

1969

## Volume 09 (Part 2 of 3)

Cuyahoga County Court of Common Pleas

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A Well, Mr. Young asked me to accompany him because he had been told that Mr. Martin had something that he wanted to say. I wasn't -- I didn't know what it was, but he asked me to come along with him because he wanted someone to be there to corroborate what Mr. Young heard and what this Mr. Martin was going to say.

Q All right, tell the Court and jury how did you get upstairs to see Curtis Martin?

A We came in and went downstairs to the visitors' desk and got the little card and signed in and took the elevator upstairs.

Q Do you recall what floor Mr. Martin was on?

A No, I don't; I think it was the 8th, but I am not sure. It is the one -- we were in the room where it has the dentist's chair.

Q Now, do you recall what time of day this was?

A We met at the coffee shop across the street at 9 o'clock; it was probably 9:30 by the time we got here.

Q In the morning?

A Yes.

Q And on the 29th day of March, which was a Saturday?

A I am not sure it was the 29th, but it was a Saturday morning.

Q In March?

A In March.



Q Tell the Court and jury what questions Mr. Young propounded to Mr. Martin and what answers did he give?

MR. CORRIGAN: Objection.

THE COURT: Come up, folks.

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

THE COURT: If there is any part of a question that has been propounded, consider it as withdrawn and the question is now going to be asked.

Q (By Mr. Tolliver) Mr. Billington, Mr. Martin testified in this court room and at the time he testified there were certain questions asked of him and there were certain answers given; and we are going to read a couple of questions that were propounded to Mr. Martin and you will tell us whether or not this is the same thing that he told you at the time that you examined him, although -- or was asked of him in your presence?

MR. LAURIE: Objection.

THE COURT: The question

really will be, there was this question asked of Mr. Martin on the occasion you were present with Mr. Young and did he give this answer, and your answer will be did he or did he not --

you did or did not hear the question propounded and that answer given.

MR. TOLLIVER: Thank you, Judge.

This is the question:

"Isn't it a fact that at the time you visited Curtis Martin, that Curtis Martin stated that the Prosecutor, Mr. Laurie, had stated to him, Curtis Martin, that he had 45 witnesses and that he was aware that at the time the victims were killed that the Defendant, Ahmed Evans, was in an attic on Lakeview Road, and his answer to that was no in the court room.

Now, did you hear --

THE COURT: Was that question asked and that answer given at the time you were present on March 29, 1969?

THE WITNESS: The question --

MR. LAURIE: I cannot hear.

THE COURT: He said the question was not asked but he volunteered the answer.

Is that what you said?

THE WITNESS: Yes, the answer to the question is yes, I think -- I don't

understand the exact place, but he stated --

MR. LAURIE: Objection.

THE COURT: Yes, well I

acknowledge the question is a little bit confusing with reference to that, but you are called upon here either to say that Mr. Martin did say such-and-so on the previous occasion or he did not say such-and-so.

THE WITNESS: Repeat it.

Q (By Mr. Tolliver) Isn't it a fact that at the time you visited Curtis Martin, that Curtis Martin stated that the Prosecutor, Mr. Laurie, had stated to him, Curtis Martin, that he had 45 witnesses and that he was aware that at the time the victims were killed that the Defendant, Ahmed Evans, was in an attic on Lakeview Road?

A Yes, that's a fact.

understand the exact place, but he stated --

MR. LAURIE:

Objection.

THE COURT:

Yes, well I

acknowledge the question is a little bit confusing with reference to that, but you are called upon here either to say that Mr. Martin did say such-and-so on the previous occasion or he did not say such-and-so.

THE WITNESS:

Repeat it.

Q (By Mr. Tolliver) Isn't it a fact that at the time you visited Curtis Martin, that Curtis Martin stated that the Prosecutor, Mr. Laurie, had stated to him, Curtis Martin, that he had 45 witnesses and that he was aware that at the time the victims were killed that the Defendant, Ahmed Evans, was in an attic on Lakeview Road?

A Yes, that's a fact.

Q Did you, meaning Curtis Martin, tell Mr. Young -- did Mr. Young ask you if anyone had told you if you testified, meaning Curtis Martin, whether or not you would be cut loose, and Mr. Martin stated that Mr. Laurie said if he did testify, that if he testified Mr. Laurie would give a letter to Judge Talty, and that John Corrigan has unlimited powers in your behalf?

A Yes.

THE COURT:

You have to continue

on with the answer.

Q (By Mr. Tolliver) Did you ever say that to him?

"Answer: No, Mr. Laurie didn't say that."

A My answer would be, yes.

MR. TOLLIVER:

That's all we have.

CROSS-EXAMINATION

BY MR. CORRIGAN:

Q With respect to the first question that was put to you, do you recall that Mr. Tolliver answered that the answer given was "no," do you recall that?

MR. FLEMING:

Objection.

Q Do you recall, sir, that Mr. Tolliver read a question to you and then he said that Curtis Martin answered "no"?

MR. FLEMING:

Objection.

Q (By Mr. Corrigan) Do you recall?

MR. FLEMING: Objection.

Not to the first question -- that was the --

THE COURT: Just a minute.

What did he say the answer was, that Mr. Tolliver said it was, and the question?

MR. FLEMING: There wasn't any answer. This was a question that he propounded, not out of the record, that's a question that he presented to the Court.

MR. CORRIGAN: May we check the record, please?

THE COURT: No. The question that Mr. Tolliver asked contained in it a statement that would indicate that the answer that was given was "no" in and of itself; he didn't say this was the question asked and the answer given.

MR. FLEMING: It is written out here.

MR. TOLLIVER: Here it is.

MR. FLEMING: That's the one we agreed upon.

MR. CORRIGAN: The question he read, isn't it a fact that at the time you visited Curtis Martin, Curtis Martin stated that the

Prosecutor Laurie had stated to him, Curtis Martin, that he had forty-five witnesses and that he was aware that at the time the victim was killed that the defendant Ahmed Evans was in an attic on Lakeview Road, and that Mr. Curtis Martin's answer to that was "no."

That does not appear on this sheet.

MR. FLEMING: That was not in the record.

THE COURT: Go back to the question asked, Mr. Kroman.

(Question and answer read by reporter.)

THE COURT: I stand corrected. Do you recall that?

THE WITNESS: Yes.

Q (By Mr. Corrigan) And Mr. Tolliver asked what your answer was, and you answered that your answer to the question was "yes." Would that be correct?

A Yes, sir.

Q Now, reading from the record, at page 436, suppose I were to tell you that Mr. Curtis Martin's answer was "No, he didn't exactly say that, no"? Would your answer be the same, sir?

A To the best of my recollection, yes, sir.

Q (By Mr. Corrigan) I see. Now, sir, with respect

to the second question he put to you, do you recall, sir, that Mr. Martin allegedly answered, "No, Mr. Laurie answered no, he would give a letter to Judge Talty, and that John T. Corrigan had powers unlimited in your behalf?"

Do you recall that answer?

A Yes.

Q Now, sir, reading from the record, page 438, wherein the answer is indicated to be: "No, Mr. Laurie didn't say that; he said he was willing to give a letter to the judge, recommend for it, but he doubts it. That's exactly what he said."

Now, did you hear Curtis Martin give that answer?

A No, I didn't.

Q You did not?

Would your answer nevertheless be the same, sir?

A My answer would be the same.

REDIRECT EXAMINATION

BY MR. TOLLIVER:

Q Now, Mr. Billington, in response to those two questions that were propounded to you by Mr. Corrigan, can you tell us what questions were propounded by Mr. Young on those two subjects, and what answers were given by Mr. Martin?



MR. CORRIGAN:

THE COURT:

MR. TOLLIVER:

door, Judge.

THE COURT:

MR. TOLLIVER:

MR. CORRIGAN:

of this witness.

Call Sandra Parks.

(Witness excused.)

No further questions

That's all.

Sustained.

He has opened the

Sustained.

Objection.

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

DIRECT EXAMINATION

BY MR. FLEMING:

Q Miss Parks, will you speak up so that everyone in the courtroom can hear you, and state your full name to the Court.

A My name is Sandra Lee Parks.

MR. LAURIE:

Can't hear a word,

Judge.

A Sandra Lee Parks.

Q Spell the last name.

A P-a-r-k-s.

Q And what is your address?

A 1099 105th Street.

Q What is your occupation?

A None at the moment.

Q Where did you last work?

A At the Holiday Inn, on 30th and Euclid. I just quit last week.

Q Calling your attention to the 23rd of July, 1968,

did you know the defendant, Ahmed Evans?

A Yes.

Q How long have you known Ahmed Evans?

A About three years.

Q And how did you come to know him?

A Oh, I just met him.

Q Where were you when you first met him? Were you at a Black Nationalists meeting?

A No.

Q Are you a Black Nationalist now?

A Yes.

Q How long have you been a Black Nationalist?

A For about three years.

Q And were you a part of the New Libya group?

A Yes.

Q I believe there has been testimony that the defendant Ahmed Evans was the leader of that group; is that correct?

A Yes.

Q Now, it was then shortly after you met him that you joined this group?

A Yes.

Q Is that correct?

A Yes.

Q And at any time after you joined the group, did you

open a place on Superior?

A No.

Q And where was this place located on Superior?

A On 111th Street.

Q Do you recall the address? 11105, was that it?

A That's right.

Q Now, after you opened this place, will you tell us what if anything you did there?

A Well, we made garments, dashikis, and we make tikis, beads out of beans, and the children usually came in after school hours and they carved, you know, we had some equipment there for them to learn how to carve and stuff; they came in and carved. And about 6:00 or 7:00 o'clock they would usually have to go home, you know.

Q Now, how was it that you happened to join this group?

A How was it that I happened to?

Q Yes. Why did you join?

A Because I wanted to know the truth and learn the truth about myself as being black.

Q And was there any particular reason why you joined the group?

A No.

Q Now, how many others belong to this group?

A About thirty or thirty-five, maybe; maybe more.

about thirty-five people.

Q How old are you?

A Twenty-five.

Q During the time that you attended your meetings, or what-have-you, that you went to this place over on 11105 Superior, did anybody, did you ever hear anybody espouse violence?

A Never, no; that wasn't the main thing, that wasn't what we was supposed to be doing, anyway.

Q What were you supposed to be doing?

A Well, actually, we wanted to teach all the people in the neighborhood about being black and, you know, understanding themselves, the grownups as well as the children.

Q Did there come a time when you, the group, received a grant from the Cleveland Now?

A Yes.

Q Or the Hough Development Corporation?

A (Witness nods.)

Q Did there come a time when you were preparing another place for the Afro Culture Shop?

A Yes.

Q Can you tellus when that was?

A You mean about the new shop that they was going to open?

Q Yes.

A What do you want to know about it?

Q When was it that you were going to open this new shop?

A Oh, before -- what happened, we only had about another week to get it open, before it would be open, because we had did a lot of painting and stuff in there and fixed it up.

Q What happened to the other shop?

A We was evicted, we were evicted.

Q From 11105?

A Yes.

Q And what if anything -- how many people did you say were in the group?

A About thirty-five.

Q And what if anything were you and the members of the group doing to get the other shop prepared to move in?

A What we were doing?

Q Yes.

A We were painting and cleaning up and moving all the other litter and stuff out of there that was left in the building.

Q What month was this, if you know?

A It would have to be in July. July.

Q All right, and did you ever go to a house known as 12312 Auburndale?

A Yes.

Q Did you ever go to a house known as 12312 Auburndale?

A Yes.

Q How often did you go there?

A Just about every day, twice a day, three times a day sometimes.

Q Now, did you receive any funds from the money that was given to you by the Hough Development Corporation?

A Yes, sir.

Q For your part in this shop?

A Yes.

Q How much were you to be paid for what you were going to do or what you were doing?

A About 60 dollars.

Q Did you receive any checks for your part?

A Yes.

Q How many checks did you receive?

A Four, I think.

Q And this was during the time that you were getting the shop together so that you could move in after the eviction, is that correct?

A Yes, uh huh.

Q Now, on the 23rd of July, 1968, did you have occasion to be at 12312 Auburndale?

A Yes, I was there.

Q And about what time of day or night was it when you were there?

A Well, when I came over, it was early, it was about 12:00, around 12:00 when I first got there.

Q In the early afternoon?

A Uh huh.

Q And how do you know about what time it was?

A Oh, because -- this is the time I usually, generally go over there, usually, when I get up I go over to see the other sisters and brothers, you know, to be with somebody.

Q Now, when you arrived at 12312, on the 23rd, at about noon, who was there?

A Ahmed, sisters, little kids, some more sisters and brothers.

Q You want the names of everybody?

Q No, just about how many people were there?

A Maybe about fifteen.

Q Did you observe anything unusual while you were there?

A Nothing, no more unusual -- you mean, happening at the house?

Q Yes.

A Nothing, no more unusual than usually be happening.

Q Well, did you see any police while you were there?

A Oh, yes, yes.



Q And tell us what your observations were?

A They were riding around, you know, more than usual, you know.

Q When you say "more than usual," tell us what was going on?

A Well, they were riding around with rifles, I guess -- well, rifles, and it was more than unusual, you know, more than usual, the cars that you would normally see, now --

Q About how many cars did you see in and about the house at 12312 Auburndale?

A About 8.

Q Now, what, if anything, did you do after you made these observations?

A What day did I do this?

Q Yes.

A Oh, well, I talked with the sisters a little while, you know, and played with the kids, and then I left.

Q Why did you leave?

A Because of the incident that had happened previously, when the police were in Akron, how they harassed those people.

MR. LAURIE:

Objection to

what happened in Akron.

THE COURT:

Sustained.

Q (By Mr. Fleming) In other words, you heard

something about what happened in Akron?

A Yes.

Q And did that have something to do with why you left that day?

A Yes.

MR. LAURIE: Objection.

THE COURT: What she heard

is -- well, really, your question --

MR. FLEMING: Yes.

THE COURT: -- is, is what

she heard the basis for her leaving?

MR. FLEMING: Yes.

THE WITNESS: Yes.

Q (By Mr. Fleming) Now, while you were up at 12312, in the house, 12312 Auburndale, did you see any weapons up there, any guns of any kind?

A Yes.

Q Do you know how these weapons happened to get there?

A Yes.

Q Will you tell the Court and jury how they got there and why they were there?

A We were buying -- well, we all were chipping in money, some of our money, all of us were chipping in money to buy rifles for club.

MR. LAURIE: I didn't

understand what she said, Judge.

THE WITNESS: I said we were

all chipping in money to purchase these guns. We were going to have a club.

Q (By Mr. Fleming) And how do you know this was going to be a gun and rifle club?

MR. LAURIE: Objection.

THE COURT: Sustained.

MR. FLEMING: Oh --

THE COURT: Sustained.

Q (By Mr. Fleming) How do you know why these were weapons were being purchased?

A How do I know?

Q How do you know?

A I don't understand.

Q Yesterday, you said that you knew that these weapons that were being purchased for a club, is that correct?

A Right.

Q How do you know that?

A Because, they had went to see about the land and stuff before they were going to, you know, try to get it.

Q When you say "they" will you tell the Court who had gone to see about the land for the rifle club?

A Ahmed went and some more brothers went. You want the names?

Q Yes.

A Ahmed went, and Nondu Bey, I believe.

Q Do you know his non-Christian name?

A Donaldson.

MR. CORRIGAN:

What?

Q (By Mr. Fleming) His Christian name.

A Donaldson.

Q Do you know his first name?

A No, I get him and his brother's first name mixed up.

Q Okay, at any rate, over what period of time, about how many weapons did you see at 12312?

A Maybe about 4.

Q Over what period of time had the brothers accumulated these weapons?

A It was quite a while.

Q Did you know the person with whom they were negotiating to use the land -- to use his land for a rifle club?

A No.

MR. LAURIE: Objection.

THE COURT: Overruled.

Q (By Mr. Fleming) Can you tell the Court and jury about when it was that Ahmed and the other person you named, when it was that they met to negotiate to form a rifle club?

A You mean the exact date?

Q Not the exact date, as close as you can recall. tell us about when it was.

A Oh, I would say about two or three weeks before the incident happened.

Q Can you tell us who it was that the money was given to? You say you all chipped in to buy the rifles, is that correct?

A Right.

Q Can you tell the Court and jury who it was that collected the money for the purpose of buying the weapons?

A Well, after we -- after we individually got our money, we all put it in a fund -- it didn't matter who we gave it to, because we can trust one another, we gave it to whoever was responsible for it.

Q Now, after you left, after you left the house, at

about what time was it when you left on the 23rd, 12312?

A It was in the afternoon, I imagine it was about 4 o'clock, maybe somewhere around there, in the afternoon.

Q When you left, were the police still in the general area?

A Yes.

Q Were all the cars still there?

A Yes, sir.

Q How many officers were in each car that you saw?

A Four.

Q And each car that you saw, when you left, had the shotguns and rifles in it?

A Yes, sir.

Q When you left, where did you go?

A Well, I lived in that neighborhood, and in that area I just walked around, went to the store -- I walked around and talked to people. That's what I usually do, anyway, I didn't go anywhere in particular.

Q At some time that day, did you have occasion to return to the general area of Lakeview and Auburndale?

A Yes, sir.

Q And about what time of day or night was it when you came back?

A It was just -- it hadn't turned dusk yet -- it must have been around 7 o'clock or something like that, maybe.

Q Do you know what time it was?

A No, I don't know exactly what time it was.

Q But it was late evening?

A Yes.

Q Where did you leave from to go back into the area?

A I was on 120th, when I came back, when I heard --  
when I first came back.

Q 120th and what?

A Superior.

Q How was it that you happened to come back?

A I heard the firing.

Q When you came back into the area, where did you go?

A Let me see -- I cut through some streets, it's  
kind of difficult to see which ones, being on 120th,  
well anyway, I cut down through some streets and it was  
hard to get up there then, because there was a lot of  
police around and firing was everywhere, you know.

Q But you did get back into the area?

A Yes, I did.

Q Let me ask you this, at the time you left at about  
4 o'clock, when you left 12312, were these other children  
and babies and women still in the house?

A Yes.

Q Now --

A They lived there.

Q They lived there?

A Uh-huh.

Q How many apartments were in this house?

A Four, I believe, four.

Q And when you left there, were some of the people outside on the porch or all inside or what was the situation?

A Most -- we were sitting on the steps and on the porch and the children were out in the side, playing.

Q During the period that you were there, did you hear anybody talking about any violence?

A No.

Q Did you hear anybody talking about doing anything to the police?

A No.

Q Did you ever hear anybody talk about doing anything of a violent nature to the police?

A No.

Q When you came back into the area, did you get back to 12312 Auburndale?

A When I got back, I saw a brother laying on the ground -- I thought he was dead, that's the closest I got.

Q And where was this?

A That was on Beulah, right on the corner of Beulah.

Q Now this State's Exhibit 66 depicts Lakeview, over in this area is Euclid, over here is Superior (indicating).



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Here is Abburndale, Moulton, and this is Beulah (indicating). Now where, on Beulah, was it that you observed this body?

A Right on the corner.

Q Right here?

A No, on the corner.

Q Where?

A It would have to be on the other corner, there was a white house there.

Q A white house?

A Yes.

Q Over here?

A No, I can't tell by that map. I don't know.

Q Do you want to step down here and maybe it will help.

Now, this is 123rd; this is Lakeview and this is Beulah (indicating). Now if you can -- you want to stand over here by the window -- over here by the window, and use the pointer, and tell us now where on Beulah you saw this body?

A Right here (indicating).

Q Nearly --

A Yes, right here (indicating).

Q And what, if anything, did you do after you saw the body?

A Oh, well, I tried to get to him, and it was a lot of

bullets and things, you can hear them, and people were standing around and they were afraid, you know, to go out; so I crawled on my stomach to the brother laying down on the curb.

Q You can take the stand again.

A Oh, so I crawled on my stomach to him, and I was laying on top of him and at that time three policemen came up and one of them had a gun.

I looked up and one of them had a gun up like this (indicating) at the brother's head; and he was already dead, I imagine he was dead, you know, and I was crying and upset and stuff, and the other one, the other one said, -- can you say some words here?

Q No, no, give the initials.

A Okay, well the other one said, "You black so-and-so, what in the F are you doing up here? You'd better get the H out of here," and stuff like that, you know, generally, and I was crying and upset and everything. I wasn't paying any attention. I didn't care what he did to me, really, because I was upset.

I was on the brother's body, and one of them said, "Is that son-of-a-b -- is he dead?" You know, and one of them had the rifle over him and I was still laying on him, you know, and --

Q Were any civilians around while this was going on, other --

A Were people about, you mean, other than Black Nationalists?

Q Other than Black Nationalists.

A There was people around, but they were afraid because the police were so violent, they were afraid.

I had enough courage to do this because I loved this brother, I mean I had strong feelings, like my mother or brother.

Q Who was it?

A Amir.

Q What was his christian name, do you know?

A I can't think right now.

Q Was it Leroy Williams?

A Yes, Williams.

Q Did someone finally -- were you present when the body was removed?

A Yes.

Q Will you tell the Court and jury how this body was removed?

A Well, anyway, by me hollering and screaming and carrying on like I was, the police kicked him over, one of the police kicked him over and he held his pulse like that (indicating) and said, "This one, he is dead," you know.

So I said, "Well, would you help me get him to a hospital or something," and he said, "Ask him," you know, "we got more things to be worrying about than you such-and-such-and-such people," you know.

And so by then, these people, some men, you know, were standing around, they were ducking down because, like I said, bullets was going everywhere, they was just flying, you could hear them, something pass you and stuff.

So some men, I guess, got up some courage and crawled down the street and picked him up, you know, and they -- we took him, walked down the street with him as far as we could get out of the fire, and put him in a car and took him to a hospital, and he was dead, though.

Q Dead on arrival?

A Yes, but then he was dead -- I don't know if he was dead at the moment, though, but he was dead after all that, you know. We had to pull him down the street, because he couldn't stand up, you know, and I imagine by pulling him, that might have killed him, too, you know; if he was dead or not, I don't know.

Q What did you do after that? Did you go to the hospital with the party that took him to the hospital?

A No. I was concerned about the children in the house up there, you know, so these men, they said they would take him to the hospital, so they took him to the

hospital, you know, and I came back.

Q And where did you go?

A I tried to get back in, get through to get to the house, you know, to see about the kids and the sisters in there. As a matter of fact, there was three in there that was pregnant, you know, and I knew they were there when I was last left.

Q Did you get to the house?

A No, I couldn't get back there. I couldn't get there.

MR. FLETCHING:

You may inquire.

CROSS-EXAMINATION

BY MR. LAURIE:

Q Mr. Fred Evans, or the defendant in this case, is your leader, isn't he?

A Yes, sir, if you want to say that.

Q Pardon?

A Yes, sir, if you want to call him that.

Q And you are appearing on his behalf and doing what you can for him?

A Yes, sir. I didn't know I was supposed to be here at all.

