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MR. SEGAL: (Interposing) Excuse

me, Your Honor. The question before it is our right to introduce what Ms. Stoeckley said about herself. The fact that we are now going off on some collateral pursuit about what the Government did or did not do in regard to following it up does not seem to me to go to the admissibility of our problem. We have got two more witnesses.

THE COURT: I think it does. You are going to want me to hold that this woman made a reasonable statement, and I think to show whether or not what she said was so or not so tends to throw some light on that. I will OVERRULE your OBJECTION.

MR. SEGAL: I would like to be heard if I could for a moment because--let me--I don't mean to presume upon the Court, but I think we are misallocating the issue at this point. The first point is is it admissible against her? The fact that the Government might want to attack her statement does not deny the Defendant the right to introduce it in the first instance. I only ask Your Honor to consider one aspect of this thing. If it was the United States prosecuting someone for murder and it had these kinds of statements and so-called admissions by that Defendant, would the Court for a moment hesitate to let



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the Government introduce it?

I find it difficult not only that this Court but that any Court would hesitate to let the Government put it in. The fact that someone is crying and weeping when they are talking about a murder that is horrendous does not make it inadmissible. The fact that later on, they say, "I would like to pull it back and withdraw it" can't affect admissibility. It goes to weight, I think. That is the issue. It just seems to me that we have established already beyond any reasonable argument the right to put this forward. The Government has shown through none of these witnesses that she was insane, incompetent. We have confessions all the time from people who say, "Gee, I was drinking when they took the confession," or "Gee, I had taken drugs." That goes only to the issue of voluntariness of the statement.

In this instance, there is no such problem in this case. It never goes to the admissibility. It seems to me that the pursuit here that we are now engaged in as to whether or not the Government checking out about some people that she named and not always the very first person but the persons she changed to cannot affect the initial question which is: can we offer it at all?



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1 I draw the Court to my first point.

2 If the prosecutors wanted this to try someone on a  
3 murder, has circumstantial evidence, sometimes she  
4 says, "Yes, I was there. Sometime I had the clothing  
5 and I threw it away." Other times, "I didn't actually  
6 do it." I cannot conceive of any Court that would  
7 deny the prosecution.

8 I have been in many cases where I wished  
9 the Court would do that, and I have never yet seen one  
10 that would. I point out to Your Honor the fact that a  
11 statement is contradicted by the person later on does  
12 not make it inadmissible. It again goes to weight. I  
13 would point out also to the Court her statements about  
14 throwing the clothes away were never contradicted.  
15 That is consciousness of guilt in the first instance.  
16 Why are we now going into this issue which has nothing  
17 to do with admissibility. I mean, I think that perhaps  
18 at the time of the hearing, if the Court rules that this  
19 witness may testify, that it is probably cross-examination  
20 on that issue; although, I doubt most of it is admissi-  
21 ble, but it would go to the weight of those statements.

22 I cannot understand how on voir dire we  
23 must have this issue battered out. There are still two  
24 more witnesses that we have to offer and there is other  
25 corroboration. For that reason, I would ask Your Honor



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to cut off the particular line of questions.

THE COURT: Do you want to respond to that?

MR. MURTAGH: Your Honor, I would only say that it goes to the trustworthiness of the statement, which, under Rule 804(5), is one of the things that the Court should take into---

MR. SEGAL: (Interposing) We are not offering it under that rule. The Government misunderstands.

MR. MURTAGH: I don't know what rule he is offering it under.

THE COURT: He is offering it under 804(b)(3).

MR. MURTAGH: Your Honor, I think that if these statements fall into anything, they fall into the "other exceptions" category of Rule 804, and I think trustworthiness does go to the issue of admissibility, and I think that what they are trying to do is bring out bits and pieces of Ms. Stoeckley's various statements and they don't want the whole thing to come out.

MR. SEGAL: It is called circumstantial evidence, Your Honor. We want everything that she said to come out. The fact that she both admits and

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denies, in my judgment and in my experience, has never precluded a confession or admission from being put into evidence.

Many a Defendant has said, you know, only to the police officer being taken to the station, "Yeah, I was involved." He gets to the station and they get a formal statement, "Oh, no, I will not admit that on paper." The Defendant screams, "You cannot let that thing in. I mean, I said that I didn't do it." The Court says what--"It's for the jury to decide which statements are admissible."

