. EVANS: Well, you know, as you get around to in  
7 jail, you know, you tell guys, "Hey, man, I'm in jail for this  
8 crime that I ain't do" and all this right here, but some of  
9 them put it a different way. They'll flip it around and try  
10 to say they know about it, but, you know, once they get in  
11 jail they be like - I tell - I told - I - I told several of  
12 those guys in jail, I said, "Man, they got for me a crime that  
13 I ain't never have done in my life."

14 MS. MATOIAN: Uh-huh (yes).

15 MR. EVANS: And this crime - this right here came  
16 about when they crossed me and asked me about Ms. Rhea Manning  
17 and this coming to the point where Tommy Perry at. I call  
18 Tommy Perry from the jail on - on the telephone, and I told  
19 Tommy Perry on - in the jail - this how Larry Davis tried to  
20 get me, as well. I said, "Tommy" the deputy - deputy - "the  
21 detective and the police is trying to come to me and get me  
22 for this crime for Ms. Rhea Manning but Larry Davis tried to  
23 say that I knew something about it." The police had already  
24 questioned me about it.

25 MS. MATOIAN: And we'll - we're gonna get to --

1 MR. EVANS: Right.

2 MS. MATOIAN: -- Larry Davis.

3 MR. EVANS: Okay; but, Mr. Phelps --

4 MS. MATOIAN: Uh-huh (yes).

5 MR. EVANS: -- that's what - it's all coming between  
6 Mr. Phelps, too.

7 MS. MATOIAN: Right.

8 MR. EVANS: And, Mr. Phelps, me and him was in the  
9 same jail cell. All us - all us together. So, I told him the  
10 same thing. I said, "Man, they trying to get me for Ms. Rhea  
11 Manning down here in Centreville, and I don't know nothing  
12 about it." But, you know, that's how all this come about; Mr.  
13 Phelps, Larry Davis, 'cause all of us in the same cell  
14 together.

15 MS. MATOIAN: You were all in the same cell  
16 together?

17 MR. EVANS: Yes, ma'am.

18 MS. MATOIAN: Okay. Can you turn to number 13 in  
19 this binder, and that's a statement from Greg Phelps dated  
20 4/17/1990. So, that's about five days after you gave that  
21 initial interview.

22 MR. EVANS: Right.

23 MS. MATOIAN: And in this interview, he says - going  
24 to the fifth line down, "He came back to the cell. He said he  
25 first went up to the store and he and another guy went to the



1 house with a .38 revolver. They thought she had plenty of  
2 money, but she didn't have but \$125 dollars cash money. He  
3 said they gagged her and they drove the car. The other guy  
4 drove the car. The - took a left at stop sign and made  
5 another left and then went down road made another left and  
6 turned right down a path. They said they didn't tie her up,  
7 they gagged her mouth. He said he was wearing something over  
8 his head."

9 MR. EVANS: Okay. Now, this is what I want to say,  
10 I want to speak this question. They said it was one person in  
11 the car. How do [indecipherable] in the car? And I never was  
12 in the car.

13 MS. MATOIAN: Okay.

14 MR. EVANS: Okay. I mean, this right here -  
15 [indecipherable], this here is just like saying he told a lie  
16 for saying that it was two peoples [sic] in the car.

17 MS. MATOIAN: Right.

18 MR. EVANS: And by me not being in the car, I want  
19 to know who was in the car; you know what I'm saying?

20 MS. MATOIAN: Uh-huh (yes).

21 MR. EVANS: Okay.

22 MR. MATOIAN: But do you recall ever hearing about  
23 this?

24 MR. EVANS: No, ma'am. No, ma'am, because this  
25 right here is something that he's done put - said that, you

1 know, like I was in the car and I was not in the car and then,  
2 that's another person was in the car. No, ma'am.

3 MS. MATOIAN: Was that ever - was anything like that  
4 mentioned during your trial?

5 MR. EVANS: No, weren't nothing in it --

6 MS. MATOIAN: Okay.

7 MR. EVANS: [Indecipherable] in the trial with that,  
8 no.

9 MS. MATOIAN: So, if you go to number 15, this is an  
10 interview that Greg Phelps did with a PI, Dan Williams, who  
11 was hired by the defense.

12 MR. EVANS: Okay.

13 MS. MATOIAN: And this is an interview of Gregory  
14 Albert Phelps that happened on September 9<sup>th</sup>, 1993. And if  
15 you turn the page, the pages are marked 337, 338 --

16 MR. EVANS: Okay.

17 MS. MATOIAN: -- and 339. If you can, just take a  
18 moment and look over those.

19 MR. TULLY: Starting where, with "Greg we want you  
20 to read the statement --

21 MS. MATOIAN: Right.

22 MR. TULLY -- that's attributed to you."

23 MS. MATOIAN: Right, right. I lost my questions.

24 **[Pause]**

25 MR. EVANS: Okay. That's what he said.

1     **[Pause]**

2             MR. EVANS:   [Indecipherable].

3             MS. MATOIAN:  On page 338, I'm sorry.

4             MR. TULLY   Yeah.

5             MR. EVANS:  Okay.  This was not on TV.  I don't know  
6 why he got - I remember, this incident was on TV.  I never did  
7 see it on TV.

8             MS. MATOIAN:  You didn't see it on TV?

9             MR. EVANS:  No, ma'am.  I don't know why he got  
10 that.

11            MS. MATOIAN:  Okay; and, when you get to page 339 --

12            MR. EVANS:  Uh-huh (yes).

13            MS. MATOIAN:  -- you can stop where it says, "DW, I  
14 believe that I asked you about other inmates."  You can stop  
15 right above that.

16            MR. TULLY   Okay.

17            MR. EVANS:  Talking about right here?

18            MR. TULLY   Yeah, [indecipherable].  So, read from  
19 here down to here.

20            MR. EVANS:  Okay.  Be for real.

21            MR. TULLY   Yeah, [indecipherable].  Yeah.

22     **[Pause]**

23            MS. MATOIAN:  Okay.  Do you recall anything like  
24 that being brought out at the trial?

25            MR. EVANS:  No, ma'am.

1 MS. MATOIAN: Okay.

2 MR. EVANS: [Indecipherable].

3 MS. MATOIAN: And so, your - your understanding  
4 reading that is that Mr. Phelps is - was now denying making  
5 that statement from 4/17/1990?

6 MR. EVANS: True.

7 MS. MATOIAN: Okay. Did you know this?

8 MR. EVANS: No, ma'am.

9 MS. MATOIAN: Okay. Your attorney never talked to  
10 you about it?

11 MR. EVANS: No, ma'am. He never said anything to  
12 me.

13 MS. MATOIAN: And, I will say - at the time the PI  
14 was working, your attorney was either Frank or Bernadine  
15 Ballance.

16 MR. EVANS: All right.

17 MS. MATOIAN: Mr. Norman had not been assigned to  
18 your case yet. I keep losing my - alright. When did you and  
19 Shirley Evans get married?

20 MR. EVANS: We got married October the 4<sup>th</sup>, 1983.

21 MS. MATOIAN: 1983. Okay. Do you know when you  
22 separated for good?

23 MR. EVANS: Right.

24 MS. MATOIAN: When?

25 MR. EVANS: 80 - '89.

1 MS. MATOIAN: '89?

2 MR. EVANS: Uh-huh (yes).

3 MS. MATOIAN: Okay; and, before you separated, was  
4 there a period of time where you were kind of going back and  
5 forth with each other or was it you were together then you  
6 separated for good in 1989?

7 MR. EVANS: Well, we separated for good in 1989  
8 because when I separated from her, she went on and moved to  
9 Raleigh.

10 MS. MATOIAN: Okay; and --

11 MR. EVANS: It was - it was like - I'm gonna - I'm  
12 gonna tell you what date - what month that was; that's like  
13 December when me and her separated.

14 MS. MATOIAN: Okay. So, you think it was December,  
15 '89?

16 MR. EVANS: Right, it was. It was December because  
17 I remember when I had brought my children some Christmas toys.  
18 I was working at - I think I was working at Food Lions [sic]  
19 or I might have been working at Toney Lumber Company at the  
20 time.

21 MS. MATOIAN: Okay.

22 MR. EVANS: Starting from the time you separated for  
23 good in --

24 MR. EVANS: Right.

25 MS. MATOIAN: -- December of 1989, and she moved to

1 Raleigh, what, shortly after?

2 MR. EVANS: Right.

3 MS. MATOIAN: Okay. From that time, where were you  
4 living --

5 MR. EVANS: With my grandmother.

6 MS. MATOIAN: -- and that was consistent?

7 MR. EVANS: Right.

8 MS. MATOIAN: Okay; and, I'm - for some reason I do  
9 not have the second page of it. You were polygraphed by the  
10 SBI in 1990 - in April, 1990.

11 MR. EVANS: Right.

12 MS. MATOIAN: And you - there's an address listed on  
13 that polygraph, and what I've been able to tell of that  
14 address is that it's associated with your ex - or, your wife's  
15 family.

16 MR. EVANS: If it's 7-0 - if it's 7-0 - if it's 708,  
17 it's up there in - in Louisburg on Kimmel Avenue. That's with  
18 my wife back then.

19 MS. MATOIAN: Okay; and, would you have given that  
20 address in April, 1990 if you were living at your  
21 grandmother's?

22 MR. EVANS: No, I think I gave them 483.

23 MS. MATOIAN: 483?

24 MR. EVANS: Route 6 --

25 MS. MATOIAN: Okay.

1 MR. EVANS: 483.

2 MS. MATOIAN: But you are sure that in March, 1990  
3 you were living with your grandmother?

4 MR. EVANS: Yes, ma'am.

5 MS. MATOIAN: Okay. So, now I want to talk about  
6 Joanne Clemonts.

7 MR. EVANS: Okay.

8 MS. MATOIAN: When did you get together with her?

9 MR. EVANS: Well, me and my wife, we as like - like  
10 I said, we were having a lot of problems, and I met Joanne in  
11 Franklinton.

12 MS. MATOIAN: Okay. When?

13 MR. EVANS: I'm gonna say before '89. I'm gonna say  
14 round about '80 - about '85 or '86; somewhere right along  
15 there.

16 MS. MATOIAN: Okay. So, that's when you met her;  
17 and, when did you start a relationship with her?

18 MR. EVANS: I started a relationship with her like  
19 two, three days after I had met her.

20 MS. MATOIAN: Okay.

21 MR. EVANS: Because I had met her that night. I  
22 remember I met her that night, and I started a relationship.  
23 And I told her that I was married, and it led from a friend to  
24 a relationship, and that's how that went.

25 MS. MATOIAN: Okay. So, you were seeing her while

1 you were still married and not separated from your wife?

2 MR. EVANS: Right.

3 MS. MATOIAN: When did you and Joanne Clemonts move  
4 in together?

5 MR. EVANS: We moved in - well, I'm gonna be honest  
6 about it. I was moved in with her, but I was still staying  
7 with my wife.

8 MS. MATOIAN: Okay.

9 MR. EVANS: We was just like, I was staying with  
10 Joanne and I was staying with my wife.

11 MS. MATOIAN: Okay.

12 MR. EVANS: So, that's how that was.

13 MS. MATOIAN: And when did you start staying with  
14 Joanne?

15 MR. EVANS: I stayed with her when she was living  
16 down in a trailer.

17 MS. MATOIAN: Okay.

18 MR. EVANS: Down at - down at Rusty Ridge Trailer  
19 Park.

20 MS. MATOIAN: Okay. Do you know about what year  
21 that was?

22 MR. EVANS: No, ma'am. I can't recall that.

23 MS. MATOIAN: Can you think - she had a daughter,  
24 LaToshia.

25 MR. EVANS: Yes.



1 MS. MATOIAN: How old was she when you moved in  
2 together?

3 MR. EVANS: She was like three, maybe four.

4 MS. MATOIAN: She was three or four?

5 MR. EVANS: She - she was young. She was young. I  
6 know that.

7 MS. MATOIAN: Okay; and, three or four years old or  
8 three or four months old?

9 MR. EVANS: Year old.

10 MS. MATOIAN: Years, okay?

11 MR. EVANS: That's right.

12 MS. MATOIAN: And were - are you her father?

13 MR. EVANS: No, she thought I was.

14 MS. MATOIAN: Okay, but you're not.

15 MR. EVANS: Yeah, she thought I was her daddy.

16 MS. MATOIAN: Okay. When do you remember breaking  
17 up with Joanne Clements for good?

18 MR. EVANS: Well, we broke up - let me see, I can't  
19 think when we broke up but I know we broke up - I forgot what  
20 reason and why we broke up. I just can't remember that one.

21 MS. MATOIAN: And, you can't remember around that  
22 time period?

23 MR. EVANS: No, ma'am.

24 MS. MATOIAN: The time when you start staying with  
25 her to the time - and, I guess, were you still living with her

1 sometimes when you broke up?

2 MR. EVANS: Yes, I was.

3 MS. MATOIAN: Okay; and, then you broke up for good

4 --

5 MR. EVANS: Right.

6 MS. MATOIAN: -- you were no longer staying with  
7 her?

8 MR. EVANS: That's right.

9 MS. MATOIAN: Okay. Can you think of any life  
10 events, people born, people dying, anything that happened  
11 around the time you moved in with Joanne Clemonts?

12 MR. EVANS: Yes, her sister passed.

13 MS. MATOIAN: Okay. When did her --

14 MR. EVANS: I can't remember when. I'm sorry.

15 MS. MATOIAN: Okay. What was her sister's name?

16 MR. EVANS: Sharon.

17 MS. MATOIAN: Sherry?

18 MR. EVANS: Sharon - Sharon.

19 MS. MATOIAN: Sharon? S-H-A-R-O-N?

20 MR. EVANS: Yes, ma'am.

21 MS. MATOIAN: Clemonts?

22 MR. EVANS: Yes, ma'am.

23 MS. MATOIAN: Okay; and then, when you broke up for  
24 good and you stopped staying with her, any life events happen  
25 around that time; anyone born, anyone die, anything?

1 MR. EVANS: No, ma'am.

2 MS. MATOIAN: No? Okay; and, do you think that you  
3 were still staying with her sometimes in March, 1990?

4 MR. EVANS: No, ma'am.

5 MS. MATOIAN: Okay. You think this happened - I  
6 guess - well, which breakup happened first; you and your wife  
7 and you and Ms. Clemonts?

8 MR. EVANS: Me and my wife.

9 MS. MATOIAN: You and your wife.

10 MR. EVANS: Yes, ma'am.

11 MS. MATOIAN: So, that was December, 1989?

12 MR. EVANS: Right.

13 MS. MATOIAN: And then, sometime between December  
14 and March, you and Ms. Clemonts broke up?

15 MR. EVANS: Yes - yes, ma'am. Somewhere along there

16 --

17 MS. MATOIAN: Okay.

18 MR. EVANS: -- I'm gonna say.

19 MS. MATOIAN: When do you know about when she got  
20 together with Lynwood Earl Williams?

21 MR. EVANS: Okay. Linwood Earl Williams - okay. I  
22 think that's the guy that me and her had a run in at, too  
23 because she was dating him and me, too. So, I was thinking  
24 that they called him Earl. He got - well, he got killed. He  
25 got killed on the highway.

1 MS. MATOIAN: Okay.

2 MR. EVANS: 'Cause he used to be an alcoholic. So,  
3 that - that's what his name was at the time. So, I'm gonna  
4 say, it was about a couple months before me and her broke up  
5 after I found out that he was - she was dating him.

6 MS. MATOIAN: Okay. During this time period, other  
7 than your wife and Joanne, were you seeing any other women?

8 MR. EVANS: Yes, I was.

9 MS. MATOIAN: Can you remember any of their names?

10 MR. EVANS: Theresa.

11 MS. MATOIAN: Theresa what?

12 MR. EVANS: Burt.

13 MS. MATOIAN: B-U-R-T?

14 MR. EVANS: Right.

15 MS. MATOIAN: Is she white or black?

16 MR. EVANS: She - she black.

17 MS. MATOIAN: Okay.

18 MR. EVANS: She stays on the Vaiden Road.

19 MS. MATOIAN: Okay; and, is she about your age?

20 MR. EVANS: Yes, she's 50 - I'm gonna say right now  
21 she's 51, soon to be 52.

22 MS. MATOIAN: Okay. So, I'm gonna ask you to look  
23 at number one, and this is an interview that the SBI did with  
24 Ms. Clemonts. This is the only law enforcement interview we  
25 have with Ms. Clemonts.

1 MR. EVANS: Okay.

2 MS. MATOIAN: And this is the same - this interview  
3 was the same day that you are arrested --

4 MR. EVANS: Okay.

5 MS. MATOIAN: -- for this crime.

6 MR. EVANS: Okay. If you can just take a look at  
7 that. It's one page, and then, a couple paragraphs on the  
8 next page.

9 MR. EVANS: Okay.

10 **[Pause]**

11 MR. EVANS: Okay. This here is a lie. I never hit  
12 her.

13 MS. MATOIAN: You were never physically abusive to  
14 Ms. -

15 MR. EVANS: No, I did not.

16 MS. MATOIAN: -- Ms. Clemonts.

17 MR. EVANS: I didn't never touch her. Okay. I  
18 don't know. I never had a mask or a [indecipherable].

19 MS. MATOIAN: Can I see your highlighter?

20 MS. MYERS: Yeah. This actually may help us  
21 clarify.

22 MR. EVANS: Yeah, yeah.

23 MS. MATOIAN: I want you to take this highlighter  
24 and anything in there that you say is not true I'd like you to  
25 highlight.

1 MR. EVANS: Okay. Okay. Let me go back. This is  
2 what she said.

3 **[Pause]**

4 MR. EVANS: Okay.

5 MS. MATOIAN: Okay. I'm sorry, there's a second  
6 page.

7 MR. EVANS: Okay. Gotcha.

8 **[Pause]**

9 MR. EVANS: Okay.

10 MS. MATOIAN: So, you've highlighted on that the  
11 things you say are not true?

12 MR. EVANS: That's right.

13 MS. MATOIAN: Okay.

14 MR. EVANS: Okay.

15 MS. MATOIAN: Can you tell me what you've  
16 highlighted?

17 MR. EVANS: Okay. I started out - I never been  
18 abusive to Ms. Joanne Clements. Okay; and, the gray mask that  
19 she's talking - I mean, the gray --

20 MS. MATOIAN: Tape?

21 MR. EVANS: -- tape, I never - she never - I never  
22 had been around no tape, and twine, on which twine did they  
23 talk - now, they said this in court to --

24 MS. MATOIAN: This came out at the trial?

25 MR. EVANS: Right, this came out to the trial about

1 this duct tape and twine. Okay? The twine that they had,  
2 they said it was like it could be used for, like, tying down  
3 something - tying down a trunk and the duct tape, they said it  
4 was used for the victim by Ms. Rhea Manning that she was duct-  
5 taped. And they said it was supposed to been a - now, Pat  
6 Green, I think or Detective supposed to had had one string of  
7 a hair. They did not test it to see whether it was my hair or  
8 someone else's hair. But anyway, they did not test none of  
9 this twine or mask, and I never had a mask. I never wore a  
10 mask.

11 MR. MATOIAN: I don't think she's talking about a  
12 mask there. She was saying gray masking tape.

13 MR. EVANS: Okay. I never used masking tape.

14 MS. MATOIAN: You never used it?

15 MR. EVANS: No.

16 MS. MATOIAN: Okay.

17 MR. EVANS: No, ma'am.

18 MS. MATOIAN: Okay. So, in that paragraph she says  
19 that the orange twine had come from her mother's boyfriend.  
20 Do you know who her mother was dating at the time?