Q What do you mean, you didn't know you were supposed

to be here?

A I just found out.

Q When did you find out?

A Yesterday.

Q How did you find out?

A I got -- someone told me.

Q Somebody told you?

A Yes, sir.

Q Who told you?

A A brother told me they had -- see, I had moved from my previous address, that's the reason why I didn't get the mail myself, see.

Q What brother told you about the hearing?

A One of the brothers from the shop on 116th Street.

Q You have to speak louder.

A A brather from the 116th Street shop.

Q What is his name?

A Amir.

Q Amir?

A Yes. The mail comes over there.

Q What is his slave name?

A I don't know.

Q You don't know any other name?

A No, sir. I am not interested in it.

Q He told you that you were supposed to be down here

yesterday?

A Today.

Q Pardon?

A Yes, he told me yesterday that I was supposed to be down today.

Q That's the only person you talked to about coming down and testifying?

A Yes, that's all I know about it.

Q You didn't talk to anybody else?

A No.

Q Where did he tell you to appear?

A I know where I'm supposed to go, you know.

Q Oh, how do you know where you are supposed to go?

A You mean to this building?

Q Where did he tell you you were supposed to appear at?

A At this building.

Q At what building?

A The court building.

Q The court building?

A Yes, sir.

Q Did he tell you?

A I asked for the lawyer.

Q You asked for the lawyer?

A To get some information to see how I was supposed to -- see, I didn't know who I was supposed to see.

Q You asked for the lawyer yesterday or today?

A Today.

Q Where did you ask for the lawyer?

A I beg your pardon?

Q Where did you ask for the lawyer?

A Where?

Q Where were you?

A What do you mean?



Q You said you asked for the lawyer?

A I was asking for information. In other words, what I am trying to say, because I didn't know.

Q In this building?

A Yes, sir.

Q And was that this morning?

A No, sir.

Q When was it?

A Around noon.

Q I see, and did you see a lawyer then?

A Yes, sir.

Q Who did you see?

A I don't know his name.

Q Well --

MR. FLEMING:

Mr. Fleming.

Q (By Mr. Laurie) Is that lawyer in the room now?

A Yes, sir.

Q Is he?

A Yes, sir.

Q Where is he?

A The gentleman in the green suit.

Q The man who was just talking to you?

A Yes, sir.

Q And you never learned his name?

A No.

Q Did you talk to anybody else other than the lawyer that just talked to you?

A A lady that was in the waiting room.

Q Who was that?

A A young lady that was in the room with me.

Q A sister?

A No, I don't know; I don't know her.

Q Then you say you never talked to anybody about this case?

A No.

Q Is that right, other than yesterday, you got notice and today you talked to Mr. Fleming?

A Right.

Q Is that all?

A Yes.

Q You never talked to anybody about it?

A No, sir.

Q You never reported whatever you may have learned out there in the area to any police department, either, did you?

A No, sir.

Q Or you didn't talk to anybody else besides the police department, what you may have learned out there, did you?

A No, sir.

Q I see, and you say you were employed at the Holiday Inn?

A Yes, sir.

Q What were you doing there?

A A maid.

Q How long did you work there?

A A month.

Q And where did you work before that?

A Cleveland Commercial Plating Company.

Q How long did you work there?

A About six months.

Q Where did you work before that?

A At the Versailles Motel, as a maid.

Q Where?

A As a maid; I worked there for a year.

Q I see, and do you recall where you worked before that?

A I beg your pardon?

Q Before that, do you recall where you worked?

A Yes, I worked at the Statler and a lot of different places.

Q At all different places?

A (Witness nods.)

Q Are you married?

A I was.

Q Do you have children?

A No, sir, I am a widow.

Q Pardon?

A I am a widow.

Q No children?

A No.

Q And who do you make your home with now?

A I live my myself.

Q I see, and you say that you joined the Black Nationalists' group about three years ago, is that right?

A Yes, sir.

Q And that's when your leader was still Mr. Evans, wasn't it?

A Yes.

Q He is the Prime Minister of that group, isn't he?

A I don't know anything about that.

Q You don't know anything about that?

A No.

Q You don't know any title that he has?

A No.

Q All you know is that he is a leader?

A I just know him to be Ahmed, a person I like, a nice person.

Q I didn't ask you if you liked the man. I asked you if he was called the Prime Minister of the New Libya Black Nationalist group?

A I don't know anything about Prime Ministers.

Q You were in this organization about three years?

A Yes.

Q Who were the officers of this organization besides Mr. Evans' being the leader?

MR. TOLLIVER: Objection.

THE COURT: Overruled.

THE WITNESS: There is no officers.

Q (By Mr. Laurie) Is a man by the name of Lathan Donald a member?

A Yes.

Q Alfred Thomas?

A Yes.

Q Leslie Jackson?

A Yes, sir.

Q John Hardrick?

A Yes, sir.

Q James Taylor?

A Yes, sir.

Q Sidney Taylor?

A Yes, sir.

Q Sandra Hardrick?

A Yes, sir.

Q And Williams?

A Yes, sir.

Q And you say you joined this group because you wanted to know the truth about being black, is that what you mean, ma'am?

A Yes, sir.

Q In other words, before you joined this group, you felt you weren't getting the truth about black?

A Well, I could tell you a lot about that, but that wasn't exactly what I meant.

Q Didn't you also say that you joined this group to make dolls and dachshits and whatever?

A Yes, sir.

Q Well, then, did you join this group for a craft project or to learn some kind of philosophy?

A Both.

Q Both. And the black philosophy is one of separatism, isn't it?

A The black philosophy --

Q Of this group?

A -- is to learn and understand universal laws.

Q How about the principle of separatism between blacks and whites?

A No, sir.

Q You never discussed whites in this group?

A Of course we have discussed them.

Q Wasn't there a discussion of whites in this group?

A It has always been, since my parents.

Q And you are a firm believer of this?

A I am a firm believer of what?

Q There has always been a difference?

A Well, of course, there has been a difference.  
You know that, yourself.

Q And Mr. Ahmed Evans taught you this?

A No. The only difference has been between the whites and blacks, black people, is the way the white people have kept the black people in the dark, that's the only difference that I know of.

Q Didn't Mr. Evans teach you about what existed and what he believed exists between the whites and the blacks?

A The only thing Mr. Evans, as you say, ever taught me was astrology and the universal laws and to know myself and to know my father.

Q He didn't go into the "black and white" question at all?

A No, sir.

Q Who talked about the philosophy about whites and blacks in that group?

A No one has to, because we haven't just come out of the shell; we can see this ourselves.

Q What did you go into that group, about black --

A All you have to do is be in a circle, no one is

dumb little kids, we see this every day; we know the difference between whites and blacks, no one has to tell us.

Q You are pretty angry at the whites?

A No, sir.

Q Aren't you showing some great concern right now?

A No, I am trying to make you understand what you are asking me, to show you that it is just that simple, no one has to teach us these things.

MR. FLEMING: Objection.

THE COURT: Sustained.

Q (By Mr. Laurie) Why did you go there to learn the truth about blacks and whites if nobody said anything about blacks and whites? Explain --

MR. FLEMING: Objection.

THE COURT: Overruled.

Do you understand his question?

THE WITNESS: I can say something?

THE COURT: You may answer.

A What did you say?

Q (By Mr. Laurie) You said you went there to learn the truth about black people, and you now say there was no discussion about black people there.

MR. TOLLIVER: Objection.

Just a moment. She didn't say that.

THE COURT: Overruled.



Q (By Mr. Laurie) You said you went there to learn about black people? Right?

A Yes.

Q Did Mr. Ahmed Evans teach you then the black philosophy that he was preaching or announcing?

MR. FLEMING: Objection.

THE COURT: Well, the question is, whether or not there was any such philosophy taught at that time by Mr. Evans.

Q Was there?

A No, sir.

Q He didn't talk about that; all he talked about were the stars?

A We talked about -- as far as color is concerned, all we talked about is to be proud of what we are and to try to better ourselves and the people in the neighborhood, to try to make them understand and learn these things.

Q Any of the other brothers I mentioned in this group talk about the philosophy of separatism?

MR. FLEMING: Objection.

THE COURT: Overruled.

You may answer.

A No.

Q (By Mr. Laurie) None of them?

A No.

Q Then your knowledge that you got about black philosophy or the black conditions was very little at this group, then?

MR. FLETCHING:

Objection.

THE COURT:

Overruled.

A Say that again.

Q (By Mr. Laurie) The philosophy you received or allegedly went there to learn about black people was a very limited conversation on that subject matter?

A Well, don't have to be talked about; just like I said before, you can see these things every day.

I am twenty-five years old, and I am sure it is nothing new to me. I couldn't learn this in three years. I have been knowing it.

Q If you don't have to talk about it, well, you didn't go there to learn about it, then; is that right?

MR. FLETCHING:

Objection.

THE COURT:

Overruled.

Q You didn't go there to learn about the black situation, then, did you?

A No. We went there, we were all there to see what we can do about bettering the situation, as far as our people in the neighborhood, and we all are concerned.

These are the people we have to live with, the people that live in our neighborhood.

Q By doing so, you went there to make dashikis and dolls?

A Dashikis and dolls are one way of making people aware of certain things; and by wearing dashikis, this makes them aware of their culture.

Q I see.

A You know, to make them think more, and wearing our hair natural.

Q The culture of what?

MR. TOLLIVER: Judge, let the witness answer.

Q (By Mr. Laurie) Did you ever talk about American history there?

A We learn this in school.

Q I am talking about in this shop.

MR. FLEMING: Objection.

THE COURT: Overruled.

Q Did you ever talk about American history?

A American history? Well, let me see. What do you mean?

Q Like all the good things this country has done in the past, many hundreds of years.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

A There is a positive and the negative. You can see

the good as well as the bad.

Q (By Mr. Laurie) Did you talk about these things?

A Yes, we talked about the good as well as the bad.

THE COURT:

Ma'am, we will

take our afternoon recess until about 3:00 o'clock.

Don't talk to anybody about the case and  
don't let anybody talk to you.

(Thereupon a recess was had.)

- - -

Q Miss Parks, you indicated that you have gone to the shop many times, Mr. Evans' shop on Superior, and if I understood your testimony correctly, you went there to partake in the making of dashikis and dolls and whatever, is that it?

A Yes, sir.

Q Was this during the daytime you went there?

A Yes, sir.

Q And when in point of time was it, what year or month or months that you had been doing to this particular shop?

A That would be pretty hard to say. You want to know when?

Q Yes.

A And what year?

Q Yes. What year was it, first?

A I don't know.

Q You don't know what year?

A I mean I know, but, you know, you can't rightly say when --

Q You can't rightly say what year you had gone into that shop?

A Oh, '68.

Q When?

A '68.

Q '68. Now, when in '68 had you gone to the shop?

A Just about every day.

Q Every day. Did you go there in the month of September?

A I guess so.

Q You guess so?

A Yes.

Q And also in August?

A I was there every day it was open.

Q I see. And weren't you working during the day?

A Yes, sir, sometimes.

Q How did you find the time to go there, too?

A Easy.

Q Well, did you work or didn't you work the times when you went to the shop?

A Yes, I worked.

Q And you went to the shop during the day, too?

A Yes, after I got off.

Q What time did you get off work?

A 4:00 o'clock.

Q And you would go after 4:00 o'clock?

A Yes.

Q Are you telling me that the children went to this shop after 4:00 o'clock?

A 3:30.

Q Pardon me?

3  
A 3:30.

Q 3:30?

A Yes.

Q You went there after 4:00 o'clock?

A Uh-huh.

Q Would the children still be there?

A Yes.

Q Were you paid to do this?

A No.

Q You weren't?

A No.

Q Well, didn't you say there were some Cleveland Now money coming into this shop?

MR. FLEMING:

Objection.

I can't hear.

THE COURT:

He said, "Didn't

you say there were some Cleveland Now money coming into this shop."

A You're talking about before or after?

Q Before or after what?

A That I was at the shop.

Q Whatever you're talking about. You weren't paid when you were going to the shop?

A No, we were running the shop on our own funds.

Q You ran the shop on your own funds?

A Yes.

Q Didn't you get some money from the Cleveland Now program?

A Yes.

Q That was on something else, though?

A That was for the new shop.

Q For the new shop?

A Yes.

Q Where was the new shop going to be?

A On 66th and Hough.

Q On 66th and Hough?

A Yes.

Q Then I understand they paid you in advance with four checks?

A Beg pardon?

Q They paid you in advance for the new shop?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

MR. FLEMING: Objection to

"in advance," your Honor. There's no advanced evidence.

THE COURT: Overruled.

THE WITNESS: You want me to

answer that?



THE COURT:

Yes, you are to

answer.

A Did they pay me in advance?

Q Didn't you hear, ma'am?

A Yes, I can hear you.

Q I ask you did they pay you in advance to work in the new shop before it opened up?

A Yes, I imagine so.

Q You got all four checks together?

A No.

Q Four separate checks?

A Once a week -- I mean one every week.

Q For four separate weeks?

A Yes.

Q When was the first check, what month?

A I don't remember that.

Q Well, could it have been in the month of August?

A It could have been.

Q September, too?

MR. FLEMING:

Objection, your

Honor.

THE COURT:

Overruled.

A I don't really remember when they started. I mean the date.

Q Did this shop on Hough Avenue ever open up?

A No.

Q Then you -- pardon?

A We never did get a chance to get it open.

Q But you got paid for the work that you did there, is that it?

A No, we didn't get paid for the work. We all chipped in and did the work ourselves.

Q Then you all chipped in to buy the paints and whatever you needed, is that it?

A Uh huh.

Q And where were you when you got the four checks, what shop were you in at that time?

A It was only one shop, that was on Superior.

Q On Superior. And at that time while you were preparing for the other place, you were receiving these checks, is that right?

A Yes, sir.

Q But you weren't being paid because of the Superior shop; you were being paid because of the other one you were going to open up? You were working there?

A Yes.

Q And Cleveland Now came up with that money?

A Yes.

Q Who gave you the checks?

A We all picked them up over at Ahmed's house.

Q Pardon?

A Over Ahmed's house, we just stopped over and picked them up.

Q Where was Ahmed living then?

A On Lakeview.

Q On Lakeview?

A Uh huh.

Q Where on Lakeview?

A The address that you were talking about before.

Q I didn't talk about any address.

A I don't know the address by hearts, I don't know the address. I don't even know my mother's address by hearts.

Q You don't know your mother's address?

A No.

Q How do you know to get up to Ahmed's house?

A Easy. I have sense, I have a sense of direction.

Q Now, when you went to get the checks, what street did you go on?

A Which streets I went on?

Q Yes.

A Anywhere I wanted to go.

Q For example, on one occasion, how --

A Sometimes I walk all the way down Superior to 123rd; sometimes and get down Lakeview; sometimes I go to Superior to 120th and go down some of the other streets; it didn't make any difference either way.

Q I can talk to whoever I see on the way. That's the way I go.

Q His house was on Lakeview?

A Yes, sir.

Q It faced on Lakeview?

A No.

Q Where did it face on?

A I am trying to think of the name of that street.  
The tavern is right on the corner.

Q The tavern was on the corner?

A Yes.

Q What is the name of that tavern?

A I don't know. I've never been there.

Q How do you know it was the tavern?

A Because it's standing there; it's obvious to see it.

Q What made it obvious that it was a tavern?

MR. FLEMING:

Objection.

THE COURT:

Sustained.

A Because --

Q You never went in the tavern?

A No.

Q You don't know what they sold in there; as far as  
you were concerned, they might have been selling dried  
foods?

MR. FLEMING:

Objection.

MR. TOLLIVER:

Objection.

THE COURT:

Sustained.

A Right.

Q (By Mr. Laurie) How do you know it was a tavern?

MR. FLEMING:

Objection.

MR. TOLLIVER:

Objection.

THE COURT:

Sustained.

A Because --

THE COURT:

Just a minute.

The objection is sustained.

Q Where was the house that Ahmed lived in?

A Right next door to it, the tavern -- no, there's a house next door to that, and then the house next to that.

Q Two houses away from the tavern?

A Yes, sir.

Q Ahmed Evans was living in what suite, two houses away from the tavern?

A Beg pardon?

Q In what suite did Mr. Evans live, two houses away from the tavern?

A The one on the first floor.

Q First floor; in relation to the front or back, which suite was it?

A The back.

Q The back. The back of the first floor, is that it?

A Yes.

Q Was this a frame place or a brick place?

A A brick.

Q I see. And you are sure Ahmed was the tenant of this suite?

A I don't know.

Q You don't know who was the tenant?

A I'm trying to say, I wasn't the landlord or anything.  
I know this is where he be at.

Q You don't know if he lived there, then?

A Yes.

Q I'm asking you, do you know whether this was his  
personal suite that he was renting?

A No, I don't know all that. I don't know nothing  
about that.

Q Well, who did Ahmed Evans make his home with there?

A Beg your pardon? Who did he make his home with?

Q Yes.

A Well, there was a lot of people staying there.

Q Such as who?

A Lot of brothers stayed there.

Q Who?

A A lot of the brothers.

Q A lot of the brothers?

A Stayed there.

Q The ones that we mentioned earlier?

A Yes, sir.

Q Who else?

A Three sisters lived there.

Q Three sisters. When you say "sisters," you don't

mean blood sisters; you mean the Black Nationalist sisters?

A Blood sisters.

Q Who were they?

A Sandra and Lynn and their children.

Q They all natural sisters to each other?

A Right.

Q Pardon?

A Yes, blood sisters.

Q They were of the same family?

A Yes. Right.



Q Were they married to any of the men there?

A I don't know.

Q But they were living there?

A Yes.

Q And who else besides the three sisters and the boys that we named lived there and Mr. Evans?

A I don't -- someone lived upstairs. I don't know.

Q In Mr. Evans' suite, I mean.

A You mean who else lived there?

Q Yes.

A That's all.

Q All these people then made their home with Mr. Evans?

A I imagine so.

Q Any children live there, too?

A Yes, the three sisters had children, plus they were pregnant again. They had children of their own.

Q But they didn't have any husbands there?

A No, they had little children --

Q And, incidentally, for these checks that you received from the Cleveland Now program, did you receive some Government W-2 forms that go along with them for 1968?

A Yes.

Q And did you account to Uncle Sam for that income?

MR. TOLLIVER: Objection.

THE COURT: Sustained.

Q Did you file a 1968 Income Tax Return?

A No.

Q No?

A No.

MR. LAURIE:

Mark this.

(State's Exhibits Nos. 260, 261 and 262 were marked for identification.)

MR. TOLLIVER:

May we see those?

MR. LAURIE:

I think you saw

them, but I'll show them to you again.

(The documents were shown to defense counsel.)

Q Miss Parks, showing you what has been marked as State's Exhibit 78-A, which was identified earlier in this case as an expense voucher and authorization from the Reverend DeForest Brown's records pertaining to the Ahmed Evans' project, on there it was listed a Sandra Parks. Is that you, ma'am, on the payroll --

A Yes, sir.

Q -- with all the other brothers and sisters, and there it listed a payroll for you for \$75 a week, is that right?

A Yes.

Q Pardon?

A Yes, sir.

Q When you said earlier you were getting \$60, that wasn't correct, was it?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

Q Did you hear me, what I said?

A Yes, I heard you.

Q Was it correct, ma'am?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

A I don't understand what difference it makes, \$75 or \$60.

Q Let us figure it out. You just answer the questions, if you can.

MR. FLEMING:

Objection.

THE COURT:

The objection

to the statement will be sustained.

A I guess not.

Q Showing you State's Exhibit 81-B and another computation of payroll for the Ahmed Evans' group, the African Cultural Shop, it lists a Sandra Parks under this exhibit and again for \$75 a week, is that right?

A Yes.

Q Showing you State's Exhibit 77-B, another similar statement for another week's payroll that shows Sandra Parks

for \$75 a week, is that right?

A Uh-huh.

Q All right. Now, in relation to those particular exhibits, I will show you State's Exhibit 262, 260 and 261.

Will you examine those and tell us if those are three checks that you received in this project?

A I imagine so.

Q Well, are they or aren't they?

A Yes.

Q Now, I have shown you three. You say there is a fourth one somewhere.

A There was three. I don't know, three or four. I didn't know if there were that many.

Q You don't know if there were that many?

A I know there wasn't money.

MR. FLEMING:

Objection.

THE COURT:

Overruled.

A I know it was three or four, something like that.

Q These three checks I gave you, you cashed them, didn't you?

A Yes, sir.

Q And I am going to hand you a piece of paper, ma'am, a blank piece of paper and pencil, will you write your name "Sandra Parks" on this blank piece of paper, if you will, ma'am?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

(The witness complied with the request.)

MR. LAURIE: Mark this.

(State's Exhibit No.  
263 was marked for  
identification.)

MR. LAURIE: Do you want to

see it?

MR. TOLLIVER: Yes, please.

MR. FLEMING: May I see the

checks?

(The checks were handed to defense counsel.)

MR. TOLLIVER: You want to

introduce that in evidence, no objection.

MR. LAURIE: Give me time.

I will do it.

MR. TOLLIVER: All the time you

want.

THE COURT: All right, gentlemen.

Q Handing you what has been marked as State's Exhibit 263,  
is that the signature you just wrote out?

A Yes, sir.

Q Is that your name, Sandra Parks?

A Yes, sir.

Q All right. Showing you State's Exhibits 261, 260 and 262, are these three signatures on the checks yours?

A Yes, sir.

Q All three of them?

A Yes, sir.

Q And State's Exhibit 260, you gave this check to your leader, Mr. Evans, didn't you?

MR. TOLLIVER:

Objection.

THE COURT:

Overruled.

A I can tell you --

Q (By Mr. Laurie) Did you give this check to your leader?

A No, sir.

Q The money from this check?

In other words, didn't you endorse this check and give it to Mr. Evans?

A Yes, sir.

MR. LAURIE:

All right.

At this time, your Honor, I will offer in evidence State's Exhibit 262, 261, 260, and 263.

MR. TOLLIVER:

No objection.

MR. FLEMING:

No objection.

THE COURT:

I think the checks were previously admitted under a different number.

The four exhibits are admitted.

(State's Exhibits Nos. 260 through 263 were received in evidence.)

MR. LAURIE: May I pass them around to the jury at this time?

THE COURT: You may.

(Documents were shown to the jury.)

Q (By Mr. Laurie) Miss Parks, I believe you indicated that the Black Nationalist group owned guns or weapons; is that right? The one that you were affiliated with, Mr. Evans'?

A Yes, sir; they were purchased.

Q Pardon?

A Yes, sir.

Q When was the first time that you saw guns and weapons at the New Libya organization?

A I don't remember.

Q Pardon?

A I don't remember.

Q Well, was it -- you said you belonged to it for three years?

A Uh uh.

Q Did you see guns there three years ago?

A No, sir.

Q Two years ago?

A No, sir.

Q Last year?

A Yes, sir.

Q And when did they start buying guns last year?

A I don't know.

Q No idea?

