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Ohio v. Fred Ahmed Evans: Trial record transcript, 1969

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1969

## Volume 01 (Part 4)

Cuyahoga County Court of Common Pleas

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A Yes.

Q Who did you live with?

A Me.

Q You lived there alone?

A Yes.

Q How did you get into the apartment?

A Someone got it for me. Someone got it for me.

Q Someone got an apartment for you?

A Yes.

Q Who was that?

A James Stewart.

Q James Stewart?

A Yes.

Q Well, was this James Stewart's apartment?

A Yes.

Q Was it his apartment?

A He got it. He got it.

Q Well, did you live in the apartment with James Stewart?

A No.

Q You lived there alone?

A Yes.

Q How many rooms were in this apartment?

A Three.

Q Was it furnished or unfurnished?

A Yes, furnished.

Q Tell us what kind of furniture did it have in this apartment?

A Bedroom set, a couch and a kitchen and bathroom.

Q And did James Stewart come to visit you at this apartment?

A Yes.

Q How often?

A About -- oh, about almost every week, every day almost.

Q Were you working?

A Yes.

Q Where?

A Royal Supply Company.

Q When did you start working at the Royal Supply Company?

A On December 13, 1968.

Q Well then, when you first left home, some time you say in the summer or spring of '68 were you working?

A What?

Q Were you working when you first left home?

A Yes -- no.

Q You weren't working?

A No.

Q When was the last day you went to school?

A I don't know.

Q You don't remember?

A No.

Q You say you weren't put out of school, you just quit going?

A Yes.

Q Were you passing in all your subjects?

A No.

Q Were you failing in all your subjects?

A (No answer.)

THE COURT:

You have to say

yes or no.

A Yes.

Q Have you been going to school regularly?

A No.

Q Then you were truant from school?

A Yes.

Q How many days did you go to school, say in, oh, March of '68?

A About 28, about 28 days out of that month.

Q How about in April?

A Every day.

Q This is what school?

A Glenville.

Q So you went to school every day in April?

A Almost.

Q About 28 days in March?

A Yes.

Q How about in May? How many days did you go to school in May?

A Probably none.

Q Probably none?

A Uh-huh.

Q So then you were living at this apartment at 11113 Superior?

A Yes.

Q You say that apartment was rented for you by whom?

A James Stewart.

Q How old is James Stewart?

A 19.

Q Is he married or single?

A Single.

Q Is he a friend of yours or is he related to you?

A Friend.

Q Where does James Stewart live?

A I don't have the slightest.

Q Where was he living at the time he got this apartment?

A Don't know.

Q Well, you just happened to run up on him?

A No.

Q Well, what caused you to be able to meet him to get this apartment?

A We went to school together, Harry Davis, and I asked him to get the apartment because I was too young to get it, so he got it.

Q Well now, were you and Harry Davis there?

A When?

Q When you talked to him about this apartment?

A No.

Q Where were you?

A At Glenville.

Q Was he going to Glenville at that time?

A No.

Q Well, how did you happen to meet him? Where did you meet him?

A On St. Clair.

Q Beg pardon?

A On St. Clair.

Q Well, what day was it you met him?

A What day?

Q Yes.

A I don't know what day.

Q What time of day was it?

A In the afternoon.

Q Was it on a weekend or middle of the week or what?

A Middle of the week.

Q Was it a day you were supposed to have been in school?

A Yes.

Q And you weren't in school that day?

A No.

Q You just happened to meet him?

A Yes.

Q Or had you called him and arranged to meet him?

A No, I just happened to meet him.

Q He said he would get the apartment for you?

A About two months later.

Q About two months later he got the apartment?

A Yes, sir.

Q Well now, in that two months where were you living?

A At home.

Q So you didn't leave home until you got the apartment or did you leave home before you got the apartment?

A I didn't leave home until the police started looking for me.

Q Then you left home?

A Uh-huh.

Q Did you let your mother know where you were?

A No.

Q So you just left home and started living in this apartment and didn't tell your mother where you were?

A No.

Q When you started living in this apartment, did you

have a job?

A Yes.

Q Where?

A Royal Paper & Supply Company.

Q That was in September?

A No, that was not in September.

Q I think previously I asked when did you start working there, you said in September.

A No, I did not.

MR. TOLLIVER: Would you read back the record, please and the answer that he gave.

A When I -- you never did ask me when I started.

(The following questions and answers were read:

"Question: Were you working?

"Answer: Yes.

"Question: Where?

"Answer: Royal Supply Company.

"Question: When did you start working at the Royal Supply Company?

"Answer: On December 13, 1968.")

THE COURT: I think he did say he stopped.

Q When did you start working?

A Start?



Q Yes, begin.

A I don't know. Some time in spring or summer.

Q Of what year?

A 1968.

Q So then you were working at the time you left school?

A No.

Q You were working at the time that you left home?

A No.

Q Well, I asked when did you start?

A I am trying to tell you. I don't know.

Q Well, how long did you work?

A How long did I work?

Q That's right. How many months, how many weeks?

A About -- about six months, four months, five months.

Q But you are sure you stopped in December?

A On December 13, 1968. I am sure of that.

Q But when you started, you don't remember?

A No.

Q How many days a week did you work?

A Five.

Q What hours of the day did you work?

A From 8 to about 2.

Q 8 o'clock in the morning until 2 in the afternoon  
or 8 at night to 2 in the morning?

A 8 in the morning until about 2 o'clock in the after-

noon. Sometime I worked overtime until about 4, 5 o'clock.

Q Where is this particular place located?

A Between 14th and 19th and St. Clair.

Q What do they do there?

A It's a paper company, gift wrap and stuff like that.

Q Were you paid by the hour?

A Yes.

Q How much were you paid by the hour?

A \$1.65.

Q And did you work 5, 6 days a week? How many days a week?

A What?

Q How many days a week?

THE COURT: He said 5 days  
a week. About 5.

MR. TOLLIVER: Thank you, Judge.

Q Now, when you went to school, what hours did you go to school?

A 8 to about 2:30, 3 o'clock, quarter after 3, something like that.

