

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

3:90-CV-00104-DU
3:75-CR-26-F

UNITED STATES OF AMERICA

V.

JEFFREY R. MacDONALD

RESPONSE OF THE UNITED STATES TO THE ISSUANCE OF AN ORDER
AUTHORIZING THE DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA TO CONSIDER SUCCESSIVE APPLICATION FOR RELIEF
UNDER 28 U.S.C. § 2255

APPENDIX OF THE UNITED STATES

VOLUME III

FRANK D. WHITNEY
UNITED STATES ATTORNEY

BRIAN M. MURTAGH
JOHN F. DE PUE
Attorneys
Criminal Division
United States Department of Justice
Washington, DC 20530

JOHN STUART BRUCE
Executive Assistant United States Attorney
310 New Bern Avenue
Federal Building, Suite 800
Raleigh, North Carolina 27601-1461
Telephone: (919) 856-4530

March 30, 2006

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: FRIDAY, AUGUST 17, 1979

PAGES 5508-5800

TRIAL DAY TWENTY-ONE



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH 832 9085

DURHAM 471 3528
CHAPEL HILL 933 3754
PITTSBORO 542 3374

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

On Behalf of the United States:

GEORGE M ANDERSON
United States Attorney
By: JAMES L. BLACKBURN
Assistant United States Attorney
and
JACK B. CRAWLEY, JR.
Assistant United States Attorney
Post Office Box 26897
Raleigh, North Carolina 27611
(919) 755-4530

BRIAN MURTAGH, Attorney
Criminal Division
United States Department of Justice
Washington, D.C. 20530

On Behalf of the Defendant MacDonald:

BERNARD L. SEGAL, Attorney
SARA SIMMONS, Attorney
536 Mission Street
San Francisco, California 94105
(514) 543-2512

WADE M. SMITH, Attorney
Tharrington, Smith & Hargrove
300 Branch Bank Building
Post Office Box 1151
Raleigh, North Carolina 27602
(919) 821-4711

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

T A B L E O F C O N T E N T S

WITNESSES DIRECT CROSS REDIRECT RECROSS EXAM

FOR THE DEFENDANT

HELENA STOECKLEY

By Mr. Segal 5513-5642 5672-5676

By Mr. Blackburn 5642-5671 5676

VOIR DIRE EXAMINATIONS

JANE ZILLIOUX

By Mr. Smith 5689-5692

By Mr. Segal 5692-5700

By Mr. Blackburn 5701-5702

JAMES GADDIS

By Mr. Smith 5704-5707

By Mr. Blackburn 5707-5709

CHARLES UNDERHILL

By Mr. Segal 5711-5713

By Mr. Blackburn 5713-5715

ROBERT BRISENTINE, JR.

By Mr. Smith 5715-5723 5736

By Mr. Murtagh 5724-5736 5737

P. E. BEASLEY

By Mr. Smith 5738-5745 5749-5750

By Mr. Blackburn 5746-5749

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

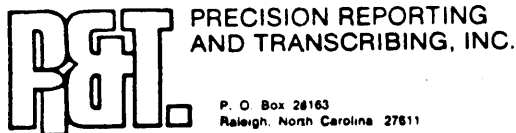
T A B L E O F C O N T E N T S (Continued)

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>EXAM</u>
<u>WILLIAM POSEY</u>					
By Mr. Segal	5751-5764		5772-5774		
By Mr. Blackburn		5764-5772			
Argument Presented to the Court Pages 5774-5799					

<u>BENCH CONFERENCES</u>	Pages	5513
		5538-5540
		5549-5551
		5584-5588
		5614-5618
		5619-5620
		5639-5641
		5677-5682
		5594-5598

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>RECEIVED</u>
<u>DEFENDANT</u>			
86		5590	5592
87		5599	5599
88		5753	
89		5607	5610
<u>GOVERNMENT</u>			
952		5661	5662



MAIN OFFICE RALEIGH 832 9085
 DURHAM 471 3528
 CHAPEL HILL 933 3754
 PITTSBORO 542 3374

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THIS CAUSE came on for further trial before The Honorable Franklin T. Dupree, Jr., United States Chief District Judge, and a jury, on Friday, August 17, 1979, at Raleigh, North Carolina.

(The following proceedings were held in the presence of the jury and alternates.)

THE COURT: Good morning, ladies and gentlemen for what we hope will be the last meeting of the TGIF Club. Any further evidence for the Defendant in this case?

MR. SEGAL: Yes, Your Honor.

THE COURT: Call your witness, please.

MR. SEGAL: If Your Honor pleases, the Defense calls Helena Stoeckley.

MR. BLACKBURN: Your Honor, while we are waiting, may we approach the Bench?

