

*Manie P. Currin and Associates*

GENERAL COURT REPORTING SERVICES  
RALEIGH • DURHAM • OXFORD  
NORTH CAROLINA

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION  
CIVIL ACTION FILE NO. 75-26-CR3

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff; )  
 )  
 -v- )  
 )  
 JEFFREY R. MACDONALD, )  
 )  
 Defendant. )

---

T R A N S C R I P T  
O F T H E  
H E A R I N G

BEFORE: THE HONORABLE F. T. DUPREE, JR.  
Judge Presiding

VOLUME 2 OF 2

PAGES 1 - 109

At Raleigh, North Carolina.

Thursday, September 20, 1984.

A P P E A R A N C E S

1  
2  
3 For the Plaintiff: United States Department of Justice  
4 Special Prosecutions Section  
5 Room 4401 U. S. Courthouse  
6 Post Office Box 571, Ben Franklin  
7 Station  
8 3rd and Constitution, N.W.  
9 Washington, D.C. 20001;  
10 Brian M. Murtagh, Esquire, appearing.

11 United States Department of Justice  
12 Eastern District of North Carolina  
13 Post Office Box 26897  
14 Raleigh, North Carolina 27611;  
15 Honorable Samuel T. Currin, United  
16 States Attorney, appearing.

17 For the Defendant: Brian O'Neill  
18 A Professional Corporation  
19 Attorney at Law  
20 1137 Second Street, Suite 106  
21 Santa Monica, California 90403;  
22 Brian O'Neill, Esquire, and  
23 Ms. Myrna Greenberg, Counsel,  
24 appearing.

25 Tharrington, Smith and Hargrove  
26 Attorneys at Law  
27 300 Branch Bank Building  
28 Post Office Box 1151  
29 Raleigh, North Carolina 27602;  
30 Wade M. Smith, Esquire, appearing.

---

PENGAD CO., BAYONNE, N.J. 07002 FORM 2094

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

E X A M I N A T I O N S

| <u>Witness</u> | <u>Examination</u> | <u>By Whom</u> | <u>Page No.</u> |
|----------------|--------------------|----------------|-----------------|
| Prince Beasley | Cross              | Mr. Murtagh    | 6               |
| Colloquy       |                    |                | 97              |
| Prince Beasley | Redirect           | Mr. O'Neill    | 98              |
| Colloquy       |                    |                | 99              |

---

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

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

E X H I B I T S

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

| <u>Exhibit</u>          |  | <u>Page No.</u> |
|-------------------------|--|-----------------|
| Government's Exhibit 22 |  | 49              |
| Government's Exhibit 23 |  | 96              |
| Government's Exhibit 24 |  | 96              |
| Government's Exhibit 25 |  | 96              |
| Government's Exhibit 26 |  | 96              |
| Defendant's Exhibit 23  |  | 100             |
| Defendant's Exhibit 24  |  | 102             |
| Defendant's Exhibit 25  |  | 103             |
| Defendant's Exhibit 26  |  | 103             |
| Defendant's Exhibit 27  |  | 103             |
| Defendant's Exhibit 28  |  | 104             |

---

PENGAD CO., BAYONNE, N.J. 07002 FORM 1084

Vol. 2, p. 5

1  
2 A continuation of the hearing in the matter of  
3 United States of America, Plaintiff, versus Jeffrey R.  
4 MacDonald, Defendant, was held at the United States Post  
5 Office and Courthouse, Magistrate's Courtroom, Sixth Floor,  
6 310 New Bern Avenue, Raleigh, North Carolina, on Thursday,  
7 September 20, 1984, at 9:30 A.M. before the Honorable F. T.  
8 Dupree, Jr.

9 The proceedings were reported and transcribed by  
10 Ellen T. Oakley, Court Reporter in and for the State of  
11 North Carolina.

12 The following proceedings were had, to wit:  
13 \_\_\_\_\_  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 Prince Beasley Cross Vol. 2, p. 6

2 THE COURT: Good morning, ladies and gentlemen.  
3 Any further questioning of the witness --

4 MR. MURTAGH: (Interposing) Yes.

5 THE COURT: -- who was on the stand yesterday  
6 afternoon?

7 MR. MURTAGH: Yes, Your Honor.

8 THE COURT: Let him come back, then.

9 (PRINCE BEASLEY RECALLED TO WITNESS STAND.)

10 THE COURT: You may proceed.

11 MR. MURTAGH: Thank you, Your Honor.

12

13 CROSS-EXAMINATION BY MR. MURTAGH:

14 Q. Mr. Beasley, do you recall being interviewed by --  
15 prior to the trial by a defense private investigator  
16 by the name of John Doland Meyers, M-e-y-e-r-s?

17 A. Yes, sir.

18 Q. Do you recall that?

19 And, let me ask you: did you cooperate fully  
20 with Mr. Meyers?

21 A. Yes, sir, all the way as much as I could, all he  
22 asked.

23 Q. Okay. And are you aware that Mr. Meyers prepared a  
24 memorandum of his interview of you?

25 A. A short one, yes, sir.

1 Prince Beasley Cross Vol. 2, p. 7

2 Q. Okay. Have you ever seen that, that memo?

3 A. Yes, sir, I think I've seen it, but I don't recall  
4 what's in it.

5 Q. Okay. Well, let me ask you this: do you know that  
6 it's in Mr. Gunderson's report; are you aware of  
7 that?

8 A. I am aware of that, yes, sir.

9 Q. Okay. Well, let me show it to you, Mr. Beasley, if  
10 I may. (Counsel hands same to witness who peruses  
11 same.) Why don't you take a look at it, Mr. Beasley?

12 MR. MURTAGH: Your Honor, for the record, that  
13 re- -- statement appears in Volume one (I) of  
14 Mr. Gunderson's report which I believe is Government's  
15 nine (9) for identification at page one, o, four (104).

16 Q. (Mr. Murtagh) Mr. Beasley, have you had a chance to  
17 look at that statement?

18 A. Yes, sir. I believe I have seen this.

19 Q. Okay. Do you have any problem with the way Mr.  
20 Meyers recounted what you told him?

21 A. Yes, sir. I -- if I remember correctly, I found  
22 mistakes in it that wasn't taken down as I told him.  
23 It was taken on a tape and --

24 Q. (Interposing) Oh. Well, Mr. Beasley, let me ask you  
25 to do this, if you would, please. Would you, please,

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

Prince Beasley Cross Vol. 2, p. 8

read paragraph twelve (12), and then if you have a difference with what paragraph twelve (12) says if you'd tell us about it; the same with thirteen (13) and fourteen (14).

A. No, sir. I agree with that, yes, sir.

Q. Okay. Would you read paragraph twelve, then?

A. (Reading document) "Mrs. Stoeckley told Beasley that she thought she had been at the MacDonald home when the murders were being committed."

Q. I'm sorry. Could you keep -- keep your voice up a bit, sir?

A. (Reading document) "Mrs. Stoeckley told Beasley that she thought she had been at the MacDonald home when the murders were being committed."

Q. Okay. How about paragraph thirteen (13)?

A. (Reading document) "Mrs. Stoeckley told Beasley that she had been put out with three (3) men on the night of the murders."