Q So you weren't working and going to school at the same time, were you?

A No, I wasn't.

Q Did you get permission from the Board of Education to stop going to school or did you just quit going?

A I just stopped going.

Q Now, were you working at this particular company you mentioned in July?

A No.

Q You weren't working there in July?

A Yes, I was.

Q And how much did you earn a week, approximately?

A I don't know -- oh, about -- about, about 50-some dollars.

Q A week?

A Uh huh.

Q Is that what you earned, or is that what you took home?

A That's what I took home.

Q How much was the rent on this apartment?

A About 65 dollars.

Q Did you pay it?

A No.

Q Who paid it?

A I paid for it but, as far as me taking down, no.

Q Who did you pay to pay it?

A James Stewart.

Q You gave him the money?

A Yes.

Q He would pay the rent?

A Yes.

Q In other words, was this apartment on the second floor, first floor, or what?

A Second floor.

Q What kind of a building was this?

A What do you mean?

Q Well, was it an apartment, two-family house?

A Apartment. Apartment.

Q Did your apartment have a particular suite number?

A No.

Q Was it upstairs or downstairs?

A Upstairs, in the back.

Q In the rear?

A Yes.

Q Now, you had said that -- pardon me.

You say you were working at this particular place in July?

A Uh huh.

Q And you worked five days a week?

A Uh huh.

Q Now, you saw the defendant on what date?

A 23rd.

Q What day of the week was that?

A I don't know.

Q Had you worked that day?

A No.

Q Were you supposed to work that day?

A Yes.

Q You didn't go to work that day?

A No.

Q Did you go to work the next day?

A No.

Q Did you go back to work?

A Yes.

Q When?

A About two or three days afterward.

Q Did you call and tell them you weren't coming to work?

A No.

Q You just didn't do it?

A I just didn't go.

Q You never told your boss that you weren't going?

A No.

Q What was the name of your boss?

A I don't know.

Q Did you have a supervisor?

A Mr. Greene. I think his name is Mr. Greene.  
I forget.

Q What kind of work did you do?

A I was delivery boy on the truck.

Q Did you drive the truck?

A No.

Q What was the name of the driver of the truck?

A I have forgot his name, too.

Q You can't remember his name?

A No.

Q But you remember seeing the defendant?

A Yes.

Q And what date did you say you saw him?

A On the 23rd.

Q You remember that date?

A Do I remember it?

Q Yes.

A Yes.

Q You can't remember when you started working?

A No.

Q But you can remember seeing the defendant on the 23rd?

A Yes.

Q You are in the Detention Home now, is that correct?

A Yes.

Q How long have you been there?

A About a month, month and a half, two months.

Q You don't remember when you went to the Detention Home?

A <sup>U</sup>  
Do I remember what date?  
<sub>2</sub>

Q Yes.

A No.

Q But you can remember the 23rd of July?

A Yeah.

Q I see. What name did you use when you went to the Detention Home?

A Walter Washington.

Q Have you used any other names, other than "Walter Washington"?

A Yes.

Q What others have you used?

A Walter Brown. Walter Dennis. Walter Banks. Joseph Train.

Q Joseph who?

A Train. Billy Stewart.

Q Now, telling the Court and jury, what was the necessity of using all these names?

A The police was looking for me.

Q How long have the police been looking for you?

A Oh, about since September or June -- it was in June when they started looking for me.

Q About last year?

A Yes.

Q What are you in the Detention Home for now?

A Arson.

Q Arson?

A Yes.

Q You mean you tried to burn down some place?

A Yes.

Q Where?

A South Boulevard.

Q Have you been in the Detention Home prior to this?

A Have I been? Did I go to the Detention Home afterward?

Q Before this last time that you are there now.

A Before? Yes, I been there.

Q What were you there for previously?

A Auto trespass -- oh, previously?

Q Yes.

A Arson.

Q You were there before this, for arson; is that right?

A Yes.

Q And what other things have you been to Juvenile Court for?

A Arson, auto trespassing -- oh, arson, auto trespassing, and stealing.

Q And stealing?

A Yes.

Q How many times have you been to Juvenile Court for different offenses?



A Five, six times.

Q And have you ever been sent to, say, Hudson Farm, or Boys Industrial School, or some place like that?

A No.

Q Were you placed on probation?

A Yes.

Q What is the name of your probation officer?

A Mr. Gedan.

Q Where is his office located?

A In the Juvenile Court Bureau, in the annex.

Q In the Juvenile Court Building?

A Yes, in the annex.

Q Now, Mr. Laurie asked you whether or not he contacted you while you were in the Detention Home.

Did you talk to this man, this gentleman here (indicating), Mr. Laurie, while you were in the Detention Home?

A Yes, sir.

Q Did you talk to any police while you were in the Detention Home?

A Yes.

Q Did you talk to Sergeant Joyce (indicating)?

A Yes.

Q While you were in the Detention Home?

A Yes.

Q Did you send for them or did they just come over to see you?

A They come over to see me.

Q And they started talking to you about this case?

A Yes.

Q Did they tell you anything about how they just happened to come over and talk to you about this case?

A No.

Q They didn't?

A No.

Q They just came over and started talking to you about this case?

A No.

Q They didn't?

A No.

Q Well, did you send for them?

A No.

Q What caused them to come?

A Well, I was at the Workhouse and --

Q You were at the Workhouse?

A Yes.

Q When were you at the Workhouse?

A I went on the 17th of December, 1968. I got out on the 24th of January, 1969.

Q What were you there for?

- A Carrying one concealed weapon.
- Q What were you carrying, what kind of weapon?
- A A knife.
- Q A knife?
- A Yes.
- Q How long was the blade of that knife?
- A About 10 - 11 inches.
- Q About 11 inches?
- A Uh huh.
- Q The police caught you carrying the knife?
- A Yes.
- Q And they arrested you?
- A Yes.
- Q And you say you are eighteen now?
- A Uh huh.
- Q And you were eighteen in March?
- A Uh huh. I just turned eighteen in March, on the 26th.
- Q You were sent to the Workhouse from what court?
- A Judge Miller was my judge, from over at the Central Police Station.
- Q So at that time you were seventeen?
- A Yes.
- Q When you were arrested, did they ask you how old you were?

