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2 well, I'm going to tell you like it happened because
3 I want -- don't want to wind up hearing something I
4 didn't say or do, and I want to tell it straight like
5 it happened.

6 Q. Okay. Mr. Beasley, at this point she's still wearing
7 the clothes that she was wearing when you picked
8 Ernest up on the side of the road in Walhalla; I mean,
9 she didn't go home to pack a bag or anything?

10 A. No. I think she was wearing the same clothes, yes,
11 sir.

12 Q. Okay. So, now you're in Fayetteville, and now she
13 decides to go out to California, right?

14 A. She had agreed to do that before we ever got to
15 Fayetteville.

16 Q. Okay. But now you're in Fayetteville, the --

17 A. (Interposing) Oh, we're in Fayetteville now.

18 Q. -- night of the 21st, right?

19 A. Okay. Yes, sir.

20 Q. Where did she stay, at this motel, this --

21 A. (Interposing) At this motel, the --

22 Q. (Interposing) At Government's twenty-two (22) for
23 identification, the Bordeaux Motor Inn, 1707 Owen
24 Drive, Fayetteville?

25 A. (Nods head affirmatively.)

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2 Q. Okay. And who paid the bill, sir?

3 A. I did, sir.

4 Q. Okay. Did Helena have any money?

5 A. She didn't have any money at all.

6 Q. Okay. None at all?

7 A. None at all.

8 Q. Okay. You get the tickets --

9 A. (Interposing) No, the tickets was called in -- they
10 were waiting for us at the airport.

11 Q. Okay. But you then drove to Raleigh, right, to
12 the Raleigh-Durham Airport from Fayetteville?

13 A. Yes.

14 Q. Okay. And the tickets were waiting for you there?

15 A. They were waiting for us there.

16 Q. And that was the next day, the 22nd?

17 A. Yes, sir.

18 Q. Okay. And then you flew out there. About what time
19 did you leave?

20 A. If I recall, somewhere around eleven o'clock (11:00).

21 Q. In the morning?

22 A. Yes. It was in the morning time.

23 Q. Okay. And do you recall what time you got into Los
24 Angeles?

25 A. It was around dark -- it was after dark when we got

1 Prince Beasley Cross Vol. 2, p. 53
2 there.
3 Q. After dark?
4 A. Yes, sir, it was dark when we got there.
5 Q. You left in the morning and you're flying west?
6 A. Well, I'm saying it was in the morning when we left,
7 but we -- it was aft -- it was dark when we got there.
8 Q. So, whatever time it was, it was dark when you got
9 there?
10 A. Yeah, it was dark when we got there.
11 Q. Okay. And it would have been three hours earlier
12 their time?
13 A. Difference, yes, sir.
14 Q. Okay. And where did you go when you got -- after you
15 got to the Airport, where did you go?
16 A. Mr. Gunderson met us at the Airport. And he had
17 rooms reserved at the Holiday Inn in -- wherever we
18 were at, and went straight to her room, and she went
19 to bed, I guess.
20 Q. Okay. Mr. Beasley, let me back up a second here.
21 While you were on the plane, did Helena -- did she
22 sleep at all, do you know?
23 A. Yeah, she slept some.
24 Q. Okay. Did she have what appeared to be normal sleep
25 or peaceful sleep, from what you could tell?

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2 A. No. She'd wake up occasionally while I'd, you know --
3 like she was afraid. It's hard to explain the way
4 she did act.

5 Q. Unh-hunh. ~~What did she tell you on the plane, sir,~~
6 with respect to the MacDonald murders?

7 A. She explained to me -- I talked to her in detail about
8 it, and I was taking notes as she was talking. And
9 she admitted that she was in the house; she admitted
10 to me about the rocking horse being broken. And I
11 asked her did she know or did she see the picture in
12 the paper of this rocking horse; she said, no, she did
13 not. There was a lot of stuff she told me that I
14 really can't recall, she told me so much.

15 Q. But it's in your report, you say?

16 A. I'm sure it's in the report that Mr. Gunderson has,
17 but it's not in my report.

18 Q. Oh, you didn't put it in your own --

19 A. (Interposing) I've got my notes. I just took notes
20 of what she was saying.

21 Q. Do you have those with you?

22 A. Oh, yes. I think I've got them. (Witness obtains
23 documents from briefcase.)

24 MR. MURTAGH: Do you have that exhibit up there,
25 Mr. Beasley, twenty-two?

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2 A. I think so. (Witness hands same to counsel.)

3 MR. MURTAGH: Do you have (e) and (f) up there,
4 Mr. Beasley, 22(e) and (f)?

5 THE WITNESS: Yeah.

6 MR. MURTAGH: I'm sorry. Let me get these back.

7 THE WITNESS: All right, sir.

8 Q. (Mr. Murtagh) That one I want you to hang on to.

9 A. Yeah, I've got some notes here.

10 Q. Tell us about what she said on the plane, sir.

11 A. This may not be in order as she said them, but I was
12 taking them down as fast as I could.

13 I asked her about why she left Fayetteville;
14 why didn't she stick around. She said that an officer
15 in Fayetteville had warned Helena that I was out to
16 get her and told her to get out of town. And she
17 stated that she was raped by a police officer in
18 Fayetteville when she was fifteen (15) years old. She
19 stated that this officer had been taking payoffs for
20 some time from drug dealers in the area that amounted
21 to be a lot of money.

22 One of our biggest dealers in the area
23 committed suicide or was either killed during a drug
24 trial he was being tried for. Helena worked for him
25 and made payoffs for him and stated he was in the

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2 market.

3 Q. Mr. Beasley, but that doesn't really pertain to the
4 MacDonald case, does it?

5 A. But I say I'm taking it down --

6 Q. (Interposing) Okay.

7 A. -- as she was giving them and --

8 Q. (Interposing) Okay.

9 A. -- it may not be in order. Okay. Stated that Studor
10 set me up to see if I would be on the take and that
11 I could not interfere with him -- so that I could not
12 interfere with him. Helena stated that she was part
13 of the setup but I was too slick for Studor and did
14 not fall into his trap.

15 Stated that Studor would bust someone and get
16 dope he did not want and have her to take it for him
17 or sell it -- take it for him or sell it. Stated
18 that during the MacDonald murders that she and all
19 the other suspects that I had the names of disappeared
20 because they were warned I was after them, that this
21 could explain --

22 Q. (Interposing) I'm sorry. Would you say that again,
23 Mr. Beasley?

24 A. Stated that --

25 THE COURT: (Interposing) They disappeared

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2 because he, Beasley, was after them.
3 Q. (Mr. Murtagh) Okay.
4 A. And they were warned I was after them. That's why
5 they all -- they left town.
6 Q. That's what she's saying to you?
7 A. Yeah, that's what she's saying to me.
8 Q. Okay. Is that true?
9 A. Well, I assume it must have been. They left.
10 Q. But did you have their names?
11 A. I had the names she gave me, yes, sir.
12 Q. Okay. But were those names Dwight Smith, Greg
13 Mitchell, Don Harris, Bruce Fowler or Allen Mazerolle?
14 A. Well, -- again, I'm saying I'm not sure. Maybe I'll
15 get to it in here.
16 Q. Okay. Please continue.
17 A. This could explain the missing paperwork -- so-and-
18 so, that's not important. Stated that she was --
19 Q. (Interposing) Mr. Beasley, why don't you back up?
20 I think the Court would like to hear what you didn't
21 read there.
22 A. Okay. Well, she stated this could explain the missing
23 paperwork that I had on this case.
24 Q. Go ahead.
25 A. Stated that she was involved in what -- in witchcraft,

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2 white witchcraft and -- and -- at first and then
3 graduated to the black cult that was operating in the
4 Fayetteville area at the time. Stated that Mazerolle
5 was at the MacDonald murder trial; that he had changed
6 his appearance but she still became -- she still
7 recognized him.
8 Q. Mr. Beasley, let me interrupt you. You didn't see
9 him at the MacDonald murder trial, did you,
10 Mazerolle?
11 A. I wouldn't recognize him if he walked in that back
12 door now.
13 Q. Thank you. Okay. Continue.
14 A. Stated that Mazerolle was at -- well, I read that.
15 Stated that she was made promises by the defense that
16 was not kept; that she was threatened, that she did
17 not like -- had -- had been threatened; that she did
18 not like it; had made a point to make the Judge think
19 she was not competent; that questions was asked that
20 was -- that was not supposed to be; that she fully
21 intended to help, but when this was done, she gave
22 the answers that did not help and that she could have
23 made a difference in the outcome of the trial if this
24 had not been so.
25 Q. Okay. Now, did Helena tell you -- well, let me ask

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2 you. You say Mr. Gunderson put what Stoeckley told
3 you on the plane in his report?