Q. I'm sorry. "Put out"?

A. "Had been out with three men on the night of the murders. She told him that she had been high on drugs. She told him that she could not remember exactly what she had done on the night of the murders. She told him that she had kept seeing the

PENGAD CO., BAYONNE, N.J. 07002 FORM 2084



1 Prince Beasley Cross Vol. 2, p. 9

2 murders in her mind."

3 Q. Okay. Any problem with that?

4 A. Yes, sir, there's some problem there. I don't -- I  
5 don't recall that clearly, no, sir, I don't.

6 Q. Well, you don't recall saying it or you don't recall--

7 A. (Interposing) I don't recall --

8 Q. -- her saying it to you?

9 A. I don't recall her saying this to me.

10 Q. Okay. How about paragraph fourteen (14)?

11 A. "The next day Detective Beasley called CID. He spoke  
12 to a secretary. He told her that he was looking --  
13 that he was a police detective and that he had the  
14 people the CID was looking for in the MacDonald case.  
15 He told her that he could bring them in at any time."

16 Q. Any problem with that?

17 A. Yes, sir. I -- let's see. "That he had the people  
18 the CID" -- no, sir, I didn't -- the next day I  
19 didn't do that. The time that this -- I confused  
20 this with is on the morning of the 18th.

21 Q. Okay. Well, let me see if I understand, Mr. Beasley.  
22 Are you saying that you were confused when you told  
23 Mr. Meyers this or what?

24 A. I don't -- I don't think I told him in this manner.  
25 If I did, I don't recall.

1 Prince Beasley Cross Vol. 2, p. 10

2 Q. Okay. How about paragraph -- let's see, you read  
3 paragraph fourteen (14)?

4 A. Yes, sir.

5 Q. Okay. How about paragraph fifteen (15)?

6 A. Also, I did not speak to a secretary out there.

7 Q. Okay. Well, Mr. Meyers got it wrong apparently?

8 A. Apparently, yes, sir.

9 Q. Okay. How about paragraph fifteen (15)?

10 A. (Reading document) "The secretary told Beasley that  
11 everyone was at lunch and that someone would call him  
12 back as soon as they returned. No one ever returned  
13 his call." I didn't say that.

14 Q. Do you have any idea why Mr. Meyers would --

15 A. (Interposing) I have no -- I have no knowledge of  
16 saying this at all.

17 Q. Okay. How about paragraph sixteen (16)?

18 A. (Reading document) "The next day Detective Beasley  
19 again called CID. For some reason, he failed to speak  
20 with anyone about the case again. He again left word  
21 and again no one called him." I do recall calling CID  
22 and I got no response. But, as it's written here, I  
23 don't recall saying it as it's written here.

24 Q. Okay. How about paragraph twenty-two (22)?

25 A. (Reading document) "Beasley knew the names of three

1 Prince Beasley Cross Vol. 2, p. 11  
2 men who fit the description of the people wanted in  
3 the MacDonald case. He had arrested two of them on  
4 prior occasions.\*

5 I -- that I would have to agree with.

6 Q. Okay. So, let me see if we understand this, Mr.  
7 Beasley. Your recollection is that when you told Mr.  
8 Meyers that you had arrested two of the people that  
9 were in Stoeckley's company?

10 A. No, sir. I had not arrested them in Stoeckley's  
11 company.

12 Q. No. No, not with Stoeckley, but I -- let me ask it  
13 this way, Mr. Beasley. Did you tell Mr. Meyers prior  
14 to the trial that when you stopped Helena Stoeckley  
15 on the morning of February 18th there were two people  
16 in her company at that time who you knew because you  
17 had previously arrested them?

18 A. Oh, yes, sir. Yes, sir, I did.

19 Q. So, you told him that?

20 A. Yes, sir.

21 Q. Okay. Who were those two people that you previously  
22 arrested that you saw on the morning of February 18th  
23 with Helena Stoeckley?

24 A. One of them was -- I believe his name was J. D.  
25 ~~Conklin.~~

1 Prince Beasley Cross Vol. 2, p. 12

2 Q. J. D. Conklin?

3 A. C-o-n-k-l-i-n, if I recall the name correctly.

4 Q. Unh-hunh.

5 A. The other, I can't recall who -- what his name might  
6 be.

7 Q. Was it Allen Mazerolle?

8 A. No, sir.

9 Q. Okay. Well, let me ask you, Mr. Beasley, did Helena  
10 Stoeckley ever tell you in any of the statements she  
11 made to you and Mr. Gunderson that J. D. Conklin was  
12 one of the murderers?

13 A. No, sir.

14 Q. Okay. Now, Mr. Beasley, did you give Mr. Gunderson a  
15 signed statement on the 11th of December, 1980? Do  
16 you recall that? Let me show it to you and ask you  
17 if you recognize it.

18 A. Well, omitting the date out, I'll agree I gave him a  
19 statement.

20 Q. Well, let me ask you this, Mr. Beasley. Do you  
21 recall -- well, let me show it to you.

22 A. All right, sir.

23 MR. MURTAGH: Your Honor, for the record, and  
24 I think counsel will agree on this, that this state-  
25 ment appears in Volume four (IV) of Mr. Gunderson's

1 Prince Beasley

Cross

Vol. 2, p. 13

2 report, Government's twelve (12) for identification, at  
3 pages 28 to 37.

4 Why don't you take a look at that, Mr. Beasley?

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

6 Do you recognize it, Mr. Beasley?

7 A. Yes. I -- I gave this to him.

8 Q. Okay. And somewhere is there a copy that you actually  
9 signed? Do you recall signing a copy of this?

10 A. I'm sure I did.

11 Q. Okay. Now, Mr. Beasley, if you'd look at page twenty-  
12 eight (28) of the report or it's actually the first  
13 page of the statement. Did you say that on the night  
14 of February 16th, 1970 at about 10:50 P.M. or some  
15 time near this I was parked in my undercover car  
16 about seventy-five (75) feet across from the Apple  
17 House or sometimes known as the Village Shop and was  
18 observing this location as I had done on many  
19 occasions as this one was one of the worse trouble  
20 spots in the Fayetteville area at the time. Do you  
21 recall that?

22 A. Yes, sir.

23 Q. Okay. "I saw a blue Mustang vehicle pull into the  
24 alleyway beside the Apple House. I saw a black man  
25 get out of the right side of the car and let Helena

1 Prince Beasley Cross Vol. 2, p. 14

2 Stoeckley out of the car. She was sitting in the  
3 right rear of the vehicle. The black male whom I  
4 had been watching along with Helena Stoeckley stood  
5 outside of the vehicle while Helena went into the  
6 Apple House. This subject was wearing an Army field  
7 jacket that had E-6 stripes on the sleeves. This was  
8 apparent because I had seen this subject on many  
9 occasions before this night and he always was wearing  
10 this jacket and almost always he was with Helena and  
11 the group she was running with at this time."

12 Do you recall that?

13 A. That's correct.

14 Q. Okay. Okay. Then your statement goes on, does it  
15 not, to recount how you received a telephone call on  
16 the morning of February 17th at seven o'clock from  
17 Captain Melvin?

