

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 IV

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March 30, 2006

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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: MONDAY, AUGUST 20, 1979

PAGES 5801-6056 TRIAL DAY TWENTY-TWO

A P P E A R A N C E S

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

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>EXAM</u>
<u>DEFENDANT</u>					
<u>P. E. BEASLEY</u>					
By Mr. Smith	5822-5843		5856-5859 5864-5865		
By Mr. Blackburn		5843-5851		5859-5860 5865	
By The Court					5861-5863
<u>JANE ZILLIOUX</u>					
By Mr. Segal	5867-5886				
By Mr. Blackburn		5886-5887			
<u>VOIR DIRE EXAMINATION</u>					
<u>CHARLES UNDERHILL</u>					
By Mr. Segal	5889-5916		5924-5925		
By Mr. Murtagh		5917-5924		5925-5926	
<u>WENDY ROWDEX</u>					
By Mr. Segal	5928-5937				
By The Court					5946-5949
By Mr. Blackburn		5938-5945			
<u>WILLIAM POSEY (Jury Present)</u>					
By Mr. Segal	5983-6005		6027-6030		
By Mr. Blackburn		6007-6027		6030-6031	

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

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WITNESSES DIRECT CROSS REDIRECT RE CROSS EXAM

CARMINE WELCH

By Mr. Segal 6032-6041

By Mr. Blackburn 6041-6042

MARY BUTLER

By Mr. Segal 6043-6052

By Mr. Blackburn 6053-6054

BENCH CONFERENCES

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 5900-5903
 5904-5905
 5978-5982
 6042-6043

E X H I B I T S

NUMBER DESCRIPTION MARKED RECEIVED

DEFENDANT

90 Artist's conception of Allen Mazzarole 5856

91 Artist's conception of black male friend of Helena Stoeckley 6002



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FURTHER PROCEEDINGS 10:00 a.m.

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THIS CAUSE came on for further trial before The Honorable Franklin T. Dupree, Jr., United States Chief District Judge, and a jury, on Monday, July 20, 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. Let me see Counsel at the Bench briefly.

BENCH CONFERENCE

THE COURT: Since court adjourned on Friday afternoon, I have spent a substantial portion of my waking hours researching and deciding the rather interesting evidentiary question which was posed, the question being whether statements tending to be against the penal interests of the witness Stoeckley should be admissible through other witnesses--statements made outside of court in far distant times.

In that connection, I have studied the transcript of the witnesses' testimony--Stoeckley's and the



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1 six witnesses whose out-of-court statements are pro-
2 posed to be offered--the briefs of both sides, and all of
3 the case law--relevant case law--that I could find, which
4 includes the Advance Sheet of the Federal Second, which
5 came Sunday and which, oddly enough, contained a case in-
6 volving 804(b)(3), but unhappily not directly in point.

7 I will rule that these proposed statements do
8 not comply with the trustworthy requisites of 804(b)(3)
9 or (b)(5); that far from being clearly corroborated and
10 trustworthy, that they are about as unclearly trustwor-
11 thy--or clearly untrustworthy, let me say--as any state-
12 ments that I have ever seen or heard.

13 Chambers v. Mississippi, of course, is a far
14 cry from this. There we had an absolute confession by a
15 person who was in his right mind, and various other
16 distinguishing features. On the question of impeachment,
17 of course the prerequisite for a prior inconsistent
18 statement is one that is, in fact, inconsistent.

19 Weinstein has said that any statement is in-
20 consistent if, under any rational theory it might lead to
21 any relevant conclusion different from any other relevant
22 conclusion resulting from anything the witness has said.
23 This witness, in her examination here in court--and
24 cross-examination--has been, to use the Government Coun-
25 sel's terminology, "all over the lot."



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The statements which she has made out of court were "all over the lot," so it can't really be said that the hearing of those statements would lead to any different conclusion than what the jurors got while she was here in open court.

The case most nearly like this one that I was able to find and not cited by either side is United States v. Satterfield in the 500 F.2d 687, cert. denied 99 Supreme Court 128. That is a Ninth Circuit case from 1978. That case, as many others do, including cases that were cited--such as Thomas and Barrett and others--states that this matter of determining trustworthiness is committed in the first instance to discretion of the Court. In that case there was a finding of untrustworthiness by the District Court, although there were some factors in evidence which tended to substantiate the statements or lend credibility to them, and statements which were pointed in the opposite direction.