Why is the Defendant being told now that when he has done the job that should have been done by somebody else, he can't offer the evidence?

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THE COURT: The objection is

OVERRULED.

THE WITNESS: Don Harris--I can't

answer as relates to him as to what the investigative effort was pursued. Bruce Fowler--from what I could determine during my part of the investigation was not involved.

Janice Fowler--I couldn't determine during any part of my investigation that she was involved. Joe Kelley--I do not know about or the individual that Ms. Stoeckley identified as "Eddie" I do not know about.

BY MR. MURTAGH:

Q Mr. Brisentine, would it be accurate to say that all of Helena's statements that she made to you at various times pertained to her state of mind or her beliefs?

A I'm sorry, sir. I didn't hear your last part.

Q In other words, would it be accurate to say that all of Helena's statements--the "I did it; I didn't do it"--wouldn't this pertain to her state of mind or her belief?

MR. SEGAL: That's OBJECTED to.

It goes to statements of fact that she has testified.

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THE COURT: OVERRULED. Do you

understand the question?

THE WITNESS: Yes, I understand the question.

THE COURT: Answer it, please.

THE WITNESS: It could be a 'state of mind, of course.

MR. MURTAGH: No further questions.

MR. SMITH: I would like to ask one additional one if I may.

THE COURT: All right.

R E D I R E C T E X A M I N A T I O N 2:47 p.m.

BY MR. SMITH:

Q As a matter of fact, Mr. Brisentine, you were very impressed with the sincerity of Helena Stoeckley with you; weren't you?

A I was impressed with the fact that she made such admissions; yes.

Q And based on everything that you could observe about it, you had to figure that she was making those statements to you with some conviction; didn't you?

A That's true, sir.

MR. SMITH: All right. No further

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questions.

THE COURT: That is that she honestly believed that these things were true.

THE WITNESS: I would have to say, Your Honor, that she honestly believed in her mind that what she was telling me was true.

MR. MURTAGH: One question.

R E C R O S S - E X A M I N A T I O N 2:48 p.m.

BY MR. MURTAGH:

Q Would that be all of it? I mean, "I did it; I didn't do it."

A No; I would have to say, based on my investigation, that when she said she was physically present that she thought in her mind that she was.

Q Do you know for a fact whether she was present?

A No, sir.

MR. SMITH: OBJECTION.

THE COURT: I believe there was an objection. SUSTAINED. Call your next witness. And incidentally, of the five that you said you were going to call, he makes the fourth one in my count.

MR. SEGAL: There are two more. There are six then.

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THE COURT: Okay, in this

league, five means six.

THE WITNESS: I am excused, Your

Honor?

THE COURT: As far as I am

concerned, you are.

(Witness excused.)

(Whereupon,

P. E. BEASLEY

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

DIRECT EXAMINATION 2:49 p.m.

BY MR. SMITH:

Q Your name, please, sir.

A P. E. Beasley.

Q Where do you live?

A Fayetteville.

Q What do you do, Mr. Beasley?

A I'm retired.

Q What did you do before you retired?

A I was a Fayetteville police detective.

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BY MR. SMITH:

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Q During the period of time in which you were a Fayetteville police detective, would you say whether or not you ever knew Helena Stoeckley?

A Yes; I did.

Q When did you first meet her?

A 1968.

Q Could you state whether or not, during the period of time in which you knew Helena Stoeckley, you ever had conversations with her about the MacDonald murders--what took place in February of 1970?

A Yes; I did.

Q Do you recall on about what date it was when you had your first conversation with Helena about that?

A On the morning of February 17th, I believe.

Q All right; and where were you when you had that conversation?

A In the driveway of an apartment where she was going into.

Q Mr. Beasley, would you tell the Court in your own words what you recall about that conversation?

A I had gotten off work prior to the incident that we are discussing and went home and went to bed about 2:00 o'clock that morning. I was called at home at approximately 7:30 or 8:00 o'clock and advised of this



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1 and gave descriptions of the suspects that was given  
2 out.

3 I got dressed and went downtown, or to the  
4 office and pulled out my notes and got some information  
5 that Ms. Stoeckley had given me on a trailer near Fort  
6 Bragg.