18 A. Yes, sir.

19 Q. And Captain Melvin gave you a description that had  
20 been relayed by Dr. MacDonald about the alleged  
21 intruders?

22 A. Yes, sir.

23 Q. Okay. And at that time you recalled, if you can now  
24 recall?

25 A. A flashback to the night of the 16th when I saw Helena

1 Prince Beasley Cross Vol. 2, p. 15  
2 in this blue car along with this black man and the  
3 two other subjects in the car with her, whom I don't  
4 know. I couldn't recognize those.

5 Q. Unh-hunh.

6 A. Then, basically from that -- Helena was wearing her  
7 wig that night, her blond wig that she usually wore  
8 especially -- and most times when she was working on  
9 cases with me. And a flashback to that time, and the  
10 idea went into my mind, well, these sound like the  
11 people. So, that's what got me on -- after her.

12 Q. Okay. Mr. Beasley, let me interrupt. Have you  
13 finished your answer?

14 A. Yes.

15 Q. Okay. In your statement of December 11th, 1980, you  
16 don't name the black man, do you? You don't say  
17 that's so-and-so, is that correct?

18 A. No, I'm sure I didn't. I don't think I knew his name.

19 Q. Okay. All right. And -- but you do say that after  
20 you heard Captain Melvin -- I think it's on page  
21 twenty-nine (29), the middle of the page -- "Another  
22 description he gave of the suspects matched that of  
23 Greg Mitchell, the driver of the blue Mustang that  
24 I observed at the Apple House the night before."

25 A. I don't recall that, sir, but it might be there.

1 Prince Beasley Cross Vol. 2, p. 16

2 Q. Well, --

3 A. (Interposing) Where is that at? I don't --

4 Q. (Interposing) Take a look on the second page of your  
5 statement, Mr. Beasley, in the middle of the page.  
6 I'll show it to you when I --

7 A. (Interposing) I -- I may have said it if it is in  
8 there. I don't see it, but if it is in there -- Ms.  
9 Stoeckley told me that Greg Mitchell was driving the  
10 car that night. I didn't know who was driving the  
11 car. She said Greg Mitchell was driving the car.

12 Q. Okay. Well, let me -- let me ask you this, Mr.  
13 Beasley. When did she say that to you?

14 A. I believe I talked to her on the morning of the 18th.

15 Q. Okay. So, in other words, what you're saying is that  
16 when you saw this man driving the blue Mustang,  
17 whoever he was, --

18 A. (Interposing) Unh-hunh (yes).

19 Q. -- at that time you didn't know --

20 A. (Interposing) I didn't know who he was, right.

21 Q. -- who he was?

22 And when Helena later told you on the morning of  
23 the 18th?

24 A. Yes, sir.

25 Q. By the way, is that in your statement of March 1st,

PENGAD CO., BAYONNE, N.J. 07002 FORM 2004



1 Prince Beasley

Cross

Vol. 2, p. 17

2 19717

3 A. I'm not sure. After the week of -- following the  
4 Fort Bragg incident out there, I talked to Helena  
5 after that week many times, and she gave me many  
6 answers. And I put down what she gave me.

7 Q. Okay. Mr. Beasley, --

8 THE COURT: Now, what do you mean by "she gave  
9 me many answers"?

10 THE WITNESS: Well, sir, I would ask her  
11 questions about who was this or what was his name or  
12 what was she doing with this group, and she would  
13 sometimes give me an answer which was a little hard  
14 to believe. I would turn around and say, well, how  
15 about so-and-so, and then she would correct it and  
16 say, well, I can't tell you everything I know.

17 THE COURT: Yeah. Well, my question, of  
18 course, goes to that -- whether she gave many answers  
19 in response to many questions or whether she gave  
20 answers which were sometimes divergent from what she  
21 had said on other occasions; which is it?

22 THE WITNESS: I would say in some instances it  
23 was diverzionario from what she had said before.

24 THE COURT: All right, sir.

25 Q. (Mr. Murtagh) Mr. Beasley, let me ask this, and then

1 Prince Beasley Cross Vol. 2, p. 18

2 I'll move on to something else. In other words,  
3 where you're saying here "another description he gave  
4 of the suspects matched that of Greg Mitchell, the  
5 driver of the blue Mustang that I observed at the  
6 Apple House the night before," you're not saying that  
7 at the time you heard the description you knew it was  
8 Greg Mitchell?

9 A. No, I'm not saying that.

10 Q. You're saying Helena told you that later?

11 A. Right, unh-hunh.

12 Q. Okay. And on the last page of your statement, page  
13 thirty-seven (37), the last sentence, do you not say:

14 "On the night of February 16th, 1970 when I saw  
15 Helena and the others at the Apple House at about  
16 ten, fifty (10:50) P.M. she was" --

17 A. (Interposing) Sir, let me change that to Village  
18 Shop; that is the Village Shop.

19 Q. Well, isn't it known by both --

20 A. (Interposing) It is --

21 Q. -- name?

22 A. No, sir. It was two different --

23 Q. (Interposing) Well, I'm --

24 A. (Interposing) At one time they changed the names.

25 They were changed back and forth, but there was one

1 Prince Beasley Cross Vol. 2, p. 19  
2 place known as the Apple House. The Apple -- we  
3 closed the Apple House on a padlocking situation.  
4 They changed the name of the Village Shop for a short  
5 while to the Apple House, but it was the Village  
6 Shop. Another owner took it over and called it  
7 Village Shop.

8 Q. So, it's the same place?

9 A. No, sir. No, sir.

10 Q. Well, it's the same store, isn't it?

11 A. No, sir.

12 Q. It isn't?

13 A. Unh-unh (no).

14 Q. How can that be, Mr. Beasley?

15 A. Well, the Apple House is a head -- what they call a  
16 head shop where they sold paraphernalia for drug use.  
17 Then the -- well, I'm not saying at one time or  
18 another it may not have been called -- both of them  
19 may have been called the Apple House, but the first  
20 one -- there was one called Apple House where they  
21 sold paraphernalia for drugs; the other was the  
22 Village Shop. They sold pizza, beer, or what-have-  
23 you there.

24 Q. Well, in reference to the night of February 16th,  
25 1970 --

1 Prince Beasley Cross Vol. 2, p. 20

2 A. (Interposing) It was Village Shop.

3 Q. -- are we talking about the same general physical  
4 location?

5 A. The same location, yes, sir.

6 Q. Okay.

7 A. But not the same building.

8 Q. Well, Mr. Beasley, on the first page of your statement,  
9 you say "I was parked in my undercover car about  
10 seventy-five (75) feet across from the Apple House  
11 or sometimes known as the Village Shop and was  
12 observing this location." Is that --

13 A. (Interposing) Right. Yes, sir, I did say that.  
14 Some of them did call it Apple House.

15 Q. Okay. Fine. Anyway, whatever it was called, "on the  
16 night of February 16th, 1970 when I saw Helena and  
17 the others at the Apple House at about ten, fifty  
18 (10:50) P.M. she was wearing a blond wig and a light-  
19 colored floppy hat and dark clothing." Do you recall  
20 saying that?