As I stated, this testimony, I think, has no trustworthiness at all. Here you have a girl who, when she made the statements, was in most instances heavily drugged, if not hallucinating. And she has told us all that herself. She has stated that in person.

But I would get over the unavailability question. I would get past that and, in some aspects of it,

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I think they could have been held to be against her

penal interests. But on the question of trustworthiness,
I just can't see it.

Now, on the question of impeachment, as I
stated, I don't think it is admissible on that theory for
the reason that I don't think it is impeaching.' There
are other reasons which I won't elaborate on right now.

Finally, I think that this evidence ought to
be excluded as a matter of discretion by the Court under
Rule 403, because its probative value is substantially
outweighed by the danger of unfair prejudice. It would
tend to confuse the issues, mislead the jury. It would
cause undue delay and a waste of time.

I am thinking now that I took a day of this
jury's time and gave it to Counsel, most of which was
taken by Counsel for the Defendant to interview Ms.
Stoeckley, and to have her apparently interviewed in com-
pany with several of these six witnesses. And anything
that would come in by this way now would still be cumula-
tive.

She has told everything--she told this jury
everything that you proposed to show by these witnesses
that she told them. So I think in the interest of time--
having devoted two days to this subject--that that is
enough; and for the additional reason that it ought to be

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excluded under 403, I will hold that it is not admis-
sible.

Now I have a different subject, and one that
is frankly very, very disturbing to me. And I want to
ask Counsel for the Defendant now, were the members of
this jury panel, prior to the convening of this Court on
the 16th of July, 1979, contacted by anyone by or on be-
half of the Defendant and interrogated on any subject
whatever?

MR. SEGAL: Not knowingly, Your Honor.

In no way did we make any attempt to contact the jury
panel.

THE COURT: Did you have someone em-
ployed at Duke University?

MR. SEGAL: Let me say there were two
jury studies going on in this area at the same time. We
accidentally learned that there was another homicide case
here that was being tried in Superior Court, that persons
were calling various persons at random.

Let me just tell you what we did, Your Honor.
The jury study that we did took a random sample from the
telephone book. No record was ever made of the name, be-
cause it was not important to us. It was done by a me-
chanical method of taking from column one on page 20, the
12th name; column two on page 15, the tenth name; and a

1 sequence like that.

2 Nobody was ever asked a name, no name was
3 ever recorded, and nobody ever indicated--first of all,
4 no one ever indicated they had been summoned as a juror.
5 If they did, it would have been discontinued immediately.
6 We made no effort to investigate any person on the jury
7 panel or make any contact with them directly.

8 If such a thing ever happened that way, it
9 would have been accidental that a person was a sheer
10 random choice, that someone's name would have been picked
11 up. However, if you tell me the date on which this hap-
12 pened, it may not even be the date we are talking about,
13 Your Honor.

14 MR. SMITH: Let me make a more precise
15 answer to your question. At no time did anyone ever take
16 a list of the prospective jurors of the pool and contact
17 them; no. If that ever happened once--one time--it would
18 be the most outrageous act I have ever heard of. That
19 never happened.

20 We never said to anybody, "Here is the list
21 of jurors. Call them up and see how they feel. Here is
22 a list of jurors. Contact them in any way." I got a
23 list of the jurors from the Clerk's Office and I passed
24 that list around to lawyers I know and said, "Do you know
25 any of these people--ever met them?" I checked them out



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with any other citizens I knew who might know them.

But never was any contact made personally.

THE COURT: I could not conceive of your doing such a thing---

MR. SMITH: (Interposing) Oh, no.

THE COURT: ---unless you told me. If somebody else did, I would disbelieve them. But I would say this: if it happened, although we are beginning our sixth week, and although I have never been more physically and mentally burdened with court in my life, I would mistry this case so quickly that it would make your head swim.

MR. SMITH: I agree. It ought to be. Let me ask you this: it is disturbing that anyone has suggested it to you, and I think we ought to run it down.