A (Witness shakes head.)

Q When was the first time last year you saw guns in the New Libya organization?

A I don't know.

Q When was the last time you saw guns at the New Libya organization?

A I don't know.

Q Well, you did see guns, didn't you?

MR. TOLLIVER:

Objection.

She answered that.

THE COURT:

Sustained.

Q (By Mr. Laurie) On the occasions when you went to the shop on Superior, did you see guns there, too, didn't you?

A No, sir.

Q Pardon?

A No, sir.

Q And this was their headquarters, wasn't this, on 11105 Superior?



A Yes, sir.

Q When I say "there," I mean you were part of the group? Right?

A Yes, sir.

Q You didn't have any guns there?

MR. TOLLIVER: Objection.

A No, sir.

THE COURT: Overruled.

Q Were the guns to be used in furtherance of black culture of this group?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

A No, sir.

Q Had nothing to do with the black cultural education?

A No, sir.

Q And you say you all chipped in to buy these guns?

A Yes, sir.

Q All the brothers and sisters pooled their efforts to buy guns, is that right?

A Yes, sir.

Q And how much did you contribute towards buying guns?

A I don't remember.

Q Do you have any idea how much money you put in?

A No.

Q Two, three hundred dollars?

A Money wasn't that much important. I don't remember anything about money.

Q The guns were, though, weren't they?

A No, sir.

MR. TOLLIVER: Objection.

MR. FLEMING: Objection.

THE COURT: Overruled.

Q Pardon?

A No, sir.

Q You say money was of no importance; it didn't matter what the guns cost, you wanted guns, wasn't it?

MR. FLEMING: Objection to the form of the question.

THE COURT: Overruled.

A (No response.)

Q Did you hear the question?

A No.

MR. LAURIE: Would you read it back to her?

(Question read by the reporter.)

A So, what are you asking me?

THE COURT: Did you understand the question?

THE WITNESS: No, I don't.

Q In other words, the cost of the guns meant nothing to your group, is that right?

A I didn't say that. I said that you asked me about some money. I told you the money --

Q You asked me how much money. I said I didn't know.

Q You also said that money meant nothing to you?

A That's right.

Q As long as the money was to purchase --

A Principle. Money meant nothing to me in any factor.

Q How about as far as buying guns, did money mean anything in relation to the cost of the guns, to you?

MR. FLEMING: Objection.

THE COURT: Overruled.

A No, sir.

Q All right, were you -- well, who bought the guns? Brother Evans?

A I imagine. I don't know.

Q You imagine? You don't know?

Now, which is it, your answer?

A I don't know.

Q You don't know?

A Because I don't --

Q Whose idea was it to purchase guns? Was it Brother Evans' idea?

A I don't know.

Q Well, you just told Mr. Fleming that you were going to have a club.

A Well, still that don't mean that I know what you're talking about.

Q Well, obviously, you must have been at a meeting where something was decided to have a club, to give that answer, weren't you?

A Well --

Q Did Brother Evans bring this question up, of buying guns?

A I don't remember.

Q You don't remember?

A No.

Q Did Brother Evans bring up the question about getting land to use the guns on?

A Yes, sir.

Q And was this land in Geauga County?

A Yes, sir.

Q Who did this land belong to?

A I don't know.

Q Was that another brother's property there?

A I don't know.

Q Did you go to Geauga County for target shooting?

A No, I never did go.

Q Did some of the brothers and sisters go?

A Yes, sir.

Q Brother Evans carried them there?

A Yes, sir.

Q And did Brother Evans show the brothers and sisters how to use these guns?

A Yes, sir.

Q And Brother Evans was an ex-Army man, wasn't he?

A Yes, I guess so. I don't know.

Q And a boy by the name of Lanier was there, too, in the group with the brothers and the sisters at the target practice, wasn't he?

A Lanier?

Q Yes, Thomas Lanier.

MR. FLEMING:

Objection.

THE COURT:

Do you know?

THE WITNESS:

I wasn't there.

That's what I told you.

Q Do you know a Thomas Lanier?

A Not right offhand. I might.

Q I think they called him "Squirrel."

A No, sir.

Q You don't know a "Squirrel"?

A Yes, sir.

Q Now you know?

A Yes.

Q Did he go there to target practice?

A No, sir.

Q How about a boy by the name of Washington, Walter Washington, known as Rasheen?

A No, sir, those brothers that you're speaking of have just newly came into the movement. They didn't even know Ahmed.

Q They newly came into the movement, the Black Nationalist movement?

A Yes, sir.

Q Then, this is a movement, then, isn't it?

A Well, you can call it a gang; you call it other things, so why not use the word "movement."

Q I call it something other than that, if you stick around in closing argument, you'll hear what I call it.

MR. TOLLIVER:

Objection.

THE COURT:

The jury will

disregard the remarks.

MR. FLEMING:

Counsel knows

it is improper.

THE COURT:

The jury will

understand --

MR. LAURIE:

How about her

questions to me?

THE COURT:

Just ask your

questions, Mr. Laurie.

MR. TOLLIVER:

She's not a lawyer.

Q The teaching of the target practicing and manipulating of the guns was in the hands of Mr. Evans, is that correct?

A I don't know.

Q Well, earlier you said he taught them how to use the guns in target practice.

MR. FLEMING:

Objection.

Q Now, you're saying you don't know?

A I said I wasn't there.

Q You weren't there?

A No, sir.

Q But you know they went over there to do this target practicing?

A Yes, sir.

Q And what type of guns did they have?

A I don't know.

Q Well, there was some shotguns, too, wasn't there?

A I don't know anything about guns.

Q You contributed to the buying of these guns, didn't you?

A Yes, sir.

Q And the sisters were trained to use the guns, too, weren't they?

A I don't know, sir. I don't know. I wasn't there, sir.

Q You just contributed for them, not to learn how to use it and not you --

MR. FLEMING:

Objection.

THE COURT:

Overruled.

Q Is that what you did?

A Yes, sir, I guess so.

Q And are you telling us, ma'am, that none of the sisters know how to use these weapons?

MR. FLEMING:

Objection.

MR. TOLLIVER:

Objection.

THE COURT:

Overruled.

A I wouldn't know what they know how to do.

Q How about yourself, did you hold one of these guns in your hands?

A No, sir.

Q You saw some guns there, though, didn't you?



A Yes, sir.

Q How many guns did you say you seen there?

A I don't know, about five or six. I don't know.

Q Five or six. They were the long guns, weren't they?

A Yes, sir.

Q Some of them were mabbine guns?

A No, sir.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

A No, sir.

Q No machine guns?

A No, sir. I know what a machine gun is from television. I never seen nothing like that.

Q I see. And how much -- how much ammunition did you see there?

A None. I wasn't looking for any. I didn't see any.

Q Didn't you contribute to buy ammo to be able to start this club?

A Well, I imagine if you purchase, you have to get some ammunition, I guess.

Q The boys bought some Army ammunition, didn't they?

MR. FLEMING: Objection.

A I don't know.

THE COURT: Overruled.

Q Some armor-piercing bullets, didn't they, ma'am?

A I don't know. I don't know anything about amor-  
piercing bullets.

Q Along with these five or six guns up at the head-  
quarters, you saw also some tracer bullets?

MR. TOLLIVER: Objection.

THE COURT: Overruled.

A I don't know what that is, sir.

Q The brothers told you about what kind of ammunition --

A I don't know anything about any tracing bullets.

Q How about the bandoleers, you saw that, where they  
carry the bullets around their shoulder with straps?

A No, sir.

Q You never saw them there, either?

A No.

Q In those straps, isn't it a fact, ma'am, that you  
saw also first-aid kits?

A Aid what?

Q First-aid kits, a-i-d?

A Yes, sir.

Q And first-aid was that supposed to be used in target  
practicing or in warfare?

MR. TOLLIVER: Objection.

MR. FLEMING: Objection.

THE COURT: Sustained.

-6 Q Are you saying they bought first-aid kits to take along to target practice?

MR. TOLLIVER:

Objection.

THE COURT:

Sustained.

Sustained. The objection is sustained.

Q (By Mr. Laurie) And you also saw Murine for the eyes, along with this equipment?

A We used to teach first aid at the shop, sir; we have a lot of books on that.

Q My question is -- we're over the first day; your lawyer objected to me going into the subject, so I am on another subject now. I am on the subject matter of Murine.

You saw Murine bottles there, too, didn't you?

A No, sir.

Q For the eyes. You know what Murine --

A Yes, I seen it advertised.

Q To soothe the eyes?

A Yes.

Q You didn't see that there?

A Not particularly, no.

Q Where did you see these five or six guns?

A In the closet.

Q In the closet?

A Yes, sir.

Q Where, I mean?

A In the bedroom.

Q At 11105 Superior?

A That's the shop. No, sir.

Q Where?

A At the house.

Q At whose house?

A At Ahmed's house.

Q Brother Ahmed's house, the defendant?

A Yes, sir.

Q And where did they buy these guns, ma'am?

A I don't know.

Q Isn't it a fact that they bought some guns on the very morning that you were there and Brother Evans and some of the other brothers brought them in there?

A I don't think so, not that I seen. I was there most of the day, sitting outside.

Q You were there most of the day?

A Yes, sir.

Q I thought you said to Mr. Fleming you went there at noon?

A I was still there most of the day. That's most of the day.

Q You went there at noon and left?

A Around 4:00 o'clock, I said.

Q Then you tried to come back at 7:00 o'clock, and you

said you heard some shooting and never made it back?

A I got back as far as I could, but I'd of got killed by police bullets.

Q From 12:00 to 4:00, that's not all day?

MR. FLEMING:

Objection.

THE COURT:

Sustained.

A I said I got there around noon.

Q (By Mr. Laurie) You got there, oh, around noon; you left at 4:00 o'clock?

A Yes, sir.

Q Then you tried to come back about 7:00 o'clock,

Miss Parks?

A Yes, sir.

Q You never made it back?

A I got as close as I could get.

Q But you never made it back to 12312?

A Not to the house.

Q So you were there in that house four hours?

A Yes, sir.

Q Right?

A Yes, sir.

Q Then, isn't it a fact that at that time the boys were getting ready to strap up for that night?

A No, sir.

MR. FLEMING:

Objection.

Q Do you know what "strapping up" means?

A I can imagine what you mean.

MR. FLEMING: Objection.

THE COURT: Overruled.

You are talking about 4:00 o'clock?

MR. LAURIE: That night, they were getting ready to strap up for that night.

MR. FLEMING: What does "strap up" mean?

MR. LAURIE: She said she knows. We'll find out, Mr. Fleming.

THE COURT: Was your question, "at 4:00 o'clock they were getting ready to strap up?"

MR. LAURIE: Yes.

Q While you were there or, just before you left, they were getting ready to strap up?

A I don't know.

Q Tell us what "strap up" means to you?

A I don't know. I'm just answering you.

MR. LAURIE: May we have that answer before Mr. Fleming interrupted with his remark?

MR. TOLLIVER: Objection.

MR. FLEMING: Objection.

THE COURT: The Court will disregard the remarks of Mr. Laurie.

MR. LAURIE: May I go back in the record and have it read?

THE COURT: Yes, you may.

(The following question and answer were read by the reporter:

"Question: Do you know what 'strapping up' means?"

"Answer: I can imagine what you mean.")

Q (By Mr. Laurie) Now, can you proceed to tell me what you imagine I meant?

MR. FLEMING: Objection.

THE COURT: Imagine what you meant?

MR. LAURIE: That's what she said: "I imagine what you meant."

THE COURT: Sustained.

Q Can you proceed further to explain that answer?

THE COURT: Sustained.

Q All right, then we understand each other. You don't know what "strap up" means?

A No.

Q You never heard that up at Brother Evans' house?

A Strap up? No, sir. It sounds like something I heard

on television, shooting, that's all I --

Q What do you mean "television"? On television?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Sustained.

A I don't know.

Q Do you know what marijuana is, don't you?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

Q You know what marijuana is?

A Yes, sir.

Q You have seen marijuana before?

A Yes, sir.

Q Tell me, did you see any marijuana at 12312 Auburn-  
dale, Evans' house, when you were there that day?

MR. TOLLIVER: Objection.

THE COURT: Overruled.

A No, sir.

Q Now, do you know what a sawed off shotgun is?

A Yes, sir.

Q Did you see one of those up at Brother Evans' house that time?

A No, sir.

Q When you saw the five or six guns?



A No, sir.

Q Do you know whether the boys took sawed off shotguns with them when they went out target practicing?

MR. FLEMING: Objection.

THE COURT: Overruled.

A I can answer that?

THE COURT: She's ready with her answer.

MR. LAURIE: Did she give the answer?

THE COURT: She hasn't given it.

A You asked me, did I see --

Q (By Mr. Laurie) Take the sawed off shotguns to target practice?

A No, I didn't.

MR. TOLLIVER: May I have an objection to the question, "take the sawed off shotgun"?

THE COURT: Overruled.

Q Now, Miss Parks, when you left the home of Mr. Evans around 4:00 o'clock, where were you going?

A Nowhere in particular.

Q Were you going to look for other brothers and sisters?

A No, sir.

Q They had a meeting there that morning, didn't they, at Brother Evans' house?

A No, sir, not that I know of.

Q Did you hear about a meeting before you went there at noon?

A No, sir.

Q Did any of the brothers and sisters tell you that the fellow brothers and sisters of the Panthers were there?

A No, sir.

Q Do you know who the Black Panthers are?

A I heard of them.

Q Nothing was said about them being at the house before you got there?

A No, sir.

Q And you just left about 4:00 o'clock to go nowhere, is that right?

A Not particularly --

MR. TOLLIVER:

Objection.

A Not particularly nowhere, I mean the neighborhood is just like my home, you know. I know everybody in the neighborhood, so it's not particularly going anywhere.

Q You left the house and where did you go?

A To the store.

Q To where?

A To the store.

Q Incidentally --

A 120th, and I stopped and I talked, like I normally do.

Q Was there any drinking in the house before you left?

A No, sir.

Q There wasn't any?

A No, sir.

Q After going to the store, where did you go?

A Nowhere in particular.

Q You just walked around the streets?

A Yes, sir.

Q For three hours?

A Yes, sir, it was summertime. Summertime I do that all day.

Q Well, 7:00 o'clock is when you heard the shots, according to your testimony, too?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

A It wasn't quite dusk yet.

Q Didn't you tell Mr. Fleming -- you said you started to go back about 7:00 p.m. in the area and you were at 120th Street when you heard -- there was a break, and then you heard -- you said you heard firing, didn't you tell him this?

A Yes, sir.

Q All right. Where were you about 7:00 o'clock when you heard the firing start?

A I was around 120th.

Q 120th and what, Superior --

A Yes.

Q -- Euclid?

A Superior.

Q Superior?

A Uh-huh.

Q So that must be four or five blocks away from the headquarters, wasn't it?

A What do you mean, from the shop or from the --

Q From the house.

A Oh, from the house -- it's about three, four blocks.

Q I see. You heard shots and then is when you attempted to immediately go back to the house, is that right?

A Yes, sir.

Q Because you knew the boys had strapped up, didn't you?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

A No, sir, I knew the children and those sisters were there pregnant; I knew that, and I had seen the police all day. You can tell when something different is happening, when something is happening in the neighborhood, when you

see more police cars than normal.

Q You knew something was going to happen?

A When you see four police riding in a car with rifles, four police in one car and you see quite a lot of them, naturally, you know something is not right.

Q This wasn't a sudden situation? You knew this when you walked out of the house, that there was going to be trouble?

A I knew they was up to something.

Q You say the police were up to something?

A Yes, sir.

Q And now, when you heard these shots at 120th and Superior, you quickly tried to get back, didn't you?

A Yes, sir.

Q Because when you heard the shots something inside of you said 12312 is in trouble, didn't you?

A I can hear and that was the direction that I -- plus all the police cars was going down -- was going down there. It don't take very much, you know, to see --

Q They could have been going to the house on the corner, as far as you know?

A Whatever they were going, I wouldn't have any way to see what was going --

Q Then you --

THE COURT: Just a minute.

Just a minute.

MR. LAURIE:

The Judge is

tapping, Miss Parks.

THE COURT:

Ask a question.

Q Miss Parks, when you heard those shots, you started to run back, didn't you?

A I picked up speed.

Q You picked up speed. When you left the house, you told Mr. Fleming you saw about 8 police cars in that area, is that right?

A Yes, sir.

Q Four police in each car?

A Yes, sir.

Q And they had shotguns?

A Yes, sir.

Q Was this so unusual for a police car to carry a shotgun?

A Yes, sir, with four police in it, yes, sir.

Q Well, are you accustomed to the maneuverability of the police in this city?

A Yes, sir.

Q Do you make a study to see how they travel and with what they travel?

A No, sir. That's why it was so obvious.

Q So obvious because you noticed police before didn't

travel four in a car?

A Right.

Q You made a point to see how many police were in automobiles before?

A Well, naturally you can see it if you see more than one --

Q This angered you, didn't it?

A No, sir.

MR. FLEMING: : Objection.

THE COURT: Overruled.

Q It didn't bother you a bit?

A No, sir.

Q The fact that there were 8 police cars out in the area was of no great concern to you, am I right?

THE COURT: Was it of any great concern?

A Yes, it was a concern to me. I was wondering -- curiosity, naturally.

Q Now, were these marked police cars or plain police cars?

A Plain, green or blue.

Q How do you know they were policemen then if they were plain cars?

A Because no one else can ride around with shotguns.

Q Is that the only reason you determined, because they had shotguns in the car, they were policemen?

A Yes, sir.

Q But they didn't have any police suits on them, uniforms?

A Some of the cars were black and white and some of them, they were sitting around out there with green -- light green cars.

Q My question just before this, you said they were unmarked cars. Now, you are saying some of them were marked, is that right?

A Yes, sir, white and black.

Q I see. And where were they in the area, these 8 cars?

A I seen more -- well, actually, what I'm trying to say, they were all over. They were even all up and down Superior.

Q How do you know they were even up and down Superior?

A I walked a lot in the summer.

Q When you came out of the house, where were these 8 police cars?

A Like they were on Lakeview.

Q They were on Lakeview?

A Yes.



Q They weren't bothering nobody?

A No, sir, they weren't bothering me.

Q I see. And before you left the house, the brothers and the sisters knew about these cars out there, too, didn't they?

A I imagine so. Some of them were sitting on the porch. Some of us outside.

Q There was some discussion about these police cars?

A Sort of in the curiosity, wondering what the purpose was.

Q Some of them were --

MR. FLEMING:

Objection. Let

her answer.

Q Some of them were pretty angry?

A Not particularly. They do this quite a lot.

Q Mr. Evans was quite angry that the police cars were out, wasn't he?

A No, sir, not that I know of.

Q And when -- now, when the brothers and sisters saw some police in the area, they had some conversation about them and referred to them as beasts, didn't they?

A Not that I know of.

Q Oftentimes, this terminology of beasts is used along with the identification of a police officer?

A You mean devil or beast?

A Yes.

A Sometimes.

Q And this is used by the Black Nationalist group that you are affiliated with, this terminology?

A Sometimes.

Q I see. And then this group that you are affiliated with are pretty angry at the police, aren't they?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Sustained.

A No, sir, not that I know.

THE COURT: Sustained.

Q Well, when you came out of that house and you saw these police cars, what went in and about your mind when you saw them out there?

MR. TOLLIVER: Objection.

THE COURT: Overruled.

A Nothing else. I was just wondering what they was up to.

Q Pardon?

A I was wondering what they was up to.

Q As a result of that, you left the area and then you attempted to come back. When you came back, you came back to about 123rd -- where was this intersection that you saw something?

A On Beulah.

Q Beulah?

A Yes, sir.

Q And there you saw lying on the ground one of the brothers, is that right?

A Yes, sir.

Q And that brother you saw lying on the ground was in that house when you were there earlier, wasn't he?

A He lived there, but I don't remember seeing him there earlier. He might have been there.

Q He was living with Brother Ahmed?

A Yes, sir.

Q His name was Brother Williams?

A Yes, sir.

Q When you saw him lying on the corner of Beulah and 123rd Street, he had bandoleers and a gun on him, didn't he?

A No, sir.

Q He didn't?

A No, sir. I was the first one to him and I didn't see that.

Q You never saw it?

A No, I didn't.

Q How was he dressed?

A He had on his dashiki, like we all wore.

Q What else did he have?

A That's all, and his glasses.

Q That's all he wore, a dashiki? What else did he wear besides a dashiki?

A That's all -- and pants.

Q No type of ammunition on him at all?

A No, sir.

Q Did he wear anything on his head or on his hands?

A No.

Q Nothing at all?

A No, nothing but his glasses.

Q Nothing but what?

A Glasses.

Q He had glasses on?

A Uh-huh.

Q Do you know a Mr. Albert Forrest?

A Albert Forrest?

Q Forrest?

A Uh-uh. I don't think so. I might know him if I seen him.

Q Well, he testified earlier today, would that refresh your recollection?

THE COURT:

Not today.

A I wasn't here.

Q Well, the last session.

Showing you Defendant's Exhibit YY, is this Mr. Williams that you saw laying on the corner?

A Yes, sir.

Q And on that particular picture, he has that dashiki that you say that he was wearing?

A Yes, sir.

Q And on that picture, he has a glove on his left hand, doesn't he?

A Well, what's on the other hand?

Q I'm asking you about the left hand.

A Yes, he has gloves on.

MR. FLEMING: May we see that, please?

A Yes, he has gloves on.

Q The brothers train at this firing range using the left hand as a comfort for the hot barrel of the gun, don't they?

MR. TOLLIVER: Objection.

THE COURT: Sustained.

A If I'm not mistaken --

THE COURT: Just a minute.

Q When you saw Brother Williams laying on the corner of 123rd and Beulah, this was in the month of July, wasn't it?

A Yes, sir.

Q July 23rd?

A Yes, sir.

Q It was real hot that day, wasn't it?

A Not particularly. It was a regular day.

Q It was the month of July?

A July, it's not so warm in July.

Q People were sitting around on their porches, you told me, just enjoying the afternoon that day?

A Right.

MR. TOLLIVER:

Objection.

THE COURT:

Overruled.

Q Am I right?

A Right.

Q Incidentally, you also said, when you were down there trying to help Brother Williams out, that there was a lot of people in the area?

A Yes, sir.

Q The place was congested with civilians?

A I mean they was standing behind houses.

Q And then you say there were bullets flying every which way at that time?

A That's right.

Q Not one of those citizens got hit, including yourself?

A They were all ducking down on the ground.

Q Not a one got hit, including yourself?

A I don't know.

Q Did you get hit?

A No, sir. I got hit by a police officer.

Q I am talking about a bullet. Some bullet hit you?

A No, sir.

Q Any bullet hit the citizens around that body with you?

A No, sir.

MR. FLEMING:  
yelling at the witness, your Honor.

Objection to

THE COURT:

Overruled.

Q Furthermore, did you then take that body somewhere

with some other brothers or sisters?