21 MR. EVANS: Yes, ma'am.

22 MS. MATOIAN: Who's that?

23 MR. EVANS: He was - she was dating a guy named Leon  
24 Bumper - Bumper.

25 MS. MATOIAN: Bumper?

1 MR. EVANS: Uh-huh (yes).

2 MS. MATOIAN: What was his first name?

3 MR. EVANS: Leon.

4 MS. MATOIAN: And was Bumper his real last name or a  
5 nickname?

6 MR. EVANS: That's got to be his nickname 'cause I  
7 think his real name is James Leon Bumper, but I'm not sure  
8 now.

9 MS. MATOIAN: You think his real name is James Leon  
10 Bumper?

11 MR. EVANS: Right. [Indecipherable] Bumpers.

12 MS. MATOIAN: Okay. So, you've highlighted that you  
13 were never abusive --

14 MR. EVANS: Right.

15 MS. MATOIAN: -- to Ms. Clemonts and you've  
16 highlighted --

17 MR. EVANS: Never worn a mask. I never had any --

18 MS. MATOIAN: The masking tape.

19 MR. EVANS: -- the tape --

20 MS. MATOIAN: Okay.

21 MR. EVANS: Or the twine.

22 MS. MATOIAN: Did you use to - so, you used to drive  
23 that Cordoba?

24 MR. EVANS: Well, I have drove it with her with me,  
25 but I never drove it by myself.



1 MS. MATOIAN: Took it by yourself?

2 MR. EVANS: Right.

3 MS. MATOIAN: Okay; and, then I - I assume in that  
4 one, two - the fourth paragraph you don't know who she sold  
5 that Cordoba to, or do you know?

6 MR. EVANS: I - that name, Kingbird - I don't know  
7 her name. I don't know her at all, but that name kind of  
8 rings a bell --

9 MS. MATOIAN: Okay.

10 MR. EVANS: -- I - I know - I know some king - I  
11 know a lot of Kingbird but I don't - I don't recall her name,  
12 though.

13 MS. MATOIAN: And going to that next paragraph, did  
14 you highlight anything in that paragraph?

15 MR. EVANS: Yes, ma'am. When she came up and said  
16 that I was going - I was going out and use her car to come  
17 back with - I never used her car --

18 MS. MATOIAN: Alone?

19 MR. EVANS: No.

20 MS. MATOIAN: Okay.

21 MR. EVANS: No.

22 MS. MATOIAN: Did you ever come back with a lot of  
23 change and First Citizens Bank bags?

24 MR. EVANS: No, ma'am.

25 MS. MATOIAN: Okay; and, did anything like this

1    happen around March, 1990?

2                   MR. EVANS:  No, ma'am.

3                   MS. MATOIAN:  Okay.

4                   MR. EVANS:  None of that.

5                   MS. MATOIAN:  Going to the next paragraph, do you  
6   recall her ever asking you about some money, and you - you  
7   telling her it was none of her business?

8                   MR. EVANS:  No, ma'am.

9                   MS. MATOIAN:  Okay.  Did you highlight that?

10                  MR. EVANS:  I didn't highlight it but I should.

11                  MS. MATOIAN:  Okay.  I'll hand that back to you.

12                  MR. EVANS:  No problem.  I'm gonna highlight the  
13   whole thing.  Okay.

14                  MS. MATOIAN:  All right.  So, the next paragraph,  
15   she says that when you came back and you said that you never  
16   left in her car by yourself and came back, so is that part  
17   highlighted?

18                  MR. EVANS:  I highlighted that - I - the yellow -  
19   yellow - where there's light yellow t-shirt and --

20                  MS. MATOIAN:  Uh-huh (yes).  Brown work pants.

21                  MR. EVANS:  -- brown work pants.  I never had that,  
22   and then, had mud on - on them, no.

23                  MS. MATOIAN:  Okay.

24                  MR. EVANS:  I never did that.

25                  MS. MATOIAN:  Did you have any clothes like that?

1 MR. EVANS: No, ma'am.

2 MS. MATOIAN: Okay. Did you ever throw some shoes  
3 away?

4 MR. EVANS: No, ma'am. Never did.

5 MS. MATOIAN: How many pairs of --

6 MR. TULLY Do - do you want him to highlight the  
7 part about --

8 MS. MATOIAN: Yes, please.

9 MR. TULLY -- coming back?

10 MR. EVANS: Okay.

11 MS. MATOIAN: Yes, any part that is not true, I'd  
12 like highlighted.

13 MR. TULLY: [Indecipherable].

14 MS. MATOIAN: Thank you.

15 MR. EVANS: Alright. Okay.

16 MS. MATOIAN: All right; and, then it says, "She  
17 asked him why he threw the shoes away and he said it was none  
18 of her business." Did that ever happen?

19 MR. EVANS: No, ma'am.

20 MS. MATOIAN: Okay. Did you ever give her a woman's  
21 watch with diamonds on it?

22 MR. EVANS: No, ma'am, I never gave her no watch,  
23 no.

24 MS. MATOIAN: Did you ever give your wife a watch?

25 MR. EVANS: No, ma'am?

1 MS. MATOIAN: Okay.

2 MR. EVANS: Never gave her a watch, neither.

3 MS. MATOIAN: So, you never gave her a watch, took  
4 it away from her?

5 MR. EVANS: No, ma'am.

6 MS. MATOIAN: Okay; and, then, the next page - did  
7 you have a small shotgun?

8 MR. EVANS: No, ma'am, never had one.

9 MS. MATOIAN: Did you smoke Newport 100's?

10 MR. EVANS: I smoked Newport 100's.

11 MS. MATOIAN: Okay, will you highlight the part  
12 about the small shotgun?

13 MR. EVANS: Okay.

14 MS. MATOIAN: And then, the last one was that she  
15 bought you a black scarf that he wore around his head.

16 MR. EVANS: Yeah, I marked that. I never - she  
17 never gave me that.

18 MS. MATOIAN: Okay. All right. If you don't mind,  
19 just initialing at the --

20 MR. EVANS: Okay.

21 MS. MATOIAN: -- bottom of that second page for me.  
22 Why do you think she would've said those things to law  
23 enforcement if they weren't true?

24 MR. EVANS: I'm gonna tell you that [indecipherable]  
25 because I wouldn't divorce my wife.

1 MS. MATOIAN: Okay.

2 MR. EVANS: She wanted me to - well, I'm gonna tell  
3 you. I did this - to do this, because this - I did divorce my  
4 wife, and she said if I divorce my wife that way then she  
5 wouldn't have to come and testify and marry her. She wanted me  
6 to marry her. So, I went on and got divorced from my wife.

7 MS. MATOIAN: Are you and your wife legally  
8 divorced?

9 MR. EVANS: Well, I - I was trying - I'm trying to  
10 see if this is the right term that I had did because I had  
11 filed my divorce with the Prison Legal Service. So, I don't  
12 know if it temporarily or is it a permanent [indecipherable]  
13 but I had filed it in 1996, I think.

14 MS. MATOIAN: Okay.

15 MR. EVANS: From the Prison Legal.

16 MS. MATOIAN: So, that's after you've been convicted  
17 of this crime and you're in prison?

18 MR. EVANS: Right.

19 MS. MATOIAN: Okay.

20 MR. EVANS: So, I - this what I done, I throw - you  
21 know, when we in the waiting room, there's a window - there  
22 was an opening, and Joanne and her mother was on the outside  
23 of that - of the streets and I told her, I said, "I finally  
24 got my divorce." So, I gave - I throwed the paper out the  
25 window and Detective Pat Green told her she can't be speaking

1 to me or talking to me because she's on my case, you know what  
2 I'm saying? So, that's how Joanne and - want to try to get me  
3 about this crime --

4 MS. MATOIAN: Okay.

5 MR. EVANS: -- because of me and my wife. And  
6 between - her and my wife just didn't get along with each  
7 other; that's what it was.

8 MS. MATOIAN: I'm - I'm a little confused about the  
9 timeline here so I'm - I'm gonna walk through it.

10 MR. EVANS: Okay.

11 MS. MATOIAN: Joanne Clements gives this statement  
12 in 1993 on the same day --

13 MR. EVANS: Right.

14 MS. MATOIAN: -- that you're arrested.

15 MR. EVANS: Right.

16 MS. MATOIAN: And you continue - I thought that you  
17 had said that you guys broke up for good in 1990?

18 MR. EVANS: Right, we were broke up, yes.

19 MS. MATOIAN: Okay. So, she gives this statement,  
20 and then, she says to you that she won't testify if you  
21 divorce your wife and marry her?

22 MR. EVANS: Yes. Yes, she wanted me to marry her.

23 MS. MATOIAN: And that's three years --

24 MR. EVANS: But we - we were --

25 MS. MATOIAN: -- after you've been broken up?

1 MR. EVANS: Right, we were still broke up, but, you  
2 know, she just wanted me - to be my wife; just to be with her.

3 MS. MATOIAN: Okay. So, that's - you break up in  
4 '90, she gives the statement in '93 --

5 MR. EVANS: Uh-huh (yes).

6 MS. MATOIAN: -- and then, your trial is April,  
7 1995?

8 MR. EVANS: Right.

9 MS. MATOIAN: So, if you're filing for divorce with  
10 PLS in '96, that does not help you with Joanne Clemonts --

11 MR. EVANS: Right.

12 MS. MATOIAN: -- testifying, so I'm a little  
13 confused about that.

14 MR. EVANS: Well, she want - she didn't want to test  
15 - she really didn't want to testify. She just wanted to - the  
16 only reason why they got her is that they told her that if she  
17 didn't testify against me that they gonna get her just as much  
18 as time as I got right now, and that's the reason why she --

19 MS. MATOIAN: For what?

20 MR. EVANS: For Ms. Rhea Manning.

21 MS. MATOIAN: How were they gonna charge her with  
22 it?

23 MR. EVANS: Well, they scared her.

24 MS. MATOIAN: Okay.

25 MR. EVANS: They scared her because she was on

1 probation, and by her being on probation they was going - if  
2 she didn't tell on me, they told her they were going to  
3 violate her probation, and then, they said that - well,  
4 [indecipherable] it was told to me that if she didn't tell on  
5 me then she was just gonna get just as much as time. So, she  
6 just went and just told everything the way Pat Green wanted  
7 her to tell it, that was the detective, wanted her to do. And  
8 they said that she was paid to get it.

9 MS. MATOIAN: She was paid?

10 MR. EVANS: They said Pat Green paid her?

11 MS. MATOIAN: Who said that?

12 MR. EVANS: Well, I had my cousin - they had told me  
13 on the telephone.

14 MS. MATOIAN: What cousin?

15 MR. EVANS: Bessie Mae Carter.

16 MS. MATOIAN: Bessie Mae Carter.

17 MR. EVANS: Bessie Mae - Bessie Mae Carter and - and  
18 Anthony Carter. They had told me that Pat Green and - and  
19 they had went and paid Joanne and all them to just tell the  
20 story on me.

21 MS. MATOIAN: How did they know that?

22 MR. EVANS: I think her son was in jail and had  
23 found out about it. So, I'm not sure.

24 MS. MATOIAN: What was the son's name; is that  
25 Anthony?



1 MR. EVANS: Anthony Carter, yes, ma'am.

2 MS. MATOIAN: Okay; and, do you know where either of  
3 those two people live now?

4 MR. EVANS: They live in Franklin, too.

5 MS. MATOIAN: Okay. Do you know about their ages?

6 MR. EVANS: Anthony's about - Anthony he's about -  
7 I'm gonna get him at age, about, 48.

8 MS. MATOIAN: Okay.

9 MR. EVANS: And his mother, she's - she done be  
10 about like 65; somewhere around there.

11 MS. MATOIAN: Okay. I mean, were you talking to -  
12 to Joanne Clements about marrying her knowing that she had  
13 given a statement like this to the police?

14 MR. EVANS: I mean, at the time, it wasn't given to  
15 her until I found out that they had charged me for this crime  
16 for Ms. Rhea Manning.

17 MS. MATOIAN: Right.

18 MR. EVANS: That's what I'm saying.

19 MS. MATOIAN: But, so, again, I'm - I'm confused  
20 about the time line there 'cause she gives this statement in  
21 '93 --

22 MR. EVANS: Right.

23 MS. MATOIAN: -- your trial's in '95. So, you  
24 showing her divorce papers that you filed in '96 doesn't help  
25 you --

1 MR. EVANS: No, ma'am.

2 MS. MATOIAN: -- because you've already been  
3 convicted.

4 MR. EVANS: No --

5 MS. MATOIAN: -- and she's already testified.

6 MR. EVANS: No, I showed her the paper the day that  
7 I was going to get trialed [sic].

8 MS. MATOIAN: Around your trial?

9 MR. EVANS: Yes.

10 MS. MATOIAN: You said you'd filed for a divorce  
11 with PLS in '96.

12 MR. EVANS: Right.

13 MS. MATOIAN: So, was it before that?

14 MR. EVANS: Okay. When I was going to get tried,  
15 that day, that's when I had the divorce papers.

16 MS. MATOIAN: Okay.

17 MR. EVANS: On the day that I was going to the trial  
18 'cause they had - when they carried me to the courtroom, they  
19 had the newspaper people there, you know, to - when - when  
20 they were getting ready to take my picture right there. They  
21 had Joanne that was standing out there on the outside. They  
22 were getting ready to come in the courtroom 'cause that's when  
23 Larry Davis in the courtroom --

24 MS. MATOIAN: Okay.

25 MR. EVANS: -- just testified against me, as well.

1 MS. MATOIAN: Okay.

2 MR. EVANS: And Joanne, she was out there on the  
3 outside with her mother.

4 MS. MATOIAN: I am gonna ask you to turn the page to  
5 number two, and this is an Affidavit that Joanne Clemonts  
6 signed on 8/9/1993 after an interview with Bernadine Ballance.  
7 And she gives a little more information about the - the time  
8 line of your relationship down there.

9 MR. EVANS: Okay.

10 MS. MATOIAN: She says, "I first met Kenneth Leon  
11 Evans in 1987. I know this because Toshia was four days old  
12 and she was born on April 5<sup>th</sup>, 1987."

13 MR. EVANS: Uh-huh (yes).

14 MS. MATOIAN: Do you recall Toshia being four days  
15 old when you guys started dating?

16 MR. EVANS: No, ma'am. I didn't really - actually I  
17 didn't know her age, I just --

18 MS. MATOIAN: Okay.

19 MR. EVANS: -- [indecipherable].

20 MS. MATOIAN: "During 1987, 1988 and part of 1989,  
21 Kenneth Evans was living with his wife, Shirley Evans, on  
22 Kenmore Street in Louisburg. He lived with me for a while in  
23 1987 but moved to Virginia in June of July, 1987; do you  
24 remember doing - moving to Virginia?

25 MR. EVANS: Yes, I just goes up there to where my

1 mom - she my mother, she was living in Northern Virginia.

2 MS. MATOIAN: Okay. Then it says, "Kenneth came to  
3 live with me around March or April of 1989. I bought the  
4 white Cordoba about two months before he came to live with  
5 me."

6 MR. EVANS: Uh-huh (yes).

7 MS. MATOIAN: "My mother put Kenneth out of my house  
8 in May or June of 1989." So, according to this, you only  
9 lived with her for a couple months; is that accurate?

10 MR. EVANS: True.

11 MS. MATOIAN: Okay. "I was living in a white  
12 trailer on Savage Street at the time. Brick Taylor was my  
13 landlord. After Kenneth left, my boyfriend, Earl, moved in  
14 with me around July, 1989 and Kenneth never came to live with  
15 me, again." Is that true?

16 MR. EVANS: True.

17 MS. MATOIAN: "When Kenneth was living with me, he  
18 took my car and stayed gone for two days. He returned wearing  
19 black shoes with mud on them, brown work pants with mud on  
20 them and a yellow t-shirt with Panama Jack on it. He was also  
21 wearing a black scarf. He said he had been down to his  
22 grandmother's house in Centreville." Is that true?

23 MR. EVANS: Okay, this in here is not true about the  
24 --

25 MS. MATOIAN: The clothing?

1 MR. EVANS: -- the clothing.

2 MS. MATOIAN: And taking her car and staying gone  
3 for two days?

4 MR. EVANS: No, ma'am.

5 MS. MATOIAN: Okay.

6 MR. EVANS: I never took her car, no.

7 MS. MATOIAN: All right; and then, it says, "Kenneth  
8 brought home a big gray sack with First Citizens Bank on it.  
9 He also had a blue bag with nickels, pennies and dimes in it,  
10 which had First Citizens on the side." Is that true?

11 MR. EVANS: No, ma'am.

12 MS. MATOIAN: Okay. I just want to make sure that  
13 we are really as clear as we possibly can be about the time  
14 line of when you move in with Joanne Clemonts.

15 MR. EVANS: Right.

16 MS. MATOIAN: And move out with Joanne Clemonts.

17 MR. EVANS: Okay.

18 MS. MATOIAN: Because in this interview that she  
19 gave to the SBI, she says that this time that you took her car  
20 and you stayed gone and you had the change was in March, 1990.  
21 So, in this interview, she's saying that you're still together  
22 --

23 MR. EVANS: No.

24 MS. MATOIAN: -- in March, 1990, but then, in this  
25 Affidavit, she's saying you guys broke up in 1989 and she got

1 together with Earl --

2 MR. EVANS: Right.

3 MS. MATOIAN: -- after that.

4 MR. EVANS: But I won't with her at that time.

5 MS. MATOIAN: Okay. I just want to make sure that I  
6 have the time line as clear as I possibly can get it, and your  
7 recollection is - she says you met in 1987. You think you met  
8 a little bit earlier, correct?

9 MR. EVANS: Right.

10 MS. MATOIAN: Okay. You think it's '85, '86?

11 MR. EVANS: I remember that night when I - like,  
12 this might have been like, somewhere like I said.

13 MS. MATOIAN: Okay.

14 MR. EVANS: You know, so.

15 MS. MATOIAN: And she said in that Affidavit that  
16 when she met you that Toshia was about four days old. Do you  
17 remember Toshia being alive or having been born when you met  
18 Joanne --

19 MR. EVANS: Well, she was --

20 MS. MATOIAN: -- or was it after?

21 MR. EVANS: I mean, she was like -- she was about,  
22 like that tall.

23 MS. MATOIAN: Okay; and, you said that she thought  
24 you were the father of Toshia. So, were you messing around  
25 before she was born, or after?

1 MR. EVANS: No, ma'am. I was messing around after.

2 MS. MATOIAN: After?

3 MR. EVANS: Yes, ma'am.

4 MS. MATOIAN: Okay. So, then, when - you think that

5 when - around the time when you moved in with them, her

6 sister, Sharon Clemonts, had died?

7 MR. EVANS: Sharon died like - that was

8 [indecipherable] at the - at the --

9 MS. MATOIAN: Trailer?

10 MR. EVANS: -- trailer.

11 MS. MATOIAN: Okay.

12 MR. EVANS: We were in that trailer and Sharon got

13 killed around about '80 something. I'm not - I'm not sure

14 what --

15 MS. MATOIAN: Okay.

16 MR. EVANS: -- but she got killed that - on that

17 dirt road 'cause she was going with a guy named Flood - well,

18 his name Flood. His name's Samuel Thorpe, that's his name,

19 but they called him Flood.