7 Q Let me interrupt you just for a moment, if I  
8 may, Mr. Beasley. I take it you had had many conversa-  
9 tions with Ms. Stoeckley prior to that day?

10 A Yes; I did.

11 Q Had you found her to be a reliable person?

12 A The most reliable informant I ever had.

13 Q All right; you may proceed.

14 A Then, after I received descriptions of the  
15 suspects, I went to this trailer I knew she had been  
16 living at, and there was no one there. So I proceeded to  
17 look for her that day, and I couldn't find her or anyone  
18 else--the ones I was looking for.

19 So I went back home and went to bed. During  
20 the time I was at home, some other officers got my war-  
21 rant and went back to the trailer, but we had searched  
22 this trailer prior to this--and recovered a large amount  
23 of drugs that she had told us was there, and they were  
24 there. We confiscated these drugs and we returned to the  
25 police station. I signed a warrant--I believe I signed

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1 it, and they went back later that afternoon and ar-  
2 rested one man.

3 And when I went to work, I found out that  
4 this had been done, so I went back to the apartment house  
5 where Helena was supposed to have been living. There was  
6 no one there, so I staked the place out, I guess, until  
7 2:30 or 3:00 that morning.

8 She drove into the driveway with a group of  
9 people in--I believe it was an old convertible, Plymouth-  
10 looking car.

11 Q All right; Mr. Beasley, at this time it would  
12 be the 18th of February?

13 A Yes, sir; I believe it would.

14 Q All right; go ahead. What happened?

15 A I was driving an unmarked car and I was  
16 dressed in dungarees and leather jacket. I walked up  
17 behind the car and I called her to me, and as I called  
18 her she came towards me and the other subjects in the  
19 car also came toward me.

20 She turned around and told them it would be  
21 all right to sit down. So I took her to my car and asked  
22 her had she heard about this incident at Fort Bragg. She  
23 said she had, and I said, "Well, Helena, according to the  
24 information we've got, you and these people you are with  
25 fit the description that was given out." I said, "Now,

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I am going to ask you straight out, I know you and you know me. I want to ask you to tell me the truth."

She backed off and hung her head. She says, "In my mind, it seems that I saw this thing happen"; but she says, "I was heavy on mescaline." And she would not commit herself any further.

Q All right; what happened next?

A I got names of the other people that was in the car with her. I called CID at Fort Bragg and told them that I had some suspects in custody that fit the description--would the police come down?

I believe that was about 2:30 and at 4:30, or almost daylight, nobody had ever come or either returned my call. I released these people and let them go.

Q Did you ever see any of them again, other than Helena Stoeckley?

A Never.

Q Did you ever see Helena Stoeckley again?

A Yes; I did.

BY MR. SMITH:

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Q When did you next see her?

A I can't recall the time, but it wasn't long after that. Later, I went up to her apartment, tried to locate her again, and I believe the last time I saw her there was a bunch of wreaths out in the front yard, and I believe there was also one hanging on the front door.

Q Did you ever talk with Helena about that?

A Yes; I did.

Q What did she say?

A She said that she was in mourning.

Q In mourning?

A Yes, sir.

Q What was she in mourning about?

A In reference to the MacDonald murders.

Q Did she tell she was in mourning about the MacDonald murders?

A Yes; she did, and she was wearing black, and I might add that she would not--I was really wanting some information really--and she would not even talk to me about it.

Q When did you next talk to Helena?

A I can't remember, Mr. Smith. I don't know.

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Q Did you ever talk with her out in

Nashville?

A Oh, yeah, yeah. That was a year later--  
about a year later.

Q Why did you go out to Nashville to see  
her?

A An agent--I believe his name was Mr.  
Mahon--from Washington, D.C., came around the police  
station and contacted me; asked me about the situa-  
tion and, of course, I told him what I knew and he  
asked me would I assist him in locating her and I  
said, "Sure, be glad to."

Q When you were out in Nashville talking  
to Helena, did you talk with her any about the  
MacDonald murders?

A Yes; I did.

Q Do you remember anything she told you  
out there?

A Basically the same thing she told me in  
Fayetteville.

Q Now, I take it that during the time you  
knew Helena in 1969-1970, you knew that she was a drug user?

A Yes, I did.

Q Nevertheless, did you find you could rely  
upon Helena to tell you the truth?