THE COURT: Well, I will do that at this time, because it was just a chance remark at a wedding reception late Saturday afternoon. But I dropped my upper plate when it was mentioned.

MR. SMITH: Judge, we made a very, very careful, thorough examination into the attitudes of people who live in our area, so that we would have an understanding of the kind of jury we wanted. It was scientific. It was well done. It was in good taste. And I liked it. I was impressed with it. I had never

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seen it done before.

THE COURT: Questions were asked by telephone?

MR. SMITH: Yes; it was a telephone survey.

THE COURT: Just as a part of my continuing education, let me have your list, then.

MR. SMITH: Of people?

THE COURT: No; of questions.

MR. SMITH: Oh, sure; we would be happy to. We have no list of people--have no way to know what people were called. As I recall, we don't have any names of anyone.

MR. SEGAL: No names.

THE COURT: I will ponder and decide whether or not I should question this jury panel as to whether or not any of them were contacted.

MR. SMITH: We would have no objection to that at all--not in the least.

MR. SEGAL: I would like to return, if I may, to the first subject matter of our bench conference, which is the Defendant's offer in this regard. I must say, I am deeply distressed--in a criminal case, as opposed to a civil case, where the burdens are different--that a Defendant on, I think---

THE COURT: (Interposing) Mr. Segal,

1
2 let me interrupt you to say this: I did not reach this
3 decision lightly. I spent roughly seven hours on this
4 thing on Saturday. I spent the entire day Sunday until
5 11:30 last night, wrestling with this thing myself. And
6 I have done this--and I do this routinely in criminal
7 cases --I lean over backwards to make sure that no crimi-
8 nal defendant is ever deprived of a defense.

9 In evidentiary rulings, if there is the
10 slightest question in the world, I will go with the de-
11 fendant every time. After all, as I have said many
12 times, there is not enough time to try the case one time,
13 and God knows, we don't want to have to try it twice.

14 But I am thoroughly convinced in my own mind
15 that your position is without merit with respect to this
16 particular evidence. I have ruled on it, and as I say,
17 I did not reach that lightly--because I am risking a
18 terrible lot of judge time and juror time down the road
19 if I make an error and it has to be retried.

20 But I am confident of my position on that
21 one. Let me say further that I will reduce all these--
22 I have just given sketchily my opinion--but I will reduce
23 it to writing, so that you and the appellate court,
24 should it reach that--of course, if your man goes free,
25 then we are all home free. But I will do that, because



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they would be entitled to a more detailed explanation
of my thinking about it.

MR. SEGAL: May we stay here at the
Bench for one minute and permit Mr. Smith and I to dis-
cuss something? We may need to share it with you imme-
diately.

THE COURT: All right; that's okay.

(Bench conference terminated.)

BENCH CONFERENCE

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MR. SMITH: Judge, two of those six witnesses, Beasley--and there is one who is not one of the original six, as you might say--and a Mr. Gowen will testify not as to statements made by this young lady but to show where she was soon after this occurred.

I would assume that Your Honor will find that admissible; that is, that we can put witnesses on to show where Helena Stoeckley was, what she was doing, who she was with, what she looked like, and what happened to her.

MR. MURTAGH: That is uncontested.

MR. SMITH: It doesn't make any difference if it is uncontested. We submit the jury is entitled to hear it whether it is uncontested or not.

MR. BLACKBURN: Excuse me. Gowen was not one of the six.

MR. SMITH: No, Gowen is a new witness. Gowen will put her at a trailer park in Fayetteville at a place where Beasley, our officer, saw her. Gowen is not one of the original six but will put her at a specific location in Fayetteville soon after this event occurred.

MR. MURTAGH: When?



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1 MR. SMITH: The same night, 5:00

2 o'clock in the morning.

3 MR. BLACKBURN: Are you talking about
4 Beasley going into what he said to her?

5 MR. SMITH: No, under the Judge's
6 ruling, I assume that he could not.

7 MR. MURTAGH: Gowen will contradict
8 Posey.

9 MR. SEGAL: Let me expand if I may
10 our Offer of Proof, Your Honor. We intend now, in view
11 of Your Honor's ruling, I still think we will call Mr.
12 Posey. Mr. Posey will describe that floppy hat, blond
13 wig, and boots were characteristic of her prior to the
14 crime.