20 MS. MATOIAN: Flood?

21 MR. EVANS: And he - she got killed on a dirt road,

22 and --

23 MS. MATOIAN: In a car accident?

24 MR. EVANS: Yes, ma'am.

25 MS. MATOIAN: Okay.

1 MR. EVANS: They said that she was driving the car,  
2 so.

3 MS. MATOIAN: So, around the time that you're living  
4 in the trailer, Sharon Clemonts dies?

5 MR. EVANS: Right.

6 MS. MATOIAN: And about how long do you live in that  
7 trailer with her?

8 MR. EVANS: I think that was about a couple months.

9 MS. MATOIAN: Couple months?

10 MR. EVANS: Yes, ma'am, a couple months.

11 MS. MATOIAN: Okay; but, you think that when you  
12 finally move out and break up with Joanne Clemonts, that is  
13 after you've separated from your wife in December, 1989?

14 MR. EVANS: Right.

15 MS. MATOIAN: Okay.

16 MR. EVANS: She wanted me to move in with her, but I  
17 told her I couldn't move in with her [indecipherable].

18 MS. MATOIAN: All right. What do you recall about  
19 Joanne Clemonts testifying?

20 MR. EVANS: Well, I'm gonna tell you the truth,  
21 Joanne is a - a manipulator, liar because she can do a lot of  
22 stuff to try to bring somebody down and knowing that she's - I  
23 mean, she can be good - she can be good as a good person, but  
24 when she get around a lot of people she want to be, like,  
25 okay, she want to just bring somebody down. And when you get



1 her by herself, it's a totally different.

2 MS. MATOIAN: Okay.

3 MR. EVANS: So, Joanne is - it's - it's just Joanne  
4 just want to just be Joanne and she gonna lie around anything  
5 that she can do to try to - you know what I'm saying? I know  
6 Joanne. I know how Joanne do.

7 MS. MATOIAN: Okay.

8 MR. EVANS: Joanne is just that type of woman that -  
9 I mean, well, back then, I mean, she's just a liar.

10 MS. MATOIAN: So, why do you - what do you think the  
11 reason for her - if you say she lied on the stand, why do you  
12 think she lied about you?

13 MR. EVANS: Well, she didn't never come to the  
14 stand.

15 MS. MATOIAN: She didn't testify?

16 MR. EVANS: No, ma'am.

17 MS. MATOIAN: I thought you said she testified?

18 MR. EVANS: No, ma'am, she just - no, ma'am, she  
19 just walked out there on the outside there when I gave her the  
20 [indecipherable]. She didn't never come up there.

21 MS. MATOIAN: She did not testify during your trial?

22 MR. EVANS: No, ma'am, she did not come.

23 MS. MATOIAN: Okay.

24 MR. EVANS: She was just there --

25 MS. MATOIAN: And --

1 MR. EVANS: -- she was just there. I don't know  
2 what Pat Green done give her. She never come in the  
3 courtroom.

4 MS. MATOIAN: If that closing statement from your  
5 defense attorney indicates that Joanne Clemonts did testify,  
6 is that wrong?

7 MR. EVANS: Yes, sir. I mean, yes, ma'am. I'm  
8 sorry. 'Cause she wasn't in the courtroom when I was in the  
9 courtroom.

10 MS. MATOIAN: Okay.

11 MR. EVANS: [Indecipherable] was in the courtroom  
12 was Larry Davis.

13 MS. MATOIAN: Okay. Did you know of any connection  
14 between Larry Davis and Joanne Clemonts?

15 MR. EVANS: Yes. Larry Davis used to go with Joanne  
16 Clemonts' mother.

17 MS. MATOIAN: Do you know when that was?

18 MR. EVANS: That was the time I was going with  
19 Joanne.

20 MS. MATOIAN: Okay. How did you and Mr. Davis get  
21 along?

22 MR. EVANS: Well, I thought he was really, actually  
23 alright with me until I seen another side of him. But I never  
24 had a problem with Davis.

25 MS. MATOIAN: Okay. How did you know him?

1 MR. EVANS: Well, I've been knowing him - about my  
2 wife. See, 'cause he's some kin to my wife.

3 MS. MATOIAN: Okay. So, do you think - were you  
4 ever aware of Larry Davis having a problem with you because of  
5 issues that you were having with his cousin, your wife?

6 MR. EVANS: No. No, ma'am.

7 MS. MATOIAN: Okay.

8 MR. EVANS: I never had any problems with him.

9 MS. MATOIAN: All right. How often would you and  
10 Mr. Davis see each other?

11 MR. EVANS: Well, I used to see him like, if he'd by  
12 - riding down through town or something, I might be out there  
13 hanging out, and I might see him ride through in a car or  
14 something and I'd holler at him, wave at him. And, but, we  
15 don't just hang out. I never --

16 MS. MATOIAN: Okay.

17 MR. EVANS: -- I might speak to him - see him - I  
18 might see him at the store or something, or we might meet up  
19 at a club or whatnot, but other than that, I don't - I didn't  
20 deal with him that much.

21 MS. MATOIAN: I'm sorry. I want to go back to  
22 Joanne Clements really quick.

23 MR. EVANS: Okay.

24 MS. MATOIAN: Did you ever physically abuse Joanne  
25 Clements to the point that she had to go to the hospital?

1 MR. EVANS: No, ma'am.

2 MS. MATOIAN: Okay. If Joanne Clemonts said that  
3 you hurt her badly enough one day that she had to go the  
4 hospital, then took her car, and came back on - with blood on  
5 your shirt, would that be accurate?

6 MR. EVANS: That'd be a lie.

7 MS. MATOIAN: Okay. If she said that the police  
8 came the same day you had blood on your shirt and searched  
9 that Cordoba and found the duct tape and rope, would that be  
10 accurate?

11 MR. EVANS: No, ma'am.

12 MS. MATOIAN: To your recollection, did the police  
13 ever search that Cordoba?

14 MR. EVANS: No, ma'am.

15 MS. MATOIAN: Okay. Did they ever find that duct -  
16 I know there was duct tape and rope collected from the victim  
17 --

18 MR. EVANS: Right.

19 MS. MATOIAN: -- but did they ever find duct tape  
20 and rope from that car?

21 MR. EVANS: No, ma'am.

22 MS. MATOIAN: Okay. So, that's a lie?

23 MR. EVANS: That's right.

24 MS. MATOIAN: All right.

25 MR. EVANS: I bet you she couldn't tell you that she

1 had ever went to the hospital and they hadn't - I guarantee  
2 you that they had not have a record of her being seen by me  
3 doing anything to her.

4 MS. MATOIAN: What - what hospital would you go to  
5 if you got hurt in --

6 MR. EVANS: Franklin.

7 MS. MATOIAN: -- Louisburg.

8 MR. EVANS: Franklin [indecipherable].

9 MS. MATOIAN: Okay. All right. Do you remember  
10 being in jail with Larry Davis?

11 MR. EVANS: Yes.

12 MS. MATOIAN: Okay; and, describe the jail to me in  
13 19 --

14 MR. EVANS: Well, the jail is --

15 MS. MATOIAN: -- in the early 1990's.

16 MR. EVANS: Okay. The one I was in and me and Larry  
17 it's just like, let's see, one, two, three, four - they got  
18 like one, two, three, four, five, six, seven. They got like  
19 seven cells in one side.

20 MS. MATOIAN: Was it one floor?

21 MR. EVANS: Right, one floor.

22 MS. MATOIAN: Okay. Was there ever a jail that had  
23 two floors?

24 MR. EVANS: Okay. They - they did start - okay -  
25 before they made two-stories, they had just [indecipherable]

1 until they did the basement. They put one down in the  
2 basement --

3 MS. MATOIAN: Okay.

4 MR. EVANS: -- later, but when they didn't have the  
5 basement, [indecipherable] only been on the high top, two  
6 stories.

7 MS. MATOIAN: Okay.

8 MR. EVANS: And everybody was up on the top, okay?  
9 This side might be four - let's say it's four right here.  
10 Four people's in this side and then, that's one, two, three.  
11 And, okay, on the other side, you might have the same, okay?  
12 It might be four - four on this one, four on that one, and  
13 then, there'd be some peoples on the floor. Then you got, up  
14 on the top, you might have, let's see, one, two, three - you  
15 might have three in that one, and then, you'd have everybody.  
16 Then, you got the girl's cells in the back.

17 MS. MATOIAN: Okay.

18 MR. EVANS: They hold like, let's see, one, two,  
19 maybe four - maybe four back there. And then, you got the -  
20 this one jail - I mean there's one room, that's for like  
21 someone being intoxicated it's just that one. So, that's all  
22 they had --

23 MS. MATOIAN: Okay.

24 MR. EVANS: -- in that jail.

25 MS. MATOIAN: Were you in a cell with Mr. Davis?

1 MR. EVANS: Yes, ma'am.

2 MS. MATOIAN: Okay. Did you guys talk a lot?

3 MR. EVANS: Well, we - like I said, when we was in  
4 jail, all of us just, you know, communicate with each other,  
5 yes.

6 MS. MATOIAN: Okay. Did you talk about why you were  
7 in jail?

8 MR. EVANS: Well, I told - well, to be honest, I had  
9 did told them in jail that I'd been in there for a crime I  
10 didn't do.

11 MS. MATOIAN: Okay. Do you recall being in jail  
12 with Mr. Davis after you'd been charged with the Drake crime  
13 but before you'd been charged with the Manning crime?

14 MR. EVANS: No.

15 MS. MATOIAN: Okay.

16 MR. EVANS: Okay.

17 MS. MATOIAN: Did you talk to Mr. Davis about the  
18 Drake case?

19 MR. EVANS: No, ma'am.

20 MS. MATOIAN: Okay. Did you talk to him about the  
21 Manning case?

22 MR. EVANS: No, ma'am. I just told him I was in  
23 jail for, you know, like a crime I didn't do.

24 MS. MATOIAN: Well, I'm talking about before you'd  
25 been charged with the --

1 MR. EVANS: Oh, no --

2 MS. MATOIAN: -- Manning case.

3 MR. EVANS: -- ma'am.

4 MS. MATOIAN: Okay. I'm gonna ask you to turn  
5 towards the back, number 29. It's a statement from Larry  
6 Davis --

7 MR. EVANS: Uh-huh (yes).

8 MS. MATOIAN: -- from October 8<sup>th</sup>, 19 - 1992.

9 MR. EVANS: Okay.

10 MS. MATOIAN: And, Mackenzie, correct me if I'm  
11 wrong --

12 MS. MYERS: Uh-huh (yes).

13 MS. MATOIAN: -- the Debbie Drake case happened in  
14 August of 1992. You are arrested for it in September of 1992.  
15 This statement is from October 8<sup>th</sup>, 1992.

16 MR. EVANS: Okay. So, I gotta read this here,  
17 right?

18 MS. MATOIAN: Yeah; and, I can try reading any parts  
19 to you. I - it's very difficult reading someone else's  
20 handwriting sometimes --

21 MR. TULLY: That's all right.

22 MS. MATOIAN: -- but do the best you can.

23 **[Pause]**

24 MR. EVANS: I never told him that.

25 MS. MATOIAN: And it does go on to a second page.



1 I'm sorry.

2 MR. EVANS: Okay.

3 **[Pause]**

4 MR. EVANS: No, ma'am.

5 MS. MATOIAN: When you say no, ma'am, did you tell  
6 him that you were planning on climbing out of the window when  
7 you were in jail?

8 MR. EVANS: No.

9 MS. MATOIAN: Okay. Did you tell him that you had  
10 raped a white woman and had broke into her house in Louisburg?

11 MR. EVANS: No, ma'am.

12 MS. MATOIAN: Okay. Even though you're admitting  
13 guilt to that crime, you did not say that to Mr. Davis?

14 MR. EVANS: That's right.

15 MS. MATOIAN: Okay. Did you tell him that the  
16 police wanted your blood and hair, but they didn't have  
17 anything on you?

18 MR. EVANS: They didn't - the police didn't ask  
19 nothing about that.

20 MS. MATOIAN: Okay. Did you talk to him about  
21 kidnapping and older white lady from Centreville --

22 MR. EVANS: No, ma'am.

23 MS. MATOIAN: -- and stealing her car?

24 MR. EVANS: No, ma'am.

25 MS. MATOIAN: Were you bragging about tying her up

1 and covering her eyes up so she couldn't see who you were?

2 MR. EVANS: No, ma'am.

3 MS. MATOIAN: Okay.

4 MR. EVANS: I never did that.

5 MS. MATOIAN: Did you say that you had some type of  
6 hose over your face?

7 MR. EVANS: No, ma'am.

8 MS. MATOIAN: And the woman couldn't tell who you  
9 were?

10 MR. EVANS: No.

11 MS. MATOIAN: Did you tell him you stole money from  
12 the old lady along with her car?

13 MR. EVANS: No, ma'am.

14 MS. MATOIAN: Did you tell him that the car got low  
15 on gas --

16 MR. EVANS: No, ma'am.

17 MS. MATOIAN: -- and so, you parked in the woods and  
18 left the woman --

19 MR. EVANS: No, ma'am.

20 MS. MATOIAN: -- and left on foot?

21 MR. EVANS: I didn't never do that.

22 MS. MATOIAN: Okay. Did you tell him that you'd  
23 kidnapped that woman who lived in Centreville, North Carolina  
24 and was an older white woman?

25 MR. EVANS: No, ma'am.

1 MS. MATOIAN: Okay. Why do you think he'd say  
2 something like this?

3 MR. EVANS: Because Pat Green - you see, Pat Green -  
4 Detective Pat Green had Joanne and Larry Davis to tell lies to  
5 get me to - so they can clear this case up on me, so they can  
6 stop the investigation, so they can clear the - they can close  
7 this case on me because of the crime that I did when I said  
8 that I made with Ms. - Ms. Drake.

9 MS. MATOIAN: Uh-huh (yes).

10 MR. EVANS: They wanted to just get them to testify  
11 against me to close this case on me so they won't have to work  
12 this case 'cause they know that I didn't do this crime, but  
13 they want to make it look like that I did this crime, and I  
14 know I didn't do it. And --

15 MS. MATOIAN: Why do you think they wanted to make  
16 it look like you committed this crime?

17 MR. EVANS: Well, they were - Larry Davis had been  
18 paid by Pat Green.

19 MS. MATOIAN: For what?

20 MR. EVANS: To tell lies.

21 MS. MATOIAN: About you, specifically?

22 MR. EVANS: Yes.

23 MS. MATOIAN: He also got paid?

24 MR. EVANS: Exactly.

25 MS. MATOIAN: Okay. Do you know how much they got

1 paid?

2 MR. EVANS: No, ma'am.

3 MS. MATOIAN: Did you hear that from Bessie Mae  
4 Carter and Anthony Carter, too?

5 MR. EVANS: No, ma'am, but I know - I know Larry  
6 Davis.

7 MS. MATOIAN: Okay.

8 MR. EVANS: I know Larry Davis 'cause - because when  
9 I was in jail and I - like I said, when this crime had came  
10 about and I told - called Tommy Perry on the telephone, Larry  
11 Davis overheard me telling Tommy Perry on the phone. I said,  
12 "Tommy Perry" that's the - the guy that run the store. And  
13 Larry Davis heard me say, "Tommy, they trying to fit me with  
14 this crime about Ms. Rhea Manning getting kidnapped." But he  
15 turned it around and said that I knewed [sic] about this  
16 crime. I'm not - I didn't know nothing about it until they  
17 told me about it. And when I told Tommy Perry that they  
18 trying to get me for this crime and I need him to be a witness  
19 to say to where I was at at the time this crime happened,  
20 Tommy Perry said, "Well, I will write a statement to let them  
21 know that you was at my store."

22 MS. MATOIAN: But we talked about that earlier; that  
23 --

24 MR. EVANS: Right.

25 MS. MATOIAN: -- you weren't actually at Tommy

1 Perry's store at the time --

2 MR. EVANS: Right.

3 MS. MATOIAN: -- the crime happened.

4 MR. EVANS: Right.

5 MS. MATOIAN: Right?

6 MR. EVANS: True, right, but Tommy Perry came and  
7 wrote a statement letting them know that I was at his store at  
8 the time before and then, I walked home, and my aunt and them  
9 told them that I was at home at the time when the crime  
10 happened.

11 MS. MATOIAN: Okay.

12 MR. EVANS: So. Larry Davis is a just - he's just  
13 like Joanne. Both of them was working around Pat Green at the  
14 time that Pat Green was trying to get them to tell a lie just  
15 to - to clear this case over on me so they won't have to go  
16 along with this crime no more.

17 MS. MATOIAN: You said they were working around Pat  
18 Green; what do you mean --

19 MR. EVANS: I was saying ---

20 MS. MATOIAN: -- by working?

21 MR. EVANS: Working - what I'm saying is Pat Green  
22 had them to tell a lie on me.

23 MS. MATOIAN: Okay.

24 MR. EVANS: And that's how I'm saying they were  
25 working around Pat Green.

1 MS. MATOIAN: I'm gonna ask you to go back to number  
2 5.

3 MR. EVANS: Okay.

4 MS. MATOIAN: And this is a hand-written note from  
5 the Ballance's file, and it's dated 10/21/94, and it indicates  
6 they got a call from you --

7 MR. EVANS: Right.

8 MS. MATOIAN: -- and it says, "He has contacted  
9 Joanne Clemonts. She say [sic] Larry Davis is lying about the  
10 car."

11 MR. EVANS: Right.

12 MS. MATOIAN: What do you remember about that?

13 MR. EVANS: About the car?

14 MS. MATOIAN: This says - you can look at it right  
15 there.

16 MR. EVANS: Okay.

17 MR. TULLY: Kenneth Evans.

18 MS. MATOIAN: So, it seems like you called your  
19 attorneys and said you had talked to Joanne Clemonts, and  
20 Joanne Clemonts told you that Larry Davis is lying about the  
21 car. What do you - do you remember what you meant by that or  
22 what that phone call was?

23 MR. EVANS: No, ma'am, I don't. I mean, that's  
24 something that she and her might - him and her might had  
25 discussed about or something. I don't remember that, no.

1 MS. MATOIAN: But you don't remember talking to  
2 Joanne Clemonts and her telling you anything about Larry  
3 Davis?

4 MR. EVANS: No, ma'am, no, ma'am.

5 MS. MATOIAN: Were you having contact with Joanne  
6 Clemonts while you were in jail awaiting --

7 MR. EVANS: No, I --

8 MS. MATOIAN: -- trial?

9 MR. EVANS: No, ma'am, I never contact Joanne in  
10 jail. That's - that right there - 'cause we don't - we don't  
11 contact nobody in jail, and she never come to visit.

12 MS. MATOIAN: Okay. So, you never called her?

13 MR. EVANS: No, ma'am, not in jail, no. All  
14 [indecipherable].

15 MS. MATOIAN: Didn't you say that she was - up to  
16 your trial was telling you that she wouldn't testify if you  
17 got a divorce and married her?

18 MR. EVANS: No, she was - I'm saying - that was when  
19 I was in the waiting cell to go into the courtroom.

20 MS. MATOIAN: Like, at your trial?

21 MR. EVANS: Right, at the trial.

22 MS. MATOIAN: Okay; but --

23 MR. EVANS: She was on the outside, you know, like  
24 walking on the street --

25 MS. MATOIAN: Right.

1 MR. EVANS: -- at the courthouse. See, the  
2 jailhouse and the courthouse is right there together. You can  
3 just walk out to the jail and walk across the street. That's  
4 the courtroom --

5 MS. MATOIAN: Okay.

6 MR. EVANS: -- in Franklin County.

7 MS. MATOIAN: So, how much - between that time -  
8 between when you break up in 1990 and you go to trial in  
9 April, 1994, how much contact do you have with Joanne  
10 Clemonts?

