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

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1969

## Volume 08 (Part 4 of 4)

Cuyahoga County Court of Common Pleas

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out of the prison ward and put me on the floor of the hospital, see.

Q I see -- with the regular patients?

A With the regular patients.

Q And how long were you in the prison ward?

A I was in there overnight until the next day again.

Q I see, and how long were you in the hospital?

A About a week.

Q Then you were released?

A Yes.

Q Now, do you recall, while you were in Metropolitan General Hospital, what kind of medical treatment you got?

A Yes. They treated me for bullet wounds. I couldn't eat nothing for two days because I was beaten and I was bleeding internally, the doctor told me, so they fed me intravenously for two days.

Q You say some plainclothesmen came?

A Yes.

Q How many were there?

A There were three.

Q Three?

A Yes.

Q Did you tell them what happened to you?

A Yes. I told them what happened.

Q Did they write it down?

A Not as I recall.

Q Did they type up anything?

A Yes. One of them wrote --

Q I am sorry?

A One of them wrote, I remember one of them did write something down, I think, my name, because he wrote it on a piece of paper, and that's all.

Q Did they write down anything and have you sign it?

A No.

Q They took no written statement from you?

A No.

Q Did you tell them the same thing that you are telling us now?

A I told them the same thing.

Q Now, at that time when you were shot, were you working at the same place that you are working at now?

A Yes, I was.

Q How many days were you off from work?

A Well, all together I was off for about five months.

Q About five months?

A Yes.

Q And you weren't charged with anything, is that right?

A (Witness shakes head.)

Q Did you ever find out why you were shot?

A No.

Q Did you ask the police officers why you were shot?

A I asked them, and they said I was charged with first-degree murder.

And I said, "For what?"

And they said, "Because you were shooting at us."

I said I wasn't shooting at nobody. There was eleven people there. I wasn't shooting.

And they come in and started beating us.

Q So you never learned why you were shot?

A No.

Q Now, did you give a statement to anyone else, other than the police, about what happened to you?

A Well, I talked to a minister; a lawyer from the Civil Liberties Union - they came out to the hospital - and they was two ministers came out.

Q Do you remember who they were?

A I don't remember their names.

Q Did you talk to the N. A. A. C. P.?

A No, I didn't talk to them. I was in the hospital at the time they got the statements from the others.

Q I see. Did you talk to the F. B. I.?

A Yes, I talked to them.

Q When did you talk to the F. B. I.?

A Well, they came out to my house, right after I had



A Well, they came out to my house right after I had gotten out of the hospital, I imagine, a week -- I don't know how long it was; they came out to my house and I gave them a statement.

Q And was it a written statement?

A Yes. They wrote down what I told them.

Q How many agents were there?

A Two.

Q From the F. B. I.?

A Right.

Q How do you know they were F. B. I. agents?

A Well, they showed me their credentials.

Q This was about a week after you got out of the hospital?

A Yes.

MR. TOLLIVER:  
witness.

You may have the

CROSS-EXAMINATION

BY MR. LAURIE:

Q Sir, directing your attention to July 23, 1968, where did you live on that day?

A 1631 Delmont.

Q And how far is that from the Lakeview Tavern?

A It is not too far.

Q Well, how many miles or blocks or what?

A Well, I don't know how many miles it is -- where I live -- it's on 123rd and where I live is off 125th, so a few blocks.

Q Did you walk to the tavern?

A No, I drove.

Q You drove?

A Yes.

Q And you say you go there frequently?

A Yes.

Q How often do you go there?

A Well, about once or twice a week, maybe more.

Q Do you know any people in the neighborhood?

A Some.

Q Do you know Fred Evans? )

A Yes.

Q Where did you see him?

A Well, I seen him on Superior.

Q On Superior?

A Yes.

Q Where on Superior?

A They had a shop on 111th.

Q 11105 Superior?

A Yes.

Q Did you sometimes go in that shop, too?

A I talked with him about astrology, yes.

Q Pardon?

A Astrology.

Q Not what you did in there, did you go in the shop at times?

A Yes, I say I went in there and talked with him about astrology.

Q I will ask you what you talked about. How often did you go in there?

A Not too often.

Q And were you a member of the group that belonged to that particular shop?

A No, I wasn't.

Q Pardon?

A No.

Q And when you went in there, did you see some of the other brothers in there too?

A Yes, I saw them.

Q I see, and then you had occasion to talk to Mr. Evans in the past?

A Yes, right.

Q And you and he are on friendly terms?

A Well, I know him, yes.

Q You have seen him around the Lakeview Bar, too?

A Yes.

Q And did you see him in the bar?

A No, I didn't see him in the Lakeview Tavern.

Q Did you see him around the Lakeview Tavern?

A He lived right around the corner.

Q Next door to the bar?

A Yes.

Q Have you been up to his house, up there, too, sometimes?

A Yes, I have been there.

Q And was this another social visit with Mr. Evans?

A Yes, sir.

Q And did you see Mr. Lathan Donald there, too, didn't you?

A Yes.

Q And Osu Bey, Leslie Jackson?

A I don't know them.

Q You saw Mr. Thomas there with him?

A I don't know him.

Q Hardrick?

A I don't know him.

Q A boy by the name of Hardrick?

A I don't know him.

Q How about a boy by the name of Mitchum?

A No.

Q Dailey?

A I don't know him.

Q When you went to see Mr. Evans on occasions -- or how many times did you go to his home next to the bar?

A About once.

Q Once? And at that time, Lathan Donald was there, the man you saw in the hospital with you that time, remember?

A No, I didn't see him there.

Q A couple of seconds ago, you said you saw Lathan Donald there.

MR. FLEMING: Objection.

THE COURT: Overruled.

You are talking about at his home?

THE WITNESS: At his home.

Q (By Mr. Laurie) You saw Lathan Donald at his home?

A No, I saw him in the hospital.

Q When I asked you a few minutes ago if you saw Lathan Donald at Evans' home, you said yes to me.

A I'm sorry, I didn't see him there.

Q You didn't see him there?

A No.

Q But you had known Lathan Donald before?

A I had seen him before.

Q You had seen him at the shop, at 111th?

A No, I don't think he was there.

Q Where did you see Lathan Donald before?

A Well, he would be around on Superior, all of them lived in the general area, like you go to the Kit-Kat and all these others.

Q What do you mean that all of them lived in the general area? Who do you refer to?

A Well, I mean people that live in the neighborhood, you get to know them, you get to see them around, you see. You know the people that live in your neighborhood, you see them. You might not know them, but you know their faces.

Q What do you mean by your answer that all of them lived in the neighborhood? All of whom?

A I am talking about the people in this neighborhood, people in general in the neighborhood. I know a lot of people in the neighborhood that I don't know by name.

Q Where did you see Lathan Donald?

A I saw him on Hough, I think it was.

Q Was Mr. Evans with him?

A No.

Q Did you ever see Mr. Lathan Donald with Mr. Evans?

A No, I don't think so.

Q When you went to see Mr. Evans at his home on 123 --- next to the bar, which apartment did you go into?

A I don't remember the apartment.

Q Who was there when you went in there?

A He was there by himself.

Q Did you see any weapons there?

A No.

Q When was it that you had gone to see Mr. Evans?

A I can't remember.

Q Well, in relation to July of 1968, was it before or after that?

A It was before that.

Q About how long or what period of time before July of '68 would you say you had gone to visit Mr. Evans at his house next to the bar?

A I don't know exactly.

Q Well, was it a week, a month, two months, six months, a year?

A Sir, I don't remember.

Q Your best estimate, if you don't know exactly, your estimate?

A I couldn't estimate, because I don't remember the date.

Q Was it during the summertime or winterime, if you recall?

A I think it was during the winter.

Q During the winter, all right, and what did you do when you went to visit him at his home?

A We talked about astrology, because I am interested in astrology.

Q You are interested in astrology?

A Yes.

Q And Mr. Evans talked to you about astrology?

A Yes.

Q Did he give you any astrology predictions when you talked to him?

A No, he didn't.

Q Did you have anything to drink there, socially, with him when you visited him?

A No, we didn't drink nothing.

Q You didn't drink with him?

A No.

Q You do take a drink, now and then?

A Yes.

Q That is what you went to the bar for that day, didn't you?

A Yes.

Q Incidentally, you said you got there about 6:30 --



I'm sorry, you said about 6 o'clock, is that right?

A Well, I get off work at 5:30, see, and so I came directly from work, from Cedar and Warrensville to Lakeview Tavern.

Q You indicated about 6 o'clock, is that right?

A Roughly.

Q And about a half hour later you heard a shot?

A Yes, and saw police cruise by.

Q After you heard the shot?

A Yes.

Q And in that house, incidentally, next to the tavern, do you know whether any other Black Nationalists lived there?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

MR. LAURIE: I will rephrase it.

Q (By Mr. Laurie) Did you know whether Mr. Evans was a Black Nationalist when you visited him?

A Yes, I knew he was a Black Nationalist.

Q Did any other Black Nationalist live in that house?

MR. FLEMING: Objection.

THE WITNESS: I don't know.

THE COURT: Overruled.

MR. FLEMING: Withdraw the objection.

THE WITNESS: Define a Black

Nationalist. What is a Black Nationalist?

Q (By Mr. Laurie) Do you know what a Black Nationalist is?

A No, sir, I don't, because ---

Q Okay, thank you. And at 6:30, you say you heard a shot. Where were you in the bar when you heard that shot?

A We all was sitting at the bar.

Q All right, and when you heard this shot, what did you do?

A Well, when I heard the shot, first, I went to look out the window, that was my first reaction.

Q Which window did you look out?

A Out the front window.

Q Would this be on Lakeview or Auburndale?

A This would be on Lakeview.

Q On Lakeview, and then what did you see, when you looked out?

A I saw police.

Q You saw policemen in the street or in a car or where?

A In the car.

Q In which direction was he going?

A He was going down Lakeview, towards Superior.

Q That would be north?

A Yes.

Q All right, and then did you see the person that was shooting?

A The police was shooting.

Q Well, you heard the shots first and you were sitting at a bar, right at the bar?

A Then we all got up.

Q One moment.

MR. TOLLIVER: Let the witness answer.

MR. LAURIE: Let me put my questions.

THE COURT: Continue with your question.

Q (By Mr. Laurie) You say you were sitting at a bar and you heard a shot?

A Right.

Q You were at the bar when you heard this shot?

A Yes.

Q You don't know who shot that first shot, do you?

A Well, when we looked out the window, was police all over the place.

Q I know, but when you heard the shot, you were sitting at the bar; is that right?

A Right.

Q Well, you don't know who did that shooting, do you?

A When we looked out the window, there was police.

Q Please, on that first shot, did you see who shot the first shot that you heard?

A I didn't see.

Q All right. You looked out the window, and how many police did you see?

A Well, I couldn't estimate. There was cruisers, mostly station wagons in front of the bar.

Q How many station wagons did you see at 6:30, when you looked out the window?

A From the front of the bar, all the way around, they was ringing it.

Q It was raining?

A They had a ring around it.

Q They had a ring around the bar?

A Yes.

Q You say, from the front window you saw cars all the way around the bar, sir?

A Well, I mean, as far as I could see.

Q Pardon?

A They was from the front of the bar around the curve,

put it like that.

Q How did you figure out it was a ring around the bar with cars?

MR. TOLLIVER: Objection.

THE COURT: Overruled.

He is really asking you to describe the position of the cars that you saw.

THE WITNESS: Thank you, Judge.

A Well, they was in front of the bar like this (indicating), from this side of the bar all the way around the bar. The bar is sitting on a curve, all the way around the curve (indicating).

Q The bar is sitting on a curb?

THE COURT: A curve,

c-u-r-v-e, he said.

Q (By Mr. Laurie) The bar is sitting on a curve?

A It is a curve around by (indicating) --

Q Around the bar? Is on the corner?

A Yes.

Q Is that it?

A Yes.