15 He will testify that she discarded them
16 immediately after the crime.

17 MR. MURTAGH: That is her statement.

18 MR. SEGAL: That is not her statement.

19 These are acts which she did which are acts that we
20 suggest, Your Honor ---

21 MR. BLACKBURN: That is her statement.

22 MR. MURTAGH: That is her statement.

23 That is what he said.

24 MR. SEGAL: Would you please just let
25 me make that---

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THE COURT: (Interposing) She has

testified to that and given the reason for it.

MR. SEGAL: I think we are clearly

entitled to show first of all additional evidence that she discarded it. Actually, this evidence is contrary to her statement in the regard as to how frequently she wore it, and we also believe that we are entitled to the inconsistent explanation; that is, not--her explanation is different. She says people were harassing her.

His explanation for it is different and, for that purposes, we have a right to show that she did it. Secondly, Your Honor, we intend to show--impeach her further--where she--without a transcript I can't recall whether she admitted--I'll have to ask Mr. Posey about that.

We would show her arrival at home at the time which is consistent with the crime--the time that she came home. We would show the vehicle which she was in which we think we can show through other circumstantial evidence is relevant to this case.

So, I want to make clear that that is what we intend to offer Mr. Posey. Secondly (sic), in a different regard, we have admissions that were made in the last 72 hours to Mr. Posey by Ms. Stoeckley and at that time she was not under the influence of any drugs.

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1 She made those admissions. They are
2 contrary to her statements on the stand here as to what
3 she said when she saw the crime scene photographs. We
4 think Mr. Posey, Ms. Zillioux and Mr. Beasley may
5 testify as to those current admissions which impeach
6 her statements when I examined her at the very end of
7 the direct examination as to whether or not she did not
8 agree to recognizing the hobby horse, whether or not she
9 did not admit to recognizing the scene in the living
10 room, and stated at that time that she has a recollection
11 of standing over the body.

12 There are other statements that she has made
13 as to recognizing that are different than her in-court
14 testimony, and I do intend to offer that in place of
15 any prior statements that we have had these witnesses
16 testify to on the voir dire on Friday.

17 Mr. Smith has already made the Offer of
18 Proof in the regard to Beasley's testimony. We think
19 that we ought to lay that out at this juncture while we
20 are still at the Bench.

21 MR. MURTAGH: Your Honor, may I respond?
22 Your Honor, on Friday at a bench conference, Mr. Segal,
23 by way of a representation of counsel, said that these
24 witnesses would testify to these latter statements. No
25 such statements ever came out on voir dire. I think we

1 are--assuming for the sake of argument that such
 2 statements were later made to these various witnesses.
 3 What we understand happened is that Ms. Stoeckley was in
 4 the counsel room and these various witnesses were
 5 paraded in to her and, in effect, "Don't you recall,
 6 Helena, saying this to me?" You know--the Jane Zillioux
 7 business, the episode with hepatitis and the blood on
 8 her hands.

9 I think it gets back to the same thing, Your
 10 Honor. It goes back to the untrustworthiness of her
 11 original statements and this is simply an attempt to go
 12 in the back door after the Court has ruled otherwise.
 13 As to this new witness, we have had no voir dire on him.

14 As to Mr. Posey's explanation of why she
 15 disposed of this stuff--if, in fact, she disposed of it--
 16 he is not competent to testify as to an explanation. He
 17 can say what he saw and that is uncontroverted. She did
 18 come home that morning. She apparently came home most
 19 mornings at this time.

20 I think, Your Honor, if these witnesses do
 21 get on the stand, we are going to get right back into
 22 the area in which the Court has already ruled, and we
 23 would object to it.

24 THE COURT: What you are suggesting is
 25 that the Defendant now proposes to be permitted to show

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1 inconsistent statements, to use Judge Widener's
2 language, as a mere subterfuge to get before the jury
3 evidence not otherwise admissible?

