North Carolina Innocence Inquiry Commission Brief for

State v. Joseph Sledge

Columbus County 78 CRS 2415 & 16

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I. Format for Brief and Hearing

On December 3, 4, and 5, 2014, the North Carolina Innocence Inquiry Commission ("Commission") will conduct a hearing in this case. This hearing has been opened to the public.[1] A court reporter will be present at the hearing and if the Commission decides to refer the case to a three-judge panel, all documents considered by the Commission and the transcript of the proceedings shall become public record.[2]

This brief is submitted to the Commissioners prior to the hearing with the request that each Commissioner carefully review it in preparation for the hearing. The brief covers information about the case available prior to the investigation by the Commission staff. The hearing will focus on evidence uncovered during the Commission's investigation and other postconviction investigation. The Commission has subpoenaed witnesses for this hearing.

Due to the large volume of attachments, this brief is formatted to be read from start to finish with the attachments inserted directly into the body of the brief.

As always, the Commission will be asked to consider the following options:

1. Conclude that there is sufficient evidence of factual innocence to merit judicial review and refer the case to a three-judge panel pursuant to N.C.G.S. § 15A-1468(c).
2. Conclude that there is not sufficient evidence of factual innocence to merit judicial review and close the investigation pursuant to N.C.G.S. § 15A-1468(c). Evidence favorable to the convicted person would be disclosed to him and his attorney pursuant to N.C.G.S. § 15A-1468(d).
3. Direct the staff to conduct further investigation into this case and continue the hearing to a later date.

[1] N.C.G.S. § 15A-1468(a) and NCIIC Rules and Procedures Article 6(D).
[2] N.C.G.S. § 15A-1468(e).

II. Hearing Witnesses

The following people are expected to be called to testify for the December 3, 4, and 5, 2014 hearing:

- Joseph Sledge, Claimant
- Herman Baker, State's Trial Witness
- Ret. Det. Phillip Little, Lead Sheriff Investigator
- Ret. Agent. Henry Poole, SBI
- Meghan Clement, DNA Expert
- Terry Melton, DNA Expert
- Marty Ludas, Fingerprint Expert
- Sharon Stellato, Commission Associate Director
- Lindsey Guice Smith, Commission Associate Counsel

III. Introduction to the Case

On Labor Day, September 6, 1976, the bodies of Josephine Davis and her daughter, Aileen Davis were discovered in their home in Elizabethtown, North Carolina. Both women had been brutally beaten and stabbed, and Aileen had been sexually assaulted. The cause of death for both Victims was determined to be hemorrhaging due to stab wounds.

On the afternoon of September 5, 1976, Joseph Sledge had escaped from White Lake Prison Camp approximately four miles from the Victims' home. A search of the area ensued and Sledge was considered a suspect in the murders. Sledge was spotted on September 7, 1976, in Fayetteville driving a stolen car. Sledge was arrested on September 9, 1976, in Dillon, South Carolina and brought back to North Carolina.

At trial, the State presented evidence that hairs found on Aileen's body were consistent with Sledge's pubic hairs. In addition, serology testing on Sledge's clothing and the stolen car was presented. Two jailhouse informants also testified that Sledge had confessed to committing the murders. Sledge was convicted of two counts of second degree murder and sentenced to life.

Postconviction DNA testing has revealed male DNA profiles on the Victims' clothing and in the home that exclude Sledge. Additionally, the DNA from the hairs found on Aileen's body also exclude Sledge. One of the informants has recanted his testimony. This evidence, along with the Commission's entire investigation, will be presented at the upcoming hearing.