1 A Yes, sir.

2 Q When Helena told you she was going to be  
3 somewhere, would she be there?

4 A She would always be there. She was  
5 never late. She was always on time. If anything,  
6 she was early.

7 Q When Helena told you that you could find  
8 drugs at a location, did you find the drugs there?

9 A I found the drugs there.

10 Q Mr. Beasley, was that always the case?

11 A Always.

12 Q Did you feel that Helena was under the  
13 influence of drugs at times when she gave you  
14 information?

15 A At times I had suspicions. I didn't  
16 know for sure, but I did have suspicions that she  
17 might be.

18 Q Even under those circumstances when you  
19 had the feeling she was under the influence of drugs,  
20 did you find you could rely upon her---

21 A (Interposing) Yes, sir.

22 Q ---to tell you the truth?

23 A Yes, sir.

24 MR. SMITH: You may examine.

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C R O S S - E X A M I N A T I O N 2:58 p.m.

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BY MR. BLACKBURN:

Q Mr. Beasley, when you were in Nashville, Tennessee, do you recall making a statement dated March the 1st, 1971, concerning this?

A Any statements--I don't recall. It has been a long time. The files on this case have been misplaced. I have no idea where they are. I have all my statements in this folder, and if I could refer to them, I could tell you that.

Q I'll be happy to show you what I am talking about.

A All right, sir.

Q It may speed it up. Take a look at this, Mr. Beasley, and see if you recognize it. Do you recognize this as your statement?

A Yeah.

MR. BLACKBURN: For the record, Your Honor, he has identified a four-page statement.

BY MR. BLACKBURN:

Q Is that your signature?

A This is my signature.

Q Could you speak up, sir? We want to hear

A That is my signature there.



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Q Directing your attention, if you would, sir, to the second paragraph on the first page of a statement dated March the 1st, 1971, if you would read right there that sentence, sir?

A "She stated that she did not remember anything that happened on the night of the murders except that she did remember getting into a blue car she thought was a Mustang and it belonged to one Bruce Fowler."

Q Now, if you would read the sentence-- let me see--the same statement, the third page, the second paragraph, the sentence which I have underlined, sir.

A "She again told me she had no knowledge of this night after 12:30 a.m. and that she does not know for sure what happened.

Q On the last page, the last sentence, sir.

A "It is my conviction that she is involved in the MacDonald case or at least she thinks she is or that she is doing this just to get all the attention she possibly can."

Q Now, I believe that you stated on the 17th or 18th, when you picked her up, the CID did

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not come or return the call; is that correct?

A No, sir.

Q Do you know whether or not the CID ever  
subsequently interviewed her?

A No; I don't.

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BY MR. BLACKBURN:

Q With respect to your first interview with Helena Stoeckley on the evening of the 17th of February, do you recall making a statement that, "Ms. Stoeckley did not indicate involvement in the murders at that time, nor did she indicate that she could recall her activities on that day in question"?

A I don't recall.

Q You don't recall making that statement?

A No, sir.

Q Do you recall ever making the statement that during the investigation of the MacDonald murders, she was interviewed by the FBI and the CID and nothing concrete was established regarding her involvement?

A I don't know that either.

MR. BLACKBURN: No further questions.

MR. SMITH: May I ask one additional question?

THE COURT: Yes, sir.

R E D I R E C T E X A M I N A T I O N 3:02 p.m.

BY MR. SMITH:

Q On page 2, I believe--on the material that has been given you, Mr. Beasley--if you will turn to the second page--do you have any material up there now?



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A I don't have anything.

Q Let me hand it to you.

THE COURT: Just read it to him.

BY MR. SMITH:

Q Mr. Beasley, do you recall making this statement or writing this statement down?

"...After the night of the MacDonald incident I picked Helena Stoeckley up for questioning. I talked with her in reference to the case. She was in a joyful mood and joked about her ice pick."

Do you remember that?

A Your Honor--I mean Mr. Smith--she said so many--if I put it down there, she said it, because I didn't make it up.

Q All right, then; you do recall writing the material down in this statement that you have been furnished?

A Yes, sir; I wrote everything down that I could get.

Q Do you recall that what you wrote down in this statement was true at the time you wrote it down?

A Yes, sir.

MR. SMITH: That is all the questions we have.



