

1 Colloquy

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2 THE COURT: Have you got it?

3 THE WITNESS: I don't have it, sir, no. I
4 don't have it.

5 MR. MURTAGH: Well, I have a copy of it, but
6 it's not the one you -- that you offered. I have the
7 one that (pause) -- I had marked it as Government's
8 seven (7). It's the one I got from Mr. O'Neill,
9 though.

10 THE WITNESS: Do you want me to leave or --

11 MR. MURTAGH: (Interposing) Well, not without
12 the exhibit.

13 THE WITNESS: Is that the envelope there on the
14 desk?

15 CLERK: Yes, sir.

16 THE WITNESS: Which one is that, ma'am? That's
17 a layout of the MacDonald home. She drew us a
18 diagram of the home.

19 MR. MURTAGH: I didn't show you that, I'm sure
20 of that.

21 THE WITNESS: No, you didn't show me that.

22 MR. MURTAGH: Is it in there?

23 THE WITNESS: (Looks in envelope.) No, there's
24 no statement in here. But there's a special
25 statement where she just did nothing but draw the

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2 diagram of the home.

3 MR. MURTAGH: Well, the question is, did you
4 offer it or did you identify it, because I didn't
5 ask you about it; I know that.

6 THE WITNESS: I gave it -- I offered it to you.

7 CLERK: It was admitted into evidence.

8 MR. MURTAGH: That I never had.

9 MR. O'NEILL: Your Honor, if I may, I believe
10 it was a fifty-nine page statement that was clamped
11 by a metal clamp which the Clerk provided which was
12 marked, was offered and was admitted. It may be by
13 reference to that metal clamp at the top that it can
14 be identified.

15 THE WITNESS: I don't have it.

16 MR. MURTAGH: I don't find any sticker on this,
17 Judge, but there is a diagram --

18 THE WITNESS: That's it.

19 MR. MURTAGH: That's it? That's your ten?

20 THE WITNESS: That's the diagram of the home
21 that she gave us.

22 MR. MURTAGH: Your Honor, just as an
23 administrative matter --

24 THE COURT: (Interposing) Well, now, you said
25 that it was a fifty-nine (59) page statement.

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2 MR. O'NEILL: Your Honor, the defendant -- I
3 believe we're talking about different exhibits. I
4 misunderstood him to be talking about the May
5 statement, the typewritten statement. Apparently,
6 it was --

7 THE COURT: Well, your Exhibit ten, according
8 to my notes, was a typed statement of Stoeckley
9 dated May 24, 1982, the last two pages of which were
10 in the handwriting of Stoeckley. Now, do you find
11 that?

12 CLERK: I do have it now.

13 THE COURT: Well, do you have the fifty-nine
14 page statement? That's the one that you said was
15 missing.

16 MR. MURTAGH: Your Honor, my notes --

17 MR. O'NEILL: (Interposing) It's thirty-nine
18 pages, Your Honor. Thirty-nine, not fifty-nine.

19 THE COURT: Well, regardless of how many pages,
20 do you still have it?

21 MR. O'NEILL: I have a copy, Your Honor. I
22 don't have the original.

23 THE COURT: Well, let me ask the Clerk. Do you
24 have Defendant's Exhibit 10?

25 CLERK: Yes, sir, I do.

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THE COURT: Is it a typed statement of Stoeckley dated May 24, 1982?

CLERK: "I, Helena Stoeckley --", right.

MR. MURTAGH: Judge, there are several, as I understand it, statements of May 24th, 1982. The thirty-nine page one, in my notes, is Defendant's Exhibit 12.

THE COURT: Well, my notes show that Defendant's Exhibit 12 had that date, but was a thirty-nine page statement of Stoeckley and was signed by her.

MR. MURTAGH: Okay. Now, I think I remember asking Mr. Gunderson about that statement, and I guess I'd just like to verify with the Clerk that she's gotten it back. If it's that one, I do plead guilty to it.

CLERK: I have that.

THE COURT: Now, I don't recall any exhibit relating to a diagram of the house.

THE WITNESS: The inside of the floor plan, sir.

THE COURT: What statement was that attached to?

THE WITNESS: It's part of the -- it's part of the statement on the 24th, sir.

THE COURT: Oh.

THE WITNESS: And I referred to that during

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2 testimony as the last two pages were handwritten by
3 here, I believe.

4 THE COURT: So, that was Exhibit 10?

5 CLERK: Yes, sir. Ten is the one that was
6 missing.

7 THE COURT: All right. Anything else from this
8 witness?

9 MR. MURTAGH: No, Your Honor. Thank you.

10 THE COURT: All right. We'll take a recess
11 until three-thirty.

12 (WITNESS EXCUSED: 3:15 P.M.)

13 (SHORT RECESS: 3:15 - 3:32.)

14
15 Whereupon,

16
17 PRINCE E. BEASLEY,

18 Being first duly sworn, was
19 examined and testified as
20 follows:

21
22 DIRECT EXAMINATION BY MR. O'NEILL:

23 Q. Mr. Beasley, could you tell the Court where you live
24 and what you do?

25 A. I'm a retired police officer. I live in Raeford,

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2 North Carolina at this time.

3 Q. Are you retired from the Fayetteville Police
4 Department?

5 A. Yes, I am.

6 Q. Mr. Beasley, during the time you were working for the
7 Fayetteville Police Department, did you come to know
8 somebody named Helena Stoeckley?

9 A. Yes, I did.

10 MR. O'NEILL: May Exhibit one (1) be placed
11 before the witness, Defendant's Exhibit 1, please?
12 (Clerk hands same to witness.)

13 Q. (Mr. O'Neill) Mr. Beasley, I would ask you to examine
14 Defendant's Exhibit 1 which is a photograph, and ask
15 you whether you can identify the person who is
16 depicted in that photograph?

17 A. (Witness peruses photograph.) It's Helena Stoeckley.

18 Q. Thank you. How was it that you originally came to
19 know Helena Stoeckley?

20 A. She was turned over to me in 1969 by another police
21 officer that was working narcotics as an informant.

22 Q. Do you mean by that that some other police officer
23 had used her as an informant?

24 A. Prior to the time I had her, yes, sir.

25 Q. And then you began using her as an informant after he

1 Prince Beasley Direct Vol. 1, p. 207
2 had?
3 A. That's correct.
4 Q. You were on the Fayetteville Police Department,
5 weren't you, when the MacDonald murders occurred?
6 A. Yes, I was.
7 Q. And you have testified in this Court or another
8 courtroom within this building in the course of the
9 case called United States against Jeffrey MacDonald,
10 have you not?
11 A. Yes, sir.
12 Q. Now, I'm not going to go into that with you again,
13 but I'm going to ask you about whether or not follow-
14 ing the trial of United States versus MacDonald you
15 engaged in an investigation of the circumstances of
16 the MacDonald murders?
17 A. Yes, I did.
18 Q. And did you work with any other investigators or
19 newspaper men in your investigation?
20 A. Yes, sir.
21 Q. Could you identify those folks for the Court, please?
22 A. Ted L. Gunderson, Fred Bost and Ray Shedlick.
23 Q. During the course of the investigation -- after the
24 trial, now. If I ask you a question about the
25 investigation, will you understand that I'm asking

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2 about the investigation which you conducted after
3 the trial?
4 A. Yes, sir.
5 Q. Okay. During the course of the investigation, did
6 you meet with Helena Stoeckley?
7 A. Yes, sir, I did.
8 Q. Did you meet with her in the company of Mr.
9 Gunderson?
10 A. No, sir. I met her alone --
11 Q. (Interposing) I'm sorry. Go ahead, I'm sorry.
12 A. I met her alone. When I first got up with her, she
13 was alone with her husband.
14 Q. And did you interview her about her knowledge of the
15 MacDonald murders on one or more occasion?
16 A. Yes, I have.
17 Q. In some of those instances, did you prepare or did
18 she prepare written statements concerning the subject
19 of the interview?
20 A. Yes, sir. Also, her husband, too.
21 Q. And do you have statements from her with you today?
22 A. Yes, I do.
23 Q. And you brought them pursuant to a subpoena served
24 on you by the Government?
25 A. Yes, sir.