A Yes,

Q How old did you tell them?

A Nineteen.

Q You told them you were nineteen?

A Yes,

Q And that is how you got sent to Juvenile Court?

A No.

Q Pardon me -- that is how you got to Police Court?

A Yes,

THE COURT: Mr. Tolliver,  
we will take our recess at this time.

While you are outside of the courtroom,  
don't talk to anybody, don't let anybody talk to you  
about the matter.

(Thereupon a recess was had.)

THE COURT:

Proceed, please.

Proceed.

Q (By Mr. Tolliver) When we recessed, where did you go?

A Upstairs.

Q Upstairs where?

A Just upstairs.

Q And upstairs, did you talk to anybody?

A Right.

Q Who did you talk to?

A The man over there, 'sitting down.

Q Which man sitting down?"

A The third man, where you are at.

Q This one on the end here?

A Yes.

Q Sergeant Joyce?

A Yes.

Q Uh-huh, what did you talk about?

A Basketball.

Q Basketball?

A Yes.

Q You didn't talk about the case?

A No.

Q Now, you were at the Workhouse, is that right?

A Yes.

Q Did you tell somebody out there that you wanted to

inform on Ahmed?

A Did I tell anybody I wanted --

Q Yes.

A No.

Q -- that you wanted to be an informer?

A No.

MR. LAURIE: Objection.

THE COURT: Objection sustained

Q (By Mr. Tolliver) The police just came up to you out of a clear blue sky?

MR. LAURIE: Objection.

THE COURT: The objection is overruled.

MR. LAURIE: It may not have been a policeman.

THE COURT: The objection is overruled.

Q (By Mr. Tolliver) The police just came up to you out of a clear blue sky and started talking to you about Ahmed?

A No.

Q Had you been an informer before?

MR. LAURIE: Objection.

THE COURT: Objection sustained.

MR. TOLLIVER: How did the police

know to talk to you?

MR. LAURIE:

Objection.

THE COURT:

Sustain the objection.

MR. TOLLIVER:

I beg your pardon?

THE COURT:

Sustained.

Q (By Mr. Tolliver) Where were you when the police first talked to you?

A In the Workhouse.

Q The Workhouse?

A Uh-huh.

Q What day was this, or what month was it?

A In December.

Q December?

A Yes.

Q Of last year?

A Yes.

Q What were the names of the police officers?

A Chuck and Smitty -- John Smith, and I don't know the other one's last name.

Q They came out to the Workhouse?

A Yes.

Q And you were there for carrying a concealed weapon, a knife?

A Yes.

Q What name were you there under?

A Walter Brown.

Q That is not your real name, is it?

A No.

Q And he approached you about being an informer?

MR. CORRIGAN: Objection.

MR. LAURIE: Objection.

THE COURT: Sustained.

MR. TOLLIVER: Did he approach  
you about giving evidence?

A Did he approach me about giving evidence?

Q Giving evidence?

A No, he asked me did I know Ahmed, and I told him I  
was over to his house.

Q This is how the conversation started?

A Once or twice, yes.

Q Now, at that particular time, John Smith hadn't  
arrested you, had he, for the offense that you were in jail  
for?

A No, he didn't arrest me at all.

Q Where were you arrested for that?

A On 105th and Superior.

Q And what was the occasion for your being arrested,  
what had you done that caused the police to notice you?

A I was carrying a concealed weapon, an Arabian knife.

Q What?



THE COURT: An Arabian knife.

THE WITNESS: And one of the

people up there and called me Rachine.

Q And the police came out and arrested you?

A Yes.

Q Did you tell the police at that time you were a Black Panther?

A No.

Q How long had you been in jail before Detective Smith started talking to you?

A How long?

Q Yes.

A About 6 days.

Q About 6 days?

A Yes.

Q Had you expected his visit?

A No.

Q You didn't know he was coming?

A No.

Q What sentence did you get for carrying this knife?

A \$107 fine.

Q Did you get any days?

A No.

Q Just the fine?

A Yes.

Q No days at all?

A No.

Q Did you pay the fine?

A No.

Q You worked the fine out in the Workhouse?

A Yes.

Q How many days were you there?

A 36 days.

Q At \$3 a day?

A Yes.

Q Then, when you got out of the Workhouse, where did you go, what did you do?

A I was took over to Central Police Station and then took over to the County.

Q You were taken over to the Central Police Station?

A And then taken over to the County.

Q What were you taken to Central Police Station for?

A To be charged.

Q With what?

A First degree murder.

Q Are you charged now with first degree murder?

A No.

Q First degree murder in connection with what?

A A stabbing up on 105th.

Q When did this stabbing occur?

A September 12th.

Q How long were you in the County Jail?

A Two months, or a month and a half.

Q And what were you in the County Jail for?

A First degree murder and arson.

Q Were you charged with first degree murder?

A Yes.

Q What happened to that case?

A I got a "no bill."

Q What happened to the arson case?

A I still have it.

Q Are you charged with it now?

A Yes.

Q Are you out on bail?

A No.

Q When did you leave the County Jail and go over to the Detention Home?

A In January or February, the beginning of February or the end of January.

Q Where are you charged with arson, in Juvenile Court or this Court?

A I am not charged any more, I was committed.

Q What do you mean you were committed?

A I was committed to OYC.

Q Ohio Youth Commission?

A Yes.

Q Have you been there?

A No.

Q Why have you not been to OYC?

A Because of here.

Q Because of this case?

A Yes.

Q Now, you have had conversation, how many conversations have you had with Mr. Laurie or Mr. Joyce about this case?

A Twice, I think.

Q When was the first time?

A At the Detention Home.

Q That was after you left the County Jail?

A Yes, after I was committed to the Detention Home.

Q When did you get the no bill on the first degree murder?

A In January or the beginning of February.

Q Now, prior to the time you got the no bill, had you talked to Mr. Laurie?

A Prior?