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MR. SEGAL: Thank you, Mr. Beasley.

You may step down.

(Witness excused.)

THE COURT: Call your fifth witness for the second time.

(Whereupon,

WILLIAM EDWARD POSEY

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

DIRECT EXAMINATION 3:03 p.m.

---

BY MR. SEGAL:

Q Mr. Posey, did you know Helena Stoeckley in 1970?

A Yes; I did.

Q Where did you live and where did she live?

A I lived right next door to her.

Q What street was that?

A Clark.

Q Do you remember the evening or early morning hours of February 17, 1970?

A Yes; I do.

Q Anything unusual happen that morning that attracted your attention?

A Well, I had got up to go to the rest room



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7km4

1 somewhere around 4:00 o'clock, and I heard a car whip  
2 into the driveway next door, and a lot of laughter and  
3 stuff going on, and I walked to the door to see what was  
4 going on.

5 Two of the girls--there was three of them  
6 that lived together in the apartment--two of the girls  
7 were inside painting the apartment. You know, they had  
8 the front door there, and Helena was coming from the car,  
9 you know--headed towards the apartment. And the car  
10 backed out.

11 Q Okay; you say two girls were in the apart-  
12 ment?

13 A Yeah.

14 Q Helena was not one of those girls?

15 A No; she was coming from the car.

16 Q Do you know what kind of car that was?

17 A I know it was a Mustang, you know.

18 Q Do you remember what color it was?

19 A It was blue.

20 Q Let me show you a catalogue piece which has  
21 been previously marked as Defendant Exhibit 88, provided  
22 by the Ford Motor Company in 1970. It depicts a number  
23 of models of Mustang. Do you recognize any of those cars  
24 as being the car?

25 (Go to the next page.)



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marked for identification.)

A The one circled.

Q The one circled is Mustang Mach Number One.

As a matter of fact, you have seen this particular diagram before, have you not?

A Yeah; years ago.

Q Years ago--in 1970, when you testified at the Article 32 proceeding?

(Witness nods affirmatively.)

Q The car depicted here you say resembles the Mustang you saw in the driveway that evening?

A Yes (Witness nods affirmatively).

Q Was there anything in particular about that episode that stood out in your mind besides the car pulling up and Helena getting out?

A Well, it was unusual for them to be painting the apartment at that time, but she acted like she was in a hurry to get inside. She kind of walked real fast getting inside.

Q How long had you lived next door to Helena at that point?

A About two or three months.

Q Did she wear any kind of special clothing that you were aware of?



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A Yes; she wore a white hat all the time--

you know--it was part of her, you know, character.

Q Let me show you a picture that has been marked D-87 and ask whether this looks familiar in any way?

A Yes.

Q You say "yes"? Does that look like the hat she was wearing?

A Similar.

Q You have to keep your voice up, please?

A Yes.

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BY MR. SEGAL:

Q Did she wear anything else regularly as part of her clothing?

A She wore a purple-type shirt and she wore white boots a lot. I don't what type they are but she wore high-topped white boots, you know, kind of like they were real shiny, like patent leather - type things.

Q You have seen her in the last two days around court, haven't you?

A Yes.

Q Her hair is pitch black, I believe?

A Yes.

Q Did you ever see her when her hair was any other color?

A Yeah; her hair used to be longer and she used to be a lot skinnier than what she is now; and she used to have burgundy (sic) hair but she wore a blond wig a lot, you know. She had a wig she wore quite a bit.

Q And what length was that wig?

A Down to about right here.

Q A little above shoulder level?

A Right.

Q Did you learn about the murders that took place at Fort Bragg involving the MacDonald family; did you hear about that?

1 A Yes, the next day.

2 Q Did you have occasion to see or talk to  
3 Helena Stoeckley in connection with those murders at  
4 that time or any time shortly thereafter?

5 A A couple of days later I did.

6 Q Tell us about that, please?

7 A Well, Paul Bowman lived in the apartment  
8 right behind hers. You know, hers was like in the back  
9 of a big house and his was a separate little apartment;  
10 and he had a telephone and I used to use his telephone,  
11 you know, to make long distance calls and stuff.

12 And at the first of the month I would, you  
13 know, pay him for the calls and stuff. Well, he had got  
14 out of the service and he was going back to Oklahoma  
15 City, and I owed him for some telephone calls, and he  
16 came up one afternoon.