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2 Q. I wonder, Mr. Beasley, if you could make those
3 available to the Court at this time?

4 MR. O'NEILL: May I approach the witness, Your
5 Honor?

6 THE COURT: (Nods affirmatively.)

7
8 (DEFENDANT'S EXHIBITS 21 - 22,
9 MARKED FOR IDENTIFICATION.)
10

11 Q. (Mr. O'Neill) Mr. Beasley, I'm placing before you a
12 folder to which is stapled a three-page typewritten
13 statement dated October 23, 1980. (Counsel hands
14 same to witness who peruses same.) I would ask you
15 to examine that and tell me if you could identify
16 what that statement is?

17 A. Yes, I can.

18 Q. What is that, Mr. Beasley?

19 A. It's a statement Ms. Stoeckley gave me in reference to
20 the MacDonald murder case.

21 Q. And did she give that statement to you on the date
22 that it bears?

23 A. Yes, sir.

24 Q. And did she sign that statement?

25 A. She did.

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2 Q. Mr. Beasley, I'm placing before you a docu -- or a
3 folder marked Defendant's Exhibit 22. The folder
4 contains a two-page typewritten statement which is
5 fastened by staples to the folder, and it contains
6 as well eight (8) separate pieces of paper.

7 A. Correct.

8 Q. Would you examine, first of all, the statement which
9 is stapled to the folder and identify that, please?
10 (Counsel hands folder to witness who peruses same.)

11 A. Yes, sir. That's a statement that I made along with
12 Ms. Stoeckley in reference to the statement that she
13 gave me.

14 Q. And what was the purport or purpose of that statement
15 there?

16 A. The purpose of this statement?

17 Q. Yes, sir.

18 A. In showing why Helena first came talking to me in
19 depth about the MacDonald case.

20 MR. MURTAGH: Counsel, could we have the date on
21 that, please?

22 A. The date is 10-27-80.

23 THE COURT: And what was the preceding exhibit
24 number before twenty-two? That's the 10-23-80
25 three-page statement.

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2 MR. O'NEILL: Twenty-one (21).

3 THE COURT: Twenty-one (21).

4 Q. (Mr. O'Neill) Mr. Beasley, there are contained -- or
5 taken from the file which you've just identified,
6 Exhibit 22, five (5) separate pieces of paper. And
7 I'd ask you to examine each of them.

8 MR. O'NEILL: I think, perhaps, Your Honor, we
9 might mark them -- or have the Clerk mark them
10 twenty-two (a) --

11 THE COURT: (Interposing) Through (e).

12 MR. O'NEILL: Yes, sir. Mr. Beasley, let me
13 have the Clerk mark these.

14 MR. MURTAGH: Your Honor, I've no objection to
15 that, but is it five (5) or eight (8) pieces of
16 paper?

17 MR. O'NEILL: It's -- it was --

18 THE COURT: (Interposing) Well, the two pieces,
19 I take it, are the statement. You said it had eight
20 (8) in it.

21 MR. O'NEILL: That's correct, Your Honor. If
22 I might, there are -- these pieces of paper as yet
23 are unmarked. The remaining three (3) pieces of
24 paper, the five (5) which I'm going to ask the Clerk
25 to mark as 22 (a) through (d) or (e) are going to be

1 Prince Beasley Direct Vol. 1, p. 212
2 subjects of questions right now, and then I'll get
3 to the others as soon as soon as we're done with
4 those five (5).

5 THE COURT: And they are in addition to the
6 two-page statement?

7 MR. O'NEILL: Yes, they are, Your Honor.

8 THE COURT: All right.

9
10 _____
11 (DEFENDANTS EXHIBIT 22(a)-(e),
12 MARKED FOR IDENTIFICATION.)
13 _____

13 Q. (Mr. O'Neill) Mr. Beasley, would you examine
14 Exhibit 22(a) and identify it, please?

15 A. Yes, sir. This is a signed statement by Ernest L.
16 Davis that he would vol- -- free and voluntarily
17 accompany me to California to give a detailed state-
18 ment of what his wife's participation was in the case.

19 Q. And that was provided to you by Mr. Davis?

20 A. Yes, sir, it was.

21 Q. And that was signed by him in your presence?

22 A. That's correct.

23 Q. And that's your signature witnessing it?

24 A. That is my initials.

25 Q. Would you identify Exhibit 22(b), please, which is a

1 Prince Beasley Direct Vol. 1, p. 213

2 one-page handwritten statement?

3 A. Yes, sir. That's a statement that Helena signed
4 agreeing to come back to Fayetteville with me and also
5 with her son for personal reasons, that I called --
6 she called me and asked me to do this favor for her,
7 which I did.

8 Q. Okay. Was that a statement taken by you from Ms.
9 Stoeckley on the date that it bears?

10 A. Correct. And she has signed it.

11 Q. Okay.

12 MR. MURTAGH: The date, counsel?

13 MR. O'NEILL: It's dated November 18, 1982.

14 Q. (Mr. O'Neill) Mr. Beasley, I'm handing you a one-
15 page sheet dated December 3, 1980 marked Exhibit
16 22(c), and ask you if you can identify this document?
17 (Counsel hands same to witness who peruses same.)

18 A. Yes, sir. That's another statement that -- I mean,
19 another agreement that Helena signed to return
20 voluntarily back to California to complete a
21 statement that she began and had to stop and come
22 back to Court.

23 Q. Was that signed by her in your presence?

24 A. That was signed by her in my presence, yes, sir.

25 Q. They say "our presence." Was somebody besides you --

1 Prince Beasley Direct Vol. 1, p. 214

2 A. "Our presence"; Ted L. Gunderson also is on there.

3 Q. Okay.

4 A. He witnessed it also.

5 Q. Could you examine Exhibit 22(d), a one-page statement
6 dated October 21, 1980 and identify that, please?

7 (Counsel hands same to witness who peruses same.)

8 A. Yes, sir. That's another signed statement by Ms. --
9 or permission by Mrs. Helena Davis to accompany me
10 back to Fayetteville, North Carolina from Walhalla,
11 South Carolina along with Officer Fred Massey and
12 that -- in reference to the MacDonald case. And
13 that was also signed by Helena Davis and witnessed
14 by me.

15 Q. Okay. On the date that it bears?

16 A. Yes, sir.

17 Q. Exhibit 22(e) is a one-page statement dated October
18 22, 1980. Could you identify that, please? (Counsel
19 hands same to witness who peruses same.)

20 A. Yes, sir. That's an agreement that Helena signed to
21 go with me -- or accompany me to California to give a
22 statement in detail following the one that she gave
23 me. And that's signed by Helena and it's also on
24 10-22-80.

25 Q. Now, these other documents which were contained within

1 Prince Beasley Direct Vol. 1, p. 215
2 Exhibit 22 are a one-page form which appears to be a
3 release order from the Cumberland County Detention
4 Facility and was contained in Exhibit 22.