Q Yes.

A Yes.

Q Prior to that?

A You mean --

Q Before that?

A No.

Q What was the date of the no bill?

A I don't know.

Q Can you tell us when it was you first talked to Mr. Laurie?

A At the Detention Home, that's about it, that's all I can tell you.

Q You can't remember when?

A No.

Q Was it this month?

A No.

Q Last month?

A Last month.

Q What part of last month?

A Beginning or -- it was at the end of February or the beginning of March, I think.

Q That's the first time you talked to Mr. Laurie?

A Yes, I think so.

Q But you had talked to other police officers about this case prior to that, hadn't you?

A Uh-huh.

Q And you say you talked to Detective Smith while you were in the workhouse?

A Yes.

Q That was in November or December or when?

A December.

Q In December?

A Yes.

Q Now, when were you arrested or charged with that first degree murder?

A On the 22nd of January, I was charged with first degree murder.

Q You had already talked to Detective Smith, is that right?

A Yes.

Q Now, did you talk to him again after you had been charged?

A Yes.

Q And where were you when you talked to Detective Smith?

A Where was I?

Q Yes.

A In the Detention Home.

Q In the Detention Home?

A Yes.

Q Did you tell him about this charge of first degree murder?

A He knew about it.

Q He knew about it?

A Yes.

Q Were you promised anything by Detective Smith?

A No.

Q In connection with the first degree murder?

A Nope.

Q Were you told if you cooperated they would do something for you?

A Nope.

Q Were you told by Mr. Laurie that they would do something for you if you cooperated?

A Nope.

Q They asked you to testify in this case, is that right?

A Did they ask me?

Q Yes.

A Yes.

Q And you said you would?

A Uh-huh.

Q Did you ask them, "What is in it for me if I testify?"

A No.

Q You didn't?

A Nope.

Q You are just doing this out of civic duty?

MR. LAURIE: Objection.

THE COURT: Sustained.

Q (By Mr. Tolliver) Now, you say that your mother lives at 9909 St. Clair?

A Uh-huh.

Q Describe that house for us.

A It's an apartment building and it's upstairs, up over a printing shop or a paint shop, something like that.

It's a printing shop, I think.

Q And she lives there now?

A Yes.

Q Did you ever talk to her about this case?

A Yes.

Q Did you talk to her about your relationship with the police?

A No.

Q Did you talk to her about Mr. Laurie's asking you to testify in this case?

A Yes.

Q You told her all about it?

A Uh-huh.

Q But when you moved you didn't tell her where you were?

A No, I haven't seen her.

Q When you were at this apartment at 11113 Superior, did you live there alone or with somebody?

A Alone.

Q Did this Mr. -- what was his name that you said rented the apartment for you?

A James Stewart.

Q Did he come there sometimes?



A Yes.

Q Did he stay overnight at any time?

A No.

Q You lived there completely alone?

A Yes.

Q How long did you live there?

A Quite a while.

Q What do you mean by quite a while?

A About 3 or 4 months.

Q Have you testified against any other persons in any other cases, other than this one?

A Testified against them? No.

Q Other than this one?

A That is right.

Q Beg your pardon?

A Right, yep.

Q When?

A Have I?

Q Yes.

A No.

Q On the 23rd day of July, what day was that on, do you remember?

A What day was it on?

Q Yes, what day of the week was it on?

A No, I don't remember.

Q But you are sure it was the 23rd?

A Uh-huh.

Q Now, had you worked that week?

A Had I worked that week?

Q Yes.

A Yes.

Q What days had you worked?

A Up to about one day before that.

Q One day before what?

A Up until the 21st.

Q Up until the 21st?

A Yes.

Q Did you work on the 21st?

A Did I work -- yes.

Q You worked on the 21st?

A Yes.

Q But you didn't work the 22nd?

A No.

Q You didn't work the 23rd?

A No.

Q Did you work the 24th?

A No.

Q Did you work the 25th?

A No.

Q When did you go back to work?

A The 26th.

Q So then you were off from the 21st to the 26th?

A Uh-huh.

Q Is that right?

A Yes.

Q And you worked five days a week?

A Yes.

Q Is that Monday through Friday?

A Yes.

Q When you went back, did you give your employer any explanation as to why you were off?

A (Witness shakes head.)

Q Just went back and started working?

A Yes.

Q Didn't ask you anything about where you were for five days?

A No.

Q Just went back and started working?

A Yes.

Q Now, have you talked to Mr. Laurie and the Police Department about your testimony in this case?

A Have I talked to them?

Q Yes.

A No.

Q Have they taken you out on Lakeview at any time so

you could show them where you were or where you weren't?

A No.

Q You have been in jail ever since?

A Yes.

Q You haven't been out of jail at no time?

A Not since December 13th.

Q Not since when?

A Not since December 13, 1968.

Q You left the Workhouse and then came over to the County Jail?

A Yes.

Q When you first testified, you mentioned the day of the 22nd, do you recall that?

A Uh-huh.

Q What did you say happened on the 22nd?

A What did I say happened?

Q Yes.

A I didn't say anything happened; I said that -- this was the day they told us there was going to be a meeting, that's when I went up to Safari this next day.

Q Now, what is the Safari?

A A bar.

Q Where is that?

A In a hotel or a motel on 105th and Superior.

Q And that was on the 22nd?

A Yes.

Q And how long --

A I mean, on the 23rd.

Q On the 23rd?

A Yes.

Q How long did you stay at the Safari?

A About half an hour.

Q Then where did you go?

A Over at Ahmed's house.

Q How did you get there? Do you have a car?

A Walked.

Q You walked?

A Yes.

Q You walked from 105th and Superior?

A Yes.

Q To 123rd and what?

A Auburndale.

Q You walked all that distance?

A Yes. It is not a distance.

Q When you say you got there, Ahmed wasn't there; is

that right?

A No.

Q Now, who did you say went with you?

A Me and Squirrel and Santee and Otis and some more people.

Q All of you were at the Safari?

A Yes, we were all gathered at the Safari.

Q All of you decided to walk over there?