17 And I saw him out there and I went out there  
18 to talk to him, you know, about paying him for the calls.  
19 Well, Paul was a friend of Helena's, and we were standing  
20 there talking, and he said that the police had questioned  
21 Helena about her whereabouts.

22 And I said, "Well, I saw her that morning,"  
23 you know. I said, "I could be an alibi for her," because  
24 I had seen when she come in that morning, you know.

25 Q Was she around when you made that statement?



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#37 p3

1 A She walked--you know, she walked up and  
2 was talking with us, you know.

3 Q What if anything did she say or do when you  
4 made the statement that you had seen her come up that  
5 morning and you could be her alibi for her?

6 A Well, she kind of--you know, the word to  
7 use--backed off from me. You know, she kind of--you know,  
8 they had to leave then. They wanted to leave. They  
9 didn't talk no more.

10 Q Did you talk anymore at that time with  
11 Helena about the murders?

12 A No.

13 Q Were you aware of the time when the  
14 MacDonald funerals took place over at Fort Bragg?

15 A Well, I didn't know, you know, exactly what  
16 day, you know, that it happened; but my wife and I--  
17 we were going somewhere one day, and Helena was dressed  
18 in a solid black dress, you-know, a long one.

19 And she had a black thing over her face.

20 Q You mean a veil?

21 A Yeah; and she went and got some wreaths like  
22 you see at a graveyard, and placed them along by her door  
23 and stuff; and she was setting there like she was crying  
24 all day, you know.

25 Q Sitting where?



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38 p4

1 A By her door; by her front door. And that  
2 evening on the news it showed Dr. MacDonald in his  
3 uniform and it said that he had just come from the  
4 funeral thing; you know, they had had services that day.

5 Q Did you talk to Helena about why she was  
6 sitting there in black?

7 A No, she wouldn't talk to nobody. Her  
8 boyfriend come up in the afternoon, and was trying to  
9 get her to go off; and, you know, they got in a big  
10 argument because she wouldn't leave.

11 She just sat there real quiet like all day.

12 Q At some point thereafter, did you talk to  
13 her about whether she was involved in the murders at  
14 the MacDonald house?

15 A Yeah, I talked to her--well, she left  
16 shortly after that, and I didn't see her no more for a  
17 while; and then about two days before I testified I  
18 went to Haymont.

19 I had already talked to you and you wanted  
20 to know what her name was--her full name--and I didn't  
21 know what her full name was, so I went to Haymont to  
22 try to find out.

23 You know, I knew that people up there knew  
24 her and I could find out her name. Well, when I went  
25 up there she was there, you know. Haymont's a section

1 of town that everybody hung out in; and I talked to  
 2 her then, and, you know, I'd asked her where she had  
 3 been and everything, and she said, "Just around."

4 And I asked--you know, we started talking  
 5 about the murder and everything, and we got into that.

6 Q And what did she say about the MacDonald  
 7 murders?

8 A Well, when you talked to her--it is like--  
 9 one--I don't know how to say it--one minute she's with  
 10 you--you know, like in a normal conversation; then the  
 11 next minute she's, you know, she was referring back to  
 12 the murder.

13 You know, like she said that all she did,  
 14 you know, was like hold the light; you know, that she  
 15 didn't--she wouldn't kill anybody because she wasn't a  
 16 hostile person, you know.

17 Q What about this light she was talking about?

18 A Holding the light would be the only thing  
 19 she would do, you know. But she--you know, I said some-  
 20 thing to the reference that some policemen had seen them  
 21 that morning, and she named the street, you know--  
 22 Honeycutt--said that, you know, yes, she remembered,  
 23 you know.

24 But it was like one minute she was there,  
 25 you know, at the thing; then the next minute she was

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drifting back.

Q Back where you were?

(Witness nods affirmatively.)

Q Now, did she ever talk to you about seeing anything inside of any of the bedrooms in that house?

A She said that there was a kid's horse thing, but it wouldn't--it wouldn't roll. It would just stay still. It wouldn't roll, you know.

Q It was a hobby horse thing?

A Yeah, like, you know, like a little kid has, you know.

Q Yes; what did she say about that?

A It wouldn't move; you know, it wouldn't--

Q Rock?