Q And police cars were on Auburndale, too, parked around this bar?

A I was looking out the front window; I saw Lakeview, all the way around.

Q When you were looking on Lakeview, over here (indicating), you could see all the way around Auburndale?

Is that what you're telling us?

A <sup>Y</sup>Yes, because there is a back door, too. There were a glass in the back door, in the back of the bar.

Q How many cars did you see around this bar?

A I don't know.

Q Well, you said they were all around the two streets?

A Yes, but I didn't have time to count them.

Q A split second at the window -- is that what you are saying?

MR. FLEMING: Objection.

THE COURT: Overruled.

Q (By Mr. Laurie) How long did you make these observations?

A I don't know.

Q You say you didn't have time to count. Can you explain why you didn't have time to count?

MR. FLEMING: Objection.

THE COURT: Overruled.

A Well, because they was shooting.

Q Who?

A Police.

Q What were they shooting?

A Pistols.

Q Where were they shooting, at 6:30, when you looked out the window?

A Well, the one I could observe through the window was a policeman standing over across the street, at a grocery store, and he was behind this pillar, shooting. They have a big pillar at this grocery store.

Q In front of the grocery store, shooting?

A There is a grocery store right across in front of the bar.

Q Across the street from the bar is a grocery store?

A It is at an angle.

Q Across Lakeview?

A It is on Lakeview.

Q On Lakeview, but on the west side of Lakeview there is a grocery store?

A It is not directly across; it is at an angle.

Q But on the west side of the street?

A That is right.

Q He was shooting where?

A I couldn't see where he was shooting; all I could see, he was shooting.

Q Where was the gun pointing?

A It was pointing at, it was pointing at the --  
on the opposite side of the bar.

Q On the opposite side of the bar on Lakeview, or on

Auburndale?

A: He was pointing towards Auburndale.

Q Pardon?

A Towards Auburndale.

Q Was it pointed past the bar on Auburndale, going east?

A He had the gun -- I don't know -- he was pointing it, he was pointing it east.

Q Pointing it east? All right.

And you say that this, only one policeman you saw with a pistol doing this? Is that right?

A There were others, too.

Q What about the others?

A Well, I saw quite a few policemen.

Q But you said you saw one policeman across the street with a pistol, pointing east on Auburndale?

A He was shooting.

Q And the other policemen were running around?

A They were running around.

Q When you observed this through the window, at 6:30, did you look to see who he was shooting at?

A I couldn't see who he was shooting at.

Q You couldn't see Auburndale from where you were looking out that window, could you?

MR. FLEMING:

Objection.



THE COURT:

Overruled.

Q (By Mr. Laurie) You couldn't see Auburndale out that window, could you?

A I could see he was pointing towards Auburndale.

Q When you noticed this, right away you did something; you hid? Or what?

A We stood there and observed a few minutes, and then we went in the back of the bar.

Q And you observed it for a few minutes? Is that what you are saying, sir?

A Yes.

Q How many times did you see this policeman shoot his revolver?

A Time enough to look out the window.

Q That's the only thing you saw, shooting?

A No.

Q Then tell this jury who else did you see shooting, sir?

A You want me to start --

Q Right there, at the window, when you saw this policeman shooting.

A When I looked out this window, I saw this policeman shooting, and the other policemen running around with a shotgun.

Q Yes?

A And I saw policemen getting out of cars, with shot-guns, see, and they was running around the bar, you see, because they hadn't come in the bar yet, see, the sergeant hadn't called from downtown.

They didn't come in the bar. They was all around, but they didn't come in until after Sergeant Kovacic had called from downtown, and then they came in the bar.

Q Now, did you hear any shooting, from the east side of the bar, coming out of those apartments there?

A I couldn't tell where it was from; I heard shots.

Q You heard shots from the east side of the bar?

A I heard shots, period.

Q You heard shots?

A Yes.

Q When you saw this, didn't it scare you?

A I was scared.

Q Well, you stood there, watching from the window?

A I was still scared.

Q But you weren't scared enough to run away, were you?

MR. FLEMING: Objection.

THE COURT: Sustained.

Q (By Mr. Laurie) Did you run to the phone and call the police and indicate what you had observed, or not?

A We didn't call the police.

Q Then, after --

A Because they was there.

Q Did you give them a report, what you saw?

A Well, Sergeant Kovacic called; I told him,

Q He identified himself as "Sergeant Kovacic"?

A He said, "This is Sergeant Kovacic; I am downtown," he said, "We are coming in the bar and I want to know if there is any customers in it," and I said, "Yes, don't come in shooting."

And so they came in with pistols and shotguns.

Q Are you telling the jury that the sergeant from downtown called the bar when the policemen were all around the bar?

A Yes.

Q He called and asked permission or if it was all right to come in the bar?

A He said, was there any customers in the bar; and I said yes, there is customers.

Q Do you generally answer the phone for the bar people?

A Well, that night, I was there, because I told everybody to go downstairs, and I came up. I was up and down the stairs.

Q Oh, in other words, you were directing where people should go in the bar?

A Well, everybody was nervous, so I, I took over.

Q I see. And you were not nervous?

A I was nervous, but somebody had to do it.

Q I see.

A Because all the women was crying and everything.

Q And so the women were crying when they saw this one policeman shooting from the corner with his pistol?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

Q (By Mr. Laurie) All right.

A They was nervous.

Q But there were no shots coming in through the bar at that time, am I right?

A They was shots coming into the wall, yes.

Q At this time when you looked through the window?

A Yes.

Q And the rest of the people were there?

A Yes.

Q And they stood at the window, three minutes or so?

A As the shots came, I told them to go downstairs.

I came up and I was crawling behind the bar on my hands and knees. You see, I crawled behind the bar and answered the phone because the phone was ringing, while everybody was downstairs.

I told them to go downstairs, and I did.

Q And there was some shooting from inside of the bar, too, wasn't there?

A No, sir, wasn't nobody inside the bar but us.

Q Who lived upstairs?

A Over the bar?

Q Yes.

A I don't know.

Q Wasn't one of the men that lived upstairs in the group of people in the bar?

A I don't know, sir; might have been.

Q Did you hear some shooting from upstairs?

A I didn't hear no shooting from up there.

Q I see. And so, then, you say that you were in the area of the bar when some bullets came through the bar; is that right?

A Yes, sir, and I got down on my hands and knees and crawled behind the bar. The phone is about middleways behind the bar.

Q Now --

MR. BLEMING:

Objection.

Let him finish his answer.

THE COURT:

Let him answer.

A I crawled behind the bar and answered the three phone calls that came in.

MR. LAURIE:

Judge, I didn't ask

for that; it is not responsive.

Q (By Mr. Laurie) Now, at the time you were up in the bar proper, some of those bullets hit you, didn't it?

A No, I wasn't shot while I was up there.

Q But you were up there when bullets were flying through that bar? You just told us that, didn't you, sir?

A Yes, sir, I was up there, but I wasn't shot.

MR. LAURIE:  
these as exhibits?

Would you mark

(State's Exhibits Nos. 251 through 255, inclusive, were marked for identification.)

MR. FLEMING:  
the bench, your Honor?

May we approach

THE COURT:

You may.

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

Q (By Mr. Laurie) Showing you State's Exhibits 245, sir, 255, 253, 251, 252, can you look at those photographs, sir, and tell me if you can identify them?

A (Witness indicates.)

Q What about them?

A These I met, Lathan Donald.

Q Who is 255? Without looking at the back, look at

the front.

A This is Ahmed.

Q That's who?

A Ahmed.

Q Ahmed?

A Yes.

Q The defendant here?

A Huh?

Q The defendant in this case?

A Yes, that's Ahmed.

Q Incidentally, is he in the courtroom now, the man you said you visited several times with, and the man this picture represents?

A Yes. (Witness indicates.)

Q Pardon?

A That's him over there (indicating).

Q Which one?

A Ahmed, in the green and red.

MR. LAURIE:

All right.

May the record so show, Judge?

THE COURT:

It may.

Q (By Mr. Laurie) Exhibits 252 and 251?

A This is Lathan. He was in the prison ward with me, at Metropolitan General Hospital.

Q And, incidentally, you and Lathan became pretty good

friends when you were together in the prison ward, didn't you?

MR. TOLLIVER:

Objection.

A Certainly. I like -- he was in so much pain, he couldn't hardly talk, he was having pain shots every half hour.

Q (By Mr. Laurie) You and he worked up a friendship there?

A No, sir. He couldn't talk.

Q When you were down in the basement, was there a man with a knife down there, among the people that went from the bar into the basement?

A Yes.

Q And was that Mr. James Crawford?

A I don't know his name.

Q Well, he ended up in the Fifth District with the rest of the people, didn't he?

A I don't know.

Q You don't know that?

A No.

Q How many men were in the basement when you were down there?

A Well, there was Arthur, Mack, the other fellows, I don't know their names.

Q How many in number?



A It was three women.

Q How many men, sir?

A It was three women and seven men.

Q Three women and seven men?

A (Witness nods.)

Q And is this the same ratio that ended up at the Fifth District station?

A I don't know, because I wasn't conscious.

Q When you came to, did you count heads, and seven men appeared there?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

Q (By Mr. Laurie.) Did you?

A (Witness shakes head.)

Q When you were in the basement with the three women and seven men, what did the man with the knife do down in that basement?

A Well, I was back and forth, upstairs most of the time.

Q What did you see him do with the knife, if anything?

A I know he had a knife on him.

Q All right.

A He panicked. He was afraid, that's what it was, mostly.

Q Pardon?

A He was afraid.

Q Yes, but what did you notice him to do with the knife, or didn't you see him use the knife at all?

A I didn't see him do anything with the knife.

Q I see. Well, as far as --

You were inside the bar, either upstairs at the door, or down in the basement, all the time, weren't you?

A I was upstairs and back and forth. I went downstairs and then I come back upstairs.

Q You got as far as the basement door, isn't that right, sir, when you came up the steps?

A I came upstairs, yes.

Q Yes, and all during that time you never seen this man use a knife; is that right?

A No, I didn't see him use it.

Q I see.

MR. LAURIE:

That's all, Judge.

REDIRECT EXAMINATION

BY MR. TOLLIVER:

Q Mr. Pegues, would you step down just a moment, please. Will you take this stick and stand right over here (indicating).

Now, this map is an aerial photo of the area, you understand?

A Yes.

Q And this is Auburndale and this is Lakeview and this is Moulton (indicating).

A Oh huh.

Q Now, do you see the Lakeview Tavern on this?

A Yes. Right here (indicating).

Q Now, you said --

MR. TOLLIVER: Can everybody see?

Q -- you said there was a policeman shooting from a grocery store. Can you show us where that grocery store was?

THE COURT: The jurors can't see, Mr. Tolliver. If you came over here, I think it might help.

MR. TOLLIVER: Okay, Judge.

Q Where was the grocery store?

A Right here, right across the street (indicating).

Q Right across the street?

A Yes.

Q And that's where you saw that police officer, is that right?

A Yes.

Q And you say he was shooting in an easterly direction on Auburndale?

A Yes.

Q Show the jury what you were talking about at that time.

A See, it's a pillar there, right at the end of that porch, right here (indicating) -- not a porch, but a little thing over there (indicating).

Q Yes?

A And he was standing behind the pole and shooting over this way (indicating).

Q Did you complete your answer?

A Yes.

Q You couldn't see what he was shooting at, could you?

A No, I couldn't.

Q But he was shooting in that direction?

A Yes, sir.

Q Now, you also told the jury that there were police cars around the Lakeview Tavern?

A Yes.

Q Show the jury, now, what you mean by that, where were they?

A I meant I could see from here around, when I said the curve, I meant from right here, about to where this station wagon is right here (indicating).

I could see this far, and they had the wagons pulled up in front on the sidewalk, in front of the Lakeview Tavern. They had them pulled up to the bar, see, they wasn't parked on this curb, they was on this, right in here, on the sidewalk.

