



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JEFFREY R. MacDONALD,)
)
 Applicant/Defendant,)

Crim. No. 75-26-CR-3
No. 5:06-CV-24-F
Judge James C. Fox

APPENDIX TWO

To

**PETITIONER'S STATEMENT OF ITEMIZED MATERIAL EVIDENCE -- WITH
CITATIONS TO THE RECORD OR TO AUTHENTICATED PROOFS - IN
SUPPORT OF HIS MOTION UNDER 28 U.S.C. SECTION 2255 TO VACATE HIS
SENTENCE**

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1 all available leads even if the evidence did not exculpate
2 Dr. MacDonald.

3 7. As part of my investigation, I interviewed
4 Helena Stoeckley on several occasions between October 24, 1980
5 and May 27, 1982 concerning her knowledge of the MacDonald
6 murders. She told me the following.

7 8. She was a member of a group that practiced witch-
8 craft and satanism. The group was heavily involved in the use
9 of narcotics and hallucinogens.

10 9. Because Dr. MacDonald had refused to treat local
11 drug users for addiction, had refused to supply them with drugs
12 and had threatened to report drug users to their military
13 superiors, Dr. MacDonald was in disfavor with local drug users,
14 including the members of Ms. Stoeckley's group, who considered
15 him a "pig."

16 10. During the months prior to the murders, the group
17 developed a plan concerning Dr. MacDonald. In that connection,
18 they conducted surveillance and learned where he lived and
19 learned that Mrs. MacDonald attended North Carolina State
20 University Extension at Ft. Bragg.

21 11. On the evening of February 16, 1970, Stoeckley
22 and at least six members of her group, including Greg Mitchell,
23 met to discuss Dr. MacDonald. They decided to go to his home
24 that night and demand that he procure drugs for them. Physical
25 violence against MacDonald and his family, including the
26 possibility of murder, was discussed. Stoeckley believed,
27 however, that they would merely "rough up" Dr. MacDonald.

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1 12. Most of the talking during the half-hour meeting
2 was done by Greg Mitchell. During the meeting, a number of
3 people came to the apartment to get drugs for Mitchell.

4 ~~13. These members of the group had gone to North~~
5 ~~Carolina State University Extension to speak to Colette MacDonald~~
6 ~~earlier that evening.~~ *YLG 4/3/84*

7 14. At midnight, Ms. Davis and Greg Mitchell took
8 mescaline and she has little recollection of what occurred until
9 approximately 2:00 a.m.

10 15. Stoeckley stated that at 2:00 a.m. on February 17,
11 1970, she and others, including Greg Mitchell, Don Harris, Bruce
12 Fowler and a black male named "Smitty" or "Zig Zag" rode in
13 Fowler's automobile to the vicinity of Dr. MacDonald's home.
14 While Stoeckley said that a man named Allan Mazzerole was also
15 with her group, investigation since her death discloses that
16 he was not. Fowler parked his automobile about one-quarter
17 mile from MacDonald's home and the group proceeded to his home
18 on foot. No one appeared armed.

19 16. Stoeckley was wearing a blonde wig and a beige
20 floppy hat, white boots, a floppy-sleeved blouse, and a skirt.
21 Harris wore blue jeans, a T-shirt and a field jacket. Harris
22 also wore a cross around his neck. Smitty, who was black, wore
23 an Army field jacket with E-6 stripes. Mitchell wore a beige
24 or yellow mohair sweater. She does not remember what Bruce
25 Fowler wore.

26 17. All of the above-named were under the influence
27 of drugs.

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1 18. The group entered the MacDonald apartment through
2 a door which led into what Stoeckley believed was a kitchen.
3 Because the light in the house was dim, Stoeckley lighted a
4 candle that she had brought with her.

5 19. Stoeckley went into the living room with others
6 and found Dr. MacDonald asleep on the couch. A book was laying
7 open on his chest and the television was on, although no program
8 was on. A light was on somewhere in the house but the room was
9 fairly dark.

10 20. They awakened Dr. MacDonald and began asking him
11 for drugs. He began to put up physical resistance, but then said
12 he would make a phone call for them in order to get drugs. He
13 attempted to call the M.P.'s instead from a wall phone in the
14 kitchen but was stopped by some group members. It was at this
15 point that everything "went out of control."

16 21. Members of the group began to attack Dr. MacDonald.
17 It appeared that they were using a sharp object because blood
18 appeared on his upper chest area when they struck him.

19 22. As they began striking Dr. MacDonald, Stoeckley
20 said "Acid is groovy, kill the pig."

21 23. Stoeckley heard a child call out. She also heard
22 Colette MacDonald call Dr. MacDonald's name and ask for help.
23 Colette MacDonald then made a gurgling noise and was silent.

24 24. Stoeckley went to the master bedroom where she
25 saw Greg Mitchell and another hitting Colette. Stoeckley said
26 that someone had written "Pig" in blood on the headboard, she
27 did not say whether she or someone else had done this.

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1 25. Sometime while the group was in the MacDonald
2 house, the telephone rang and Stoeckley answered it. When the
3 caller asked for Dr. MacDonald, she began to laugh. Someone
4 in the house told her to hang up the phone and Stoeckley did
5 so. She wiped her fingerprints off the receiver with her blouse.

6 26. At some point, Ms. Davis entered another bedroom
7 and saw a child laying on the bed covered with blood. She
8 appeared to be dead. Ms. Davis leaned back against a rocking
9 horse that was in the room and noticed that one of the springs
10 on it was broken.

11 27. Stoeckley said that at some time during the
12 murders, one of the children was moved from one part of the
13 house to the other.

14 28. Stoeckley said that at one point she heard water
15 running in the bathroom and looked in the bathroom and saw
16 someone washing his hands in the sink. She believed this was
17 Greg Mitchell.

18 29. At approximately 2:30 a.m. the group left the
19 house through the utility room. They waited at the back door
20 while Fowler went to get his car. A German Shepherd dog, which
21 was tied up behind an apartment near MacDonald's, barked at
22 them as they went around the back to get to the front. Fowler
23 pulled the car onto the street running in front of the MacDonald
24 home and parked down the street. The group ran to the car.
25 Stoeckley said she and some others got into Fowler's car, left
26 Ft. Bragg and drove into Fayetteville. She is not sure how the
27 others at the MacDonald apartment left Ft. Bragg.

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1 30. Ms. Davis believed Dr. MacDonald was dead when
2 they left the residence.

3 31. When the group left they drove to the Dunkin
4 Donuts shop on Bragg Boulevard where she got out to wash her
5 hands. Then they left and Fowler dropped her off at her home
6 at approximately 4:30 to 5:00 a.m.

7 I declare under penalty of perjury that the foregoing
8 is true and correct.

9 Executed this _____ day of _____, 1984 at
10 Los Angeles, California..

11
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13 _____
TED L. GUNDERSON

14 On _____, 1984, before me, the undersigned,
15 a Notary Public in and for said County and State, personally
16 appeared TED L. GUNDERSON, personally known to me or proved to
17 me on the basis of satisfactory evidence to be the person whose
18 name is subscribed to the within instrument and acknowledged that
19 he executed the same.

20 WITNESS my hand and official seal.

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22 _____
23 Notary Public
In and for said County and State

[S E A L]



DECLARATION OF RICHARD COMISKY

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State of Texas)
) ss.
County of Jefferson)

I, RICHARD COMISKY, the undersigned, declare:

1. In 1970 I resided in Fayetteville, North Carolina. At that time, I knew a young woman named Helena Stoeckley who also lived in Fayetteville at the time.

2. Sometime between August and October 1970, I was sitting in Rowan Park, also known as "Skag" Park, in Fayetteville when Helena Stoeckley came to the park together with a young white man.

3. We began speaking about insignificant things when Helena Stoeckley said, "we did the MacDonald thing." I asked her what she meant and she said, "we did the killings." The man with her told her to be quiet but she reassured him that she had known me for a long time and it was okay to speak in front of me.

4. She and the man bickered between themselves and she continued to discuss what she had done. She said that she was wearing the same clothes she had worn during the murders at the time the police questioned her. She said that the clothes included a wig, a hat and boots which she said she later burned.

5. The man with her told her to "be cool" and not to "put their business on the streets", meaning not to discuss what he viewed as private.

6. During the course of the conversation, Helena asked me whether I knew if fingerprints could be obtained from wax. I

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DECLARATION OF LYNNE MARKSTEIN

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Commonwealth of Massachusetts) s.s.
County of Barnstable)

I, LYNNE MARKSTEIN, the undersigned, declare:

1. On or about August 20, 1979, I was involved in a traffic accident in Raleigh, North Carolina. As a result of the accident, I went to Wake Memorial hospital for treatment.

2. While sitting in the x-ray waiting room at the hospital, a girl named Helena Stoeckley introduced herself to me. She told me she was in Raleigh, North Carolina to testify at the MacDonald murder trial.

3. Helena Stoeckley told me that she was at the MacDonald house at the time the murders occurred. She said she remembered standing over a child in a bed. The child was uncovered. Stoeckley also said that blood was all over the child. I remember Stoeckley making the statement: "Can you imagine someone like me doing that to those babies?" I recall that statement because of her hand motions and because the statement seemed weird.

4. Helena Stoeckley said she was under the influence of drugs at the time of the murder. She also told me that she had been unable to remember any facts about the MacDonald murders until the time of the trial, August of 1979. Helena Stoeckley did not have any difficulty recalling details while she talked with me. All of her statements were clear and explicit.

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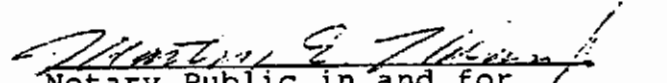
1 I declare under penalty of perjury that the foregoing is
2 true and correct.

3 Executed this 12 day of AUGUST, 1983 at
4 MASHPOE, MA, North Carolina.

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6 
7 LYNNE MARKSTEIN

8 On AUGUST 12, 1983, before me, the undersigned,
9 a Notary Public in and for said County and State, personally
10 appeared LYNNE MARKSTEIN, personally known to me or proved to
11 me on the basis of satisfactory evidence to be the person whose
12 name is subscribed to the within instrument and acknowledged
13 that she executed the same.