A No. It wouldn't roll, you know; it was broke or something, it wouldn't move.

Q And when you talked to her about the house, did she say anything else that she remembered seeing there or any other thing that she remembered doing there?

A No.

Q Do you know whom that blue Mustang belonged to?

A No, I didn't know the guy's name, but, you know, I know what he looked like.



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38 p7

1 Q Who was that person--that is without  
2 his name? Was that somebody that Helena Stoeckley was  
3 connected with?

4 A Yeah, it was a friend of hers.

5 Q Had you seen that blue Mustang at the house  
6 before on other occasions?

7 A Yes, sir.

8 Q What is the last thing you ever said to  
9 Helena Stoeckley?

10 A The last occasion in Fayetteville?

11 Q That's right.

12 A I asked her what she did with her hat  
13 and boots and, you know, stuff; and she said she had  
14 got rid of them, you know.

15 But she kept--the whole conversation--two  
16 or three times during the conversation, she kept asking  
17 me--you know, I told her I had moved, you know; and she  
18 kept asking me what my new address was.

19 And I told her that, you know, the reason  
20 I had moved--that it was getting too rough in there;  
21 and she kept asking me over and over what my address  
22 was.

23 And when I was leaving the last thing she  
24 said to me was, "Tell your wife to lock the door," that  
25 "I'll be by to see you."



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BY MR. SEGAL:

Q Was that said in jest or in seriousness as far as you could tell?

A To me, it was serious because it was like one minute, Helena was with you, and I don't know, it was like she was in another world the next minute, but I took it as serious; yeah. I didn't give her my real address.

Q You saw Helena yesterday when she was here in the Courthouse; did you not?

A Yeah.

Q Was that the first time since August of 1970, that you have seen her?

A Yeah.

Q Say "yes" or "no."

A Yes.

Q When you walked into the room--the conference room where we were sitting, what was the first thing that was said between you and Helena Stoeckley?

A You asked her if she knew me and she said, "Yes, that is Bill Posey. I told you to lock your doors and I would be by to see you." That is the last thing she said to me. Then, yesterday, after not seeing her all these years, that was the first thing she



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said to me.

Q Now, did anything happen back in August of 1970, to give you concern about not letting out your address?

A Well, my wife and I and her mother and husband, we went out to eat. Well, we had a cat and we had locked the cat inside the house, and I had a Doberman Pinscher. When we came back, my cat was outside, you know, wanting to go inside with us. I looked at Myer, which was my wife, and said, "We locked the cat inside. What is he doing outside," you know, and we stopped there and we went back out and on the side of my house, the first window going into the bedroom, you could see where somebody had opened it, you know, and went in that way.

We didn't go in the house. We went and got the police, you know, and they come up there and searched through it--searched through my house and everything.

Q Did Helena Stoeckley ever talk to you about being involved in witchcraft?

A Yeah.

Q Did she tell you that she was, herself, involved in witchcraft?

A She was a good witch.

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Q That is what she said?

(Witness nods affirmatively.)

Q Was she ever involved in any rituals involving animals?

A Paul Bowman, to which I referred to a while ago, his wife--I can't remember her name now--but she was more or less the head of them. She was a witch, you know. She said she was a witch. They had a bunch of books on witchcraft. Like one time, my wife's sister and her boyfriend had a big fight--dispute. They went out in the woods and dug up herbs and spices to make them a love potion---

Q (Interposing) I have got to ask you, Mr. Posey, did it work?

A They were married.

Q One last question, Mr. Posey, did Helena Stoeckley ever conduct any ritual involving a cat?

A Yeah. They had a thing one time where they had like a seance-type thing and they crucified--well, I don't know--they killed a cat for part of their ritual thing or whatever it was.

MR. SEGAL: Cross-examine.

C R O S S - E X A M I N A T I O N 3:16 p.m.

BY MR. BLACKBURN:



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Q Mr. Posey, I believe you testified at the

Article 32; did you not?

A Yes, sir; the Government thing.

Q The military proceedings?

A Yes, sir.

Q When that was taking place in 1970, you were working at the Heart of Fayetteville Motor Inn; is that correct?

A No, sir.

Q Where were you working?

A When the crime happened?

Q No, when the Article 32, the military proceeding?

A I was working for Fayetteville Linen. It is a linen company.