Q You could see that from the tavern?

A Yes.

Q Now, were you looking out the window or were you outside or what?

A I was looking out this window here (indicating).

Q Show the jury what window.

A I was looking out this window, and I could also see out this door, because the door is glass, and I could see out of this window here, because the bar is -- this is where the bar is, right on this side, you see (indicating).

Q Uh-huh?

A And I could see out of the door and these two windows.

Q You mentioned something about a door on the side?

A Yes, that is, there is a door on the side, that is on this side about right in here, (indicating).

Q Does that lead to the bar?

A It is a bar door.

Q It is a bar door?

A A side door, to the bar, and the top of the door is all glass; and I could see out that side door, too.

Q You may resume the stand, thank you.

Now, Mr. Pegues, you mentioned something about the man down the basement with the knife, that he panicked.

A Yes.

Q That was the word you used, panicked?

A That's what I said.

Q Explain, what do you mean by that?

A I mean, he was afraid. He was -- I don't know how to describe it -- I never seen nobody, you know, when you are real fearful and start running around, that's the way he was; he was afraid.

Q And he had a knife, I believe you said?

A Yes, I saw a knife in his hand.

Q Tell us what you saw him do with the knife and everything that you saw him do.

A I didn't see him do nothing with the knife, but I know he had one.

MR. LAURIE: That's all.

MR. TOLLIVER: Wait a minute.

I'm asking the questions.

MR. LAURIE: Pardon me.

Q (By Mr. Tolliver) Now, did you have any conversation with the persons there about the man with the knife? Did they tell you anything about that man with a knife?

A Yes, they told me about him.

Q Tell us what they told you.

MR. CORRIGAN: Objection.

THE COURT: What do you mean,

a conversation that was had while they were down in the basement?

MR. TOLLIVER: While they are down in the basement.

THE COURT: You are talking about that at this time?

MR. TOLLIVER: At that time.

THE COURT: He may relate the

conversation.

A They told me that he had used the knife, but I didn't see it.

Q (By Mr. Tolliver) You didn't see it?

A No.

Q All right, when you say "used the knife," what do you mean?

MR. LAURIE: Objection, now he wants to get into their minds.

THE COURT: Just a minute. Did they give you any more details as to what he had actually done with the knife, other than say he had used it?

THE WITNESS: He had cut one of the fellows.

MR. TOLLIVER: That's all.

MR. LAURIE: That's all, Judge.

THE COURT: You are excused.

MR. TOLLIVER: Judge, did you have something --

THE COURT: I kind of surmised you were both about done with this witness, and we wanted to try and finish.

MR. TOLLIVER: Let me ask one more



question.

THE COURT:

One more.

Q (By Mr. Tolliver) When you said he cut one of the fellows, who was the fellow that was cut?

A Well, he was -- I don't remember his name. In fact, I haven't seen him since then.

Q Who did they say was cut?

A He was a little short fellow about -- about his height (indicating), I would say, if he was standing up.

Q In discussing this cutting with you, did they describe to you what, you know, what took place -- what he said to the man and what the man said to him?

MR. LAURIE:

Objection.

MR. TOLLIVER:

time.

At that particular

THE COURT:

Did they describe the complete occurrence or have you already told us everything they told you about this cutting?

THE WITNESS:

Like I said, he panicked and was running around afraid. I tried to keep him calm. I kept him as calm as I could, you see, but I think because they was afraid, they -- I was afraid, too, but I -- you know, I tried to keep him calm, and he would listen to

me, and I would talk to him and he went down to the basement and that's when this happened and I wasn't down in the basement at the time.

MR. TOLLIVER: That's all,  
thank you.

MR. LAURIE: That's all.  
(Witness excused.)

THE COURT: All right, we  
will recess for lunch until 1:30.

Don't talk to anybody and don't let  
anybody talk to you.

(Noon recess taken.)

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FRIDAY AFTERNOON SESSION, MAY 2, 1969

MR. FLEMING:

Superintendent

Speights.

THEREUPON, the Defendant, further to maintain the issues on his part to be maintained, called as a witness WILLIAM L. SPEIGHTS, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATIONBY MR. FLEMING:

Q Now, Mr. Speights, will you state your full name to the Court and jury and spell your last name.

A William L. Speights. S-p-e-i-g-h-t-s.

Q Are you married or single?

A Married.

Q What is your occupation?

A I'm the superintendent of the Cleveland House of Correction.

Q How long have you been so employed?

A It was supposed to be effective January the 20th, but I haven't received the first paycheck yet.

Q How long have you been employed by the Workhouse?

A I'm in my eighteenth year now.

Q What was your duties prior to becoming superintendent?

A I was in charge of the identification office -- well, let me change that. I was assistant superintendent, previous to that I was in charge of the identification office.

Q Prior to becoming superintendent, were you a special police officer for the City of Cleveland?

A Yes, I've been in that position for approximately eighteen years.

Q You have been a special policeman for about eighteen years?

A Yes, sir.

Q You were subpoenaed to come here and testify, is that correct?

A That's correct, and bring with me physical records.

Q Certain records?

A Yes.

Q Did you bring those records with you?

A Yes, I did.

Q May I see them, please?

A Certainly.

(Documents handed to counsel.)

Q Now, Mr. Speights, are the records that you brought

with you -- will you tell us whose records they are?

A These records belong to a Walter Brown.

MR. CORRIGAN: May we approach  
the bench, your Honor?

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

MR. FLEMING: Please mark this.

(Defendant's Exhibit  
GGGG was marked for  
identification.)

MR. FLEMING: Let the record show  
that it's been stipulated by and between counsel for  
the Defendant and by and between counsel for the  
State, that Defendant's Exhibit Quadruple G may be  
marked as an exhibit, and that it may go into the  
record or into the evidence as a stipulated exhibit  
and may be received by the Court into the evidence  
in toto.

THE COURT: It isn't necessarily  
a stipulated exhibit, but it is stipulated that this  
exhibit may be introduced into evidence.

MR. CORRIGAN: No objection, your  
Honor.

(Defendant's Exhibit  
GGGG was received in  
evidence.)

MR. CORRIGAN: Now, may we see  
the exhibit?

MR. FLEMING: Yes.

(Document shown to Mr. Corrigan.)

Q (By Mr. Fleming) Now, Officer, I am showing you  
what has been entered into the evidence as Defendant's  
Exhibit Quadruple G.

Will you tell the Court and jury what that is?  
I said "officer." I meant "superintendent."

A This is the photo-card and the fingerprint card  
(indicating) --

THE COURT: You are asking him  
about the whole exhibit, aren't you?

MR. FLEMING: Yes.

THE COURT: I think he already  
said these are the records of the Cleveland House  
of Correction from one Walter Brown.

MR. FLEMING: I want him to tell  
what is in there, unless, now that it's in the  
evidence -- I'll tell you. We can do it this way:

Q Referring specifically to this paper that is a part  
of this exhibit (indicating), and another -- well, that  
specific paper, can you tell us what that is?

A This is the social service department report on this  
man, with information as taken from the man as he comes

into the institution.

Q All right. Now, will you give us the address that he used at the time -- when was this information taken?

A December the 17th of '68.

Q What address did he give as his home address at that time?

A 11113 Superior.

Q How long did he state that he had been living there?

A One year.

Q Did he give you any other information concerning his parents, at that time?

A Yes. He named his father was Walter, senior, and it says he was deceased in 1966.

Q Go ahead.

A He gave his mother as Edna, deceased in 1962; Oakland, California.

He listed a brother aged twenty-four, who lived at the same address, and someone by the name -- a sister by the name of Matteeah, age seventeen, that lived on Lee Avenue.

Q Is there any other information contained on the front of that portion of the exhibit?

A Yes. There is "education," says 12-B, Glenville High. He dropped out in June of '68, accused of stealing and suspicion. Military service: none.

Classification: 1-A. Medical and physical history: None.

There is nothing wrong with him, no physical deformity. Astigmatism in left eye. That's all, on the front.

Q Okay. What's on the back of this document?

Will you read everything contained on the back of that portion of the exhibit.

MR. LAURIE: Will you keep your voice up.

THE COURT: Keep your voice up so the last gentleman in the jury box can hear.

A Work history (include case worker's evaluation): Subject states employment by Royal Paper Company, laborer, \$1.75 per hour. Then raised to \$2.25 per hour. He was supposed to have worked there six months.

Subject states: Spot labor with Casual Employment Service, after this job.

"Previous arrests and commitments: None.

"Inmate's version of present offense: Subject states he bought an Arabian knife from the Muslim shop, East 105th and Superior, 12-10-68, and took it to show to a friend, December 13, '68.)

"Subject states he was arrested carrying the knife in his back-pocket, December 13, '68, at East 105th and



Superior, resulting in present commitment.

"Additional social history and diagnostic impression: Both parents of subject are deceased and subject lives with single older brother at given address. Subject states he belonged to Ahmed's group of Black Nationalists but he states he does not now.

"Subject has been interrogated by two detectives from C. P. D., Special Investigation Division, regarding an alleged double slaying in Rockefeller Park a few days ago.

"Subject states he neither drinks nor uses narcotics. Notify Detective Smith, John, in C. P. D. Special Investigation, in case of emergency.

"Release plans: Subject plans to obtain employment and join the United States Marine Corps upon release."

And the case worker's name is C. V. Hobbs.

Q All right, showing you this paper that is a part of this exhibit (indicating), will you tell the Court and jury what that document is?

A This is a letter of detainer. From time to time, people that come out to the Workhouse are wanted by another department and they will send a letter requesting we hold and send the party in to the County Jail or to different police departments or something of this nature.

And this letter is January the 20th. It states -- it's addressed to Mr. Kandy, Assistant Superintendent, in charge of records.

It says: "As per the recent telephone conversation between Captain John R. Lyons of the Fire Investigation Unit and Mr. Charles Hobbs of the Cleveland House of Correction, the Fire Investigation Unit of the Cleveland Fire Department requests that Walter Brown be returned to County Jail and that a hold be placed on this man.

"Sincerely, William E. Barry, Chief. Carbon copy to Chief Schlund and Captain Lyons," and this man was turned over to County Jail on January 22, '69.

Q Was he turned over to the County Jail with regard to this holder?

A Yes.

Q All right. Now, I am showing you another paper that is contained in this exhibit. Will you tell the Court and

jury what that is?

A This is a commitment card (indicating). This is a commitment paper (indicating). This is sent out by the Court once the man is sentenced. They bring this paper out (indicating) and then a card is made on him and this card remains in his file until he is discharged and from his commitment card -- you want me to --

Q Well, I think you have given us all this information here (indicating). What are these remarks (indicating)? What does that mean with regard to that exhibit?

A Movement. Anytime someone is taken from the institution or someone comes out to visit them, they usually put it on the back of the commitment card where it says, "Remarks."

It says --

Q Go ahead.

A "December 17, '68, inmate turned over to Detective Bureau, Cleveland Police Department, 6:30 p.m."

"December 17th of '68, returned at 6:00 o'clock, p.m. Officer Smith."

I guess it's "Badge No. 244."

Lieutenant Long was the Lieutenant in charge at that time. He signed his name.

"December 18th of '68, inmate turned over to Detective Bureau, Cleveland Police, at 10:45 a.m." And this is signed by Lieutenant George Ferris.

January 20th, there was a hold for Detective Gardner, Homicide, murder first."

This was a telephone call, but there -- he was taken to the Detective Bureau for a lie detector examination, I believe, and this was a telephone call, no letter came in regard to the murder hold.

So it's -- it doesn't hold.

On January the 15th we received this letter -- telephone call, and then on January 20th, this letter of hold came in. The telephone call was "Hold for Captain Lyons, Cleveland Fire Department, Arson Squad."

The letter was received January the 20th.

Q Okay.

A January 22nd.

Q Now, do you have these records -- you want us to have photostats made?

A Yes.

Q And turn the originals back over to you.