THE COURT: Yes; approach. Get us off to a good start.

(Go to the next page.)

BENCH CONFERENCE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BLACKBURN: This is the one, of course, we all talked to yesterday. I remember you talking about a voir dire. I know that Wade mentioned this morning that she had commented on the necessity of wanting an attorney. I just wanted to be sure, before we got started, how we are going to go.

MR. SMITH: I think our position, Judge--of course, we will do whatever Your Honor wishes to do--but I feel that we will just go ahead with her, if we can, and see what happens.

MR. BLACKBURN: I think that is fine.

THE COURT: Well, let's go.

(Bench conference terminated.)

(Whereupon,

HELENA STOECKLEY

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

DIRECT EXAMINATION 9:03 a.m.

BY MR. SEGAL:

Q Ms. Stoeckley, would you spell your full name, please, for the record?

A H-e-l-e-n-a S-t-o-e-c-k-l-e-y.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q And where do you currently reside?

A I have no permanent address right now.

Q How long has it been since you have had a permanent address?

A Approximately one month.

Q Prior to then, where were you living?

A In Columbia, South Carolina.

Q Were you living in an institution of some sort at that time?

A Not an institution--it was a Quarterway House.

Q What is a Quarterway House?

A The one I was staying in was just for people who were looking for jobs at that time, and they were furnished with meals and a place to stay and charged a small rent until they could get a job.

Q Was it a place also especially designed to help people who had had drug problems in the past?

A Yes, sir.

Q Have you yourself been a user of drugs in the past?

A Yes, sir.

Q Before we get into anything else, I think we ought to find out how you are feeling today, and what your situation is; is that all right?

(Witness nods affirmatively)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q I will have to ask you, Ms. Stoeckley, not to nod. Just say "yes" or "no."

A Yes, sir.

Q Are you at the present time, within the last 48 or 76 hours--have you taken any medication or drugs of any sort?

A No, sir.

Q When is the last time that you have taken or you did take any drugs or medication?

A Approximately one week ago, when I broke my arm. It was prescribed by the emergency room doctor.

Q And your arm now--is that in some sort of a cast?

A Yes, sir; it is in fiberglass.

Q I'm sorry?

A It is in a fiberglass cast.

Q Which arm are you talking about, please?

A My left arm.

Q And at that time, when you had your arm treated, what sort of medication or drugs did you receive?

A Demerol.

Q 50 milligrams of Demerol?

A Yes, sir.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Intravenously received?

A One was by intramuscular injection. Then I received five tablets to take with me.

Q Have you ever been committed to any mental institution for either being mentally ill, having a mental defect, or in any way being--in a layperson's word--being "crazy"?

A No, sir.

Q To your knowledge, has any psychiatrist ever told you, or ever made a finding that you are crazy or mentally ill or mentally defective?

A No, sir.

Q You can read and write the English language, in fact, can't you?

A Yes, sir.

Q You graduated from high school?

A Yes, sir.

Q That was in Fayetteville, North Carolina, wasn't it?

A Yes, sir.

Q How old were you when you graduated from high school?

A 15.

Q Fifteen--would that mean you skipped a couple of grades in school?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Two years in France.

Q Did you ever go to school after you had graduated from high school at the age of 15?

A Several different schools.

Q Could you tell us a little bit about the kind of schooling you have had--better tell me what year it was you graduated from high school in Fayetteville?

A 1969. Since then I have been to Aquinas Junior College in Nashville, Tennessee, for Police Science for one year.

Q You say in what year?

A That was about '71-'72.

Q You were at the St. Thomas Aquinas Junior College?

A Yes, sir.

Q In Nashville, Tennessee? And what kind of course were you enrolled in?

A Police Science.

Q How many months did you attend that college?

A About seven months.

Q Did you drop out at the end of that program or quit?

A I had some drug problems again, and I just dropped out.

Q Have you been to any other school besides the



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28163 Raleigh, North Carolina 27611

MAIN OFFICE: RALEIGH. 832-9085
DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

m7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

college you mentioned in Nashville?

A Yes, sir; I took Operating Room Technician training in Fayetteville, North Carolina.

Q When did you do that?

A About 1974.

Q How long was that course that you took?

A That was a six-month course.

Q Were you able to finish that particular program?

A Yes, sir.

Q That qualified you to be a technician to assist---

A (Interposing) In surgery.

Q Any other schooling that you had besides high school and the schools you have told us about?

A In 1975, I attended Daytona Beach Junior College, and took nursing.

Q You took nursing to actually be a nurse or a nurse's aid?

A Nurse.

Q How long did you stay there?

A One year--it was a one-year program.

Q Did you finish that program?

A I finished, but I never took my State Boards.