21 A. Well, I'm sure I did, yes, sir.

22 Q. --Okay. Did you say that at the trial, sir, if you  
23 recall?

24 A. I don't recall. But I --

25 Q. (Interposing) Would it help you to look at your trial

1 Prince Beasley Cross Vol. 2, p. 21

2 testimony?

3 A. Well, no. If I -- if you say I said it, I did, but  
4 I don't recall saying it.

5 Q. No, sir, I'm not saying you said it. I'm asking --

6 A. (Interposing) Well, we can look at that if you'd  
7 like to, but it doesn't really matter to me.

8 Q. Okay. Well, would you dispute me if I said that you  
9 didn't testify to that?

10 A. No, I wouldn't.

11 Q. Okay. Now, this statement of December 11th, 1980,  
12 that was made, was it not, after Helena Stoeckley had  
13 given you and Ted Gunderson these detailed confessions,  
14 correct?

15 A. Now, I'd have to go back and look at some dates on  
16 that. I couldn't --

17 Q. (Interposing) Well, let me -- let me ask you: do  
18 you recall being with Ted Gunderson and Helena  
19 Stoeckley in Los Angeles between October 22nd, 1980  
20 and October 25th, 1980?

21 A. I was there during a period of time. I suppose those  
22 were the dates that we were there together.

23 Q. Okay. Do you have trouble recalling those dates?

24 A. Well, I can go back and look in my folder or my --

25 Q. (Interposing) Mr. Beasley, do you have any question

1 Prince Beasley Cross Vol. 2, p. 22

2 in your mind that this statement of December 11th,  
3 1980 was made after Stoeckley had given you -- the  
4 October statements to Gunderson and the December  
5 statements of 1980 to Gunderson?

6 A. No, I don't, sir. I don't recall.

7 Q. I'm sorry?

8 A. I do not recall.

9 Q. Whether it was before or after?

10 A. Before or after, I do not.

11 Q. Well, would you agree with me that December 11th,  
12 1980 comes after October 24th, 1980?

13 A. Of course.

14 Q. Okay. Now, isn't it a fact, Mr. Gunderson -- I'm  
15 sorry -- Mr. Beasley, that at the trial you could  
16 have testified that on the night of February 16th,  
17 1970, the night prior to the murders, that at  
18 approximately ten, fifty (10:50) you observed Helena  
19 Stoeckley wearing a blond wig, a light-colored floppy  
20 hat and dark clothes in a blue Mustang driven by --  
21 I was going to say Greg Mitchell, but you wouldn't  
22 say that now, would you?

23 A. No, sir, I wouldn't. I'm only saying it because she  
24 did.

25 Q. Okay. So, you don't know that of your own independent--

1 Prince Beasley Cross Vol. 2, p. 23

2 A. (Interposing) Of my own knowledge, I do not know  
3 that.

4 Q. Okay.

5 A. I do know someone was driving it, but I don't know who  
6 it was.

7 Q. All right.

8 THE COURT: Do you want an answer to your  
9 question--

10 MR. MURTAGH: Yes, sir.

11 THE COURT: -- as to whether or not he could  
12 have testified to that at the trial?

13 MR. MURTAGH: Yes.

14 Q. (Mr. Murtagh) Mr. Beasley, could you have testified  
15 to it?

16 A. I possibly could have.

17 Q. Okay.

18 MR. MURTAGH: Thank you, Your Honor. I'm sorry.

19 Q. (Mr. Murtagh) So, Mr. Beasley, let me ask you: with  
20 respect to the 18th of February, who was there when  
21 you stopped Helena Stoeckley?

22 A. Well, I can't -- I don't have the names and, like I  
23 say, I've forgotten them. I did have the names, sir;  
24 they're in a record filed at the Police Department.

25 Q. Unh-hunh.

1 Prince Beasley Cross Vol. 2, p. 24

2 A. My file is not there at this time, and I have no  
3 idea -- I had to go back to check for my files, and  
4 I could not find them.

5 Q. Okay. Mr. Beasley, do you recall being interviewed  
6 by Special Agent Madden and Special Agent Holdren of  
7 the FBI here in this building on the 27th of  
8 December, 1981 with Mr. Gunderson?

9 A. Yes, I do.

10 Q. And the interview was tape recorded, was it not?

11 A. Yes, it was.

12 Q. In fact, Mr. Gunderson was tape recording it and the  
13 FBI was tape recording it.

14 A. As I recall, yes, sir.

15 Q. Okay. And do you recall being asked at all about who  
16 was present on the night of the 18th or the morning  
17 of the 18th?

18 A. No, sir. But if you can refresh my memory, I'll do  
19 the best I can.

20 Q. All right.

21 MR. MURTAGH: Your Honor, counsel and Mr.  
22 Gunderson have both been provided with a copy of a  
23 transcript of this tape.

24 Q. (Mr. Murtagh) "Special Agent Madden asked" --  
25 excuse me -- let the record show that this would be



1 Prince Beasley Cross Vol. 2, p. 25

2 the February 18th, 1970. (Reading document) Madden:  
3 Would you please state the names of the individuals  
4 who were in the company of Helena Stoeckley during  
5 the first occasion you contacted her after the  
6 MacDonald murders and the circumstances surrounding  
7 your contact?"

8 Do you recall being asked that?

9 A. (Nods head affirmatively.)

10 Q. And the transcript reflects, "Well, I -- you want me  
11 to describe how I first spotted her, or what?"

12 Madden: "I would like you to describe the particular  
13 location where you found her and exactly who was in  
14 her company at that time." Beasley: "I staked out  
15 1108 Clark Street, that was in Fayetteville, and  
16 that was where Helena lived with this group of  
17 hippies or so-called hippies. It was about 2:30 on  
18 the morning of the 18th. A cream-colored"-- I'm  
19 sorry -- that's "A cream or light-colored car pulled  
20 into the driveway. I saw Helena in the car and I  
21 called Helena to me. Greg Mitchell was in the car.  
22 Don Harris was in the car, and I believe, without  
23 looking at my report, his name was" -- and the  
24 transcript reflects "Poplin," P-o-p-l-i-n, phonetic --  
25 A. (Interposing) Could that be Conklin?

1 Prince Beasley Cross Vol. 2, p. 26

2 Q. I don't know, Mr. Beasley. It -- whatever. "And  
3 now whether Bruce Fowler was there or not, I'm not  
4 sure about that. And there was some others that I --  
5 I don't know. I have records -- I did have records  
6 with the names of most of the people that was there,  
7 and I cannot locate my records at the Police  
8 Department."

9 Do you recall --

10 A. (Interposing) The names I do recall now. Greg  
11 Mitchell -- I know Greg well. I knew him more than --  
12 better than the rest of them. But --

13 Q. (Interposing) Well, let me interrupt you for a  
14 second, Mr. Beasley. Have you finished your answer?  
15 You knew Greg Mitchell well?

16 A. Yeah, I knew him.

17 Q. Okay.

18 A. Yes, sir.

19 Q. Well, when you knew -- when you stopped the car on  
20 the morning of the 18th, did you know that this was  
21 Greg Mitchell?