4 A. Mr. Gunderson didn't put me on the plane --

5 Q. (Interposing) No, sir, that wasn't my question.
6 Did you -- did I understand you to testify earlier
7 that your account of what Stoeckley said on the
8 airplane --

9 A. (Interposing) Yes.

10 Q. -- Mr. Gunderson ultimately put in his report? And
11 let me show you Government's twelve (12) for
12 identification, Volume four (IV) of the Gunderson
13 report, starting at page thirty-eight (38), events
14 leading to interview of Ernie Davis and Helena Davis,
15 a/k/a Helena Stoeckley. Have you seen that?

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

17 A. No, sir. But if it's in there, I'm sure it's there
18 because --

19 Q. (Interposing) Okay.

20 A. -- as I was saying, I was writing this down so as not
21 to forget what she was saying.

22 Q. Okay. Well, is it accurate, Mr. Beasley, that whatever
23 Stoeckley told you on the plane you told Mr.
24 Gunderson and he put it in his report?

25 A. Oh, yes. I read it from this; I had to.

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2 Q. Okay. Well, did you tell -- or did Stoeckley tell you
3 on the plane that -- that on the night of the murders
4 for a short while that she came to the Apple House in
5 a blue Mustang with three other people, two white, and
6 one black male; the black male who was wearing
7 fatigue field jacket with E-6 stripes was Dwight
8 Smith nicknamed Smitty and Zigzag? Did she tell you
9 that on the plane?

10 A. Yes, sir.

11 Q. Okay. So, that would have been October --

12 A. (Interposing) No, sir. She told me that, I think,
13 the night that I brought her back from California --
14 I mean from South Carolina.

15 Q. Well, --

16 A. (Interposing) I believe that's in the first statement
17 she signed for me, that basically is why I called
18 California to get -- to see what they wanted to do
19 about it.

20 Q. I think that's Defense 21 or 22?

21 A. I -- I believe it's in there, sir. I'm saying I
22 think -- it's in one of them. But she did tell me
23 that, yes, sir, she did.

24 Q. Well --

25 A. (Interposing) It's in one of those reports.

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2 Q. Well, Defense 22, Mr. Beasley, appears to be your
3 report dated October 27th, 1980, and it recounts the
4 arrest of Ernest Davis and puts Helena on the --

5 A. (Interposing) Well --

6 Q. -- plane but not --

7 A. (Interposing) -- if I could read her statement --

8 Q. (Interposing) Sure.

9 A. -- I could -- I would know then if it was in there.

10 Q. Well, you tell me what exhibit.

11 THE COURT: Off the record.

12

13 (DISCUSSION OFF RECORD.)

14

15 Q. (Mr. Murtagh) I'm sorry, Mr. Beasley. Have you had
16 a chance to look at that report?

17 A. I don't think it's in this one, sir.

18 Q. Okay. Let me show you Defendant's 21. (Counsel hands
19 same to witness who peruses same.)

20 A. Should I read it aloud or --

21 Q. (Interposing) Well, Mr. Gunderson, let me ask -- or,
22 Mr. Beasley, excuse me -- isn't that report dated
23 October 23rd, 1980? Take a look.

24 A. Yes, it is, but --

25 Q. (Interposing) Is that correct?

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2 A. Apparently it's not. I must have missed it a day.

3 Q. Because doesn't it say that on October 23rd Helena
4 told you in the Bordeaux Motor Hotel in Fayetteville?

5 A. I must have been confused on the date, sir, the only
6 thing I can say there, because this was taken at the
7 Bordeaux Motor Inn.

8 Q. So, that actually would have been the night of the
9 21st, right?

10 MR. MURTAGH: Where's the hotel bill? (Counsel
11 hands same to witness who peruses same.)

12 A. I -- yeah, yeah, you're right, because I got Ernest
13 back to Fayetteville sometime after eleven o'clock
14 (11:00). So, maybe by the time we got there,
15 probably it was.

16 Q. (Mr. Murtagh) Okay. So, the date on Defense 21 is
17 wrong, but the information was provided to you by
18 Helena in the Bordeaux Motor Inn?

19 A. Yes, unh-hunh.

20 Q. Okay. All right. Tell me what she said --

21 A. (Interposing) Okay.

22 Q. -- and then we'll get back to the plane.

23 A. (Reading document) "I, Helena Stoeckley Davis, on
24 October 23rd, 1980 give this statement to retired
25 Detective P. E. Beasley of the -- at the Bordeaux

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2 Motor Inn in Fayetteville of my own free will and to
3 the best of my knowledge; that I am not under the
4 influence of any narcotic or drug and that no
5 promises or threats have been made to me by Mr.
6 Beasley or anyone else.

7 Helena stated that Dr. MacDonald was indirectly
8 involved with the deaths of his family. She stated
9 that he had cut several people off and refused to give
10 them treatment for drug addiction; that he would turn
11 them in to their commanding officers and this would
12 cause these people prob -- cause them problems. She
13 stated no names at this time. She stated that the
14 reason Dr. MacDonald was not killed along with his
15 family that this would not have served the purpose.

16 She stated that they wanted him to suffer as
17 they had and by killing the closest thing to him and
18 leaving him alive to face the music would serve the
19 purpose. She stated that at first she only thought
20 they were going -- just going to be pushed around,
21 and when Dr. MacDonald put up a fight, things got out
22 of control and she could do nothing about it. She
23 stated to me that she remembers standing at the couch
24 with a burning candle; that the hot wax ran in -- onto
25 her fingers, and that she put the candle out and put

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2 it in her pocket. That the black male she thinks
3 struck the first blow, and that's when she shouted
4 "hit the pig again". During this time she says that
5 she was tripping pretty heavy on the drugs that she
6 had taken. She stated that she heard Colette yell out
7 in a clear voice, "Jeff, why are they doing this to
8 me?" That the next time she heard it it seemed like
9 a gurgle. That's when she went to the back room and
10 saw all the blood; that she remembers seeing "pig"
11 written in blood on the headboard of the bed she was
12 in. That she also remembers seeing Greg Mitchell,
13 who has blond hair, on top of Colette pounding her
14 with something. That she felt Colette's wrist for
15 a pulse but could find -- not find any.

16 She also stated that she saw all the children
17 but that they were all so bloody and could not tell one
18 from the other. She further stated that she answered
19 the telephone when it rang; that a male with a soft
20 voice asked if Dr. MacDonald was at home. At this
21 time she started laughing, and one of the men told
22 her to hang up the Goddamn phone. She stated to me
23 that Dr. MacDonald was a well known name in Rowan
24 Street Park (known as Scagg Park); that this was the
25 jumping off place for all of the drug dealers and

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2 users and that retaliation against Dr. MacDonald had
3 been discussed on many occasions. And she stated
4 that among the transients that hung out there that a
5 large number of discharged and AWOL soldiers also did.