Q Was it because of some problems you were



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28183
Raleigh, North Carolina 27611

MAIN OFFICE RALEIGH, 832-9085
DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

having?

A It was a health problem.

Q All right; where were you living in 1969 and 1970?

A In Fayetteville, North Carolina.

Q Did your parents also live in Fayetteville in that period of time?

A Yes, sir.

Q As a matter of fact, your mother and father still live there today: isn't that right?

A Yes, sir.

Q I gather you have not been in regular contact with your parents for some time?

A No, sir.

Q Did you actually move out of your family's home some time after high school?

A Immediately after graduation.

Q Whose decision was that?

A Mine.

Q Was there some particular reason why you left your family at that point?

A It is a close family, and I was already involved with drugs; and I did not want to hurt the family any, so I moved out.



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE RALEIGH 832 9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

BY MR. SEGAL:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Now, you lived in Fayetteville until what year, if you remember, after leaving high school?

A Off and on I lived there through the latter part of '71.

Q And at that time did you move to Nashville, Tennessee?

A Yes, sir.

Q If you weren't living at home with your family, where were you living after high school between the time you went to Nashville?

A I had an apartment in the section called Haymont Hill in Fayetteville.

Q Could you tell us a little bit about what the Haymont section of Fayetteville was like back in '69 and '70?

A It was a miniature version of Greenwich Village; had the head shops and the pizza shops, and things like that.

Q When you say a "head shop," just to make sure that we are all talking about the same thing, would you tell us what a "head shop" was?

A A small store sort of like a boutique where they sold what you would call at that time what hippies were buying. I mean---



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH, 832 9085
DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

1 Q (Interposing) Did they sell water pipes?

2 A Paraphernalia and stuff like that.

3 Q "Paraphernalia"--you mean paper you roll
4 marihuana cigarettes in?

5 A Yes, sir.

6 Q Little rolling devices for marihuana--
7 little rolling machines?

8 A Yes, sir.

9 Q Did they sell pipes you smoke hashish with?

10 A Yes, sir.

11 Q Incense candles?

12 A Yes, sir.

13 Q In fact, that was--incense candles and
14 paraphernalia usually was a stock in trade at a head
15 shop; is that right?

16 A That was the major extent of their stock;
17 yes.

18 Q You could buy posters, I think, and
19 sometimes psychedelic lights?

20 A Yes, sir.

21 Q You lived in the Haymont section from 1969
22 until 1971. Were there people who were connected with
23 the Army--soldiers or recent ex-soldiers--who also were
24 living in that area at that time?

25 A A majority of that section was comprised of

#2
cls



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 26163
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH, 832-9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

1 a lot of soldiers.

2 Q Were, to your personal knowledge, some of
3 those persons people who were absent without leave
4 from their units?

5 A Some of them were.

6 Q Some of them were hiding out from the
7 police?

8 A Yes, sir.

9 Q Now, I want to talk a little more about that
10 subject--but I guess I better ask, to make sure that
11 we all know what we are talking about--from your own
12 experiences with drugs back in 1969-1970; you told us
13 that contributed to your leaving your family home; am
14 I correct in that regard?

15 A Yes, sir.

16 Q Ms. Stoeckley, in that period of time--
17 '69-'70, what drugs were you yourself using regularly?

18 A At that time I was addicted to heroin and
19 opium. I used a number of other drugs.

20 Q All right, let me ask you, before we get to
21 those drugs, you say you were addicted to heroin and
22 opium. How were you using heroin? What form were you
23 taking it in?

24 A I was mainlining--intravenous.

25 Q And that expression "mainlining" means you



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 28183
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH, 832-9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

were taking it through intravenous injection; is that correct?

A Yes, sir.

Q As opposed to what--sniffing it or?

A Snorting it.

Q Snorting it, all right. And how about opium--what form were you taking it in?

A It was liquid opium. I was injecting that too.

Q You injected that also?

A Yes, sir.

Q How often would you say during that period were you using heroin--let's talk about on a daily or weekly basis so we can get a better fix on it?

A During the day maybe six or seven times.

Q You would take an intravenous injection of heroin and/or opium six or seven times a day?

A Yes, sir.

Q That went on for how long--how long did you remain addicted to the use of heroin and opium?

A Off and on about nine years.

Q During the period of time that we are most talking about now--'69-'70--you were not off; you were on; is that right?

A Yes, sir.