A No, just some people off the street helped.

Q And you took him up Superior and left him there?

A We took him to a car up Superior and put him in a car and took him to the hospital.

Q You took him to the hospital?

A Same people.

Q You took him up to Superior to incite the rest of the people to show the police had opened --

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: The objection is overruled.

A No, sir. No way you could get through.

As a matter of fact, these people's car was across the street of --

Q Who is leading your group now?

MR. TOLLIVER: Objection.

THE COURT: Overruled.

A I don't know.

Q Well, don't you belong to that group yet?

A Yes, sir.

Q Well, then where do you hold your meetings?

MR. TOLLIVER: Objection.

THE COURT: Overruled.



A We don't have meetings.

Q Where do you hold, whatever, get-togethers?

A Whenever have meetings.

Q Where are you getting your black culture now from?

MR. TOLLIVER: Objection.

THE COURT: Overruled.

A What do you mean?

Q Where are you getting the things you went to learn about the truth about black culture, where are you getting that from now?

A I still don't understand. Where I'm getting what from? What are you talking about?

Q I'm talking about what you told us. You said you joined this group to get the truth about black culture.

Didn't you tell us that?

A Yes, sir.

Q Now, are you getting that now somewhere?

A Yes, sir.

Q From where?

A From books, the library.

Q You don't have any more organization?

A No, sir.

Q Well, you just told me a second ago that you did. Now, which is it?

What is your answer?

A I don't understand what you're talking about.

Q Do you have an organization, such as Ahmed Evans was leading at that time?

A Yes, sir, we do.

Q Who is leading it?

A No one.

Q It's just by itself? Is that what you're saying?

A Yes, sir.

MR. LAURIE:

That's all, Judge.

REDIRECT EXAMINATION

BY MR. FLEMING:

Q Will you step down a moment, please, Mrs. Parks.

(Witness left the stand and went to the map.)

Q Come over here.

Now, will you show the Court and jury where the apartment building is that Ahmed Evans lived in?

A Right here (indicating).

MR. LAURIE:

May the record show

she is pointing to 12314, your Honor?

A I think this is it (indicating) -- wait a minute.

Yes. Yes, over here (indicating).

MR. LAURIE:

12314, again,

your Honor.

THE COURT:

All right. The

record may so show.

Q (By Mr. Fleming) Take the stand.

(Witness resumed the stand.)

Now, about how many different times was it that you were at this apartment here?

A How many different times?

Q Yes.

A I usually went over there every day.

Q And about how long was it that Ahmed was living in this apartment before the incident of July 23rd?

A Maybe about four or five months, something like that.

Q Now, Mr. Laurie asked you something about your concern at the time you left the area at about 4:00 o'clock, and I believe in your testimony you indicated something, you heard that something happened in Akron?

A Uh huh.

Q Is that right?

A Yes, sir.

Q Now, were you concerned that the same thing might happen to you?

A Yes, sir.

Q And when you left there, had there been some conversation about the unusual activities of the police that morning?

A Yes, sir.

Q And was this conversation between the men and the women that were there on the porch and in the house?

A All the people in the whole neighborhood knew the difference, knew about it. They noticed a difference of police.

Q Were these police remaining stationary or were they circulating all around the neighborhood and specifically around Auburndale and Lakeview?

A Yes, sir.

Q Were they doing this all the time that you were there in the apartment?

A Yes, sir.

MR. LAURIE: How could she all around the neighborhood, your Honor?

THE COURT: Just a minute.

MR. LAURIE: While she's in the apartment?

MR. TOLLIVER: Objection, Judge, to counsel's remarks.

THE COURT: Answer the question, will you, please?

THE WITNESS: Yes, sir.

Q Then when you left the house and went down on Superior, did you observe the unusual police activity in the area of Lakeview and Superior?

A Yes, sir.

Q And it was then some two or three hours after that before you heard any shooting?

A Yes, sir.

Q And when you saw the body of Leroy Williams over here (indicating), you didn't see any bandoleers on it?

A No.

Q And you didn't see any weapons beside it?

A No, and I was the first one to him.

Q And did any police officer or firemen or anybody else make any effort to remove that body?

A The police was there. When I asked them would they move him and they didn't move him, one of them kicked him over --

MR. LAURIE:

Objection.

Repetitious, Judge.

THE COURT:

Overruled.

A And one of them told me to leave and just leave him there, told me to get the heck out of there and that sort of thing.

Q (By Mr. Fleming) I believe you told Mr. Laurie that the reason that you joined Mr. Evans' group was because you were concerned about black pride and trying to do something for yourself; is that correct?

A Yes, sir.

Q Now, during all the time that you belonged to this group, did you ever hear Alvin Evans or any of the others espouse any theme of violence?

A No, sir.

Q Did you ever hear at any time, in his apartment over here on Auburndale Avenue, or at the store at 11105 Superior, anything about killing police officers?

A No, sir.

Q After they purchased these guns or these weapons for the rifle club, at any time did you hear anybody while you were around say that they bought these five or six weapons to declare war on the police department?

A No, sir.

MR. FLEMING:

You may inquire.

MR. LAURIE:

That's all, Judge.

THE COURT:

You are excused,

Mrs. Parks.

MR. FLEMING:

One or two other

questions. Those checks, I forgot.

Q (By Mr. Fleming) Now, you told Mr. Laurie that you received about 60 dollars a week?

A Uh huh.

Q When Mr. Laurie read from some records and gave the inference that you received 75 dollars a week -- and now showing you what is State's Exhibit 260, what amount

does that say?

A \$60.85.

Q Showing you State's Exhibit 261, what amount does that say?

A \$60.85.

Q Showing you State's Exhibit 262, what amount does that say?

\$62.02.

Q So when you told Mr. Laurie you were receiving about 60 dollars, you were telling the truth, weren't you?

A Yes, sir.

MR. LAURIE:

Objection.

THE COURT:

Sustained.

MR. FLEMING:

You may inquire.

RECROSS-EXAMINATION

BY MR. LAURIE:

Q I just want to show you one of the three exhibits --

THE COURT:

Are you finished?

MR. FLEMING:

Just a minute,

your Honor.

-- --

REDIRECT EXAMINATIONBY MR. FLEMING:

Q Now, I am showing you what has been marked as State's Exhibit 260, and on this check there is your name, "Sandra Parks"?

A Uh huh.

Q And the signature of "Fred Ahmed Evans," Fred A. Evans?

A Yes.

Q Now, can you tell us the circumstances surrounding Fred A. Evans' name being on that check? How did that happen?

A I fell off a bicycle and --

MR. CORRIGAN:

Can't hear you.

THE COURT:

She said something

about she fell off a bicycle.

A I fell off a bicycle --

Q My question is, did you give this check to Mr. Evans?

A Yes, sir.

Q For what purpose?

A For him to get it cashed.

Q Did he get it cashed?

A Yes, sir.

Q Did he return the funds to you?



A Yes, sir.

Q Were there a number of people there present who signed their checks and gave it to him?

A Yes, sir.

MR. LAURIE:

Objection.

THE COURT:

Overruled.

Q Did he also get this cashed and bring all the money back?

A Yes, sir.

MR. FLEMING:

You may inquire.

RECROSS-EXAMINATION

BY MR. LAURIE:

Q Showing you one of the three weekly payrolls again, Mrs. Parks, that I showed you earlier, after your name do we see a column that says "gross paid \$75"?

A Yes, sir.

Q That was your weekly pay, wasn't it?

A I never ever got \$75.

Q You were paid on the basis of \$75 a week. Some deductions were made off from that?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

A I don't know.

Q You don't know?

A No, sir.

MR. LAURIE:

That's all.

THE COURT:

You are excused,

Mrs. Parks.

THE WITNESS:

May I leave?

THE COURT:

You may go.

(Witness excused.)

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

DIRECT EXAMINATION

BY MR. FLEMING:

Q Mrs. Bell, will you speak up so everybody can hear you. State your full name.

A Mrs. Mary Lou Bell.

Q Where do you live, Mrs. Bell?

A 3455 East 145th Street.

Q And what is your occupation?

A Medical records librarian.

Q And where are you employed?

A Forest City Hospital.

Q How long have you been so employed?

A Five years.

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

A Yes, I was.

Q And did you bring those records?

A Yes, I did.

Q Will you tell the Court and jury what those records are?

THE COURT: Whose records are they?

THE WITNESS: They are all the records for the emergency room for July 23rd and 24th, 1968.

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.)

THE COURT: Madam, do you have the file records pertaining to a Mr. Forrest and also to a Mr. McMillin?

THE WITNESS: Yes, I do.

THE COURT: Would you separate those from the balance of the papers you have?

THE WITNESS: Yes.

THE COURT: Bring them over here.

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

MR. FLEMING: Would you mark these as exhibits, please?

(Defendant's Exhibits WWWW and XXXX were marked for identification.)

MR. FLEMING: Your Honor, it is my understanding that the State has no objection to the admission into evidence of Defendant's Exhibits Quad W and Quad X, which are the medical records of Albert Forrest, is that correct?

MR. CORRIGAN: No objection, your Honor.

THE COURT: They will be

admitted.

(Defendant's Exhibits  
WWWW and XXXX received  
in evidence.)

MR. FLEMING:

Would you mark

this as an exhibit?

(Defendant's Exhibit  
YYYY marked for iden-  
tification.)

Q (By Mr. Fleming) Now, I am showing you, Mrs. Bell,  
Defendant's Exhibit Quad Y, which are the medical records  
of William McMillin.

Can you look at this exhibit and tell us who the  
doctor was that made this examination?

A Yes, I can.

Q Will you tell us who that was?

A Dr. Martin Sutler.

Q And can you tell us who the nurse was who attended  
this patient?

A Mrs. Martha Harriston.

THE COURT:

Harrington?

THE WITNESS:

Harriston,

H-a-r-r-i-s-t-o-n.

MR. FLEMING:

Your Honor, I

withdraw the exhibit, I withdraw Exhibit YYYY.

(Defendant's Exhibit  
YYYY withdrawn.)

MR. CORRIGAN: May I have the Defendant's Exhibit that was just withdrawn, please?

Please mark that as a State's Exhibit.

(State's Exhibit 264 marked for identification.)

CROSS-EXAMINATION

BY MR. CORRIGAN:

Q Handing you what has been marked as State's Exhibit 264, can you identify that?

A This is the Emergency Room records for July 23, 1968, for one William McMillin.

Q Did you bring this exhibit to us pursuant to a subpoena issued to your office or to your department by the defense counsel in this case?

A Yes, I did.

Q And is this the exhibit which you testified to when Mr. Fleming asked you who the doctor and the nurse in attendance on Mr. McMillin was on this particular day?

A Yes.

MR. CORRIGAN: Thank you. I now offer into evidence State's Exhibit 264.

MR. TOLLIVER: No objections.

THE COURT: It will be admitted.

(State's Exhibit 264  
received in evidence.)

MR. FLEMING: Nothing further,  
your Honor.

THE COURT: All right, Mrs.  
Bell, we will provide before you leave -- a photo-  
static copy can be made of this, and both of the  
originals -- just remain outside for a few minutes.

THE WITNESS: Okay.

THE COURT: We will bring  
the originals to you with all your papers. The  
bailiff will take care of you. You are excused.

(Witness excused.)

- - -



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333

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

DIRECT EXAMINATION

BY MR. FLEMING:

Q Mrs. Harrison, will you state your full name to the Court and spell your last name, please?

A Mrs. Marthea Harrison, H-a-r-r-i-s-o-n.

Q Now you have to speak a little louder so everybody can hear you. Where do you live?

A 4316 East 119th Street.

Q Are you married or single?

A Married.

Q What is your occupation?

A I am a registered nurse.

Q You are a registered nurse?

A Yes.

Q How long have you been a registered nurse?

A Since 1964, when I graduated.

Q Where did you graduate?

A Metropolitan General.

Q Now, where are you employed?

A At the present time, I am employed at Forest City

Hospital.

Q How long have you been employed at the Forest City Hospital?

A Since 1965, in July, and I had a leave of absence and then returned to work.

Q Now calling your attention to the 23rd of July, 1968, were you on duty as a registered nurse at Forest City Hospital that evening?

A Yes, I was.

Q Did you have any work that you did with regard to your capacity as a registered nurse with regard to the patient named in State's Exhibit 264?

A Yes, I did.

Q And how do you know that you professionally served that patient?

A Well, the initials appear on the left-hand corner, all of the charts that we type in the Emergency Room have the initials.

THE COURT: I am not sure the jury could hear you. You said your initials are on this exhibit, is that right?

THE WITNESS: That is right.

Q (By Mr. Fleming) And where do your initials appear on this exhibit?

A In the left-hand corner, under the vital information.

Q Now, do you remember this patient, Mr. McMillin?

A Yes, I remember him.

Q About what time of the day or night was it when you served him in the hospital?

A It was approximately, close to 8:30 in the evening that he was brought in.

Q Did you have a conversation with him in which you asked him some preliminary questions, such as how he was injured and who injured him? Did you do that?

A Yes, I did.

Q And isn't it a fact that on each of those occasions, when you asked him who injured him he said he didn't know?

MR. LAURIE: Objection --

what is this -- cross-examination?

THE COURT: The objection

is sustained.

MR. TOLLIVER: It is rebuttal.

THE COURT: The objection is

sustained.

Q (By Mr. Fleming) Tell us, did you have a conversation with the patient about his injuries and about who injured him?

A Yes, I did.

Q Tell us what you said to him and what he said to you?

MR. CORRIGAN: Objection.

MR. LAURIE: Objection.

THE COURT: Sustained.

MR. FLEMING: 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.)

THE COURT: The objection is withdrawn.

Read the question. Put another question.

MR. FLEMING: Yes, your Honor.

Q (By Mr. Fleming) Isn't it a fact that on every occasion that you asked Mr. McMillin this evening as to who it was that shot him, he indicated to you that he did not know?

A Yes.

Q And on how many different occasions was it, for your reports, that you asked him who it was that fired the shot that injured him?

How many times did you ask him that?

A I would say at least four or five.

Q And every time that you asked him, he said that he

didn't know who it was? Isn't that a fact?

A Yes.

MR. FLEMING:

You may inquire.

Just a moment.

Q (By Mr. Fleming) Was anyone other than yourself present in the room at the time these questions were asked of Mr. McMillin?

A Yes.

Q Will you tell the Court and jury who was present?

A My orderly that works with me in the emergency room.

Q What is his name?

A Mr. Charles Bryant.

MR. FLEMING:

You may inquire.

THE COURT:

You are finished?

MR. FLEMING:

Yes, your Honor.

THE COURT:

Any questions?

CROSS-EXAMINATION

BY MR. CORRIGAN:

Q Did you ever see Mr. McMillin again after the night of the 23rd when he was in the hospital?

A No, I haven't.

Q You weren't at Mr. McMillin's house when pictures were shown to him and he identified Mr. Evans as being the

man who shot him, were you?

A No, I was not.

Q He didn't come back and tell you, at a later time, that he saw pictures and from those pictures he picked the defendant, Mr. Evans, as the man that shot him, did he?

A No, he did not.

Q Did he tell you at the time whether or not he knew the man was 5 foot tall, 6 foot tall, whether he was colored, whether he was caucasian?

A No, he didn't.

Q He didn't tell you that, either?

A No.

MR. CORRIGAN: No further questions of this witness.

REDIRECT EXAMINATION

BY MR. FLEMING:

Q Mr. Harrison, what did he say to you?

A Well, any patient that enters the emergency room, usually, with an injury, the first question we ask them is: Show me where your injury is and what happened to you, and how did it happen?

This is vital for our emergency room report.

Upon questioning Mr. McMillin, he was in a more or less,

what we say, hysterical state, and he said, "They are shooting, they are firing at us from everywhere, I don't know where the shots were coming from; the bullets are flying, they are shooting at us from everywhere. I don't know who did it. We can't see them."

This is the type of answer I kept getting.

Q And as a result of that type of answer, I believe you indicated you asked him on three other occasions?

A Yes.

Q And each time did he indicate to you that he didn't know where the bullets were coming from and he didn't see who was shooting at him?

A No.

Q Isn't that what he said?

A That is right.

MR. FLEMING:

You may inquire.

RECROSS-EXAMINATION

BY MR. CORRIGAN:

Q Mrs. Harrison, were you able to evaluate his physical condition at the time?

A Yes.

Q What did you say his physical condition was?

A When he came in, he was suffering from several

pellet wounds, multiple pellet wounds in his back and chest, and these, while they don't go very deep under the skin, they are very painful, and we counted at least sixty.

And he was in a very hysterical state, very upset, naturally; he kept running from room to room. We tried to get him to be quiet so that we could treat him and, as I say, upon questioning he just kept repeating that, "They are firing at us up there, we went up to pick up a car and they are firing at us, and we don't know where the bullets are coming from."

Q Did he tell you that he thought his partner was dead?

A Yes, he did mention this.

Q You said most of the wounds were pellet wounds, is that correct?

A Yes.

Q What were the others, that were not pellet wounds?

A I, myself, did not observe any other wounds on his body, because by that time I was taking care of another patient. The doctor was with him then.

Q But there were other wounds, other than pellet wounds; is that correct?

A I cannot testify to that, exactly.

You would have to -- that would probably have to be from the records.



Q Do the records show any deeply imbedded plugs in his body?

A No.

Q Does the record make reference only to pellet wounds?

A Yes, and where the pellets were and the treatment for the pellet wounds.

Q Referring you, Mrs. Harrison, to the attached statement of the radiologist, does this not appear:

"There are a few gunshot pellets within the soft tissues overlying the left hemithorax. There may possibly be some pellets within the left hemithorax."

Is that not there?

A Yes.

Q And, further: "In the A. P. projection there are gunshot pellets overlying the abdomen. There is one radiopacity within the soft tissues overlying the right lateral aspect of the mid-abdomen. Without a lateral projection it is difficult to evaluate the position of the pellets in terms of intra-abdominal penetration."

Does that language not appear there?

A Yes.

Q Would you say intra-abdominal penetration means that it is within the abdomen?

A Yes.

Q Now, does it not further say, in the continuation of those reports: "There are numerous gunshot pellets within the soft tissues of the bones of the hand, wrist and forearm"? Does that not appear there?

A Yes.

Q And "There may be some cortical penetration but there is no displaced fracture."

With reference to the skull, does it not say "There is no fracture of the cranial vault; there are several gunshot pellets within the soft tissues and possibly penetrating the cortical portions of the bone or the calvarium and possibly the face and mandible."

Does that not appear there?

A Yes.

Q And with respect to the right thigh: "There are metallic fragments and pellets within the soft tissues of the proximal and mid-portion of the thigh."

Is that language not there, ma'am?

A Yes.

MR. CORRIGAN:  
questions of this witness.

No further

- - -

(Witness)

REDIRECT EXAMINATIONBY MR. FLEMING:

Q Does any of that language that was just read to you by Mr. Corrigan mean there was a slug in the patient, other than shotgun pellets?

A No.

Q In other words, does this record reveal that the patient was injured by anything other than shotgun pellets?

A No.

Q Now, do you know how Mr. McMillin arrived at the hospital?

A I'm not quite sure on this; I believe a patrol car brought him, because he was a tow truck driver. I believe they left the tow truck at the scene. I think one of the patrol cars brought him over. This, I cannot be positively sure of, because so many things happened so fast.

Q All right, now, do you know of your own knowledge whether his partner Roy Bensley was present in the hospital?

A Well, the other patrolman who was riding with him, two came in when he came in -- another patrolman came in with him. I never did get this patrolman's name. He was also injured.

He did not stay long enough for treatment, and I did not get a chance to get his name or any other information.

He left.

Q But when you saw McMillin, this patrolman was there with him, is that correct?

A Yes.

Q And during any conversation that this patrolman had with you or anyone that you could hear, did he refer to McMillin as his partner?

MR. CORRIGAN:

Objection.

THE COURT:

Overruled.

That is in McMillin's presence?

MR. FLEMING:

In McMillin's

presence, your Honor.

THE WITNESS:

I did not hear

anything.

Q (By Mr. Fleming) What, if anything, in the presence of McMillin and yourself and the orderly, what if anything did you hear this person say?

MR. CORRIGAN:

Objection.

THE COURT:

Sustained.

MR. FLEMING:

You may inquire.

MR. CORRIGAN:

No further ques-

tions.

THE COURT:

You're excused,

Mrs. Harrison.

(Witness excused.)

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

DIRECT EXAMINATION

BY MR. FLEMING:

Q Will you speak up so that everyone can hear you and state your full name to the Court and spell your last name, please?

A My full name is Charles Louis Bryant, B-r-y-a-n-t.

Q Where do you live, Mr. Bryant?

A 1672 East 131st Street.

Q And are you married or single?

A Married.

Q What is your occupation?

A Assistant custodian for the Cleveland Board of Education.

Q How long have you been employed on that job?

A Three and a half years.

Q Calling your attention to July 23, 1968, were you working at any place other than the Board of Education?

A Yes, I were. I was working at Forest City Hospital part-time as an orderly.

Q How long have you been employed by the Forest City Hospital?

A I was employed a year as a part-time orderly there.

Q Calling your attention to the 23rd of July, 1968, were you employed there at that time?

A Yes, I were; I was employed, working in the Emergency Room on July 23, 1968.

Q While you were working there, did you have occasion to see a tow truck operator come in who had been shot in the Lakeview and Auburndale area?

A Yes, I had.

Q Did you have occasion to be present when the nurse interviewed him with regard to his injuries?

A I was present; I was right next with the nurse, standing at the table, the cart with the officer on it at that particular time.

Q And isn't it a fact that on each occasion, when the nurse asked him who shot him, that he said he didn't know?

MR. CORRIGAN: Objection.

THE COURT: Overruled.

Q (By Mr. Fleming) Isn't that the fact?

A That's the fact, yes.

Q And isn't it a fact that on each of the occasions, when the nurse asked who shot him, he said he didn't see who shot him and he didn't know who shot him?

A These are the words that he said; I was there, present.

MR. FLEMING: You may inquire.

CROSS-EXAMINATION

BY MR. CORRIGAN:

Q Did you ever see Mr. McMillin again after that time?

A No, I haven't.

Q So you don't -- he didn't come back and tell you, sir, that he looked at some pictures and he identified Mr. Evans as being the man that shot him?

A No.

Q He never told you that?

A No, he didn't.

Q Did he tell you whether or not the man that shot him was a Caucasian, or a colored man?

A This officer didn't say anything about who shot him; the only thing he said, he didn't know who shot him, he was in the Lakeview area, but I haven't seen him since, after this was over with.

Q He didn't tell you whether the man that shot him was 6 foot tall or 5 foot tall?

A This officer didn't make no personal remarks to me or to the nurse. The only thing he said at this particular time was that he didn't know who shot him; he didn't mention no name or no individual about the incident.

All he said, is that he didn't know who shot him.

Q From what he said, you understood him to say he didn't know who shot him?