4 MR. MURTAGH: Because the statement--
5 in other words, if Zillioux were to testify as to what
6 Helena may have said to her on Friday, she would bring
7 out the fact of Helena's prior statement to her under
8 the influence of hepatitis and God knows what else---

9 MR. SEGAL: (Interposing) I think I
10 am capable of conducting examination properly, Your
11 Honor. I do not think it should be suggested and
12 advanced that I cannot do that.

13 THE COURT: The only way I see this
14 thing can be resolved is to send the jury out and let
15 you bring your folks in for another voir dire. Of
16 course, I anticipated that what transpired in the
17 witness room on Thursday between these various
18 witnesses--you avoided that in your voir dire--that
19 you would be coming back.

20 And, now you say that you are going
21 to come back with that. Look, I spent all the time I
22 think this case can spare to this particular thing.
23 Call your witnesses and, if there is an objection, I
24 will rule.

25 (Bench conference terminated.)

pl

1 THE COURT: Any further evidence

2 for the Defendant?

3 MR. SMITH: Yes, sir, Your Honor.

4 THE COURT: Call your witness.

5 MR. SMITH: The Defense calls

6 P. E. Beasley to the stand.

7 THE CLERK: Mr. Beasley, you have
8 previously been sworn, so if you will go on and take
9 the stand.

10 MR. SMITH: Your Honor, may I consult
11 with this witness just a moment?

12 THE COURT: Yes.

13 (Pause.)

14 (Whereupon,

15 P. E. BEASLEY

16 was recalled as a witness, and having been previously
17 sworn, was examined and testified further as follows:)

18 DIRECT EXAMINATION 10:30 a.m.

19

20 BY MR. SMITH:

21 Q State your name, please, sir?

22 A P. E. Beasley.

23 Q Mr. Beasley, where do you live?

24 A Fayetteville.

25 Q How long have you lived in Fayetteville?



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#3 p2

1 A About 45 years.

2 Q What do you do, sir?

3 A I am retired.

4 Q And what did you do before you retired?

5 A Police officer.

6 Q How long did you serve as a police' officer

7 in Fayetteville?

8 A Twenty years.

9 Q How old were you when you started your

10 police work?

11 A Twenty-six.

12 Q What were your assignments during the period

13 of time you were a police officer; that is, what were

14 your duties?

15 A I was a walking--walked the beat--car

16 patrol; narcotics; detective division.

17 Q When you walked a beat, did you ever walk

18 the Hay Street beat?

19 A Yes, I did.

20 Q And approximately what year did you walk

21 that beat?

22 A '53, '54, up to about--quite a few years.

23 I can't remember.

24 Q And then when you were a patrolman, did you

25 ever patrol the Hay Street area?

#3 p3

1 A Yes, I did.

2 Q What is the Hay Street area of Fayetteville?

3 A It is known mostly for its bars, prostitutes,

4 drugs.

5 Q What year did you start to work with

6 narcotics in Fayetteville?

7 A 1968, I believe.

8 Q What was Fayetteville like in 1968 and

9 1969 and 1970, with respect to the use of narcotic

10 drugs?

11 A There was quite a bit of it there--quite a

12 bit.

13 Q Have you read any of the Esquire magazine

14 article which had been introduced by the Government in

15 this case at my request?

16 A Yes, I have.

17 Q Would you say, Mr. Beasley, that Fayette-

18 ville, North Carolina--in some parts of Fayetteville--

19 would compare with the descriptions of California made

20 in the Esquire magazine article?

21 A Yes, I would.

22 Q Mr. Beasley, when you were working in

23 narcotics, would you state whether or not you ever used

24 informants?

25 A I did.



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=3 p4

1 Q What is an informant?

2 A It is a person that supplies you information
3 that you can't ordinarily get yourself.

4 Q How many informants would you say you had
5 when you were working narcotics?

6 A I had quite a few, but I--yeah, I had quite
7 a few. I don't know just how many.

8 Q How do you work with an informant? What
9 is required?

10 A First thing, you don't reveal their identity.

11 Q You keep that confidential?

12 A Yes, you do.

13 Q What kind of relationship would you normally
14 have with an informant?

15 A You try to have a close relationship, and
16 first you have to really gain their trust. That's the
17 biggest thing, getting them to trust you.