11 MR. EVANS: I didn't have contact. Only thing I did  
12 was just throwed that thing out to the window.

13 MS. MATOIAN: So, she showed up before your trial,  
14 you haven't talked to her in almost --

15 MR. EVANS: Right.

16 MS. MATOIAN: -- five years and she tells you, "I  
17 won't testify if you get a divorce and marry me?"

18 MR. EVANS: Right. If you - if - if I get divorced  
19 from my wife, she won't have to testify. So, that was - that  
20 --

21 MS. MATOIAN: And you had papers ready?

22 MR. EVANS: -- I - I just throwed it - slammed it  
23 right out the window. So, Pat Green - Detective Pat Green  
24 told her not - not to - not to talk to me 'cause she was on my  
25 - she was on - on the case - on my trial - on my trial.



1 MS. MATOIAN: Okay. What do you remember Larry  
2 Davis saying at the trial?

3 MR. EVANS: Larry Davis, he said that I came to him  
4 wanting to sell him a pistol. I never approached him with no  
5 gun, at all, and he couldn't - and - and when I said this, he  
6 couldn't tell you what type of pistol that the - the Manning's  
7 said that was stolen.

8 MS. MATOIAN: Okay.

9 MR. EVANS: You see what I'm saying?

10 MS. MATOIAN: Did he describe the pistol at all?

11 MR. EVANS: No, ma'am.

12 MS. MATOIAN: Okay.

13 MR. EVANS: He did not. But he said that I tried to  
14 sell him a pistol, and never did - if I tried to sell him a  
15 pistol why he didn't buy the pistol and then turn the pistol  
16 in to give to the police and tell them this is the pistol that  
17 I sold him; see what I'm saying?

18 MS. MATOIAN: Did he talk - when he testified, did  
19 he talk about these things that you read in that statement  
20 that you supposedly told him in jail?

21 MR. EVANS: No, ma'am. He did not - no, ma'am,  
22 'cause he never got up there and testified when in was in  
23 court. He was in the courtroom but he never testified 'cause  
24 he had --

25 MS. MATOIAN: You just said he testified that you

1     tried to sell him a gun.

2                 MR. EVANS:   Right - no, ma'am.   They said it in the  
3     thing that he testified that he - that I sold him a gun.   He  
4     did not testify that in court.

5                 MS. MATOIAN:   So, where'd he testify that at?

6                 MR. EVANS:   To one of the lawyers - somebody.

7     Somebody said that he testified against --

8                 MS. MATOIAN:   So, he's in --

9                 MR. EVANS:   He's saying that --

10                MS. MATOIAN:   -- so, they bring Larry Davis into the  
11    courtroom, but they don't have him testify at your trial?

12                MR. EVANS:   No, ma'am.   They ain't never have him  
13    testify.   Only thing they did was him sitting over there on  
14    that bench, and by the time they got me up there, they just  
15    pulled me right on out.   But he never testified.

16                MS. MATOIAN:   Do you recall seeing a document  
17    somewhere he's saying that you sold him a gun?

18                MR. EVANS:   No, I didn't.   I did not --

19                MS. MATOIAN:   How do you know about that then?

20                MR. EVANS:   It just came up out of the blue; just  
21    said that I tried to sell him a gun.

22                MS. MATOIAN:   But it came out where?

23                MR. EVANS:   I don't - I forgot that one.   But I know  
24    - they said that I was trying to sell him a gun.

25                MS. MATOIAN:   Why would they bring him into the

1 courtroom if he wasn't going to testify at your trial?

2 MR. EVANS: I don't know. He was in the courtroom  
3 but he never testified. The only body came in there and  
4 testified was my aunt.

5 MS. MATOIAN: We'll - we'll get back to that. We'll  
6 talk about --

7 MR. EVANS: Okay.

8 MS. MATOIAN: -- the trial in a few minutes.

9 That statement that we read from Joanne Clemonts before,  
10 she said that you had a small shotgun and you highlighted that  
11 as being untrue; that you did not --

12 MR. EVANS: That's right.

13 MS. MATOIAN: -- have a small --

14 MR. EVANS: I didn't.

15 MS. MATOIAN: -- shotgun?

16 MR. EVANS: No, ma'am.

17 MS. MATOIAN: And the victim in this case said the  
18 man who kidnapped her had a sawed-off shotgun with him, or  
19 what she believed to be a sawed-off shotgun. You - did you  
20 ever have a sawed-off shotgun?

21 MR. EVANS: No, ma'am.

22 MS. MATOIAN: Did you ever have a shorter shot -  
23 shotgun?

24 MR. EVANS: Never had a weapon.

25 MS. MATOIAN: Okay.

1 MR. TULLY: Can I ask one thing?

2 MS. MATOIAN: Yea.

3 MR. TULLY On - on the note that we were just  
4 talking about?

5 MS. MATOIAN: Uh-huh (yes).

6 MR. TULLY It says at the last, "He will keep me  
7 informed. He's in Laurenburg. Brought him back from Dix last  
8 month." Is that Dorthea Dix's Hospital?

9 MS. MATOIAN: Yeah. I believe you were sent to  
10 Dix's for an evaluation --

11 MR. EVANS: [Indecipherable]

12 MR. TULLY: [Indecipherable]

13 MS. MATOIAN: -- prior to your trial.

14 MR. TULLY: 'Cause they sent it's near the --

15 MR. EVANS: And they said that I was - okay, the  
16 judge ordered me to go.

17 MS. MATOIAN: Uh-huh (yes).

18 MR. EVANS: Because they saying that I was incompet -  
19 what do they call that?

20 MS. MATOIAN: Incompetent?

21 MR. EVANS: Right, but I know - like my grandmother  
22 always said, tell the truth. I said - I said, "Granny" I  
23 said, "I know I didn't do it, but they trying to send me to  
24 Dorthea Dix to - to be [indecipherable]. So, and I know they  
25 trying to get me to get on some type of medicine, something,

1 to make me feel like I'm crazy or something. No, I'm not  
2 gonna do that." So, I said, "I know I ain't gonna get on that  
3 because I know I didn't do this crime right here and I know  
4 that when I get out this right here, I know I can stand  
5 trial."

6 MS. MATOIAN: And after that evaluation, they said  
7 you were competent to stand trial, correct?

8 MR. EVANS: Exactly, exactly.

9 MS. MATOIAN: Okay.

10 MR. TULLY: And the reason I asked was 'cause I  
11 didn't know if they were medications --

12 MR. EVANS: No --

13 MR. TULLY: -- that he was on --

14 MR. EVANS: -- I never took --

15 MR. TULLY: -- during the trial.

16 MS. MYERS: I --

17 MR. EVANS: No, I never took medicine.

18 MS. MATOIAN: Right.

19 MR. EVANS: I - I never took any medicine.

20 MS. MATOIAN: I was gonna say, I - I've looked at  
21 the forms, and unfortunately I don't have them with me today,  
22 I've looked at the forms and I don't recall them saying that  
23 you were being prescribed medicine --

24 MR. EVANS: No, I --

25 MS. MATOIAN: -- at the time, but it's something I -

1 your recollection is you never did?

2 MR. EVANS: I never took any medicine.

3 MS. MATOIAN: Okay; but, we can certainly --

4 MR. EVANS: Only thing I take is --

5 MS. MATOIAN: -- double check that.

6 MR. EVANS: -- Bayer aspirins [sic].

7 MS. MATOIAN: Okay. All right. I am going to show  
8 you number 48.

9 MR. EVANS: Okay.

10 MS. MATOIAN: Let me write this down before I forget  
11 what my next number is.

12 All right, this is -- the pages are marked 24, 25 and 26.  
13 This came from the Ballance's file as well.

14 MR. EVANS: Okay.

15 MS. MATOIAN: It is apparently a phone call that  
16 your defense attorneys had, it appears with Joanne Clemonts  
17 and her mother, Christine, on 8/8/93. So, about four months  
18 after you get arrested.

19 MR. EVANS: Okay.

20 MS. MATOIAN: Or, wait. Let me make sure I'm giving  
21 you the right one. Yes.

22 I'm gonna ask you to turn to the second page and read the  
23 highlighted portion. Actually, you know what, start on the  
24 first page at the bottom where it says, "watch."

25 MR. EVANS: Okay.

1 MR. MATOIAN: Do you recall having a gold watch with  
2 a black face and roman numerals?

3 MR. EVANS: No, ma'am.

4 MS. MATOIAN: Okay. So, if you go to the second  
5 page, and I want you to read that highlighted part at the top.

6 **[Pause]**

7 MR. EVANS: That's a lie.

8 MS. MATOIAN: You never had a sawed-off shotgun?

9 MR. EVANS: Uh-uh (no). No, ma'am.

10 MS. MATOIAN: And I think we just talked about  
11 Anthony Carter?

12 MR. EVANS: Exactly.

13 MS. MATOIAN: You never gave it to your cousin,  
14 Anthony Carter?

15 MR. EVANS: No, ma'am; never gave it to him.

16 MS. MATOIAN: Did you shoot your mother's boyfriend,  
17 Charles?

18 MR. EVANS: No, ma'am. I ain't shot nobody.

19 MS. MATOIAN: Was that - is Charles your mother's  
20 boyfriend, or was that your mother's boyfriend?

21 MR. EVANS: No, that's Anthony mother.

22 MS. MATOIAN: Bessie Mae Carter's --

23 MR. EVANS: Bessie Mae --

24 MS. MATOIAN: -- boyfriend?

25 MR. EVANS: Bessie Mae.

1 MS. MATOIAN: Okay.

2 MR. EVANS: Bessie Mae - mother.

3 MS. MATOIAN: Okay. So, this - did Anthony Carter  
4 ever shoot his mother's boyfriend?

5 MR. EVANS: I don't even know.

6 MS. MATOIAN: You don't know?

7 MR. EVANS: No, ma'am.

8 MS. MATOIAN: Okay. So, that's a lie?

9 MR. EVANS: This right - this right here's a lie --

10 MS. MATOIAN: Right.

11 MR. EVANS: -- because, I told you this - I mean, I  
12 can give you Bessie Mae number; I got her number. I got her  
13 phone number.

14 MS. MATOIAN: Okay.

15 MR. EVANS: And she would tell you the same thing.  
16 This girl is telling a - a - and the mother, Joanne's mother,  
17 she's telling a lie, too --

18 MS. MATOIAN: Okay.

19 MR. EVANS: -- you know? But her mother, Joanne's  
20 mother, she's - she's deceased, too, cancer.

21 MS. MATOIAN: Right.

22 MR. EVANS: So, but, what I'm saying is now, Joanne  
23 and her mother is lying because Anthony Carter - I never took  
24 a gun to Anthony Carter, and wherever Anthony Carter got his  
25 gun from or whoever he shot with his gun, I don't know.



1 MS. MATOIAN: Okay. All right.

2 MR. EVANS: This right here is a lie.

3 MS. MATOIAN: That's a lie?

4 MR. EVANS: Yes.

5 MS. MATOIAN: Okay. I'm gonna show you number 49,  
6 and this is an interview that the - it - that the Ballance's  
7 did with you at Caledonia on 10/27/93.

8 MR. EVANS: Okay.

9 MS. MATOIAN: And it's marked pages 41 through 44.

10 MR. EVANS: Okay.

11 MS. MATOIAN: And I would like you to turn to the  
12 second page and read the highlighted portion there.

13 MR. EVANS: Okay. No, ma'am. This is a lie right  
14 here.

15 MS. MATOIAN: You and Joanne never tried to pawn a  
16 shotgun --

17 MR. EVANS: No, ma'am.

18 MS. MATOIAN: -- that they said was sawed-off too  
19 short?

20 MR. EVANS: No, ma'am.

21 MS. MATOIAN: Did you ever sell anything - not even  
22 a shotgun - did you sell anything to a guy in a van for  
23 \$10.00?

24 MR. EVANS: No, ma'am.

25 MS. MATOIAN: Why do you think that would be in an

1 interview your attorneys did you with you?

2 MR. EVANS: Well, when my attorney did this right  
3 here, I still told them I did not do this here. I did not  
4 have a gun.

5 MS. MATOIAN: Sure, and I - and I want to be clear,  
6 that you could've had a sawed-off shot gun that you sold to  
7 some guy and that still may mean - not mean that you were  
8 involved in this crime.

9 MR. EVANS: True.

10 MS. MATOIAN: So, if you had a sawed-off shotgun, I  
11 just need to know.

12 MR. EVANS: No, I never had a sawed-off shotgun.  
13 [Indecipherable].

14 MS. MATOIAN: Did you ever have any gun?

15 MR. EVANS: No gun. I know I ain't got no guns. I  
16 don't even take care of a gun. I never use a gun. The only  
17 gun that we had - it was my grandfather's shotgun that he had  
18 in his house, and it wasn't no sawed-off, it was the long  
19 barrel, and that was a 12-guage that he had.

20 MS. MATOIAN: So, this, that your defense attorneys  
21 wrote down is not true?

22 MR. EVANS: Not true, no.

23 MS. MATOIAN: Okay. I mean, we've got a few  
24 situations like the change and the shotgun --

25 MR. EVANS: True.

1 MS. MATOIAN: -- where you're saying that you never  
2 had these things --

3 MR. EVANS: Right. Yeah, I didn't --

4 MS. MATOIAN: -- and you've got multiple people,  
5 including your defense attorneys saying from you that you had  
6 these things.

7 MR. EVANS: No, I never had it. I never had those  
8 things that they saying that I had. I never had it.

9 MS. MATOIAN: So, multiple people are lying about  
10 you walking around with change, at any time, not even just  
11 after this crime, but --

12 MR. EVANS: True.

13 MS. MATOIAN: -- you walking around with bags of  
14 change.

15 MR. EVANS: Yeah, that's a --

16 MS. MATOIAN: That's never happened?

17 MR. EVANS: That's never happened.

18 MS. MATOIAN: Okay; and, then, Joanne Clemonts and  
19 her mother talking about a shotgun you sold to Anthony Carter  
20 in this interview with your defense attorneys --

21 MR. EVANS: Yeah, that's --

22 MS. MATOIAN: -- were --

23 MR. EVANS: -- that's - that's a lie, too. That's  
24 all a lie.

25 MS. MATOIAN: And your defense attorneys wrote down

1 something that wasn't true about you trying to pawn a shotgun  
2 --

3 MR. EVANS: Yeah --

4 MS. MATOIAN: -- that was --

5 MR. EVANS: -- I never tried to pawn no shotgun to  
6 nobody.

7 MS. MATOIAN: Okay.

8 MR. EVANS: 'Cause, if I went to a pawn shop,  
9 evidentially, it should have a camera or something at that  
10 pawn shop that day to see that I walked in with it.

11 MS. MATOIAN: Why do you think so many people are  
12 lying about you.

13 MR. EVANS: Like I told you, they just wanted me to  
14 be - they just want to get me away from around here. I don't  
15 know. They just want their lies - just to, you know.

16 MS. MATOIAN: Do you remember giving a statement to  
17 police on the day that you were arrested?

18 MR. EVANS: I - yes, I do. I can recall.

19 MS. MATOIAN: Can you turn to page 19?

20 **[Pause]**

21 MR. EVANS: Okay.

22 MS. MATOIAN: Do you remember that interview?

23 MR. EVANS: Yes, I do.

24 MS. MATOIAN: Okay. Do you remember giving any  
25 other interviews to law enforcement besides that - the one

1 handwritten one I showed you from 4/12/1990, your polygraph on  
2 4/20/1990 --

3 MR. EVANS: No, ma'am.

4 MS. MATOIAN: -- and then, this one in 1993?

5 MR. EVANS: No, ma'am.

6 MS. MATOIAN: Did they ever come talk to you in  
7 jail? Any other times than these?

8 MR. EVANS: No, ma'am, the only thing they came and  
9 talked to me about was - about the polygraph; that's the only  
10 thing they come talk to me about. They ain't talk to me about  
11 none of that.

12 MS. MATOIAN: So, now, we've kind of gone through it  
13 all. I'm gonna go through the timeline. This crime happens  
14 in March of 1990.

15 MR. EVANS: Right.

16 MS. MATOIAN: You are questioned by the police in  
17 April, 1990. A few days after that Greg Phelps comes forward  
18 and says you told him things in jail, and some things that are  
19 not - that do not match up with the victim's account of the  
20 crime.

21 MR. EVANS: Right.

22 MS. MATOIAN: And then, you're polygraphed shortly  
23 after that, on April 20<sup>th</sup>, 1990.

24 MR. EVANS: Right.

25 MS. MATOIAN: And the report indicates you passed;

1 is that your recollection?

2 MR. EVANS: That's right.

3 MS. MATOIAN: Okay. So, that's 1990, and then, I  
4 don't see anything else happening in this case until the  
5 Debbie Drake case happens in August, '92?

6 MR. EVANS: That's right.

7 MS. MATOIAN: You're arrested in September, '92?

8 MR. EVANS: That's right.

9 MS. MATOIAN: In October of '92, the statement from  
10 either Billy Glenn Solomon or the Wardricks', whoever that  
11 came from --

12 MR. EVANS: Right.

13 MS. MATOIAN: -- that happens October 5<sup>th</sup>. October  
14 the 8<sup>th</sup>, Larry Davis comes forward with statements that you  
15 made to him in jail?

16 MR. EVANS: Right.

17 MS. MATOIAN: And then, Larry Davis gives a second  
18 interview in March, '93. In April, '93, you're arrested. The  
19 same day you're arrested, you and Joanne Clemonts --

20 MR. EVANS: Right.

21 MS. MATOIAN: -- are both interviewed.

22 MR. EVANS: Yes.

23 MS. MATOIAN: Does that - does that timeline sound  
24 correct to you?

25 MR. EVANS: Okay. About me and Joanne's interview,

1 I'm trying to think when Joanne was interviewed before me  
2 because I was interviewed before Joanne before they  
3 interviewed her.

4 MS. MATOIAN: Okay.

5 MR. EVANS: So, this - this is a different time than  
6 the one with Joanne.

7 MS. MATOIAN: So, it looks like on April 21<sup>st</sup>, '93,  
8 you were interviewed at 9:45 am, and Joanne Clemonts - oh, I'm  
9 sorry. I apologize. Joanne Clemonts is interviewed March  
10 24<sup>th</sup>, 1993. So, she's interviewed a few days before you.

11 MR. EVANS: Right; and, that [indecipherable].

12 MS. MATOIAN: Do you know how they got to Joanne?

13 MR. EVANS: Yes, they got to Joanne about --

14 MS. MATOIAN: Or, like why they went to go interview  
15 her?

16 MR. EVANS: They interviewed her because they saw me  
17 with Joan - they - they know who I was with at the time.

18 MS. MATOIAN: Okay.

19 MR. EVANS: And they know that I'd been dating  
20 Joanne at that time. And that is the reason why they went  
21 after Joanne 'cause Joanne was living - she wasn't living at  
22 the trailer park at the time. She was living at the Franklin  
23 Academy Apartment.

24 MS. MATOIAN: Okay; and, when you say --

25 MR. EVANS: That was --

1 MS. MATOIAN: -- at the time, what time do you mean?

2 MR. EVANS: Before she moved from the trailer. I'm

3 saying, like, we had broke up. That when she had Larry's -

4 that when she and that other guy got together.