MR. FLEMING: Will that be permissible, your Honor?

THE COURT: Yes.

Q Now, Superintendent, calling your attention to the 23rd of July, 1968, did a person work for you at the Workhouse by the name of Joseph Turpin?

A Yes.

Q Is that person also a special police officer?

A Yes, he is.

Q And does he -- how long has he worked at the Workhouse with you?

A Well, I can't give you the exact date, but it's approximately 17 years.

Q All right. And on the 23rd of July, was he working for you at that time?

A Well, he worked -- I believe he worked that day. I'm not positive.

Q But he was working at the Workhouse at that time?

A Yes.

Q Did you receive a call from Officer Turpin some time during the late evening part of July 23rd?

A Yes, I did.

Q At about what time was it that you received a telephone call from him?

A I'd say in the vicinity between 8:10, 8:25, something like that.

Q All right. And what was the nature of that call?

A He was letting me know that there was a lot of shooting going on on his street and we were talking, back and forth, about it.

Q Do you know where Officer Turpin lives?

A Yes, he lives on Lakeview.

Q Now, you say it was between -- what time was that?

A Oh, about -- I'd say between 8:10 and 8:25, 8:30, something like that.

Q That he first notified you that there was some shooting going on out there?

A Yes.

Q What did he say to you and what did you say to him?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

MR. FLEMING: May we approach

the bench?

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

THE COURT: The objection is overruled.

MR. FLEMING: Thank you.

Q Now, will you tell us about that first call when he told you that there was some shooting going on? Tell us what he said to you and what you said to him.

MR. CORRIGAN: Objection.

THE COURT: Overruled.

MR. CORRIGAN: May we approach

the bench, please?

(Thereupon a discussion was had between

the Court and counsel, outside the hearing of the jury, and off the record.)

THE COURT:

Take your seat,

gentlemen. The objection is overruled.

Q Tell us what the conversation was?

A Well, I can't remember the exact words, but it was something there's a lot of shooting, that some people are shooting at the police, and we talked about it.

Q Okay.

A And --

Q And what happened? Was that the total conversation at that time?

A Well, yes, a few minutes later -- oh, well, no, it wasn't exactly. I think he said something about his wife was at work or away and he was there with his kids and words to that effect.

Q Okay. Did you have occasion to talk to him on the telephone after that?

A Yes.

Q About how long after the first call was it before he called you back again?

A That was shortly after. I'd say approximately 15 minutes, maybe less, and at this time, he stated that Ahmed was at his house and --

Q Go ahead.

A He asked me to call the police and at that time, I told him, "All right. Hang up the phone," and I said, "I'll call you back."

He had told me he called the police earlier before he called me, but he hadn't got any response and I said "Well, I'll call."

I asked him, "Did you identify yourself to them?"

He said, "Yes."

I said, "I'll call."

He hung up the phone. I dialed police radio.

Q Did Mr. Turpin reveal to you that he was at his home on Lakeview?

A Yes.

Q And he was calling you at the Workhouse at the time, is that correct? You were on duty?

A Well, no, I was at home, but I live on the grounds.

Q You were at home and your home is on the Workhouse grounds?

A That's right.

Q I see. Go ahead.

A I called police radio. I identified myself and told them the situation that he was in and they took the message and they said they would send somebody over, but that they had already received the call.

So I hung up and I called Joe back.



Q About how long after you talked to the police was it before you called him back?

A Well, immediately after.

Q All right. And what was the conversation at that time?

A He told me at this time that I believe Ahmed was in the attic or had went into his attic.

Q Was there any further conversation about it at that time?

A Well, yes. He said the police hadn't responded. I told him to give them a few minutes to see what happens. He was still relating to the shooting that was going on.

Q Okay. And after that conversation, did you have occasion to talk to him again on the telephone?

A Yes, we were calling back and forth. He called and said, "No response." This went on maybe half a dozen calls and I believe I made three calls to the Police Department in his behalf because he was upset.

The shooting was going on, but one call, the previous call to the last call, he told me that Ahmed was at his door and he wanted to surrender, words to this effect, like, "Put an end to what was happening," or something like that.

Q Okay. And what did you do after you received that call?

A I told them that I would call immediately and this time I did call again and this last call, there was a woman

that answered the phone and I relayed the message and she said someone was on that answering this call.

Q You mean there was a woman on the Police phone?

A That answered the switchboard, a female voice answered the switchboard at this time. That's Main 1-1270.

Q Then what happened?

A I called Joe and told him and he said that nobody had answered and he was really upset and he wanted to know should he accept him, Ahmed's surrender.

I said, "Joe, something like that, I can't advise you."

I couldn't, actually. He'd have to make his decision there.

Q What do you mean, should he take him under arrest himself?

A Yes, yes.

Q Then what happened after that?

A There was no further calls and I think it was maybe 11:15, I tried to reach him, or around that area, that time. It might have been a little earlier and the line was busy and it was continuously busy, so I got in my car and I drove over to Euclid and Lakeview.

When I -- one block from Lakeview on Euclid Avenue, I was headed west. The East Cleveland Police stopped me and they wanted to know who I was and what I was doing in

the vicinity.

I identified myself and told them the situation, that one of my officers was in his home and there was a lot of shooting going on, which they knew about it already, and I was trying to find out what happened to him.

He had kids in the house. They told me to park my car and one of the patrolman took me to the Lieutenant and the Lieutenant then got on the East Cleveland Police radio and contacted someone to find out if Turpin was all right or if anybody had reached him and maybe 15 minutes to maybe a half hour later, I was told that they had got to Officer Turpin and everything was okay.

He was safe and his family was safe and that they had accepted Ahmed's surrender, something of that nature.

Q When you talked to the East Cleveland Police, did you tell them anything about the fact that Ahmed was there at that house and wanted to surrender?

A Well, yes, I mentioned this, I'm pretty sure I did.

Q Is, it my understanding from your testimony that what Mr. Turpin told you, that Ahmed was there and he wanted to surrender, to stop all this?

A Words to that effect.

MR. FLEMING:

You may inquire.

CROSS-EXAMINATION

BY MR. CORRIGAN:

Q Mr. Speights, with respect to Defendant's Exhibit Quadruple G, in this portion of the same, which is titled "Cleveland House of Correction, Social Service Department," what is the answer written after "military service," if any?

A "None."

Q What follows that?

A He says he was 1-A classification.

MR. LAURIE:

Can't hear you.

Q Keep your voice up.

A 1-A classification.

Q Now, sir, on the reverse side of that where it says "release plan," what follows thereafter?

A Release plan states "the subject plans to obtain employment and join the United States Marine Corps upon release."

Q What time was it, did you say, that you talked with

the East Cleveland police and you, through them, had contact with Mr. Turpin and had learned that Ahmed Evans gave himself up?

A No, I didn't say I -- through them.

I found out that Ahmed had surrendered to the Cleveland police.

Q What time did you find that out?

A Well, I would say after 11:15, between 11:15 and something to 12:00.

Q Before midnight, in any event?

A I believe. I'm not positive.

Q Who told you that?

A Someone in the East Cleveland Police Department, a lieutenant, I believe, got it through police radio.

Q Now, you indicated that you had talked with Mr. Turpin earlier, on the telephone?

A Yes, I talked to Mr. Turpin half a dozen times.

Q That Mr. Turpin told you that somebody was in the attic, is that right?

A No, he said Ahmed was in the attic.

Q And did you know who Ahmed was?

A Sure, I know Ahmed.

Q How long have you known Ahmed?

A He served time at the Workhouse, it was back in '68.

Q Did you know him before that?

A No. I believe he came out once before. I'm not positive. I think that he did serve time twice at our Workhouse.

Q I see. And so Mr. Turpin told you that Ahmed was in the attic of his house, is that correct?

A The first time, he said he kicked in his door; he ~~was~~ at his door.

The second time, he was at his attic.

Q He said that he had kicked in his door?

A Words to that effect.

Q Did he say what door he had kicked in?

A No, I don't believe he told me any exact door; front, back, or side, or wherever he was at.

Q Did he tell you whether or not he gave Ahmed permission to kick in his door?

A Permission?

Q Yes, sir.

A No.

Q Did he tell you the first thing -- the first thing he told you, I believe, was that there had been some shooting on his street; is that correct?

A That's right.

Q Now, did he tell you whether Ahmed Evans had broken or kicked in his door before or after the shooting?

A Well, the first time we talked, it was that there was

shooting going on in the street, but there wasn't when he said that the door was kicked in.

The second call was when the door was kicked in.

Q The first time he said the shooting was going on in the street, did he talk about Ahmed on that occasion?

A The first time, no.

Q The second time he called, he then told you that Ahmed broke in his door; is that right?

A Yes.

Q Did he tell you, sir, that he saw Ahmed Evans with a couple of more Black Nationalists, going down Lakeview Avenue in a northerly direction, armed with a rifle?

MR. FLEMING:

Objection.

A No.

THE COURT:

Overruled.

A No, I don't believe he mentioned that.

Q (By Mr. Corrigan) He didn't tell you that?

A No.

Q Did he tell you that he looked out of his bedroom window and he saw Ahmed Evans coming over his back fence with a rifle in his hand?

A Well, I'm not sure. It's possible that he did say that; it's possible that he did.

MR. CORRIGAN:

No further questions

of this witness.

MR. LAURIE: Wait a while,  
Judge.

MR. CORRIGAN: Pardon me.

Q Did you say, sir, that Mr. Turpin told you that there was some shooting at the police?

A No. He said that there was some shooting between the police and somebody else.

MR. CORRIGAN: I see.

Thank you, Mr. Speights.

REDIRECT EXAMINATION

BY MR. FLEMING:

Q Superintendent, --

A Yes.

Q -- do you know whether or not Mr. Turpin has made statements to the police and to the prosecutor relating everything that he knows about this matter?

MR. LAURIE: Objection.

THE COURT: Just a minute.

Do you have any personal knowledge of that?

Did you participate in any statements, if any were made, by Mr. Turpin to the police?

THE WITNESS: Nothing, other than he said he talked to the police.



MR. LAURIE:

Objection.

THE COURT:

Objection sustained.

THE WITNESS:

He went down --

Q (By Mr. Fleming) All of these conversations that you had that night were directed to the incident that was going on, on Lakeview and Auburndale, isn't that correct?

A Yes.

Q And each time that you talked to Mr. Turpin, you were making an effort to get the police to 1384 so that the defendant could surrender? Isn't that a fact?

MR. LAURIE:

Objection.

Testifying.

THE COURT:

Sustained.

Q Well, you were trying to get the police there so the defendant could surrender, weren't you?

MR. LAURIE:

Objection.

A Yes.

THE COURT:

Just a minute,

please. The objection to this question is overruled.

MR. FLEMING:

Thank you, your

Honor.

Q (By Mr. Fleming) You may answer the question.

A Well, yes. That was after the -- the --

Q After the phone calls?

A Yes, it was during the series of phone calls.

Q Did you ever make any statement to the police or to the state with regard to your participation and effort in trying to get the police there?

A No one from the police department ever asked me.

MR. LAURIE: Objection.

Not responsive.

THE COURT: Yes. He answered the question.

Q (By Mr. Fleming) You don't know whether Mr. Turpin made any statement or not, personally?

MR. LAURIE: Objection.

THE COURT: Sustained.

Q Did anybody talk to you --

I believe that you indicated that you talked to the East Cleveland police and they were aware that you had knowledge that Ahmed was there and wanted to surrender.

Did anybody from any police department ever take a statement from you?

A No.

Q Or talk to you orally?

MR. GORRIGAN: Objection, your Honor.

THE COURT: Sustained.

Q Did anybody talk -- any police officers ever talk to

you orally about telling what you knew about it?

THE COURT: You mean, other than the incident with the East Cleveland police out there that night?

MR. LAURIE: Objection.

THE COURT: He may answer.

A — No. The only thing that they --

THE COURT: All right. You have answered.