6 Helena stated to me that she knows she was in
7 the MacDonald home on this night because she
8 remembers seeing the little rocking horse; that she
9 leaned against it and one of the springs was broken.
10 She further stated to me that she had never seen the
11 picture of the rocking horse in the paper. She
12 stated that the black male was Dwight Smith also
13 known as Zigzag; that Greg Mitchell and Allen
14 Mazerolle and Bruce Fowler was there. Also, that
15 Cathy Smith was there, but was not in the living room.
16 She stated that there was more than four (4) people
17 in the house but did not name all of them. She
18 stated that prior to going to the MacDonald home, she
19 and three males went to the Village Shop on Hamont
20 Hill, another popular place for the drug culture.

21 She stated that the -- that she and Greg
22 Mitchell, Dwight Smith were in the car, a blue Ford
23 Mustang; that at this time she was not drugged; that
24 Greg Mitchell was driving the car; that Dwight Smith
25 was in the front seat and got out to let her -- let

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2 her go inside of the place to look for someone. It
3 was near eleven (11:00) P.M. and closing time. She
4 was only there for a short time and returned to the
5 car, then went to her apartment at 1108 Clark Street.
6 She stated that Dwight Smith was wearing an Army
7 jacket with E-6 stripes on the sleeves that night and
8 he did on most oc -- as he did on most occasions.

9 She stated that Greg Mitchell had very loud
10 pipes on his car and kept it very neat. She further
11 states that the other male in the car was Paul Wizard;
12 that she knew him only by no other name. She further
13 stated that all of these people sometimes lived at a
14 trailer park -- lived at a trailer in the Hickory
15 Trailer Park that was rented by William Murray Sanders,
16 called "Candy".

17 She stated that after the killings at Fort Bragg
18 she and the others she was with stopped at the Dunkin
19 Donut Shop to clean up a little, and that they
20 purchased some donuts. After this she said they went
21 to the trailer in Hickory Trailer Park for a while.
22 After this she returned to her apartment on Clark
23 Street; that when she walked into the back door one
24 of the girls made the statement to her, "Helena, why
25 did you do it?" She answered, "they deserved to die."

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She stated that this was the morning that Bill Posey talked with her.

Helena stated that she was at the MacDonald home on the night of the kill -- murders, but she flatly denied having anything to do with the killings.

She stated that she just got roped into something she could not get out of. She further states that the day following the murders they knew the heat would be on, so everyone made themselves scarce; that she remembers the night following the murders; that I stopped them on Clark Street and stated that most of these men were in the MacDonald home -- or house the night of the killings. This was the morning of the 18th of February.

She stated that they were riding in an old model cream-colored Plymouth. She remembers letting me have her floppy hat and blond wig but asked for it back the next day and burned it and flushed it down the toilet along with all the other clothes she was wearing that night.

She says she wanted to destroy anything that might connect her to being near her -- to her -- near her house. She stated that she was warned by a police detective that I was after her and that she had

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2 better leave town.

3 She stated that everyone else had so -- as so
4 she thought, had also thought it wise to leave also
5 since it seemed the attention had been focused on her--
6 since the attention had been focused on her. She
7 further stated that she could not talk to me on the
8 night that I stopped her and her friends at the
9 apartment at 1108 Clark Street for fear of reprisal
10 of the group and going to prison.

11 She further stated that it was a good thing I
12 did not try to take them in because they would have
13 wiped me out. She stated -- she made the statement to
14 me that the first -- she first was into witch -- white
15 witchcraft and that later she got involved in black
16 witchcraft and stated these people would stop at
17 nothing. She stated that they were very active before
18 the MacDonald murders in the Fayetteville area. She
19 further stated that because of all the publicity she
20 could not go home and that she had to stay where she
21 could; that she was afraid to get back on the streets
22 because there might be reprisals from members of the
23 cult.

24 Helena stated that she was still a witch to the
25 point that some people could see stars in her eyes and

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2 that black cats shot away from her. This statement
3 is true and correct to the best of my knowledge and
4 consists of three (3) pages. Signed by Helena
5 Stoeckley Davis, witnessed by Prince E. Beasley, and
6 notarized.

7 Q. Okay. Mr. Beasley, is it correct that Helena told
8 you that information before you signed your statement
9 of December 11th, 1980?

10 A. I suppose, sir, because she told me this the night
11 at the Motor Inn.

12 Q. So, that's October -- it's actually the 21st of
13 October?

14 A. Well, we'll say the 21st. I could be a day or two
15 off, I'm not sure.

16 Q. Well, it wasn't in Los Angeles, was it?

17 A. It wasn't in Los Angeles. This was the Bordeaux Motor
18 Inn in Fayetteville.

19 Q. Okay. Didn't she also tell you at the Bordeaux Motor
20 Inn that she'd destroyed her boots?

21 A. She told me that her boot -- the heel had broken on
22 her boot; that she had thrown that into a garbage dump.

23 Q. And she cut it up with a razor blade or something?

24 A. She said she had whacked on it with a razor blade and
25 threw it in a garbage dump.

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2 Q. Do you recall being -- or Helena saying on the 24th
3 of May, 1982 in Clemson, South Carolina that she had
4 given her boots to Cathy Perry?

5 A. She didn't say she gave her boots to Cathy Perry.
6 What -- what happened -- transpired on this, she
7 said that Cathy Perry had -- I asked her did she know
8 that some bloody clothes had been turned up. She said
9 she knew. She said Cathy Perry had taken some clothes
10 in a bag to -- should I mention the name?

11 Q. Go ahead.

12 A. Mrs. Garcia's home in Fayetteville and left them with
13 her. But she never did say they were hers or whose.

14 Q. I'm sorry. Did I understand you to say that Helena
15 said she had -- she, Helena, had taken some bloody
16 clothes --

17 A. No, no. She said Cathy Perry had taken the clothes.

18 Q. Whose clothes?

19 A. Someone's clothes. She didn't say who.

20 Q. Then she didn't say they were her clothes?

21 A. She didn't say they were hers.

22 Q. I see. All right. Mr. Beasley, let's go back to Los
23 Angeles. You've gotten out of the airport and you've
24 taken her to a motel, is that correct, on the night
25 of the 22nd?

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2 A. Yes, sir. Mr. Gunderson put her up in a motel there.
3 Q. Okay. And --
4 A. (Interposing) Westwood, California.
5 Q. Westwood, California. Now, she -- she had a suitcase
6 with her at this point?
7 A. She had a suitcase, yes, sir.
8 Q. Where did she get the suitcase?
9 A. She stopped by a black man's home at 215, I believe,
10 McIver Street in Fayetteville.
11 Q. This is on the 21st?
12 A. This was the day we left, yeah, it had to be.
13 Q. Okay. So, she had some clothes with her?
14 A. Yeah.
15 Q. Okay. Now, on the --
16 A. (Interposing) Well, I assume she had clothes, sir.
17 I didn't see in the bag. I assume she had clothes.
18 Q. Okay. On the 23rd of October, 1980 -- all right,
19 you're now in Los Angeles and you go to Mr.
20 Gunderson's office with Helena?
21 A. Yes, sir -- no --
22 Q. (Interposing) What time did you start talking to
23 Helena?
24 A. We didn't go to Mr. Gunderson's office that night.
25 We went to the motel -- to the hotel.

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2 Q. On the 23rd?