22 A. Yes, I knew him.

23 Q. Okay. And it was Helena Stoeckley who told you that  
24 it had been Greg Mitchell in the blue Mustang --

25 A. (Interposing) Right.

1 Prince Beasley Cross Vol. 2, p. 27

2 Q. -- two nights before?

3 A. Right.

4 Q. I see. Okay. And the transcript continues:

5 "Mr. Madden: How many people specifically are you  
6 talking about? Can you recall the number of people  
7 who were with her at the time? Beasley: Oh, gosh.  
8 There was six or seven people with her, the car was  
9 completely full. It -- it was completely filled up  
10 when it pulled up there and they were -- they were  
11 yelling and laughing going on."

12 Do you recall that?

13 A. Yes, sir.

14 Q. "Madden: Was Bruce Johnny Fowler in the car?

15 Beasley: I don't recall Fowler being there, but I do  
16 recall Don Harris being there." Question: "Was Allen  
17 Mazerolle in the car? Beasley: Allen Mazerolle was  
18 there. Madden: You're quite sure in your mind that  
19 Fowler and Mazerolle were in the car? Beasley: I'm  
20 not sure about Fowler. Madden: You're not sure about  
21 Mr. Fowler, but you are sure about Mr. Mazerolle?

22 Beasley: And Greg Mitchell. Madden: And Greg

23 Mitchell? Beasley: Don Harris. Madden: There's

24 no doubt in your mind at this time that Mazerolle was

25 in the vehicle? Beasley: Well, I don't think there's

PENGAD CO., BAYONNE, N.J. 07002 FORM 2024

1 Prince Beasley Cross Vol. 2, p. 28

2 any doubt at all. Of course, now, you know, this was  
3 a long time ago and I, without having records to refer  
4 to, it's hard, but I'm -- I'm positive he was there,  
5 almost positive he was there. Madden: Okay. To the  
6 best of your recollection? Beasley: At the best of  
7 my recollection. Mazerolle was in the vehicle with  
8 Helena and the other individuals? Beasley: Yes. He  
9 was close and a companion of Helena's anyway. Was  
10 Mazerolle Helena's boyfriend to your knowledge?  
11 Beasley: Yes, he was. Had you ever arrested  
12 Mazerolle for any reason? Yes, sir, I did. Madden:  
13 Could you please tell me to the best of your  
14 recollection when and why you arrested Mazerolle?"

15 Do you recall that?

16 A. I recall making statements to -- but you're getting  
17 to Mazerolle, now. I -- if I said -- if I definitely  
18 identified him it was out of context, because I  
19 don't recall -- as I told him, I wasn't sure.

20 Q. I'm sorry. As you told?

21 A. Mr. Madden, that I wasn't sure about Mazerolle. The  
22 reason I basically went with Mazerolle being there  
23 is because Stoeckley said that he was there.

24 Q. I see. So, you don't independently recall Mazerolle  
25 being there; it's because Stoeckley told you that?

1 Prince Beasley Cross Vol. 2, p. 29

2 A. Because Stoeckley told me--

3 Q. (Interposing) I see.

4 A. -- he was there.

5 Q. Okay. You recall arresting Mr. Mazerolle?

6 A. Oh, yes. I recall him, yes, sir.

7 Q. Okay. Let me skip ahead to page forty-three (43) of  
8 the transcript -- well, it's actually the next page:  
9 "Madden: You say that you arrested Rezzo" -- and I  
10 believe it's Rizzo, isn't it?

11 A. Rizzo.

12 Q. -- " and Mazerolle approximately three weeks before  
13 the MacDonald murders? Beasley: It was approxi-  
14 mately that. I'm now -- I'm guessing because I don't  
15 have the files, but I could look at the files and  
16 tell you. I know that that file is there. I found  
17 that. Madden: Was Rizzo subsequently convicted?  
18 Rizzo was released. He was released? Yes. Madden:  
19 But Mazerolle, to your knowledge, was convicted?  
20 Beasley: He was convicted, yes, he was. Madden:  
21 And served time? Beasley: He served time. I think  
22 he served about eight months out of a three to five  
23 year sentence. Madden: After you arrested Rizzo and  
24 Mazerolle, did they make bond immediately or shortly  
25 thereafter? Beasley: Yes, I guess they did. I'm not

1 Prince Beasley Cross Vol. 2, p. 30

2 sure. I put them in jail, and I don't know whether  
3 they made bond or not. Madden: Well, obviously, at  
4 least Mazerolle had to make bond in order to be out  
5 of jail on February 18th, 1970, is that correct?

6 Beasley: Oh, yes, he was out. Madden: Definitely?  
7 Yes, he was out."

8 Do you recall giving those answers?

9 A. Yes, sir, I did. Rizzo I knew was out, and I assumed  
10 Mazerolle was, too. I don't know whether he was out  
11 or not.

12 Q. I see. Okay.

13 A. I was assuming that he was because Rizzo was.

14 Q. I see. You were present, sir, were you not, when Mr.  
15 Bost gave that information to Mr. Gunderson; do you  
16 recall that?

17 A. Mr. who?

18 Q. Fred Bost. I believe he's in the courtroom.

19 A. I'm not sure, sir, whether I was or not.

20 Q. Okay. Mr. Beasley, in your declaration of March 27th,  
21 1984, you know, the one that's filed by the defense  
22 in support of this motion; are you familiar with that?

23 A. No, sir.

24 Q. You're not? Well, let me show it to you, sir.

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

1 Prince Beasley Cross Vol. 2, p. 31

2 A. Yes, sir. I -- I recall signing this with Mr.  
3 Shedlick.

4 Q. Okay. Mr. Beasley, would you look at paragraph seven  
5 (7) and tell us what it says if you can, please?

6 A. Paragraph seven (7)?

7 Q. Unh-hunh (yes).

8 A. On what page, sir?

9 Q. I believe it's on page two (2).

10 A. Well, picking up on seven (7), it's --

11 Q. Is it obliterated, Mr. Beasley?

12 A. Well, it's not in order.

13 Q. My question --

14 A. (Interposing) I can -- I can start from -- from  
15 five (5) and read down and get into seven.

16 Q. Well, my question, Mr. Beasley, -- no, not line  
17 seven; paragraph seven. Is it --

18 A. (Interposing) Oh, okay. Okay. It's marked with a  
19 seven.

20 Q. Yeah.

21 A. I was just going by that.

22 Q. Mr. Beasley, when you signed this declaration, was  
23 this information here that's struck out in paragraph  
24 seven (7)?

25 A. It was supposed to have been, yes, sir.

1 Prince Beasley Cross Vol. 2, p. 32

2 Q. Well, I guess my question is --

3 A. (Interposing) So, apparently it is.

4 Q. -- did you strike it out?

5 A. I did not.

6 Q. So, it was struck out after you signed it?

7 A. I -- I advised Mr. Shedlick that that was not --

8 Q. (Interposing) Okay. What was it that you advised

9 Mr. Shedlick was not accurate?

10 A. That on the following morning, February seven- --

11 I don't recall what it was now. But the following

12 morning, February seventeenth, 1970 I received a call

13 from Captain J. E. Melvin regarding murders which had

14 occurred at Fort Bragg. Captain Melvin gave a

15 description of the suspects in the case including the

16 young woman wearing a white floppy hat and a possible

17 blond wig, a black male wearing an Army jacket with

18 E-6 insignia and a blond white male.

19 Q. Okay. So, you can't recall what they struck out or

20 what was incorrect?