A Yes.

Q Didn't know the man?

MR. FLEMING:

Objection.

THE COURT:

Overruled.



Q (By Mr. Corrigan) Didn't know who shot him?  
What was his demeanor, how was he acting?

A He was nervous; he was frightened; and he was scared, because he thought he was going to die, because he was shot up pretty bad.

Q Uh-huh, bleeding a lot?

A Quite a bit.

Q Was he ambulatory, was he able to move around?

A He was able to move around, yes. I took him over to the X-ray room myself, to get X-rays of the wounds.

Q Uh-huh?

A And he walked over with me.

Q I see.

A To get these X-rays.

MR. CORRIGAN: I see. Thank you,  
sir, no further questions.

REDIRECT EXAMINATION

BY MR. FLEMING:

Q He said he didn't know him, and didn't he tell the nurse at that time in your presence that he didn't see who it was that shot him?

A That's what he said. He said it happened so quickly he didn't know what had happened.

MR. FLEMING: You may inquire.

MR. CORRIGAN: No further questions.

THE COURT: You are excused.  
(Witness excused.)

THE COURT: We will adjourn until 9:15 tomorrow morning.

Once again, folks, don't talk to anybody and don't let anybody talk to you about this matter.

(Thereupon the hearing was adjourned to reconvene on Tuesday, May 6, 1969, at 9:15 a.m., at which time the following proceedings were had:)

- - -

THE STATE OF OHIO, )  
COUNTY OF CUYAHOGA. )

SS:

TUESDAY SESSION  
MAY 6, 1969  
McMONAGLE, J.

IN THE COURT OF COMMON PLEAS  
(Criminal Branch)

THE STATE OF OHIO, )  
Plaintiff )  
vs. )  
FRED AHMED EVANS, )  
Defendant )

No. 90,257

# I N D E X

## WITNESS:

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Raymond Johnson	4411			
Dr. Cyril H. Wacht	4423	4463	4520 4529	4525
Joseph F. Mengel	4531			

## REBUTTAL

Dr. Marshall W. Ashby	4542	4556	4559
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4411  
TUESDAY MORNING SESSION, MAY 6, 1969 9:35 A.M.

THE COURT:

Be seated, please.

Good morning.

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

DIRECT EXAMINATION

BY MR. FLEMING:

Q Mr. Johnson, will you speak up so that everyone can hear you and state your full name to the Court. You may sit down.

THE COURT:

You may remain

seated.

THE WITNESS:

Raymond Johnson.

Q Where do you live?

A 9009 Stewart.

Q Are you married or single?

A I am married.

Q And what is your occupation?

A Custodian and barber.

Q Custodian and what?

A And barber.

Q Where are you a custodian?

A At 9009 Stewart.

Q Do you have a barber shop?

A Yes, I do.

Q And where is that shop located?

A 11013 Earl Avenue.

Q How long have you been a barber at that location?

A 36 years.

Q And how long have you been a barber by profession?

A 7 years.

Q Now, calling your attention to the Defendant in this case, Fred Ahmed Evans, do you know him?

A Yes, I do.

Q How long have you known him?

A Approximately four years.

Q And did the two of you develop a friendship over this period of time?

A Yes, we did.

Q Did the two of you have an interest, common interest with each other?

A Yes.

Q What was that common interest?

A Shooting, things of that nature.

MR. LAURIE:

What was it,

Judge?

THE COURT:

Shooting.

Q (By Mr. Fleming) Well, do you have a hobby that has to do with guns?

A Yes, I have quite a few guns.

Q How long has your hobby been the collection of weapons?

A About the last 14 years.

Q Okay, and did you and Fred Ahmed Evans have any conversations with regard to weapons in 1968?

A Well, earlier than that, we had spoke of forming a rifle club of some sort, in the near future, and we talked about this all the time.

Q Did there come a time when you were negotiating to purchase some land with regard to the formation of a rifle club?

A Yes, early last June.

Q And about when was it last June?

A Well, in June, I began looking for a place, negotiating the possibility of buying a farm; and as a matter of fact, even one place, it was just a matter of days, you know, before the money was put up and stuff, before I would actually take possession of it; but I had permission to use it at any time during this period.

Q Now, did you discuss these negotiations with the

defendant?

A Yes, I did.

Q And were any arrangements made between you and the Defendant for the use of that land?

A Well, just -- we just said in the future, you know, we would, after we -- like when the brothers would have enough guns, we would form this gun club and then we would have a place. No definite date was set, because I hand't, you know, it was in the process of negotiating it and things like that.

Q Now, did you find a place to purchase with regard to this land that you have testified about?

A Did I what?

Q Did you find a place, did you finally find a place that you desired?

A Yes.

Q And about when was it that you found this place?

A About July the 1st or 2nd, and then on the 4th, I met with the fellow that owned the property, to look it over and discuss the price of it and things like this.

Q What was the person's name that owned the property?

A F. S. Stitt.

Q Where was this property situated?

A Township Road 308, in Mesopotamia, Ohio.

Q Will you describe the property to the Court and jury?



A Well, it is about 54 acres of land, about a quarter of a mile off the main road. About 15 acres of it is cleared land and the rest is somewhat wooded and a little swamp.

Q Did you go out to peruse the land?

A Yes.

Q Did you finally purchase the land?

A Yes.

Q Now, after you went out and observed this land, did you have any conversation with the defendant about the land?

A Yes, we had talked all the time, and I had told him I was in the -- I was thinking of buying this place, and it would be just a matter of weeks or days before I could raise the necessary money to purchase it, and that we would have a place, you know, to go in the near future for this -- to form a gun club.

Q Did you purchase this land?

A Yes.

Q When did you purchase it?

A Oh --

Q When did you consummate the purchase?

A It was in September.

Q Of what year?

A Of '68.

Q Now, I believe you have testified that you own some

guns?

A Yes.

Q How many weapons do you own?

A About 6.

Q Where did you purchase these guns?

A I purchased one at Zayre's, three from Mr. Heckman's then I had a few -- I just had from, you know, from years before, my father had and stuff.

Q And will you tell us what kind of guns they are?

A M-1 carbine, 30-30, .22 Magnum and a regular .22 and a small .32.

Q Did you , in an effort to assist the Defendant, in the formation of his club, go with him to places to purchase weapons?

A Many times, we would go to different stores and look at them, at guns, prices, and compare prices and things like that.

Q Will you tell the Court and jury the names of some of the places where you and the Defendant went to look at or purchase weapons?

A Well, we went to Uncle Bill's, Atlantic Mills, and some other shop -- I don't quite recall, but it was out in Beford somewhere, the shop.

Q Now, during the time that you were negotiating to purchase this land, did you or any of your friends or any

of your buddies go out to the property to shoot?

A Say that again, during --

Q During the time you were negotiating to purchase?

A Yes, because --

Q Did Ahmed Evans or any of his club ever go out during that period?

A No, because we set a later date, I did, but Ahmed and I never went out.

Q Now, I believe you indicated that you consummated this purchase in September of 1968, is that correct?

A Yes.

Q Do you have a deed to the property?

A Yes.

Q May I see it, please?

A Yes.

MR. FLEMING: Your Honor, I have had a photostatic copy made. May we -- do you want us to mark them both?

THE COURT: No, just the photostatic copy, mark the photostat.

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

Q (By Mr. Fleming) I am showing you, Mr. Johnson, what has been marked for identification purposes as Defendant's Quadruple Z. Will you look at it.

I am now showing you what has been the original -- it is marked "Warranty Deed, Jessie G. Stitt to Raymond B. Johnson and Connie M. Johnson."

Will you tell me if Defendant's Exhibit Quadruple Z is an accurate copy of this original?

A Yes.

Q Now, sir, is this the deed to the property to which you have just testified?

A Yes.

Q I believe you -- where did you say this property is located?

A Township Road, 308, Mesopotamia.

Q In what county?

A Trumbull.

MR. FLEMING: We offer Defendant's Exhibit Quadruple Z into evidence, your Honor.

MR. CORRIGAN: No objection.

THE COURT: It may be admitted.

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

Q (By Mr. Fleming) Now, sir, I believe you stated that some of the weapons you own, you purchased them from the Heckman Arms Company, is that correct?

A Yes.

Q Over what period of time have you known Mr. Heckman?

A Oh, for about two and a half years.

Q Have you developed a close friendship with Mr. Heckman?

A Yes.

Q To what extent is this friendship?

A Well, he comes to the shop occasionally, not so much lately, but before he would, and I go over there many times and sit and talk to him about guns or ask him a question

about it. He went hunting and brought back some stuff he had gotten in Wyoming.

Q Did you have conversations with the defendant Fred Ahmed Evans about Mr. Heckman?

A Yes.

Q Have you been to Mr. Heckman's shop with Fred Ahmed Evans on occasion?

A Yes.

Q Were you with the defendant on any occasion when he purchased a weapon or weapons?

A No. Most of the time when Ahmed and myself went, we would be looking at guns, comparing prices, because a lot of times one gun would be 20 dollars difference somewhere else, and things like this. We would be just comparing prices.

Q When the defendant first discussed the formation of a gun club, were you -- the first time that he discussed it, do you know about when that was?

A Oh, early, about '60 -- the latter part of '66.

Q And in 1968, when you were negotiating to purchase this land, was this when you renewed your discussions with regard to --

A We talked about it all the while.

MR. FLEMING:

You may inquire.

MR. CORRIGAN:

No questions of

this witness.

THE COURT:  
Mr. Johnson,

You are excused,

(Witness excused.)

- - -

MR. FLEMING: At this time, may we exhibit Defendant's Exhibit Quadruple Z to the jury, your Honor?

THE COURT: You may pass it around.

MR. FLEMING: Thank you.

(Defendant's Exhibit ZZZZ was passed among the jurors.)

- - -

THE COURT: Have you given the bailiff the name of your next witness?

MR. TOLLIVER: Yes, Judge.

THE COURT: I suggest that two of you look at that exhibit at one time, if you could, please.

MR. TOLLIVER: Judge, may I say something?

Counsel on both sides, yesterday, were concerned about the strained appearance of the Judge, and we learned this morning that you became

a grandfather for the first time. May we congratulate you?

THE COURT:

Thank you.

I feel a good sense of accomplishment. Thank you for the congratulations.

MR. TOLLIVER:

Judge, may I answer to that, that I am a non-smoker, but this is one cigar that I am going to smoke.

THE COURT:

Thank the bailiff for those. He is proud of being an uncle.

- - -



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

THE COURT: Just be at ease until the jury gets through with the exhibit.

THE WITNESS: All right.

THE COURT: All right, counsel.

DIRECT EXAMINATION

BY MR. TOLLIVER:

Q Will you state your name to the Court, please, sir.

A Cyril H. Wecht.

Q Where do you live, sir?

A Pittsburgh, Pennsylvania.

Q Are you married or single?

A Yes, I am married.

Q Would you spell your last name?

A W-e-c-h-t.

Q Do you have children?

A Four.

Q And what is your business or profession, sir?

A I am a physician.

Q Did you have some special training to become a

physician?

A Well, yes, medical school.

Q Would you tell us about that, please, sir?

A Well, I went to the University of Pittsburgh, Undergraduate School, and I graduated in 1952 with a Bachelor of Science degree; and then I went to medical school, my first two years were at the University of Buffalo, School of Medicine, and the third and fourth years were back at Pitt Medical School.

And I graduated from the University of Pittsburgh with an M. D. degree in 1956.

Q Do you hold any other degrees?

A I have a law degree, also, from the University of Pittsburgh, School of Law, which I got in 1962.

Q And do you have any particular position now?

A Particular position?

Q Yes.

A Well, in pathology, I am the chief forensic pathologist at the Allegheny County coroner's office.

Q How long have you held that position?

A Just since the beginning of January, 1966.

Q Have you done any special work in your particular field of pathology, written any papers, or what-have-you?

A Well, the work in pathology, after the year of internship, following medical school, then I had to take a

residency, which is a period of special training in pathology, as anybody in any particular field of medicine would, if he chooses to go into a specialty.

I spent two years in pathology at the University Veterans Administration Hospitals, as a resident, in Pittsburgh. Then I spent two years in the U. S. Air Force, I was a captain in the Air Force, and pathologist at the hospital at Maxwell Air Force Base, in Montgomery, Alabama.

And then I spent a fifth year in forensic pathology at the office of the chief medical examiner in Baltimore, Maryland, in 1961 to 1962. And that finished the five years of formal training in general pathology, which is anatomic or tissue pathology, and clinical pathology, which is the examination of blood and other body specimen, and then forensic pathology, which is a further area of specialty training in pathology, and that's the kind of work that you find in a coroner's office or a medical examiner's office, which deals with cases of sudden, unexpected, suspicious or violent death.

Q Now, Doctor, in your work as a pathologist, did you have occasion to be called upon to perform some special duties?

A Well, in pathology, you mean, within the framework of the hospital or my work in the Coroner's office?

Q Let me say it this way, were you called upon to perform some work in connection with the death of President Kennedy?

MR. LAURIE: Objection.

THE COURT: Overruled.

THE WITNESS: Well, I have --

I wasn't called upon initially by the Government or anybody. I have been involved -- might be a good word -- in this matter since that time, from the standpoint of a forensic pathologist, I have written on the subject and I have talked about it; and I have testified in Washington, D.C. in a case in which they were trying to get access to the National Archives to look at the autopsy materials and so on, and the Judge gave an order to that effect, but it was delayed on an appeal from the Government.

Then the case that I was called in initially and officially on was the case of Senator Robert Kennedy. I was called and con-

sulted by the Chief Medical Examiner and Coroner of Los Angeles, who called me shortly after Senator Kennedy was shot; and we consulted a few times prior to his death and then after; and I was in Los Angeles about a week and a half or so afterwards, and reviewed the entire autopsy material and the scene of the shooting and everything in that case.

Q And did you give any kind of a report on the findings?

A An oral report to the Chief Medical Examiner-Coroner, nothing in writing.

Q Now, Doctor, were you requested to make some findings and some examinations of the bodies of Louis Golonka, Louis -- pardon me -- Patrolman Golonka, Patrolman Jones -- pardon me, Lieutenant Jones, Patrolman Wolff and a Mr. Chapman as result of this particular matter here?

A Yes, I was.

Q And when were you first called upon to make these examinations?

A Well, I think that there had been a phone call or two in the matter part of March; I was out of the country; and I got back on Monday, March 31. It was Monday, March 31, that I returned the call to Mr. S. J. Young and at that time he asked me about examining materials in the case, and I told him that I would do so if this

had all been cleared with the attorneys and the Court and so on.

Q All right, and did that cause you to come to Cleveland, Doctor, to make these evaluations?

A Yes, I came to Cleveland on Thursday; April 3rd, and then I came back to Cleveland-- well, I came in the next night, late in the evening, of Friday, April 4th, and I was here most of the day of Saturday, April 5th.

Q What happened the first time you came?

A Well, I met with Mr. Young and then I met with you and Mr. Fleming and then I went to the Coroner's office with Mr. Young.

Q What happened there?

A Well, we talked with the Coroner and Mr. Young asked him to permit me to review various materials and so on; and there seemed to be some problem in having this cleared or arranged and I was not able to look at anything at the Coroner's office on Thursday, April 3rd.

Q Then subsequently, did you return?

A Yes, then I came back in the late evening of the 4th and spent most of the day at the Coroner's office on Saturday, April 5th.

Q And you were able to make your examinations of the materials there?

A Then I reviewed the various autopsy materials, the

microscopic slides and X-rays and transparencies, little photos and so on.

Q All right, now, Doctor, did you have occasion to examine the protocol and other materials relating to the death of James Chapman?

A Yes, I did.

Q And can you tell the Court and jury what you found and what your findings were?

A Well, Mr. Chapman had died as a result of a gunshot wound of the head. I might say, to make it, perhaps, most simple and most brief, that I have no disagreement with the cause of death of Mr. Chapman as set forth on the Coroner's autopsy, namely, the gunshot wound of the head with massive destruction of the skull and brain.

I agree with that diagnosis as to the cause of death.

Q Well, Doctor, it has been testified here that --  
let me ask you this. Did you find any powder in the wound  
that caused the death of James Chapman?

A Yes.

MR. CORRIGAN: Objection.

THE COURT: That would imply,  
obviously, some kind of physical examination of the  
body ;itself.

I didn't understand that the doctor  
conducted any such examination. Did you?

THE WITNESS: No, sir.

THE COURT: The objection  
is sustained.

Q (By Mr. Tolliver) Well, would you describe the wound  
that caused the death of Mr. James Chapman?

A Well, yes, I wonder if I might have the opportunity  
to, if you have the photos or the slides here, inasmuch  
as it has been --

MR. TOLLIVER: Could we have  
the slides?

THE COURT: I don't have  
any exhibits. We gave you the photographs.

MR. TOLLIVER: No, he wants  
the slides, you know, Judge, you ordered --

THE COURT: He said the



photos or slides.

MR. LAURIE: The slides were all withdrawn from the evidence and photographs were put in.

MR. FLEMING: But he ordered them to remain here.

THE COURT: Gentlemen, you know what happened -- you came in 15 minutes ago and you said that you want the photographs for the pathologist and I gave them to you, and you made a list out, didn't you, Mrs. Kroman?

THE REPORTER: Yes, your Honor.

MR. TOLLIVER: Judge, these were not the photographs of these particular -- these were of Sidney Taylor, which we will get to later.

THE COURT: Wasn't there a photograph of Mr. Chapman in that group?

MR. TOLLIVER: Not in that list, no, Judge. If we could call upon Mr. Detective Joyce, maybe we could get them.

THE COURT: They are all here someplace.

Mr. Laurie, are you aware where the photograph is of Mr. Chapman?

MR. LAURIE: I am sorry, I didn't hear you.

THE COURT: Do you know where the photograph is of Mr. Chapman?

MR. LAURIE: They are all there, either there or in the ice box.

THE COURT: Mr. Laurie and Mr. Corrigan, all attorneys will please approach the bench.

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

THE COURT: They will see about the others. In the meantime, if the doctor is asked about photographs -- you have photographs there now, maybe you can hand them to him. They are looking for the slides.

They are around here, and if the doctor requires them, we will get them out somehow.

MR. TOLLIVER: Thank you, Judge.

Q (By Mr. Tolliver) Doctor, handing you what has been identified as State's Exhibit 10-C and 10-D, if you look at that, tell us if you can identify it?

THE COURT: Well, these have actually been identified, there isn't any

question about that. You may assume those are photographs of James Chapman, taken at the Morgue.

THE WITNESS: Yes, sir, these appear to be also photos or copies of photos that I have previously looked at.

Q (By Mr. Tolliver) All right, now, Doctor, can you describe the wound as depicted by State's Exhibit 10-C, I believe, as to what kind of a wound it is?

A Well, it appears to be a bullet entrance wound; it is a large, gaping defect as opposed to a fairly small circular kind of a wound.

It has caused a large area of destruction on the right side of the head, the forehead region, extending upwards and backwards, and you can see in the picture the exposed underlying brain, which shows some bleeding and some lacerations, all of course, arising from the damage caused by the bullet.

Q Would you step down, Doctor, so the jury can see the picture as you describe it?

A This is Exhibit 10-D, ma'am.

Q Stand back here. Now, Doctor, from the picture, were you able to determine whether or not there was any powder in the wound?

A The picture indicates black powder deposits below

the inferior or lower margin of the wound.

If you look at the skin on the forehead, which is located above the eye, and below the area that the bullet has penetrated, you will see black deposits on the skin, and that is powder, which has deposited out on the skin of the forehead.

Q Now, Doctor, can you tell us, do you have an opinion, Doctor, as to what caused that powder residue that you have just testified to, in the wound?

A Yes, I have an opinion.

Q And would you tell us what that opinion is, sir?

A I think that the black powder definitely indicates, one, that this was a gunshot wound of entrance, as opposed to exit; and that -two - the significant amount of black powder deposited on the skin indicates that this shot was fired from very close range, I would say just a matter of a couple of inches or so, certainly less than 6 inches.

Q In other words, you are saying that the muzzle of the weapon that fired that shot was no more than 6 inches from the victim?

A Yes, that is my opinion - no more than 6 inches from this man's head when it was fired.

Q Now, tell the jury and tell the Court, on what did you base that opinion?

A You want me to --

Q Yes, you can resume the stand.

A Well, the opinion is based upon the large amount of powder residue that you see here and, with a shot that is fired from a distance beyond, let's say, beyond a foot and a half or 2 feet, you would not have this kind of powder residue; and if it were fired from a distance of beyond

a couple of inches and less than 2 feet, you would have some kind of stippling pattern. It is where little burning particles hit the skin and that's what we call a stippling pattern.

You don't have a stippling pattern here, and you do have the powder residue, and that is why I feel this was a shot fired at extremely close range.

If you were to look at the other shots on any of the other bodies, you would not find this kind of powder residue.

And, as a matter of fact, if you review the seven autopsy protocols on the policemen, Golonka, Wolff, and Joyce, and the four civilians - Chapman, Donaldson, or Johnson -- whatever his name is -- Taylor, and --

Q Williams?

A -- and Williams, you would not find this kind of powder residue described.

And, as a matter of fact, in the microscopic description and if you look at the microscopic slides, which I did, you find a large amount of powder immediately beneath the skin surface of a portion taken from this wound.

I am in agreement with the statement contained in the autopsy protocol, which says "abundant powder residue." I looked at the slide myself and I agree with them, and it confirms, I feel, what I am saying -- that there was,

indeed, abundant powder residue.

You can see it under the microscope and you can see it right here on this photo (indicating).

Q Now, Doctor, you spoke of powder in the wound. Is there a test that can be conducted to test the powder in the wound to determine what type of weapon or what weapon this bullet came from?

A Well, not the powder, but the fragments of the bullet, any fragment of the bullet, no matter how small, one could test that.

Q Well, were there fragments of the bullet in this wound?

A The X-ray report, as I have written in my notes -- and I don't have the X-rays with me, nor do I have the X-ray report -- but the X-rays indicated there were fragments of the bullets seen within Mr. Chapman's head.

Q Well, Doctor, then is there such a test called the "Neutron Activation Analysis"?

A Yes, there is.

Q Now, explain that test in connection with that which you have just spoken about, fragments from the bullets.

A Well, the Neutron Activation Analysis is a very fancy name for a test that incorporates principles that we have learned in recent years from the use of neutrons, things that have emerged from all the development of atomic

power and so on. It has been around now for several years.

It is a procedure that requires very elaborate equipment and there are only a couple of places that have it, in California and Canada and so on, but these things are readily available; in fact, they are always soliciting, in an ethical way, laboratories, police laboratories, state crime laboratories, to submit specimens to them for whatever it might be, and it incorporates a process in which a specimen --

Let's say we have, well, we are talking about this case, so we might as well say, fragment of a bullet. And they bombard it with high-speed neutrons and then they just get a pattern, a very specific pattern from that, and then what they are able to do -- and this is absolutely scientifically irrefutable, this is absolute fact -- they are able, through neutron activation analysis to take the smallest little particle, the smallest particle, and determine whether or not it came from a particular larger object that you are trying to match up or that you are trying to disprove, whatever the case might be.