14 WITNESS my hand and official seal.

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17 Notary Public in and for
18 said County and State
19 BARNSTABLE COUNTY, MASS
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DECLARATION OF ERNEST LEROY DAVIS

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2 State of South Carolina)
3 County of Summerville) S.S.

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5 I, ERNEST LEROY DAVIS, the undersigned, declare:

6 1. I currently reside at Perry Correctional Institution
7 in Pelzer, South Carolina.

8 2. I met Helena Stoeckley Davis, my wife, in July, 1979
9 in Columbia, South Carolina.

10 3. We were watching news on television in August of 1979
11 when an announcer said something about the murder trial of
12 Dr. Jeffrey MacDonald. Helena said to me, "Oh my God. The
13 cops are looking for me now." She told me a little about the
14 murders and said that everyone was trying to pin it on her.
15 That was the first I had ever heard of Dr. Jeffrey MacDonald.

16 4. The next afternoon the FBI came and took Helena back to
17 Raleigh. I caught a bus down there to join her. Helena had
18 been placed in jail to keep her around to testify.

19 5. Helena had some problems in jail and I asked Bernard Segal,
20 who was Dr. MacDonald's lawyer, if he could help me get her out
21 of jail. He went to the Judge to ask him to release her and
22 I was told that the Judge would agree to release Helena if she
23 would promise to stay in town to testify.

24 6. That night at 11:30 or 12:00 Helena sat up in bed
25 and started scribbling on the wall and/or headboard with her
26 fingers. I asked her what she was doing and she replied,
27 "It's my baby."

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1 7. During this whole situation, after she had been on the
2 stand, Helena called Judge Dupree. The day before I left I
3 answered the phone and it was the Judge's secretary returning
4 Helena's call. Their conversation lasted a couple of minutes
5 but I don't know what it was about. The Judge was supposed
6 to call her back the day I left but I'm not sure if he did.

7 8. After we were home Helena told me she thought she had
8 been at Dr. MacDonald's house the night of the murders. She
9 would get up at night and say "It's my baby," and then go wash
10 her hands.

11 9. She told me she went into 'Dunkin Donuts' that night
12 with blood on her hands and she washed them there.

13 10. It seemed like she would remember some parts of the
14 night but not others. She would come up with things that would
15 make you believe she was there because they were things that
16 no one else would know.

17 11. We were walking in Greenville one day when we passed
18 a rocking horse on the side of the road. Helena started crying.
19 She pointed out that the spring was broken just like the one
20 in the MacDonalds' house.

21 12. Helena was interviewed about her knowledge of the
22 MacDonald murders by government agents and two private investi-
23 gators, Ted Gunderson and Prince Beasley. She told me that
24 Mr. Gunderson had said he would try to get her immunity but
25 because she was not sure he could do so she had protected her-
26 self by telling him a man named Al Mazerolle, whom she had put
27 in jail, was involved in the murders.

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1 13. Helena told me that she remembered standing in her
2 driveway the night of the murders and taking two hits of
3 mescaline with Greg Mitchell.

4 14. She told me she remembered driving to Dr. MacDonald's
5 with other people and parking.

6 15. She told me she remembered going into a bedroom to
7 keep the kids quiet. When she came out, MacDonald was already
8 stabbed and Colette MacDonald was screaming. The next thing
9 she remembered was standing in the living room, holding a
10 candle. Blood was dripping off of her hand.

11 16. Helena also told me that somebody went in the jewelry
12 box in the MacDonald house and took some things out.

13 17. Helena told me that everybody was scared and wanted
14 to get out of there, and they all left in a hurry, leaving all
15 the weapons behind, except for some scissors. Then they went
16 to the donut shop and cleaned up.

17 18. When Helena got home, her roommate asked her why
18 she did it. Helena replied, "They deserved to die."

19 19. Helena told me that she acted confused at the trial
20 in order to fool the judge.

21 I declare under penalty of perjury that the foregoing is
22 true and correct.

23 Executed this 25 day of July, 1983 at
24 Pelzer, South Carolina.

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26 Ernest Leroy Davis
27 ERNEST LEROY DAVIS
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1 On July 25, 1983, before me, the undersigned,
2 a Notary Public in and for said County and State, personally
3 appeared ERNEST LEROY DAVIS, personally known to me or proved
4 to me on the basis of satisfactory evidence to be the person
5 whose name is subscribed to the within instrument and acknow-
6 ledged that he executed the same.

7 WITNESS my hand and official seal.

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9 Charles Braet
10 Notary Public in and for
11 said County and State
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1 the Army CID. I told them I had found suspects in the murders.
2 Over an hour passed and no assistance arrived, so I was forced to
3 release them because they became threatening to me.

4 13. Two or three months after the murders, I tried to
5 interview Stoeckley about the murders. She would not discuss them
6 with me because she was afraid of reprisals.

7 14. Years later, in October 1980, after Dr. MacDonald was
8 convicted, I began to do investigative work on the MacDonald
9 case. In that connection, I interviewed Helena Stoeckley on
10 several occasions concerning her knowledge of the MacDonald
11 murders. Those interviews occurred in South Carolina, where she
12 was then living, and in California at the offices of Ted L.
13 Gunderson, during the period October 1980 through May 1982.
14 Helena Stoeckley stated the following:

15 a. She associated with a group of people who were
16 servicemen or former servicemen who were drug abusers and who
17 dealt in drugs to support their habits. The group was concerned
18 about the response of military doctors, including Dr. MacDonald, to
19 soldiers with drug problems, and the group discussed retaliation
20 against Dr. MacDonald because he had refused to treat several
21 people for drug addiction and had threatened to turn them in.

22 b. It was decided at some point to attempt to get his
23 cooperation in helping soldiers with drug problems and to get
24 drugs from him.

25 c. In the early hours of February 17, 1970, Helena and
26 other members of her group went to the MacDonald residence.
27 Helena named Greg Mitchell, a black male whose nicknames were "Zig
28 Zag" and "Smitty", Bruce Fowler and Cathy Smith as being present.

1 Helena said more than four people were there but did not name
2 them. She said all were under the influence of drugs. —

3 d. Smitty wore an Army jacket with E-6 stripes.

4 e. Although the group members had mentioned killing
5 Dr. MacDonald's family, Helena believed that the MacDonalds were
6 just going to be pushed around, but when Dr. MacDonald put up a
7 fight things got out of control and she could do nothing to stop
8 it.

9 f. She remembered standing at a couch in the
10 MacDonald apartment holding a lighted candle and remembers the
11 hot wax running onto her fingers, When the hot wax burned her
12 fingers she extinguished the candle and put it in her pocket.

13 g. She saw Smitty strike Dr. MacDonald and told him
14 to "hit the pig again." She was at that time under the
15 influence of drugs.

16 h. She heard Colette say Dr. MacDonald's name and ask
17 for his help.

18 i. She went into the master bedroom where she saw
19 lots of blood. Greg Mitchell was on top of Colette, beating her
20 with an object.

21 j. At some point, the telephone rang and Stoeckley
22 answered it. A male with a soft voice asked if Dr. MacDonald
23 was home. She began to laugh and one of the men with her told
24 her to "hang up the God damn phone", which she did.

25 k. Stoeckley said she remembered seeing a rocking
26 horse with a broken spring in the house.

27 l. Helena recalled the night following the murders
28 when I stopped the group on Clark Street. They were riding in

1 an old cream colored Plymouth. She said she couldn't talk to me
2 when I stopped because she was afraid of the others.

3 m. She felt that she had been roped into the murders
4 and couldn't get out of it. She was still fearful for her
5 safety.

6 n. She said that everyone involved went into hiding
7 after the murders.

8 o. Stoeckley told me that after the murders she had
9 given her boots and clothes to Cathy Perry to hide.

10 ^{PID}
11 p. In 198~~e~~^e, I interviewd Ms. Betty Garcia in
12 Fayetteville. She told me that Cathy Perry had come to her
13 after the MacDonald murders and asked Mrs. Garcia to hold a
14 bundle of clothing for her because the police might be after
15 her. Mrs. Garcia had taken care of Perry in the past when Perry
16 had had a drug problem.

17 q. Mrs. Garcia told me that after Perry had left she
18 looked through the materials and saw some clothes which had
19 blood stains on them and some boots with blood on them.

20 r. Some weeks later, Mrs. Garcia received a telephone
21 call from Cathy Perry's parents who asked Mrs. Garcia to destroy
22 the materials which Perry had left with her.

23 s. Mrs. Garcia stated that she did throw out some of
24 the clothing but kept other materials, including the boots, a
25 calendar with the dated February 17, 1970 circled on it and a
26 small notebook containing addresses and telephone numbers.

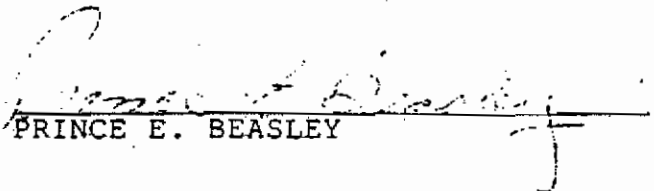
27 I declare under penalty of perjury that the foregoing is
28 true and correct.

Executed this 27th day of March, 1984 at

1 Fayetteville , North Carolina.

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PRINCE E. BEASLEY

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On March 27 , 1984, before me, the undersigned, a Notary Public in and for said County and State, personally appeared PRINCE E. BEASLEY personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.


Notary Public

[S E A L]

in and for said County and State
My Commission Expires: 4/13/87

1 told her "No," I didn't know about it.

2 8. About that time the right rear passenger door opened
3 and a black male emerged. He was wearing an army fatigue
4 jacket and dark civilian pants. He told me he was going to
5 use the men's room.

6 9. There was a white male slumped down behind the wheel
7 but I did not get a good look at him.