18 Q How often would you contact them?

19 A Well, it's according to what the need would be--
20 most times they would contact me.

21 Q How many informants would a narcotics
22 officer normally have?

23 A It is according to who the narcotics officer
24 was.

25 Q How many would you have had at any one



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#3 p5

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particular time?

A Any one time, I had--well, two good ones would keep you working eight hours, sometimes 12; but I have had as high as four at one time.

Q Now, what did you do with the information provided you by informants?

A Well, we would take the information and, like, if we got any particular location where there may be drugs or who may be dealing drugs, we would stake it out and watch it.

We tried to get this informant to make an undercover buy from this place, and the information we got out of it, we would obtain a search warrant and go search the place.

Q Then using information provided you by informants, would you get search warrants?

A Yes, we would.

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BY MR. SMITH:

Q Would you test out an informant, first, to see if that informant was reliable; is that part of your procedure?

A Yes, sir.

Q How would you do that?

A Find out who he was, where he came from, what he was doing there, for what purpose were they giving us this information.

Q Would you get search warrants based on information provided you by informants on the first information given you, or would you test out informants first to see if the informant was reliable?

A We would have to know he was reliable before we did anything.

Q Now, Mr. Beasley, would you state whether or not you ever met Helena Stoeckley?

A Yes, sir.

Q And do you recall about when you met her?

A It was in 1968, within that year.

Q How did you meet Helena?

A I was introduced to Helena by another officer that was not working drugs, and he advised me that she was heavily involved with drugs and knew all the dealers and what we needed to know.



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#4 p2

1 Q Let me interrupt you and ask you this:

2 what did Helena look like in 1968?

3 A Helena was--she was young-looking. She was
4 a slender-type looking girl, had black hair, approxi-
5 mately 5'5", I guess, somewhere in there.

6 Q And what kind of group of people did she
7 run around with, if you know?

8 A Hippie group of people all the time.

9 Q You say "Hippie group"; what did a hippie
10 look like to you at that time?

11 A Well, at that time we was just getting into
12 drugs--beginning to work drugs there in Fayetteville--
13 getting into it good. They were dungarees, cut out
14 sleeves out of jackets, long hair, beards.

15 Q Were there a lot of hippies in Fayetteville
16 in '68, '69, and '70?

17 Q Yes, sir.

18 A Would you state whether or not Helena
19 Stoeckley ever became an informant for you?

20 A She did.

21 Q About what year?

22 A '68.

23 Q And how long did Helena serve as an
24 informant for you?

25 A Until about 1970, the latter part of 1970.



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Q In your work as a narcotics agent, and especially working with Helena, would you state whether or not you ever had any information about cults in Fayetteville?

A Yes, sir, I did. Yes, sir.

Q What information did you have about cults?

A We had received information that these type of people had moved into the Fayetteville area, and we were trying to locate them; and I asked her if she knew of any and she said she did.

And she said, in fact, she was almost a member of a group that they called the Black Cult, I believe she stated they were. And I asked her to explain what she meant by that, because we didn't really know.

And she said it was a group of these people-- would go to a certain location that they--they would have the rooms painted probably black--strobolights going-- flashing lights.

And they would all get to dropping LSD, and they would get into a frenzy that they got into, and chanting and going on--this type thing; and that they would string a black cat up among these people after they had formed a circle--by the lower part of the body with his head hanging down, and cut his throat.

And the blood would come down into the



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#4 p4

1 floor and they'd get in the blood and rub it on them--
2 all over them--and that type of thing.
3 Q Now, what year would that information have
4 come to you?
5 MR. BLACKBURN: Your Honor, we would
6 OBJECT on the grounds of relevancy.
7 MR. SMITH: Your Honor, may I continue
8 with this line of questioning, and I can connect it up
9 and I will abide by the Court's ruling this morning,
10 and not get into any information that you have ruled
11 is not proper?
12 THE COURT: Very well. Proceed.
13 BY MR. SMITH:
14 Q Mr. Beasley, what drugs were used in
15 Fayetteville, as far as the prevalent use is concerned,
16 in '68, '69, and '70?
17 A You mean all the drugs?
18 Q Just some of them?
19 A LSD, heroin, mescaline, marihuana, opium--
20 any type that you can mention, it was there.
21 Q Was there any other name for LSD that was
22 popular?
23 A Acid.
24 Q Now, Mr. Beasley, do you recall where you
25 were at the time you heard about the MacDonald murders?