And it is so specific that, for instance, if we were to chip a piece from the railing in front of you and submit that to them, and somebody were to submit chips of railing from the other courtrooms in this building, they



would be able to tell you, having nothing to do with whether it fits the size and shape, they would be able to tell you, from the amount of paint and so on, they would be able to tell you which courtroom railing a particular piece came from.

And so with bullet fragments, by taking a fragment of metal, they can tell you which bullet it came from, they can match it up and they could determine whether or not it was a particular kind of ammunition and a particular batch of ammunition.

This was used with fragments that we recovered in the Robert F. Kennedy assassination, and it was clearly shown in that case that the fragments, very small fragments which they found in different parts of the body, came from the bullets that were used in Sirhan's gun.

Q And, Doctor, from your professional study and opinion, were there sufficient amount of fragments in the wound of Mr. Chapman to make such a test?

A Yes, the X-rays indicated that there were fragments of bullets inside the brain; and, as I say, this test can be done with the smallest particle, very small.

Q Even smaller than what was found in Mr. Chapman's wound?

A Oh, yes.

Q Then, Doctor, after perusing all of the files in the Coroner's office pertaining to the test made of Mr. Chapman, can you tell us whether or not that test was performed to determine what kind of bullet killed Mr. Chapman?

A No, I saw nothing to indicate that the test had been performed or requested.

Q But if requested, you are saying that the facilities to make such a test are available?

A Oh, yes, they are readily available through this very fine, large firm in California, which is part-Governmental, part-private -- I don't really know how the setup, but they have an excellent reputation and they have appeared before many learned societies that have published many of their findings.

The cost is nominal and it's readily available to any official Governmental or scientific, private source.

Q Now, Doctor, it has been testified to previously that the powder burns that you have described came as a result of the bullet wiping itself off as it went -- as it made the wound.

Now tell us whether or not this is your diagnosis? Do you agree with the finding? Do you agree with that finding?

A No, I would not agree with that finding.

Q In other words, it was testified to it was a "dirty bullet" and it would wipe itself off.

A I am not quite sure if I understand technically what a "dirty bullet" means. I mean, all bullets are a little dirty, after they have been fired or go through a weapon, except maybe for a brand-new weapon that has never been fired before.

If you mean a dirty bullet, a bullet that has fallen into dirt before it is used -- I don't really quite know what a dirty bullet is, but anyway, assuming that you are talking about a bullet that has some kind of grease or something, that wipes itself off, so to speak, yes, there can be some of this material evident, but not like this (indicating).

We are talking about -- we are talking about definite, black powder deposit over a relatively large area on this man's head; and we are talking about the powder residue

seen in the microscopic slides which were made of representative sections taken from the skin of the wound here (indicating), and it is my opinion that this would not be caused by a dirty bullet wiping itself off.

Q All right, now, Doctor, do you have, then, the protocol on Patrolman Golonka?

A Yes, sir, I do.

Q And sir, can you tell us whether or not you have an opinion based upon your investigation and your evaluation as to what the cause of death was of Patrolman Golonka?

A Yes, I have an opinion.

Q And tell us what that opinion is.

A Again, if it's proper to say that most briefly my opinion is consistent with the opinion stated in the Coroner's autopsy report, Mr. Golonka died of shotgun wounds which damaged a large part of the neck, chest and shoulder areas, and then which caused damage to the underlying lungs and heart with a lot of bleeding inside the body cavities; this is what killed him.

Q Now, Doctor, did you have occasion to peruse the laboratory reports?

A Yes, sir.

Q On Patrolman Golonka?

A Yes, I did.

Q Tell us what your findings were.

A Well, my findings are from the laboratory reports; I did not do any test myself on any specimens, but ;I examined the laboratory report which was submitted to me and signed by the Coroner of Cuyahoga County, which I take it then is an official document.

Q Doctor, did you find that there was alcohol in the urine and in the blood of Patrolman Golonka?

A Yes, there is.

Q Can you tell us how much alcohol was in the blood and urine of Patrolman Golonka?

A There was 0.19 per cent in the blood and 0.20 in the urine.

Q Now, Doctor, it has been testified to in this particular case, that notwithstanding the fact that that amount of alcohol was in the blood and in the urine of this particular person, that he was able to function and carry out his normal duties as a police officer.

Now, do you have an opinion as to that?

A Yes, I have an opinion.

Q Would you tell us what that opinion is?

A My opinion is significantly different.

MR. CORRIGAN: A little louder,  
please.

THE COURT: He said his opinion  
is significantly different.

Keep your voice up.

THE WITNESS: I am sorry, your  
Honor. My opinion is significantly different.

A (Continuing) I think that -- I think it is unwise  
to even suggest that anybody, anybody performing any duty,  
particularly a policeman performing official police duties,  
with a blood alcohol level of 0.19 per cent is able to  
perform those duties. This is a very significant level.

Q What do you mean by "a very significant level",  
Doctor?

A Well, most states -- in order to try and explain  
this -- most states have a level of 0.15 per cent as the  
uppermost limits before you are determined to be under the  
influence of alcohol.

MR. CORRIGAN: Objection.

THE COURT: Objection sustained.

Whatever some states do, at least is no use for your  
evaluation.

THE WITNESS: I was trying to

relate it to something the jury would understand,  
your Honor.

A Well, this is a --

Your Honor, don't you want me to mention this,  
generally?

THE COURT:

Give your own

evaluation of what significance this may have.

A Well, it's a quite high level, and it would place  
somebody under the influence of alcohol. It would definitely  
alter his ability to function, both his muscular and motor  
coordination, that is balance, movement coordination,  
his ability to perceive and conceive, that is, his ability  
to appreciate the full significance of his surroundings  
as regards himself, the people he is dealing with, the  
environment, the nature and scope of and extent of the  
activities in which he is involved - all these things  
would be altered by this level of alcohol.

Q (By Mr. Tolliver) Now, Doctor, did you have the  
protocol and laboratory findings of Patrolman Wolff?

A Yes, I do.

Q And, sir, calling your attention to the laboratory  
findings of Patrolman Wolff, do you find from these reports  
that there was alcohol in the blood and urine of Patrolman  
Wolff?

A Yes, there was.

Q Would you tell the Court and jury how much and what was the fractional amount?

A Mr. Wolff had 0.25 per cent alcohol in his blood and 0.03 per cent alcohol in his urine.

Q Doctor, it has been testified to that although this particular individual had that much alcohol in his body, that he could perform his duties as a policeman, normally.

Now, do you have an opinion?

A Yes, I have an opinion.

Q And would you tell us what that opinion is?

A Well, my opinion would be even stronger than it was in the other case; obviously, because there is a higher level of urine alcohol and blood alcohol, more particularly, than we found in the case -- I say "we found" -- than the coroner's office found and, as we have discussed in the case of Mr. Golonka, this is a very, a very high level, 0.25 per cent alcohol is.

Well, it is a level that would markedly impede an individual's ability to perform. It would markedly alter his ability to handle situations which require any kind of sensory perception, judgment, and which require any kind of muscular coordination.

Q Now, Doctor, do you have also in your possession the protocol and the laboratory findings on Lieutenant Jones?

A Yes, I do.



Q And does the laboratory report show any alcohol in the body or urine of Lieutenant Jones?

A There was alcohol in the urine of .03 per cent.

Q Now, Doctor, do you have an opinion as to how much alcohol was consumed by this individual and when it was consumed?

MR. LAURIE:

Objection.

THE COURT:

Do you have an

opinion in that respect?

A I have an opinion that partially replies to that, your Honor.

THE COURT:

All right.

Q (By Mr. Tolliver) Could you tell us what that opinion is, sir?

A Well, yes. He would have had to have had more than an ounce of whiskey or more than a bottle of beer.

How much more, I cannot say, but he would have had to have had more than a full ounce of whiskey or a bottle of beer.

I use those two equivalents, or the equivalent amount of wine, that could give that kind of alcohol level. That's all I can say. How much more, I cannot say.

Q I understand, Doctor.

MR. CORRIGAN:

The Doctor didn't

complete the answer. I think the question also

called for "when."

MR. TOLLIVER:

I was going to ask

him that, Mr. Corrigan.

THE COURT:

Yes.

Q (By Mr. Tolliver) Do you have an opinion as to when this amount of alcohol was consumed by this individual?

A The only thing that I could say about that is, that obviously it would have had to have been, let me see if I can word this in a way that is understandable.

There is still alcohol present in the urine, that was found in Mr. Jones' bladder at the time of his death; therefore, the alcohol would have had to have been consumed some time after he had last urinated or within a period of time of approximately, you could go back safely an hour at least before he might have urinated previously.

Now I cannot say when this would have been, but I can only relate it to that.

Q Well, hypothetically speaking, if the victim, Mr. Jones, had come to work at 3 o'clock and was killed at approximately 8:30 or 9:00, would you be able to give us an opinion as to whether or not the alcohol that you spoke of that was consumed was consumed within that period?

A I could only relate this again to urination, and of course, people have different urinary habits; however, I would say this, to relate my previous answer now to your question, that if there had been urination -- if Mr. Jones had urinated anytime from 2 o'clock in the afternoon, on, then the alcohol would have had to have been consumed some time after that period of time.

If he had not urinated for 6 1/2 to 7 hours, then it is possible that it might have been consumed some time beyond 2 o'clock in the afternoon, if he had gone 6 1/2 or 7 hours while functioning and while awake without urinating.

I can't say except what I know normally as a physician.

Q All right, Doctor, now do you have the protocol of Bernard Donald Johnson?

A Yes, I do.

THE COURT:

Mr. Tolliver,

we will take our morning recess at this time.

While you are outside the court room, don't talk to anybody and don't let anybody talk to you about this case.

(Short recess taken)

- - -

Q Doctor, do you have the protocol of Bernard Donald Johnson?

A Yes, I do.

Q And can you tell us what is the cause of death of Bernard Donald Johnson?

A Multiple gunshot wounds. And gunshot, I use to include shotgun. He was shot with shotguns, also.

He had many wounds over various parts of his body; the head, face, neck, chest, arms, legs.

Q Doctor, were you able to enumerate the number of wounds that this decedent had?

A I -- I remember counting them at one time. I'm sorry that I have not written down the exact number of wounds. If you want me to count them now, I can take a couple of minutes to count them. There were a good many wounds.

Do you want me to?

Q Yes, I would. Take your time.

A Well, there was a shotgun wound of the left forehead region, shotgun, and that damaged extensively the brain, tore it, lacerated it and fractured the skull.

Then there was a grazing type of a shotgun wound that went over the right side of the neck and over the top of the right shoulder (indicating).

Then, there was another gunshot wound in the lower front right shoulder area (indicating).

There were two other -- two other gunshot wounds in the right shoulder area.

There was a gunshot wound in the right upper chest.

There was another grazed-type gunshot wound of the right chest.

There was a gunshot wound of the (indicating) upper portion of the right arm on the side up near the shoulder.

There is another grazing wound of the upper portion of the right arm.

There was a gunshot wound of the right forearm, the part between the elbow and the wrist (indicating).

There was another entrance wound of the right forearm.

There was a gunshot wound of the left shoulder (indicating).

There was another gunshot wound of the left shoulder.

There was a third gunshot wound of the left shoulder.

There was a gunshot wound over the left arm (indicating).

There was a gunshot wound of the right leg, the thigh.

There was a gunshot wound of the left calf, the lower part of the left leg.

There was a gunshot wound on the back (indicating), in the left upper back.

There was another gunshot wound in the left upper back and then there were many small, little pellet wounds over the right posterior shoulder area and the back of

the right and left shoulders, which were due to shotgun wounds.

There was a gunshot wound in the left flank, which would be on the left side (indicating).

There was a gunshot wound of the right ear (indicating), and then, there was a gunshot wound of the right buttocks.

Those appeared to be the entrance wounds.

There were other wounds which were exit wounds.

I have not mentioned the exit wounds because they would simply be the point of the departure from the body of bullets that had come in, but those were -- appear to be the entrance wounds, based upon the autopsy report.

Q Doctor, as you were mentioning, I was marking them down and my count is 23 wounds.

A Two of those are shotgun -- at least two are shotgun wounds. Then the one upper and the one in the back -- at least two are shotgun wounds.

Q And the rest are gunshots?

A Appear to be gunshot wounds, yes.

Q Then, this is a weapon other than a shotgun?

A Other than a shotgun; rifles, hand weapons, whatever they might have been.

Q Now, Doctor, was the body burned?

A Yes, there was burning of the head, the neck portions of the trunk and portions of the arms and legs.

Q Now, from the autopsy, were you able to determine whether or not the person was alive or dead at the time his body was burned?

A Yes. Mr. Johnson was alive for some period of time during the course of a fire or smoke because he had a carbon monoxide level of 15 per cent, and that is not a level that would kill you, but it is a level that you could not have unless you were exposed to fire, flames, smoke or unless you stayed in the middle of the Holland Tunnels in New York and kept breathing for an hour without a mask, but outside of that, you would have to be exposed to fire and smoke to have a 15 per cent carbon monoxide level, so he was exposed before he died.

The body does not take up carbon monoxide after death. If you put a body in a fire with all kinds of smoke and all kinds of flames, no carbon monoxide is taken up after death.

So what is found on blood removed at the time of the autopsy is a reflection of what the carbon monoxide was at the time -- at the moment of death.

Q Now, Doctor, then are you -- do you have an opinion as to whether or not this person was alive when he received all of these wounds?

A Well, unless all the wounds were fired pretty much at the same time or within a matter of a few seconds or so,



on, he could not have been alive when he received all the wounds.

First of all, several of the wounds -- well, the wound of the head would have been almost instantaneously fatal. It destroyed a large part of the brain.

Wounds of the chest that produced a lot of bleeding inside the chest cavities and so on, might not have resulted in death immediately, could have resulted in a condition of collapse and unconsciousness as a result of hemorrhage and shock.

He could have lived for a couple of minutes or perhaps even a little bit longer with a couple of the other wounds.

If you put them all together, my answer would be that he could not have lived with all the wounds if they had been inflicted at about the same time.

Q All right. Now, Doctor, then can you give an opinion as to whether or not these wounds were incurred before or after his body was burned?

A Well, I don't know if I can answer that, beyond -- beyond the answers that I have given to your question already.

As I have said, he definitely would have to have been alive for awhile during the course of a fire in order to have gotten the carbon monoxide level.

I have already said that if he had received the wound

of the head, I believe that would have killed him within immediately or within a matter of seconds or a minute or so.

If he would have received some of the other wounds in the chest, that caused the bleeding inside, I believe that would have rendered him unconscious and would have rendered death in a matter of minutes at the most. I can't pin it down more than that.

Q All right. Now then, can you say -- when you talk about gunshot wounds as distinguished from shotgun wounds, can you tell us what caliber of gun these were that fired these shots?

A No, I'm not able to tell you that.

Q All right. Now, do you have the protocol then of Williams?

A LeRoy Williams, yes, I do.

Q And can you tell us after your findings and study, what was the cause of death of LeRoy Williams?

A Mr. Williams died as a result of a gunshot wound in the right outer chest area that caused damage to the underlying lung and which resulted in bleeding into the chest cavity that resulted in his death.

Q Now, when you say, "gunshot" you mean a weapon other than a shotgun?

A Yes, sir. He was also shot in the right thigh and in the left leg and had another grazed shot of the left thigh,

but the cause of death, certainly, would have been primarily the gunshot wound of the right chest that resulted in the internal bleeding.

Q All right. And each one of these wounds was from a gunshot?

A Yes. They did not appear to have been shotgun, but, rather, gunshot.

Q I see. Now, was there any powder burns or anything on the body that would indicate the distance from which these shots were fired?

A In none of these cases was there any degree of powder burning, and the only thing then that I could say is that they would have been fired beyond the distance of 18 or 24 inches. How much beyond, I cannot say.

It could have been several feet; it could have been many feet, or it could have been many yards, I cannot say, but I do not believe that these were fired within a distance of a couple of inches or anything like that.

Q I see. Now, do you have the protocol of Sidney Taylor?

A Yes, I do.

Q And could you tell us what was the cause of death of Sidney Taylor?

A Mr. Taylor had gunshot wounds of his body which perforated the lungs and produced bleeding into the chest cavities and which also lacerated the liver.

He also had a shotgun wound of the head, which destroyed a part of the brain, and then he had multiple other

gunshot wounds of the body and of the arms and legs.

The most immediate cause of death would have been the gunshot wound of the head, which -- which was a shotgun wound.

It's correct to refer to a shotgun wound as a gunshot wound, but I am sure it must be getting confusing.

"Gunshot wounds" include everything, any kind of a gun is a gunshot wound; whereas, a "shotgun wound" is, of course, specific for a shotgun that has little pellets, as opposed to a slug of some size or shape.

I would say that his head wound was, of course, the most destructive, and the other wounds in his chest and abdomen, causing damage to the lungs and to the liver, would have been quite damaging, also.

Q All right. Then, from your examination, were you able to determine --

First of all, was his body also burned?

A Yes. He had burns of the head, of the trunk, and of portions of the arms and legs.

Q Would your examination reveal whether or not this person was alive at the time that he was burned?

A Well, my examination of the record --

Q Yes.

A -- again would indicate that he was alive for some period of time during the course of a fire, or smoke coming

from a fire into the area where he was.

He had a carbon monoxide level of 12 per cent, which again is a higher level than one would find normally -- and by "normally", or within the bounds of normal, I am talking about even a small smoke-filled room with, that is, people smoking, not smoke from a fire -- and this is a higher level.

So he could have been alive for some period of time. I cannot say how long, because that would depend on how much smoke, how big the room, how much ventilation, and many other factors.

Q I see. Doctor, by the way, I neglected to ask you: Do you have academic affiliations?

A Yes. I am a clinical instructor in pathology at the University of Pittsburgh, School of Medicine; and, since 1964, I have been research professor of law and director of the Institute of Forensic Science at Duquesne University in Pittsburgh.

Q And have you written any papers or pamphlets?

A I have about thirty published articles, including a book, a small book, which I was the senior author, dealing with medical legal autopsy laws of the fifty states and the District of Columbia, and I am also the editor of a book, Legal Medicine Annual, the first one of which just came out a couple of weeks ago, which will be coming out

annually.

Q How about organizations, professional organizations, do you belong to any, and held any offices in any?

A Well, I am a member of the Allegheny County Medical Society, that is Pittsburgh and the surrounding communities, all 129 of them.

I am a member of that county's medical society, and a member of the board of directors, the Pennsylvania Medical Society, and the American Medical Association.

I am a member of the Pittsburgh Pathology Society and the Pennsylvania Society of Clinical Pathologists.

I am a fellow of the College of American Pathologists and the American Society of Clinical Pathologists.

I am a fellow of the American Academy of Forensic Sciences, and past chairman of the Pathology and Biology Section of the Academy.

I am vice-president of the American College of Legal Medicine, and I am secretary-general of the International Association of Accident and Traffic Medicine.

Q Have you had any governmental positions?

A Well, the one that I hold now is a governmental position, as chief forensic pathologist in the Allegheny County coroner's office.

Well, I was in the Air Force, that was governmental. Then I was assistant district attorney and medical legal

advisor to the district attorney of Allegheny County for  
two years, in 1964 and 1965.

MR. TOLLIVER:

You may have the

witness.

MR. LAURIE:

Thanks a lot.

-- --



CROSS-EXAMINATION

BY MRS. LAURIE:

Q Doctor, of all the questions he asked you, I think he neglected to ask you, are you licensed to practice medicine in the State of Pennsylvania?

A Yes, sir, I am.

Q How about the State of Ohio?

A No, sir.

Q Now, you started out earlier in your testimony, Doctor, to relate some experience that you either had or attempted to have in regard to the killing of our late President, John F. Kennedy.

I think you indicated that you were not officially called upon to make any findings in that horrible killing, is that right, sir?

A That's right, not by the Government or by any Governmental agencies.

Q In other words, you took it upon yourself, I take it, Doctor, to read the Warren Report, as it were, and inject some of your own theories, perhaps, in that particular case, is that the extent of your participation?

MR. TOLLIVER:

Objection.

THE COURT:

Overruled.

A I was invited by the American Academy of Forensic

Science to present a paper discussing the Warren Commission Report from the standpoint of forensic pathology.

Q But this was, again, not a Governmental agency that invited you?

A That's right.

Q This is more or less a private or a group of medics who write the reports and submit the papers, is that right?

A It's not a group of medics. The American Academy of Forensic Sciences is a group of forensic scientists, including attorneys, psychiatrists, pathologists, and including several outstanding men from the Cleveland area and all around the country.

Q But you were a doctor at the time when you made this paper?

A Yes.

Q You made the paper --

A Yes, as a forensic pathologist.

Q As a doctor, you entered in this particular phase, or whatever you did, and rendered a paper on it?

A That's right.

Q And --

A At the invitation of the Academy.

Q At the Academy, but not at the invitation of the Government?

A For the fifth time, not at the invitation of the

Government, no.

Q Am I boring you, Doctor?

A You are not boring --

MR. FLEMING:

Objection.

THE COURT:

Just answer the

question.

A I have answered five times.

THE COURT:

Just a minute,

Doctor. Put another question.

Q While I am on that score, Doctor, I noticed in your testimony when Mr. Fleming was asking you --

MR. TOLLIVER:

Mr. Tolliver.

Q I'm sorry, Mr. Tolliver. I know you both very well and I make an honest mistake.

When Mr. Tolliver was asking you about the lab reports of Mr. Golonka, and I noticed your demeanor on the stand. For a few seconds with sort of a smiling before --

MR. TOLLIVER:

Objection.

Q -- before you gave the results of your lab findings. Do you find this particular case amusing?

MR. FLEMING:

Objection.

THE TOLLIVER:

Objection.

THE COURT:

The objection is

sustained.

Q You indicated, further, your experience in Pennsyl-

vania is Chief Pathologist for the Coroner of Allegheny County?

A Chief Forensic Pathologist, that's right.

Q In other words, you are right under the elected Coroner, is that right?

A That's right.

Q And, similarly, in this County is Dr. Gerber the Coroner. You are aware of that?

A Yes.

Q You have heard of Dr. Gerber?

A I know Dr. Gerber.

Q You know of his work, too. Are you familiar with his work, Dr. Gerber's?

A I don't know what you mean by his work.

Q Well, his profession in pathology. Is he one of the respected men in the field?

A Dr. Gerber is not a pathologist, sir.

Q He is a doctor that does pathology in the County, am I right, from your knowledge?

A Dr. Gerber is not a pathologist.

Q Is he a Coroner of this particular County?

A He is the Coroner of Cuyahoga County. He is not a pathologist.

Q Under him, he has a doctor by the name of Dr. Adelson, who is also the Chief Pathologist in this County. Are you

aware of Dr. Adelson?