21 A. What is incorrect there is he did not describe a

22 blond, white male to me.

23 Q. Yeah. But that isn't struck out, is it? It's

24 paragraph seven --

25 A. (Interposing) No. No.



1 Prince Beasley Cross Vol. 2, p. 33

2 Q. -- that's struck out.

3 A. Paragraph seven, I really don't know, sir. I don't --  
4 I really don't know.

5 Q. Okay. So, even as it stands it's incorrect, is that  
6 what you're saying, that you did not describe --

7 A. (Interposing) I'm -- well, I'm saying whatever is  
8 struck out there I didn't say.

9 Q. Okay. Would you take a look at paragraph fourteen,  
10 Mr. Beasley?

11 A. (Witness peruses document.) That would be on page --

12 Q. (Interposing) Okay. Now, the paragraph has various  
13 subparagraphs, does it not? Would you look at  
14 paragraph fourteen (c) down here, sir?

15 A. Okay.

16 Q. This is where she names the people.

17 A. Right.

18 Q. Okay. Now, we're talking, what, in reference to what  
19 occasion?

20 A. Shall I read this?

21 Q. Let me back up a second. Okay. This -- in other  
22 words, you're recounting here, are you not, informa-  
23 tion that Stoeckley provided to you in October, 1980  
24 or sometime subsequent to that --

25 A. (Interposing) Unh-hunh (yes).

PENGAD CO., BAYONNE, N.J. 07002 FORM 2084

1 Prince Beasley Cross Vol. 2, p. 34

2 Q. -- is that correct?

3 Okay. Tell us what she told you with reference  
4 to paragraph (c).

5 A. "In the early -- early hours of February 17th, 1970,  
6 Helena and other members of her group went to the  
7 MacDonald residence -- residence. Helena named  
8 Greg Mitchell, a black male whose nickname was Zigzag,  
9 and Smitty, Bruce Fowler, Cathy Smith as being present.

10 Q. Okay. Cathy Smith?

11 A. Cathy Smith, yes, sir. That's what is in this  
12 statement and --

13 Q. (Interposing) Okay. Have you seen Helena Stoeckley's  
14 statements of October 24th, there are two of them, and  
15 then one for October 25th, 1980 that are in Mr.  
16 Gunderson's report?

17 A. No, sir.

18 Q. You haven't?

19 A. (Shakes head negatively.)

20 Q. Okay. Well, let me ask you: did Helena -- are you  
21 sure this is correct, that she named Cathy Smith?

22 A. I put it as she told it.

23 Q. Okay. But that's not in any of Mr. Gunderson's  
24 statements, is it, to your knowledge?

25 A. No, sir. If I might give you a reason why. I don't

1 Prince Beasley Cross Vol. 2, p. 35  
2 think Cathy Smith was -- if she was there. I think  
3 she was talking about Cathy Perry.

4 Q. Okay. Why do you think that, Mr. Beasley?

5 A. Well, Cathy and -- Perry and Helena, they were closely  
6 associated. Mostly everywhere you'd see one you  
7 would see the other. And it was known they were  
8 lesbian buddies.

9 Q. I'm sorry?

10 A. Lesbian buddies.

11 Q. Lesbian buddies?

12 A. Yes.

13 Q. How do you know that, Mr. Beasley?

14 A. She told me herself.

15 Q. Okay. Let me ask you: did you ever see Helena in  
16 Cathy Perry's company?

17 A. Oh, yes.

18 Q. You did?

19 A. Sure.

20 Q. Did you put that in your March 1st, 1971 statement,  
21 if you recall?

22 A. I'm sure it's in a statement, but I don't --

23 Q. (Interposing) Let me show it to you. (Counsel hands  
24 statement to witness who peruses same.)

25 Do you see it in there, Mr. Beasley? Mr.

1 Prince Beasley Cross Vol. 2, p. 36

2 Beasley, --

3 A. (Interposing) Well, --

4 Q. -- would you disagree with me if I said there's  
5 nothing in there about Cathy Perry?

6 A. Well, if you said it, I would agree with it, but I  
7 don't see -- I don't see it anywhere.

8 Q. Okay. Do you recall telling Special Agent Madden  
9 when he interviewed you on the 20th of June in  
10 Fayetteville that with reference to the night of the  
11 18th you recalled Cathy Perry being in the vehicle  
12 with Helena Stoeckley and the other people?

13 A. I think, sir, what I told Mr. Madden was that when  
14 the vehicle pulled into the park -- parking area  
15 where they parked, a girl left the car, went straight  
16 into the back of the house -- from the car right into  
17 the house -- apartment. And I thought that it was  
18 Cathy Perry.

19 Q. But you're not sure?

20 A. I'm not really sure that it was.

21 Q. Did you testify at the trial, either in front of the  
22 jury or outside the jury's presence, that there was a  
23 female in that car --

24 A. (Interposing) There was --

25 Q. -- other than Helena Stoeckley?

1 Prince Beasley Cross Vol. 2, p. 37

2 A. Yes, I did.

3 Q. You did?

4 A. I know I did. That I remember. There was another  
5 female there, but I couldn't identify her. But I  
6 thought it was Cathy Perry.

7 Q. That's your recollection?

8 A. Yes, sir.

9 Q. Well, sir, --

10 A. (Interposing) To the best of my knowledge, sir.

11 Q. Well, Mr. Beasley, in the interest of saving time,  
12 I won't go through all the transcripts, but would  
13 you disagree with me if I said you didn't testify to  
14 that effect at the trial?

15 A. Unless I could see otherwise, I'll agree with you.

16 Q. Well, fine. You're welcome to look at them.

17 A. That's okay. I'll agree; if you say so, it's true.

18 Q. Okay. Now, Mr. Beasley, tell us, if you would, about  
19 the circumstances that led to Helena Stoeckley going  
20 out to California in -- I guess, it was early October,  
21 1980. Do you recall that?

22 A. Yes, I do.

23 Q. Okay, sir. Is it correct that in either late  
24 September, 1980 or early October, 1980 you learned  
25 that Ernest Davis had allegedly assaulted Helena Davis?

1 Prince Beasley Cross Vol. 2, p. 38

2 A. Right.

3 Q. Okay. And that Helena had sworn out a warrant for  
4 her husband, Ernest --

5 A. (Interposing) That's correct.

6 Q. -- is that correct?

7 And that the warrant hadn't been served by the  
8 Fayetteville Police Department?

9 A. Correct.

10 Q. Okay. And is it correct that you arranged to have  
11 the warrant served and Ernest arrested?

12 A. I went down to the Police Department after I was  
13 advised by a news reporter there at -- in  
14 Fayetteville that a warrant had been issued.

15 Q. Who was the news reporter?

16 A. Pat Reese.

17 Q. Pat Reese. Okay.

18 A. He said the warrant was on file and they didn't know  
19 where to locate Stoeckley -- Davis at. They went to  
20 Davis' in-laws house, and he was there but they denied  
21 that he was there.