3 A. The day we arrived in California.

4 Q. No, it's the next day, Mr. Beasley.

5 A. The next day. Oh, we went to Mr. Gunderson's office
6 about -- somewhere around three or four in the
7 afternoon..

8 Q. Okay. And did you start talking to her about the
9 murder?

10 A. Yes, sir. We began to -- he -- he wasn't that well
11 acquainted with her, and he was trying to get himself
12 acquainted with her. And, so, we talked for a while.
13 And she says, I don't know -- she said, I'm hanging
14 myself, and made the statement. I said, well, you
15 mean -- you said you were going to say -- tell what
16 you knew; if not, we'll just load up and go back.

17 And she said, no, I came all the way out here,
18 I'm not going to back out now. So, she says, first,
19 let me talk to a priest.

20 Q. A priest?

21 A. A priest. So, I said, well, Mr. Gunderson can arrange
22 it. I know -- don't know of any. So, he did; he
23 arranged for her to go talk with a priest. And I
24 guess she talked -- she talked some hour.

25 Q. Was it a priest?

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2 A. Yeah, it was a priest, because we were at the church.

3 Q. What church was it, do you know?

4 A. I don't recall, sir. I wouldn't even know. But it
5 was -- it was a church, and he was a priest. They
6 were having some kind of community function at the
7 church that night, and he took time away from what he
8 was doing to go into his chambers and talk with --
9 with her.

10 Q. Okay.

11 A. She came -- she came back out after going in and
12 explaining to the priest, or he said he was a priest,
13 and we went back to the office. She said, I feel
14 better about it now, and I want to go ahead and tell
15 it like it happened. She began --

16 Q. (Interposing) Okay. So, that's the night of the
17 23rd?

18 A. Yes, sir.

19 Q. Okay. Now, when did she first sign a statement, Mr.
20 Beasley?

21 A. There you go again. I -- the dates -- I don't -- I
22 don't recall if she signed one that -- I'm sure she
23 didn't sign it that night, because she didn't complete
24 the statement. It must have been the next day or two,
25 I don't know when.

1 Prince Beasley Cross Vol. 2, p. 74

2 Q. Were there a couple of statements that she was shown?

3 A. Well, now, she had to be in Court, you know, in
4 Fayetteville --

5 Q. (Interposing) I'm sorry?

6 A. She had to be in Court in Fayetteville to appear
7 against Ernest as a witness for the State, and she
8 had to be back at a certain time. And the statement
9 was not completed there. So, we -- I told Mr.
10 Gunderson that she had better be there for this trial.
11 So, he put us back on a plane; we came back to
12 Fayetteville, and Ernest failed to show up in Court,
13 that's when he failed to show.

14 At that point, she --

15 Q. (Interposing) Well, he failed to show up a second
16 time?

17 A. No, the first time. He failed to show the first time.
18 Helena was there, but I made sure she was there from
19 her appointment in California that she was in Court
20 on the date that she was supposed to be. She was
21 there, but he wasn't.

22 Q. Well, Mr. Beasley, I'm confused on the dates here.
23 I thought you had Ernest out to California first --

24 A. (Interposing) First, yes, sir.

25 Q. -- then -- then he goes back and he doesn't show up in

1 Prince Beasley Cross Vol. 2, p. 75

2 Court.

3 A. That's correct.

4 Q. And then you go down to Walhalla and you get Helena --

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

6 Q. -- and Ernest, and you bring Helena out to California
7 in October.

8 A. That's correct.

9 THE COURT: Let's review the chronology a
10 little. Does anybody know when Ernest was in Los
11 Angeles?

12 THE WITNESS: Yes, sir.

13 THE COURT: What day, month and year, if you can
14 tell us?

15 THE WITNESS: (Reviews documents) Sir, the best
16 I've got here is 10-27-80; that's what's on --

17 THE COURT: (Interposing) 10-27-80.

18 THE WITNESS: Yes, sir. This is --

19 THE COURT: (Interposing) All right. Now,
20 you've got statements made by Helena Stoeckley Davis
21 in Los Angeles on October 23 and 24 of 1980.

22 THE WITNESS: Let me go back and pull out
23 another -- on this --

24 MR. MURTAGH: (Interposing) Your Honor, may it
25 please the Court, I think it's October 24th and 25th.

1 Prince Beasley Cross Vol. 2, p. 76

2 THE COURT: All right.

3 MR. MURTAGH: I think so.

4 THE COURT: 24th and 25th. It still was before
5 the 27th of October?

6 MR. MURTAGH: Before the 27th, yes, sir.

7 THE COURT: Yeah.

8 MR. MURTAGH: The statement dated the 23rd is
9 actually the 21st and it was in Fayetteville.

10 THE WITNESS: I had the bond and everything
11 here, sir. I don't know what happened to that.

12 Q. (Mr. Murtagh) Mr. Beasley, are you saying that
13 Helena Stoeckley left Los Angeles before she signed
14 the statement?

15 A. The statement had not been -- apparently so, sir. I--
16 I don't think the statement had been completed. It
17 was not complete.

18 Q. Okay.

19 A. And the reason for that was she had to get back in
20 time to appear in Court for the Court date --

21 THE COURT: (Interposing) To testify against
22 Ernest.

23 A. -- testify against Ernest. And, so, I made sure she
24 was there.

25 Q. (Mr. Murtagh) Okay. When did she sign the statement?

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1 Prince Beasley Cross Vol. 2, p. 77

2 A. Well, I think about three (3) weeks elapsed. Mr.
3 ~~Gunderson will have all this.~~

4 Q. Well, --

5 A. (Interposing) So, she -- let me explain this.

6 Q. Sure, go ahead.

7 A. She called the house -- my house one day and told me
8 to get ahold of -- or Gunderson was at my house
9 talking to me, and she called and said she was ready
10 to go back to California to finish her statement.
11 So, we went to South Carolina, picked her up, and she
12 returned to California, she finished her statement;
13 and I cannot recall the dates because I don't have
14 them. Mr. Gunderson has those dates.

15 Q. Mr. Beasley, in the interest of not muddying the
16 waters any more, are you sure you're not talking about
17 her going back to do a second interview in December
18 of 1980 which was tape recorded?

19 A. She went back twice -- there was two -- two occasions
20 she was there.

21 Q. I don't dispute that with you. What I'm saying is
22 with respect to her confessions, if you will, of
23 October 24th and 25th --

24 A. (Interposing) It's a possibility --

25 Q. -- didn't she sign those in California on October

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1 Prince Beasley Cross Vol. 2, p. 78

2 24th?

3 A. Well, I assume she did. She must have signed them.

4 I knew we had to get her signature before she left
5 there, so apparently she did sign them.

6 Q. Okay.

7 A. I don't doubt she didn't -- well, I'm sure she did.

8 THE COURT: Does anybody know when Ernest Davis
9 was in California?

10 MR. O'NEILL: I do, Your Honor.

11 THE COURT: What day was it, please?

12 MR. O'NEILL: October 2, 1980.

13 THE COURT: October 2, '80.

14 MR. O'NEILL: And if it is not yet in evidence--
15 I don't have -- I lost my list of exhibits, Your
16 Honor. But there's a handwritten statement with Mr.
17 Gunderson introduced, so it is among that list of
18 documents beginning with, I believe, number two (2)
19 and forward.

20 Q. (Mr. Murtagh) Well, Mr. Beasley, didn't we cover that
21 earlier that, you know, Ernest went out to California;
22 he'd made a statement; he'd promised to show up in
23 Court and he didn't; isn't that what you told us?

24 A. (Nods head affirmatively.)

25 Q. Okay. So, you were confused about whether the

1 Prince Beasley Cross Vol. 2, p. 79

2 Stoeckley statements preceded that?

3 A. Unh-unh, no. Even after I picked Ernest up and
4 brought him back, that was the first time she went
5 out. Then -- she went out and gave a statement; then
6 she had to come back to Court on a certain date is
7 why she cut the -- the interview short.