#2
cks
4



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE RALEIGH 832-9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

5524

1 Q I think you said something about other
2 drugs that were also involved. Did you ever use, say,
3 any barbiturates?

4 A Frequently; yes.

5 Q And barbiturates--are they known by the
6 street term of "downers"?

7 A Yes, sir.

8 Q Not to get technical but they essentially
9 make you sleepy or depress your central nervous system?

10 A Yes, sir.

11 Q Why would you use barbiturates if you were
12 also using opium and heroin at that time?

13 A Just as a substitute sometimes.

14 Q You mean you couldn't get opium or heroin?

15 A If there was none available, I would go and
16 get some barbiturates instead.

17 Q And how would you take those drugs back
18 then?

19 A Usually I would inject them also--break
20 them down and mix them up and shoot them.

21 Q Now, did you have occasion in that same
22 period of time to use a drug known as "angel dust"?

23 A Yes, sir.

24 Q And angel dust is also known by what other
25 name--what other more technical name?



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 28183
Raleigh, North Carolina 27611

MAIN OFFICE RALEIGH 832-9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

#2
cks

1 A It depends on what it consists of. It
2 can be PCP, anything else. It can be cut with heroin,
3 different drugs.
4 Q To your knowledge, what is angel dust or
5 PCP?
6 A It's just marihuana mixed with some other
7 drug to smoke.
8 Q Are you talking about PCP or THC?
9 A PCP is a horse tranquilizer.
10 Q That's what I am talking about. Angel dust
11 is also known as PCP and that's a horse tranquilizer?
12 A Yes, sir.
13 Q What kind of an effect did that have?
14 A It just tranquilizes you.
15 Q Now, did you also have occasion to use LSD
16 during '69-'70?
17 A Yes, sir.
18 Q What is LSD?
19 A You mean the technical name or what?
20 Q No, I don't mean the technical name but
21 what did you know it to be at that time?
22 A Just acid, a hallucinogenic.
23 Q And when you say "a hallucinogenic," what
24 would a person using LSD experience? What is a
25 hallucinogenic? What kind of effect did it have?



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH, 832-9085,
DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

cks
7

A You just used it to take trips; that's all. You would see colors and distorted images and things like that.

Q How often did you use LSD in '69 and '70?

A Almost daily.

Q Almost daily. That's also in addition to the heroin and opium that you were taking; is that right?

A Yes, sir.

Q And what quantities of LSD would you be taking?

A One tablet, depending on what it was--a blotter, one blotter--something like that.

Q You say a "blotter." Is that a procedure where LSD was in liquid form and someone---

A (Interposing) Dropped onto a blotter.

Q Could it have been dropped from an eye dropper onto a blotter?

A Yes, sir.

Q And then what would you do with that blotter?

A You would eat it.

Q You would eat the piece of blotter?

A Stick it on your tongue and you keep it on your tongue or go ahead and chew it up and swallow it.

1 Q How long would you feel yourself in '69
2 and '70 the effects of having taken this hallucinogenic
3 LSD?

#2
cks
8

4 MR. BLACKBURN: Your Honor, we would
5 OBJECT to this line of questioning. It is clear that
6 the witness has been on drugs during this time.

7 THE COURT: It would appear to the
8 Court that you have explored that about far enough.
9 Maybe you are about through.

10 MR. SEGAL: I would be glad to make
11 an offer, Your Honor, about why we want to pursue this
12 a bit. It is not going to go on forever.

13 THE COURT: Ask your question. It
14 will be quicker.

15 BY MR. SEGAL:

16 Q The question I think I asked you--let me
17 back it up. Did different people get affected by LSD
18 at that time in different ways?

19 A Yes, sir.

20 Q There was no single, uniform reaction as
21 far as you knew from people using LSD; was there?

22 A Never.

23 Q Now, I would like to ask you: how long
24 would you experience the effects of LSD when you took
25 it?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

#2
.S
9

A Eight or nine hours.

Q And during that eight or nine hours, you would see colors. What else would you see? How was the world seen by you when you were taking LSD?

A It would just distort everything.

Q How about if you looked at a carpet on the floor? When you yourself were taking LSD, what would you see--would you see just the carpet?

A If I looked at one, it usually looked a lot like a flying carpet. It would be like riveted and everything.

Q You mean it actually was going up to the ceiling or was it wavy?

A No; it was just kind of furled-like.



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE RALEIGH, 832 9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

#3
pl

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MR. SEGAL:

Q Did you also have occasion to use in '69-'70 a drug known as mescaline?

A Yes, sir.

Q Is that also another hallucinogen like LSD?

A It is milder.

Q It is a milder hallucinogen. Did you yourself have occasion to use it in '69 and '70?

A Yes, sir.

Q How often would you say, Ms. Stoeckley, you know, you would use mescaline?

A Maybe twice a week.

Q Why would you use that as opposed to LSD? Was there any difference; would it have a different meaning to you?

A I just didn't like LSD that much. It was too heavy for me. Mescaline was a lot easier.

Q When you say that LSD was too heavy for you, are you saying that the experiences that you had when you took LSD were too disturbing or upsetting--would it be fair to say that?