A Uh huh.

Q How were you dressed at that time?

A The Panthers wasn't wearing anything special.

Q How were you dressed at that time?

A I had on a pair of blue shadow-stripped pants and a knit, a blue knit.

Q And there was a group of you that left and went over there, is that right?

A Yes.

Q And after you got there, this is where you say you saw the weapons; is that right?

A Yes.

Q But you don't remember what day of the week this was?

A No.

Q You stayed there how long?

A From about 9:00 to about 12:00.

Q Is that 12:00 in the afternoon?

A Yes.

Q Then you left?

A Yes.

Q Now, when you say that a rifle was found the next day --

A Yes.

Q -- you took it out, is that right?

A Yes.

Q And the police found it?

A Yes.

Q Were you arrested or charged for that?

A No.

Q Were you there when the police found it?

A Yes.

Q Did you tell them that you brought it there?

A Yes.

Q But they didn't arrest you, didn't charge you with anything?

A No.

Q The police were at the 125th Street address, where you took the rifle?

A Yes.

Q They were already there, or they came after you got there?

A Come after I got there.

Q Were they looking for you?

A Looking for the boys that had the rug.

Q Had what?

A Looking for the boys that had the rug, so it was me.  
I had the rug.

Q Where did you get the rug?

A From Ahmed's house.

Q You told them that you had the rug?

A He asked me about the rug and I told him there wasn't  
nothing in it, and they said, let them see the rug and,  
if there was nothing in it, they would let me keep the rug.

Q They looked for it and found it?

A Yes.

Q They asked about the gun?

A Yes.

Q And you told them you had brought it there?

A Yes.

Q But they didn't charge you with anything?

A No.

Q They just let you go?

A Yes.

Q And then where did you go after that?

A Home.

Q That's 9909 St. Clair?

A No.



Q Where?

A 11113 Superior.

Q Your first contact then with the police in this case is when you were in the Detention Home?

A No.

Q When was it.

A At the County.

Q And that was when?

A Sometime in January or February.

Q And that was Detective Smith?

A Yes.

Q In this building?

A I guess this is the building. Is this where the County Jail is?

Q Yes.

A All right.

MR. TOLLIVER: Excuse me a moment,  
Judge.

Q (By Mr. Tolliver) I believe you testified that you were charged with murder?

A Uh huh.

Q Where were you charged at?

A Where was I charged at?

Q What court were you charged in, for murder?

A I was not charged in a court.

Q Well, you said the Grand Jury no-billed it?

A Yes.

Q Well, you had to have been charged.

A I wasn't charged in no court.

Q Did you go to court for murder?

A Yes.

Q What court did you go to for murder?

A The same court I went to for the other, Central Police Station.

Q Where was that?

A Central Police, I guess, is where it is.

Q And when was that?

A Sometime in January, at the end of January, or the beginning of February.

Q Did you have a lawyer at that time?

A No.

Q How many times did you go there, next door you are talking about, the Police Station, Police Court?

A I told you, I don't know where I am now.

Q Well, you were at Police Court then, weren't you?

A I guess so.

Q Up on the second floor?

A I guess so.

Q How many times did you go to that court?

A Once.

Q Once?

A Yes.

Q What happened to your case when you went to court?

A They asked me, did I waive the "expedition".

They wouldn't let me plead guilty or not guilty. They asked me did I waive the "expedition." Somebody answered for me.

Q Then what happened?

A Then they took me up to County.

Q What name were you under, over there?

A Walter Brown.

Q Walter Brown?

A Uh huh.

Q So then you were formally charged with first degree murder?

A Yes.

Q As Walter Brown?

A Yes.

Q What address did you give as Walter Brown?

A 11113 Superior.

Q Did they ask you when you were born?

And where you were born, as Walter Brown?

A Yes.

Q What did you tell them?

A I would tell them I was born in 1949, March 26.

Q Where?

A Here.

Q Cleveland?

A Yes.

Q Did they ask you for any identification to show you were Walter Brown?

A No.

Q The police didn't ask you for any identification?

A I told them I left it when they arrested me.

MR. FLEMING: I didn't hear that answer.

THE COURT: Would you read it, please.

(Question and answer read by reporter.)

Q (By Mr. Tolliver) So then you were -- they set a bail on you?

A Did they set a bail? No, on first degree murder there is no bail.

Q So then you were transferred to the Grand Jury?

A If that's what you want to call it, I don't know where I went.

Q Now, when did you learn about the "no bill"?

How did you learn about the "no bill"?

A Read the paper.

Q It was in the paper?

A In the news, yes, on TV.

Q Nobody came up from the sheriff's office and told you, you had been no-billed and you should be released from jail?

A They didn't tell me I was supposed to be released. I had another charge.

Q Well, did you answer to that charge - arson?

A Yes.

Q Has the bail been set on you for that?

A I don't have a bail; I am a juvenile.

Q You don't have a bail at all?

A Juveniles don't get a bail.

Q They do get bail, sir.

A I don't know nothing about it.

Q So, in other words, you were an adult for the murder and a juvenile for the arson? Is that what you're telling us?

A I was a juvenile for both.

Q For the murder, too?

A Yes.

Q You told the police you were nineteen years old?

A I told them I was nineteen, but they knew I was seventeen.

Q So you went to Juvenile for murder?

A I went to Juvenile Court for arson.

Q Where did you go for the murder?

A Sir?

Q What court did you go to for murder?

A I didn't go to court for murder.

Q You said the case was no-billed?

A I didn't go to court.

Q You said the Grand Jury no-billed it, is that right?

A They no-billed it. I didn't go to court.

Q Then, how did it get to the Grand Jury, then?

A I don't have the slightest. You have to read up on that.

Q Now, arson. When were you charged with arson?

A When I was charged with murder.

Q What date was it?

A On the 22nd of January.

Q You were charged with both cases at the same time?

A Yes.

Q What is the disposition of the arson case?

Is it still pending?

A Is the arson still pending?

Q Yes. Is the case still pending?

A If I don't go to the army.

Q What do you mean, if you don't go to the army?