8 10. Both the female and the black male went to the toilets.
9 When they returned to the car, they all drove off together.

10 11. Throughout this time I could see Military Police
11 vehicles riding on the roads inside and outside Fort Bragg.

12 12. I saw shown twenty photographs by Raymond Shedlick,
13 a private investigator, and selected from those photographs
14 a photograph of an artist's sketch which positively resembles
15 the young woman I saw (attached hereto as Exhibit "A"). I
16 also positively identified a photograph of an artist's sketch
17 of a black male as being that of the black male I saw leaving
18 the rear of the vehicle (attached hereto as Exhibit "B").

19 I declare under penalty of perjury that the foregoing
20 is true and correct.

21 Executed this 21 day of September, 1983 at
22 Suzanne Beach, Virginia.

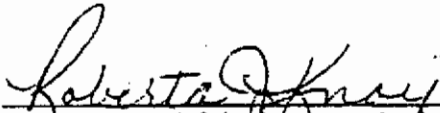
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24 Joan Green Sonderson
25 JOAN GREEN SONDERSON

26 On Sept 21, 1983, before me the undersigned, a
27 Notary Public in and for said County and State, personally
28 appeared JOAN GREEN SONDERSON, personally known to me or proved

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to me on the basis of satisfactory evidence to be the person
whose name is subscribed to the within instrument and
acknowledged that she executed the same.

WITNESS my hand and official seal.


Notary Public in and for
said County and State
MY COMMISSION EXPIRES JANUARY 29, 1995

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EXHIBIT "A"



EXHIBIT "B"

DECLARATION OF JIMMY FRIAR

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State of South Carolina)
County of Spartanburg) s.s.

I, JIMMY FRIAR, the undersigned, declare:

1. I presently reside at Dutchman Correctional Facility, Enoree, South Carolina.

2. In February, 1970 I was an in-patient at the Womack Army Hospital in Fort Bragg, North Carolina.

3. Before I was at Womack hospital I had been at Walter Reed Hospital in Washington, D.C. Dr. Richard MacDonald had treated me when I was at Walter Reed Hospital. While I was his patient he and I had become friendly because we were both from South Carolina.

4. Prior to February 17, 1970, at a time I was a patient at Walter Reed Hospital, I had gotten drunk on a couple of occasions and needed to get help to get back to the hospital. On those occasions I had called Dr. Richard MacDonald and he helped me out, either picking me up himself or sending someone to pick me up.

5. On the evening of February 16, 1970 I persuaded an orderly to let me out and cover for me so that I could go to Fayetteville to drink and shoot pool.

6. When I decided to go back to Fort Bragg the buses had stopped running and I had no money left to get a taxi.

7. At that time, I attempted to contact Dr. Richard MacDonald, who had previously treated me, to attempt to get his help to get back to the base.

1 8. I tried to contact Dr. Richard MacDonald from the
2 Wade Hampton Hotel. I was disoriented at the time and thought
3 I could contact Dr. MacDonald by phone, thinking I was still
4 in Washington, D.C. I called the base operator and represented
5 myself as a doctor who was a friend of Dr. MacDonald, without
6 specifying Dr. MacDonald's first name. The operator gave me
7 a number.

8 9. I called the number which had been given to me and
9 I asked for Dr. MacDonald. The woman who answered was laughing
10 and I heard someone in the background say, "Hang up the God-
11 damned phone." The phone was disconnected at that time.

12 10. I made the call sometime around 2:00 a.m. I recall
13 that it was about that time because I had decided to leave for
14 Fort Bragg sometime a little before 2:00 a.m.

15 ~~I did not tell this to anyone until after Dr. Jeffrey~~
16 ~~MacDonald was tried and convicted for the murders of his wife~~
17 ~~and children. I spoke with the F.B.I. about this incident.~~

18 I declare under penalty of perjury that the foregoing is
19 true and correct.

20 Executed this 25th day of July, 1983 at
21 Greenville, South Carolina.

23 Jimmy Friar
24 JIMMY FRIAR

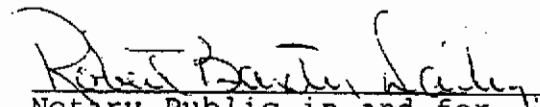
25 On July 25, 1983, before me, the undersigned,
26 a Notary Public in and for said County and State, personally
27 appeared JIMMY FRIAR, personally known to me or proved to
28 me on the basis of satisfactory evidence to be the person

1 whose name is subscribed to the within instrument and
2 acknowledged that he executed the same.

3 WITNESS my hand and official seal.

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Notary Public in and for
said County and State 11/4/92

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1 disappeared, taking ~~some of my clothes~~ from the closet we shared.

2 7. Late one afternoon after "Dave" had left the Manor, I
3 went out to the Farm with Ann Cannady and Juanita Sisneros. They
4 got out to go into the farmhouse and I saw more than one
5 individual running out the back. They looked like they were two
6 males. When Ann and Juanita returned from being in the house, I
7 was either near the car or outside the house looking around.

8 8. Ann and Juanita told me what they had seen written on
9 the walls in the house.

10 9. By the time I returned to the Farm ~~to clean up the~~ ^{RWD} ~~walls~~
11 ~~walls~~, someone had already repainted the walls.

12 10. I was shown a number of photographs by Ray Shedlick and
13 I selected from that group the photo which is attached as Exhibit
14 A to my declaration as a picture of the man who identified
15 himself as "Dave". I was also shown a number of photos of groups
16 and I selected the individual third from the left in the photo
17 which is attached as Exhibit B to my declaration as a picture of
18 the man closely resembling "Dave".

19 I declare under penalty of perjury that the foregoing is
20 true and correct.

21 Executed this 29 day of July, 1983 at
22 Madison, Tennessee.

23
24 
25 RANDY PHILLIPS

26
27 On 7/29, 1983, before me, the undersigned, a
28 Notary Public in and for said County and State, personally

1 appeared RANDY PHILLIPS, known to me or proved to me on the basis
2 of satisfactory evidence to be the person whose name is
3 subscribed to the within instrument and acknowledged that he
4 executed the same.

5 WITNESS my hand and official seal.

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Juanita Calabaz 4/22/87
Notary Public
in and for said County and State

XVII 86770

EXHIBIT
11 B 77



DECLARATION OF ANN SUTTON CANNADY

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State of North Carolina)
) ss.
County of Cumberland)

I, Ann Sutton Cannady, the undersigned, declare:

1. I reside in Fayetteville, North Carolina where I have lived for the past 26 years. In the early part of 1971, I was working with a ministry in Fayetteville, North Carolina called "The Manor." The work of this ministry was to provide counseling and help to young people who had problems with alcohol and addictive drugs who were seeking assistance with their problem.

2. The Manor maintained a house in the 900 block of Hay Street in the Haymont section of Fayetteville. It was at that house that most of the work of The Manor was done. The house had facilities for meetings as well as facilities for the overnight accommodation of people seeking assistance.

3. In addition, The Manor had a house in the countryside off Highway I-95 outside Fayetteville which was being fixed up by work teams made up of people working with The Manor for use as a separate facility by The Manor.

4. On a Wednesday in the early part of March 1971, a young man came to The Manor on Hay Street looking for a place to stay. He was a thin blond young man approximately 20 years old who was highly nervous and tense.

5. On the Saturday after he arrived, this young man came to the regular Saturday night session which was attended by those

1 people who were staying in The Manor's house. The Saturday night
2 meetings were ministering sessions at which people shared
3 experiences and prayed together.

4 6. On the Saturday night the young man was in attendance he
5 said he was part of a cult in Fayetteville and that the cult
6 worked together. He confessed that he had been a drug user and
7 that he had murdered people. During the session, he was asking
8 for God's forgiveness for his actions.

9 7. On the following Sunday morning, the young man who had
10 made the confession was gone from The Manor house. He had
11 apparently taken with him all the clothes of Reverend Randy
12 Phillips the young minister who worked with the people at The
13 Manor.

14 8. Late on Sunday afternoon, I went with Reverend Phillips
15 and Juanita Sisneros to the farmhouse to see that the house was
16 secure. Ordinarily somebody checked out the house on a regular
17 basis. As we pulled up the road to the farmhouse, we saw the
18 young man who had made the confession on Saturday night run out
19 the back door. He was with another person and they ran into the
20 wooded area behind the house. Because this event frightened us,
21 we went back to a gas station on I-95 and called the Sheriff's
22 Department asking for someone to come with us to the farmhouse.

23 9. When the Sheriff's Deputy arrived, we went through the
24 house with him. I walked into the bedroom which adjoined the
25 living room and saw written in bright red paint on the wall, "I
26 killed MacDonald's wife and children." It was written in four
27 rows rather erratically across the wall and the red substance,
28 which was apparently paint, was sort of dripping down. Mrs.

1 Sisneros and the Sheriff's Deputy came into the room and saw the
2 message on the wall.

3 10. None of us had a camera and the Sheriff's Deputy asked
4 us to let him return the next morning with a camera so that he
5 could take a picture of the wall when it was light. We told him
6 he could do so.

7 11. The following Saturday, we went to the farmhouse to do
8 more work and someone had been there and painted over the entire
9 wall so that the sign was no longer visible.

10 12. I was shown 20 photographs by Raymond Shedlick, a
11 private investigator, and selected from those photographs a
12 photograph of a man who I believe was the young man who came to
13 The Manor, made the confession and painted the sign on the wall.
14 Mr. Shedlick advised me that the identity of that man whose
15 picture I selected was Gregory Mitchell. A copy of the
16 photograph is attached hereto as Exhibit A.