5 A. That's correct.

6 Q. Could you identify that, please?

7 A. Yes, sir. That's part of the papers that -- one of
8 the papers that was given to me in preparation to
9 make Ernie Davis' bond to get him out of jail.

10 MR. MURTAGH: I'm sorry. I didn't get that at
11 all.

12 A. To get him out of jail.

13 THE COURT: It's a one-page release order from
14 the Cumberland County Jail to get Ernest Davis out.
15 Is that what you said?

16 A. Yes, sir.

17 MR. MURTAGH: I'm sorry, Your Honor. I'm just
18 having trouble hearing the witness.

19 THE COURT: That's all right. A little louder,
20 please.

21 A. All right, sir.

22 Q. (Mr. O'Neill) That document you just identified,
23 Mr. Beasley, will be marked for the record as Exhibit
24 22(f).
25

1 Prince Beasley Direct Vol. 1, p. 216

2

3 (DEFENDANT'S EXHIBIT 22(f),
4 MARKED FOR IDENTIFICATION.)

5

6 Q. (Mr. O'Neill) There was also contained in the file
7 which has been marked Exhibit 22 a one-page yellow
8 sheet in handwriting dated 10-17-81 which will be
9 marked as Exhibit 22(g), and I would ask if you could
10 identify that, please?

11

12 (DEFENDANT'S EXHIBIT 22(g),
13 MARKED FOR IDENTIFICATION.)

14

15 A. Yes, sir. This is a statement that I took from Mr.
16 Nathan Springs in Fayetteville where Helena and
17 Ernest Davis had been living for a length of time;
18 that they had left hitchhiking towards South Carolina,
19 and that he assumed that they had gone to Seneca.
20 And I can read the whole thing, if you'd like me to,
21 sir, but it --

22 Q. (Interposing) Was that maintained in a file from
23 which it was extracted for some reason?

24 A. I'd say this is just more or less notes of my own
25 that I wasn't intending really to use. It's for my

1 Prince Beasley Direct Vol. 1, p. 217

2 own use.

3 Q. I'm sorry?

4 A. For my own use, really.

5 Q. And, finally, I'm handing you a three-page document
6 which we've marked as Exhibit 22(h) bearing an
7 undated cover sheet captioned reference to attached
8 bond and bond forfeiture together with two yellow
9 sheet attachments, and ask you if you could identify
10 this document, please?

11 _____
12 (DEFENDANT'S EXHIBIT 22(h),
13 MARKED FOR IDENTIFICATION.)
14 _____

15 (Counsel hands same to witness who peruses same.)

16 A. Yes, sir. That's the bond and the forfeiture that
17 was issued when Ernest Davis failed to show up in
18 Court.

19 Q. Okay. And you maintain that as part of your
20 record in this investigation?

21 A. Yes, I do.

22 Q. Okay. These were documents which you accumulated
23 and gathered during the course of your investigation,
24 those documents you've identified here this afternoon,
25 aren't they?

1 Prince Beasley Direct Vol. 1, p. 218

2 A. That is correct, yes, sir.

3 Q. Okay. You filed -- or signed an affidavit or a
4 declaration which was incorporated in the moving
5 papers which bring us here today, did you not?

6 A. I'm sorry, sir. Repeat the question.

7 Q. Do you remember signing an affidavit for use in Court
8 in this Court proceeding here today?

9 A. Oh, yes. Yes, sir.

10 Q. And the information which you got for that affidavit,
11 how did you obtain that information?

12 A. Pertaining to who?

13 Q. To Ms. Stoeckley.

14 A. Through her. Through her.

15 MR. O'NEILL: Your Honor, I would offer in
16 evidence as Mr. Beasley's records of this investigation
17 Exhibits 22 through 22(h) and Exhibit 21.

18 THE COURT: Admitted.

19 Q. (Mr. O'Neill) Mr. Beasley, do the documents which you
20 have just identified, are they the sum of all the
21 interview memoranda or statements that you prepared
22 concerning interviews of Helena Stoeckley?

23 A. They're -- that I did, yes, sir, that I take -- that
24 I took. I was not the only one to take them --

25 Q. (Interposing) I understand.

1 Prince Beasley Direct Vol. 1, p. 219

2 A. -- but they are the ones I'm responsible for. They're
3 the ones I took.

4 Q. Very well.

5 MR. O'NEILL: I have no further questions of
6 Mr. Beasley, Your Honor.

7 THE COURT: Will there be any cross-examination?

8 MR. MURTAGH: Yes, Your Honor, there will.

9 THE COURT: All right.
10
11

12 CROSS-EXAMINATION BY MR. MURTAGH:

13 Q. Mr. Beasley, you testified at the trial, did you not?

14 A. Yes, I did.

15 Q. In fact, you testified twice, do you recall that?

16 A. No, sir. I think one time.

17 Q. Well, do you recall testifying in the presence of the
18 jury and also testifying outside the presence of the
19 jury?

20 A. Yes, I believe I did.

21 Q. Okay. Well, for the purpose of my cross-examination,
22 when I refer to voir dire, your testimony on voir dire,
23 that means outside the presence of the jury.

24 A. ~~I don't recall, no, sir.~~ I can't recall what was
25 said.

1 Prince Beasley Cross Vol. 1, p. 220

2 Q. No. I'm not asking you whether you recall, Mr.
3 Beasley. In other words, if I ask you later on
4 today, or whatever, do you recall testifying on voir
5 dire, I mean when you testified outside the presence
6 of the jury.

7 A. Yeah. I remember saying something, yes, sir.

8 Q. Okay. Do you understand what I'm saying, though?

9 A. I -- I -- yeah, I got you.

10 Q. Okay. Mr. Beasley, do you recall testifying in 1979
11 about a letter that Helena Stoeckley had sent to you
12 which you couldn't find at that time? Do you recall
13 that?

14 A. She sent me a couple of letters, which one of them,
15 sir, I turned over to the CID.

16 Q. Okay. That's the one I'm talking about.

17 A. Yes, sir.

18 Q. All right.

19 MR. MURTAGH: And I wonder if I could have this
20 marked as Government's 20, I think, and 21, please.

21
22 (GOVERNMENT'S EXHIBIT 20 - 21,
23 MARKED FOR IDENTIFICATION.)
24

25 Q. (Mr. Murtagh) Mr. Beasley, let me, if I may, as I

1 Prince Beasley Cross Vol. 1, p. 221

2 recall your testimony, and correct me if I'm wrong,
3 the gist of your testimony about the letter was you
4 gave it to the CID.

5 A. I did.

6 Q. Do you remember the agent's name?

7 A. I believe his name was Richard Mahon.

8 Q. M-a-h-o-n?

9 A. I believe that's the way you spell it.

10 Q. Okay. And you didn't know what happened to that
11 letter?

12 A. No, sir, I do not.

13 Q. Okay. Well, let me show you Government's 20 for
14 identification and ask you if you recognize that?
15 (Counsel hands same to witness who peruses same.)

16 A. Yes, sir, that looks familiar to me, yes, sir.

17 Q. Is that a Xerox copy of the letter?

18 A. Yes, sir, it is.

19 Q. Okay.

20 A. There's two letters, I'm sure -- I believe. Wait a
21 minute, let me see. No, maybe it's one. But I
22 remember the articles that was in it.