8 Q. Okay.

9 A. And she appeared in Court, and some period of time
10 after that is when she went back and gave the other
11 statement.

12 Q. Okay. All right. Mr. Beasley, have you got, I think
13 it's Government's 21 for identification, up there?
14 It's your statement of March 1st, 1971. Would you
15 look at the last page, please?

16 No, that's the December 11th one. This one
17 here, sir, 21.

18 A. Oh, okay.

19 Q. Government's 21 for identification. Look at the last
20 page, sir. Would you read the first paragraph, sir?

21 A. (Reading document) "I have known Helena for some
22 three years. I know her to be a drug user and a drug
23 pusher. She has furnished me with information that
24 has resulted in the arrest and conviction of several
25 drug dealers in the Fayetteville area. At this time

1 Prince Beasley Cross Vol. 2, p. 80

2 most of them are still in prison. She appears to me
3 to be starving for attention and this I tried to give
4 her and for this, and this reason alone, I believe
5 that is why she -- is why she turned in some of her
6 best friends in dealing -- for dealing in narcotics."

7 Q. Excuse me, Mr. Beasley. Is that "turned on" or
8 "turned in"?

9 A. Turned in.

10 Q. "Some of her best friends for dealing in narcotics"?

11 A. Right.

12 Q. Okay.

13 A. "Helena would do anything to get me to pat her on the
14 back and act proud of her. I have talked to both of
15 Helena's parents, and from what I can deduce from --
16 deduce she has a strong conviction that she is not
17 wanted at home."

18 Q. Okay. Mr. Beasley, was that a true statement at the
19 time you made it in -- March 1st, 1971?

20 A. Yeah. And I have to admit, sir, that if she did do
21 anything like that, I would pat her on the back.

22 Q. Okay.

23 A. I tried to take care of my informants the best I could.

24 Q. Okay. Was it a true statement in October of 1980?

25 A. Anything that is in there, to the best of my knowledge,

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1 Prince Beasley Cross Vol. 2, p. 82

2 A. I really don't know, sir. I don't know really what
3 it was.

4 Q. Well, did you --

5 A. (Interposing) I was having problems with my nerves.

6 Q. Nerves?

7 A. I would say that was one of the main things, yes, sir.

8 Q. Okay. Mr. Beasley, you were in World War II, were you
9 not?

10 A. Yes, I was.

11 Q. And you served in the Navy, did you not?

12 A. Yes, I did.

13 Q. And did you serve in the South Pacific?

14 A. Yes, sir.

15 Q. Okay. Were you ever hospitalized while you were in the
16 Navy?

17 A. Yes, sir.

18 Q. Was that as a result of an accident or enemy action of
19 some kind?

20 A. I was hospitalized for combat fatigue -- combat
21 fatigue.

22 Q. Combat fatigue?

23 A. Yes, sir.

24 Q. Okay. And how long were you hospitalized for, sir?

25 A. Approximately two and a half (2½) months, two months.

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1 Prince Beasley Cross Vol. 2, p. 83

2 Q. Could it have been four (4) months?

3 A. It could have been. There you go again. You've got a
4 length of time there.

5 Q. Well, did you -- did you get a disability discharge
6 from the Navy?

7 A. No, I didn't.

8 Q. Are you sure, sir?

9 A. Yes, sir.

10 Q. Okay. You didn't get a thirty percent (30%)
11 disability?

12 A. No, sir.

13 Q. Okay. But you did get a disability retirement from
14 the Police Department?

15 A. Yes, I did.

16 Q. Okay. Now, had you been hospitalized prior to your
17 retirement?

18 A. Yes, I was.

19 Q. Where were you hospitalized, sir?

20 A. At the V.A. Hospital in Fayetteville.

21 Q. How many times?

22 A. Prior to my retirement?

23 Q. Yeah.

24 A. I'm not sure.

25 Q. Could it have been a dozen or so?

1 Prince Beasley Cross Vol. 2, p. 84

2 A. No.

3 Q. A half dozen?

4 A. No.

5 Q. Are you sure of that?

6 A. Yeah, I'm just about sure of that.

7 Q. Okay. What part of the V.A. Hospital were you in,
8 Mr. Beasley?

9 A. More -- be more explicit.

10 Q. Well, did you go there because you had --

11 A. (Interposing) For a nervous condition. It was a
12 nervous condition.

13 Q. A nervous condition. Do you know what the nature of
14 this nervous condition was?

15 A. No, that's the way it reads on my disability,
16 "nervous condition".

17 Q. When you say "your disability", what are you referring
18 to, sir?

19 A. I'm drawing disability now from the V.A., but I did
20 not get discharged from the Navy in that manner.

21 Q. Okay. In other words, you have a disability from the
22 Navy--

23 A. No, no.

24 Q. -- or from the Police Department --

25 A. (Interposing) From the V.A.

1 Prince Beasley Cross Vol. 2, p. 85

2 Q. From --

3 A. (Interposing) The V.A.

4 Q. But is that as a result of your medical -- your
5 military service or your police service?

6 A. Military service.

7 Q. Okay. Now, I'm asking with respect to your Police
8 Department service, are you not also a disability
9 retiree?

10 A. Yes, sir.

11 Q. And what was the disability which caused you to retire?

12 A. I don't know. Possibly connected with my service
13 disability.

14 Q. Well --

15 A. (Interposing) I worked twenty (20) years after I was
16 out of the Navy on the Police Department for --

17 Q. (Interposing) Well, Mr. Beasley, did you ever -- well,
18 let me ask you this. Did you ever have any problem
19 with your eyes, complaining of wavy lines or seeing
20 dark spots?

21 A. Oh, yes. Yeah.

22 Q. How about double vision?

23 A. That's what I've just finished this surgery for.

24 Q. Okay. When did that condition occur?

25 A. That happened while I was on the Police Department --

1 Prince Beasley Cross Vol. 2, p. 86

2 yeah. It was shortly before I retired.

3 Q. Unh-hunh. Now, you mentioned you just had an opera-
4 tion. Basically, what was that for, sir?

5 A. Carotid arteries.

6 Q. Carotid artery?

7 A. (Nods head affirmatively.)

8 Q. Do you have carotid artery disease; do you know, sir?

9 A. I hope so -- I hope not now.

10 Q. Okay. Well, did you ever have it?

11 A. Not after what I've been through, I hope not.

12 Q. Well, so do I, Mr. Beasley. But have you ever been
13 diagnosed as having had it?

14 A. Well, I don't know what the diagnosis was, but they
15 did find a problem.

16 Q. But you have been in and out of the Veteran's Hospital
17 quite a bit, have you not?

18 A. Off and on quite a few times, yes, sir.

19 Q. Have you ever seen anybody on the psychiatric service
20 at the Veteran's Hospital in Fayetteville?

21 A. Oh, yeah. I've talked to psychologists out there
22 lots of times.

23 Q. How about psychiatrists? Have you ever seen a
24 psychiatrist?

25 A. Yes, I have. I have talked to psychiatrists, yes.

1 Prince Beasley Cross Vol. 2, p. 87

2 Q. Okay. And what was the -- the nature of the problem
3 that caused you to go see a psychiatrist or a
4 psychologist?

5 A. I have no idea. They wanted me to talk with him and
6 I talked with him.

7 Q. Well, Mr. Beasley, did you ever have any problems on
8 the job as a policeman?

9 A. No, I've never been reprimanded. In fact, I was
10 elected law enforcement officer of the year twice in
11 succession.