A If I don't go to the army, it is still pending.

I am going to the army, sir.

Q When are you going?

A Tuesday.

Q This coming Tuesday?

A Yes.

Q You said you had been sentenced to the Boys Industrial School?

A Yes.

Q What was your sentence there for?

A For arson.

Q For arson?

A Uh huh.

Q But I asked you, what was the disposition of the arson case?

A Well, what -- I was sentenced to O. Y. C.

Q But if you go to the army you won't have to go?

A No.

Q Now, were you charged in the Juvenile Court for murder?

A No.

Q Well, when you went to Juvenile Court, did they read to you what you were there for?

A Arson.

Q Not for murder?

A Arson and auto trespass.

Q Arson and auto trespass?

A And contempt of court.

Q And contempt of court.

Did you go to any court where they told you, you were charged with murder?

A No.

Q But you say the Grand Jury no-billed the murder charge, even though you never went to any court for it? Is that what you are saying?

A Yes.

Q This happened in February?

A The end of February or the beginning of March.

Q The no-bill, and you read it in the paper?

A Yes.

Q Nobody came up and told you that your murder case had been no-billed?

A No.

Q Now, you say you couldn't get a bond for the murder, is that right?

A No.

Q Who told you that you couldn't get bail for the murder?

A The deputies up there.

Q No judge told you, is that right?

A No.

Q You didn't go before any court, any judge, and ne



told you that you couldn't get a bond because of first degree murder, is that right?

A No.

Q Yet you say the Grand Jury no-billed you?

A Yes.

Q Now, when did you enlist in the army?

A When did I -- I enlisted in the army the 26th or the 24th of March, 1968.

Q When did you take your physical?

A The 24th, the 25th of March, 1968.

Q And what name did you give when you --

A Walter Washington, Jr.

Q Now, did you go in voluntarily or were you drafted?

A I volunteered.

Q When did you next hear from the service?

A In September, once, in September once, and I asked about it again about two or three weeks ago.

Q When you say you heard about it once in December, where were you at that time?

A December?

Q Yes.

A The beginning of December, on the street.

Q And what did you do? Did you go down to see about it?

A No; I didn't have my glasses.

Q Did they call you?

A They asked me when was I coming back to take the physical over.

Q What did you tell them?

A When I got my glasses.

Q Did you get your glasses?

A No.

Q Have you taken the physical over?

A No.

Q Then you say you are going to the army on Tuesday?

A Yes.

Q Even though you haven't passed the physical?

A Oh, I will pass it.

Q But you don't have your glasses?

A I don't need them.

Q Well, have you taken another physical?

A No.

Q You told the Court and jury you had been in jail ever since December sometime, haven't you?

A December 13th. I mean, you have "one to twelve" before that.

Q I am just asking you, didn't you say you were in jail in December?

A Yes.

Q From the 13th on, is that right?

Q Yes, so you haven't taken any other physical, have you?

A I didn't say I had.

Q So you don't have your glasses, do you?

A No.

Q So then, who told you you were going to the Army Tuesday?

A Oh, I told them I was going to the Army.

Q You told who?

A My probation officer told me that I could go take the test Tuesday; I won't fail..

Q So they are going to let you out of jail to go take the test?

A Uh-huh.

Q Who made that arrangement?

A My probation officer.

Q Who is that?

A Mr. Gedean.

Q Mr. Gedean? That's the probation officer's name?

A From Juvenile Court, yes.

Q And it is understood, if you pass the examination, then you won't be in the Boys Industrial School, is that right?

A Right.

Q You will be inducted in the Service?

A Yes.

Q What time Tuesday are you supposed to go?

A I don't have the slightest.

Q You will be taken from the Detention Home?

A Yes.

Q Now, were you subpoenaed here?

A Yes.

Q Did you get a subpoena?

A Yes.

Q When did you get it?

A Today.

Q Today?

A Yes.

Q And where were you when you received it?

A At the Detention Home.

Q When were you sentenced to the Boys Industrial School for arson, and I think you said arson and contempt of court and auto stealing?

A About two weeks ago.

Q About two weeks ago?

A About that.

Q But you never went, is that right?

A No.

Q Now, at the time that you went to Juvenile Court for trial, did you plead guilty or not guilty?

A I pleaded guilty.

A Yes.

Q Who?

A Mr. Demopolis.

Q What is his full name?

A I don't know.

Q How did you get this lawyer?

A My mother got him for me.

Q Your mother?

A Yes.

Q You plead guilty?

A Yes.

Q Now, at the time you plead guilty, did you tell the Judge you were going to be a witness in this case?

A No.

Q Then what caused you to stay in the Detention Home and not go to BIS?

MR. LAURIE: Objection.

THE COURT: Overruled.

THE WITNESS: I was at the Detention Home with a hold on me.

Q Who put the hold on you?

MR. LAURIE: Objection.

THE COURT: Overruled.

THE WITNESS: I don't know.

Q (By Mr. Tolliver) You didn't request it, did you?

A No.

Q So because of the hold then you are not down at BIS, is that right?

A That is right.

Q When did you know you were coming to Court here?

A Today.

Q Now, during that two weeks, did you talk to anybody about this case?

A Did I talk to anybody? No.

Q Yes, from the time you plead guilty until the time you got your subpoena, did you talk to anybody about this case?

A Nope.

Q Nobody?

A Nope.

Q Did you talk to your probation officer about this case?

A Yes.

Q Does he know that you are going to be a witness in this case?

A I guess so.

Q Well, did you tell him?

A Did I tell him?

Q Yes.

A I didn't know.

Q You didn't know what?

A I didn't know.

Q You didn't know what?

A That I was going to be a witness.

Q You had talked to Mr. Laurie?

A Yes.

Q Did you tell your probation officer you had talked to Mr. Laurie about being a witness in this case?

A He knew it.

Q Did you talk to your probation officer about it?

A Yes.

Q So your probation officer knew you were going to be a witness in this case, didn't he?

A I guess so.

Q You told him, didn't you?

A I keep telling him I didn't say anything.

Q You didn't say anything about what?

A About this.