23 MR. MURTAGH: Your Honor, if I may, (reading
24 document): "Dear Detective Beasley, hello, how are
25 you? How are things going with the interagency? I'm

1 Prince Beasley Cross Vol. 1, p. 222
2 really sorry I didn't get to see you when I was home
3 this time. I wanted to so badly because it looks
4 like that may have been my last visit home. All I
5 ever do in Fayetteville is get in trouble. Beasley,
6 what does the CID want of me? I didn't murder
7 anyone?! Are they going to keep hassling me? Is
8 there any way I can take a polygraph to find out
9 whether I was at MacDonald's house or not the night
10 of the murders without the CID finding out the
11 results? That really bothers me. Are they still
12 suspicious of me or can I come out of hiding now?
13 One of the agents said they could force me to be
14 fingerprinted. Is that true? I know I sound like
15 an investigator, but right now I'm living in constant
16 paranoia and need to know if that's even necessary.
17 Please let me know anything. I have final exams this
18 week so right now I'm up to my neck in patrol, frisk,
19 arrest, search and seizure, vice and organized crime,
20 et cetera. Did you have to go through all of that?
21 By the way, did you ever bust Don Harris when he got
22 back? He came in after I left, but he called me up
23 here and was apparently doing quite well in dealing
24 around town. While I was home I heard the Mafia
25 lynched Beagle off for burning everyone. Well, love,

1 Prince Beasley Cross Vol. 1, p. 223
2 there's not much to say right now. Please write soon,
3 if at all possible, even just a note. Keep your head
4 together and stay well. Love always, Helena.
5 P.S. Please don't give the CID my address. It's
6 hard enough staying out of trouble here. Helena
7 Stoeckley" Then there's an address. "P.S. Say hello
8 to Ray Davis and Sergeant Studor for me."

9 Did she write you that letter?

10 A. That sounds familiar, yes, sir.

11 Q. And that's -- the postmark is January 20th, Nashville,
12 1971?

13 A. Well, I'm -- I'm assuming that's the date, sir.

14 Q. Well, --

15 A. (Interposing) It's been so long, I don't remember.

16 Q. Well, is that on the -- the envelope is addressed to
17 you, isn't it?

18 A. Yes. Yes, sir.

19 Q. And would you read the address, please?

20 A. (Reading envelope) "Detective P. E. Beasley,
21 Interagency Drug Squad, Cumberland County Courthouse,
22 Gillespie Street, Fayetteville, North Carolina."

23 Q. Okay. So, that's basically the letter?

24 A. That's basically -- yeah. I agree with that.

25 Q. Okay. Mr. Beasley, did you subsequently -- you said

1 Prince Beasley Cross Vol. 1, p. 224

2 you gave that letter to Agent Mahon, right?

3 A. Yes, sir. Yes, sir.

4 Q. And did you later accompany Agent Mahon to Nashville
5 and locate Stoeckley?

6 A. Yes, sir, I did.

7 Q. Okay. And did you interview her in Nashville between
8 February 27th, 1971 and March 1st, 1971?

9 A. I didn't interview her but one time in Nashville.

10 Q. Let me show you Government's 21 for identification,
11 Mr. Beasley, and ask you if you recognize it?

12 (Counsel hands same to witness who peruses same.)

13 MR. MURTAGH: Your Honor, for the record, I've
14 handed the witness a one, two, three -- four page
15 unnumbered document, and I would ask you, Mr. Beasley,
16 if you recognize the signature on the fourth page?

17 THE COURT: That's marked your Exhibit 21?

18 MR. MURTAGH: Yes, Your Honor, for identification.

19 THE COURT: All right. Was your question was
20 his signature on the fourth page?

21 MR. MURTAGH: That was my question, Your Honor,
22 but the witness seems to be reading --

23 THE COURT: (Interposing) Just look on the
24 fourth page, Mr. Beasley.

25 MR. MURTAGH: -- the document.

1 Prince Beasley Cross Vol. 1, p. 225

2 A. That is my signature, yes, sir.

3 Q. In fact, that's the original document, is it not,
4 that's not a copy?

5 A. Yeah, that looks original.

6 THE COURT: Now you may read it all if you want
7 to.

8 Q. (Mr. Murtagh) Read the whole thing.

9 A. All right, sir. Well, I assume that I've said what's
10 here.

11 THE COURT: All right.

12 Q. (Mr. Murtagh) Well, Mr. Beasley, does it appear to be
13 a Xerox copy or --

14 A. (Interposing) No. No.

15 Q. Okay.

16 A. It looks to me like it's the authentic thing to me.

17 Q. And did you prepare that?

18 A. I gave this statement, I believe, to Mr. Mahon, I
19 believe.

20 Q. All right. But you signed the statement?

21 A. I signed it, yes, sir.

22 Q. Okay. Now -- well, let me get back to my original
23 question, then. Does it reflect the results of your
24 interviews of Helena Stoeckley between February 27th,
25 1971 and March 1st, 1971?

1 Prince Beasley Cross Vol. 1, p. 226

2 A. Well, sir, let me read the last paragraph on this
3 and it might sum up a lot of things, it might save a
4 lot reading. "After talking with Helena in reference
5 to giving information that is desired and explaining
6 the situation to her, she still refuses to submit to
7 necessary information that may erase suspicion from
8 her. It is my conviction that she is involved in the
9 MacDonald case, or at least she thinks she is, or
10 that she is doing this just to get all the attention
11 that she can possibly get."

12 Q. Well, that's fine, Mr. Beasley. But let me ask you
13 to look at the first paragraph, first line, and ask
14 you whether or not it says between February 27th and
15 March 1st, 1971 I interviewed Ms. Helena W. Stoeckley
16 at Nashville, Tennessee on several occasions?

17 A. I don't know how it got there, sir. I only
18 interviewed her -- well, by phone --

19 THE COURT: (Interposing) Well, he wants to
20 know if that's what the paper says.

21 A. That's what the paper says, yes, sir.

22 Q. (Mr. Murtagh) Are you saying that's not true?

23 A. I'm saying that I did interview her -- well, not
24 interview her, really. I've talked to her over the
25 phone. But one time is the only time I've been in

1 Prince Beasley Cross Vol. 1, p. 227

2 Nashville and talked with her and that was with Mr.
3 Mahon.

4 Q. No, Mr. Beasley. My question is how many times you
5 went to Nashville.

6 A. One time.

7 Q. Yeah. I don't dispute that with you. But, you know,
8 it's your statement, isn't it, that you interviewed
9 her between February 27th and March 1st, 1971?

10 A. Yes, sir.

11 Q. Okay. Thank you. Now, with respect to the events of
12 February 16th, 1970 which you testified about at trial,
13 were those events more fresh in your recollection in
14 March, 1971 than they were at the trial in August,
15 1979? Do you understand my question?

16 A. No, sir. Repeat it, please.

17 Q. Okay. In 1971, could you recall the events of
18 February 16th, 17th, 1970 better than you could
19 recall them in July and August of 1979?

20 A. I would think so, yes, sir, most of them.

21 Q. So --

22 A. (Interposing) But I will say, sir, I don't know how
23 that "several occasions" got in there, but I -- I've
24 only been and interviewed her one time in Nashville.