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A Yes, sir.

Q Where were you?

A I was at home.

Q What time of the day or night was it?

A I had gotten off work that morning about 2:00 o'clock and went home to bed, and I was called at home about 7:30 by my supervisor. He advised me what happened and gave me a description.

Q Now, do you recall what kind of description he gave you?

A Yes, sir.

Q What did he say?

A He said there was a white female with blond hair with a floppy hat, and a black male described as having on an Army fatigue jacket, I believe, with E-6 stripes.

Q All right, sir?

A And two white males.

Q Now, Mr. Beasley, had you ever seen a blond-headed woman with a floppy hat with a black male and with two white males?

A On many occasions.

Q Sir?

A Many occasions.

Q And when you would see a blond-headed



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1 woman with a floppy hat, and with a black male and two
2 white males, would you recognize the blond-headed woman?
3 A Yes, sir.
4 Q Who was the blond-headed woman?
5 A Helena Stoeckley.
6 Q How often would you say you had seen Helena
7 Stoeckley with blond hair and a floppy hat with a black
8 male and two white males?
9 A Numerous times. I don't know exactly, but
10 numerous times.
11 Q And over what period of time--that is, the
12 months or years?
13 A Oh, probably two months.
14 Q Where would you see them, Mr. Beasley, if you
15 recall any of those occasions?
16 A Mostly, it would be what we used to call--it
17 was in the Haymont Section of Fayetteville. It was a
18 place where the hippies hang out, mostly. It was the
19 Goody's Shop, I believe they called it.
20 Q What was sold at the Goody's Shop, if you
21 know?
22 A Well, it was malts and cokes and things like
23 that. I don't recall whether beer was being sold there
24 or not.
25 Q Did you know whether the blond hair that



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1 Helena Stoeckley had on those occasions was her real
2 hair?

3 A No, sir; it was not her real hair.

4 Q What was it?

5 A It was a wig.

6 Q How did you know?

7 A I had it in my hands. She gave it to me.

8 Q When did she give it to you?

9 A After the killings.

10 Q Did you know that it was a blond wig before
11 the killings?

12 A Oh, yes; I knew it was a wig.

13 Q How did you know it was a wig before then?

14 A Because I knew she had black hair.

15 Q Did you know the names of any of the three
16 males that she was with on occasion when you saw her?

17 A No, I didn't; not at that time I didn't.

18 Q Did you ever see any E-6 stripes on any of
19 those males?

20 A Yes, sir; the black male had a fatigue jacket
21 on. He always wore it, and it had E-6 stripes--I be-
22 lieve, three on top and one underneath--a rocking chair
23 type underneath.

24 Q When you heard about the MacDonald murders,
25 would you state whether or not you thought about Helena



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Stoeckley?

A Yes, sir; I told my supervisor then that I knew somebody that fit the description--that I would get dressed and come to the office and go to work and try to locate her.

Q What did you do?

A I dressed and went down to the office. I had information that had been given to me prior to this-- about two days prior to this incident--and I had information on this trailer, that there were drugs there. And I knew that she lived there with these people.

Q Now, where was the trailer? What trailer park in what part of Fayetteville?

A It was Hickory Trailer Park, I believe, out near Fort Bragg.

Q What information did you have about drugs?

A Well, she had told me that they had a large amount of drugs there. She described all kinds. If she told me, I knew it was true, because everything she told me was.

Q Did she give you enough information for you to obtain a search warrant, if you wanted it?

A Yes, sir; I went down and drew the search warrant on this information.

Q What did you do?



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1 A Got the search warrant, and I, along with
2 a CID Agent, a Deputy Sheriff, and an SBI Agent, went to
3 this trailer and raided the trailer.