MR. FLEMING: Nothing further, your Honor.

MR. CORRIGAN: No questions.

THE COURT: You are excused. They will arrange about the copies. Just leave these papers here. We will see that they get back to you.

(Witness excused.)

THE COURT: Have you given him the name of another witness?

MR. TOLLIVER: Yes. She's on her way up now, Judge.

THEREUPON, the Defendant, further to maintain the issues on his part to be maintained, called as a witness ~~MINNIE PETERKA~~, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. TOLLIVER:

Q Mrs. Peterka, will you speak up so everyone can hear you. State your full name to the Court and spell your last name, please.

A Minnie Peterka, P-e-t-e-r-k-a.

Q And where do you live, Mrs. Peterka?

A 20204 Gladstone Road.

Q What is your occupation?

A I'm a Senior Medical Clerk at the Cleveland Metropolitan General Hospital.

Q What are your duties as the Senior Medical Clerk there?

A Well, I have charge of the records.

Q Were you subpoenaed to come here and bring some records with you?

A Yes.

Q And what records were they?

A They are the medical hospital records on a Pegues, his first name is John.

Q These records that you brought with you are some of

the records that you keep under your supervision and control?

A Yes.

Q May I see those records?

(The documents were handed to counsel.)

THE COURT: Counsel, do

you anticipate you will actually have any

questions of Miss Peterka? She can leave them

here. I don't think there is any problem

about them being identified.

MR. FLEMING: No, your Honor.

Because we haven't had an opportunity to go

through it. Can she leave it here?

THE WITNESS: Yes, if the

court reporter signs for it. The court reporter,

if she signs for it.

THE COURT: She will sign

for it. Don't worry about it.

Mr. Corrigan, Miss Peterka indicates

that she will leave this document. It's quite

obvious that counsel for either side have not

seen it. She says she can leave it here.

Do you expect that you will want  
to ask her any questions?

MR. CORRIGAN: I can't conceive

of any, your Honor.

THE COURT:

Neither can I.

MR. FLEMING:

No. If we can

have this marked.

(Defendant's Exhibit  
HHHH was marked for  
identification.)

MR. FLEMING:

We have no further

questions.

THE COURT:

Defendant's Exhibit

Quadruple H has been identified as the original  
hospital records left by Miss Peterka pertaining  
to John Pegues.

You will be excused.

(Witness excused.)

THE COURT:

Do you have

another witness?

MR. TOLLIVER:

Yes, we do,

Mr. Turpin.

---

THEREUPON, the Defendant, further to maintain the issues on his part to be maintained, called as a witness JOSEPH TURPIN, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. TOLLIVER:

Q Will you speak up so this jury can hear you?

A Yes, I will.

Q State your name and address to the Court, please?

A Joseph Turpin, Jr., Special Police for the City of Cleveland.

Q Is there any particular place where you are employed as a Special Policeman?

A No, other than my job that I am working on now.

Q What job is that?

A Workhouse, Correction Farm.

Q How long have you been in that capacity?

A 17 years.

Q Now, Officer Turpin, first of all, could you step down just a moment to the map here?

A Okay.

( The witness left the stand and went to the map. )

Q Do you recognize this area?

A Sure. This is Beulah, (indicating). This is my house here. This is the house on the corner.

Q This is your house?

A 1384, yes (indicating).

Q How long have you been living there?

A 9 years.

Q All right. You may resume your seat, sir.

(The witness resumed the stand.)

Q Now, calling your attention to the 23rd day of July, Officer Turpin, do you recall that day?

A I can recall that day.

Q Did something unusual happen on that day?

A No more than-- no more than the shooting started.

Q Tell us -- well, you tell us about the shooting, what you saw, what you were doing and what happened.

A At the time that this incident happened, I was sitting in the front of my home. The two fellows that I seen that is supposed to shoot -- the two deceased fellows. They are deceased.

Q When you say you were sitting in front of the house, you were outside?

A Yes.

Q What were you doing outside?

A Sitting on that little concrete slab that I have in the front of my store front.



Q You don't have to come down.

A They're right up under this tree.

Q Right up under this tree?

A Yes.

Q So you were out near the sidewalk?

A That's right.

Q By the front of the store front?

A That's right.

Q You said you saw some shooting?

A Yes.

Q And tell the Court what did you see?

A Well, this particular evening, these two youngsters, they were -- they -- one on each side of the street. They're deceased now.

One was on the far side, which I have to point it out here.

Q Yes, please do, Officer.

(The witness left the stand and went to the map.)

A (Indicating). Right in this area, this is Beulah.

Q Stand back a little bit, so the jury can see.

A This is Beulah going straight across. This is a one-way, going through here to 124th. One fellow was here (indicating). The other was right here (indicating) at this corner.

Q And --

A They made the shots. At the first two shots, which was made, I didn't know whom they were shooting at. So when I started up the driveway, I walked to the corner here (indicating). This is my driveway right on this side.

I peeped around, which was a tow truck right in this area (indicating).

Q Go right ahead.

A And I didn't tarry. I went on upstairs. I didn't stay out there. I went on upstairs and as I --

Q About what time was this, Officer Turpin?

A I would say roughly -- it was around a little after -- it was after 7:00 around -- a little bit after 7:00.

Q All right. Go ahead.

MR. CORRIGAN: What was the time, sir?

THE COURT: A little after 7:00, he said.

THE WITNESS: A little after 7:00.

Q Go ahead.

A So I went on upstairs and right here at this window (indicating) is my daughter's bedroom. So I was standing in my bedroom window looking in my rear yard. Evans was

coming across my fence.

Q When you say "Evans," who do you mean?

A This here (indicating).

MR. TOLLIVER: Let the record show he is identifying the Defendant.

THE COURT: It may so show.

A He was coming across the rear fence.

Q About what time was this when you saw him?

A It was just getting dusk out.

Q Go ahead.

A And then about 20 minutes or 15 minutes of 8:00, that's when my side door, which you cannot see it here (indicating), but it's setting about right in this area here (indicating).

Q Go right ahead.

A I got a rear door here (indicating). So when this door was entered by Evans, he came up the stairway and knocked on my kitchen door that led into my living quarters.

He wants to know whether he be able to come in.

I told him no. So he stepped to the left and found out that my attic door was open. He goes upstairs and stays between thereabouts 30 -- up there about 45 minutes.

Q Up in the attic?

A He came back down and knocked again and stated to me that he wanted to surrender. So I, in turn, gets

right on my kitchen phone and I called the police radio myself.

I identified myself, told them who I was and didn't get any response.

Q Well now, can you recall approximately when this was?

A Between 8:10 and 8:15, when I first made my first call.

Q Go ahead.

A When I made my first call directly to radio myself.

Q I see.

A So I made about three calls before I contacted, which is my superintendent, Mr. Speights, and asked him to call.

Then I in turns calls again right after Mr. Speights contacted me that he had made the call, which the total amount of calls was about 5 or 6 that I called myself.

Q You say you called who?

A Mr. Speights, which is my superintendent, and the only response that I got from 8:10 to 8:15, this was 11:15 when an armored car -- this man was in my home from about 8:10 to 11:15 in my home before I got a response from the Police Department.

Q Tell us what you did?

A That's what they started unloading that armored truck.

Q You say unloading an armored car, what do you mean?

A This is my driveway right here (indicating). I got

a fence around it. The truck had be blocked this drive.

Q An armored truck?

A Yes. Yes, they was unloading officers.

Q Yes?

A When about three of them -- they had -- the shooting had ceased and I was standing on my porch, which is right up under here (indicating). You can't see.

Q Upstairs porch?

A Upstairs porch, when I spoke to an officer that introduced himself as Sergeant Shankland, so I carried it around until I went down to Mr. Corrigan and Mr. Laurie and discussed it with Mr. Laurie and Mr. Corrigan when I said Sergeant Shankland, they claimed they didn't know who I was talking about.

Q Before you get to that, just tell us what happened on that day.

A The onliest thing that Evans did, he was in my attic until this truck blocked this driveway before I got any response so he could surrender.

Q So what did you do then, Officer?

A I went out. When I finished talking to this officer, which he introduced himself as Sergeant Shankland to me, I just go back into my home.

After I told them -- asked him did he have a couple of colored officers.

So a couple of colored officers started down my drive. I went right into my home and yelled to Evans to go down. The man walked down here (indicating). When he walked out the side door, he walked out with his hands up.

Q How was he dressed at that time?

A Well, he was dressed in just, I imagine, it looked like work clothes.

Q Did he have anything on up here (indicating)?

A No.

Q He was bare-chested?

A Yes. Work clothes.

Q Then he --

A When he surrendered to these officers at this door (indicating) --

Q Yes?

A -- one officer stated that, "This is the man, man," so they escorted him away. They escorted him away.

Q All right, resume your seat, Officer.

(Witness resumed the stand.)

Q Now, Officer, how many times did Mr. Evans talk to you about surrendering on that evening?

A Well, the second time that he knocked on my door and asked me to call the police and keep calling until I could get in touch with the police department, in order for him to surrender, that he wants to stop the shooting and burning, he wanted to surrender himself.

Q I see, and did he talk to you again after the second time?

A He talked to me -- knocked on there three times.

39cc  
Q Three times. And I believe you said, each time --  
let me ask you this, Officer.

How many times did you call the police?

A I called about five or six times, myself, five or  
six.

Q And tell us, did you get any response?

A No, not until this armored car blocked my drive,  
that's the only response I got from the police; that was  
about 11:15.

Q You were out on your porch?

A When I talked to the officers, when they started  
unloading.

Q Now, did you see Ahmed come out of your side door?

A I was standing up, looking down the side when he  
came out with his hands up and surrendered.

Q Did you hear any conversation between Ahmed and  
the police at that time?

A The onliest thing that I heard the officer stated  
to him was this: "This is the man, man."

Now, what they said after they left, I do not know.

Q One of the officers was Detective Shankland?

A He was in the group.

Q All right.

A There was a bunch of them.

Q Now, after that, Officer Turpin, they took Ahmed



away?

A They take him away.

Q Did the police have occasion to come in your home?

A They came upstairs after they take Ahmed away.

I followed them up in my attic. First we stopped in the kitchen, they had coffee with me.

Then, from the kitchen to the attic.

Q How many officers were there, you say, had coffee?

A It was quite a few. I just didn't count them.

It was quite a few.

Q All right.

A And so we left and we started up the stairway, about a few cigarette butts, they took a picture of that.

Went up in the attic where the clips were, they take a photo of that.

Then I followed them downstairs, in the driveway, to the front of the house, in my wife's flowerbed where they take a picture of the rifle laying there.

Q You saw this?

A I'm following them, yes.

Q At the time that the picture was taken of the rifle, was Ahmed Evans there?

A Ahmed Evans wasn't there.

Q He was gone?

A He was gone.

Q All right. Now, did the police talk to you that night as to what had happened?

A No, they had me -- when they take him away, it was approximately about 6:00 o'clock the next morning before I got home and settled down with my family. I be down to Central here.

Q Then you came down to Central Station?

A Yes, they brought me down.

Q That same night?

A Yes.

Q About what time?

A I can't recall, but it was in the morning. I didn't get back until late.

Q And did you give a statement at that time?

A The statement which they asked me I gave them.

Was I threatened? No.

Was my family threatened? No.

Q Did they say threatened by who?

A By Evans.

Q All right, go ahead.

A I said, no, the man treated me as a champ.

MR. LAURIE: Your Honor, move that is not responsive. Objection. ✓

THE COURT: Sustained.

Q Tell us what the police officer, when you were down

at 21st Street that night, and what you said to them and what --

A This is the same statement that I'm saying now, which I was asked.

Q Go right ahead, tell us what they said.

A Was my family harmed in any way? No.

Was I threatened? No.

The man knocked on my door, he gave me all the courtesy in the world, and asked me could he come in, and I refused.

And he asked me to call the police, and that's just what I done.