25 Q. Are you saying you only talked to her on one day out

1 Prince Beasley Cross Vol. 1, p. 228
2 of the February --
3 A. (Interposing) No, we were there -- we were there
4 three days.
5 Q. Yeah. Did you talk to her on each day?
6 A. I talked to her every day.
7 Q. That's my question.
8 A. Oh. Well, I see what you're getting at now.
9 Q. Okay.
10 A. Yes, sir. Yes, sir.
11 Q. Not how many times did you go to Nashville. Okay.
12 Mr. Beasley, with respect to your statement of March
13 1st, 1971, and here I'm referring to what Stoeckley
14 is saying about the events of February, 1970, did you
15 not write that she stated that she has been having
16 dreams in the past few weeks that may indicate she
17 did have some knowledge of the incident? That's on
18 page one, the second paragraph. Is that what Helena
19 told you?
20 A. Yes, if it's in there, yes, sir, I'll have to agree
21 with that. I'm trying to find it.
22 Q. It's in the first paragraph about halfway down, Mr.
23 Beasley. Did she say that to you?
24 A. Well, let me start with this -- well, halfway, where
25 I think you're talking about. "After making several

1 Prince Beasley Cross Vol. 1, p. 229

2 other contacts with Ms. Stoeckley, she stated that
3 she would talk with me about it but no one else."

4 Q. Well, that isn't my question, Mr. Beasley.

5 A. Well, I thought if I'd read that on down, I would run
6 into what you're looking for.

7 THE COURT: Well, you're asking him about the
8 events which apparently were recorded. I suggest that
9 we let him read what he recorded and then he could
10 answer your question.

11 MR. MURTAGH: Fine, Your Honor.

12 THE COURT: Just take your time and read your
13 statement.

14 A. (Reading document) "She stated that the -- she did not
15 remember anything that happened on the night of the
16 murders except that she did remember getting into a
17 blue car she thought was a Mustang; that it belonged
18 to Bruce Fowler who was in the Army at the time.
19 She stated that she remembers starting the car and
20 backing out of the driveway, and after that she
21 remembers nothing."

22 Q. (Mr. Murtagh) Would you continue, Mr. Beasley?

23 A. "After another meeting with Ms. Stoeckley she stated
24 to me that she would not let anyone take her prints
25 nor would she let us have any of her hair. I then

1 Prince Beasley Cross Vol. 1, p. 230
2 asked her if she didn't have anything to do with
3 the -- anything to hide, why did she object to this.
4 She stated that she was afraid that she may have
5 witnessed the murders and may have known the people
6 who were involved. She stated that she has been
7 having dreams in the past few weeks that may indicate
8 she did have some knowledge of the incident. I
9 asked her if she would like to know for sure if she
10 did know anything about it, and she stated that she
11 did not.

12 I asked her if she knew a Negro male by the
13 name of Cook that worked in the mess hall at Fort
14 Bragg. She stated, no. She did say that she knew a
15 Negro male by the name of Eddie that used to come
16 over to her apartment at 1108 Clark Street and shoot
17 up heroin. She stated that this subject was in the
18 Army but did not know what unit. She further stated
19 that he always wore a fatigue jacket. She stated
20 that the last person she knew to see her on the night
21 of the 16th of February, 1970 was Greg Mitchell and
22 that he was the one that gave her the mescaline that
23 she dropped that night.

24 When I told her that this type of narcotic
25 would not cause her to black out and if it did she

1 Prince Beasley Cross Vol. 1, p. 231
2 would not stay blacked out for that long, she
3 stated that she knew this and was afraid that she had
4 a mental block that must have been caused by some
5 awful thing that she had seen that night."
6 Q. Okay. So, that's what Stoeckley is telling you?
7 A. She is telling me this, yes.
8 Q. Okay. So, she's telling you that she knows a Negro
9 male by the name of Eddie who wears a fatigue jacket?
10 A. Yes, sir.
11 Q. Okay. And she's telling you that she thinks she was
12 in a blue Mustang that belonged to Bruce Fowler?
13 A. Yes, sir.
14 Q. Okay. Now, Mr. Beasley, going over to the second
15 page, the first full paragraph, would you read that,
16 please?
17 A. On the second page, the next full paragraph?
18 Q. It says -- starts out with "getting back to the
19 Mac- --"
20 A. (Interposing) All right, sir. "Getting back to the
21 MacDonald thing and her associates on the date of
22 this incident, I asked her who she was living with
23 and her close friends. She stated she was living
24 with Cathy Smith who lived at apartment three (3),
25 1108 Clark Street, Fayetteville, and another girl

1 Prince Beasley Cross Vol. 1, p. 232
2 by the name of Diane Hedden. Cathy Smith has since
3 moved to her home in New Jersey. Diane Hedden has
4 since married a subject by the name of Raymond
5 Cazares who at" --

6 Q. (Interposing) Would you spell that for the reporter,
7 please?

8 A. C-a-z-a-r-e-s. "She -- who at this time is serving
9 time in the North Carolina prison for possession of
10 heroin. She still resides in the Fayetteville area.
11 She further states she was acquainted with a subject
12 by the name of Don Harris who may still be in the
13 area. Harris has been discharged from the Army."

14 Q. Okay. Now, going on a little bit further you -- in
15 this statement, if I understand correctly, you've
16 put in some of your own recollections; is that
17 correct?

18 A. I'll have to go down farther and read, sir.

19 Q. Well, let me show you with respect to the specific --

20 A. (Interposing) Well, the last paragraph, I will say,
21 yes, I did.

22 Q. Okay. Well, we'll get to the last paragraph in a
23 minute. Okay. On the third page, Mr. Beasley, the
24 top of the page, would you read what Helena stated to
25 you there? It starts out with --

1 Prince Beasley Cross Vol. 1, p. 233

2 A. (Interposing) Yes, sir. But the last paragraph on
3 the second page, could I read that or should I?

4 Q. Well, you don't have to, Mr. Beasley. If you want
5 to --

6 A. (Interposing) I would like to.

7 Q. -- go ahead, but I'm asking about the first paragraph
8 on the third page, --

9 A. (Interposing) All right, sir.

10 Q. -- "Helena stated to me" --

11 A. (Interposing) "Helena stated to me that she has
12 been having dreams for the past few months that may
13 indicate she knows something about this case. I
14 asked her then what type of dreams she had been having.
15 She stated to me that she had dreams of seeing people
16 struggling and that she noticed violence being
17 administered and that she dreamed of seeing a lot of
18 blood. I then asked her if she thought that
19 MacDonald had anything to do with the murders. She
20 stated that she thought he may have, but she does not
21 know. I then asked her why she thought anyone except
22 MacDonald would do this. She stated that the only
23 reason she could think of was that, perhaps, someone
24 that MacDonald was treating wanted a discharge from
25 the Army and MacDonald would not help him to get it."

1 Prince Beasley Cross Vol. 1, p. 234

2 Q. Okay. Mr. Beasley, if you could skip down one, two --
3 three paragraphs to the next-to-the-last paragraph
4 which starts out, "After the night of the MacDonald
5 incident," and before you get to that, Mr. Beasley,
6 my question is: is this part of your statement your
7 recollection of what you did in February, 1970?

8 A. (Reading document) "After the night of the MacDonald
9 incident I talked -- I picked Helena Stoeckley up
10 for questioning in reference to this."