17 I declare under penalty of perjury that the foregoing is
18 true and correct.

19 Executed this 27 day of May, 1983 at Hope Mills,
20 North Carolina.

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23 
ANN SUTTON CANNADY

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25 On 5-27, 1983, before me, the undersigned, a Notary
26 Public in and for aid County and State, personally appeared ANN
27 SUTTON CANNADY personally known to me or proved to me on the
28 basis of satisfactory evidence to be the person whose name is

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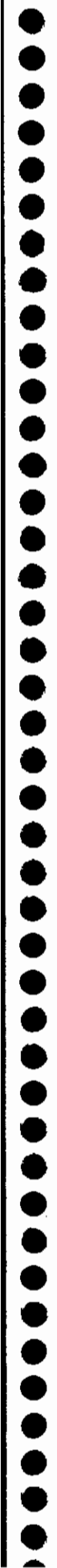
subscribed to the within instrument and acknowledged that she executed the same.

WITNESS my hand and official seal.

James S. DeFlessis
My Comm Expires 9-13-84



EXHIBIT A
(PHOTOGRAPH)



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DECLARATION OF NORMA LANE

County of Mecklenburg)
) s.s.
State of North Carolina)

I, Norma Lane, declare:

1. I am a resident of Charlotte, North Carolina where I live with my husband Bryant Lane.

2. In 1972 I met Greg Mitchell, who was then employed with my husband at the Toledo Scale Company. Greg and Pat Mitchell became good friends with my husband and me.

3. Greg Mitchell was a heavy drinker and would drink when he was depressed. I remember one instance in 1977 when he was visiting at our house my husband asked Greg what was wrong with him and he replied that he could not tell my husband or anyone, not even his wife, about what depressed him. He said it was too horrible to talk about.

4. In 1982, shortly before Greg Mitchell entered the hospital, he contacted my husband and wanted to talk to him about some trouble that he had when he was in the service. After my husband told me about that conversation Greg Mitchell visited my house a few days later.

5. When Greg came to my house he was shaking and crying and said he was trying to get some money to leave the country because, he said, "the FBI is after me and is hot on my trail."

6. I told Greg that if he hadn't done anything wrong that he had nothing to worry about. Greg stated that he did do something wrong and he was guilty of a serious crime that happened a long time ago at Ft. Bragg, North Carolina. We

1 did not discuss the crime any further. When my husband came
2 home he loaned Greg some money.

3 7. When I read the news story in the Charlotte
4 Observer about the Ft. Bragg murders in which Greg Mitchell's
5 name was mentioned I realized that what Greg had told my husband
6 and me was that he had taken part in the murders. I contacted
7 Dr. Jeffrey MacDonald's lawyers at that time.

8 I declare under penalty of perjury that the foregoing
9 is true and correct.

10 Executed this 14th day of April, 1984 at Charlotte,
11 North Carolina.

12
13 Norma Lane
14 NORMA LANE

15
16 STATE OF NORTH CAROLINA
17 COUNTY OF MECKLENBURG

18 I, the undersigned Notary Public for said County and
19 State do certify that Norma Lane personally appeared
20 before me and acknowledge the due execution of the
21 foregoing declaration.

22 WITNESS my hand and notarial seal this 14th day of
23 April 1984.

24 William T. Sullivan
25 Notary Public

26 My Commission expires 8-31-88
27
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DECLARATION OF BRYANT LANE

1
2 County of Mecklenburg)
3 State of North Carolina) s.s.

4 I, Bryant Lane, declare:

5 1. In 1972 my wife and I lived in Charlotte, North
6 Carolina and I worked at the Toledo Scale Company with a man
7 named Greg Mitchell with whom I became friendly. My wife, Pat
8 Mitchell, Greg and I became close friends over time.

9 2. In 1977 while Greg Mitchell was visiting my wife
10 and me at our home and was in a depressed condition, I asked
11 him what was bothering him and he stated that he could not
12 tell me or anyone about what was bothering him, not even his
13 wife Pat, because it was too horrible to even talk about.

14 3. In 1982, before Greg Mitchell entered the hospital
15 where he died in June 1982, Greg called me by telephone and told
16 me he wanted to speak with me about something. He said he did
17 not want to talk on the telephone, however, as he believed his
18 phone might be tapped. I agreed to meet with Greg and we did
19 meet and when we met he was very pale and visibly upset.

20 4. I began the meeting by asking Greg what the
21 trouble was and he told me, "it's something that happened back
22 when I was in the service. If they find out about it I'm going
23 to have to leave the country and live in Haiti or something."
24 Greg did not tell me anything specific about what happened.
25 However, shortly after our conversation he came to our house
26 again where he spoke with my wife and told her that the reason
27 he was trying to get some money to leave the country was because
28 the FBI was after him. He told my wife that he was guilty of

1 a crime that happened a long time ago at Ft. Bragg and that he
2 was concerned about being prosecuted.

3 5. When I read the news story in the Charlotte
4 Observer about the Ft. Bragg murders in which Greg Mitchell's
5 name was mentioned I realized that what Greg had told my wife
6 and me was that he had taken part in the murders. I contacted
7 Dr. Jeffrey MacDonald's lawyers at that time.

8 I declare under penalty of perjury that the foregoing
9 is true and correct.

10 Executed this 4-14-84 day of April, 1984 at Charlotte,
11 North Carolina.

12
13 Bryant Lane
14 BRYANT LANE

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17 STATE OF NORTH CAROLINA
18 COUNTY OF MECKLENBURG

19 I, the undersigned Notary Public for said County and
20 state do certify that Eryant Lane personally appeared
21 before me and acknowledge the due execution of the foregoing
22 declaration.

23 WITNESS my hand and seal (notarial) this 14th day
24 of April, 1984

25 My Commission expires on 8-31-88

26
27 William Z. Seaman
28 Notary Public

**United States District Court
Eastern District of North Carolina
Fayetteville Division**

DOCKET No. 75-26-CR-3

UNITED STATES OF AMERICA,

vs.

JEFFREY R. MacDONALD

**AFFIDAVIT OF JANICE S. GLISSON
IN SUPPORT OF RESPONSE OF THE UNITED STATES
TO DEFENDANT'S PETITION FOR POST-CONVICTION RELIEF
PURSUANT TO 28 U.S.C., SECTION 2255**

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION

NO. 75-26-CR-3
NO. 90-104-CIV-3-D

UNITED STATES OF AMERICA :
 :
 v. : AFFIDAVIT OF
 : JANICE S. GLISSON
 :
 JEFFREY R. MACDONALD :

I, Janice S. Glisson, first being duly sworn, state under oath the following:

1. I graduated from Skidmore College in Saratoga Springs, New York, in 1945 with a major in chemistry and a minor in biology. My first employment was as a chemist in the surgical chemistry laboratory of Columbia Presbyterian Hospital in New York City, where I performed blood and spinal fluid chemistries on surgical patients, as well as did research. In 1948 I moved to Augusta, Georgia, where I joined the clinical laboratory at Oliver General Army Hospital. Two years later I became affiliated with the Veterans Administration Hospital in Augusta where I worked in the clinical laboratory, performing a wide range of clinical tests on patients. That same year I moved to Fort Gordon Army Hospital, associating with the clinical laboratory there, staying approximately five years. During this period I worked at the Criminal Investigation Laboratory for about nine months, where I first practiced forensic chemistry.

2. After a brief retirement to raise three children, I resumed my work as a part-time laboratory technologist in 1960 at St. Joseph's Hospital in Augusta, Georgia until 1963. From 1963-1967 I continued to work part-time as a laboratory technologist in the Division of Hematology at Talmadge Hospital, the Medical College of Georgia. In April of 1967, I joined the Criminal Investigation Laboratory in Fort Gordon, Georgia, as a criminalist practicing forensic chemistry, where I remained until my retirement in September 1983.

3. After joining the Army CID laboratory, I was trained for approximately six months in the fields of serology, trace evidence (includes hair, fibers, soil, glass and paint analysis) and drug analysis. In 1979 I was named Chief of the Serology Branch of the Chemistry Section, a title I retained until my retirement.

4. I first became associated with the analysis of evidence in the Jeffrey MacDonald case on behalf of the Army CID laboratory in February 1970. My primary responsibility in this case included examining and typing the body fluid evidence seized from the MacDonald home; I also performed some hair examinations.

5. On March 19, 1971, I began to inventory and analyze hair-like evidence received from chemist T. L. Laber. I removed hair-like material from Exhibit J (E-322) (blue-handled hairbrush); from Exhibit K (E-323) (clear-handled hairbrush) and from Exhibit E35 (white-handled hairbrush). The white-handled

hairbrush was identified as coming from under the right arm of Colette MacDonald; the locations in the home of the blue-handled and clear-handled brushes were unknown, then and now, to me. I performed hair comparisons with the hair I retrieved from these three brushes and other sources of hair, known and unknown.

Initially, I performed a macroscopic (without a microscope) examination of the hair-like material, including measuring the lengths of these items. Based upon the macroscopic appearance, the hair-like material fell into three categories: dark brown, blond and blond-brown. Within the blond group of hair-like material from Exhibit K, this material ranged in length up to 22 inches. During my initial examination, it appeared that at least some of the hair-like material might be synthetic, thus the question mark next to the word "synthetic" in my laboratory bench notes. (See Exhibit 1, Murphy Affidavit, p. 25). Upon further detailed, microscopic examination, I determined that the questioned material fell into two groups: human hair, comprising my categories (a) and (b) in my bench notes and synthetic fibers comprising my category (c): "synthetic striated fibers made to look like hairs." After this microscopic examination, I concluded that category (c) consisted of synthetic fibers. The category (c) fibers were mounted on glass slides marked "K" by me during the course of my examination. I further placed these glass slides in cardboard slide mailers which I marked as follows:

- (1) "K"
"Synthetic hairs"
"blond" — Q-46
- (2) "K"
"grey"
"Synthetic" — Q-48
- (3) "K"
"Synthetic hairs"
"blond" — Q-49

I have been shown these three slides and slide mailers by Special Agent Michael P. Malone at the FBI Laboratory in Washington, D.C., and I state that in addition to the marking which I placed on the slide markers "1", "2", and "3", described above, the slide mailers are now marked "Q-46 PMS MPM", "Q-48 PMS MPM", and "Q-49 PMS MPM", respectively. The reference in my notes pertaining to the blond hairs in the "K" hairbrush refers to specimens Q-46, Q-48 and Q-49, respectively.