22 Q. Unh-hunh.

23 A. I found out later where he was at, and I went down to  
24 the Police Department and told them where he was.

25 Q. Okay. And they arrested Ernest?

1 Prince Beasley Cross Vol. 2, p. 39

2 A. They arrested Ernest, yes, sir.

3 Q. Okay. Did you subsequently contact Ernest Davis in  
4 jail?

5 A. Yes, sir.

6 Q. Okay. And did you offer to post his bond --

7 A. (Interposing) No, sir.

8 Q. -- of two hundred dollars (\$200.00)?

9 A. He asked me to post his bond --

10 Q. (Interposing) Okay.

11 A. -- and there was some discussion about that.

12 Q. Well, is it accurate to say that the discussion  
13 included ultimately an agreement that you would post  
14 his bond of two hundred dollars (\$200.00) and he would  
15 go out to California with you and tell you everything  
16 he knew about the MacDonald case to Mr. Gunderson?

17 A. Well, that was discussed, but let me explain how that  
18 came about. I went up to talk to Ernest and asked  
19 him what happened between him and Helena. And he told  
20 me that they got in a fight and he -- she said that he  
21 beat her up, which he didn't. And I said, well, I'm  
22 sorry to hear that. And I started to get up and  
23 leave, and he said, Mr. Beasley, how about getting me  
24 out of jail? I said, Ernest, you're from out of  
25 state, I'm afraid that you'll jump on me, you'll run,

1 Prince Beasley Cross Vol. 2, p. 40

2 and I don't have the money to -- to throw away on you  
3 leaving the country.

4 He said, I'm not going to leave; I'll stay here.  
5 I said, I can't do that; I said, I just can't get you  
6 out. I got up and started to leave, and he said,  
7 well, if I tell you what you've been wanting to hear  
8 all these years, will you get me out? I said, what  
9 are you going to tell me? He said, I'm going to tell  
10 you what part Helena had to play in the MacDonald  
11 murders. I said, well, are you sure that you'll tell  
12 me if I get you out? He said, yes, I'll tell you.

13 So, I went downstairs and made arrangements to  
14 get him out. We -- I said, now, you've told me  
15 briefly what happened; would you go to California with  
16 me and give us -- or would you go to California and  
17 give a detailed statement to Mr. Gunderson?

18 Q. Mr. Beasley, let me interrupt you for just a second.  
19 Ernest Davis didn't say he was present, did he?

20 A. No, sir.

21 Q. Okay.

22 A. He said basically what he was telling me was what she  
23 had told him.

24 Q. Okay.

25 A. So, contact was made with these California people, and



1 Prince Beasley Cross Vol. 2, p. 41

2 he agreed to go, and they wired tickets to the  
3 Raleigh-Durham Airport. We went out to California,  
4 and he gave us a statement.

5 Q. Okay. Now, wasn't part of the agreement that Ernest  
6 would show up for the Court appearance in Fayette-  
7 ville?

8 A. That was the agreement, that he --

9 Q. (Interposing) Right.

10 A. -- would show up in the Court.

11 Q. Okay. And he didn't?

12 A. He did not.

13 Q. Okay. And you had gone bond for him, right?

14 A. That is correct.

15 Q. And did you subsequently determine that Helena and  
16 Ernest were in Walhalla, South Carolina?

17 A. Yes. When he failed to show up in Court, I did, yes,  
18 sir.

19 Q. Right. Did you go down to Walhalla?

20 A. I did.

21 Q. And did you get a local policeman down there?

22 A. I talked to the Chief of Police and the Assistant  
23 Chief of Police.

24 Q. Okay. And did you have occasion to, with this local  
25 policeman, stop Ernest and Helena Davis as they were

1 Prince Beasley Cross Vol. 2, p. 42

2 walking down the road.

3 A. Yes, I did.

4 Q. And did you, in effect, arrest Ernest Davis?

5 A. I alighted from the car. I got Ernest and handcuffed  
6 him. I told him I had -- his bond had been called,  
7 he did not show, and that I was bringing him back to  
8 stand trial so I wouldn't have to pay his bond.

9 Q. Okay. Now, you weren't ordinarily engaged in the  
10 business of being a bondsman, were you?

11 A. No, sir.

12 Q. Okay. So, -- all right. You've arrested Ernest, he's  
13 in handcuffs, he's in the car, right?

14 A. Yes, sir.

15 Q. Is the policeman in uniform?

16 A. Yes, he was.

17 Q. Okay. What's Helena doing at this point?

18 A. Standing there with her mouth open, couldn't realize  
19 what was going on.

20 Q. Okay. And you're out in the middle of the road  
21 someplace?

22 A. We were along the side of the road, yes, sir.

23 Q. And what did you say to her at that point?

24 A. Nothing.

25 Q. And did she say anything to you?

1 Prince Beasley Cross Vol. 2, p. 43

2 A. She asked me why was I taking Ernest into custody.  
3 And I said, well, if you want to know, you'll have  
4 to ask him, because I'm not going to tell you any  
5 more than -- what he says than I'd tell him what you  
6 said.

7 Q. All right. Now, let me ask you, Mr. Beasley, Helena  
8 was the complainant, was she not, on the warrant that  
9 led to --

10 A. (Interposing) She was, yes, sir.

11 Q. I see. Okay. What happened next?

12 A. Okay. On -- he told me on the opposite side of the  
13 car not to tell her why I was arresting him -- or why  
14 I was picking him up. We got down to the Police  
15 Department, and I still had not told her. And she  
16 said, Ernest, don't worry, I'll hitchhike back to  
17 Fayetteville, and I'll be there as soon as I can and  
18 help get you out of jail.

19 Q. And what, if anything, did you say at that point?

20 A. I told her, I says, well, if you want to ride back  
21 with us, that's fine, but it's mighty dangerous  
22 out there hitchhiking on the highway. At that point  
23 I asked Mr. Massey since she agreed to go back with  
24 us, would he ride back with us; for safety precautions  
25 I didn't want to bring the two of them back together

1 Prince Beasley Cross Vol. 2, p. 44

2 alone. And he agreed to do it.

3 Q. Well, was Ernest being unruly at this point?

4 A. Not at this point he wasn't.

5 Q. Had he been earlier?

6 A. No, unh-unh.

7 Q. All right.

8 A. And, so, we took him to the Police Department, and  
9 this was later on that night. Mr. Massey went home  
10 and changed clothes and came back with me, and we  
11 left en route to Fayetteville.

12 Q. Okay. Now, what day is this, Mr. Beasley, do you  
13 recall?

14 A. Well, I -- I don't know. You'll have to look -- I'll  
15 have to look at my reports. I don't know. I can't  
16 recall dates, but they are in my reports. I believe  
17 you have them -- somebody has them. (Witness points  
18 to counsel.)