Q How long did you stay down at the police station on that evening?

A I didn't get home until around about, I'll say about 6:00 -- quarter to 6:00.

Q Now, at that time, Officer Turpin, did you give a written statement to the police?

A I signed what I gave them; I signed it with Detective Joyce and Detective Garcia, and also Detective Joyce and Detective Garcia, and I give Mr. Corrigan one, and he asked me what I signed.

I told him, yes, I'll sign any statement that I be questioned about.

Q Well, --  
A I don't fear signing a statement.

Q Let me ask you this then: At the first time you went to the Police Station, you gave a written statement, is that right?

A Yes.

Q On that night?

A Yes.

Q Now, did you have occasion, Officer Turpin, to come back again to the Police Station?

A I was down about three or four times now. The actual times or the dates, I don't recall.

Q I understand, but you came down three or four times?

A That's right.

Q To the Police Department?

A Plus I had a couple of calls on my job to come down here and I came down that evening when I got off. The last time I was down to see Mr. Laurie and Mr. Corrigan.

Q When were you down to see Mr. Laurie and Mr. Corrigan?

A I can't recall that date, Mr. Tolliver. I talked to them down there and that's when I was approached by Mr. Corrigan would I sign a statement.

I said I'll sign anything that I tell you --

Q So you gave Mr. Corrigan a statement?

A -- as long as it don't be nothing added to it or taken away.

Q All right. Was Mr. Laurie present?

A Mr. Laurie was present and Detective Joyce was present.

Q That is the gentleman on the end?

A That's right.

Q So how many statements would you say that you gave to the officers?

A Each time I was down, I gave a statement.

Q Was it a written statement or oral statement?

A Written, based upon the same principles was I threatened, so forth and so on.

I told them this, that and the other. I told them no, the man treated me as a gentleman. Give me all the respect in the world. All I can expect from the man is the courtesy that I received from Evans.

Q You told them this each time you came down?

A That's right.

Q Now, Officer, did you receive a subpoena to come to Court in this case?

A No -- yes -- no, the only subpoena that I received, I didn't receive one from either one of them. Mr. Fleming subpoenaed me. Mr. Fleming subpoenaed me.

Q So you didn't get any subpoena from Mr. --

MR. LAURIE;

Objection to

that question.

THE COURT:

Mr. Who?

Q You didn't get a subpoena from the Prosecutor, is that

right?

A No, they called. They called my job. I had calls from Detective Joyce and also Detective Garcia called my job and at home.

Q But I mean to testify in this case, did you get a subpoena from the State?

A No.

Q Now, Officer, going back to that particular day, approximately what time was it that Ahmed Evans knocked on your door of your house and asked to be admitted to your house?

A Evans knocked on my door about, I would say, about 8:00 -- 8:05 or -- 8:05. Then he asked me could he come in. Then he goes upstairs.

Q This was --

A This was when he come downstairs from the attic because he's up in the attic after he first knocked and he went up in the attic. He was up in the attic about 45 minutes.

Then he came back down there after the first knock, could he come up? After he come in the side door. He goes up in the attic. Then he comes back down and knocks and asks me to call the police. He wants to surrender.

Q So the first time he knocked --

A Yes, I refused to let him in. He stepped to his left

and noticed that my attic door was open. That's where he were, up in my attic for about 45 minutes.

Q Then he came down?

A About 8:05. About 8:05 he came down and knocked on my door and asked me to call the police. He wants to surrender.

Q As I --

THE COURT: We will take our afternoon recess.

Once again, while you are out of the room, don't talk about the case. Don't let anybody talk about the case to you.

(Recess had.)

Q (By Mr. Tolliver) Officer Turpin, calling your attention to Defendant's Exhibit CC, can you tell us what that is?

A This house here (indicating)?

Q Yes.

A That looks like it would be my house.

Q That is right.

A Yes, because there is my garage there.

Q All right. That's the rear of your house, all right, now, calling your attention to Defendant's Exhibit S --

A This is my house.

Q That's the front of your house?

A That is right.

Q So now, when you speak of standing on the porch, hold this so the jury can see it, you were where?

A Right here (indicating).

Q Uh huh, and this is the driveway which this truck blocked about 11:15, unloaded officers?

A Uh huh, so it was about four of them was already out and I yelled, "Officer, could I have a word with you?"

I said to the officer, "I am Officer Turpin, on Welfare."

He said, "I am Detective Sergeant Shankland."

I said, "Well, I have been calling, and calling the radio and didn't get any response," and the only response I got from these gentlemen, when they blocked this driveway



and unloaded there, because the man was up in my attic and kept knocking on the door -- "Call the police," -- he wanted to surrender.

Q When you say knocking on your door, that's the door to the second floor?

A As you come upstairs, on the right is my kitchen, that leads to my living quarters, and on the left is the door that goes to my attic; and so he goes up into the attic and stayed about thirty-five or forty minutes.

He came down, which would be in the neighborhood of around 8:10 or 8:15, that's when he made the knock for me to call the police, that's when he asked me to call the police.

But he first entered -- he wanted to know would I let him in.

Q I see.

A But when he asked me to call the police, that's about in that area, at that time, that I did call the police, and I called directly to the radio and told them who I was.

Q And that you had a man that wanted to surrender?

A Wanted to surrender.

Q All right, now, showing you what has been identified as Defendant's Exhibit Q, is this another picture of your house?

A That is my house.

Q Showing the driveway?

A Showing the driveway.

Q Now, hold that up so the jury can see it. Show where the truck was parked.

A The truck was across here, that's a gate here, the truck had this blocked right across, and they unloaded officers, and all around in this area was full of officers.

I talked -- when I got in touch with -- four of them got off and I called the attention of one, but later, later they was started crowding up in this driveway, quite a few in here (indicating), it was unloading right here in my driveway.

Q All right, showing you what has been marked as Defendant's Exhibit R, can you identify that picture?

A Sure.

Q Now -- and what does that show, Officer Turpin?

A That's my house.

Q Does it show a door?

A Right here (indicating).

Q And is that the door you said that the defendant broke into?

A That's it.

Q So he broke into the side door downstairs?

A That is right.

Q Not into your living quarters?

A Not into my living quarters.

Q I understand.

MR. TOLLIVER: Judge, may we have these exhibits received into evidence?

MR. CORRIGAN: Let me see them.

MR. TOLLIVER: I believe you have seen them but I will show them to you again.

MR. CORRIGAN: No objection.

THE COURT: Show them to be admitted; they were admitted earlier.

MR. TOLLIVER: We are offering them now, Judge.

THE COURT: They will be admitted.

(Defendant's Exhibits R, S, Q, and CC were received in evidence.)

Q (By Mr. Tolliver) Stand about here, so the jury can see. Now, this is the door (indicating)?

A This is the door, this is the side door for my garage.

Q Stand a little further back so the jurors on the back can see.

A These are the doors that lead to my driveway. This is the door that was entered when he came up the

stairway -- he came to my kitchen, and my kitchen leads to my living quarters, that's the door he knocked on and asked permission, he come in, and I told him no.

And so he stepped to the left, to my attic door, and my attic door was open and that's where this man stayed from about 8:15 - 8:10 or 8:15 up until 11:15, that man was in my house.

Q And surrendered to the police?

A Surrendered to the police, when they blocked this driveway, that's the only response I got from any officer, when this armored car blocked this driveway.

Q Now, showing you this picture -- show the jury where you were standing at the time you talked to the officers?

A Right by that post (indicating), that's on my upstairs porch.

I got the attention of the officer and he walks over and I told him who I was, and introduced himself.

And I said, Evans was here and wanted to surrender, and I called and called to the radio and never got any response from anyone to come out.

Q Now, on this picture, Officer, show them where the armored truck was parked.

A Right across this driveway (indicating).

Q Hold it right here.

A This is my driveway right here (indicating). This armored car was across it, blocked it off, unloading officers.

Q And does it show the door out of which the Defendant came?

A You can see it a little bit, but it is right here on this side (indicating).

Q Does it show the porch where you were standing at the time you called the officers?

A Right here (indicating).

Q All right, take the seat again, sir.

Now, Officer, you saw some men shooting at a tow truck?

A That is right.

Q Was either one of the men that you saw shooting at the tow truck Ahmed Evans?

A Ahmed Evans wasn't there. The two fellows that I seen shooting at the tow truck driver, they are deceased.

Q How do you know they are deceased?

A I know Donald Lathan -- he was working in my yard; he was incarcerated out in the Workhouse.

Q Well, when I asked you that, were you ever called upon to identify these men?

A I went to the Morgue that particular morning.

Q Now, who took you to the Morgue?

A It was a detective that taken me out there.

Q It was a police officer?

A Yes.

Q They took you to the Morgue?

A Yes.

Q What did you do at the Morgue?

A I identified the fellows.

Q What, when you identified them, what did you say or who did you say they were?

A I said this is one of the men. Right at that present moment, I didn't know their names, but I did know their face.

Q Now, showing you what has been identified as Defendant's Exhibit XX, is this one of the men that you identified at the Morgue, Exhibit XX and HHH and --

A That's Lathan Donald (indicating). I don't know this other. The <sup>sight</sup> of this face, that's the one I identified out there.

Q You are speaking about Defendant's Exhibit FF?

A Yes. This one here (indicating).

Q Donald, is that right?

A This one -- let me see this one, Mr. Tolliver. I got the sight of this one, this one's face, when he was passing my home. I noticed the way he was wearing a hair style, but I knew him.

Q How about Defendant's Exhibit FF, can you identify that person?

A I think it was the same person.

Q But you can definitely identify Donald?

A Yes.

Q You were taken to the Morgue by the police to identify those persons?

A That is right.

Q Is that right?

A Uh-huh.

Q And you identified them as the persons that you saw shooting at the tow truck?

A That is right.

Q And the defendant was not one of them?

A He was not one of them.

Q And again, not to be repetitious, Officer, can you recall how many times you talked to the police about this case?

MR. LAURIE:

Objection.

THE COURT:

Sustained.

MR. TOLLIVER:

How many statements

did you give to the police?

Well, can you recall how many times  
you talked to Mr. Corrigan?

MR. LAURIE:                      Objection.

THE COURT:                      Just a minute.

Sustained.

Q     (By Mr. Tolliver)    Well, you did talk to both, is  
that correct?

A     I talked to them.

Q     About what you knew about this particular case?

A     That is right.

MR. TOLLIVER:                      You may have the  
witness.

MR. LAURIE:                      Thanks a lot.



CROSS-EXAMINATION

BY MR. LAURIE:

Q Sir, I believe you indicated that you were a special police officer; is that right?

A Right.

Q You are not a regular police officer, like the men that took you, for example, to the morgue; is that right -- or Mr. Shankland?

A Well, I am a special for the city of Cleveland, their boss is my boss, Mr. McManamon and Mr. Gerity, the chief.

Q But you don't work --

A I work under the Welfare Department.

Q Under another department?

A Yes, but they are still my bosses.

Q You are referred to as a "special policeman"?

A That's the way I am listed on my identification.

Q I just asked you.

A Yes.

Q Special Policeman Turpin, I would like to go over some of the answers you gave Mr. Tolliver.

I believe you indicated that about 7:15<sup>0</sup> was the time that you were sitting on the slab out at your house and you saw these men coming down Takeview; is that right?

A About 7:15, between 7:00 and 7:15, Mr. Laurie,  
I was sitting on some concrete slabs.

Q I just want the time, sir.

Was it 7:15? About right?

A About 7:00 or 7:15.

Q You indicated, on cross-examination, you saw two men  
come down -- up Lakeview? Is that what you said, on  
cross-examination -- I mean, on direct examination?

A No, sir, I did not say that.

Q How many men did you see?

A I didn't see but two.

Q Didn't you tell the policemen, in the statement,  
that you saw three men?

A No, sir.

Q All right, we will get to that in a minute.