A I didn't like the drug taking me, and that's what it would do. With mescaline I could handle it usually.

Q You say "drug taking me." I guess I have to



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH, 832-9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

1 ask you: what do you mean you didn't like the "drug
2 taking me"? What was it that was taking you when you
3 took LSD?

4 A I didn't like losing control.

5 Q And was that an effect that you experienced
6 when you used LSD?

7 A Yes, sir.

8 Q Did you find you were acting differently
9 than you would like to act when you took LSD?

10 A Yes, sir.

11 Q Now, not to go on forever with the catalog
12 of a drugstore, but I want to ask you about a couple of
13 drugs. Did you have--I want to ask you about, did you
14 have occasion to use any other drug frequently--why
15 don't you just tell me that? Did you use any other
16 drug frequently in 1969, or '70, other than the ones
17 that we're talking about now?

18 A Well, we would smoke marihuana daily, and
19 hash.

20 Q Hashish?

21 A Cocaine infrequently.

22 Q Did you ever use the drug known as THC?

23 A Yes, sir.

24 Q THC is the extract of the most potent part
25 of marihuana.

#3
p3

1 A Marihuana, yes, sir.

2 MR. BLACKBURN: Your Honor, we would

3 OJBECT to the leading questions.

4 THE COURT: OVERRULED.

5 BY MR. SEGAL:

6 Q How would you use THC?

7 A It was usually in tablet form, too.

8 Q Now, did you ever have occasion during

9 1969 and '70 to go up to Fort Bragg military reservation?

10 A I frequently went into Frot Bragg, as I was

11 a service dependent.

12 Q Was your father still in the Armed Forces

13 at that time?

14 A He was retired.

15 Q Retired?

16 A But I still had use of the facilities.

17 Q And you would go on to Fort Bragg to the

18 Womack Army Hospital for instance?

19 A Yes, sir.

20 Q That was the primary place you went to?

21 A Generally, yes, sir.

22 Q Were you familiar with some of the housing

23 areas that were on Fort Bragg at that time?

24 A Most of them.

25 Q Did you know Anzio Acres?



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28163 Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH, 832-9085

DURHAM 471-3528

CHAPEL HILL 933-3754

PITTSBORO 542-3374

#3
p4

1 A I had friends there, yes, sir.

2 Q Did you know Corregidor Courts?

3 A Somewhat. I cut through there a lot.

4 Q Let me show you, if I may, a photograph--

5 a photograph marked Defendant Exhibit 80, which was

6 given to us in court the other day.

7 First of all, let me show you the photograph

8 and ask you to take a look at it, please, Ms. Stoeckley.

9 (Witness complies.)

10 Q Have you seen this photograph before, by

11 the way? Is this one that I showed you yesterday?

12 A Yes, sir.

13 Q I just have to ask you--you have a quiet

14 voice--but I have to ask you to keep it up so the

15 members of the jury here can hear you.

16 I showed you this photograph yesterday?

17 A Yes, sir.

18 Q Do you recognize what housing area is

19 shown in this area, or any housing area that you have

20 ever seen?

21 A It looks like any number of the Army

22 housing areas on Fort Bragg.

23 Q When you looked at it yesterday, what housing

24 area did you say--and I am asking you now--if

25 you recognize any specific housing area?



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH 832-9085
DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

#3 p5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BLACKBURN: OBJECTION.

THE COURT: SUSTAINED.

BY MR. SEGAL:

Q May I ask---

THE COURT: (Interposing) Just interrogate the witness as to what her recollection is about anything that has to do with the case.

MR. SEGAL: Yes, sir.

BY MR. SEGAL:

Q I ask you to look at the photograph and see if you can indicate whether you have a specific recollection as to what housing area is depicted here?

A When I first saw it I said it did look like Corregidor Court.

Q It did look like Corregidor Court. Did you also recognize a street or two streets in this photograph?

MR. BLACKBURN: OBJECTION.

THE COURT: SUSTAINED as to the form.

BY MR. SEGAL:

Q Looking at it now do you recognize one or two of the streets that are shown in this photograph?

A Not by name.

Q I ask you to think back then as to when you were shown this photograph yesterday and ask you

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

whether at that time you recalled the name of the street?

MR. BLACKBURN: OBJECTION.

MR. SEGAL: If Your Honor, please---

THE COURT: (Interposing) OVERRULED.

BY MR. SEGAL:

Q Would you try to think of it, Ms. Stoeckley, and see if you recall the name of the street?

A When I first saw it I said it looked like Castle Drive.

Q Did you also indicate the name of another street there that you recognize?

A No.

Q Did you recognize any building that is shown in that picture as belonging in 1969 or '70 to anybody who lived in Corregidor Court?