Q To your probation officer?

A No.

Q And in other words, you are telling this Court and this jury that at no time did you tell your probation officer that you knew Fred Ahmed Evans and about your being up in that apartment on the 23rd?

A He already knew it.

Q He already knew it?

A Yes, he was there when I told him.

Q When you told who?

A Mr. Laurie, Joyce.

Q Mr. Joyce?

A Yes.

Q Your probation officer was present when you told him?"

A Yes.

Q So you never talked to him about it, other than that, is that what you are saying?

A Yes.

Q He never talked to you about it?

A No.

Q Now, in respect to the murder, did any police officers talk to you about this murder case?

A My murder case?

Q The case you said was no billed.

A Did they talk to me?

Q Yes.

A Yes.

Q Who were they and when?

A Detective John Smith and a guy named Chuck.

Q And the other one was Chuck?

A Yes.

Q Who told you that you were being charged with murder?



A The policemen, when they charged me over at Central Police Station.

Q They told you that at that time?

A Yes.

Q Did you have a lawyer at that time, when you went to Court?

A No.

Q You had no lawyer at all?

A No.

Q Was your mother there at the time you went to Court?

A No, she didn't know it.

Q You didn't tell her?

A I couldn't tell her.

Q Did you make a statement as to the murder?

A Yes, yes.

Q What?

A Yes.

Q And in that statement, did you deny it or did you admit it?

A I denied it.

Q You denied it?

A Yes.

Q Where were you when you made that statement?

A Central Police Station.

Q Do you remember the detectives who took the statement?

A No.

Q Do you remember when it was you made the statement?

A No.

Q I believe you testified that your mother still lives at 9909 St. Clair?

A Yes.

MR. TOLLIVER: Judge, that's all we have at this time; we reserve the right for further cross-examination.

MR. LAURIE: Nothing further from this witness, Judge.

THE COURT: You may step down.  
(Witness excused.)

MR. CORRIGAN: Thomas Lanier.

MR. FLEMING: While we are waiting for the witness, may we approach the bench, your Honor?

(Whereupon a discussion was had between Court and counsel, outside the hearing of the jury and off the record.)

- - -

THEREUPON, the State, further to maintain the issues on its part to be maintained, called as a witness THOMAS J. LANIER, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. CORRIGAN:

Q Will you state your name, please?

A Thomas James Lanier.

Q Keep your voice up so that these people in the back are able to hear you.

A Thomas James Lanier.

Q How do you spell your last name?

A L-a-n-i-e-r.

Q Where do you live, sir?

A 9016 South Boulevard.

Q Do you know a man by the name of Walter Washington?

A Yes.

Q You have to respond with your voice rather than by nodding or shaking your head, you understand?

A (Witness nods.)

Q Did you see Walter Washington here this morning?

A Yes.

Q Is he the young man that testified just before you?

A Yes.

Q How long have you known Walter Washington?

A About a half a year, about six months.

Q A little louder, please.

A About six months.

Q When did you first come to know him?

A When we was going to school together at Central.

Q Beg your pardon?

A We was going to school together at Central Junior High.

Q When you went to school together at --

THE COURT: Are you saying Central?

THE WITNESS: Yes.

Q (By Mr. Corrigan) How long ago was that, sir?

A That was in the past -- I forget.

Q Now, calling your attention to the 23rd day of July, 1968, did you have occasion to see Walter Washington on that day?

A Yes.

Q Will you tell the Court and jury where you saw him?

A 105th and Superior.

Q What if anything did you do with him that day?

A What did I do with him?

Q Yes, what did you do with him?

A I didn't do nothing with him.

Q Did you do anything together with him?

A Nothing.

Q Did you go anyplace with him?

A In the morning we went down --

Q I beg your pardon?

A We went down to Lakeview.

THE COURT: In the morning  
we went down to Lakeview, he said. Keep your  
voice up.

Q (By Mr. Corrigan) Where did you go on Lakeview?

A Where Auburndale --

MR. FLEMING: I didn't hear that.

THE COURT: Auburndale.

Q (By Mr. Corrigan) Did anybody else go with you  
other than Walter?

A Me and the Panthers.

Q The Panthers, and who are the Panthers?

A The Black Panthers over on 105th.

Q How many Black Panthers were there?

A That went down there?

Q Yes, sir.

A About 14 or 13.

Q 13 or 14, and can you give us the names of the 13  
or 14 people that went with you?

A No, I forget.

Q You forget the names?

A Yes.

Q Where did you go on Auburndale?

A To Fred Ahmed Evans' house.

Q To Fred Ahmed Evans' house?

A Yes.

Q Do you see Fred Ahmed Evans in this court room?

A Yes.

Q Point him out, please.

A I hate to point with my finger.

Q I beg your pardon?

A I don't want to point with my finger.

Q Will you describe which gentleman he is in this court room?

A In the black -- the gentleman wearing the dashiki.

Q The gentleman wearing the what?

A The dashiki.

MR. CORRIGAN: The dashiki -- may the record show he identified Ahmed Evans?

THE COURT: It may so show.

Q (By Mr. Corrigan) Describe for them Fred Ahmed Evans' home on Auburndale.

A The apartment building.

Q The apartment building is frame or brick?

A Brick.

Q Where did you go in that building?

A Downstairs.

Q Downstairs?

A Yes.

Q And who, if anybody, did you see when you arrived there?

A Just the brothers and sisters.

MR. FLEMING: What did he say?

THE COURT: Something about the brothers and sisters that were already down there, is that what you said?

THE WITNESS: Yes.

Q (By Mr. Corrigan) When you say brothers and sisters, what do you mean?

A My brothers and sisters, black people that was down there, my brothers and sisters.

Q Your blood brothers and sisters?

THE COURT: He said the black people are his brothers and sisters.

Q (By Mr. Corrigan) The black people?

A Yes.

Q Will you tell us what happened when you arrived there?

A Just went down there for meeting, that's all, you know, black culture.

Q Black caucus?

A Black culture meeting.

Q Was Fred Ahmed Evans there?

A When I got there, he wasn't.