Q You had occasion to go to the Heart of Fayetteville Motor Inn; is that right?

A Yes; we delivered linen.

Q You saw Mr. Segal and Mr. Eismann at that time there?

A No. I had called, you know, they had a hotline in Fayetteville where you call and you ask them about if you have got a problem or something and it comes out in the paper and they answered it. Well, I had called the hotline, you know, and told them what I



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1 knew, and if I should, you know, go forth with my  
2 information. So one day, we were there and the man  
3 that was showing the route and everything had mentioned  
4 that Mr. Eismann and Mr. Segal were staying there.  
5 I just decided to go forth and tell them what I knew.

6 Q And you did that?

7 A Yes, sir.

8 Q You never told the law enforcement agency,  
9 though, did you?

10 A No, sir. After I talked to Mr. Segal,  
11 there was a military man that came to my job one day  
12 and talked to me.

13 Q He did?

14 A Yes, sir; kind of a tall guy.

15 Q Do you recall that person's name?

16 A He was at the military hearing.

17 Q Could it have been Lieutenant Malley?

18 A He was a tall man. I can't remember if that  
19 was his name, though. He was on the, you know,  
20 prosecuting side.

21 Q Captain Malley?

22 A That might have been.

23 Q Did you ever recall being told by anyone  
24 prior to your testimony at the Article 32 that there was  
25 a reward being offered by anyone for testimony relating



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to this?

A They had mentioned it; yes.

Q Who mentioned it?

A Well, I had read about it in the paper and then--if it was Mr. Eismann or not that mentioned it-- but the day that I talked to Mr. Segal, I told him that I was not interested in the reward money--that I was not there for that.

Q Now, the night that it happened or that you say that you went to the window---

A (Interposing) I went to my front door.

Q Do you recall whether or not she was wearing the hat?

A No. She didn't have the hat on. She had something in her hand.

Q You didn't see her hat?

MR. SEGAL: Let him finish. I OBJECT, Your Honor.

MR. BLACKBURN: I thought he was through. Finish your answer by all means.

THE WITNESS: She was in a hurry to get to the door. No, I did not see her with a hat on that morning, but I know she had a purple vest and stuff on.

BY MR. BLACKBURN:

Q Did she have a sheet on or anything like that?

1 A I didn't see her with a sheet; no.

2 Q Isn't it true that Helena has told you  
3 during that time that she was on drugs and did not know  
4 where she had been at that time?

5 A Yeah. She said she was tripping that night;  
6 yes, sir.

7 Q She didn't know where she had been?

8 A No. She said that she didn't know where  
9 she had been.

10 Q That was one of the reasons you suggested  
11 that you could perhaps give her an alibi because you  
12 had seen her?

13 A I had seen her that morning; yes.

14 Q Now, isn't it true that with respect to  
15 "pigs"--the term "pigs" that Helena had always told  
16 you that she called the police "pigs"?

17 A Yeah. Well, in the section, you know, like  
18 when people back then referred to "pigs," it didn't  
19 necessarily mean policemen, but it meant people in  
20 society--the Establishment--however you refer to it.

21 Q Has Helena ever told you that she was in the  
22 MacDonald apartment?

23 A She never point-blank said that she was in  
24 the apartment, but she did say like one minute like I  
25 was explaining a while ago, one minute, she would be in a

1 normal conversation and then the next minute she  
2 would be like she was right there. But like she told  
3 me about trying to ride the toy and like she said about  
4 holding the light and things like that.

5 Q She told you that she held the light?

6 A She said, you know, that she would hold the  
7 light, but she wouldn't kill nobody because she wasn't  
8 a hostile---

9 Q (Interposing) I am sorry--are you through?

10 A Yes, sir.

11 Q Isn't it true that she said that that would  
12 have been what she would have done if she had been there  
13 because she couldn't kill anybody?

14 A I don't know how to answer that. She never  
15 said it like you just said it--I mean like she said--  
16 she never said, "If I had been there, that is what I  
17 would have done." She didn't say it like that.

18 Q Tell us what she did say.

19 A She would say that like---

20 Q (Interposing) Let me make it easier for  
21 you. Did she ever suggest to you that she could have  
22 been holding the light?

23 A Yes.

24 Q Is that a fair statement?

25 A That is the way.