12 Q. Okay. You --

13 A. (Interposing) I received the first law enforcement
14 officer award that was ever presented to any police
15 officer in the City of Fayetteville.

16 Q. Well, Mr. Beasley, did you ever have a problem with
17 absenteeism?

18 A. No.

19 Q. Never?

20 A. Never.

21 Q. Okay.

22 A. In fact, they owed me a hundred and some days when I
23 retired.

24 Q. Unh-hunh. Mr. Beasley, let me ask you: have you ever
25 been treated at the V.A. Hospital for alcoholism?

1 Prince Beasley Cross Vol. 2, p. 88
2 A. Yes, sir.
3 Q. You have. When was that, sir?
4 A. It's been some years ago.
5 Q. Well, would it go back to 1972, '73?
6 A. No. No, sir.
7 Q. Are you sure?
8 A. I'm sure.
9 Q. And if there were V.A. records to the contrary, they'd
10 be wrong?
11 A. Yes, sir, because I wasn't in the hospital then.
12 Q. Well, I'm talking about whether you were treated for
13 it --
14 A. (Interposing) No.
15 Q. -- not whether you --
16 A. (Interposing) I wasn't treated for it then.
17 Q. Okay. When were you treated for alcoholism?
18 A. After I retired.
19 Q. Not before?
20 A. I went one time before I retired; that's when he
21 suggested that I retire.
22 Q. Who suggested that you retire?
23 A. My doctor.
24 Q. What was your doctor's name?
25 A. Dr. -- I can't recall his name right now, but he's not

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1 Prince Beasley Cross Vol. 2, p. 89

2 there.

3 Q. Does the name Gridley ring a bell with you? Dr. --

4 A. (Interposing) Dr. Gridley?

5 Q. -- Gridley?

6 A. Oh, yeah. Yeah.

7 Q. Did you see Dr. Gridley?

8 A. I talked with him, yes.

9 Q. Okay. And let me ask you: did Dr. Gridley in effect
10 act as a consultant to the Fayetteville Police
11 Department on whether you were to be able to retire on
12 disability or not?

13 A. I don't know.

14 Q. You don't know.

15 A. No.

16 Q. Okay. Did the doctors ever tell you what their
17 diagnosis was?

18 A. He said anxiety neurosis.

19 Q. Anxiety neurosis. Okay. Did they ever mention the
20 term organic brain syndrome?

21 A. Not to me.

22 Q. Not to you.

23 A. No.

24 Q. Okay. Did you ever have problems with your memory
25 when you were on the job, Mr. Beasley?

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1 Prince Beasley Cross Vol. 2, p. 90
2 A. No.
3 Q. You're sure?
4 A. Yeah. Well, I -- like I'm saying, there's times and
5 dates that I can't recall. But --
6 Q. (Interposing) Well, Mr. Beasley, let me ask you this.
7 Did you ever complain to the doctors at the V.A. that
8 you were having problems on the job with your memory?
9 A. Unh-unh (no).
10 Q. You're sure?
11 A. I'm sure I didn't, no.
12 Q. Okay. But you did have problems with alcoholism, is
13 that a fact?
14 A. At time -- at one time I did, yes.
15 Q. Okay. And do you have diabetes, Mr. Beasley?
16 A. No, sir. One doctor says I'm borderline, and that's --
17 I'm taking a treatment for that.
18 Q. Okay. Okay. Now, after you retired, Mr. Beasley, if
19 I understood you correctly, you said you had been
20 treated for alcoholism at the V.A.?
21 A. Yes, sir.
22 Q. Okay. When did that start?
23 A. Well, it's been -- I don't know. I didn't -- it was
24 after -- I don't know. It was after I retired, but
25 I don't exactly know when. But it was shortly after

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1 Prince Beasley Cross Vol. 2, p. 91

2 I retired.

3 Q. Well, let me ask you, Mr. Beasley, was it before or
4 after you testified at the --

5 A. (Interposing) I'm going to --

6 Q. -- trial?

7 A. -- answer this, too. Now, I've been in the hospital
8 on occasions for this. When I found the occasion to
9 go, I would turn myself in for my ownself, not because
10 I needed to be there. But before I reached the point
11 of having to be there, I would turn myself in and
12 straighten out before it happened. I could see what
13 was coming.

14 Q. Okay.

15 A. And I would take care of these situations before it
16 happened or before I needed to be.

17 Q. Well, Mr. Beasley, when that happened, do you ever
18 remember complaining to the doctors who were treating
19 you that one of the problems you had was lack of
20 memory; that you were having trouble with your memory?

21 A. Oh, yeah. That was after I retired, yes, sir.

22 Q. Okay. So, in other words, after you retired, which
23 was, what, in 1974?

24 A. Four.

25 Q. Okay. You started to have problems with your memory?

1 Prince Beasley Cross Vol. 2,p. 92

2 A. Well, not right off.

3 Q. Well --

4 A. (Interposing) No, sir. It happened some time in the
5 period of time I left, but I don't know just when.

6 Q. Well, could it have happened, say, between 1974 and
7 1978?

8 A. No, sir. I would say the memory problem started about--
9 somewhere around '80, somewhere along in there, '79 or
10 '80 and continued until I had this operation.

11 Q. Okay. You're sure of that, Mr. Beasley?

12 A. Well, I'm sure as I can be.

13 Q. Okay. Mr. Beasley, have you ever been diagnosed, if
14 you know, with having presenile dementia?

15 A. I don't know if I have.

16 Q. Okay. Have you ever had prob --

17 A. (Interposing) I don't even know what it means.

18 Q. Okay. Well, Mr. Beasley, when you had problems with
19 alcoholism, whenever they were, did you ever have
20 occasion to pass out in a vehicle?

21 A. No. Oh, well, I might have, yeah.

22 Q. Okay.

23 A. That's when I was having the alcohol problem.

24 Q. Yeah.

25 A. The alcohol problem is solved, though, sir.

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1 Prince Beasley Cross Vol. 2, p. 93

2 Q. Okay. Mr. Beasley, besides the V.A. Hospital, were
3 you ever committed to the North Carolina Department of
4 Mental Health, Dorothea Dix Hospital, and specifically
5 I'm referring to the period 3-30-75 through 4-7-75?

6 A. For what?

7 Q. Well, for any psychiatric consultation or evaluation?

8 A. Alcoholism, yeah.

9 Q. Alcoholism?

10 A. (Nods head affirmatively.)

11 Q. Okay. How about the V.A. Hospital in Fayetteville
12 between 4-4-74 and 4-26-74? Does that ring a bell?

13 A. No, sir.

14 Q. Okay. Well, is that that you don't recall it or it
15 didn't happen?

16 A. I don't recall it. It may have happened, but I don't
17 recall the dates or times or just exactly what you're
18 talking about.

19 Q. Do you recall -- well, let me ask you, Mr. Beasley.
20 In terms of your disability retirement, is it correct
21 that you basically have to -- with the Police
22 Department -- that you basically have to show some sort
23 of disability to the Police Department to get the
24 pension?

25 A. Well, yeah, I suppose so.

1 Prince Beasley Cross Vol. 2, p. 94

2 Q. Yeah. Well, how did -- how did you demonstrate to
3 the Police Department that you had a disability? Did
4 you go to a doctor?

5 A. Well, yeah, apparently I did.

6 Q. Can you recall?

7 A. When a doctor stated I should retire, that I was -- I
8 had problems, and I agreed with him, well, if you
9 think I should -- I don't think I should, but you
10 think I should and you think there's some -- something
11 might arise from something I may do, hurt or shoot or
12 kill somebody that I don't mean to do, then I'll go
13 along with that.