In addition I removed dark synthetic fibers from the blue-handled hairbrush (CID Exhibit J and E-322) which I mounted onto glass slides. These slides were placed in cardboard slide mailers which I marked "J", Synthetic hairs, black.

I have been shown these two slides and slide mailers by Special Agent Michael Malone and I state that in addition to the markings on the slide mailers which I have described above, the

slide mailers are now marked "Q-43 PMS MPM" and Q-44 PMS MPM, respectively.

It is to slides Q-43 and Q-44 that I make reference to in my laboratory report R-24, (Murphy Affidavit, Exhibit 6, paragraph 7) when I state:

Examination of the dark strands from Exhibit E-32 showed same to be synthetic fibers.

After my analysis, I packaged these synthetic hair-like fibers in mailers, along with others, in a cardboard box. (A photograph of the box is attached as Exhibit 1.) I wrote "synthetic hairs" on the cover of the box. The other handwriting on the box is my own, except for "Q-43-Q-54 PMS". The initials JSG stand for Janice Super Glisson.

6. In the CID Laboratory Report (R-24) dated April 20, 1971, I included the results of my hair analyses of the hair-like material retrieved from the three hairbrushes; these results are listed in paragraphs six through nine of the report. They were in response to Investigator Kearns' March 9, 1971 Requests for Examination which respond directly to the requested examinations. No mention was made of the blond synthetic fibers found on the clear-handled hairbrush because there had been no request for fiber (as opposed to hair) examinations and I did not attach any forensic significance to synthetic fibers. I never informed anyone about the blond fibers, and to my recollection no one ever indicated an interest in these specific items.

7. My additional laboratory bench notes (Murphy Affidavit, Exhibit 1, p. 35) again reflected my earlier findings that there were some synthetic blond hairs found on the clear-handled hairbrush (Exhibit K). These notes also reflect a finding of a "grey or blond" synthetic hair.

Again the report dated May 25, 1971, does not reflect a finding of synthetic hair since Kearns' Request of May 6, 1971 to which it responded only asked the Chemistry Section to: "compare the contents of Exhibits A and B, above, with hair samples on file at your office."

8. In light of my training and experience in the analysis of trace evidence, I normally categorized trace evidence as either hair or fiber, and would never compare a hair to a fiber since they are two distinctly different categories of trace evidence. At no point did I ever have a known fiber source to which comparisons with the aforementioned synthetic hair-like fibers could be made. I therefore made no such comparisons.

9. No person associated with the Government prosecutive efforts has every interfered or modified in any way the reporting, in any fashion, of the results of my examinations in this case.

10. I have examined the various exhibits, photographs of which are appended to my affidavit, and they appear to be in the same condition as when I last saw them.

11. Exhibit 1 is a photograph of a box which contained the synthetic hair/fibers referred to in No. 5 above. I recognize my handwriting that lists the various items found in the box.

Jamie S. Glisson

JANICE S. GLISSON

Signed and sworn to before me this 5th day of February, 1991.

Jacquelyn E. McGrady

NOTARY PUBLIC

My commission expires _____
Notary Public, Richmond Cty., Georgia
My Commission expires Feb. 28, 1992

Jacquelyn E. McGrady
261 79 6005
3923 Old Trail Road
Martinez, Ca. 94567

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA,

v.

JEFFREY R. MacDONALD

No. 75-26-CR-3

AFFIDAVIT OF ELLEN DANNELLY

I, Ellen Dannelly, being first duly sworn, state under oath the following:

1. I am a self-employed, licensed private investigator in the State of North Carolina (License No. 1194). I have been licensed since July 14, 1989.
2. My father, Raymond R. Shedlick, Sr., was retained by Dr. Jeffrey R. MacDonald ("Dr. MacDonald") as a private investigator in 1982. I began to assist my father with the investigation in March of 1983.
3. In the course of my work for Dr. MacDonald, I was responsible for reviewing materials released post-trial to his attorneys pursuant to the Freedom of Information Act ("FOIA"). My objective in reviewing these "FOIA" materials was to determine the entire body of scientific data compiled by the Army Criminal Investigation Division ("CID") and Federal Bureau of Investigation ("FBI") forensic laboratories about each piece of physical evidence taken from the crime scene.
4. Initially, I compiled an inventory of physical evidence taken from the crime scene that had been examined or

-2-

analyzed by the CID and FBI laboratories. The CID and FBI had assigned exhibit numbers to the pieces of evidence prior to conducting the examinations. I collected and organized all of the information that the CID and FBI lab technicians had recorded for each CID and FBI exhibit number. The information I collected was obtained from handwritten laboratory notes that had been released to Dr. MacDonald's attorneys under FOIA and the typewritten FBI and CID laboratory reports that had been disclosed to the defense prior to trial.

5. In the course of collating and organizing the FOIA materials, I examined handwritten laboratory notes which indicate that in early 1979, the FBI examined certain pieces of physical evidence taken from the MacDonald home. (Attached hereto as Exhibit 2) I conclude that these notes are the work product of FBI laboratory technicians, based on the fact that the notes contain FBI exhibit numbers which begin with the letter "Q."

6. In the course of examining the FBI handwritten notes contained in Exhibit 2, I noted that the FBI lab technicians examined (1) debris taken from the right bicep area of Colette MacDonald's pajama top (designated as Q-88), debris removed from the wooden club murder weapon (designated as Q-89), and debris removed from the mouth area of Colette MacDonald (designated as Q-100).

7. In reviewing these materials, I discovered that the

FBI laboratory technicians had discovered the presence of black, green, and white wool fibers for which the technicians could find no known source within the MacDonald home. The handwritten laboratory notes indicate that the technicians found one black wool fiber and one white wool fiber in the debris taken from the right bicep area of Colette MacDonald's pajama top (Q-88); two black wool fibers and one green wool fiber in the debris removed from the wooden club murder weapon (Q-89); and, two black wool fibers in the debris removed from the mouth area of Colette MacDonald (Q-100).

8. After reviewing these handwritten notes, I examined a typewritten unsigned FBI laboratory report, dated March 14, 1979. (Attached hereto as Exhibit 3) In my review of this report, I noted that the FBI had omitted any reference to its findings of black, green, and white wool fibers in the debris taken from the body of Colette MacDonald and the wooden club murder weapon.

9. In October of 1989, I compiled a conclusory report for Dr. MacDonald which contained the results of my findings, including those outlined above.

Ellen Dannelly
Ellen Dannelly *7 E. 4th St. #64500*

Signed and sworn to before me this 12th day of October, 1990.

Robert J. Jewett
Notary public

My commission expires 1/21/93.

3-52 REPORT
of the

1-Office, 7133



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

SAC, Charlotte

Date: October 17, 1974
FBI File No. 70-51728
Lab. No. PC-L1913 JV
PC-L2082 JV IZ
PC-L2318 JV
PC-L2536 JV

UNSUBS (4),
JEFFREY ROBERT MAC DONALD
ET AL - VICTIMS;
EGR - MURDER

Evidence
and Report

Specimens personally delivered by Captain Brian M. Murtagh on
9/24/74 (PC-L2082 JV IZ):

- 014 Piece of wood (A)
- 015 Blue bed sheet (D211)
- 016 White bath mat (D214)
- 017 Pink hairbrush (E8)
- 018 Vial containing hairs from closet, south bedroom (E12)
- 019 Vial containing hairs from dress, south bedroom (E10)
- 020 Vial containing hairs from coat, south bedroom (E13)
- 021 Vial containing hairs from yellow coat, south bedroom (E11)
- 022 Vial containing hairlike substance from cage, master bedroom (E7)
- 023 Vial containing hairs from closet, north bedroom (E9)
- 024 Vial containing hairs from blue dress, north bedroom (E15)
- 025-029 Five plastic bags containing debris (E35)
- 030-033 Four plastic bags containing debris (J)
- 034-038 Five plastic bags containing debris (K)
- 039 One plastic bag containing debris (E321)
- 040-042 Three microscope slides (E324)
- 043-044 Two microscope slides (E35J)
- 045-049 Five microscope slides (E35K)
- 050-052 Three microscope slides (E35)
- 053-054 Two microscope slides (E321)
- 055-056 Two microscope slides (E35a)
- 057-058 Two microscope slides (E35b)
- 059-068 Two microscope slides (E35K)
- 061-062 Two microscope slides (E35Kb)

Page 11

PMS: fdb(5)

(Over)

C00172

3-53

- Q63 One microscope slide (E35Ka)
- Q64-Q65 Two microscope slides (E35Ja)
- Q66 One microscope slide (E35Jb)
- Q67-Q74 Eight microscope slides (E325B)
- Q75 One microscope slide (K)
- Q76 One microscope slide (E35a)
- Q77 One microscope slide (E324A)
- Q78 Vial containing debris from near left hand (E301)
- Q79 Vial containing debris from under trunk of body (E303)
- Q80 Vial containing debris from top sheet (E59NB)
- Q81 Vial containing debris from under body (#24)
- Q82 Vial containing debris from pink blanket (57NB)
- Q83 Vial containing debris from bottom sheet (E63NB)
- Q84 Vial containing debris from floor near body (#23)
- Q85 Vial containing debris from sheet (19a)
- Q86 Vial containing debris from purple bed cover (D123)
- Q87 Vial containing debris from bedspread (E52NB)
- Q88 Vial containing debris from pink pajama top (E209)
- Q89 Vial containing debris from club (E205)
- Q90 Vial containing hairs from under pillow (#22)
- Q91 Vial containing debris from throw rug (D227)
- Q92 Vial containing debris from bag containing club (#206)
- Q93 Vial containing debris from quilt (#124)
- Q94 Vial containing yarns from hall (#32)
- Q95 Vial containing yarns from throw rug (#16)
- Q96 Vial containing debris from bedspread (D229)
- Q97 Vial containing yarns from pillowcase (#20a)
- Q98 Vial containing yarns from floor, east bedroom (E300)
- Q99 Vial containing sample from blue pajama top
- Q100 Vial containing debris from mouth area COLETTE MAC DONALD
- Q101 Vial containing debris from rug, east bedroom (E302)
- Q102-Q103 Two vials containing fiber samples from toy dog (43NB)
- Q104 Negative of footprint from north bedroom
- Q105 Vial containing hair from blue pajama top
- Q106 Vial containing yarn from fracture, right forearm
- Q107 Vial containing loose hairs found in box
- X4 Negative left foot impression JEFFREY R. MAC DONALD
- X5 Vial containing wood samples from Q14 piece of wood