4 Q What did you find?

5 A We found almost a suitcase full of drugs.

6 Q Did you find the drugs where she told you you
7 would find them?

8 A Yes, sir; went right to it, pulled out the
9 partition in the wall, and it was right where she said it
10 was.

11 Q Did you find the kind of drugs that she told
12 you you would find?

13 A Yes, sir.

14 Q Based on that find of drugs, what did you do,
15 Mr. Beasley?

16 A We obtained the renter's name, and I went
17 back to the police station and drew a warrant for William
18 Murray Sanders. At that time, there was no one at the
19 trailer, so I went back home, I guess, that afternoon,
20 and got me three or four hours of sleep.

21 When I came back to the police station, this
22 boy had already been arrested. And the other three boys
23 had come back to the trailer -- I found out later. They
24 didn't go to the trailer -- when they saw what was happen-
25 ing, they left. And I haven't seen them since.



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Q What did you do next, Mr. Beasley, in con-

nection with your investigation of the MacDonald murders?

A What did I do next?

Q Yes, sir?

A Oh, yeah; I went to Helena's apartment,

staked it out, and there was no one there.

Q Let me ask you, Mr. Beasley, if you recall about what day that would have been?

A That was on the 18th, I believe.

Q What happened next?

A Well, in the day--let's see--on the 17th, she was not there. And on the early morning--I believe it was about 3:30 or 4:00 o'clock, somewhere in there-- Helena returned to her apartment. There was a black male in her car with her. It was an old convertible-looking car. I believe it was a Plymouth, but I'm not sure.

There was at least three white males in the car with her. I was parked out on the side of the street. I walked up in back of the car and called her back to me.

Q Mr. Beasley, did you say what time of the day or night that was?

A It was around 3:30 or 4:00 o'clock--somewhere in there. The files on this case that I had has been misplaced and I can't find them.



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1 Q When you say, "3:30 or 4:00 o'clock," do
2 you mean in the morning?
3 A In the morning of the 18th, I believe it was.
4 Q If you will, please proceed and tell us what
5 happened next?
6 A I called Helena back to the back of the car,
7 and of course, the way I was dressed, these people in
8 the car came back like they was coming back after me.
9 So I pulled my jacket back from my pistol and she told
10 them to, "Sit down. It was all right."
11 Q Go ahead?
12 A They sat down, and I took her into my car
13 and I talked to her.
14 Q Mr. Beasley, I want you to tell us what you
15 said to her, but do not tell us what she said to you.
16 MR. BLACKBURN: OBJECTION.
17 MR. MURTAGH: OBJECTION.
18 THE COURT: Yes; I will let you ask him
19 a question, but I will not let you ask it in that way.
20 BY MR. SMITH:
21 Q Mr. Beasley, what happened next?
22 A I asked Helena if she had heard about the
23 MacDonald incident at Fort Bragg, and she said that she
24 had.
25 MR. MURTAGH: OBJECTION.

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MR. BLACKBURN: OBJECTION.

THE COURT: I will OVERRULE that.

BY MR. SMITH:

Q And please answer my questions precisely, Mr. Beasley?

A All right, sir.

Q What question did you next ask her?

A I asked her if she was involved in this incident at Fort Bragg.

Q All right; don't go any further. Now, Mr. Beasley, how long did you talk with her that day?

A That morning?

Q Yes, sir.

A About maybe--I don't know. I guess I was within her presence about an hour or hour and a half, maybe.

Q Did you see any blond wig on that occasion?

A Not then.

Q Did you ever see a blond wig after that?

A Yes, sir.

Q Did you see a floppy hat on that occasion?

A Not that night; no, sir.

Q Did you ever see the floppy hat?

A Yes; I did.

Q Did you see any boots on that occasion?



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A She had a pair of boots on; yes, sir.

Q What did you do next, Mr. Beasley?

A Called the CID at Fort Bragg and had my radio dispatcher to call.

Q What did you tell the CID--let me back up. Please answer my question again, precisely. Did you make any request of the CID?

A Yes, sir.

Q What did you request that they do?

A Come down and look at some suspects that I had picked up in reference to the MacDonald case at Fort Bragg.

Q What happened then?

A I never got any reply at all.

Q How long did you wait?

A I suppose maybe an hour, maybe a little more.

Q What happened next?

A I released them. I had to let them go, and it was getting early and I was tired. But I knew later I could get up with Helena, but the other three I didn't know.



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