Then we go to the time that the door was broken in,  
was about twenty to 8:00 p.m.; is that what you said on  
direct examination?

A I told you about twenty-five or twenty, twenty-five  
or twenty minutes to.

Q Then you indicated --

MR. FLEMING: Objection.

Let him complete his answer, please. ✓

THE COURT: He has answered.

He said the door was broken in about twenty or

twenty-five to 8:00.

Q (By Mr. Laurie) All I want is the time. About 8:10 or 8:15, you indicated on direct examination, Mr. Evans wanted to surrender? Is that right?

A That is right.

Q Now, you also said that you went upstairs and you locked your door to get away from the shooting? Is that what you did?

A I didn't say that.

This is the way I give it to you: When the shooting first started, while I was sitting in the front --

Q All I want to know is, when you got upstairs did you lock the door?

A I am trying to explain to you, Mr. Laurie.

THE COURT: Did you lock the door?

THE WITNESS: Yes, I locked the door.

Q (By Mr. Laurie) And did you barricade it with something?

A No, sir.

Q You locked the door; and then after you locked the door, you did something, with your family. You got them on the floor or under the bed or something?

A Well, yes, I laid them down; I told my youngsters

to lie around in the backroom, on the floor.

Q I see. And did you get down there with them, too?

A No, sir.

Q All right, and then you said, on direct examination, that Mr. Evans was a gentleman and he treated you kindly and words to that effect? Was that what you said, sir?

A That is right.

Q But still you went upstairs and locked your door and you wouldn't allow him to come in? Is that right?

A I didn't let him in my living quarters, Mr. Laurie.

Q That's what I'm saying. You didn't allow him to come in?

A In my living quarters.

Q But he busted your door downstairs, and you still say he was a gentleman and very courteous to you?

MR. FLEMING: Objection.

THE COURT: Sustained.

Q (By Mr. Laurie) Did he bust the door downstairs?

A Yes, he did.

Q Did you tell the defendant that he was courteous to you and kind?

A He were. He treated me as a gentleman. He didn't force his way -- he knocked on my door.

Q He didn't force his way? Didn't he bust the door downstairs?

A In my living quarters.

Q Does that door belong to you that's downstairs?

A That belongs to me, too.

MR. TOLLIVER: Let him answer the question.

THE COURT: He has answered.

Q (By Mr. Laurie) Now, did you tell your employer that you were thinking about whether you should put him under arrest or not?

A No, I didn't say that.

Q You didn't say that to your employer?

A No.

Q Now, you recall you did tell the policeman, when you gave him the statement, you said you did say you gave the police your statement, you remember, on direct examination?

A I did.

Q And you gave Mr. Corrigan and myself a statement, later on?

A That is right.

Q And when you gave the policemen a statement, didn't you tell them that you observed two colored males on trot coming from the corner of Beulah, carrying rifles? Didn't you say that?

MR. FLEMING: Objection, your

Honor, unless he lays a foundation, when and where, objection.

THE COURT: He said he made three or four statements.

Can you identify this one that you are talking about?

Q (By Mr. Laurie) Did you talk to the police on July 25, 1968, about 1:00 o'clock in the morning, and you signed that statement? Did you do that, sir?

A I explained to the officers --

Q No.

THE COURT: The question is: Did you talk to the police on July 25th? Did you talk to them, about that time?

THE WITNESS: I don't know, actually, Judge, what time, but I talked with a bunch of policemen, whom they were I do not know.

Q (By Mr. Laurie) Did you give them a written statement that you signed on July 21st, did you, sir?

A I gave some statement, I can't recall the date.

THE COURT: You said the 21st, you mean the 25th?

MR. LAURIE: I am sorry.

Q (By Mr. Laurie) On that date, sir, did you tell them that you observed two colored males on a trot coming to the corner of Beulah, both carrying rifles, do you remember saying that?

A That is right.

Q Didn't you also say further, also, there was another colored male on the other side of the street and he had a rifle also?

A No, sir, I did not.

Q You didn't say that?

A I didn't give no statement like that.

Q And you did say that your house was the second house from Beulah, though, you told them that?

A From the corner of Beulah, that is right.

Q And further you said to them, when they got to the corner of Beulah --

MR. FLEMING: There is an objection if he is going to read from that statement, I would like to see it.

THE COURT: If you're going to read from the statement --

MR. LAURIE: I am cross-examining.

THE COURT: I understand but they are still entitled to see it, Mr. Laurie, if you're going to read from it as part of your cross-examination.

MR. LAURIE: Before I examine the witness?

THE COURT: Yes.

MR. LAURIE: Be my guest.

I will get into the other one. I might as well give them the other one, too, Judge.

THE COURT: If you are going to use it, you might just as well.

(Two documents were given to the defense counsel by the Prosecutor.)

MR. TOLLIVER: Thank you, Mr. Laurie.

MR. LAURIE: Mark these as exhibits,

(State's Exhibits 256 and 257 marked for identification.)

MR. TOLLIVER: We have no objections to these statements being admitted,



if they are marked jointly.

MR. LAURIE: You can do anything you want; I am going to admit them as State's Exhibits.

THE COURT: All right, gentlemen.

MR. LAURIE: At this time, I would like to offer into evidence State's Exhibits 256 and 257.

MR. TOLLIVER: We join in that, Judge.

THE COURT: They will be admitted.

(State's Exhibits 256 and 257 received in evidence.)

Q (By Mr. Laurie) Mr. Turpin, handing you what has been marked as State's Exhibit 256, sir, notice your name on the bottom there, sir?

A (Witness nods.)

Q Is that your name?

A That's my name.

Q Did you write that?

A That's my writing.

Q All right, and this is the statement you gave to the police on July 25th, 1 o'clock, a.m., is that right, sir?

A I don't know, I told you, I don't know the time.

Q It's there (indicating).

A Uh-huh.

Q All right, now will you read the statement to the jury, if you will, sir. Start from the top, if you will, sir.

A "The following is the statement of Joseph --"

THE COURT: Just a minute, please. Mr. Turpin, stand down in front of the jury, just in front of them and face them and read it quite slowly and enunciate it properly.

THE WITNESS: "The following is the statement of Joseph Turpin, Jr., colored male, age 46, married, residing at 1384 Lakeview Road, side up, Cleveland, Ohio, home phone 421-7945, regarding the arrest of Fred Ahmed Evans, on the charge of murder of a police officer."

THE COURT: Just read it, Mr. Turpin, just read it.

THE WITNESS: Could I have one word to say, Judge?

THE COURT: No, whatever is there, just read the paper. That's your function at the moment. Read it slower.

THE WITNESS: "Somewhere in the neighborhood of 7:00 p.m., July 23, 1968, I was

sitting on a slab, by the driveway sidewalk in the front of my house, and I looked up, and in front of the house next to me, south of my house, and I observed these two colored males on a trot, coming to the corner of Beulah, both carrying rifles.

"Also there was another colored male on the other side of the street. He had a rifle also. My house is the second house from Beulah. When they got to the corner of Beulah, two of them started shooting down Beulah towards East 115th Street.

"When I heard the first two shots, I moved on --" what you got here?

Q (By Mr. Laurie) What I got there?

A What is that?—

Q "I moved upstairs," I think it says.

A "-- to get out of the way. Just as I reached the stairs, the neighbor in the rear called my attention and told me these fellows were shooting at the tow truck drivers.

"I went on in the house, and looked out my back bedroom window, into my rear yard, and I saw a colored male I know to be Fred Evans jump over the rear fence into my yard, and he had a rifle, the same kind that they

later picked up out of my flower bed.

"When I finished talking with my neighbor, about all the shooting, I went in my house when the police arrived at the scene, and all the shooting started then. I locked my side door, that leads from my driveway. I went on upstairs, and got all my children and laid them on the floor, because the police were hollering don'ts stand in no windows. Between then and 15 minutes, after I got in my house, and started to get my children organized, my downstairs came up with his wife and two children, and we locked all ---"

MR. FLEMING: Some of the words are missing in that statement.

THE COURT: Read the way it is.

THE WITNESS: " -- and we locked ---"

MR. LAURIE: Right here.

THE WITNESS: Wait a minute, now, you got these things running wrong. " -- and we locked all the doors except my attic door.

Harold Overton the downstairs tenant, and me was sitting in the kitchen having coffee, I heard my bottom door side door being broke open, and someone walking up the stairs, knock on my kitchen door, and asked me could I let him in so he could conceal

himself, and I told him no because I got all my kids in there.

"Then he opened the attic door and I heard him walk upstairs to the attic. He was up there between 35 and 40 minutes. Then he came down and knocked on my kitchen door and asked me to call the police, and he said that when I talk to the police, be sure that I tell them to send two brothers that he'd surrender to them.

"He told me, thank you, brother, I'm going to sit on your stairway until the police arrive. I called the Fifth District, and notified them. Then when the house across the street started burning, and an armored car pulled up in front of my house, and there were several officers in my yard, and I went out on my porch, and told them that Evans was in my house and wanted to surrender to two colored officers, this officer called for two colored officers, and Evans came out my side door and surrendered.

"Question: Did you ever have any trouble with Fred Ahmed Evans?

"Answer: No, never has had any trouble with him. I am a guard at the Workhouse and he was out there as prisoner for six months.

"Question: Is there anything else that you can tell us about this?

"Answer: That's all.

"Question: Have you read the above statement and is it true?"

I read this above statement here.

MR. LAURIE: Just a minute.

THE COURT: Just read it.

Just a minute.

THE WITNESS: Could I explain it?

THE COURT: No, you can tell us what it is.

THE WITNESS: Judge --

THE COURT: Sit down and listen.

The lawyers will ask questions. Don't concern yourself about saying something. They will ask you questions.

MR. LAURIE: You want to take the stand, Mr. Turpin? I will get with you on this. We won't leave it, I assure you.

(Witness resumed the stand.)

Q (By Mr. Laurie) Now, I believe you stopped down here, where you said that, "Did you ever have any trouble with Fred Ahmed Evans?"

The answer is: "No, never has had any trouble with him. I am a guard at the Workhouse" --

A I read this.

Q "And he was out there as a prisoner for six months.

"Question: Is there anything else that you can tell us about this?"

And your answer: "That's all."

You remember that, too?

A Yes.

Q And the next question is:

"Have you read the above statement and is it true?"

"Answer" -- and it's written "yes," y-e-s.

A And over there --

Q Wait a while. One step at a time, sir.

Your name is Joseph Turpin, Jr.?

A That's right.

Q And this is your signature here (indicating)?

A That's right.

Q Now, you wanted to show me something.

A That's what I wanted to show you, right here where it says "Joseph Turpin, Jr." This is -- this wasn't up there when I signed.

"The following is the statement," the above (indicating), "of Joseph Turpin, Jr., colored, male, 46, male, -- regarding the arrest of Fred Ahmed Evans, on the charge of murder of a police officer."

Q For the record, let me show what was not on there, and follow me.

You say, when you signed this, the following was not on there:

"The following is the statement of Joseph Turpin, Jr., colored male, age 46, married, residing at 1384 Lakeview Road, side up, Cleveland, Ohio. Home phone 421-7945" --

A That's right.

Q "Regarding the arrest of Fred Ahmed Evans on a charge of murder of a police officer" - this was not there, you say, when you signed?

A When I signed this, that was not there. I signed from right where this man put my name here (indicating).

Q All right. You say, all you know about this statement is starting, when it says "Joseph Turpin, Jr.," and thereon?



A That's right.

Q Let me ask you these questions:

Is your name Joseph Turpin, Jr., as it appears on the first paragraph? Just yes or no.

A Yes.

Q Is this your name (indicating)?

A Yes.

Q You are a male and your age is 46?

A That's right.

Q You are married?

A Yes, I am.

Q And do you reside at 1384 Lakeview Road, side up, sir, in the City of Cleveland?

A That's right.

Q And is your phone number 421-7945, sir?

A That's right.

Q And you say you didn't give this information to the police?