Resubmitted items:

- Q1 Paring knife (W-1)
- Q2 Paring knife (V-1)
- Q3 Ice pick (X-1)
- Q8 Pajama bottom (Z-2)
- Q9 Pajama top (Z-2)
- Q12 Torn blue pajama top (A-3)
- Q13 Pocket allegedly from Q12 (R-3)

000173

3-54

Specimens received 10/9/74 from United States Army Criminal Investigation Division, Fort Bragg, North Carolina (PC-L2536 JV):

- Q108 Section of floor
- Q109 Section of floor
- Q110 Multicolored bedspread (D229)

Specimens personally delivered by Special Agent Paul M. Stonbaugh on 9/17/74 (PC-L1913 JV):

- K1 Head hair sample COLLETTE MAC DONALD
- K2 Head hair sample KIMBERLEY MAC DONALD
- K3 Head hair sample KRISTEN MAC DONALD

Specimens received 10/2/74 from Charlotte, under cover of letter dated 9/30/74 (PC-L2318 JV):

HEAD HAIR SAMPLES FROM JEFFREY ROBERT MAC DONALD:

- K6 Left temple area (1)
- K7 Center of forehead (2)
- K8 Right temple (3)
- K9 Above left ear (4)
- K10 Center of head (5)
- K11 Above right ear (6)
- K12 Back left side of head (7)
- K13 Back center of head (8)
- K14 Back right side of head (9)

ARM HAIR SAMPLES FROM JEFFREY ROBERT MAC DONALD:

- K15 Right upper arm, outside (10)
- K16 Left forearm, top (16)
- K17 Left upper arm, outside (11)
- K18 Left forearm, top (17)

CHEST HAIR SAMPLES FROM JEFFREY ROBERT MAC DONALD:

- K19 Right side of chest (12)
- K20 Left side of chest (13)

OTHER HAIR SAMPLES FROM JEFFREY ROBERT MAC DONALD:

- K21 Navel (14)
- K22 Pubic area (15)

C00174

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3-55

P.J.
TOP

- K23 Head hair sample from MRS. DOROTHY M. MAC DONALD
- K24 Head hair sample from PAUL KALIN
- K25 Head hair sample from VIOLET M. KALIN
- K26 Head hair sample from PAULEA KALIN
- K27 Head hair sample from DONALD L. KALIN

Also Submitted: Fourteen photographs of J. R. MAC DONALD

Result of examination:

It was previously reported in Laboratory report PC-F72 dated July 2, 1971, that the Q12 blue pajama top contained a total of 49 puncture holes possessing characteristics indicating Q12 was stationary when the holes were made. An analysis of these holes reflects 12 holes (numbered 1 through 12) appear in the back left panel, 5 holes (numbered 13 through 17) are in the upper right back panel, 30 holes (numbered 18 through 47) are in the right shoulder area and one hole (numbered 48) is located near the back shoulder seam of the left sleeve.

A study of the photographs depicting Q12 laying on the body of COLETTE MAC DONALD revealed that portion trailing off on the floor to the left of the body to be the left front panel and front left sleeve of Q12 with the left cuff and back portion of the left sleeve located on the floor adjacent to the body. (It is to be noted that there were no puncture holes found in these portions of Q12). The right shoulder area of Q12 ("inside-out" condition) is located on the left chest area of the victim with the right sleeve draped across the body. The right sleeve has also been turned "inside-out."

Through folding Q12 in the same manner as it is depicted in the photographs it was found that the puncture holes present in Q12 fell into two general groups. The puncture holes numbered 1 through 12 were aligned, through folds in the fabric, which indicated that these holes could have been made by five thrusts. The remaining holes, numbered 13 through 48, were also aligned in a similar manner, indicating that these latter holes could have been made by sixteen thrusts. If the puncture holes were made in Q12 while it was draped across the chest of the victim, holes numbered 1 through 12 (5 thrusts) would appear in the right chest area of the body while the remaining holes numbered 13 through 48 (16 thrusts) would appear in the left chest area. These findings coincide with the puncture wounds reported to be present in the chest of the victim in location and number. Therefore, these wounds could have been made by 21 separate thrusts passing through Q12 and into the body.

000175

3-56

Specimen Q16 is a white bath mat with the word "HILTON" appearing on both ends of its top side. Red-brown stains found on the edge of the top side of Q16 conform in length and shape to the end of the handle and blade of the Q2 "Old Hickory" paring knife. Located near these stains are other red-brown stains that conform in length, shape and size to the handle and pick portions of the Q3 ice pick.

The reverse side of Q16 bears several red-brown smudges some of which have the general appearance of hand or finger smudges but lack sufficient detail for any conclusions to be reached.

Specimen Q15 is a blue bed sheet containing numerous red-brown stains. A very large circular stain is located in the off-center area of the sheet. Two fabric impressions were located near this large circular stain. These two impressions conform in general configuration to the right and left lower sleeve and cuff areas of the Q9 pajama top in all observable characteristics. Two other fabric impressions were located on Q15 one of which conforms to the right forearm and cuff area of the right sleeve of the Q12 torn pajama top and the other conforms to the left sleeve and cuff area of Q12. The latter fabric impression was made by a garment having a torn left sleeve. Also located near this latter impression is another stain that conforms in outline to the bare left shoulder area of a human. Two other red-brown stained areas, one made by a left hand and the other by a right hand are also present on Q15.

It was determined that by placing the Q15 sheet over a bodylike object, reaching under the object and lifting, that the right sleeve and hand impressions align as do the left sleeve and left hand impressions. Further, when the object is lifted and held against the chest area, the impression of the outline of a bare left shoulder falls into position with the left shoulder of the person lifting the sheet covered object.

The Q12 pajama top is composed of blue cotton and polyester fabric sewn together with purple sewing thread, blue-black sewing thread and white sewing thread. All of the sewing thread used is composed of cotton.

It is to be noted that all of the hems and seams of Q12 were sewn with purple sewing thread, with the exception of the piping on the cuffs, where blue-black sewing thread was used only on the inside of the cuff. The piping was attached to the neck area with white sewing thread.

000176

3-57

Blue yarns like those composing the fabric of Q12 were found in specimens Q79 (3 pieces), Q85 (7 pieces), Q86 (2 pieces), Q87 (1 piece), Q95 (4 pieces), Q96 (1 piece), Q97 (2 pieces) and Q106 (1 piece).

Purple cotton sewing threads like that used in the construction of Q12 were found in specimens Q78 (12 pieces), Q79 (15 pieces), Q81 (3 pieces), Q84 (3 pieces), Q85 (15 pieces), Q86 (10 pieces), Q87 (1 piece), Q89 (2 pieces), Q95 (3 pieces), Q96 (2 pieces), Q97 (4 pieces), Q98 (1 piece) and Q101 (2 pieces).

A short piece of blue-black sewing thread like that used in sewing the piping to the cuff of Q12 was found in Q78.

The above-described yarns and sewing threads could have originated from the torn areas of the Q12 pajama top.

You will be advised of the result of the hair examinations, as well as additional examinations being conducted in a subsequent report.

90103084 S RR

Per Murtagh on 2/9/79
(2:00 - 5:15 PM, Rm 393/M)

Examine additional evidence:

Q89 (Vial, pbx, slide - PMS)

Q92 (Vial, slide - PMS)

Q128 : Their slide "E-5 fibers" (w/ #13 vial)
[from left hand of Collette]

[Note: Hair in Q100 press. like blue PJ top]

Compare —

Items out back door to Kris of MBR

" from M.B.R. to " " "

" " M.B.R. to Kris of N.B.R.

Km. K30 → Km K32 (any F. or A.?)

Q31, Q33, Q89, Q92, (their "E-5") →
K30 & K32, etc.

MSC - splinter in Q122?

Containers w/ ... (554 = Jemice's initials)

00025

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22

[Q89, Q92 + Q128
(ad. i. 2/9/79)]

901030845 R

Q89 = Vial + pillbox (PMS) + slide (PMS) in zip bag

- (1) Vial contains some fibers is on the frag. Travel. then ...
... it appears to be comp. dried ...
... big woodlike frag
- (2) Pillbox contains ^{2 sub pms} sev. thr (like blue PJ top)
- (3) Slide has sev. fibers

Q89 additional slide made of fibers
removed from vial

Q92 = Vial + slide (PMS) in zip lock bag

- (1) Vial contains a few bits of white particulate substance
- (2) Slide has sev. fibers

Q128 = Vial (#13, 'left hand Mother') + Their slide (E-5, i

- (1) Vial contains a small splinter
- (2) Slide contains a few fibers

901030845RR

KNOWN slides mounted from:

Q4 Q5 in lg. plastic bag w/ pants + underwear

Q4 (top) + Q5 (bottom): Red + white pajamas (Kriteris)

Q4 = white ^{printed} w/ red dots + solid red collar
(Label: Sam, all cotton) (Kriteris + Johnson)

Q5 = white w/ red dots (all notes at wrist + elbow)

Q6 (bottom) + Q7 (top) + ^{their} glass slide w/ qn frag. in lg. pink bag

Q6 - mixed red

Q7 - white lace top at neck + sleeves, + small pieces of lace at neck (bottom)

Q11 = small green ribbed bedspread (in lg. pink bag)

Q112 = silk blanket + ^{thin} glass slide (in lg. pink bag)

Blend of RAYON (most) + ACRYLIC

Q126 = 1.000 yarn in vial [see separate notes]

K22 = same [see separate notes]

lt. green, Med green, bright dk. ink, yellow, blue, purple

K29 = (in lg. pink bag) + thin slide in zip lock bag

K37 = small rug in pink bag

RAYON Shag type, center: shades of green + brown
outer section: shades of blue

K51 = 1.000 + 3 vials in plastic bag, other notes

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00027

KNOWNNS

701030E4 S RR

K32 med. size rug in plastic bag.
RAYON Background: med. green low pile; generally square to rectangular
shag patches = dk med green, yellow/green, dk med green,
pale med/green, orange (yarns)

K33 Piece cut out of white rayon, in lg. plastic bag.
... = white yarns (mixed)
(... like contents, on tracks)

K34 = Doll's shirt + thin slide in zip lock bag
yellow w/ dk printed "Warrior The Peak" &
radial striped - squares at top, bottom & sleeves
(... with yarn)

K35 = lg. teddy dog, in lg. plastic bag
... is orange (face, paws) w/ yellow ...
ears, dk brown fuzzy nose, red felt tongue
& printed eyes (black & blue) - under
... = white orange yarn mixed.