A Yes, I know Dr. Adelson.

Q You are aware of his professional standing, also?

A Yes, I am.

Q Do you respect his professional standing?

A Yes, I do.

Q In fact, I think in your testimony here, with one exception, that you do not disagree with Dr. Adelson, as we call him "Dr. A.," in any respect except for the findings that Mr. Chapman's wound was a close-contact wound, am I correct?

A To the extent that I am aware of Dr. Adelson's testimony, the answer would be yes, that is the only point upon which I disagree.

Q In fact, most of your testimony you read from the report of this -- of the Coroner of this County, is that right?

A Where the causes of death were shown, in order to save time, yes.

Q Yes. You didn't have the bodies in front of you when you were examining on behalf of the defense, did you, sir?

A No, I did not have the bodies.

Q And then, you further indicated, sir, that -- well, withdraw that.

As opposed to your public official -- as opposed to

your public standing in Pennsylvania, you are called upon in this particular case, however, to testify on behalf of the defense on a private basis, is that right, sir?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: What do you

mean by "a private basis"?

Q You were retained by the Defendant to testify in this case, were you not, sir?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Well, he was

retained by the attorneys for the Defendant.

There is no question about that.

Q All right, As opposed to your public official duties in Pennsylvania, you are not here as a public official?

A No, no, not as a public official of Pennsylvania.

Q Right. You are here as a doctor retained by the defense, am I right?

MR. TOLLIVER: May I object

to that.

THE COURT: Overruled.

There is no question about that being a fact.

Q Is that right, sir? In other words, you didn't

voluntarily come in and testify, did you?

A No, as I said before, I was contacted on the phone and then I spoke with Mr. Young and then with the attorneys.

Q Then I take it that on the phone you had a conversation with a one Mr. Young, is that right?

A That's right.

Q He identified himself as being the investigator for the defense?

A Yes, sir, he did.

Q And did you discuss the situation which you were asked to testify about?

A He simply told me that it was a case involving several people who had been killed and he asked me if I would be able to come to Cleveland to examine materials and I told him that I would be able to.

Q Emphasis was put on to determine whether Mr. Chapman was shot at close range or at distant range?

MR. TOLLIVER: Objection.

A That was never mentioned to me.

Q It wasn't? All right. Then, pursuant to that call, you said you finally met the two defense lawyers, is that right, sir?

A Yes, I did, in this building.

Q In this building here?

A Yes, sir.

Q And then did you discuss the subject matter of your testimony with them then?

A No, I didn't discuss anything. I just met them for the first time and discussed only the procedural aspect about how I would look at things and when I would look at things and so on, but we didn't discuss any of the substantive aspects because I wasn't familiar with any portion of the case.



Q When you discussed the subject matter of how you were to look at things, was the subject matter of how you were to look at things pertaining primarily to the Chapman wounds?

A No, I didn't even know any of the names of the people and did not know them until I was subsequently given three or four -- three or four autopsy reports that Thursday, then.

Q Well, then, after you were through there, looking over the reports, did you then see the attorneys again pertaining to your findings?

A I did not see them. I was taken directly to the airport then by Mr. Young -- just one moment, please -- because I came in on two days.

When --

THE COURT:

You are not confin-

ing it to one visit? Are you asking about --

Q Any time after you made your findings, did you talk to the lawyers then?

A Oh, yes. Then I talked with them on the phone, and then I talked with them on Saturday when I came in to Cleveland, Saturday, May -- April -- Saturday, April the 5th. I definitely saw them then.

I'm not sure whether I saw them a second time, on Thursday, April 3rd, or not.

Q After you made your investigation, isn't it a fact, sir, that the primary subject matter you discussed with them was the Chapman wound?

A No. We discussed all the cases that I had available to me, and on Thursday I had three or four, I think it was four: Mr. Golonka, Mr. Wolff, Mr. Jones, and Mr. Chapman.

Then I believe, on Saturday, I was given three more, and then we discussed all the cases, including Mr. Chapman, and we certainly did discuss Mr. Chapman's wounds.

Q Now, Doctor, in your work in Pennsylvania, when you have occasion to examine someone that was killed under gunfire, or whatever, what is the amount of time that you generally give to that particular examination?

A It varies, depending upon what information is available to us, what kind of a case it is, and what the complexity of the case is, from the standpoint of a pathologist.

Q Assuming that you are going to look over some pictures, some slides, and some other information given to you in relation to the particular killing, what would you say the average time is to examine a body, in your work?

A To do the autopsy?

Q Yes.

A The complete autopsy?

Q Yes.

A And then to review all the materials that you would have later on?

Q Subsequently, and end up with one of those blue backs that you have been using?

A Well, you're talking about a minimum, I guess, of -- in a very simple case, you'd be talking about maybe two and a half to three hours; in other cases, you'd be talking several hours.

Q All right. And you say you came to Cleveland the first time -- the first time you came to Cleveland was on a Friday, is that right?

A On a Thursday.

Q On a Thursday -- pardon me.

When you came to Cleveland on Thursday, I believe, you testified you went to the coroner's office on that particular day? Is that right?

A Yes.

Q What time of the day or afternoon was that?

A We got there after lunch, in the early part of the afternoon.

Q Afternoon. And at that time you went there without making an appointment, is that right, Doctor?

A I did not make an appointment.

I had tried to call Dr. Gerber on Tuesday, and then again on Wednesday, after Mr. Young had spoken to me;

I did not get through to him.

I had no appointment that I had made. I don't know whether anybody else had made an appointment.

Q Because of the lack of appointment, you were unable to see anything on Thursday; is that right?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Well, he said that he did see items on Thursday.

You did see --

THE WITNESS: I was given four autopsy protocols, yes, sir.

Q (By Mr. Laurie) Eventually -- but initially, you went to the coroner's office without an appointment?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Well, Doctor, when you went, first went out there, weren't you given these four protocols?

THE WITNESS: I was given these four protocols by Mr. Young when I came in to Cleveland, your Honor.

THE COURT: When you got to the coroner's office the first time, weren't you given some information with reference to the four

individuals of whom you had the protocols?

THE WITNESS: No, sir, I didn't see anything out there on Thursday.

Q (By Mr. Laurie) In other words, then you attempted to see something on Thursday, at the coroner's office, is that right, sir?

A Yes.

Q And you were unable to, because there were no arrangements made for it? Simply that?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Well, do you know if arrangements were made or not, Doctor?

THE WITNESS: I don't know, sir.

THE COURT: In any event, you didn't see anything on Thursday?

THE WITNESS: No, sir.

Q So you had to come back?

A That's right.

Q When you came back on Thursday, did you talk further with Inspector Young on these protocols?

A I came in on Friday.

MR. TOLLIVER:

Objection.

A Friday evening, late, the second time.

Q On Thursday, did you discuss the material that was in the protocol, with Mr. Young at that time?

A No. In the very superficial way, because I hadn't had a chance to read them through carefully, inasmuch as they were just given to me when I came into town.

Q Mr. Chapman's wound was pointed up to you, more so than any of the others, at that time?

A No, it was I who pointed out Mr. Chapman's wound to the attorneys, not they to me.

Q At that time?

A No, the next time when I came in.

Q I see. All right, Doctor, when you came in, you came back on a Friday, is that right, sir?

A Late Friday evening.

Q Was that the next day?

A The next day.

Q You had gone back to Pennsylvania --

A That's right.

Q -- and then came back, or did you stay over?

A No, I did not stay over. I went home.

Q What time did you get back on the next day?

A I think it was about suppertime on Thursday.

Q No. What time did you come back here?

A On Friday I caught the late flight that gets in a little after 11:00 o'clock.

Q Then you left for Pittsburgh again after you were through that day?

A In the early evening of Saturday.

Q The following day?

A That's right.

Q Now, when you came in at 11:00, what time did you arrive at the coroner's office?

A I came in, 11:00 o'clock in the evening on Friday, and --

Q I see. On Friday night?

A I went to the motel and went to sleep.

Q Now we understand, Doctor,

So, in other words, you went to the coroner's office on Saturday?

A Saturday morning. I think I got there, well, it was early in the morning, I don't remember the exact time. It was a heavy rain. I finally managed to bum a ride from the motel over to Dr. Gerber's office. It was in the

morning, somewhere around 8:30 - 9:00 o'clock, something like that.

Q You mean the State of Ohio had to make you bum a ride; they couldn't afford to take you?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Sustained.

Q (By Mr. Laurie) Well, anyway, what time did you arrive at the coroner's office?

A It was around 9:00 o'clock; it might have been a little earlier, a little later, but it was in the morning.

Q Did you go by yourself?

A Yes.

Q Who did you see there?

A Dr. Gerber.

Q Anybody else?

A There were some secretaries, but no other professional people, except I did see, during the course of the day, Miss Cowan, whom I know, and Dr. Sunshine, whom I know and said hello and chatted for a couple of minutes, had a cup of coffee.

Q Then did Dr. Gerber make various items available to you pertaining to this case?

A Yes, sir, he did.

Q You had no difficulty seeing whatever you wanted to



see?

A He had available the materials on the seven cases that we have talked about here today.

Q What time did you start working then on your investigation there, as best you can recall?

A As soon as I came in and said hello and he took me to the office on the second floor near his, and I went -- went to work.

Q And then, Doctor, you took time out for lunch?

A No, I did not go out to lunch; I stayed there until I was through.

Q I see. What time did you leave the coroner's office?

A I think it was about close to 1:30, something like that.

Q 1:30. That is the only time you went to the coroner's office, then, that one trip?

A And the Thursday two days before.

Q I mean, to do anything? It was just that Saturday?

A Yes.

Q So then it's reasonable to say, Doctor, you were there roughly 9:00 o'clock to 1:30 on Saturday? Is that right?

A About that.

Q Reviewing seven cases?

A That's right.

Q Now, Doctor, when you reviewed the -- well, withdraw that.

There has been testimony, Doctor, that -- by Dr. Adelson in this case, that the powder that he found in the Chapman wound was powder within the wound, the wound itself.

And I take it from your testimony, you disagree with this finding?

A I would go further than that statement.

I do not disagree with that statement. There is powder within the wound, which you can see on the brain, in the photo, which you can see on the microscopic slides, but there is also powder outside the wound, on the skin edges, along the lower border of the wound, from one side to the other.

Q Now, there has been testimony also, from Dr. Adelson, in this case, that it was his considered opinion as a pathologist of many years, examining many cases involving gunshot wounds, that the minute part of powder found around part of the exterior of the wound was caused by a soiled or dirty bullet, as he called it, running through the bore of a gun; and when it struck, it wiped itself off in the portion of the head that it hit.

I take it, you disagree with this theory, also?

A First of all, it's not a minute amount; it's a large amount.

Dr. Adelson himself uses the word "abundant powder residue" in his description of slides, a word which he does not use in the description of any of the other wounds that he examined.

This is the only one where he says "abundant powder residue." Those are his words, describing his microscopic slides, with which I agree.

The picture, as far as I am concerned, speaks for itself. There is blackening along the lower margin of the wound, that I think anybody can see and, under no stretch of the imagination do I feel that it could be called "minute". It's --

Q The testimony in this case, however, Doctor, as much as you disagree with his findings, was that Dr. Adelson indicated the abundant powder was within the wound. I am telling you what the testimony was.

And if this would be the testimony in this case, then you would disagree with Dr. Adelson as to what he said was within and what he said that was without the wound?

MR. FLEMING: Objection to the form of the question.

THE COURT: The objection is sustained. I don't quite follow the question.

Q Dr. Adelson testified that there was an abundant powder found within the wound.

He further testified, upon page 182, in answer to the question: "Did you find anything else in the area of the wound, and specifically I make reference to fouling and stippling?"

"Answer: I saw none on the skin surface."

You disagree with this portion of Dr. A's testimony, I take it, then?

A I disagree with the second statement, that he found nothing outside.

Q Yes. Now, if this wound is consistent with a close shot, Doctor, as it were, or practically a contact wound, as far as you said it was an inch away?

A What we call "near contact."

Q There would be powder all around the wound?

Would it not be true?

A No, not necessarily.

Q There would be stippling?

A No. I discussed "stippling."

There is not stippling at a close shot. You have to go back a couple of inches or so more before you get stippling, because stippling requires some spreading.

When you shoot real close, as we see frequently in suicide cases, there is no stippling.

Q You take a gun an inch away from a man's head or two inches and blast a bullet through there, are you going to tell us, Doctor, (indicating), that the burn is going to be only on part of the circle surrounding that hole?

A In many cases, the powder residue -- if you're talking about burning of the edges, that's one thing. If you're talking about powder residue, which is what I am talking about, that is another thing.

Now, which are you asking me, burning or powder?

Q Let's take one at a time. I am asking you about both of them. The powder residue that is shot from the muzzle of the gun, apparently, that is where it comes from?

A That's right.

Q That muzzle of the gun is within an inch or two inches of the head and are you telling us that only part of the muzzle of the gun is going to carry that powder, sir, and not the whole circle of it?

A I am telling you many times we see powder deposited only on a portion of the surrounding edge of the wound. This is due simply to the way the gun is held and the angle at which the bullet is fired.

Q Now, when you say, "burns," well, go to the second phase of the question. I take it from State's Exhibit 10-D, you are referring to this black discoloration here (indicating), sir?

A That is the burning of the very edges themselves, right.

Q Where is the powder that you see on the edges?

A Right down here (indicating), this blackening over here (indicating), blackening down here, blackening almost on to the edge of the right eyebrow and blackening over here (indicating), around the right corner of the wound.

Q Right. I take it from what you have pointed to me, for the record, you outlined, more or less, a line representing the lower portion of the wound closest to the eye where you saw these powder-blackening marks, am I right, Doctor, like so (indicating)?

A The lower portion of it.

Q Right. Now, the second phase of that question I was asking you, you don't see any burning on the upper portion of this hole, do you?

A I cannot see burning, for two reasons: Number one, the skin edge is flapped backward for the most part and number two, Mr. Chapman's hair comes all the way up to the border of the entire top part of the wound.

Q Well --

A You would have to shave the hair to look and see and you cannot be -- correctly state that there is none, because it is not exposed on this film. The skin is not exposed to permit you to say there is or is not.

Q Well, a close shot, of an inch or two from the head, Doctor, wouldn't it be reasonable that the burning portion of the entire area, hair or no hair, would be apparent?

A No, through hair you couldn't see. You can't even see bullet holes through the hair of many people or stab wounds. You can't see many things.

In forensic pathology, we frequently have to shave the hair to look and identify bullet holes and we certainly can't see black powder residue on a black man whose hair is thick and black and short and curly, who has not been shaved. I can't.

Q Well, the fact that it is short and black, obviously, you can see better than if he had long hair covering the wound, couldn't you?

A No, the black man's hair is frequently very close and tight and compact and a white man's hair, even though it may be long, will permit you to more readily see the scalp.

In addition, you would have a contrast as to a white scalp and black powder, which you don't have very well in a black man.

Q I further take it from your testimony then that there is no burning apparent on the upper portion of this wound on this picture, is that right?

A That's right.

Q Now, Doctor, you said this was an entrance-type wound. Where was the bullet?

A It's a question I've asked. I'm sorry, I don't know the answer to it.

Q Well, did you examine the X-rays of this man?

A Yes.

Q Did it show you a bullet went through his head?

A There were small little fragments evident on X-ray, no big slug. The bullet apparently exited.

Q Well then, the bullet took a path from up downward on the right side of his forehead, did it not, sir?

A I think there was slight -- some downward angle, yes.

Q This was a high-velocity wound, as it is sometimes referred to, is that right?

A I think it could have been fired from a high-velocity weapon, yes.

Q It could have been fired also, sir, from the examination you made of the findings of the Coroner, plus the pictures, X-rays, whatever, that this wound is consistent with a firing of a tracer-type bullet, am I right, sir?

A What do you mean by "a tracer-type bullet"?

MR. LAURIE: You've got that exhibit, Sarge?

(The exhibit was handed to Prosecutor Laurie.)



Q What I mean by a tracer-type, a tracer-type bullet, showing you State's Exhibit 110, was described as being a bullet with a red tip and has a phosphorous filling, a burning powder?

MR. FLEMING: Objection.

There is nothing in the evidence --

Q -- When it fires?

THE COURT: Overruled.

Q It leaves a trail of burning fire. You are familiar with this?

A I am familiar with it only a little bit from the military. I have not seen tracer-type bullets used in my county.

Q In your county they don't use these, all right.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

Q Now, in the Army, however, Doctor, you were a medic in the Army?

A If by "medic" --

Q A doctor. I'm sorry if I used the wrong terminology.

A Yes.

Q Did you have occasion to handle wounded people, our boys that were wounded?

A No, I wasn't in during wartime.

Q Did you have occasion to, while being in the service,

to examine medical records, Army records of various type wounds? As a doctor, I'm sure you were interested, weren't you?

A On occasion.

Q Yes. So, Doctor, this tracer-type bullet, which has been testified as being a high-velocity type bullet, striking his forehead, being phosphorous-filled and burning as it goes along, would leave burning marks and powder, would it not, Doctor?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

A No, if fired from a distance --

Q "No, if fired from a distance." A bullet that has phosphorous all the way until it hits the target?

A This is disseminated and dissipated through the air in a distant shot and you could not get the kind of powder residue deposited out in such a shot.

Q But you indicated that it disseminates itself -- can you tell the jury if a shot was fired from that wall (indicating) to this wall (indicating), where in that distance would that bullet -- what was the word?

MR. TOLLIVER:

Disseminates.

Q -- disseminates, where in that area would it disseminate?

A From the moment that it is fired and for the most

part in the early course of its path, there would be a dispersal of the burning, flaming element and anything else that would be involved with the bullet.

Q Where, Doctor, within this path, would it disseminate itself?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

A I just answered the question.

From the moment that it is fired, if it is fired at that wall, from that moment and to the greatest extent in the early inches and feet of its course.

Q And you are telling us, Doctor, that by the time that bullet gets down here (indicating), that it is no longer -- no longer has any burning phosphorus carrying fire with it?

A It still has material which will cause the burning of the skin edge, which is what we talked about, the very edges of the wound itself, and this is what enables us to determine whether or not the bullet wound is a wound of entrance or a wound of exit.

That is the burning of the skin edges which we see with an entrance wound, including entrance wounds that have been made by bullets that were fired some distance away, many yards -- many yards.

But again, the powder residue deposit is a different thing.

Q Now, the powder residue deposit, as you refer to it, in a tracer type bullet that has this phosphorus powder and

it leaves the powder mark and the burning mark when it hits its target, isn't that true, Doctor?

A No, I don't believe it is true.

Q You have no experience, however, with tracer type wounds, as you indicated?

A That is right.

Q Am I right?

So you can't say, then, can you, Doctor?

A Except to the extent that I am familiar with it from my reading and from occasional examination of the records, which you asked me about.

Q From your reading, being in the service, and also a professor of pathology, have you read the medical department of the United States "Wound Ballistics," editor-in-chief James Boyd Coates, Jr., M. C., editor-in-chief "Wound Ballistics," Major James C. Beyer, of the Surgeon General's department of the Army?

Have you read that book, sir?

A No, I haven't.

MR. LAURIE:

Please mark this.

(State's Exhibit No. 265 was marked for identification.)

THE COURT:

It is about three

minutes to 12:00. We will take our recess.

Don't talk about the case. Don't let

anybody talk to you about the case.

(Thereupon an adjournment was taken to  
1:15 o'clock p.m., Tuesday, May 6, 1969, at which  
time the following proceedings were had:)

TUESDAY AFTERNOON SESSION, MAY 6, 1969 1:35 P.M.

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THEREUPON, DR. CYRIL H. WECHT, having been previously duly sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (CONTINUED)

THE COURT: Mr. Laurie.

MR. LAURIE: Thank you, Judge.

Your Honor, I believe we had made mention --

THE COURT: You read the title of a book and asked --

MR. LAURIE: Exhibit 265.

At this time, your Honor, I will show the defense the book before we proceed with the examination.

The paper is in the section I am going to use.

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

(Whereupon a conference was held between Court and counsel outside the hearing of the jury and off the record.)

Q (By Mr. Laurie) Doctor, showing you what has been marked --

MR. FLEMING: Objection.

THE COURT: Overruled.

MR. FLEMING: He hasn't laid  
the foundation.

THE COURT: I understand  
that this is part of the foundation.

MR. LAURIE: As State's  
Exhibit 265 --

THE COURT: This is only  
the book he is talking about.

MR. FLEMING: Oh, all right.

Q (By Mr. Laurie) Indicating the flyleaf page of  
the book again, it says "Medical Department, United States  
Army, Wound Ballistics." "Prepared and published under  
the direction of Lieutenant General Leonard D. Heaton,  
The Surgeon General, United States Army; Editor-in-Chief,  
Colonel James Boyd Coates, Jr., M.C.; Editor for Wound  
Ballistics, Major James C. Beyer, M.C.; Office of the  
Surgeon General, Department of the Army, Washington, D.C.,  
1962."

I take it, as an expert in the field of pathology  
and as you indicated in the various and numerous organiza-  
tions of the type of profession you are in, the organiza-  
tions you belong to and in your Army experience as a  
doctor, that you are familiar with this Department's



information about wounds, am I right, sir?

A No, I'm not familiar with it.

Q More in particular, this volume here portrays various types of gunshot wounds that have appeared in the course of preparing such a volume by the Surgeon General of the United States and if I were to show you a picture of a gunshot wound, for example, on Page 390, Figure 199, identified as a large defect in skull of site of entrance wound, you are familiar with this type of wound, are you not?

MR. FLEMING: Objection.

MR. LAURIE: This type of wound?

THE COURT: The question is, is he familiar with the type of wound that apparently is shown on this figure?

MR. LAURIE: Right.

THE COURT: He may answer.

THE WITNESS: I have seen wounds similar to this, different types of gunshot wounds.

Q (By Mr. Laurie) Well, Doctor, more in particular, some testimony a matter of an hour and a half ago, relating to State's Exhibit 10-D -- Defendant's Exhibit 10-D, do you want to hold that, sir? Thank you.

Look at Defendant's Exhibit 10-D and looking at this photograph in this book on Page 390, Figure 199, will you tell us what similarity there is or dissimilarity there is in those two types of wounds?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

THE WITNESS: The similarity

is they are both gunshot wounds; that they are both primarily in the upper right forehead or so-called temporal and frontal area, and they both are somewhat similar in size and shape.

This one appears to be a little larger; they are somewhat similar.

Q Similar, in fact, the one distinguishing feature is that they are in reverse -- in other words, apparently Exhibit 10-D, as you have testified earlier was from the top downward direction of the forehead and this picture here is just in reverse -- it is from the bottom upward on the forehead, it reverses itself by way of pattern, Doctor?

MR. TOLLIVER: May we object to that?

THE COURT: Is that what you did indicate before, as to the Chapman wound,

Doctor?

THE WITNESS: Pardon me, your Honor?