11 Q. Okay. Stop right there, if you would, Mr. Beasley.
12 That's you talking about your recollection?

13 A. This is me, it's got --

14 Q. (Interposing) Okay. And --

15 A. -- to be coming from me.

16 Q. -- your recollection of events of February, 1970 as
17 recalled by you in March of 1971, correct?

18 A. Yes.

19 Q. Okay. Please continue.

20 A. (Reading document) "I talked with her in reference
21 to the case and she was in a joyful mood and joked
22 about her ice pick. I then told her that this was a
23 serious situation" --

24 THE COURT: (Interposing) I'm sorry. She was
25 in a joyful mood?

1 Prince Beasley Cross Vol. 1, p. 235

2 THE WITNESS: Yes, sir.

3 THE COURT: And what?

4 THE WITNESS: "And joked about her ice pick."

5 THE COURT: Oh, joked.

6 A. "I then told her that this was a serious situation and
7 to act that way. At this time she did not state to
8 me that she could not remember what happened on that
9 night. I don't believe the question came up. She
10 told me of several occasions in the Fayetteville
11 area that persons fitting the description of the
12 suspects lived, that these places were raided and
13 several suspects were picked up and questioned. Some
14 of the most likely ones were turned over to the FBI
15 for further investigation."

16 Q. Was that statement correct at the time you made it,
17 Mr. Beasley?

18 A. To the best of my knowledge, it was, sir.

19 Q. Okay. Just so we can be clear about this, you're
20 saying, "at this time she did not state to me that
21 she could not remember what happened on that night,"
22 right?

23 A. That she did not tell me that?

24 Q. Well, that's what it says here, isn't it, "at this
25 time she did not state to me that she could not

1 Prince Beasley Cross Vol. 1, p. 236

2 remember what happened on that night"?

3 A. Well, I'm trying to recall that, too. She --

4 Q. (Interposing) Well, my ques --

5 THE COURT: (Interposing) You just read that,
6 didn't you?

7 THE WITNESS: Yes, sir. If it's on there, I
8 said it, sir.

9 Q. (Mr. Murtagh) Okay. So --

10 A. (Interposing) I'm not going to disagree with that.

11 Q. All right. So, you're saying that on the night of
12 whenever it is you picked her up, February 18th,
13 1970, right?

14 A. That's correct.

15 Q. That she did not tell you that she could not remember
16 where she was that night, and that's -- is that
17 true?

18 A. That's what I -- that's what I said here, yes, sir.

19 Q. Well, my question is, is that true?

20 A. That's true --

21 Q. (Interposing) Okay.

22 A. -- according to this. Now, I'm having to go by this.
23 My memory is --

24 Q. (Interposing) Okay. Fine. But, let me ask you, Mr.
25 Beasley, when you made this statement in March, 1971,

1 Prince Beasley Cross Vol. 1, p. 237

2 the events must have been fairly fresh in your
3 recollection.

4 A. Well, too, I had talked to her later on many occasions
5 after this happened.

6 Q. Well, but, Mr. Beasley, my question is: in March of
7 1971, couldn't you remember the events of February,
8 1970 better than you could in July or August of
9 1979?

10 THE COURT: He's answered that and said "yes".

11 MR. MURTAGH: Okay.

12 Q. (Mr. Murtagh) Okay. Mr. Beasley, your next
13 statement there is "I don't believe the question came
14 up," is that correct? In other words --

15 A. (Interposing) Yes, sir.

16 Q. So, in other words, you didn't ask her where she was
17 that night, the night of the murders?

18 A. Yes, sir, I did ask her that night where she was.
19 That's why this has got me a little bit confused,
20 because I asked her the night I picked her up. I
21 asked her what she -- did she have anything to do
22 with it.

23 Q. (Interposing) Well --

24 A. She said that -- she said that she could not remember
25 being there but vaguely she saw this in her mind. Now

1 Prince Beasley Cross Vol. 1, p. 238

2 this statement here, I must have said it, because
3 it's here.

4 Q. But, Mr. Beasley, you know, I don't believe the
5 question came up. That's your statement, right?

6 A. Unh-hunh, right.

7 Q. Okay. Now, didn't you testify at the trial on voir
8 dire -- that's outside the presence of the jury --
9 and, counsel, this is at 5741 and 42 in the
10 transcript -- in 1979, that upon stopping Helena
11 Stoeckley on the morning of February 18th, 1970 in
12 the presence of the, quote, other suspects that you
13 said, so I took her to my car and asked her had she
14 heard about this incident at Fort Bragg. She said
15 she had and I said, quote, well, Helena, according
16 to the information we've got, you and these people
17 you are with fit the description that was given out,
18 end quote.

19 I said, now I'm going to ask you straight out.
20 I know you and you know me. I want to ask you to tell
21 me the truth." Then you said she backed off and hung
22 her head. She says, "in my mind it seems I saw this
23 thing happen." But she says, "I was heavy on
24 mescaline" and she would not commit herself any
25 further. Do you recall that testimony?

1 Prince Beasley Cross Vol. 1, p. 239

2 A. Yes, sir.

3 Q. Well, Mr. Beasley, my question is: why isn't that in
4 your statement of March, 1971?

5 A. I don't know, sir.

6 Q. Okay. Is there any reason why you wouldn't have told
7 the CID this in 1971?

8 A. No. I assisted them in any way I could. I went all
9 the way with them.

10 Q. Now, in March of 1971, didn't you state that you
11 asked Helena who her associates on the date of the
12 incident had been?

13 A. Well, yes, sir, I suppose I did. I don't see it here,
14 but if it's here, I'll have to agree with it.

15 Q. Okay. Mr. Beasley, did you testify again -- going
16 back to the trial on voir dire -- with respect to the
17 incident in which you stopped Helena Stoeckley on
18 February 18th, 1970 that you said, "I got the names
19 of the other people that was in the car with her.
20 I called CID at Fort Bragg and told them that I had
21 some suspects in custody that fit the description;
22 would the police come down. I believe that was about
23 2:30 and at 4:30 or almost daylight nobody ever come
24 or either returned my call. I released these people
25 and let them go." And then you were asked, "Did you

1 Prince Beasley Cross Vol. 1, p. 240
2 ever see any of them again other than Helena
3 Stoeckley?" And your answer was, "Never." Do you
4 recall that?

5 A. (Nods head affirmatively.)

6 Q. Is that in your statement of March, 1971?

7 A. I guess -- I suppose it is.

8 Q. Well, could you point it out to us, please?

9 A. (Witness reviews statement.) Can you sort of point
10 it out to me where it might be on there, sir?

11 Q. Well, Mr. Beasley, I don't think it's in your
12 statement but you're -- you know, please take a look
13 and see if I'm wrong.

14 A. I -- I don't see it. But she -- that statement was
15 made, yes, sir.

16 Q. I'm sorry, sir?

17 A. The statement was made. I made that statement, I did.
18 But I don't believe it's in here.

19 Q. Well, yeah. Okay. Well, there again -- well, I'm
20 sorry, I've asked that question.

21 Would it be a true statement that in March of
22 1971 you didn't know of your own knowledge who was in
23 Helena Stoeckley's company on the nights of February
24 16th and 17th or the 18th?

25 A. To my own personal knowledge, I only knew two people

1 Prince Beasley Cross Vol. 1, p. 241
2 that was in the car.

3 Q. Now, let's talk about one night at a time. February
4 the 16th.

5 A. February 16th, 1970. At about eleven P.M. or close
6 to it, near eleven o'clock, this blue Mustang pulled
7 into the driveway beside the Village Shop on top of
8 Hamont Hill. There was a black man sitting on the
9 right front, and he got out of the car, pulled the
10 seat up, and Helena got out of the car, went into
11 the Village Shop, was in there just a short while
12 and came back out, got into the car and they drove
13 off.