5 MS. MATOIAN: And they were living in the Franklin -

6 -

7 MR. EVANS: Right.

8 MS. MATOIAN: -- Academy Apartments?

9 MR. EVANS: Academy Apartment, yes, ma'am.

10 MS. MATOIAN: Okay. All right. Now, I want to go

11 through everything you remember about the trial.

12 MR. EVANS: Okay.

13 MS. MATOIAN: Who testified for the State?

14 MR. EVANS: My aunt.

15 MS. MATOIAN: For the State? So, did Pat Green

16 testify?

17 MR. EVANS: He came up and only thing he did was -

18 present the [indecipherable] scarf, twine and the duct tape.

19 But he didn't test --

20 MS. MATOIAN: But he test - but --

21 MR. EVANS: But he did not testify.

22 MS. MATOIAN: He didn't testify about the

23 investigation at all?

24 MR. EVANS: No, ma'am. He didn't. He didn't get up

25 there --



1 MS. MATOIAN: Who did?

2 MR. EVANS: I think it was the DA or something like  
3 that. Yeah, it was the DA.

4 MS. MATOIAN: Well, the DA can't testify.

5 MR. EVANS: Well, he didn't get up - the only thing  
6 he did - they didn't do much stuff in that courtroom that day.  
7 The only thing they did was just present the evidence that  
8 they had and - and then, they just had me over here, and - and  
9 then, the DA - I think that - Pat Green did not testify, Larry  
10 Davis didn't testify and Joanne. Only body came to my case  
11 was my aunt and all them - and all them did not testify.

12 MS. MATOIAN: Well, if you have a trial, they - the  
13 State has to put people on the stand and testify --

14 MR. EVANS: Yeah --

15 MS. MATOIAN: -- about the evidence against you.  
16 You wouldn't just present your witnesses. The State has their  
17 witnesses, too.

18 MR. EVANS: Yeah, Pat Green didn't never get on the  
19 stand.

20 MS. MATOIAN: Pat Green never got on the stand?

21 MR. EVANS: No, ma'am. He did not get in that  
22 little - you know they stand up and then they put their hand  
23 on the Bible and sat down? He did not - no, ma'am. He did  
24 not do that.

25 MS. MATOIAN: Well, if he didn't do that, how was he

1     able to get in the do-rag and the twine?

2                 MR. EVANS:   That was - he just - they - they just  
3     held it in the courtroom and said this what - this what was  
4     found at the - at the crime scene.

5                 MS. MATOIAN:   Well, who testified about the evidence  
6     that they had against you?

7                 MR. EVANS:   I forgot who that might have been, but I  
8     know Pat Green didn't do it.   Pat Green --

9                 MS. MATOIAN:   Was it Rick Simms?

10                MR. EVANS:   It might have been - I think that who it  
11    was, Rick Simms.   That's - that's who I'm trying to think of.  
12    It might have been Rick Simms.

13                MS. MATOIAN:   Did Dave McDougall testify?   He was  
14    the crime scene analyst for the SBI.

15                MR. EVANS:   Yes, ma'am.   He was the SBI at the crime  
16    scene.

17                MS. MATOIAN:   Did anyone from the crime lab testify?

18                MR. EVANS:   No, ma'am.

19                MS. MATOIAN:   Remember the name J.D. Reavis?

20                MR. EVANS:   Reavis?   I'm not sure of him.

21                MS. MATOIAN:   Okay.

22                MR. EVANS:   No, ma'am.

23                MS. MATOIAN:   So, the State - I mean, who did the  
24    State put on as evidence against you?

25                MR. EVANS:   They put the evidence against me - was

1 the twine - you talking about like --

2 MS. MATOIAN: I'm talking about who was up on the  
3 stand and telling the jurors what the evidence was against  
4 you.

5 MR. EVANS: They --

6 MS. MATOIAN: Because if Larry Davis doesn't testify  
7 and Joanne Clemonts doesn't testify and Pat Green doesn't  
8 testify then they have not told the jurors any of the  
9 information that they say is incriminating about you. Where  
10 would that - if Larry Davis doesn't testify, this statement  
11 doesn't matter because the jury didn't hear about it.

12 MR. EVANS: Right.

13 MS. MATOIAN: If Joanne Clemonts didn't testify what  
14 she says in her statement didn't matter 'cause the jury didn't  
15 hear about it.

16 MR. EVANS: Right. I'm trying to think who brought  
17 up there - came to call up. That might have been - I can't  
18 recall.

19 MS. MATOIAN: So, the only person that you  
20 definitively remember testifying at your trial is your aunt?

21 MR. EVANS: Right, my aunt and - 'cause - that's the  
22 only person was there. My aunt - she's the only one came and  
23 testified. They wanted Alice Faye Johnson to come.

24 MS. MATOIAN: Who's that?

25 MR. EVANS: She's was - okay. That's my fault. I

1 forgot. Alice Fae Johnson. She come testify. And she was  
2 like a family friend to me, and they asked her in the  
3 courtroom what were her related to me. She was like I was a  
4 friend to her family, that I used to come to her house and I  
5 used to, like, you know, cut her grass and I been knowing her  
6 mother, you know, Dorothea Johnson. And we was just like, go  
7 there, have fun, play cards. And they asked her in the court  
8 was me and her having a relationship and like she said, "No,  
9 we wasn't having no relationship. We was just like family  
10 friends." I used to go to her house all the time. I used to  
11 walk to her house.

12 MS. MATOIAN: What does that have to do with this?

13 MR. EVANS: Well, they was like - it was like, she  
14 knew about me and she knowed that I did not commit this crime,  
15 but --

16 MS. MATOIAN: They called - are you saying that your  
17 defense --

18 MR. EVANS: -- they called --

19 MS. MATOIAN: -- that your defense called her as a  
20 character witness.

21 MR. EVANS: Yes, yes. She was in the courtroom.

22 MS. MATOIAN: I mean, she wasn't with you that  
23 night. How would she know where you were?

24 MR. EVANS: Well, they just asked her how she knew  
25 me and she just came up and testified against - just, to let

1    them know what type of person I was; what type of guy I was  
2    when I was out.

3                   MS. MATOIAN: Did the victim testify?

4                   MR. EVANS: No, ma'am, she did not get up on the  
5    stand neither.

6                   MS. MATOIAN: Did her husband testify, Esley  
7    Manning?

8                   MR. EVANS: No, he was - he was deceased. He was  
9    deceased. Didn't nobody get up there and testify. Nobody but  
10   my aunt and Faye.

11                  MS. MATOIAN: I mean, the defense can't present a  
12   case unless the State has already presented their case. They  
13   have to have something to incriminate you before you can have  
14   something to rebut. So, the State had to have --

15                  MR. EVANS: Somebody.

16                  MS. MATOIAN: -- someone on the stand --

17                  MR. EVANS: Yeah.

18                  MS. MATOIAN: -- to testify --

19                  MR. EVANS: I don't know --

20                  MS. MATOIAN: -- against you.

21                  MR. EVANS: Yeah, I don't know who that probably  
22   might be.

23                  MS. MATOIAN: So, I mean, if that's the case, then  
24   the jury never heard anything about what Joanne Clemonts said.

25                  MR. EVANS: That's right.

1 MS. MATOIAN: The jury never heard about anything  
2 that Larry Davis said, including you trying to sell him that  
3 gun.

4 MR. EVANS: That's right. It wasn't --

5 MS. MATOIAN: So, what are you convicted --

6 MR. EVANS: -- nothing --

7 MS. MATOIAN: -- on?

8 MR. EVANS: I'm convicted of - just saying that I  
9 was - kidnapped Ms. Rhea Manning.

10 MS. MATOIAN: But what was the evidence that they  
11 convicted you on if they didn't hear --

12 MR. EVANS: The evidence that they had - they said  
13 they had against me was the twine and - and the --

14 MS. MATOIAN: But how did they connect it to you?

15 MR. EVANS: I don't know. They ain't never test it.

16 MS. MATOIAN: I mean, if --

17 MR. EVANS: They just said - they just said whatever  
18 Joanne said, that I used that tape for the duct tape to tape  
19 her car down and all this here.

20 MS. MATOIAN: But Joanne didn't testify so does that  
21 --

22 MR. EVANS: Exactly, she did not testify. She did  
23 not come in to the --

24 MS. MATOIAN: Well, then, they can't connect to you.

25 MR. EVANS: That what they did. They tried to.

1 MS. MATOIAN: But they can't without Joanne.

2 MR. EVANS: Yep.

3 MS. MATOIAN: I mean, if the DA is in - Susan  
4 Thompson, the ADA who tried you --

5 MR. EVANS: Right.

6 MS. MATOIAN: -- if she's in the newspaper saying  
7 that Joanne Clements and Larry Davis were the most important  
8 pieces of evidence against you --

9 MR. EVANS: They never --

10 MS. MATOIAN: -- how are they not testifying?

11 MR. EVANS: I don't know why. They didn't never do  
12 it. The lawyers or nothing, they never present them to the  
13 courtroom when I was tried.

14 MS. MATOIAN: If you turn to number 31, these are  
15 some notes - it says, "Closing" on the top. It's marked page  
16 202 from - and these are Larry Norman's notes from his file.

17 MR. EVANS: Uh-huh (yes).

18 MS. MATOIAN: That first paragraph says, "Susan  
19 Thompson in opening statement said - admitted that they did  
20 not have enough evidence to even charge the D until statement  
21 to Larry Davis."

22 MR. EVANS: Right.

23 MS. MATOIAN: Well, how can you bring that up in  
24 your opening and not have Larry Davis testify?

25 MR. EVANS: Okay.

1 MS. MATOIAN: If they don't even have enough to  
2 charge you until Larry Davis comes forward?

3 MR. EVANS: Okay. That's - that's - that's what I'm  
4 trying to say. Larry Davis was in the courtroom, but he never  
5 did get up on the stand. The only thing they did, they say -  
6 when I walked in the courtroom and they shook her hand, he  
7 left out, but he never got on the stand.

8 MS. MATOIAN: I want you to go back to 28, which is  
9 that draft closing argument --

10 MR. EVANS: Uh-huh (yes).

11 MS. MATOIAN: -- and go to the page marked 192.

12 MR. EVANS: Uh-huh (yes).

13 MS. MATOIAN: All right. So, that paragraph that  
14 starts number four, it says, "And so, we come lastly to the  
15 evidence I refer to as the convicted witness evidence. That  
16 evidence presented through Joanne Clemonts, the former  
17 girlfriend and Larry Davis, the convicted one. Joanne says  
18 that in March, Kenneth was living with her, that he had her  
19 car, that he came home with some change in a First Citizens  
20 bag, that he had muddy" - it has shows, but I think he means,  
21 shoes.

22 "Incredibly, she remembers that this happened in March,  
23 1990, but then, she could not remember when she moved where.

24 And the other State's witnesses, Jerry Moore and Tommy  
25 Perry, never saw this car on this night in question. In fact,



1 Tommy Perry says the defendant left his store walking.

2 And how about the sawed-off shotgun we've heard about?  
3 The State's own witness says he gave that to someone else -  
4 somebody else in 1988.

5 She also talked about this do-rag, that she gave it to  
6 him, that they had a fight and it got torn but that it is torn  
7 more in court than it was. This convicted witness has a  
8 probation violation on this week's calendar. What has she got  
9 to gain by testifying? We can only speculate. In any event,  
10 if you believe her, the defendant had a car on the night of  
11 the kidnapping. Where was it? Why did Tommy Perry or no one  
12 else see it? How can she remember the exact month she says  
13 all these things happened three years after and she can not  
14 remember when she moved?

15 And Larry Davis, the other convicted witness, says that  
16 Kenneth Evans told him he did it. Again, three years after  
17 the fact, why did he come in and tell this story? Was this he  
18 crossed out he - I can't read that handwriting - "trying to  
19 help himself or doing his civic duty."

20 So, that - I mean, again, we've talked about a few things  
21 in this closing argument.

22 MR. EVANS: Right.

23 MS. MATOIAN: He indicates that Jerry Moore  
24 testified as an alibi witness for you --

25 MR. EVANS: Right.

1 MS. MATOIAN: -- and you say that's not true; that  
2 Jerry Moore didn't testify and he's not an alibi witness for  
3 you.

4 MR. EVANS: No, ma'am. He did not come to testify.

5 MS. MATOIAN: And then, he's saying in here that  
6 Joanne Clemonts and Larry Davis both testified and you're  
7 saying that's not true.

8 MR. EVANS: They didn't come in and testify.

9 MS. MATOIAN: Is it possible that you just don't  
10 know.

11 MR. EVANS: They didn't - they didn't - they won't  
12 in there when I was there, 'cause I was sitting there with  
13 James T. Duckworth.

14 MS. MATOIAN: James Duckworth was your appellate  
15 attorney. Larry --

16 MR. EVANS: Right.

17 MS. MATOIAN: -- Normal conducted the trial. So, if  
18 you're thinking about an appellate hearing --

19 MS. TULLY: Uh-huh (yes).

20 MR. EVANS: Uh-huh (yes).

21 MS. MATOIAN: -- that would be different. Your  
22 trial happened in April of 1995 in the Franklin County  
23 Courthouse and Larry Norman was your defense attorney. So,  
24 this is his --

25 MR. EVANS: Okay.

1 MS. MATOIAN: -- summary of the evidence that was  
2 presented.

3 MR. EVANS: But this what I'm saying though, Trey  
4 Duckworth was - handled the case because he was trying to get  
5 a Motion for Appropriate Relief at that time.

6 MS. MATOIAN: That is - a - a Motion for Appropriate  
7 Relief happens after you'd been convicted.

8 MR. EVANS: Uh-huh (yes).

9 MS. MATOIAN: So, you've already - do you remember  
10 having a trial where a jury found you guilty?

11 MR. EVANS: They found me guilty with Trey  
12 Duckworth; Mr. James T. -- Mr. Larry Norman wasn't in there.  
13 It was James T. Duckworth.

14 MS. MATOIAN: Okay. So --

15 MR. EVANS: I understand what you're saying --

16 MS. MATOIAN: Right.

17 MR. EVANS: -- but - but I'm saying --

18 MS. MATOIAN: When do you remember Larry Norman  
19 being your attorney?

20 MR. EVANS: Wasn't -- Larry Norman was my attorney  
21 when - well, he had jumped off the case and they gave me to  
22 Mr. James T. Duckworth.

23 MS. MATOIAN: Okay. So, what I have been able to  
24 tell through Mr. Norman's file and Clerks' documents --

25 MR. EVANS: Right.

1 MS. MATOIAN: -- you had a few different attorneys  
2 including Bernadine and Frank Ballance right --

3 MR. EVANS: See --

4 MS. MATOIAN: -- after you were arrest.

5 MR. EVANS: Okay. All right. This is how it was -  
6 this how it was - I'm gonna correct it. Larry - Larry Norman  
7 was the first one.

8 MS. MATOIAN: Uh-uh (no).

9 MR. EVANS: And then, here come - here - no, Ms.  
10 Ballance - my fault. I'm gonna correct - Ms. Bernadine  
11 Ballance was the first one. Okay, then she assigned me to her  
12 husband.

13 MS. MATOIAN: Uh-huh (yes).

14 MR. EVANS: Okay? Then, Frank Ballance come down to  
15 Caledonia to visit me. After that, I wouldn't take the plea  
16 bargain that he came and offered me. He offered me a five-  
17 year plea bargain. I told him that I could not take no five-  
18 year plea bargain for a crime I did not do. I could've took  
19 the plea bargain and ran with it, but like I said, my grandma  
20 told me not to take the plea - no plea - not [indecipherable]  
21 not guilty.

22 So, after that Frank went off my case. That's how Larry  
23 Norman came on it. Okay? After Larry Norman got back on it,  
24 he did for a - for a couple - then, next thing you know, he  
25 went off, here's Trey - here's James T. Duckworth coming in.

1 They gave me an appellate from Durham.

2 MS. MATOIAN: Right. James Duckworth --

3 MR. EVANS: Uh-huh (yes).

4 MS. MATOIAN: -- Trey Duckworth is your appellate  
5 attorney.

6 MR. EVANS: [Indecipherable].

7 MS. MATOIAN: You cannot have an appeal --

8 MR. EVANS: Right.

9 MS. MATOIAN: -- until you've been convicted; does  
10 that make sense?

11 MR. EVANS: That's right.

12 MS. MATOIAN: So, Larry Norman represented you  
13 through your trial --

14 MR. EVANS: Uh-huh (yes).

15 MS. MATOIAN: -- in front of a jury --

16 MR. EVANS: Right.

17 MS. MATOIAN: -- where the jury found you guilty.

18 MR. EVANS: Found me guilty.

19 MS. MATOIAN: So, when I'm asking you about  
20 testifying, usually in an - in an appeal, it would unusual for  
21 --

22 MR. EVANS: But my question is, why Larry Norman  
23 wasn't there when I - when I got tried and get - found me  
24 guilty. He wasn't there. It was James T. Duckworth. That's  
25 what I'm - that's - that's - that's the question I was

1 wondering. He wasn't there.

2 MS. MATOIAN: From - and I'm --

3 MR. EVANS: I understand.

4 MS. MATOIAN: I'm not trying to be difficult --

5 MR. EVANS: I understand what you're saying --

6 MS. MATOIAN: -- with you and tell you what happened  
7 in your own life.

8 MR. EVANS: Right.

9 MS. MATOIAN: I can only tell you what I am able to  
10 tell from Larry Norman's file and the court files. You were  
11 convicted of a jury - by a jury of - in this case.

12 MR. EVANS: Right.

13 MS. MATOIAN: Larry Norman represented you during  
14 that trial in front of that jury because I have this closing  
15 argument --

16 MR. EVANS: Right.

17 MS. MATOIAN: -- that he remembers writing. I have  
18 notes in Larry Norman's handwriting that he says are notes of  
19 the type he would have taken during a trial --

20 MR. EVANS: Uh-huh (yes).

21 MS. MATOIAN: -- when people like Joanne Clemonts  
22 and Pat Green and all of them are testifying.

23 MR. EVANS: Right.

24 MS. MATOIAN: So, I'm asking you, before Trey  
25 Duckworth gets on your case to do your appeal --

1 MR. EVANS: Uh-huh (yes).

2 MS. MATOIAN: -- when you're convicted by that jury,  
3 what do you remember?

4 MR. EVANS: I can't remember nothing on that.

5 MR. MATOIAN: You do not remember a trial for this  
6 case?

7 MR. EVANS: Right. The only thing I know that - the  
8 only thing I know that Ms. Susan Thompson - and I was trying  
9 to get them to reject her from doing what she did when she was  
10 going through with the jury. That's the only thing I can  
11 remember.

12 MR. MATOIAN: Do you know if the victim ever  
13 identified you as the as the person who kidnapped her?

14 MR. EVANS: No, ma'am.

15 MR. MATOIAN: She never - in a courtroom --

16 MR. EVANS: She said - she --

17 MR. MATOIAN: -- pointed at your and said that you  
18 kidnapped her?

19 MR. EVANS: No, ma'am. She said I was not the one.

20 MR. MATOIAN: Okay; and, I know - I think I know  
21 what you're talking about and we'll get to that in a little  
22 bit.

23 MR. EVANS: Okay. All right.

24 MR. MATOIAN: It's - I just mentioned in the part I  
25 just read, what do you - I mean, you say you don't remember

1 your trial in front of a jury so if you don't remember you  
2 don't remember. What do you remember being presented about  
3 the do-rag? Where was it found? Who found it?

4 MR. EVANS: They said - the detective said that they  
5 went to the car - where this car supposed to be put at in the  
6 woods, and they said that they found the - the do-rag and  
7 everything. No, my fault. I'm gonna correct myself. They  
8 said they got the do-rag from Joanne Clemonts. But they said  
9 they got the other stuff from down at this car that was  
10 supposed to been in the woods.