Q Did there come a time when he arrived there?

A About 9:30, I think.

Q About 9:30 or 10:00, was this in the morning or evening?

A In the morning.

Q When he arrived, was he alone or with someone else?

A He was with some more.

Q How was he dressed when he arrived?

A Dashiki.

Q What?

A A dashiki, what he has on now.

Q What he has on now, that kind of an outfit.

And what transpired, what went on in that house while you were there?

A Just talking about black history. Then we went upstairs, and that's all.

Q What happened when you went upstairs?

A Just seen some guns, that's all.

Q You saw some guns. And was anything done in connection with those guns?

A No. Just laying on the floor.



Q They were laying on the floor.

How many guns did you see?

A About ten.

Q About ten, and what kind of guns were they?

A I forget the name of them.

Q You forget now.

Did you see anything else in connection with those guns?

A Some more guns -- what do you mean?

Q Did you see, for example, did you see any furnishings in the home, any chairs, any beds or dishes or tables?

A Yes.

Q What did you see?

A Beds, and chairs to sit in.

Q What type of bed did you see?

A Mattresses and beds.

Q Regular, conventional beds?

A Yes.

Q Did you see anything else, with the guns?

A No.

Q Beg your pardon?

A (Witness shakes head.)

Q Did you see any ammunition?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

A What was that?

Q (By Mr. Corrigan) Did you see any ammunition?

A Not in the room. In the other room I saw one.

THE COURT: In the other room  
he saw some.

Q How much ammunition did you see in the other room?

A About three or four boxes of -- I don't know what  
kind it was.

Q Three or four boxes. How big were the boxes?

A About like this (indicating).

MR. CORRIGAN: May the record show  
that he indicated approximately a 3-by-3-inch area?

MR. FLEMING: I think that's a  
little large. What size?

THE WITNESS: (Indicating) A  
little square box like this.

THE COURT: Approximately  
2 by 3 inches, approximately.

Folks, those in the jury box, if you can't  
hear, just raise your right hand and I will under-  
stand that's the reason you're raising your hand.

Keep your voice up as best you can.

Q (By Mr. Corrigan) Now, while you were there,  
did you hear Mr. Ahmed Evans say anything?

A Just pointed out various guns, that's all, you know.

Q Pointed at the various guns.

And what if anything did he say when he pointed at the various guns?

A Well, there go, you know, the name of the gun.

Q The name of the gun?

A Yes.

Q Did he do anything else in connection with the guns?

A No.

Q While Mr. Evans was there, did you hear anybody else say anything?

A (Witness shakes head.) Just see the gun, you know, just point out the gun. We just sat down and listened to some records.

Q You listened to some records?

A Albums.

Q Did anybody do any talking there at all?

A About what?

Q About anything.

A Yes. We was talking about the black history, that's all.

Q You were talking about the black history? And what was said about the black history?

A Just we was talking about, you know, the black people, what we wanted, you know, and that we, you know, and wasn't nothing nappened.

Q What was this, now? Repeat that again, please.

A We was talking about, you know, black people wanted some, you know, our share, you know, land, you know, like this.

Q Black people wanted their share of what?

A Our land.

Q What?

THE COURT: Our land.

Q (By Mr. Corrigan) Yes, and what else was said?

MR. FLEMING: Objection.

THE COURT: Overruled.

A That's all we were talking about, just black history of people.

Q About the black history of people.

What if anything was said about the guns?

A That's all. Nothing.

Q Nothing was said about the guns.

Did you have occasion to see any money on that occasion?

A No.

Q Did you have any conversation about any money?

A What kind of money? Nobody carried any money with them.

Q Did anybody talk about money while you were there?

A (Witness shakes head.)

Q Now, when you went to Fred Ahmed Evans' home with about fourteen Black Panthers, how many people were in that home when you arrived there, approximately, if you recall?

A About ten.

Q About ten. And you referred to these as "brothers and sisters," is that correct?

A (Witness nods.)

Q How were they dressed?

A Just like people are supposed to be dressed, you know, clothes on.

Q They were dressed with clothes on.

Was the clothing conventional garb, such as you are wearing now, or other kinds of garb?

A All the same. Dashiki or this - doesn't make no difference.

Q It was mixed up, some were in dashiki and some were in conventional clothing, is that correct?

A Yes.

Q What time did you arrive in the morning?

A About 9:00.

Q How long did you stay there?

A Until --

Q Until when?

A Until 6:00 or 7:00 in the evening.

Q Until about 6:00 or 7:00 in the evening.

And was Fred Ahmed Evans there all the time you were there?

A Except when I came in the morning, he wasn't.

Q When you came in the morning, he wasn't there?

A No.

Q Now, how soon did he arrive in the morning after you had arrived?

A About a half hour later.

Q Did he have anything with him when he came?

A (Witness shakes head.)

Q Was he carrying anything?

A (Witness shakes head.) No.

Q Did he stay there then the rest of the day, or did there come a time when he left?

A I don't remember. We had went to sleep.

MR. FLEMING: I can't hear you.

THE COURT: I think he said

"we went to sleep."

Is that what you said?

THE WITNESS: Yes. Me and the rest of them went to sleep.

Q (By Mr. Corrigan) How long did you sleep while you were there that day?

A Up until the evening, about 6:30.

Q Up until the evening, about 6:30.

Now, how did you and the Black Panthers come to go to Ahmed Evans' home on that day? What was the reason for your going?

A Just went down, you know, just called the meeting, that's all.

Q They called a meeting? Who called the meeting, if you know?

A Brother Addis told us to go.

Q Who?

THE COURT: Brother Addis.

Q (By Mr. Corrigan) Does he have another name?

A I don't know.

Q He called the meeting, and did he tell you about the meeting?

A He just said, you know, we are going down to Brother Ahmed's pad, you know, for a meeting, to talk about black history.

THE COURT: They can't hear you.

Would you read that, please?

(Question and answer read by reporter.)

Q (By Mr. Corrigan) And when did he tell you that?

A The day before that.

Q The day before that.

And how long did the meeting last at Fred Ahmed