K36 (purple) & K37 (blue) in lg. plastic bag
(w/ men's blue shorts, elastic waist & a small blue bag)

K36 (in zip lock bag) = dk blue long sleeve
zipper at neck, label: 100% nylon, full fashion
& "neck turtle neck" (ribbed) [neck + body]

K37 = dk blue slacks w/ gray elastic band at

K38 = un. stuffed doll in plastic bag
[tag: CHINA] ... to diff. fabrics & ...
designs) + bright orange yarn ears & printed.

00028

[printed: pink/brown & white; ...]

KNOWN

90103084 = RR

K39 Knit (or crocheted) collar in plastic bag
white yarn + lt. pink yarn + dk. pink yarn

K40 Nylon in zip bag
I squares (mounted) with brown lock...
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

K41 pink - 1st seat cover* (in plastic bag) in with
zip lock bag containing 4 vials
4 " " " " " 16 test tubes

*[pink cover + these slides]
bright "shocking pink" fuzzy, solid
w/ med. pink cotton-like binding

K42 [Small size, quilt seat in plastic bag] - this is in
larger plastic bag w/ a quilt & towel

K42 = blue fabric w/ green print
(Squares approx 2" x 2")
(lines (green) approx 1/8" wide both sides)
collar has green edge around perimeter
lining = med. blue cotton (not mounted)
(Not damaged) (seen at bottom)

Slides of K40

90103084 5 RR

K40 Afghan

Background - medium brown yarn

"Squares"

Tan/brown = you changes from:

white - beige - lt. tan - lt. brown - brown

Purple = you changes from

pale to medium to dark purple (pinkish purple)

Red/pink = you chg's fr.

pale pink - light pink - lt. orangish pink - orangish red - brownish red

Red/gold/yellow = 4 colors of you =

dk red (maroon) + orangish red + gold (yellow-orange) + lt. yellow

Red/orange/yellow = 5 colors of you =

dk red (maroon) + red-orange + orange + gold + yellow

Beige/green = green (mid to light) + orangish beige + you

Light to dark green = pale, light, medium + dark green

Yellow/yellow-green = yellow + gold + yellow-green

Multicolored = (encinto mother)

lt. purple, brown (purple-brown), red-orange, orange, yellow, yellow-green, greenish blue

00030

* (1) = various blended colors, (2) = overall color

Solubility + Sol Tests on KN's

Acrylics

[all (100%): G126, K28
part of: Q112]

⊖ sign along, low B

Formic - I

HNO₃ - S fast

75% H₂SO₄ - S & PS

Rayon

[all (100%): K30, K32
part of (most): T112]

⊕ sign along, medium B (2nd end)

Formic - I

HCl - I (sl. sw)

HFIP - I

75% H₂SO₄ - S (30 sec.)

00031

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D22

"Zantle 901030" SPEC 1E

Specimen Q126 consist of a green to blue
green ~~ray~~ approximately 3/8" in diameter.
It is ~~very~~ similar to ^{one} ~~some~~ of the green pieces
in specimen K28 and, accordingly, could be
had a common origin.

The K30 rug is composed of rayon
fibers in shades of green, brown and blue.
Rayon fibers microscopically similar to those
^{included in the composition of} ~~comprising~~ K30 and which could have
originated from K30 were found in specimens
Q85, Q89, Q92, Q105 and Q128.

The K32 rug is composed of rayon
fibers in various shades of green and tan.
Rayon fibers microscopically similar to those
^{included in the composition of} ~~comprising~~ specimen K32 were found in
Q80 and Q83.

Off-white woolen fibers microscopically
similar to those composing the K33 rug were
found in specimens Q81 and Q83. Woolen
fibers exhibiting microscopic similarities

specimens K41 and/or K42 were found in specimen Q82.

Red cotton fibers of limited comparison significance were present in specimens Q80 and Q83. ~~Q81, Q82, Q84~~ Those fibers exhibit similarities to the ^{red} cotton fibers included in specimens Q4, Q5 and/or K34.

Brown cotton fibers similar to those composing specimen Q111 were found in Q80.

Beige-pink acrylic and rayon fibers similar to those included in the composition of Q112 were found in Q80.

No other fibers of apparent comparison significance could be associated ~~among~~ ^{with} the items specifically requested in the referenced letter.

No animal hair suitable for comparison exhibiting above characteristics were found which could be associated with base or coat hair found.

— IZ'S DICTATION —

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00033 The specimens are being retained in the FBI laboratory until called for, A2

90103084

Q70 4 slides -

1 - laminated ls - no rock
free type - made to ID
ROBERT / DOMESTIC

✓ ID - 1 green & 1 yellow fiber plates
sign like K32

1 DK blue / blk cotton fs -

✓ more green cotton fs - Q111
DK green plant debris

(2) - slide C - more white cotton
fs - NSFC ✓

(3) slide B

more red cotton fs - Q41C
K34

more red sign fs - if anything
more white cotton & sign fs -
NSFC

(4) slide H - blue & white green

- sign - if anything ✓

✓ Q71 - white animal hair - wool K33

00034 more yellow sign fs - " " " "

A3

Q82 - 3 slides

(a) 2 - animal hair - 1 w/ scale, points
w/ can fs - red + blue ~ K40
≠ K30, K32, K33 K4001
≠ Q4, Q5, Q8, Q9 K42
more white areas not seg

(for val) - 1 animal hair - at spec. in
see cotton fs - P3 FC

from pb - 1 H blue hair - seg.
- no match found
micro dia - pore + hair, circle

Q83 - 3 blue fs -

see white wool fs - ~ K33

2 green + 1 gold reticulated fiber fs
- slightly dulced. ~ K32

1 red cotton - ~ Q4 & Q5

1 purple cotton fs - No match

Q17 2 slide

(a) same type -

Q4, Q5
Q6, Q9
K30
K31

red
green
blue

large pink - num. / s. = Q112

2 types - rayon + silk

ID

1. blk. dy. kn (see #)

4 tufts also on slide

ID

(1) black & pink dyed - blend
delustrant - white above
also sent to Q112

- 2 types - Rayon + Acrylic

(2) blue cotton - NSFC

(3) white cotton NSFC

(4) white cotton; poly blend

Slide B - from vial -

one brown animal hair - done

cannot verify !!

see # 115

1 - white - NSFC

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00036

Q88 - 1 - blk woolen fs - SOURCE?
 1 green - label fs - delinquent
 Payson = K30
 1 white woolen fs - NSFC
 fragmented

Q89 2 blk woolen fs - ≠ any
 1 green woolen fs ≠ any

Q90 - 2 green label fs = K30
 3 blue " " = K30
 1 gold label fs = K30
 - all Payson
 more white cotton fs - NSFC
 see animal for his - evidence to ID

Q92 - Non blue, green and
 gold ribbed fs -
 = K30
 Payson
 See animal for fs - fragmented
 evidence to ID

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00037

At

Q100 - 1 label
2 blk woolen fs - same?
num blue cotton fibers -
lin w/ wj
no jute fibers to compare

Q105 - 1 AC! CC blk - no X
✓ (1) ————— 1 blue label fiber = K30
Kayer num cotton fibers -
blue
white
yellow
red - patterned - NSF
Saw off - white poly NSF

Q117 1 blue label fiber -
K28, K30, K32, K36, K37

Q124 - see that he found - NSFC
clump of dk green f/s
cotton - mutilated

≠ K30, K32, ≠ Q126, Q124

1 white animal hair - fine type
no ind. character - NSFC

Q125 - hair - human, brown hair
NSFC - fine!
not animal

1 clump of pale off-white -
strand of cotton f/s
NSFC

Q126 - see notes - notes

✓ ID Q128 1 green colored f - = K30
Ray
See white frayed f/s - source?

2-1

REPORT of the



FEDERAL BUREAU OF INVESTIGATION WASHINGTON, D. C. 20535

March 14, 1979

To: Assistant Attorney General Organized Crime and Racketeering Section Criminal Division Attention: Brian M. Murtagh, Esq.

FBI FILE NO. 70-51728 LAB. NO. 90103084 S RR IZ YOUR NO. BMM/jmb 90-1-7-54

Re: United States v. Jeffrey R. MacDonald, CGR-MURDER

FEDERAL GOVERNMENT

Examination requested by: Addressee Reference: Letter dated December 14, 1978 Examination requested: Microscopic Analyses - Miscellaneous

Specimens retained in, but not previously examined by, the FBI Laboratory:

- Q124 Debris from pillow of bed in north bedroom (E-61NB) Q125 Debris from sheet on floor of master bedroom (E-211) Q126 Green yarn from floor (D-36NB) Q127 Piece of wood, 11 7/16" long, found in closet (A-1) Q128 Fibers from COLETTE'S left hand, mounted on glass microscope slide (E-5, #13)

2 - FBI, Charlotte (70-3668)

Handwritten notes and stamps in the bottom left corner, including a date stamp '1979' and a 'MAIL ROOM' box.