11 Joanne Clemonts is saying that she had gave me that do-  
12 rag, but that do-rag was not mine. It was somebody else's and  
13 it was never tested to see whether it was mines [sic] or  
14 whoever - what it was. I wore it in the [indecipherable].

15 MR. MATOIAN: Well, what does the do-rag matter if  
16 they get it from Joanne; isn't not collected from the crime  
17 scene?

18 MR. EVANS: Exactly. I don't know. I think it's,  
19 you know.

20 MR. MATOIAN: All right. I'm gonna walk through  
21 this as best I can --

22 MR. EVANS: Okay.

23 MR. MATOIAN: -- because is something that we've  
24 been trying to clear up --

25 MR. EVANS: Okay.



1           MR. MATOIAN:  -- and it's a little bit difficult  
2 without the trial transcript.

3           MR. EVANS:  Okay.

4           MR. MATOIAN:  So, a do-rag was entered into evidence  
5 at trial, and the marking on the do-rag indicate that it was -  
6 that it came from that crime scene with the car?

7           MR. EVANS:  Right.

8           MR. MATOIAN:  Okay.  So, not - it does not say given  
9 to them by Joanne Clemonts, it says it comes to them from the  
10 crime scene.  But there's a bit of a discrepancy so I'm gonna  
11 go through what we know --

12          MR. EVANS:  Okay.

13          MR. MATOIAN:  -- and see if that jogs your memory as  
14 to what was talked about at the trial, although I think we've  
15 established that you don't really remember what happened at  
16 the trial.

17          In his crime scene report from when David McDougall, from  
18 the SBI, goes to where the car is found --

19          MR. EVANS:  Right.

20          MR. MATOIAN:  -- he notes a black scarf on a dirt  
21 road approximately 33 feet to the rear of the victim's  
22 vehicle.  This is not named as - this is not listed on the  
23 items that he collected.

24          MR. EVANS:  Okay.

25          MR. MATOIAN:  He gave a list of items he collected.

1 If you turn to page 27, that's a photo - I'm sorry, Exhibit  
2 27, that's a photo from the SBI. Does that look like a do-rag  
3 to you?

4 MR. EVANS: Yes, it do.

5 MR. MATOIAN: Okay. So, again, it appears that it's  
6 photographed. It's not listed on the items of evidence  
7 collected by Dave McDougall.

8 MR. EVANS: Okay.

9 MR. MATOIAN: So, Esley Manning, the victim's  
10 husband, is interviewed by the defense's PI on 9/7/1993, and  
11 he says, "But they found this here, one of these masks that  
12 you put over your head that's got a thing that hangs down like  
13 a gypsy." PI Williams, asked, "A rubber-type mask" and Esley  
14 Manning says, "No, I think it's like a silk hose thing. You  
15 pull it down over your eyes or you can't see nothing but your  
16 eyes. I don't remember but I found that in there after the  
17 car came back. They drove it home and put it in my backyard.  
18 I got to looking and cleaning. They had put this black stuff  
19 in there taking fingerprints and stuff. I had to clean that  
20 out and that's when I found that mask in there." PI Williams  
21 asked, "Was it like a stocking type mesh?" He says, "Yeah,  
22 kinda like a pair of hose." PI Williams said, "I think your  
23 wife described it as something a little courser than a pair of  
24 hose." And Esley Manning says, "Maybe so." PI Williams says,  
25 "With a knot in the back?" Esley Manning says, "Yeah, you see

1 a lot of " and I apologize this is his words, not mine "you  
2 see a lot of these colored boys wearing them."

3 MR. EVANS: Uh-huh (yes). Okay. I know --

4 MR. MATOIAN: Does that description something like a  
5 stocking type mesh, a little thicker than a pair of hose with  
6 a knot in the back that you could maybe pull down over your  
7 eyes, does that sound like a do-rag to you?

8 MR. EVANS: No, because you can't pull that over  
9 your eyes.

10 MR. MATOIAN: You can't? Okay.

11 MR. EVANS: No, no.

12 MR. MATOIAN: So, the victim - before her husband is  
13 also interviewed by PI Williams, she says - she talks about a  
14 dough-mask that looked like a white person. Do you know a  
15 dough-mask is?

16 MR. EVANS: No, ma'am.

17 MR. MATOIAN: Okay. She says that, that was left in  
18 the car. She says that the suspect was wearing a hood and  
19 then, she says, "I think it was black but he also had on one  
20 of these things" and, again, I'm sorry these are their words,  
21 not mine, "but he also had on one of these things that blacks  
22 wear that cover the whole head up, that tie in the back,  
23 because it was left in my car. It's a dust catcher is what  
24 the blacks call it. I don't know what it is. It's net. It  
25 looks like fine net. It comes around and ties. It's more

1 course than stockings and it was different than the hood that  
2 they were wearing." And she says, "They found it in the car.  
3 It was left in my car." Does that description sound like a  
4 do-rag to you?

5 MR. EVANS: No.

6 MR. MATOIAN: Something that's - it covers your  
7 whole head and ties in the back and is like a --

8 MR. EVANS: No, we just --

9 MR. MATOIAN: -- little thicker than stockings?

10 MR. EVANS: You just take it - it's just a little -  
11 no, like this - it's almost like this but it's - don't go no  
12 farther than right here, and then, you just take it and just  
13 wrap it around like this here.

14 MR. MATOIAN: Well, that's covering your whole - I  
15 mean, I --

16 MR. EVANS: Yeah, I understand, but it - you can't -  
17 -

18 MR. MATOIAN: You don't think that sounds like a do-  
19 rag?

20 MR. EVANS: No.

21 MR. MATOIAN: Okay.

22 MR. EVANS: Some of them call it - some - some of  
23 them - see - see, I never wore the do-rag. I wore a gunny. A  
24 gunny is just like a - like a little hat.

25 MR. MATOIAN: The wave cap, right?

1 MR. EVANS: Right. It look a lot like a little hat.

2 MR. MATOIAN: That ties up at the top?

3 MR. EVANS: Right. It's just like a little hat.

4 MR. MATOIAN: Okay.

5 MR. EVANS: You know what I'm saying, but --

6 MR. MATOIAN: All right.

7 MR. EVANS: -- that back in the day - I mean, when I

8 had hair, you know, you put a little cap on it. It's just a

9 little cap, that's all.

10 MR. MATOIAN: All right; and, I'm gonna ask you to

11 go back to 28. This is that draft closing argument again, and

12 go to page 189, which I think is the second page.

13 MR. EVANS: Okay.

14 MR. MATOIAN: And if you go to that paragraph that's

15 marked number one --

16 MR. EVANS: Uh-huh (yes).

17 MR. MATOIAN: -- he says, "The physical evidence

18 retrieved at the crime scene or in the car, I would argue to

19 you, that the evidence or lack thereof demonstrates, clearly,

20 a reasonable doubt. In fact, the State's case, in terms of

21 physical evidence, in totally devoid of connection to the

22 defendant except - except, as the State will argue, that

23 mysterious do-rag that appeared at some point in the

24 investigation. Appeared, I argue to you, under questionable

25 circumstances." Do you remember anything at a trial about how

1 that do-rag got to be collected?

2 MR. EVANS: I was told by them that it had a mark on  
3 it, like a rip.

4 MR. MATOIAN: Okay.

5 MR. EVANS: Like a rip in it. That's the one Joanne  
6 described that that's the one that she had bought.

7 MR. MATOIAN: Okay.

8 MR. EVANS: 'Cause it had a rip in it.

9 MR. MATOIAN: Okay.

10 MR. EVANS: But that's how - I remember that one.

11 MR. MATOIAN: Okay; and then, go to page 190.

12 MR. EVANS: Uh-huh (yes).

13 MR. MATOIAN: And in the middle paragraph that  
14 starts, "And about that do-rag."

15 MR. EVANS: Okay.

16 MR. MATOIAN: "And how about that do-rag that the  
17 SBI didn't consider to be important, not even retrieved by the  
18 police, apparently found in the car days after the crime. And  
19 Joanne Clemonts, while saying it looked like the one she gave  
20 the defendant, even said that it was ripped or torn more than  
21 when she last saw it. In other words, not in the same  
22 condition."

23 So, what we have there is, there's this picture that we  
24 looked at --

25 MR. EVANS: Uh-huh (yes).

1 MR. MATOIAN: -- of a do-rag, apparently in the  
2 woods by the car --

3 MR. EVANS: Right.

4 MR. MATOIAN: -- that is not listed on the day of  
5 the crime as something that Dave McDougall collected.

6 MR. EVANS: Right.

7 MR. MATOIAN: And then, in this closing argument,  
8 that's a summary of what happened in the trial, seems to be  
9 some indication that there was a do-rag --

10 MR. EVANS: They got over here.

11 MR. MATOIAN: -- found in the car --

12 MR. EVANS: Yeah.

13 MR. MATOIAN: -- a few days after the crime, and I  
14 showed you, let's see, number 41, this some clothing in the  
15 car. I do not see a do-rag in that picture. Do you see a do-  
16 rag in that picture?

17 MR. EVANS: No, ma'am, the only thing I see is -  
18 some clothing --

19 MR. MATOIAN: Okay.

20 MR. EVANS: -- and --

21 MR. MATOIAN: So, do you recall anything - any  
22 conversations about any testimony about how that do-rag came  
23 into being; how the police collected it, how it got entered  
24 into trial?

25 MR. EVANS: That - now, my understanding, Joanne had

1 gave it to them.

2 MR. MATOIAN: Okay.

3 MR. EVANS: 'Cause when they - when they said about  
4 - when they went to this car and they looked in this car and  
5 they found clothing in this car, they said it - it was women  
6 clothing in this car.

7 MR. MATOIAN: They said it was women's clothing?  
8 Okay.

9 MR. EVANS: Exactly, it was women clothing. This  
10 car that they said that supposed to been taken [sic] from Ms.  
11 Rhea Manning and had Ms. Rhea Manning in, this car was never  
12 tested. It wasn't never brought to the Police Department to  
13 be tested to see - fingerprinted or whatnot to see - 'cause  
14 when they said my fingerprint that they found and my palm  
15 print that they found did not matches [sic] what they found.

16 MR. MATOIAN: Okay. So, just a few more things to  
17 go over, I think. Let me make sure I've gotten everything.

18 Other than the polygraph you took in this case, do you  
19 recall taking a polygraph in any other cases?

20 MR. EVANS: No, ma'am. I - this the only one I took  
21 [indecipherable].

22 MR. MATOIAN: Only one?

23 MR. EVANS: [Indecipherable].

24 MR. MATOIAN: And we talked about Dortha Dix a  
25 little. Have you ever received mental health treatment in



1 prison?

2 MR. EVANS: No, ma'am. No.

3 MR. MATOIAN: Okay. Have you ever - and this is  
4 prior to being in prison for this crime, but have you ever  
5 been on probation?

6 MR. EVANS: Yes, I have.

7 MR. MATOIAN: Okay.

8 MR. EVANS: Yes, I have. I've been on probation.

9 MR. MATOIAN: And are - have you ever been up for  
10 parole?

11 MR. EVANS: Yes, ma'am.

12 MR. MATOIAN: Okay; and, if I'm correct, you're  
13 currently serving on the Manning case, and you've completed  
14 your sentence on the Drake case --

15 MR. EVANS: Right.

16 MR. MATOIAN: -- correct? Do you know about when  
17 that - when that sentence expired?

18 MR. EVANS: I think it's '15. 2000 --

19 MR. MATOIAN: 2015? Okay.

20 MR. EVANS: 2015.

21 MR. MATOIAN: Do you talk to anyone in the phone -  
22 on the phone in prison?

23 MR. EVANS: Yes, I do.

24 MR. MATOIAN: Okay. Who do you talk to?

25 MR. EVANS: I talk to my brothers and my sisters and

1 I talk to Faye, the one that's on my case. I still talk to  
2 her.

3 MR. MATOIAN: Okay.

4 MR. EVANS: And I talk to to my Aunt up in  
5 Washington, DC and my brother up there in Washington, DC.

6 MR. MATOIAN: Okay; and, is your aunt, Patience?

7 MR. EVANS: Yes, ma'am.

8 MR. MATOIAN: Okay.

9 MR. EVANS: My Aunt Patience.

10 MR. MATOIAN: Okay; and, your brother that lives in  
11 DC, is that --

12 MR. EVANS: His - his name Willie.

13 MR. MATOIAN: Willie Williams?

14 MR. EVANS: Willie Williams.

15 MR. MATOIAN: Okay. Do you - and I - I'm - you may  
16 not remember their numbers off the top of your head, but do  
17 you have phone numbers for these people?

18 MR. EVANS: Yes, ma'am. I can get --

19 MR. MATOIAN: When you get back to your cell, can  
20 you write me a letter with the phone numbers for Willie  
21 Williams and Faye?

22 MR. EVANS: Oh, I can give them to you. I know  
23 them.

24 MR. MATOIAN: Oh, you know them by heart?

25 MR. EVANS: Yeah. I know them by heart.

1 MR. MATOIAN: All right.

2 MR. EVANS: All right, my brother number is 2-0-2 --

3 MR. MATOIAN: Okay.

4 MR. EVANS: -- 9-1-0-37-05. 37-05.

5 MR. MATOIAN: Five. Okay; and, what about Faye?

6 MR. EVANS: Faye number is 9-1-9-5-5-6-0-9-3-4.

7 MR. MATOIAN: Okay. Do you talk to them about this  
8 case?

9 MR. EVANS: Yes. I tell - I told Faye - I asked  
10 Faye is - her name Alice Faye --

11 MR. MATOIAN: Alice Faye?

12 MR. EVANS: -- yeah, her name Alice Faye. I told -  
13 I told Faye - I said, "Faye" I said - when - you know - I  
14 don't call her Alice, I just say Faye. I said, "If they have  
15 to ask or call you or anything or they want to know your  
16 number or something, want to get in contact with you, would it  
17 - would it be all right if I give you their number." She  
18 said, "Yeah, of course." She did not - she don't mind, so --

19 MR. MATOIAN: Okay.

20 MR. EVANS: -- if - anything that y'all want to know  
21 about anything, you can call her and --

22 MR. MATOIAN: Do you still have contact with Jerry  
23 Moore?

24 MR. EVANS: No, ma'am, I don't.

25 MR. MATOIAN: Do you know where he's living or know

1 anyone who would know where he's living?

2 MR. EVANS: Well, my aunt said that she - she know  
3 where he at, but --

4 MR. MATOIAN: Patience?

5 MR. EVANS: -- yeah, my aunt Patience. I'm gonna  
6 give you her number.

7 MR. MATOIAN: Okay.

8 MR. EVANS: Her number is 2-0-2-2-5-1-8-2-5-2.

9 MR. MATOIAN: Okay.

10 MR. EVANS: My aunt know where he at.

11 MR. MATOIAN: Okay.

12 MR. EVANS: But I don't.

13 MR. MATOIAN: You don't know?

14 MR. EVANS: No, ma'am.

15 MR. MATOIAN: Okay. Have you ever used any other  
16 inmates PIN numbers to make calls?

17 MR. EVANS: No, ma'am, I only use mine.

18 MR. MATOIAN: Use your own? Okay.

19 MR. EVANS: I just use mine.

20 MR. MATOIAN: Let's talk about - it was in your  
21 questionnaire when you applied to the Commission, Pauline  
22 Morton.

23 MR. EVANS: Okay.

24 MR. MATOIAN: And a conversation she may have had  
25 with the victim. I need to know everything you know about

1 that.

2 MR. EVANS: Okay. Well, I talked to Ms. Pauline,  
3 and I told Ms. Pauline would it be all right for her go down  
4 there and talk to Ms. Rhea Manning and ask Ms. Rhea Manning  
5 why - I mean, just - I'm just saying, like, just go and just  
6 kind of like talk to her. Don't try to - try to make her mad  
7 or something. Just ask her about why she's trying to say that  
8 I the one kidnap her.

9 MR. MATOIAN: So, you asked Pauline to do this?

10 MR. EVANS: Yes, ma'am. I asked her would --

11 MR. MATOIAN: Okay.

12 MR. EVANS: -- she mind going to - and my son, my  
13 son, Antoine.

14 MR. MATOIAN: How old was Antoine at the time?

15 MR. EVANS: Antoine, he was like - I'm gonna say  
16 seven, maybe eight. He was younger, but he still remember.

17 MR. MATOIAN: But you asked Antoine to go - you  
18 wanted --

19 MR. EVANS: Well, he --

20 MR. MATOIAN: -- Pauline to take Antoine?

21 MR. EVANS: Yeah, he went. He went.

22 MR. MATOIAN: But did you ask her to take him?

23 MR. EVANS: No, ma'am, he just went.

24 MR. MATOIAN: Okay.

25 MR. EVANS: He just went.

1 MR. MATOIAN: And what happened when they went and  
2 talked to Mrs. Manning?

3 MR. EVANS: They said that they went down there and  
4 they had a nice conversation, and then, Ms. Pauline said that  
5 Ms. Rhea Manning told her that I wasn't the one the did that.

6 MR. MATOIAN: And there's a distinction here, so I  
7 just want to --

8 MR. EVANS: And [indecipherable] --

9 MR. MATOIAN: -- make sure I understand.

10 MR. EVANS: -- my son said the same thing.

11 MR. MATOIAN: Okay.

12 MR. EVANS: Yeah.

13 MR. MATOIAN: Did she say that she didn't know who  
14 did this --

15 MR. EVANS: Right.

16 MR. MATOIAN: -- or did she specifically say you did  
17 not do this?

18 MR. EVANS: Well, she said that I didn't do it.

19 MR. MATOIAN: She said you didn't do it?

20 MR. EVANS: Right.

21 MR. MATOIAN: Okay. So, what was the outcome of  
22 that meeting between the victim and Ms. Morton?

23 MR. EVANS: I - I don't know because - I know she  
24 said that she had a really good talk with her. But - nothing  
25 and - it didn't get out of hand or anything, or nothing was --

1 MR. MATOIAN: Okay.

2 MR. EVANS: But she said she had a good talk with  
3 her.

4 MR. MATOIAN: I mean, but if she said that - if she  
5 said you didn't do this --

6 MR. EVANS: Right.

7 MR. MATOIAN: -- did you try to get a lawyer to talk  
8 to her, did you try to do anything with your case?

9 MR. EVANS: No, I just say - well, I'm just gonna  
10 wait until I found somebody that know how to get me on track  
11 or how to get somebody to help me with what I'm going through  
12 because --

13 MR. MATOIAN: Okay.

14 MR. EVANS: -- because I - I almost gave up on this  
15 case and I said well, this is something I got to deal with and  
16 I - I need some help and I just finally got somebody help me  
17 to get - help to get me where I'm at.

18 MR. MATOIAN: Okay.

19 MR. EVANS: And I didn't know what to do because  
20 back then, see, you just got to deal with what you've got to  
21 deal and back then, see I - it's - I didn't know what to do.

22 MR. MATOIAN: Okay.

23 MR. EVANS: So, I was just stuck with whatever I was  
24 going with.

25 MR. MATOIAN: Okay. Did you ever directly have

1 contact with Mrs. Manning?

2 MR. EVANS: No, ma'am, the only thing that we did  
3 was we just worked on the farm and stayed in our house.

4 MR. MATOIAN: I - I mean - so, Ms. - Ms. Morton went  
5 and had this meeting with Mrs. Manning. So, since you've been  
6 in prison, have you had any direct contact with Mrs. Manning?