MR. BLACKBURN: OBJECTION.

THE COURT: SUSTAINED.

BY MR. SEGAL:

Q Do you know---

THE COURT: (Interposing) Why don't you ask her what she knows this morning, not what you asked her yesterday or she told you yesterday?

MR. SEGAL: I'm asking her whether in '69 she recognized--or '70--she recognized--I will

#3 p7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

rephrase the question.

THE COURT: Yes.

BY MR. SEGAL:

Q Do you recognize any home there and do you know who has lived in the home that is depicted in that picture?

A Not a specific home.

Q All right. Let me just move this away. Now, in 1969 and 1970, did you ever hear the word spoken by other people and used by yourself perhaps, called "pig"?

A Yes, sir.

Q Is that a word commonly used in the Haymont Section by--let's say other people?

A Yes, sir.

Q You had occasion to use that word, also, sometimes, is that right?

A Pretty often.

Q Pretty often, all right. Was the word "acid" spoken frequently on the streets of the Haymont Section in '69 and '70?

A Yes, sir.

Q There are a number of words that were used in '69 and '70, weren't there, for people when they liked something--people who lived in that section of



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28183 Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH, 832-9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

#3 p8

1 town, when they liked something, they had kind of
2 a special word to express liking something, is that
3 right?

4 A Yes, sir.

5 Q Something that you would like would be--
6 well, I guess people said the word "good" sometimes
7 didn't they?

8 A Yes, sir.

9 Q Was the word "cool" ever used to indicate
10 approval?

11 A Yes, sir.

12 Q Was the word--was "hip" as indicating it
13 was good ever used?

14 A Yes, sir.

15 MR. BLACKBURN: We would OBJECT to the
16 leading questions.

17 THE COURT: Yes, I will SUSTAIN the
18 objection.

19 MR. SEGAL: Might I make an offer,
20 Your Honor. We have been subjected to two hours of
21 reading a magazine---

22 MR. ANDERSON: (Interposing) OBJECTION
23 to comments, Your Honor.

24 THE COURT: If you have any comments,
25 you can make those at the bench. I will SUSTAIN the



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE: RALEIGH. 832-9085
DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

#3 p9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

objection as the form of the question. I will let
the witness answer. You have established she is not
under the influence of drugs or anything this morning.

MR. SEGAL: May we see Your Honor;
I think we will speed it up a little bit?

THE COURT: Come up.

B E N C H C O N F E R E N C E

1
2
3 MR. SEGAL: Your Honor, I want to for-
4 mally ask with a caveat for leave to examine this witness
5 as on cross, although I will make every attempt to con-
6 duct the examination in critical matters where I can as
7 on direct, because I think it is the best way to go. But
8 this is a witness whom I have caused to be arrested; who
9 has been in prison because of me; who knows that her in-
10 terest is contrary to my client.

11 And I think it is not asking too much under
12 the rules for leave to proceed that her interest is ad-
13 verse to that of the Defendant. Now, again--I will say
14 that I basically don't expect to do that much, but when
15 we get to a point to move it along or get to gut issues,
16 I would like to do that.

17 THE COURT: I have detected nothing in
18 the demeanor or answers or anything else in this witness
19 to indicate any hostility whatever to your questioning.
20 She has answered the questions forthrightly and intelli-
21 gently, and I see no reason to vary the rule in this par-
22 ticular instance.

23 MR. SEGAL: My point would be---

24 THE COURT: (Interposing) Mr. Segal,
25 look--you spent virtually all day yesterday at the



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 26163
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH, 832-9085

DURHAM 471-3528

CHAPEL HILL 933-3754

PITTSBORO 542-3374

1 expense of the Court and the jury with leave to examine
2 this witness. You wanted 30 minutes. You extended it to
3 45, an hour and 15 minutes, and finally it ran the gamut
4 of the whole day. We did nothing yesterday while you
5 could explore this thing.

6 Now, I don't think it is fair for you to come
7 now and to establish her version of the testimony through
8 the witness, who has exhibited no hostility at all, and
9 I am not going to let you do it.

10 MR. SEGAL: Let me say this---

11 THE COURT: (Interposing) I will say,
12 if something else comes up--but in its present posture,
13 that is all you have. And I will not vary the rule.

14 MR. SEGAL: I think that the rule per-
15 mits on what must be non-critical matters, but which are
16 important to the Defendant--I mean, for God's sakes, for
17 me to have to say to her, "Will you now please state all
18 the words you remember from people saying good things?"

19 This case will not rise or fall on that, al-
20 though it may be necessary fact. The rule permits the
21 Court--and in my experience it has always been that on
22 matters that are not central to the issues, then that was
23 favored to move the case along.