Handwritten note: Original w/sec picked up by B.M. Murtagh on 3-15-79

Handwritten file number: 70-51728-172

Handwritten number: 00040

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2-2

- Q129 Piece of wood, 2" x 4" x 54 1/2", from bed in south bedroom (A-12)
- K28 Six pieces of yarn, each a different color, from bedside table (51 MBR)
- K29 Pink powder puff found on bed (D-54NB)
- K30 Multicolored throw rug from master bedroom (D-227)
- K31 Blue doll found on floor (D-41NB)
- K32 Green throw rug (D-37NB)
- K33 Portion of rug from master bedroom (D-207)
- K34 Doll's yellow and red shirt found on floor (D-42NB)
- K35 Stuffed dog found on floor (D-43NB)
- K36 Dark blue long-sleeved pullover from chair in master bedroom
- K37 Dark blue slacks
- K38 Rag doll (#139)
- K39 Knitted collar (#128)
- K40 Multicolored afghan from couch in living room
- K41 Pink toilet seat cover from bathroom adjacent to north bedroom (Item #20, CSC #55)
- K42 Girl's blue coat from hook on north wall of south bedroom (D-219)
- K43 Piece of wood, 7 15/16" long, found in storage shed (A-2)

00041

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FBI

2-3

Result of examination:

For specimens retained in and previously examined by the FBI Laboratory, see FBI Laboratory report dated July 2, 1971, to the Department of the Army (copy furnished FBI, Charlotte) and FBI Laboratory reports dated October 17, 1974, November 5, 1974, and September 19, 1975, to the FBI, Charlotte (copies furnished Department of the Army).

Specimen Q126 consists of a green acrylic yarn approximately 3/8" in diameter. It is similar to one of the yarns present in specimen K28 and, accordingly, could have had a common origin.

The K30 rug is composed of rayon fibers in shades of green, brown and blue. Rayon fibers microscopically similar to those included in the composition of K30 and which could have originated from K30 were found in specimens Q88, Q89, Q92, Q105 and Q128.

The K32 rug is composed of rayon fibers in various shades of green and tan. Rayon fibers microscopically similar to those included in the composition of specimen K32 were found in specimens Q80 and Q83.

Off-white woolen fibers microscopically similar to those composing the K33 rug were found in specimens Q81 and Q83. Woolen fibers exhibiting microscopic similarities to specimens K40 and/or K42 were found in specimen Q82.

Red cotton fibers of limited comparison significance were present in specimens Q80 and Q83. Those fibers exhibit similarities to the red cotton fibers included in specimens Q4, Q5 and/or K34.

Green cotton fibers similar to those composing specimen Q111 were found in Q80. Beige-pink acrylic and rayon fibers similar to those included in the composition of Q112 were found in Q87.

No other fibers of apparent comparison significance could be associated with the items specifically requested in the referenced letter.

No animal hairs which could be associated with horse or cat were found.

2-4

Specimen Q127 is a piece of Douglas fir wood which measures $1\frac{1}{2}'' \times 1\frac{3}{4}'' \times 11\frac{7}{16}''$. Specimen K43 is a piece of Douglas fir wood which measures $1\frac{1}{2}'' \times 1\frac{3}{4}'' \times 7\frac{15}{16}''$. Specimens Q127 and K43 fit together end-to-end and were originally adjoining portions of the same piece of wood.

Specimen Q122 includes a splinter of pine wood which measures $1\frac{9}{16}''$ in length. The Q122 splinter is the same kind of wood as specimen Q14 but could not be fitted into a specific area of Q14. This does not preclude the possibility that the Q122 splinter originated from Q14.

Specimen Q129 is a pine "2 x 4" which measures $54\frac{1}{2}''$ in length. Specimens Q129 and Q14 fit together end-to-end and were originally adjoining portions of the same piece of wood.

The specimens are being retained in the FBI Laboratory until called for by your representative.

00043

RECEIVED JUL 20 1983
FBI

TAB 14: TRIAL TRANSCRIPT EXCERPTS

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Tab 14 A..... Richard Dennis Tevere

Tab 14 B.....Kenneth C. Mica

Tab 14 C.....Michael Douglas Newman

Tab 14 D..... William F. Ivory

Tab 14 E..... Dr. Jeffrey MacDonald

Tab 14 F..... Dr. William Paul Neal

Tab 14 G..... Robert B. Shaw

Tab 14 H..... Dillard O. Browning

Tab 14 I..... Hilyard O. Medlin

Tab 14 J..... Dr. George Podgorny

Tab 14 K..... James W. Milne

Tab 14 L..... Closing Argument – James Blackburn

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1200

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA,)
)
v.) NO. 75-26-CR-3
)
JEFFREY R. MacDONALD,)
)
Defendant.)

TRIAL BEFORE
THE HONORABLE FRANKLIN T. DUPREE, JR.
UNITED STATES CHIEF DISTRICT JUDGE
AND A JURY

AT RALEIGH: THURSDAY, JULY 19, 1979

PAGES 1200-1433 TRIAL DAY ONE

(Whereupon,

RICHARD DENNIS TEVERE

was called as a witness, duly sworn, and testified as follows:)

DIRECT EXAMINATION 11:28 a.m.

BY MR. BLACKBURN:

Q State your name and tell us where do you live?

A Richard Dennis Tevere; New York.

Q How long have you lived there?

A Thirty-one years.

Q What do you do for a living?

A I am Vice President of an advertising firm.

Q Where is that firm?

A Mount Vernon, New York.

Q How long have you been so employed?

A Nine years.

Q Prior to your employment in that capacity, where did you live?

A 2824 Collis Place in the Bronx.

Q Have you ever been to Fort Bragg, North Carolina?

A Yes, I have.

Q When was that?

A I was stationed at Fort Bragg when I was in

#8
tdb
2

125

1 the Army, from December of 1968 until August of 1970.

1252

Q In what capacity were you stationed?

3 A I was a military policeman at Fort Bragg
4 and was assigned to duties as patrolling the Post,
5 traffic duties, town patrol, bus patrol.

#8
tdb
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6 Q What is your educational background?

7 A I completed 16 years.

8 Q Does that include college?

9 A High school and four years of college.

10 Q With respect to your work as a military
11 policeman, what training, if any, have you had, or did
12 you have.

13 A After basic training at Fort Jackson, I was
14 sent to Fort Gordon, Georgia, and we were trained in
15 various military police duties, taught somewhat about
16 the law, self defense, taught to shoot different
17 weapons, taught first aid, and several other things.

18 Q What training, if any, did you have with
19 respect to preservation of evidence at a crime scene?

20 A During our training, we were taught that
21 if we were at a crime scene, or when called to a crime
22 scene ---

23 MR. SEGAL: (Interposing) I'm sorry,
24 I cannot hear the word.

25 THE WITNESS: If we were called to go to

1253

1253

#8
tdb
4

1 a crime scene, or a scene of a crime, to observe what
2 we see, preserve all evidence, help the injured--if we
3 were able to do so--and basically make sure that you did
4 nothing to disturb or alter what you have seen.

5 BY MR. BLACKBURN:

6 Q Directing your attention to the late
7 evening of the 16th of February, 1970, as a result
8 of your assignment at Fort Bragg as a military policeman,
9 did you have occasion to be on duty as a military
10 policeman that night?

11 A Yes, I did.

12 Q What was your duty that evening?

13 A I was assigned to a patrol on Fort Bragg,
14 the 11:30-midnight shift to 7:30 in the morning.

15 Q What was the total area of patrol at Fort
16 Bragg which you were to be conducting?

17 A The area that I was patrolling was about
18 a two-mile square area of the main post of Fort Bragg.

19 Q What areas, if you know, were covered in
20 that two-mile area?

21 A The Main Post, Corregidor Courts, and Anzio
22 Acres.

23 Q Who, if anyone else, was present with you
24 that night?

25 A My partner on patrol was Specialist Mario

125

1254

#b
tdb
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D'Amore.

Q You were riding together?

A Yes, we were. We were in an army jeep.

Q Who was driving?

A I was.

Q During your patrol from the time you came on duty up until about 3:00 o'clock a.m. on the 17th of February, what did you have occasion to observe?

A From 11:30 at night until approximately 3:00 or 3:30 in the morning, the Post was very quiet. The weather--it was a rainy, windy night, a cold, damp night--and there was very little activity on the Post.

Q By "little activity," what do you mean?

A Very few cars, no heavy traffic, virtually no one was walking around because of the intensity of the rain.

Q Now may I direct, Mr. Tevere, your attention to approximately quarter until four, or 3:45 a.m. on the 17th. Did you have occasion to receive a call over your car radio?

A Yes, we did.

Q What was the nature of that call?

A We were told there was a domestic disturbance at 544 Castle Drive, and another patrol was given the call. I answered and said that I would back them up,



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MAIN OFFICE, RALEIGH, 832-9085

DURHAM 471-3528

CHAPEL HILL 933-3754

PITTSBORO 542-3374

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1255²

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which is normal to do at a domestic disturbance.

Q And did you do that?

A Yes, we did.

Q Approximately how long, if you know, did it take you to get to Castle Drive?

A About four minutes--three or four minutes.

MR. BLACKBURN: May I approach the witness, Your Honor?

THE COURT: Yes.

BY MR. BLACKBURN:

Q Mr. Tevere, let me, if I can, put on this easel an exhibit that has been marked--let me show you what has been marked as Government Exhibit 968, and ask you if you can identify that, sir.

(Government Exhibit 968 was marked for identification.)

A Yes, I can. That is Corregidor Courts and Anzio Acre housing area on Fort Bragg.

Q Let me hand you this marker and if you will, if you can, trace on that exhibit--trace on that exhibit, if you can Mr. Tevere--where you were when you got your call, the route you took to Castle Drive.

A Where I was at was not on the map, but I was in the area somewhat up on here which would be