THE COURT: Did you indicate before, this is the question here, part of the question includes a statement that you indicated previously that the wound on Mr. Chapman was from up, downward?

A I said that I felt that there was a downward path of the bullet, that is right.

Q (By Mr. Laurie) And the difference in this figure here, if there is a difference, it shows a path from down, upward, about the same type --

MR. FLEMING: Objection.

MR. LAURIE: -- this same area of the skull?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Gentlemen, come over.

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

Q (By Mr. Laurie) Doctor, as an expert in the field of pathology and the type of work you indicated on direct

examination, don't you recognize this volume of work as having some authority in the field of pathology and pertaining to wounds?

A I am not familiar with the book; I don't know any of the gentlemen. I know the name of General Heaton by name -- he was for many years the Surgeon General, but I don't know the other two names at all; and I don't know of the work or the book. I am not familiar with it.

Q In your field, you have never, never read any works from the office of the Surgeon General, the Department of the Army, Washington, D. C.?

MR. TOLLIVER: Objection.

MR. FLEMING: Objection.

THE COURT: Overruled.

Q (By Mr. Laurie) Did you say that?

A I did not say I have never read anything from the Department of the Surgeon General.

I said I am not familiar with this volume, this work.

Q But this department is a recognized authority on this type of work?

MR. FLEMING: Objection.

THE COURT: Overruled.

Q Is it not, sir?

THE COURT: You mean this department, you mean publications issued by this department, are they recognized?

Q (By Mr. Laurie) Are they recognized?

A Recognized by whom? Of course --

Q You feel, as a doctor, do you recognize this as being --

MR. FLEMING: Objection to arguing with the witness.

THE COURT: Just a minute,

please, Mr. Laurie. Re-state the question.

Q (By Mr. Laurie) In your field of medicine, Doctor, specifically in your public service as a chief coroner, deputy coroner --

A I am not a chief deputy coroner.

Q Whatever you are.

MR. TOLLIVER: Objection.

THE COURT: Yes. State whatever it was that he said he was.

MR. LAURIE: Was or is.

MR. FLEMING: He stated he was a forensic pathologist.

MR. LAURIE: I can't pronounce it.

Q (By Mr. Laurie) What kind of pathologist is that?

A It is work in pathology that deals with cases of sudden, violent, and unexplained, suspicious, violent death.

Q All right. And in your line of work, isn't the office of the Surgeon General of the Department of the Army, Washington, D. C., a recognized department that issues material consistent with the field that you claim to be an expert in?

MR. FLEMING: Objection.

THE COURT: Objection sustained.

MR. TOLLIVER:

Objection to that.

THE COURT:

The objection is sustained to the form of the question.

Q (By Mr. Laurie) Is this an acceptable work in your field, from this office?

A I am not familiar with the book. I can't answer it unless I have a chance to read the book.

Q From the office --

A Of course, the office of the Surgeon General is a reputable office, but this doesn't mean that everything they publish is authoritative.

Q Let me read you page 388 and see if you agree with this particular statement --

MR. FLEMING:

Objection.

Q -- relating to --

THE COURT:

Just a minute,

Mr. Laurie.

Doctor, the publication of the Attorney General -- Surgeon General of the United States, is normally recognized as an authority for different propositions by the medical profession?

THE WITNESS:

Not necessarily, your Honor. It depends on what the book deals with and by whom it is written.

I don't recognize --

THE COURT: Well, if it is by the authority of the Surgeon General of the United States, they are usually accepted by the medical profession as bearing some authority?

THE WITNESS: Not necessarily, your Honor. It depends upon by whom they are written. I am not saying that these men may not be very fine men; they may be excellent men.

I can say truthfully on this stand, under oath, I don't recognize any of the men as forensic pathologists. I know they are not members of the forensic section of the American Academy, and I can't recognize a book as an authority by men that I don't know.

This doesn't mean they are not excellent men. I don't know them and I don't know the men.

THE COURT: Whether you know the individual or not, a publication issued under the apparent jurisdiction and authority of the Surgeon General of the United States, aren't they normally accepted by your profession as a treatise or work bearing upon a medical subject that is accepted by the medical profession, generally?

THE WITNESS: That would depend upon the field, your Honor.



Q (By Mr. Laurie) The ballistics field?

A I can't answer about that book, your Honor, because I don't know.

THE COURT: I didn't ask you about that particular book. Aren't the publications generally issued by the Surgeon General usually accepted as authority by the medical profession, generally, bearing upon the subject matter, including wound ballistics?

THE WITNESS: Your Honor, I can't answer it any more than I can say that the works published by the office of the coroner of this county or the office of the coroner of our county would be authoritative, despite the fact that I recognize Dr. Adelson as a very fine forensic pathologist.

I wouldn't blanket say that anything published by that office or our office or the office of the coroner of the City of New York was authoritative, I wouldn't do it, and I am sure nobody else would do it, either.

Q (By Mr. Laurie) Are you telling us, then, Doctor, that the publication, be it this or any other publication, of the office of the Surgeon General, Department of the United States Army, in Washington, is not acceptable in

the medical profession?

MR. FLEMING:

Objection.

MR. TOLLIVER:

Objection.

THE COURT:

Overruled.

A I did not say that.

Q Are you telling us that?

A I did not say "not acceptable." You said "authoritative."

Q Acceptable as an authority in the field in which they publish?

MR. FLEMING:

Objection.

THE COURT:

You understand

the intent of the question?

THE WITNESS:

Yes, your Honor,

I do.

THE COURT:

The objection is

overruled.

A My answer to the question is that the particular segment of medicine, whatever it might be, in pediatrics, public health, internal medicine, surgery, or so on, the people in that field would read it as they would articles or books published by anybody else, and then consider it on the basis of its particular weight and credibility, not because it comes from an office.

I am not overwhelmed because something comes from

the office of the Surgeon General.

Q (By Mr. Laurie) You are not, huh?

A No.

Q May I ask you this question, in relation to this photograph, and see if you accept what the United States Surgeon General says in relation to this picture as a doctor, I ask you.

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Sustained.

MR. LAURIE: If I were to tell you --

MR. FLEMING: Objection, if he is going to read from the book. You are getting ready to read from the book.

THE COURT: Proceed with your question.

MR. LAURIE: If I were to state to you, Doctor, that this particular wound is described as a wound --

MR. FLEMING: Objection, your Honor.

THE COURT: Just a minute.

MR. LAURIE: -- a distance of 75 --

MR. FLEMING: Objection.

MR. TOLLIVER: Objection,

Mr. Laurie.

THE COURT: Gentlemen, the objection is sustained. The doctor says he doesn't recognize this as an authority, and he has no knowledge or reference to the work.

MR. LAURIE: Offer into evidence State's Exhibit 265, which is the book written under the title of the Office of the Surgeon General of the United States Army.

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: The objection is sustained, the exhibit will be refused.

(State's Exhibit 265 rejected.)

Q (By Mr. Laurie) Now, Doctor, you talked something about -- you stated something about a neutron-activation test procedure of making some examinations of particles removed from the human body.

Do you recall that in your direct testimony?

A That's Neutron Activation Analysis, yes.

Q Is that an extension of the field of spectograph?

A It uses some of the principles found in the spectrographic analysis, but goes far beyond it, in that it uses neutrons.

Q And they deal with what -- known fibrous particles?

A Anykind of particles, paints, metal, anything.

Q Now, you indicated on direct examination, that this machine is in the State of California, is that what you said?

A I said that's where the major company is. I think there are a couple of others that have been purchased in different parts of the United States, but I know that one in California and one in Canada.

Q How often did you, as a member of the Coroner's office in Allegheny County, use that particular machine in California?

A We have, in conjunction with our Allegheny County Crime Lab, on cases used about -- maybe a dozen times in the last two to three years.

Q I see, and you go to California to do your testing?

A No, we don't go to California.

Q How do you do it?

A Send it under registered mail, after carefully identifying it and labeling it.

Q So you, yourself, have never operated that machine?

A No, I don't know how to operate it.

Q You don't have noknowledge whatsoever, personally, of the operation or procedures used by whoever uses that equipment or machinery over there?

A I have the knowledge which I have obtained from

the reading --

Q I said personally, Doctor.

A Well, that's personal knowledge, you mean did I --

Q Personally go there?

A I have not taken a course and I do not run the machine.

Q Then you have never gotten a piece, for example, from a court railing in one court room and brought it to California, personally worked on it, and came back and matched it up with a piece in another court railing, did you, Doctor?

A No, I have not.

MR. FLEMING: Objection.

THE WITNESS: I have not

carried anything to California, no.

Q (By Mr. Laurie) As far as this test is concerned, Doctor, this neutron test or whatever its name is, I take it, from your explanation, that you start with a known substance or a substance that is certain, you have gotten from a wound or something, is that right?

A You have something that you want to attempt to match or show that there is no match, yes.

Q Well, before you even match, you have got to go to California and do something with that substance, don't you, Doctor?

A Yes.

Q But to go to California without having a gun or

bullet to do the matching with is a useless trip, isn't it, Doctor?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

THE WITNESS:

You have to have

something to match it to.

Q Right.

A If you are attempting to match it to a bullet, you have to send a bullet or a group of bullets with it.

Q In other words, then, that machinery they have in California is useless as far as the case is concerned, where you don't have anything to match it with?

A Oh, it can't be identified as something coming from a particular thing unless you have the thing to which you are attempting to match it, of course.

Q And the thing in the Chapman case is not here, the bullet, is that right?

MR. FLEMING:

Objection.

MR. TOLLIVER:

Objection.

MR. LAURIE:

As far as the

reports are concerned?

THE COURT:

I don't under-

stand what you mean it is not here.

MR. FLEMING:

The fragments are

here.



MR. LAURIE: Please let me  
conduct this examination.

THE COURT: Is it indicated,  
Doctor, in some of these documents that you reviewed  
that there is a fragment someplace?

THE WITNESS: Yes, sir, there  
are tiny fragments reported in the X-ray of Mr.  
Chapman's head, which had been previously mentioned.

Q (By Mr. Laurie) The microscopic fragments you are referring to --

A What do you mean by microscopic? They are not microscopic if the radiologist could see them with his naked eye on the X-ray.

Q These are, according to the reports available to the coroner through its reports, that's where you learned them to be?

A Yes.

Q Did you learn, in both reports, whether the other matching object was ever available, such as the bullet that went in Mr. Chapman's head?

MR. FLEMING: Objection.

THE COURT: Overruled.

A The particular bullet that went into Mr. Chapman's head was not present in his head.

Q Right.

A But what I am referring to would be other bullets,

Q Whatever the coroner had by way of fragments from Mr. Chapman's head would be of no use to take to California; we have nothing to compare it with, am I right, Doctor -- according to your reports?

MR. TOLLIVER: Objection.

THE COURT: Overruled.

A No, I don't think that's right.

Q (By Mr. Laurie) Is there a bullet found in Chapman's head?

A There are many bullets in this case.

Q In Chapman's case?

A In Mr. Chapman's head, the bullet was gone.

Q All right, in Mr. Chapman's head, the bullet was gone.

MR. FLEMING: Objection to yelling and arguing with the witness.

THE COURT: He has answered the question. Put another question.

MR. CORRIGAN: Charlie, --

Q (By Mr. Laurie) In other words, to give this machinery in California a fair test, Doctor, by necessity you would say that whoever is going there to use this machinery would have to bring with him, as in Chapman's case, the fragments that may have been found in the wound plus the bullet that caused that wound, in order to come up with some kind of a match?

Is that right, Doctor?

A Yes. And if you don't have the bullet that caused the wound, then you take the other bullets that are available. You don't function in a vacuum when you are investigating a homicide case; you work with other departments and you have bullets available from other

bodies that you yourself have collected, and have bullets that the police have taken from the scene - and these are the things that you match.

You don't exist on an island by yourself, as some little unit, not talking to the police department or any other agency of the government.

Q Have you completed your statement?

A Yes, I have, and that is important when you are talking about neutron activation analysis.

Q Tell me, Doctor, the microscopic examination you made in your examination at the coroner's office, some of these or at least one of these particles was placed on the slide, wasn't it?

A No, particles weren't placed on the slide.

Q You saw none of these particles you refer to on any slides?

A Just on the X-rays.

Q On the X-rays. And from the X-rays you made that determination, that it was a metallic fragment of some sort? Is that right?

A The radiologist, who is a trained radiologist, made the diagnosis. I concurred with it, and I believe that Dr. Adelson concurred with it, also. This is what they were.

Q Furthermore, as far as other analyses you made,

you indicated that in one or two bodies that were brought to the coroner's office, they had some carbon monoxide in their system; is that right, Doctor?

A Yes, that is right.

Q The fact that they had some carbon monoxide in their system, you said that it happened -- they were alive for whatever time it was, until such time as they started burning? Is that it?

A They could have gotten carbon monoxide without burning, by inhaling fumes.

Q In other words, the fact that they had carbon monoxide in their system doesn't mean they were burned; am I right, Doctor?

A No, that is right.

Q Because, as you said, you can get carbon monoxide driving through the Holland Tunnel in New York?

A That is right.

Q So then you can't tell this jury whether any of those bodies were dead or alive when they were burned?

A No. The burns could have been before death or sometime shortly after death. I didn't make a comment about the burns.

Q Didn't you see some pictures at the coroner's office which indicated the burning, sir?

A That is right, yes.

Q And when a body burns after death, you find no discoloring around the skin; isn't that right, Doctor?

A No, that's not correct.

Q What is the difference if there is a burn after death and a burn before death, as far as the appearance on a photograph is concerned?

A There may well be no difference at all if burns occur on a body that has just recently died. All the vital processes don't end abruptly.

You would have to examine it microscopically to see if there is any reaction in the skin to burns.

Looking at the burn with your naked eye, in many cases you would not be able to say whether or not the burn had occurred during life or after death.

Q Doctor, do you have blistering after death?

A Pardon me?

Q Do you have blistering after death?

A You can have blistering after death; it is just the heat's effect on the skin, which lifts the epidermis or outer layer away from the under layer.

You can have that blistering after a person has died.

Q Now, you did testify also that -- when you examined the coroner's records -- that you found that Lieutenant Jones had .03 per cent alcohol in his urine;

is that right?

A Yes.

Q And when Lieutenant Jones died, he was perfectly sober, wasn't he, Doctor?

A There was no effect of the alcohol in the bloodstream and presumably, then, none on the brain, so he would have --

Q Been perfectly sober?

A This would mean, at the time of his death there was no effect of the alcohol on the body.

Q Was he perfectly sober, Doctor, at the time of death?

A You could put it that way, yes.

Q Now, would you say in making examinations such as you did here, or should have been done in this case, that you don't go off half-cocked and go in the corner and work out your answers -- you consult with others and examine various things and various objects, various exhibits, various other actual items that involve a particular crime.

Do you recall that statement?

A I said nothing about half-cocked or going off in a corner. I said you work together with and in cooperation with other Governmental agencies such as the police and the crime lab and so on. Half-cocked is your term, not mine.

Q Did you go out and examine any other guns or bullets in your examination pertaining to your testimony?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

MR. LAURIE:

Did you, Doctor?

A No, I did not.

Q Did you collaborate and discuss your findings with any doctor at the Coroner's office in Cuyahoga County?

A No, obviously I wasn't in position in which I could do that.

Q Why couldn't you?

A Mr. Laurie, you know the answer to that. I was retained --

Q Please, I am not trying to argue.



A I was retained by the defense. I am not trying to argue, either. I think it is a very unfair question. I was retained by the defense counsel, and I wouldn't be so stupid as to place Dr. Gerber or Dr. Adelson in an embarrassing position to discuss the case with them.

Q Weren't you in a search for the truth?

A Yes, I am, of course.

Q Did you talk to any other doctor in Pittsburgh in relation to what you have done here?

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

THE WITNESS: The case is a

confidential matter as far as I'm concerned, and without express permission from the attorneys who have retained me, I don't consult with anybody.

Q Then you have not consulted with anybody except the inspector for the defense?

MR. FLEMING: Objection.

THE COURT: You don't mean

"inspector"?

MR. LAURIE: Well, the investigator.

THE WITNESS: I discussed this with Mr. Young, Mr. Tolliver and Mr. Fleming.

MR. LAURIE:

Thank you,

Doctor, that's all.

REDIRECT EXAMINATION

BY MR. TOLLIVER:

Q Doctor, as I understand it, when you speak of the neutron activation analysis, first of all, you testified that there was enough material -- what did you call it -- in the brain?

A Metallic fragments.

Q Metallic fragments, is that right?

A Yes.

Q Then, are you saying, Doctor, that if the Police Department has weapons that were confiscated as a result of an investigation of a crime, that the bullets from those weapons could be compared with the metallic fragments in the brain under this neutron activation analysis, is that correct?

A All you would do is get a sample of a bullet that was used by every weapon used by the police and by everyone that is known or thought to have been used by others, all you have to do is send once of each, five if there are five weapons, ten weapons, 15 different kinds of weapons, 20 different kinds of weapons.

You take one of each and you send it out there, and

you send it out there, and you have metallic fragments recovered from Mr. Chapman's brain, then instead of guessing and speculating, you simply ask them to run a test, and they are able with specific determination to tell you whether or not the piece of metal that was in Mr. Chapman's brain came from a .38 pistol, Special, if there were such a gun, from a 22-gauge rifle, if there were such a gun, whatever the guns are.

This is the whole point. Of course, you have to have something to match it up to, but there were things to which it could be matched or shown not to match.

THE COURT: Pardon me, was there evidence here that metallic fragments were recovered?

MR. TOLLIVER: Yes.

MR. LAURIE: No. Objection.

THE COURT: That is not my recollection.

MR. FLEMING: The protocol shows the metallic fibers were still in the brain.

THE COURT: I am talking about recovering -- my recollection of Dr. Adelson's testimony was that he probed around the brain and he couldn't find any.

MR. FLEMING: That is not the

testimony.

MR. LAURIE:

Objection.

MR. TOLLIVER:

Well, Doctor --

THE COURT:

You need, Doctor,

some recovered fragments before you could do this?

THE WITNESS:

Yes, sir, you

would.

Q (By Mr. Tolliver) Let me ask you this, in your perusing the information made available to us at the Coroner's office, did it come to your attention as a result of the perusal of this record, that there were metallic fragments or fibers found in the brain of Mr. Chapman?

A There were metallic fragments found in the brain on the X-ray.

It is not clear from the record, whether Dr. Adelson recovered any fragments. There is no affirmative statement to the effect that he took metallic fragments from the brain. I can't put my finger on this statement. I can't recall seeing it, but what I am talking about, the fragments seen and reported by the X-ray physician, the radiologist.

Q And this was in the Cuyahoga County Coroner's office that you saw this X-ray?

A Yes, sir, and the X-rays and the X-ray reports made available to me at the office.

6 Q What you are testifying to is that from your professional opinion these comparisons could have been made under this neutron activation analysis, and that such a comparison was not made; is that right?

A Yes.

Q Now, Doctor, at one time Mr. Laurie was concerned about some expression you gave in respect to a question that I propounded, where it was testified that these two patrolmen, both Wolff and Golonka, could function normally with that much alcohol in their bodies.

Now, can you explain to the Court and jury what this reaction was, why you reacted the way you did?

A Well, the reaction is very simple. The reaction is that I find it very hard to understand -- I find it tragic-comic that any physician, particularly a forensic pathologist, would sit on a witness stand in any kind of criminal case and testify that 0.19 per cent and 0.25 per cent blood alcohol levels do not affect the function and performance of a man, of any man, and particularly a police officer.

I find this not humorous, and if anybody was offended I would certainly like to apologize. The smile was a sardonic smile, expressing a tragic-comic approach.

I just can't accept that because we, in forensic pathology, are always correlating blood alcohol levels to suicides,

homicides, automobile accidents, and we know what the levels are and what they do to people, and I can't imagine anybody saying .19 per cent and .25 per cent would not alter any man's performance - not just a police officer - any man, and the more delicate and sensitive and dangerous his job, the more amount of discretion required of his job, then naturally the more chance there is for there to be an imbalance, a lessening of his ability, his sensory and motor ability to handle this thing.

Q Thank you, Doctor.

Doctor, I believe it was asked you, whether or not you were licensed to practice medicine in the State of Pennsylvania?

A Yes.

Q Are you licensed to practice medicine in any other state?

A In Maryland and California.

MR. TOLLIVER: In Maryland and California.

That's all. Thank you, sir.

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RECROSS-EXAMINATION

BY MR. LAURIE:

Q Doctor, do you have any experience in ballistics as such?

A There are two kinds of definitions, two categories or aspects of ballistics. I am not a ballistics expert from the standpoint of which gun fired the bullet, and so on, not at all. That belongs to the ballistics expert, the criminologist.

I feel that I have some degree of knowledge and expertise in what bullets do to the human body.

Q To the body. But as far as comparing a fragment of a bullet with the bullet itself, you have no experience whatsoever in that field?

A I don't do this, no.

Q In other words, you can't actually say, of your own experience and personal knowledge, that a fragment taken from a wound, taken to California, along with a bullet fired from a different, from a gun, you can't say, from your own experience that this can be done and can be compared and you can find a complete match?

A I can say that it can be done, and I do know from my own personal knowledge, because I am familiar and have read through the complete reports of this being done in

the case of Senator Robert F. Kennedy, and I know of other cases also. I do know.

Q Everything you know about it is something you read, that somebody else did, not your --

A I don't do the --

MR. FLEMING:

Objection.

MR. LAURIE:

That's what I said.

A I said --

Q (By Mr. Laurie) Then you have no personal knowledge, with your own hand and eyes, to do this, experience --

MR. FLEMING:

Objection.

A There is a difference. I do not do the tests. There are many things that I do not do, but I would like to think there are things I have personal knowledge of although I do not do them.

Q Then you say that in Allegheny County, in Pennsylvania, that your county has availed themselves of this particular process in California; is that right?

A Yes.

Q I take it, there are some murders in Allegheny County, some killings and so forth; is that right?

A There are.

Q And there are some killings, by virtue of the use of weapons, bullets and whatever?

A There is.



Q I take it that Allegheny County, through your public experience there, has recovered many fragments and pellets from a body that has been shot?

MR. FLEMING:

Objection.

THE COURT:

You say Allegheny

County. I assume you mean, the Doctor?

MR. LAURIE:

The Doctor, your

public service.

A We have recovered fragments.

Q (By Mr. Laurie) Then I take it, Doctor, that every murder case in Allegheny County that they recover a bullet in, they have a positive make from the gun it came from?

MR. TOLLIVER:

Objection.

MR. FLEMING:

Objection.

THE COURT:

Overruled.

You may answer.

A May I have that question? In every case --

Q In every case in Allegheny County where they recover a fragment from a body and they have a matching bullet from a gun recovered in a shooting, they always come up with a matched answer and where that fragment was from?

MR. TOLLIVER:

Objection.

MR. FLEMING:

Objection.

THE COURT:

Sustained.