19 Q. You're pointing to my table here, Mr. Beasley. I --

20 A. (Interposing) Well, somebody has --

21 Q. -- don't know what --

22 A. (Interposing) Somebody has my files up there. I  
23 turned them over to -- to --

24 Q. (Interposing) Okay. Well, --

25 A. -- somebody yesterday.

1 Prince Beasley Cross Vol. 2, p. 45

2 Q. All right. Do you recall --

3 THE COURT: (Interposing) Well, can you get  
4 that date?

5 MR. MURTAGH: Yes, sir.

6 A. They were entered as Exhibit something, and I believe  
7 I turned them over to you, Mr. Murtagh, handed them to  
8 you. No, no, Wade Smith, I believe I handed them  
9 to or --

10 Q. (Mr. Murtagh) (Interposing) Okay. Let me move  
11 along --

12 A. -- anyway I gave them to somebody over there.

13 Q. Mr. Beasley, on the 21st of October, 1980, did you  
14 have occasion to call and try to reach Ted Gunderson  
15 out in California?

16 A. Okay. We -- on the way back to Fayetteville --

17 THE COURT: (Interposing) Can you give me just  
18 some idea as to the time frame in which all this is  
19 taking place?

20 MR. MURTAGH: Yes, sir. If I could see  
21 Defense Exhibit 21? And defense 22.

22 (Clerk hands same to counsel.)

23 Q. (Mr. Murtagh) Mr. Beasley, I'll be happy to hand you  
24 your report here, but other than the fact that it's  
25 dated October 27th, 1980, I don't see a date on there.

1 Prince Beasley Cross Vol. 2, p. 46

2 And that is your report on the arrest of Ernest Davis,  
3 is it not?

4 A. Yes, sir. That's -- this -- this --

5 THE COURT: Well, he says Mr. Smith or somebody  
6 over there has his file. Surely, he has a diary as  
7 to when he went to Walhalla, South Carolina.

8 MR. O'NEILL: Your Honor, I might be of some  
9 assistance. In Exhibit 22 there is attached as I  
10 believe Exhibit 22(e) or (f) materials to which I  
11 believe Mr. Beasley is referring.

12 THE COURT: Well, it's a very simple inquiry.  
13 I just want to know when it is and what year, at  
14 least, all these things took place.

15 THE WITNESS: Yes, sir. I -- I -- it was -- I  
16 think it was 10-27-80, sir.

17 MR. MURTAGH: Well --

18 THE COURT: (Interposing) That's the date of  
19 your statement he said. I want to know when you were  
20 in South Carolina arresting Ernest Davis.

21 A. Well, I can --

22 Q. (Mr. Murtagh) Mr. Beasley, I'll hand you this 22(e)  
23 which says, "I, Helena Davis, do hereby agree to  
24 accompany P. E. Beasley to Los Angeles"; that's --  
25 well, you tell me what date it is, sir. It's

1 Prince Beasley Cross Vol. 2, p. 47

2 obliterated, Judge. It's been written over.

3 A. 10-22-80.

4 Q. Okay. Now, that's in Raleigh, right?

5 A. That's when she agreed to go to --

6 Q. (Interposing) Okay. To California?

7 A. -- to California, yes, sir.

8 Q. But is it correct, Mr. Beasley, on the 21st of  
9 October you had her in Fayetteville having brought  
10 Ernest Davis back to Fayetteville and turned him over  
11 to the Police Department? Can you read your 22(f)  
12 here in terms of the date? It seems to be a carbon  
13 copy. (Counsel hands same to witness who peruses  
14 same.)

15 A. No, sir. But let me look -- I think I can come up  
16 with a clearer date than that. (Witness reviews  
17 documents.)

18 THE COURT: Did you put the man in jail when  
19 you got him back to Fayetteville?

20 THE WITNESS: Yes, I did, sir.

21 THE COURT: Somebody call down there and see  
22 what day that was, please. They'd have a record of  
23 that, wouldn't they?

24 THE WITNESS: Yes, sir, I believe they would.

25 THE COURT: All right. But in none of your

1 Prince Beasley

Cross

Vol. 2, p. 48

2 papers you have any record of that?

3 THE WITNESS: Yes, sir. It's in here somewhere.

4 THE COURT: Well, find it.

5 THE WITNESS: I've got another -- another folder  
6 someplace.

7 MR. MURTAGH: Your Honor, I believe the FBI has  
8 checked that out. They're trying to verify it through  
9 their reports, but Mr. Beasley is the witness on this.

10 A. The 21st of October is when Ms. Stoeckley was in  
11 Fayetteville and agreed to go back to California with  
12 me, because this is a -- a bill from the Bordeaux  
13 Motor Inn where she lived that night.

14 THE COURT: That was the 21st of October.

15 THE WITNESS: The 21st of October.

16 THE COURT: Now, do you have any recollection--  
17 I just want to get within some reasonable time frame  
18 of how long before the 21st of October, or it may have  
19 been the same day, that you went to South Carolina and  
20 arrested her husband?

21 THE WITNESS: It was the same day, sir.

22 THE COURT: The same day. I've got it. Go on  
23 from there.

24 MR. MURTAGH: I wonder if we could have this  
25 marked as Government's twenty-two (22), I think, for



1 Prince Beasley Cross Vol. 2, p. 49

2 identification.

3

4 (GOVERNMENT'S EXHIBIT 22,  
5 MARKED FOR IDENTIFICATION.)

6

7 Q. (Mr. Murtagh) Okay. So, Mr. Beasley, in other words,  
8 you got back to Fayetteville on the 21st, you called  
9 out to California, right?

10 A. No, sir. Let me explain, sir. On the way back to  
11 Fayetteville, we'd ridden about, oh, forty-five  
12 minutes to an hour, and I had Ernest sitting in the  
13 back seat with Mr. Fred Massey. And Helena was  
14 sitting up front with me. An argument ensued between  
15 Helena and Ernest, and then he says -- she says, I'm  
16 going to find out why you've been picked up.

17 He said, all right, damn it, I went to  
18 California and gave a statement against you; why  
19 didn't you kill me while I was asleep? She said I --

20 Q. (Interposing) He said that to her?

21 A. Yes, sir. She said, I have better plans for you.  
22 So, it got a little hotter and hotter, and he got to  
23 accusing her of different things -- in fact, he got to  
24 accusing her of consorting with me on the side. And  
25 I assured him that there was no possibility of that,

1 Prince Beasley Cross Vol. 2, p. 50

2 because I wasn't even doing that at home.

3 Q. I'll take your word for it, Mr. Beasley.

4 A. So, this kept going back, and he got madder and madder  
5 at me, and he raised the handcuffs a time or two to  
6 hit me from the back, because I had put his hands in  
7 front of him.

8 Q. He tried to hit you with his handcuffs?

9 A. I think he was getting ready to, but Mr. Massey kept  
10 him under control back there. So, they kept getting  
11 rougher and rougher. And we got him to the Police  
12 Department or to the Law Enforcement Center in  
13 Fayetteville. I pulled up to the driveway, and he  
14 said, so this is it, huh? And she said, I guess it  
15 is.

16 But prior to that, on the way down, she turned  
17 to me when he admitted to her that he had gone to  
18 California and gave a statement against her, she  
19 turned around to me and she said, I don't know what  
20 he's talking about. And he said, well, I did; you  
21 know what you did.

22 So, she turned around to me and she said, Mr.  
23 Beasley, do you still want to talk about the Dr.  
24 MacDonald case? I said, well, yes, I would, but not --  
25 maybe now would be the best time for it. And she said,