14 Q. Okay. Now, Mr. Beasley, is that in your March, 1971
15 statement?

16 A. I'm not sure. I don't -- I don't know.

17 Q. Well, please take a look and see if you can find it,
18 but (pause) --

19 MR. O'NEILL: Your Honor, if it will help move
20 things along, I will stipulate that it is not in
21 that statement.

22 THE COURT: All right. That will satisfy you,
23 won't it?

24 MR. MURTAGH: Yes, Your Honor.

25 Q. (Mr. Murtagh) One question on that. Did you testify

1 Prince Beasley Cross Vol. 1, p. 242

2 to that at trial, Mr. Beasley, --

3 A. (Interposing) Yes, sir. .

4 Q. -- either in front of the jury --

5 A. (Interposing) I testified in -- I don't remember if
6 it was in front of the jury or not, --

7 Q. (Interposing) Okay. All right.

8 A. -- but I did make the statement in Court, yes, sir.

9 Q. Well, yes, I know you testified. But my question, Mr.
10 Beasley, is: with respect to the night of the 16th
11 of February --

12 A. (Interposing) Yeah.

13 Q. -- when you were on surveillance duty, right?

14 A. Oh, well, now, I'm not sure about that. Now, I'm not
15 sure that I testified to that in Court.

16 Q. Yeah. Well, counsel may disagree, but I don't believe
17 you testified to that either on voir dire or in the
18 presence of the jury.

19 A. Well, I'm not really sure whether I did or not. I
20 won't say "yes" or "no".

21 Q. Well, do you think you might have testified to the
22 night of February 16th, 1970?

23 A. I may have told someone. Apparently I did, because
24 you're reading it; but I don't recall whether it was
25 in Court or not. I just don't know, sir.

1 Prince Beasley Cross Vol. 1, p. 243

2 Q. Okay. You're having trouble remembering whether you
3 testified about that or --

4 A. (Interposing) Yeah, I have some trouble remembering
5 things, yes, sir.

6 Q. Okay.

7 THE COURT: If you are questioning him about
8 some former testimony, why don't you show him his
9 testimony? That will refresh his recollection maybe.

10 MR. MURTAGH: Your Honor, I'd be happy to do
11 that, and what I'm saying is --

12 THE COURT: (Interposing) You know, I presided
13 over that trial, and I have a vague recollection that
14 this man testified, but I couldn't tell you right this
15 minute on whose side he testified, much less anything
16 he said.

17 MR. MURTAGH: Well, Your Honor, in the interest
18 of moving along, unless counsel would object, Mr.
19 Beasley testified about the night of February 18th or
20 the morning of February 18th, not at all about
21 February 16th.

22 MR. O'NEILL: So stipulated.

23 A. Well, sir, let -- can I say one thing?

24 Q. (Mr. Murtagh) Sure.

25 A. I believe I told somebody in Court about that, about

1 Prince Beasley Cross Vol. 1, p. 244
2 February 16th, that I had -- I don't know if it's
3 on -- I don't know if it was before the jury or who,
4 but it seems to me that I did.

5 THE COURT: Well, they agree that you didn't
6 testify to it at all now, so we're past that I think.

7 A. Yes, sir. Well -- all right, sir.

8 THE COURT: Just for curiosity, whose side did
9 you testify on at that trial?

10 THE WITNESS: The defense had me subpoenaed.

11 THE COURT: I mean, who subpoenaed you then?

12 THE WITNESS: The defense subpoenaed me.

13 THE COURT: All right.

14 Q. (Mr. Murtagh) Now, Mr. Beasley, -- and, here again,
15 let me show you your testimony -- at the trial did
16 you testify in the presence of the jury that when you
17 stopped Helena Stoeckley on the morning of February
18 18th, 1970, quote, there was a black male in her car
19 with her; it was an old convertible looking car, and
20 it was a Plymouth, but I'm not sure. There were at
21 least three white males in the car with her.

22 Do you recall that testimony?

23 A. Yes, sir. I remember giving that statement, yes, sir.

24 Q. Well, do you remember testifying to that?

25 A. Well, whether I testified to it or not, I don't know,

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1 Prince Beasley Cross Vol. 1, p. 245

2 but I'm sure I must have. I'm not sure whether it
3 was in Court or where.

4 Q. Well, let me show you the transcript, page fifty,
5 eight, thirty-six (5836), and ask you if that
6 refreshes your recollection? (Counsel hands same to
7 witness who peruses same.)

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

9 Q. Okay. Was that statement true at the time you made
10 it in 1979 to the best of your recollection?

11 A. To the best of my knowledge, yes, sir.

12 Q. Okay. Do you have your March, 1971 statement in front
13 of you, sir?

14 A. Yes, sir.

15 Q. Okay. Is it in there, March, 1971? Is there
16 anything -- let me rephrase the question. Is there
17 anything in your March, 1971 statement in which you
18 tell about stopping Helena Stoeckley on February 18th
19 in any car, in anybody's car?

20 A. I haven't seen it in this statement here, no, sir.

21 MR. MURTAGH: Will counsel agree that it's not
22 there?

23 MR. O'NEILL: So stipulated.

24 Q. (Mr. Murtagh) Now, at the trial, Mr. Beasley, do you
25 recall being shown Defendant's Exhibit ninety (90)?

1 Prince Beasley Cross Vol. 1, p. 246
2 Defendant's Exhibit ninety (90) which is the
3 composite drawing of the white male with the
4 crucifix; do you recall that? (Counsel hands same
5 to witness who peruses same.)

6 A. I remember seeing these, yes, sir.

7 Q. Okay. Take a look at the transcript, page fifty,
8 eight, fifty-six (5856) that's in front of you, sir,
9 if that will help refresh your recollection.

10 A. (Witness peruses same.)

11 Q. Okay? Now, do you recall, Mr. Beasley, being asked
12 by Mr. Smith in the presence of the jury, "All right,
13 now, Mr. Beasley, I will ask you if you will describe
14 what this object is that you have examined." And
15 you said, it's one of the -- it's a picture of one
16 of the suspects. Question: "Is it a drawing? It's
17 a drawing of one of the suspects."

18 Do you recall that?

19 A. Sir, I can't recall it. I'm just -- there's some
20 time lapse there, and I, just like I say, my memory
21 is not that good.

22 Q. Well, Mr. Beasley, you knew Don Harris, did you not,
23 in 1970?

24 THE COURT: I'm sorry, Counsellor. We had a
25 little exchange of clerks here and I lost that last.

1 Prince Beasley Cross Vol. 1, p. 247

2 Could you just tell me what you asked him and what
3 he said and subject to his approval?

4 MR. MURTAGH: Okay. I believe I was asking the
5 witness did he recall being shown the composite.

6 THE COURT: Yeah, you said that.

7 MR. MURTAGH: And then I think I asked him,
8 Judge, whether -- he was having trouble answering it--
9 and I asked him whether he knew Don Harris in 1970.

10 THE COURT: Unh-hunh, yeah.

11 MR. MURTAGH: Okay. That was my question.

12 A. I knew of him, yes, sir. But --

13 Q. (Mr. Murtagh) So, where did you know him from, Mr.
14 Beasley?

15 A. He associated with Helena and with the drug group
16 up there in the Hamont Hills section of Fayetteville.

17 Q. Okay. Now, you knew this before the murders?

18 A. Well, I knew it was Harris, yes, because she -- she
19 had told me, and I only knew him by what she had told
20 me, Helena.

21 Q. Okay. But, in other words, based on your observation,
22 you saw at sometime prior to the murders an individual
23 which was later identified to you by Stoeckley as Don
24 Harris?