24 I don't want to take the whole morning with
25 this witness. I want to get to my point. And I have an

1 obligation to respond to some of this--you know--hours
2 of reading that we were subjected to, that we were led to
3 believe that Jeffrey MacDonald could have only learned
4 and nobody else knew about, unless you read this Esquire
5 magazine.

6 THE COURT: You have a witness who ap-
7 parently is doing a pretty good job at it. You are up
8 here just to see if you may vary the form of the ques-
9 tioning, so that you may give her the answers in the
10 question, and that is what I am precluding your doing
11 right now under the present circumstances, so ask your
12 questions.

13 (Bench conference terminated.)

14 BY MR. SEGAL:

15 Q Ms. Stoeckley, were there any other words that
16 were used by people you knew at that time when they wanted to
17 say that they liked something--something was good--that
18 they liked it? Could you give us some of the other
19 words?

20 A "Far out."

21 Q Anything else?

22 A A lot of the younger kids, like in junior
23 high and stuff, were saying "groovy" and things like that.

24 Q In 1969 and '70, had you heard of Charles
25 Manson?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Yes, sir.

Q And at that time, did you have an opinion about him--what you thought about him as a person?

MR. MURTAGH: OBJECTION, Your Honor.

THE COURT: SUSTAINED.

MR. SEGAL: Your Honor, it goes to matters raised by the Government, not anything I have introduced in this trial. We were subjected---

THE COURT: (Interposing) I SUSTAINED the objection.

BY MR. SEGAL:

Q Did you read about Charles Manson?

A Yes, sir.

Q Where did you learn about him and his activities?

A Just from the newspapers.

Q Did you have occasion to learn or see anything about him on television?

A On the news and on the radio and things like that.

Q Did you believe that he was a person who had any kind of special power over other people?

MR. BLACKBURN: OBJECTION.

MR. MURTAGH: OBJECTION.

THE COURT: I will OVERRULE that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE WITNESS: Any special power?

BY MR. SEGAL:

Q Was he a person who, in your opinion, possessed special powers?

A I am not sure if you would call it "powers." He had some kind of something over those people. I don't know what.

Q Did you know of him in connection with any cult or cult-type activity that you were familiar with?

A No; not specifically.

Q Well, were you interested yourself in 1969 and '70 in the subject of witchcraft?

A Yes, sir.

Q Did you know--and have a friend, as a matter of fact--who visited you whom you considered to be a witch?

A Yes, sir.

Q What was her first name?

A Sheila.

Q Was it because of Sheila that you became interested in 1969 and '70 in witchcraft?

A I was already interested. She just informed me more on the subject.

Q Did you own some books at that time on witchcraft yourself?

1 A Yes, sir.

2 Q What were the names of those books?

3 A It was A Treasury of Witchcraft--several dif-

4 ferent volumes of it.

5 Q Two volumes?

6 A Yes, sir.

7 Q Did you learn at that time about the rituals

8 that are performed by, say the high priests or priest-

9 esses of witchcraft?

10 A From these books.

11 Q Yes?

12 A From the books; yes, sir.

13 Q Did you also learn in talking to Sheila about

14 it?

15 A Yes, sir.

16 Q Was there any ritual that you learned about

17 and knew about at that time involving the killing of

18 animals?

19 A A lot of the rituals involved killing the

20 animals and using their blood.

21 Q What was the most commonly used animal that

22 was killed?

23 A A cat.

24 Q Beg your pardon?

25 A A cat.



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH, 832-9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

cm7

1 Q Cat? Was there some special relationship
2 that you believed between cats and witchcraft?

3 A A cat is generally the familiar in witch-
4 craft.

5 MR. MURTAGH: Your Honor, we would OB-
6 JECT.

7 THE COURT: Relevancy grounds?

8 MR. MURTAGH: Relevancy.

9 THE COURT: I fail to see it. Let him
10 proceed. Sometimes the Court does not perceive immedi-
11 ately the direction in which the questioning is going.
12 Go ahead.

13 BY MR. SEGAL:

14 Q What would be done, to your knowledge, at
15 that time with the blood of an animal such as a cat that
16 was killed by a priestess?

17 A It depends on what type of ritual you were
18 using at that time. It could be sprinkled on a person or
19 thing or anything.

20 Q The blood could be sprinkled on a person or
21 a thing, you say?

22 A Yes, sir.

23 Q That could be done for both good and bad
24 purposes, as witches would see that?

25 A There is two separate types of witchcraft--

m8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

black and white. White is for benevolent purposes.

Q Black is for what?

A Usually for doing harm to someone.

Q In your knowledge and experience at that time, did the priestesses wear any particular clothing when they performed ceremonies or rites?

A If it was really a high priestess, yes.