7 MR. EVANS: No, ma'am, I never have.

8 MR. MATOIAN: Have you ever attempted to have  
9 contact with her?

10 MR. EVANS: No, ma'am. I had made a phone call to  
11 my son at Bunn, when I was at Bunn, and it was the wrong  
12 number, and when I made the wrong number, it was - it was her  
13 number.

14 MR. MATOIAN: Okay.

15 MR. EVANS: And - and my son had the same exactly  
16 number but it was just a - the - the three digit in the front,  
17 it was different, so by me dialing it so fast, I ended up  
18 dialing her number by mistake 'cause they had told me they  
19 wanted to talk to me about calling Ms. Rhea Manning and I - I  
20 said, "I ain't called Ms. Rhea Manning. I'm trying to call my  
21 son" you know, just as - you know, see how things going on,  
22 and I accidentally hit her number.

23 MR. MATOIAN: Do you know when that happened?

24 MR. EVANS: Let's see, it might have been - happened  
25 around about 2007-8; somewhere in all that. Maybe eight.



1           MR. MATOIAN: Okay; and, other than that accidental  
2 phone call and Ms. Morton going to see the victim, do you know  
3 of anything else the victim ever said about this case,  
4 anything like that?

5           MR. EVANS: No, ma'am. Never did.

6           MR. MATOIAN: Are there any of your family members,  
7 other than the few that we've talked about, that you think we  
8 should talk to because they have direct knowledge related to  
9 this case?

10          MR. EVANS: No, ma'am, 'cause all of them now, they  
11 passed on.

12          MR. MATOIAN: Which of your brothers and sisters are  
13 still living?

14          MR. EVANS: Just that one - that one that - up there  
15 in Washington.

16          MR. MATOIAN: Willie?

17          MR. EVANS: Yes, Willie --

18          MR. MATOIAN: Okay.

19          MR. EVANS: -- but I got other half sisters, but  
20 they - they not familiar about me on this crime or whatnot  
21 'cause they live in another place, like, Spring Hope, Nash  
22 County, and they don't know nothing about it. Only body that  
23 knows is my brother and my aunt. But what she didn't - my  
24 Aunt Patience, she don't know about it but she know that my  
25 grandmother and my aunt knowed about it.

1 MR. MATOIAN: Okay.

2 MR. EVANS: You know?

3 MR. MATOIAN: Is there anyone, in general, that you  
4 think we should talk to about your case?

5 MR. EVANS: No, ma'am, everybody's [indecipherable].

6 MR. MATOIAN: Sorry. If I can find my papers I'm  
7 looking for. Check something real quick; if you give me just  
8 a minute.

9 **[Pause]**

10 MR. MATOIAN: I just want to make sure I've covered  
11 my bases. I'm sorry. All right. I think and hope that I  
12 have, that I've asked all my questions, at least for now.  
13 Some always pop up so - but hopefully, since I think we've  
14 gone over the majority of things, if I have any additional  
15 questions, I can send them to both of you in a letter so that  
16 we can save everyone some time. And I just want to check out  
17 a few things, and then, we'll be good to go.

18 All right. I think we're done for today, Mr. Evans. I  
19 know that was a lot of information, so I appreciate your --

20 MR. EVANS: You know --

21 MR. MATOIAN: -- your attention.

22 MR. EVANS: -- you know Ms. Rhea, she passed, too.

23 MR. MATOIAN: I do. I got - and I got your letter  
24 about that. Thank you for that.

25 MR. EVANS: My wife, Shirley - well, I'm - I'm gonna

1 say ex-wife, I had talked with her. Let's see, I think it was  
2 Tuesday, and I had sent her the obituary --

3 MR. MATOIAN: Uh-huh (yes).

4 MR. EVANS: -- of Ms. Rhea Manning just in case - I  
5 told her just in case - if y'all need any assistance to that -  
6 that right there because she said that she had talked with  
7 y'all --

8 MR. MATOIAN: Yeah.

9 MR. EVANS: -- and my son.

10 MR. MATOIAN: Uh-huh (yes).

11 MR. EVANS: And she said that if you need that  
12 obituary, she's going - 'cause I had clipped it out the paper.

13 MR. MATOIAN: We were able to find it, but I do - I  
14 - I appreciate that, yeah.

15 MR. EVANS: Yeah, I clipped -- because I clipped it  
16 out the paper. See, I get the newspaper and it was in the  
17 newspaper. I said, I'm gonna go ahead on and let y'all be  
18 aware of - of that because I don't know if y'all know that she  
19 had already passed or whatnot.

20 MR. MATOIAN: Right.

21 MR. EVANS: And she got it - she said she was going  
22 - and my son said something about some type of paper that he  
23 had to get notarized or anything; that y'all had him to send -  
24 -

25 MR. MATOIAN: No, I don't think there was anything

1 for your son to get notarized.

2 MR. EVANS: Okay; 'cause he said --

3 MR. MATOIAN: He had - there was something he  
4 could've sent back to us if he wanted to make some changes to  
5 something --

6 MR. EVANS: Okay. That's what it was.

7 MR. MATOIAN: -- but if - if he didn't have any  
8 changes he wanted to make, he did not need to send it back to  
9 us.

10 MR. EVANS: Okay. That's what it was.

11 MR. MATOIAN: Okay.

12 MR. EVANS: 'Cause he was talking to me about that -  
13 -

14 MR. MATOIAN: Right.

15 MR. EVANS: -- because I asked him, I said, "Well,  
16 is there anything that's important that I need to have  
17 notarized or whatnot, just go ahead on and send it to me so  
18 that way I can go ahead on and send it back to y'all, so.

19 MR. MATOIAN: No, we don't --

20 MR. EVANS: You know.

21 MR. MATOIAN: -- we don't need anything notarized  
22 from you --

23 MR. EVANS: Okay.

24 MR. MATOIAN: -- at this point, and we'll let you  
25 know if we do need anything from you.

1 MR. EVANS: Okay.

2 MR. MATOIAN: And, just in general, your case is -  
3 we're still investigating your case. It is in the formal  
4 inquiry stage, as you know, 'cause you filled out that - that  
5 paperwork. If this case does go to a hearing, it'll go to a  
6 hearing in front of our Commissions.

7 MR. EVANS: Right.

8 MR. MATOIAN: At that point, the Commissioners can  
9 either reject it or it can be passed on to a three-judge panel  
10 --

11 MR. EVANS: Okay.

12 MR. MATOIAN: -- which would kind of be like a  
13 reverse trial where you have to prove --

14 MR. EVANS: Right.

15 MR. MATOIAN: -- that you're innocent by clear and  
16 convincing evidence. So.

17 MR. EVANS: Yes, I'm sure I am, 'cause, Lord, I've  
18 been - I've been fighting this right here for the longest, and  
19 I'm not giving up.

20 MR. MATOIAN: Okay.

21 MR. EVANS: I'm not giving up. This right here has  
22 been a toll on my whole life. I - I - I - I pled guilty to  
23 stuff that I feel that I done. Some stuff I didn't do, I pled  
24 guilty to, but Lord knows I can't plead guilty to this right  
25 here.

1 MR. MATOIAN: Okay.

2 MR. EVANS: I've sat in here - this is something  
3 that I want to get off me. I just want some closure, end this  
4 right here because I know that I'm an innocent person of this,  
5 and whoever done this right here, this person is still out  
6 there, and they need to just go ahead on and get the right  
7 person for this crime, and - and let me just live my life,  
8 'cause I can't live my life - keep holding this on me. I  
9 mean, it's - it's done tore me all to pieces, but you know,  
10 I'm still holding on, though. I'm not giving up.

11 MR. MATOIAN: Related to that, have you ever heard  
12 about anyone else having involvement in this crime?

13 MR. EVANS: No, ma'am, but you know what? It's  
14 somebody out there that's still out there.

15 MR. MATOIAN: But you don't know?

16 MR. EVANS: But I don't know.

17 MR. MATOIAN: And you've never heard anything from  
18 anyone else?

19 MR. EVANS: No, ma'am. No, ma'am.

20 [Indecipherable].

21 MR. MATOIAN: Did you know about the victim's  
22 husband getting robbed at his store?

23 MR. EVANS: No, ma'am. I don't know who did that.

24 MR. MATOIAN: But you've heard about it?

25 MR. EVANS: I have not heard nothing about it.

1                   MR. MATOIAN: You've never heard about the Manning  
2 Store getting robbed?

3                   MR. EVANS: No, ma'am, never heard that they get  
4 robbed.

5                   MR. MATOIAN: Okay.

6                   MR. EVANS: No, ma'am.

7                   MR. MATOIAN: So, you've never heard any names about  
8 anyone who may have robbed that store?

9                   MR. EVANS: But you know what, though, if they had  
10 said something about it they would've got me for it because --

11                  MR. MATOIAN: Why do you think they were targeting  
12 you like that?

13                  MR. EVANS: They were targeting me for - ever since  
14 I was young. Ever since I was young, they was targeting - the  
15 lady down in White Leather, him and her husband got robbed,  
16 beat up.

17                  MR. MATOIAN: Who is this?

18                  MR. EVANS: Gene - Gene and Peggy Davis.

19                  MR. MATOIAN: Okay.

20                  MR. EVANS: They got robbed and - and beat up. They  
21 come to my house - my grandmother house, we was staying in  
22 White Leather. They come to my house, my grandmother house,  
23 got me, my brother and Jerry, took us down there to the store  
24 --

25                  MR. MATOIAN: Which brother, I'm sorry?

1 MR. EVANS: Willie.

2 MR. MATOIAN: Willie, okay.

3 MR. EVANS: They took all three of us down there to  
4 the store, ask Gene and Ms. Peggy Davis was we was the one  
5 that robbed and beat them. All they got to do - all they had  
6 to do was say yeah, but they said, "No, we wasn't - not the  
7 one." They was at us - they was at me every since I had -  
8 just getting into trouble at the age of 16.

9 MR. MATOIAN: Uh-huh (yes).

10 MR. EVANS: But, see, they done got - they - they  
11 tried me for the longest, you know. [Indecipherable].

12 MR. MATOIAN: And this may not be a question you can  
13 answer, but at the time you're arrested for this case, you've  
14 already plead guilty in the Drake case and got a pretty long  
15 sentence in that --

16 MR. EVANS: [Indecipherable].

17 MR. MATOIAN: -- so, why do you think - if they were  
18 trying to get rid of you --

19 MR. EVANS: Yes.

20 MR. MATOIAN: -- they'd gotten rid of you at that  
21 point. So, why do you think they were trying to get you on  
22 this case?

23 MR. EVANS: They just want to close it. They just  
24 want to close their - they just want to close their - you  
25 know, like, close the investigation up.



1 MR. MATOIAN: Okay.

2 MR. EVANS: And then, just clear the books on - so  
3 that way I wouldn't pick the case back up and - and they  
4 thought that. Really, I'm gonna say, they thought that I'm  
5 really not gonna have anything 'cause I didn't have no money.

6 MR. MATOIAN: Okay.

7 MR. EVANS: Do you see what I'm saying? I ain't  
8 have no money and we was like - we didn't have money to get  
9 lawyers or nothing like that.

10 MR. MATOIAN: Right.

11 MR. EVANS: And they figured that by me not having  
12 no money or nothing I couldn't have no lawyer or nothing.  
13 They thought I was not going to pick the case - pick up case  
14 and keep it going.

15 MR. MATOIAN: Yeah.

16 MR. EVANS: They thought I was just gonna - just go  
17 ahead on and accept it and go ahead on and run with it.

18 MR. MATOIAN: And how well - I'm sorry I'm trying to  
19 make sure I covered everything. How well did you Mrs. Manning  
20 and her husband?

21 MR. EVANS: Oh, Lord. I've been knowing them for  
22 years.

23 MR. MATOIAN: Okay.

24 MR. EVANS: I've been knowing them ever since I was  
25 17.

1 MR. MATOIAN: Okay.

2 MR. EVANS: We used to go and do all types of, like,  
3 farm work, living in a rent house and everything. My  
4 grandfather used to work at the store for them.

5 MR. MATOIAN: Okay.

6 MR. EVANS: You know.

7 MR. MATOIAN: And you said - so, when the victim  
8 says she knew you and you say you knew the victim, she didn't  
9 just know you as a child; had she seen you your whole life?

10 MR. EVANS: Yes, yes.

11 MR. MATOIAN: Up until you're 28 and this crime  
12 happens?

13 MR. EVANS: Yes, ma'am.

14 MR. MATOIAN: Okay.

15 MR. EVANS: I used to go to - I - when she got -  
16 when she got kidnapped, I still walked into her store, but she  
17 still didn't pick me out when I walked in her store; her and  
18 her husband's when they were living.

19 MR. MATOIAN: How about - how often did you go to  
20 that store?

21 MR. EVANS: Well, I'd go to the store every once in  
22 a while, 'cause, normally, I don't even go in there that  
23 much, I - you know, 'cause when I moved back down there, like  
24 I say, with two - with my grandmother, then I started going -  
25 just going in and out but I never just hung around there. You

1 know what I'm saying?

2 MR. MATOIAN: And she would - would she recognize  
3 you when she saw you?

4 MR. EVANS: [No audible response heard.]

5 MR. MATOIAN: Would she know you by name?

6 MR. EVANS: She didn't know me by my name.

7 MR. MATOIAN: Okay.

8 MR. EVANS: The only person that she said - that she  
9 stated that she described this person as a two-foot - no, she  
10 said he was 220 pounds, and he was probably like six-foot two  
11 and had freckles on his chin. And I said, now --

12 MR. MATOIAN: Chin or cheeks?

13 MR. EVANS: Chin.

14 MR. MATOIAN: Chin? Okay.

15 MR. EVANS: Yeah; and, I said I did not have  
16 freckles, but --

17 MR. MATOIAN: Yeah.

18 MR. EVANS: -- I might have black - blackheads or  
19 something like that --

20 MR. MATOIAN: Right.

21 MR. EVANS: -- but I never had freckles, but I  
22 didn't weigh no 220 pounds. I wasn't - I ain't no six-foot  
23 two, and I said this description she giving, it's not me, and  
24 --

25 MR. MATOIAN: Does that sound like anyone to you?

1           MR. EVANS: It kinda sounds like somebody, but I  
2 can't figure this person out.

3           MR. MATOIAN: Okay.

4           MR. EVANS: But my question is, my uncle - you know  
5 what I'm saying, my uncle kinda - or my cousin sounds that's  
6 same kind of height and weight.

7           MR. MATOIAN: Who?

8           MR. EVANS: Johnny.

9           MR. MATOIAN: Johnny who?

10          MR. EVANS: Johnny Evans.

11          MR. MATOIAN: Okay.

12          MR. EVANS: My cousin. See, I got a --

13          MR. MATOIAN: Is he still alive?

14          MR. EVANS: Yes. Johnny Evans - now, I got one  
15 Johnny Evans that's dead, deceased.

16          MR. MATOIAN: Okay.

17          MR. EVANS: And I got another Johnny Evans that's  
18 alive. My - my uncle Johnny, Jack, he's dead, though. The  
19 other Johnny, the other - cousin, he's still alive.

20          MR. MATOIAN: Okay. Where does he live?

21          MR. EVANS: He live in Centreville.

22          MR. MATOIAN: Does anyone - who's gonna know how to  
23 get in contact with him?

24          MR. EVANS: I [indecipherable] - I can't say  
25 [indecipherable].

1 MR. MATOIAN: Do you think Faye would know?

2 MR. EVANS: No, ma'am. Well, she know him, but she  
3 probably don't know where he live.

4 MR. MATOIAN: Do you know his middle name, age?

5 MR. EVANS: His age should be about - almost 70  
6 [indecipherable].

7 MR. MATOIAN: Almost 70? Okay.

8 MR. EVANS: It should be almost 70.

9 MR. MATOIAN: All right.

10 MR. EVANS: But me and him, we never hung together.  
11 I'd see him every once in a while. He might be at the store.  
12 Sometime I walk down to the store, he might be down at the  
13 store just hanging around, and he might be with some of his  
14 buddies or something like that. They might be hanging around,  
15 so. Other than me being around him, I don't hang around him.

16 MR. MATOIAN: Okay. So, what makes you think of  
17 him?

18 MR. EVANS: Well, I have a letter from y'all about  
19 Johnny and I had to bring it to your attention that I feel  
20 like that he might know something more than me.

21 MR. MATOIAN: Why is that?

22 MR. EVANS: Well, I just made a wild guess because  
23 his name happen to come up in something that I might feel like  
24 that might be involved with this crime.

25 MR. MATOIAN: How - what do you mean, his name came

1 up as something that might be involved.

2 MR. EVANS: Well --

3 MR. MATOIAN: Are you talking about my letter?

4 MR. EVANS: Yeah, because it might've came up in  
5 something, you know, so.

6 MR. MATOIAN: So, I want to be clear, if I write you  
7 a letter and I'm asking you a question, I'm not trying to  
8 implicate anybody and --

9 MR. EVANS: Okay.

10 MR. MATOIAN: -- that - that would not be my --

11 MR. EVANS: Right.

12 MR. MATOIAN: -- if I'm asking you a question, it's  
13 just because I need to know information for whatever reason,  
14 and I don't want you to think if I've sent you a letter asking  
15 you about something that I know anything or I'm accusing  
16 anyone else of something.

17 MR. EVANS: I understand.

18 MR. MATOIAN: So, you're saying that after my  
19 letter, that made you think that he had some involvement?

20 MR. EVANS: Yeah, that's right.

21 MR. MATOIAN: Okay.

22 MR. EVANS: Now, he might have some involvements  
23 'cause --

24 MR. MATOIAN: And the only reason you think that is  
25 'cause of my letter?

1 MR. EVANS: No, because I'm thinking that - my uncle  
2 - he might have done some stuff in - in his time and he  
3 might've got away with it and his name had never popped up.

4 MR. MATOIAN: Uh-huh (yes).

5 MR. EVANS: So, never know what he might have done  
6 and I might not - I might - not need to know because - but,  
7 like I said, he - he - if he done something that I don't know,  
8 I don't - I don't have no grudge against him but I just want  
9 to clear my name out.

10 MR. MATOIAN: Is he married?

11 MR. EVANS: Yes, he is.

12 MR. MATOIAN: What's his wife's name?

13 MR. EVANS: I forgot her name.

14 MR. MATOIAN: Okay.

15 MR. EVANS: I don't know her name.

16 MR. MATOIAN: Do you know about his kids names?

17 Any, like, immediate relatives of his?

18 MR. EVANS: I - no, ma'am. I don't know their name.

19 MR. MATOIAN: Okay; and, what was your dad's name?

20 MR. EVANS: Levi.

21 MR. MATOIAN: Levi.

22 MR. EVANS: Levi.

23 MR. MATOIAN: Okay.

24 MR. EVANS: Yeah, my daddy, he just, like, passed.

25 MR. MATOIAN: Yeah.

1           MR. EVANS: But, he was trying - my daddy was trying  
2 to contact a lot of peoples, too, to let them know. But, like  
3 I say, daddy didn't know about what's going on, but he said he  
4 know about Franklin County. But like I say, he didn't know  
5 about Ms. Rhea Manning and all them --

6           MR. MATOIAN: Okay.

7           MR. EVANS: -- back [indecipherable].

8           MR. MATOIAN: Okay. All right, Mr. Evans, if you  
9 think of anything else about anything I've asked you today or  
10 anything else that you think I should know, you've got - I'll  
11 leave my card with you, but you've got our address, obviously.  
12 You can feel free to write me any time or you can contact your  
13 attorney and he can contact me.