25 A. That she identified as Don Harris, yes.

1 Prince Beasley Cross Vol. 1, p. 248

2 Q. Did you ever see him after the murders?

3 A. To my knowledge, I've never seen him again.

4 Q. Okay. Do you recall telling Special Agent Mahon of
5 the CID in, I believe, March of 1971 that Don Harris
6 was back in town and Mahon was trying to interview
7 him; do you recall that?

8 A. No, sir.

9 Q. Well, would you dispute that you did that?

10 A. I wouldn't dispute it, but I don't --

11 Q. (Interposing) But you just have no recollection?

12 A. -- I don't recall it.

13 Q. Okay. Mr. Beasley, with respect to Defense Exhibit
14 ninety-two (92), the individual with the bad skin,
15 do you recall being shown that at the trial?

16 (Counsel hands same to witness who peruses same.)

17 A. Yes, sir, I recall this one.

18 Q. Okay. And do you recall further being asked by Mr.
19 Smith in reference to your stopping of Helena
20 Stoeckley on February 18th, 1970, okay, time frame:
21 question: Do you know the name of that individual?

22 answer: Yes, sir. What was his name? answer: His
23 last name was Mazerolle. question: Yes, sir. --

24 question: Mazerolle? answer: Yes, sir. Do you know
25 his first name? Yes, sir, I got it here. Would it

1 Prince Beasley Cross Vol. 1, p. 249
2 refresh your recollection if I asked you if his name
3 was Allen? answer: That's it, Allen P. Mazerolle.
4 Allen Mazerolle? Yes, sir.

5 Okay. Now, do you also recall testifying -- and
6 you have the transcript in front of you, if you'd
7 look at page 5859 and 5860, by Mr. Blackburn, the
8 Prosecutor: "When was the last time you saw Mr.
9 Mazerolle?" answer: "I can look at my records and
10 tell you." question: "Approximately?" answer:
11 "About 1970, '69 or '70 I arrested him with about
12 fifteen thousand dollars worth of LSD." Do you recall
13 that?

14 A. Yes, sir.

15 Q. Question: "How many times did you see him in your
16 career?" answer: "In my career about half a dozen
17 times." Do you recall that?

18 A. True.

19 Q. Now, my question, Mr. Beasley, is, isn't it a fact
20 that at the trial you testified that one of the
21 individuals that was in Helena Stoeckley's presence
22 on the morning of February 18th when you stopped the
23 car was the individual in this composite drawing who
24 you knew to be Allen Mazerolle?

25 A. I don't recall saying that he was in the car that I

1 Prince Beasley Cross Vol. 1, p. 250

2 stopped. I don't recall saying that.

3 Q. Wasn't he in Stoeckley's presence?

4 A. No, not at the time I stopped her, no, sir.

5 Q. Okay.

6 A. Basically -- I'll go back here into the time lapse.

7 I had to go mainly on his identification as to what

8 Stoeckley had told me. She said this was Allen

9 Mazerolle.

10 Q. Okay. So, in other words, your testimony at the trial

11 that Mazerolle was one of the suspects didn't mean

12 that you saw Mazerolle in Stoeckley's presence?

13 Do you understand my question?

14 A. Right. The only time I ever recall seeing him in
15 Stoeckley's presence was the night I busted him for
16 the LSD.

17 Q. Okay. But you knew what Mazerolle looked like
18 because you had arrested him?

19 A. Well, I knew at that time, but over a period of time
20 there's been hundreds. So, I -- you know, it's --

21 Q. (Interposing) Yeah, I understand that, Mr. Beasley.
22 But with respect to, say, January 28th, 1970 which
23 is, I believe, the date you arrested Mazerolle, is
24 that correct?

25 A. Right.

1 Prince Beasley Cross Vol. 1, p. 251

2 Q. And, say, February 17th or 18th of 1970 --

3 A. (Interposing) Of course, I could have identified him
4 in that length of time.

5 Q. My question is: did you see Allen Mazerolle in
6 Helena Stoeckley's presence on the morning of
7 February 18th --

8 A. (Interposing) No, sir.

9 Q. -- 1970?

10 A. Not to my knowledge, I did not see him.

11 Q. Did you see Don Harris in Helena Stoeckley's
12 presence?

13 A. To my knowledge, I -- I can recall. I just can't
14 recall.

15 Q. How about Dwight Smith?

16 A. Dwight Smith was not there, no, sir.

17 Q. Now, what day are we talking about?

18 A. February 18th. He was not in the car. There was
19 another black man that was there, but it was not
20 Dwight Smith.

21 Q. Okay. And what about Bruce Fowler, did you know him?

22 A. I casually knew him from reputation from Stoeckley.

23 Q. Okay. And Greg Mitchell?

24 A. Greg Mitchell, I knew him, yes, sir.

25 Q. Was he there on February 18th?

1 Prince Beasley Cross Vol. 1, p. 252
2 A. On February 18th, to the best of my knowledge, he was
3 there.
4 Q. He was there.
5 A. Yes, sir.
6 Q. Okay. So, you could -- you could testify that Greg
7 Mitchell was in her presence on February 18th.
8 A. (Nods head affirmatively.)
9 Q. Now, Helena Stoeckley had told you on March 1st,
10 1971, had she not, that the last person that she
11 recalled seeing on the night of February 16th was
12 Greg Mitchell?
13 A. Correct.
14 Q. Okay. Now, who did you see in Stoeckley's presence
15 on the night of February 16th that you can recall?
16 A. Just the two that I can identify, it was Dwight Smith
17 and Helena Stoeckley herself.
18 Q. Okay. So, Dwight Smith was in her presence on the
19 night of February 16th, correct?
20 A. Yes, sir.
21 Q. But the black male in the car on the morning of
22 February 18th was not Dwight Smith?
23 A. Was not Dwight Smith, no, sir.
24 Q. Okay. Didn't Stoeckley identify composite number
25 ninety-one (91) as Dwight Smith in your interviews

1 Prince Beasley Cross Vol. 1, p. 253

2 with Mr. Gunderson?

3 A. Well, I -- I don't recall, sir. I don't recall, I
4 really don't. But this does not resemble Dwight
5 Smith (indicating composite drawing).

6 THE COURT: All right. That brings us to the
7 end of this hearing day, and we'll reconvene tomorrow
8 morning at 9:30. Take a recess until then.

9 (WITNESS EXCUSED TEMPORARILY: 4:32 P.M.)

10 (OVERNIGHT RECESS.)

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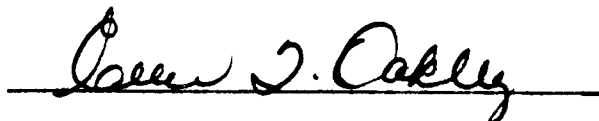
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C E R T I F I C A T E

I, Ellen T. Oakley, having been appointed official court reporter for the aforesaid session of United States District Court for the Eastern District of North Carolina, Raleigh Division, do hereby certify that the hearing in the matter of United States of America versus Jeffrey R. MacDonald was held before the Honorable F. T. Dupree, Jr., at the United States Post Office and Courthouse, Magistrate's Courtroom, 6th Floor, 310 New Bern Avenue, Raleigh, North Carolina, on Wednesday, September 19, 1984, at 10:00 A.M.; that I reported the proceedings in said matter and that same was transcribed by me, and that the foregoing pages, number 1 through 253, constitute a true and correct transcription of the record of the proceedings in said cause.

IN WITNESS WHEREOF, I have hereto affixed my hand this 1st day of October, 1984.



ELLEN T. OAKLEY
Court Reporter

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