Q I should say, "a high priestess." What did the high priestess wear? What was the custom and what was the practice in that regard?

MR. MURTAGH: OBJECTION, Your Honor.

THE COURT: OVERRULED.

BY MR. SEGAL:

Q Yes; go ahead?

A Generally, some type of robe--like a vestment of some sort.

THE COURT: Like a what?

THE WITNESS: A vestment.

BY MR. SEGAL:

Q If a robe or vestment wasn't available, what else, if anything, might a priestess wear?

A Anything.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MR. SEGAL:

Q To your knowledge, was a sheet ever worn?

A Sometimes.

Q What color might these vestments be?

A The witches in the coven generally wore black. The high priest would wear black, and the high priestess just usually wore white.

Q Now, does a candle play any part in the ritual of the high priestess?

A Yes, sir.

Q And what role would a candle play?

A The candle generally signifies death or growing old or something like that.

Q Is there any reason why the priestess--the high priestess--would use a candle as opposed to some other kind of illumination--a flashlight or some mechanical light?

A It's just a belief that the Devil is afraid of any kind of artificial light, and they use candles or torches or something like that.

Q When the high priestess was to perform such as go to a ceremony--have a ceremonial--might they ever walk outdoors in their robes?

MR. MURTAGH: OBJECTION, Your Honor.

TH^W COURT: I'll SUSTAIN that as to



PRECISION REPORTING AND TRANSCRIBING, INC.

P. O. Box 28163 Raleigh, North Carolina 27611

MAIN OFFICE RALEIGH 832 9085
DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

1 the form.

2 BY MR. SEGAL:

3 Q All right, were there some ceremonies in
4 which the high priestess was engaged--were they
5 indoors or outdoors at all times?

6 A They were generally indoors.

7 Q Did they ever, to your knowledge, take
8 place outdoors?

9 A Occasionally in like a State Park or
10 something like that. Nowhere in public, though.

11 Q What, in going to a ritual--would a
12 priestess carry anything in the way of a light?

13 A Generally a candle.

14 Q Would that be lit or unlit?

15 A Lit.

16 Q Now, how long would you say you were
17 involved in witchcraft yourself?

18 A About three years.

19 Q When did you give it up?

20 A Well, at the end of that three years, I
21 ran into a bad experience with some people in Florida
22 and I decided I didn't want to have anything else to
23 do with it.

24 Q Would that be around what--1972 or 1973?

25 A Yes, sir.



PRECISION REPORTING
AND TRANSCRIBING, INC.

P. O. Box 28163
Raleigh, North Carolina 27611

MAIN OFFICE, RALEIGH 832 9085

DURHAM 471-3528
CHAPEL HILL 933-3754
PITTSBORO 542-3374

1 Q Now, I want to direct your attention to
2 February of 1970, Ms. Stoeckley. I want to ask you
3 about the early morning hours of February 17th of 1970;
4 all right?

#5
ks
3

5 A Yes, sir.

6 Q Well, just to give us a little context--
7 let me back it up. Late on the evening of February 16,
8 1970, what were you doing if you recall?

9 A In the evening, I don't know.

10 Q What is the last thing you remember doing
11 on February 16, 1970--that's Monday--Monday evening?

12 A The last thing I remember doing is talking
13 to a friend of mine in my driveway.

14 Q And who would that person have been? Do
15 you remember the first name?

16 A Greg.

17 Q About what time of the day or night was it
18 when you spoke to him?

19 A It was around midnight.

20 Q That means it would be February 16th if it
21 was 11:59 p.m. and if it was midnight, it was February
22 17th?

23 MR. MURTAGH: OBJECTION, Your Honor.

24 MR. SEGAL: Can we not get the times
25 straight in this case, Your Honor, without an objection

1 from the Government? I can't understand why that
2 should be a subject of any objection to anybody in
3 this court that would want to know.

4 THE COURT: Is it all right if they
5 object, and the objection is OVERRULED?

6 MR. SEGAL: It is not that question,
7 Your Honor---

8 THE COURT: (Interposing) It is that
9 question. Now, you ask your next one.

10 MR. SEGAL: Thank you. May I have
11 Your Honor's indulgence for one second?

12 (Pause.)

13 MR. SMITH: Your Honor, may we
14 approach the Bench just for a brief moment to
15 straighten out something that may speed this up?

16 B E N C H C O N F E R E N C E

17
18 MR. SMITH: Judge, we sat as
19 patiently as we could for three weeks while the
20 Government put on their evidence. We sat through two
21 hours of their reading about a black swan having sexual
22 intercourse with a woman on a bed, and we didn't
23 object but one time when we came up here and asked Your
24 Honor to review it. But now, Your Honor, I fear that
25 the attitude of the Government and the way Your Honor

#5
C