14          But I appreciate you --

15          MR. TULLY: You still have my number?

16          MR. EVANS: No, you --

17          MR. TULLY: [Indecipherable].

18          MR. MATOIAN: Yeah, yeah. Yeah, sure.

19          MR. EVANS: But you know what, though? I just thank  
20 y'all for helping me get this things cleared out, 'cause I  
21 want to get it over with, 'cause I done - I done - I done  
22 fought - I done fought so long. I just want y'all to help me  
23 get this over with.

24          MR. MATOIAN: And I - I just want clarify, and I'm -  
25 I'm not trying to say this in a rude way, you understand we



1 are not trying to help you. We are neutral in all we are  
2 trying to do is get to the truth, right?

3 MR. EVANS: Yes, ma'am. That's what I'm --

4 MR. MATOIAN: Okay.

5 MR. EVANS: I'm telling you, you know - I'm -- I'm  
6 telling you the whole truth 'cause I know God will set me  
7 free.

8 MR. MATOIAN: Okay.

9 MR. EVANS: God gonna put me up out of here. I just  
10 want to just go on with my life and try to do - I know there  
11 ain't nothing much that I can do right now, but I just want  
12 to, you know, go on with my life and try to - I know I ain't  
13 been around my children when they was young. I want to just  
14 start a new life with them and try to get them used to them to  
15 let them know that I am a father - a good father, but I made a  
16 lot of mistakes in my life. But I don't want them to - to see  
17 me as a father going to be in this place for all their - for  
18 all my life and never get the change to be there to be with  
19 them, but I want to be with them soon as I can. That's all I  
20 want, and I just want to clear the books. I want to clear my  
21 name.

22 MR. MATOIAN: Okay.

23 MR. EVANS: Because they really put my name out  
24 there for some reason that it shouldn't be. I want to get  
25 away.

1 MR. MATOIAN: Okay.

2 MR. EVANS: Yeah. That's all. I sure thank y'all.

3 MR. MATOIAN: Thank you, Mr. Evans.

4 MR. EVANS: I thank y'all.

5 MR. MATOIAN: And I am very sorry for your loss.

6 MS. MYERS: Thank you, Mr. Evans.

7 MR. TULLY: [Indecipherable].

8 MR. EVANS: Yeah, well, y'all take care now.

9 **[The recording stopped.]**

10 **[END OF TRANSCRIPT]**

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 93 CRS 2261-2263

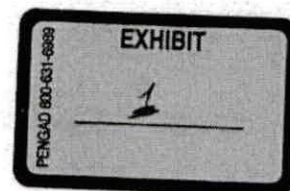
Kenneth Leon Evans  
Interview

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of the action.

Terri Izzard Rya

Terri Tizzard Ryan  
Transcriptionist

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):

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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

*Kenny  
Evans*



0000024 NCIC 8/8/83

t/c Christine -  
 1st Joanne  
 came around 2 p.m.  
 Uncle, Earl and next door  
 neighbor

- a) Asked about scarf  
b) Clothes — told work  
c) Asked what color T-shirt  
on day driving car; sd  
yellow Panamera Jack

Coat — asked about brown  
work coat, with brown work  
pants. Told he had a grey  
coat.

Qd someone else with him.  
Qd lady sd there were 2

SD Eye witness sd saw both together

Watch

Gold watch / black face  
Roman Numbers; Ladies  
watch; sd going back  
up road → thru band



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  
Moosest, he didn't smoke  
at all. 100' — 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.

Hippi scarf.

Wave cap

Boo rag



Kenneth Evans

58 38

- ① Plea <sup>10/27/93</sup> - Tilley - Caledonia - 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~~ left

40 + 20 = 60 year  
concurrent  
60

P 300 N. Sahi  
#15,779  
24609

70 years

$$\frac{35}{17\frac{1}{2}}$$


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 wd tell officers at his store



Wearing —

(a) Left walking

(b) Sawd off shot gun

Ask  
Jo Ann

(c) He + Jo Ann went to Franklinton  
tried to pawn it; sd it was  
sawd off too short; sold  
it to a guy in van for \$10.

(d) Got to Store around  
8 pm or after

Ask her  
about pawk  
brandy she  
tried to  
sell  
either wheel  
y fortune or  
family feud

(e) Linda Collins — lives  
below Tommy Perry Store, about  
1/2 mile. At her house  
from 7 to 7:30; watched  
her son

Melinda  
Danny  
Ricky

Close to her +  
Danny

then walked to Tommy Perry's  
store; lives in trailer  
house on Gupton Road

~~1/2 mile~~  
~~1/2 mile~~  
~~1/2 mile~~

No 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 — McGreger coat — many different colors  
light blue — 4 pockets on front  
red, black, purple

Police passed him as he left  
the store & War on Baden  
Bill King's car — white  
car

Ask dispatcher  
if Bill is  
over

000044

Larry Davis - works out of town

## **GREGORY LENELL EVANS**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
RESISTING PUBLIC OFFICER (M)	FRANKLIN	4/18/1999	5/24/1999
SIMPLE WORTHLESS CHECK (M)	WAKE	3/24/2003	2/23/2004
SIMPLE WORTHLESS CHECK (M)	WAKE	3/24/2003	2/23/2004
SIMPLE WORTHLESS CHECK (M)	WAKE	4/14/2003	2/23/2004
SIMPLE WORTHLESS CHECK (M)	WAKE	4/22/2003	2/23/2004
UTTERING FORGED INSTRUMENT (F)	FRANKLIN	8/4/2003	1/30/2004
SELL SCHEDULE II CONTROLLED SUBSTANCE (F)	FRANKLIN	8/6/2003	1/30/2004
UTTERING FORGED INSTRUMENT (F)	FRANKLIN	8/6/2003	1/30/2004
UTTERING FORGED INSTRUMENT (F)	FRANKLIN	8/8/2003	1/30/2004
UTTERING FORGED INSTRUMENT (F)	FRANKLIN	8/13/2003	1/30/2004
UTTERING FORGED INSTRUMENT (F)	FRANKLIN	8/21/2003	1/30/2004
UTTERING FORGED INSTRUMENT (F)	FRANKLIN	8/28/2003	1/30/2004
UTTERING FORGED INSTRUMENT (F)	FRANKLIN	9/5/2003	1/30/2004
LARCENY AFTER BREAKING/ENTERING (F)	FRANKLIN	7/20/2004	11/28/2005

## N.C. STATE BUREAU OF INVESTIGATION

POLYGRAPH REPORT

POLYGRAPH FILE # (212) RPG90RK056 EXAMINER R.W. Keane  
SBI INVESTIGATIVE FILE # 360-M-12-2  
DATE OF EXAM 5/18/90 EXAM LOCATION Wake Raleigh  
(County) (City)  
REQUESTING AGENCY Franklin Co. Sheriff's Dept. OCA#  
INVESTIGATORS S/A Rick Sims  
OFFENSE Kidnapping OFFENSE DATE 3/7/90  
CRIME LOCATION Franklin Louisburg  
(County) (City)  
VICTIM Euther May Manning  
RACE W SEX F DOB 10/17/26  
ADDRESS Route 6, Box 410, Louisburg, N.C.  
EXAMINEE EUTHER MAY MANNING  
RACE W SEX F DOB 10/17/26 HEIGHT 5'3" WEIGHT 136  
ADDRESS Route 6, Box 410, Louisburg, N.C.  
TYPE victim (Victim, Witness, Suspect, Defendant, Applicant)  
#TESTS 4  
OPINION NDI XX DI I  
R S RE  
C NS  
NUMERICAL EVALUATION +6

## REMARKS:

Have you told the complete truth in your statement? *changed 5/23/90*  
*(+) auth. D.S.*Have you intentionally left out any details from your  
statement? (-)

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

NCHC - SBI 000051

SBI-53

ATT #5  
360-M-12-2  
7-86

N.C. STATE BUREAU OF INVESTIGATION

POLYGRAPH REPORT

POLYGRAPH FILE # (212) RPG90RK056 EXAMINER R.W. Keane  
SBI INVESTIGATIVE FILE # 360-M-12-2  
DATE OF EXAM 4/20/90 EXAM LOCATION Wake Raleigh  
(County) (City)  
REQUESTING AGENCY Franklin Co. Sheriff's Dept. OCA#  
INVESTIGATORS S/A Rick Sims  
OFFENSE Kidnapping OFFENSE DATE 3/7/90  
CRIME LOCATION Franklin Louisburg  
(County) (City)  
VICTIM Euther May Manning  
RACE W SEX F DOB 10/17/26  
ADDRESS Route 6, Box 410, Louisburg, N.C.  
EXAMINEE KENNETH LEON EVANS  
RACE B SEX M DOB 1/23/64 HEIGHT 5'9" WEIGHT 13  
ADDRESS 708 Kenmore Avenue, Louisburg, N.C.  
TYPE suspect (Victim, Witness, Suspect, Defendant, Applicant)  
#TESTS 4  
OPINION NDI XX DI I  
R S RE  
C NS  
NUMERICAL EVALUATION +9  
REMARKS:

Did you force Mrs. Manning from her home? (-)

Did you pull a gun on Mrs. Manning? (-)

Did you tie up Mrs. Manning? (-)

NCIC-SBI 000049



SYS DTE: 3/10/75  
SYS TIME: 13:09:59

TUROR SELECTION LIST  
SUPERIOR 4/04/75 9:30 AM CRIMINAL

PAGE  
PROGRAM ID: 7

JUROR#	LAST NAME	FIRST AND MIDDLE	ADDRESS	CITY
2153	ALLEN	NATHAN STUART	RT 1 BOX 128	LOUISBURG NC 27549
2136	ALLEN	LUTHER JOLTB	RT BOX 341 ROUTE 6	LOUISBURG NC 27549
2163	ALSTON	SHARLENE DAVIS	301 RIVER WOOD DR	LOUISBURG NC 27549
2186	AYSCUE	JAMES ALBERT	ROUTE 1 BOX 478	HENDERSON N C 28596
2142	AYSCUE	WALTER GRAY	SP 126	LOUISBURG NC 27549
2175	BAILEY	DALTON T.	ROUTE 4 101 CANDLEWICK DR	YOUNGAVILLE N C 28596
2126	BARRY	DONNA BRUNELLE	BOX 2245 LOT 25	FRANKLINTON NC 27529
2194	BENNER	DAVID BLAKE	316 CEDAR CREEK LN	YOUNGAVILLE NC 27596
2148	BERRYMAN	GEORGE PAUL	RT 1 BOX 213 6	LOUISBURG NC 27549
2141	BLACKLEY	ERNESTINE J	ROUTE 1 BOX 176	YERULON N C 28597
2140	BONDEN	JOHN MICHAEL	RT 1 BOX 263	LOUISBURG NC 27549
2152	BROOK	ROSE MARIE	RT 1 BOX 87 K2	FRANKLINTON NC 27525
2180	BROWN	RUBY MARLENE	RT 6 BOX 86	LOUISBURG N C 28549
2156	CARLISLE	MARK ALAN	RT 2 BOX 127 HARBIS RD	YOUNGAVILLE NC 27596
2170	CARROLL	ROSE COLEY	RT 4 BOX 188C	LOUISBURG NC 27549
2197	CLARK	JOEL CARTER	BOX 119 NB HOOKES POND RD	YOUNGAVILLE NC 27596
2164	CLARK	GEORGE BEVANT	RT 2 BOX 6 PINE ESTATES	FRANKLINTON NC 27525
2199	CLAX	THOMAS EDWARD	ROUTE 1 BOX 480	FRANKLINTON N C 28525
2128	CLEGG	JOHN EDWARDS	ROUTE 144 US 1 NORTH	YOUNGAVILLE NC 27596
2169	CLIFTON	JOHNNY CARROLL	1156 FRANKLIN COURT APTS	LOUISBURG N C 28549
2158	CLIFTON	GREGORY LEON	308 T98 RIVER AVE	LOUISBURG NC 27549
2139	COOKE	BRENDA J	1007 1/2 HAWKINS STREET	FRANKLINTON N C 28525
2178	CRUMPTON	JACK NEAL JR	SP 126 BOX 275	YERULON N C 28597
2196	CURCIN ST	KENNETH MICHAEL	139 LAKE ROYAL	LOUISBURG NC 27549
2201	DAVIS	JORON TREMAIN	RT 6 BOX 584	LOUISBURG NC 27549
		MURDO FERGINTON	804 MINERAL SPRINGS RD	LOUISBURG N C 28549

000223  
NCIC



JUROR SELECTION LIST

SYS DTE: 3/10/95  
SYS TIME: 13:09:59

SUPERIOR 1/24/95 9:30 AM CRIMINAL

PROGRAM ID: J

JUROR	LAST NAME	FIRST AND MIDDLE	ADDRESS	CITY	PAGE
2101 DAVE	ZENA MARIE CRUNUP		1200 EAST HASON ST	FRANKLINTON	NC 27525
2154 DEARND	DEBORAH GERRIE		215 CLAYMONT RD	LOUISBURG	NC 27549
2134 EDWARDS	DONALD T		RT 3	LOUISBURG N.C	28549
2144 EFFINGHAM	JAMES VAN		RT 3 BOX 484B	LOUISBURG	NC 27549
2184 ELLIS	THOMAS RITCHIE		RT 3 BOX 690-9	YOUNGSVILLE N.C	28596
2183 GUPION	DEBORAH FAULKNER		RT 6 BOX 551	LOUISBURG N.C	28549
2137 HANCOCK	WILLIAM MARK		RT 6 BOX 94	FRANKLINTON N.C	28525
2176 HARRIS	LINDA FEMLER		113 TOWN DR	YOUNGSVILLE	NC 27596
2200 HAYES	JEAN MARIE		ROUTE 3 BOX 660	LOUISBURG N.C	28549
2143 HAYES	THERESA MARIE		114 GREGORY MANOR	YOUNGSVILLE N.C	28596
2126 HAYES	JENNIFER		RT 3 BOX 613	LOUISBURG N.C	28549
2190 HEIGHT	ROBBIE ROY		RT 2 BX 509	LOUISBURG	NC 27549
2167 HILL	SUSAN DAVIS		RT 3 BX 285	LOUISBURG	NC 27549
2155 HILL	BETTY		RT 3 BOX 246	LOUISBURG N.C	28549
2188 HODGE	GLADYS DEBORN		RT 2 BOX 71 A12	YOUNGSVILLE	NC 27596
2172 HURR	STEVEN JOHN		RT 3 BOX 259	FRANKLINTON	NC 27525
2182 JOHNSON	ASHLEY FRANK III		ROUTE 3 BOX 624	LOUISBURG N.C	28549
2195 JONES	BETTY LOU		RT 2 BOX 610	FRANKLINTON N.C	28525
2174 JONES	APRIL LEANNE		RT 3 BX 406	LOUISBURG	NC 27549
2189 KEARNEY	CARL RAY		104 VIOLA LANE	FRANKLINTON	NC 27524
2166 KEARNEY	FRANCES SROTHER		13 WEST COLLEGE	FRANKLINTON N.C	28525
2193 KEM	JANIE SMITH		ROUTE 2 BOX 578	FRANKLINTON N.C	28525
2139 MCKILLEN	FLORIAN MARY		EAST RIDGE APTS APT 104	LOUISBURG N.C	28549
2129 MCMAIR	MIKE HARRIS		409 N ELM ST	LOUISBURG	NC 27549
2151 MCNEIL	LORETTA BURT		RT 2 BX 369 C	FRANKLINTON	NC 27525
2142 MITCHELL	DANNY WILLIAMS		5209 MITCHELL TOWN RD	YOUNGSVILLE	NC 27596

000224

NCIC

PAGE 1  
PROGRAM ID: J

DATE: 11/25/2010 TIME: 10:35 AM

75

המחיר: 199 ₪

000225  
NCHC

### Voir Dire

- Pres. doubt -
- Is right nt to testify
- Burden of proof
- Open mind
- Sympathy for victim
- Prior jury service
- Law enforcement
- witnesses
- Just because he is here!

Opening statement = open mind - COIN -

Rest of the story - D - denies = pl.

Not guilty - burden on the state -

### Defense witnesses

- 1) Tommy Perry — Clothes - Condition -  
Time - Ayers with him → gloves/mantle
- 2) Mary Alice Moore — TIME - Clothes - etc
- 3) Moore — "
- 4) R.C. Williams — MAPS
- 5) Del ??

#12  
W/F

#12  
W/F

#5 Loretta Burt McNeil B/F	#6 Sandra Chase Buchanan W/F	#7 Teresa Marie Hayes W/F	#8 HORACE GALEY MURPHY
#1 Debra Faudine Skipton W/F	#2 BENJAMIN NALL JR. W/M	#3 Betty Hillsted B/F	#4 Dalton T. Bailey W/M

George Hermon Murphy  
w/ m K. M. Murphy -  
Major, Army - Retired  
w/ wife Retired Murphy House  
LBS.

11  
~~Jack Neal Crompton Jr.~~  
~~w/m - without name~~  
~~Chris Chapman building~~  
~~no name~~  
 Phyllis Richardson - Hort. Dept.  
 Rev. Fred Challen - Bldg -  
 n. 550+

George Paul Berryman  
w/m - self-empl.  
Home Rental info  
around = R.R. 10.

Rebecca W. Wells  
 wife of W. W. Wells -  
 1st Comm. =  
 Quaker Smith - B/F  
 victim of 1st Comm. =  
 Handwritten name here.  
 1st Comm. =  
 Betty Lou Jones Milton  
 B/F = 1st Comm. =  
 1st Comm. =  
 Henderson

Horace Gray Murphy  
w/m - Real Off Supply  
wife - Alice - DOT  
YBS

7  
Theresa Marie Hayes  
W/F - work for Reg-  
Humb. Walker Hayes - says  
OPL

Sandra Chace Borham  
w/ F. HanFun - Husb.  
Reg - w/ info for AL Still  
M =

5  
Loretta Bert McNeil  
P/F - Mums.  
Husb - self employed - J + L  
WALF - Trucking -  
XOV

Colton T. Bailey  
w/m - DOB: [redacted]  
w-Texas - [redacted] - John  
West. COASTAL  
1995

Betty Hillard  
B/F - Kiv. m.s. Highway  
Knows about case - witness  
OSS - name Hqs -  
(L.H.S.)

Benjamin Eather Hall Jr.  
w/m - unempl - inf  
Bkts - nov - no. recd  
worked at Hon.

~~Deborah Faulkner Gup-ton~~  
~~w/f - R. M. Marquis~~  
~~good things about her~~  
~~James J. Effingham~~  
~~w/m - P. Lat R. F. Faust~~  
~~w-mom - Douglas M. W. W.~~  
~~children 21 - 4014~~  
~~Hevy 32~~

CHALLENGES  
FOR CAUSE \_\_\_\_\_  
STATE/PLAINTIFF \_\_\_\_\_  
DEFENDANT \_\_\_\_\_

I certify, that in the above-numbered case the persons whose names appear above were called as jurors, that those whose names are marked through were excused, and that those whose names are not marked through were empanelled to serve as jurors.

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**000228**  
**NCIC**

Alcazar Island, Palmyra Atoll

10/1/40

Remains: N 40

Harwood: 2nd Lt. 1st Regt.

000239

Delmar, Submarine, 10/1/40

WP

Submarine, 10/1/40

Delmar, Submarine, 10/1/40

**HANDOUT # 44**

**SEALED BY ORDER OF THE COURT**