14 Q. Okay.

15 A. And, so, I went along with it.

16 Q. Do you --

17 A. (Interposing) Now, if this was issued -- or however
18 this was handled between the Police Department and the
19 doctor, I do not know.

20 Q. You don't -- you don't recall.

21 A. I don't know.

22 Q. If I were to ask you did you see a Dr. Mary Huse,
23 H-u-s-e, a psychologist who apparently is employed
24 at Duke University as a consultant for the V.A., would
25 you disagree with me on that? Do you remember talk--

1 Prince Beasley Cross Vol. 2, p. 95

2 A. (Interposing) I'd say I don't recall it.

3 Q. Okay. If you talked to Dr. Huse, you don't recall
4 it?

5 A. If I did, I don't recall it.

6 Q. Okay. Do you recall being in the V.A. Hospital in
7 Fayetteville between -- well, you were discharged, as
8 I understand it, on 12-19-72 after seventy-one (71)
9 days of treatment. Do you recall a long period of
10 treatment like that?

11 A. No, sir.

12 Q. You don't?

13 A. Unh-unh (no).

14 Q. Do you --

15 A. (Interposing) When was this, now?

16 THE COURT: It's time for our morning recess
17 now.

18 MR. MURTAGH: Sorry, Your Honor.

19 THE COURT: If you had just another question or
20 two, we'd finish up.

21 MR. MURTAGH: Your Honor, I've just about, and
22 I think if we could approach it sidebar, we can speed
23 things up briefly. I'm about at the end of my --

24 THE COURT: (Interposing) Well, go ahead.

25 MR. MURTAGH: Your Honor, at this time --

1 Prince Beasley Cross Vol. 2, p. 96

2 THE COURT: (Interposing) Anything we need to
3 do --

4 MR. MURTAGH: (Interposing) Your Honor, at
5 this time --

6 THE COURT: -- we'll do that at the recess.

7 MR. MURTAGH: I don't know that we need to
8 recess before Mr. Beasley is excused. I would at this
9 time, pursuant to an agreement that we've reached,
10 like to mark for identification and offer in evidence
11 Mr. Beasley's V.A. and various medical records.

12 THE COURT: All right.

13 MR. MURTAGH: At this time the Government would
14 mark and offer, what, twenty-three (23), twenty-four
15 (24), twenty-five (25); add one more would be twenty-
16 six (26) which would be Mr. Beasley's Police
17 Department records.

18
19 (GOVERNMENT'S EXHIBITS 23 - 26,
20 MARKED FOR IDENTIFICATION.)

21
22 MR. MURTAGH: Your Honor, at this time I have
23 no further questions for Mr. Beasley.

24 THE COURT: Well, give me the numbers of the
25 various exhibits you have just identified.

1 Colloquy

Vol. 2, p. 97

2 MR. MURTAGH: I'm sorry, Your Honor. It's --
3 23, 24 and 25 are the V.A. medical records. We would
4 offer those in evidence. And 26 is the Police
5 Department records which contain some V.A. records
6 in addition. And 22, Your Honor, is the hotel bill
7 on the 21st of October --

8 THE COURT: (Interposing) Right.

9 MR. MURTAGH: 1980.

10 MR. O'NEILL: No objection, Your Honor.

11 THE COURT: You have offered then -- is that
12 all?

13 MR. MURTAGH: One more, Your Honor, which would
14 be Government's twenty-one (21) for identification,
15 the statement of Mr. Beasley, March 1st, 1971.

16 THE COURT: All right. Government's Exhibits
17 21, 26, inclusive, are offered --

18 MR. O'NEILL: There is no objection by the
19 defense.

20 THE COURT: -- without objection.

21 MR. O'NEILL: No objection by the defense, Your
22 Honor.

23 THE COURT: Yes, sir.

24 MR. MURTAGH: Your Honor, one more which would
25 be -- I think our last witness -- Government's twelve

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1 Colloquy

Vol. 2, p. 98

2 (12) for identification is a copy of Volume four (IV)
3 of the Gunderson Report which we've talked about. We
4 offer that in evidence.

5 THE COURT: All right.

6 MR. O'NEILL: No objection, Your Honor.

7 THE COURT: Is that it?

8 MR. MURTAGH: That's it, Your Honor. No further
9 questions.

10 THE COURT: All right. Will there be redirect
11 examination of this witness?

12 MR. O'NEILL: Probably three questions, Your
13 Honor.

14 THE COURT: Well, let's do those right now,
15 then.

16
17
18 REDIRECT EXAMINATION BY MR. O'NEILL:

19 Q. Mr. Beasley, could you tell the Court of your awards
20 as a police officer and the years that you won them?

21 A. 1964; I believe one in 1962 -- I'm coming as close as
22 I can to them -- the first one was, I believe, around
23 1962. The second one was about the second year later,
24 I got the other one.

25 Q. During the course of your police service, were you ever

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2 disciplined for any reason?

3 A. I have no infractions on my record whatsoever.

4 Q. And were you -- at the time you left the service of
5 the Fayetteville Police Department, did you leave in
6 good terms?

7 A. In good terms, yes, sir.

8 MR. O'NEILL: Nothing further, Your Honor.

9 THE COURT: All right. We'll take a recess,
10 then, until eleven, thirty-five (11:35).
11 (WITNESS EXCUSED: 11:17 A.M.)

12 (SHORT RECESS: 11:17 - 11:35.)

13
14 THE COURT: Any further evidence for the
15 defendant?

16 MR. O'NEILL: Your Honor, yes. We would at
17 this time move into evidence Exhibit one (1) which
18 is a photograph identified by Mr. Beasley.

19 THE COURT: All right, sir. It'll be received.

20 MR. O'NEILL: And we would ask to recall for
21 the purpose of introducing one document Mr. Bost.

22 MR. MURTAGH: Your Honor, we'll stipulate.
23 I've seen the letter. I have no problem about it.

24 THE COURT: All right. Just let it come in, if
25 that's all you want him for.

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2 MR. O'NEILL: It is, Your Honor. Thank you.

3 THE COURT: And what's the -- what's that
4 Exhibit number?

5 MR. O'NEILL: It will be -- it will be the
6 next defense in order, which number I don't know.

7 THE CLERK: Number fourteen.

8 MR. SMITH: No. It's a new one, a new exhibit.
9 So, what's our next number?

10 THE CLERK: Number twenty-three (23) will be
11 the next number.

12 MR. SMITH: It will be number twenty-three (23).

13 MR. O'NEILL: Number twenty-three (23), Your
14 Honor. It is a handwritten letter dated March 20,
15 1981 to Mr. Bost from Helena Davis.

16 THE COURT: Can Mr. Bost be excused, then?

17 MR. O'NEILL: He may, Your Honor.

18 THE COURT: Very well.

19 _____
20 (DEFENDANT'S EXHIBIT 23,
21 MARKED FOR IDENTIFICATION.)
22 _____

23 THE COURT: All right. Call your next witness.

24 MR. SMITH: May we approach the Bench, Your
25 Honor?

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2 MR. MURTAGH: Come up, Your Honor?

3 THE COURT: Yeah, come up.

4 (SIDEBAR CONFERENCE AT BENCH.)

5 THE COURT: Let the record show that the parties
6 in this matter have stipulated and agreed that all of
7 the affidavits and declarations attached to or offered
8 in connection with the motions and responses and
9 replies thereto in this case, on each side, may be
10 entered and are now entered in the record without
11 objection from either side, and that the Court may
12 consider them.

13 The tape evidence which is in the process of
14 being transcribed will be offered in written form as
15 well as in cassette tape form so that the Court may
16 read and/or audit the tapes as it sees fit.