A (Witness indicates.)

MR. FLEMING:

Objection.

That's not what he said.

MR. TOLLIVER:

Objection.

THE COURT:

Overruled.

A The man, when he asked me a question about this area right here, this --

Q But the police officer put the top paragraph?

A They asked me questions to put in the book.

They asked me -- that was not in there -- I signed that and left. That wasn't up there when I signed this slip.

Q The first paragraph wasn't in there?

A No. They asked me those questions, but it wasn't there; all the questions was what they asked, but start with "Joseph Turpin" --

Q After you made that statement to the police -- oh, incidentally, in that statement there, that we just read, there is nothing in there about Ahmed Evans being a gentleman and very kind, and so forth, is there?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Sustained.

Q (By Mr. Laurie) You didn't put in that statement, sir, anything about Mr. Evans being a kind gentleman and treated you fine?

A He did treat me nice.

MR. FLEMING: Objection.

THE COURT: Sustained.

The instrument speaks for itself, Mr. Laurie.

That isn't in there.

Q After you made the first statement to the police, there came a time when you came down to see Mr. Corrigan,

the county prosecutor, and myself, and I believe that was on April the 10th of '69?

You remember you told Mr. Tolliver that Sergeant Joyce was there, and myself --

A Yes.

Q -- and Mr. Corrigan, and so forth? Right?

A Yes.

Q At that time, Mr. Corrigan had you relate the information that you knew about what happened out there, and he wrote it in longhand, Mr. Corrigan. Do you remember?

A Mr. Corrigan asked me -- you and Mr. Corrigan asked me would I sign a statement, asked me questions.

I said I'll sign anything you give me, but don't add nothing to it.

Q But after we talked about it, you gave Mr. Corrigan a statement, and you signed this; you read it and then you signed it? Is that right? Is that it?

Let me show it to you.

257. You tell me if that is it, sir?

(Document handed to witness.)

A Yes, I signed it.

Q All right. And State's Exhibit 257 would be the instrument that you say your name appears on each sheet?

A Each sheet.

Q And also on the bottom? Am I right, sir?

A Yes, that's right.

MR. LAURIE: Now, being that Mr. Corrigan wrote it, maybe I should try reading this instead of the witness.

THE COURT: I thought maybe you would say maybe Mr. Corrigan would read it.

MR. LAURIE: Yes.

John, do you want to read it?

MR. CORRIGAN: I didn't intend to get in the act.

Mr. Turpin, will you listen closely to this, please?

THE WITNESS: Yes, I will.

MR. CORRIGAN: (Reading)

"4-10-69, 7:30 p.m. Witnessed John P. Corrigan, Charles R. Laurie, Ralph M. Joyce, Sergeant."

Number 1 appears at the top of the righthand corner of the first page (indicating).

THE COURT: Mr. Corrigan, stand in front of the jury. Step down alongside of Mr. Corrigan and follow it with him, Mr. Turpin, will you, please?

(Witness left the stand and stood next to Mr. Corrigan.)

MR. CORRIGAN: "I saw two Black

Nationalists on Lakeview coming from the Auburndale direction, carrying rifles. They were trotting at the corner of Beulah and Lakeview. I saw one of them crouch and shoot. They both shot towards East 123rd.

"When the two shots were fired, I was seated in the front of my house. I went down the driveway to the rear door of my house, and the fellow that lives in the rear of me called my attention that these fools are shooting at the tow truck driver.

"I went to the rear to see for myself, and this driver had the hood raised as a shield."

THE WITNESS: That's right.

MR. CORRIGAN: "I then went on upstairs. I locked the inner wooden door, left the storm door unlocked. I looked out my daughter's rear window. I saw Evans coming across the rear fence into my yard."

THE WITNESS: That's true.

MR. CORRIGAN:

"I would say

roughly that it was about 20 minutes of 8:00 p.m.

"Between 8:10 and 8:15, I heard my side door broken in. This man came on upstairs and knocked on my kitchen door and ask me, 'Would I let him in.' I refused. He walked over to my attic door, found it unlocked and he went upstairs, stayed about 35 or 40 minutes and came back down and knocked and asked me to call the police."

And the name (indicating).

THE WITNESS:

That's mine.

MR. CORRIGAN:

The name "James

Turpin" appears on the side.

THE WITNESS:

That's not James,

I don't think. — Joseph.

MR. CORRIGAN:

Then Page 2.

"Witnessed: John T. Corrigan, Charles R. Laurie, Ralph M. Joyce, Sergeant. 4-10-69. 7:30.

"He said he wanted to surrender.

"Question: Did you see him at your door?

"Answer: I did not open the door.

I talked with him through the door. I knew his voice. He worked in my gang at the Workhouse

not quite a week."

THE WITNESS: That's right.

MR. CORRIGAN: "Question: What was the lighting condition outside when you heard the door being broken in downstairs?"

"Answer: It was dark."

THE WITNESS: True.

MR. CORRIGAN: "Question: Could you make out people's faces from a distance of 20 feet?"

"Answer: It was dark, night time, the same thing. With the conditions of this particular area in which the people are in, it would be difficult to recognize a person's face at 20 feet that I, Joe Turpin, never saw before.

"Question: Did you make any telephone calls when he asked to surrender?"

"Answer: Yes, sir. I called police radio five times or better and identified myself and didn't get any response, so I called my job. The superintendent, Mr. William L. Speights, and asked him to call.

"Question: How long was Evans in your home?"

"Answer: From about 8:15 or 8:20

until 11:10 or 11:15 when the armored truck came across my driveway and parked there."

THE WITNESS: This, I told you 8:15 up until 11:15. This is your answer, 8:25 until 11:10?

I told you from 8:10, 8:15 up to 11:15.

MR. CORRIGAN: I see. Then on the margin appears the name, "Joseph Turpin."

THE WITNESS: That's right. But I correct you when you put something in there that wasn't there.

MR. CORRIGAN: Yes, sir.

Now, we go to Page 3.

"Witnessed: John T. Corrigan, Charles R. Laurie, Ralph M. Joyce, Sergeant. 4-10-69.  
7:30 p.m.

"Question: How do you know it was 11:10 or 11:15?

"Answer: I looked at my watch on my arm and it said between 11:10 and 11:15.

"Question: Was your watch in good working condition?

"Answer: Yes, nothing was wrong with it.



"Question: What next happened?"

"Answer: I was on the front porch upstairs. The shooting had stopped. The two homes across the street were burning. The armored truck was unloading officers across my driveway. I yelled and asked, 'Do you have two colored officers? I am Officer Turpin of the Welfare Department. Evans is in my home and he wants to surrender, but he sure you send two brothers.'"

THE WITNESS: That's right.

MR. CORRIGAN: "So this officer that I talked to yelled across the street and two colored officers started in my driveway."

THE WITNESS: That's right.

MR. CORRIGAN: "I walked back into my home and yelled to Evans that Officers are at the side door. Evans went down the stairs and I went back onto my front porch upstairs and looked down at my side door and Evans walked out and surrendered with his hands up."

THE WITNESS: That's right.

MR. CORRIGAN: "An officer frisked and searched him. I heard some officer say, 'This is the man, man,'"

THE WITNESS: That's right.

MR. CORRIGAN: "And then handcuff," and then your name appears on the margin --

THE WITNESS: That's right.

MR. CORRIGAN: "Joseph Turpin."

THE WITNESS: That's right.

MR. CORRIGAN: On Page 4, "Him and take him away. I heard nothing else. Then I came on downstairs after spending some time with the officers in the attic and in my home.

"When we got to the front of my house, a couple of officers and a man with a camera took pictures of a rifle laying in my flower bed."

THE WITNESS: That's true.

MR. CORRIGAN: "Question: Did you see anyone rough Evans up or manhandle or mistreat him in any manner?"

"Answer: In my presence, no.

"Question: Did you hear Evans tell the police officers where his rifle was?"

"No, I did not.

"Question: Did you hear Evans say anything to the police officers?"

"No.

"Question: Have you read the foregoing

four-page statement and the questions and answers therein and is it true?"

Now, is that in your handwriting (indicating)?

THE WITNESS: This is my handwriting.

MR. CORRIGAN: How about the word "true" (indicating)?

THE WITNESS: I wrote it.

MR. CORRIGAN: Then beneath that appears the language "Officer Joseph Turpin."

THE WITNESS: That's right.

MR. CORRIGAN: Is that your handwriting?

THE WITNESS: That's right.

MR. CORRIGAN: Then the date here is "4-10-69, 7:30 p.m."

THE WITNESS: I don't know what date it was, but I know you called me down.

MR. CORRIGAN: And "Witnessed: John T. Corrigan, Charles R. Laurie, Ralph M. Boyce, Sergeant," is that correct, sir?

THE WITNESS: Yes. ✓

MR. LAURIE: You want to take

the stand, please, sir?

(Thereupon the witness resumed the  
stand.)

- - -

Q (By Mr. Laurie) Officer Turpin, before you came down to the county prosecutor's offices to give this statement, you had spoken to the attorneys for the defendant beforehand, hadn't you?

A I hadn't spoken to anyone.

Q You haven't spoken to the attorneys for the defendant?

A When you called me down to your office?

Q Yes.

A No, I hadn't spoke to anyone when you called me down here. I been to your office twice, Mr. Laurie.

Q I'm talking, before you gave this statement on April the 10th, 1969; you never talked to the two defense attorneys at all?

A I only talked to you, Mr. Laurie, when you had me -- some detective called my house and then called my job.

Q Just answer my question.

A No.

Q Directing your attention to the day that the jury was out viewing the scene, wasn't one or both of these lawyers upstairs talking to you in your house?

A No, no one discussed any matter with me in my home.

Q Did they come to you, visit you that day?

A No, sir.

Q You are sure of this?

A They didn't visit me. They were with the jury.

Q All right, how do you know they were with the jury?

A I'm there leading them upstairs. I'm following them in my house.

Q You never talked to the two attorneys that day?

A No.

Q All right. Now, did you ever talk to the investigator for the defense, a Mr. Young?

A No.

Q Do you know a Mr. Young?

A That's Mr. Young standing right there (indicating).

Q You never talked to him, either?

A No.

Q Well, how did you get to come down here and testify on behalf of the defense?

A Well, I was subpoenaed in.

Q You got the subpoena with you?

A Yes. His attorney has the right to subpoena me if he likes.

Q I'm not fighting you, sir.

A No. There they are (indicating).

THE COURT: Here's the subpoena.

MRI. LAURIE: Now, but it isn't on his person.

THE BAILIFF: He gave it to me  
to take down to the Clerk.

MR. TOLLIVER: Judge --

MR. LAURIE: What are you  
getting excited about? Don't I have a right to  
try this suit?

I'd like to know where it came from.

MR. TOLLIVER: I'm not deaf.

MR. LAURIE: I don't like the  
actions.

Your Honor, I object to this asking--

MR. TOLLIVER: Objection.

THE COURT: As long as every-  
body is objecting to everybody, we will adjourn.

MR. TOLLIVER: No objection to  
that, Judge.

MR. LAURIE: May I have one or  
two more questions?

THE COURT: Ask your  
questions.

Q (By Mr. Laurie) Didn't you testify earlier in your  
testimony to Attorney Tolliver, that Mr. Fleming called  
you?

A I was subpoenaed by Mr. Fleming.

Q Didn't you say that in the evidence, that he

called?

A I said I was subpoenaed by Mr. Fleming.

Q You never said that Mr. Evans -- Mr. Fleming called you, in the evidence, earlier?

A We never discussed my matter.

MR. LAURIE: Judge, if you want to adjourn now -- I mean, I can do whatever the Court wishes.

THE COURT: We will adjourn until 9:15 tomorrow.

When you are out of the courtroom, don't talk to anybody, don't let anybody talk to you.

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(Thereupon an adjournment was taken to 9:15 o'clock a.m., Saturday, May 3, 1969, at which time the following proceedings were had:)

- - -