17 Following the introduction of evidence, which it
18 is anticipated will conclude today, the parties will
19 be given a reasonable time in which to submit proposed
20 findings of fact and conclusions of law and when that
21 has been accomplished, the Court will reconvene for
22 the purpose of hearing final arguments in the case.

23 Gentlemen on both sides, does that correctly
24 state the agreement given at sidebar?

25 MR. O'NEILL: It does, indeed, Your Honor.

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MR. MURTAGH: Yes, Your Honor, it does.

THE COURT: All right. The plaintiff -- the defendant may call its next witness.

MR. O'NEILL: Your Honor, we have no further witnesses. We do, however, pursuant to the discussions yesterday, have to offer at this time as Defendant's Exhibit Number twenty-three (23) a -- three (3) cassettes which are marked as Exhibit 23, which I'm approaching the Clerk --

THE COURT: (Interposing) All right.

MR. O'NEILL: -- which is stipulated -- so that the record will be clear, this will be Exhibit twenty-four (24), which it has been stipulated are the -- the tape recorded conversations from the January 2, 1980 interview of Ms. Davis by Fred Bost -- Helena Stoeckley Davis by Fred Bost.

(DEFENDANT'S EXHIBIT 24,
MARKED FOR IDENTIFICATION.)

MR. O'NEILL: Marked as Defendant's Exhibit 25 and offered in evidence at this time is an excerpt of approximately thirty (30) minutes taken from that tape, and it, too, is the subject of Mr. Bost's testimony.

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(DEFENDANT'S EXHIBIT 25,
MARKED FOR IDENTIFICATION.)

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(DEFENDANT'S EXHIBIT 26,
MARKED FOR IDENTIFICATION.)

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(DEFENDANT'S EXHIBIT 27,
MARKED FOR IDENTIFICATION.)

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2 MR. O'NEILL: Marked as Exhibit twenty-eight
 3 (28) and offered at this time is a true and correct
 4 copy -- is a true and correct transcript of the
 5 excerpt which had -- of that conversation of January
 6 2, 1980 which had previously been identified on the
 7 tape which is marked as Exhibit 25.

8 (DEFENDANT'S EXHIBIT 28,
 9 MARKED FOR IDENTIFICATION.)

11 THE COURT: All right, sir.

12 MR. O'NEILL: Those are the remaining items of
 13 evidence offered by the defense, Your Honor.
 14

15 THE COURT: The Exhibit 27 is a transcript of
 16 Exhibit, the tapes, Exhibit 24?

17 MR. O'NEILL: It is, Your Honor.

18 THE COURT: Very well. Does that conclude the
 19 introduction of evidence for the defendant?

20 MR. O'NEILL: It does, Your Honor.

21 THE COURT: All right. Will there be further --
 22 will there be evidence for the Government?

23 MR. MURTAGH: Yes, Your Honor, but it's by -- by
 24 stipulation. Your Honor, the Government would have
 25 called or could have called Mr. Chamberlain -- or Dr.

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2 Chamberlain, actually, that Your Honor may recall from
3 the trial who would have testified --

4 THE COURT: (Interposing) I assure you I do not.

5 MR. MURTAGH: Well, sir, he recalls you, Judge.

6 Anyway --

7 THE COURT: (Interposing) Well, that's under-
8 standable.

9 MR. MURTAGH: -- Dr. Chamberlain -- fondly, I
10 might add. Dr. Chamberlain would testify that as a
11 CID chemistry process, the linen closet of the hall,
12 the bath area, and the quarters and he did not observe
13 any bloody syringes or any half-filled syringes; and
14 we would corroborate that also with the testimony of
15 Mr. Robert Shaw who also testified at the trial, and
16 also another CID individual by the name of Hagan,
17 H-a-g-a-n, Rossi, R-o-s-s-i, who inventoried the
18 contents of the linen closet and he didn't find or see
19 any bloody syringes or half-filled syringes. That
20 would go to the allegation that the Government
21 suppressed a bloody half-filled syringe.

22 MR. O'NEILL: Your Honor, the defense will
23 stipulate that those witnesses be deemed to have been
24 called, sworn and so testified.

25 THE COURT: Very well. Thank you, sir.

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2 MR. MURTAGH: Your Honor, the next thing, and
3 actually the next to the last thing we would offer,
4 would be, we'd like to read Government's Exhibit 26
5 into the record. It's a one-page letter, and it is
6 on Veteran's Administration stationery for Fayetteville,
7 North Carolina dated July 17th, 1973; and it's to Mr.
8 Hurvey, H-u-r-v-e-y, E. Keator, K-e-a-t-o-r, Acting
9 Chief of Police, Fayetteville Police Department,
10 the address, Fayetteville, North Carolina. And it's
11 referenced Beasley, Prince E., Social Security number
12 241-24-9125. "Dear Mr. Keator: As per our conversation
13 here July 16th, 1973 and with consent in writing by
14 Mr. Prince Beasley, the following statement is
15 submitted. Mr. Beasley is service connected fifty
16 percent (50%) for a nervous condition psychoneurosis.
17 This acknowledges an appreciable impairment of his
18 capability of nervous system function and that it is
19 related to his wartime service. Mr. Beasley has been
20 a patient here several times and seems to have
21 deteriorated progressively with respect to his
22 comprehension and general impairment of intellectual
23 functioning. Psychological evaluation by our
24 consultant, Dr. Mary Huse, H-u-s-e, Duke University,
25 summarizes her findings as follows: 'Thus, on all

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2 the tests of intellectual functioning administered
3 at this time, Mr. Beasley scores against an impair-
4 ment of intellectual functioning of the kind that
5 accompanies organic brain damage. He also displayed
6 several qualitative or behavioral signs -- (confabu-
7 lation' c-o-n-f-a-b-u-l-a-t-i-o-n, 'confusion,
8 helplessness) that often accompany brain damage. An
9 EEG and brain scan were recorded as normal. Our
10 diagnosis, therefore, is on purely clinical findings
11 and the impairment is not expected to improve. Our
12 diagnosis is 'nonpsychotic organic brain syndrome
13 presenile brain disease'.

14 The undersigned knows of no occupation for which
15 Mr. Beasley could competently qualify at this time.
16 Sincere yours, T. H. Gridley, M.D., Chief Psychiatry
17 Service".

18 Then, Your Honor, also pursuant to agreement, I
19 would read from the Diagnostic and Statistical
20 Manual of Mental Disorders, DSM three (3), the
21 American Psychiatric Association, page three, fifty-
22 five (355), the definition of "confabulation":
23 "Fabrication of facts or events in response to
24 questions about situations or events that are not
25 recalled because of memory impairment. It differs

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2 from lying in that the individual is not
3 consciously attempting to deceive. Confabulation is
4 common in organic amnesia syndrome."

5 That would be the Government's evidence, Your
6 Honor.

7 THE COURT: All right. And you have no
8 witnesses?

9 MR. MURTAGH: No, Your Honor, pursuant to the
10 agreement.

11 THE COURT: All right. Both sides rest?

12 MR. O'NEILL: They do, Your Honor.

13 THE COURT: Anything else to come before the
14 Court this morning?

15 MR. O'NEILL: No, sir.

16 MR. MURTAGH: No, Your Honor.

17 THE COURT: Take a recess till the further call.

18

19 (HEARING ADJOURNED: 11:58 A.M.)

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25 10-7-84:eto

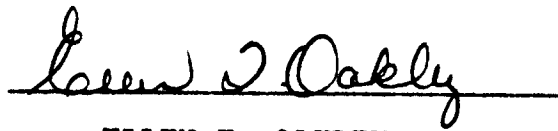
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C E R T I F I C A T E

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 Thursday, September 20, 1984, at 9:30 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 108, 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 7th day of October, 1984.



ELLEN T. OAKLEY
Court Reporter

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