IV. Timeline

Date and Time (if known)	Event / Description
Sunday September 5, 1976 Between 1 and 4 p.m.	Sledge escapes from White Lake Prison Camp.
Sunday September 5, 1976 10 p.m.	Omega Hales last sees the Victims at their home.
September 5-6, 1976 Overnight	Sledge steals Hazel Smith's car from her yard and takes clothing from Dorothy Cassidy's clothing line.
Monday September 6, 1976 4 p.m.	Wanda Sue Hales finds the bodies of Josephine and Aileen Davis.
Monday, September 6, 1976 Time Unk.	Sheriff Allen and Dep. Moore arrive and rope off scene. Spectators also present at scene.
Monday, September 6, 1976 5:15 p.m.	Det. Phillip Little and Dep. Earl Storms arrive at the scene and enter the house.
Monday, September 6, 1976 10:30 p.m.	SBI Agent Sampson arrives at scene, takes photograph of a shoe track, and writes a report.
September 7, 1976	- First Autopsy. - Officer White sees Sledge driving a '69 Chevrolet in Fayetteville and a car chase follows. Sledge ultimately escapes on foot.
September 8, 1976	Sledge arrested in Dillon, SC.
September 9, 1976	Det. Little picks up Sledge in Dillon, SC and brings him back to Cumberland Co. Jail. Later transferred to Bladen Co. Jail. Sledge is wearing a blue and white pullover sweater.
September 10, 1976	- Agent Sampson collects known pubic hair sample from Sledge and Sledge's clothing. Sledge's head hairs are too short to collect. - Det. Little and Dep. Storms drive Sledge around. Sledge shows them the route he took on escape and brings them to the clothes he discarded in Fayetteville. They drive Sledge to the Victims' home and sit in the car in front of the house. Sledge makes a statement that it must have been a white man because a black man wouldn't have cut them up that way.
September 11, 1976	1st polygraph of Sledge with five tests. Results state "lying."
September 12, 1976	- Carlos Padella interviewed and says he was asleep at time of murders. - Daniel Slater Haire Jr. interviewed and says he drove by Victims' house at 5:30 a.m. on Sept. 6th and did not notice anything unusual.
September 14, 1976	- Grace Harris Baker tells police she saw a man washing his hands and splashing water on his car at 4 a.m. on Sept. 6th at a shop near her house North of Elizabethtown.

	- Ernest Johnson interviewed and shows officers small scratches on his body.
September 16, 1976	David Bryant interviewed and says he was home all night and didn't hear anything. His wife and daughter say they saw Aileen Davis alive around 8:30 p.m. on Sept. 5th.
September 17, 1976	Mary Gaither questioned and knife collected.
September 18, 1976	- Omega Hales interviewed and says she last saw Victims at 10 p.m. on Sept. 5th. - Wanda Hales interviewed and says she found Victims at 4 p.m. on Sept. 6th. - Marion Lee Hales interviewed and says he saw a car go from direction of Victims' to dirt road by his house at 4 a.m. on Sept. 6th.
September 19, 1976	Eddie Lanier interviewed and says he saw Victims on Aug. 1st, 1976.
September 24, 1976	- SBI completes serology testing and first round of fingerprint comparisons. - David Hamilton interviewed and says he heard William Thomas Haire is a suspect.
October 1, 1976	Bladen County Sheriff requests additional assistance from the SBI Agent Evans assigned to the case.
October 6, 1976	Governor's Office authorizes a $2,500 reward for information leading to an arrest and conviction in case.
October 7, 1976	Second crime scene search is conducted and additional items of evidence and latent prints are collected.
October 11, 1976	A portion of wooden flooring from crime scene bearing a shoe track in blood is removed and submitted to SBI.
October 19, 1976	Serology performed on scissors from crime scene and knife collected from suspect Mary Gaither. No blood detected on either item.
October 22, 1976	Paint analysis on a paint brush from the crime scene and paint on a pillow case located at a bridge is completed. The paint is determined to be different in color and composition.
October 26, 1976	Third search of crime scene conducted by SBI agents and additional items collected. Ultraviolet light and Luminol examinations conducted.
November 1, 1976	Charles Tyndall and his two daughters interviewed and deny involvement.
November 2, 1976	FBI Hair Analysis Report issued and states hairs found on Victim could have originated from Sledge.
November 9, 1976	Bodies exhumed and second Autopsies conducted.
June 23, 1977	SBI Deputy Director reviews case.
June 30, 1977	- Additional shoe tread comparison and latent lift comparison done. - Additional serology testing done.
July 16, 1977	Investigators go to Florida to interview Larry Wayne White. White refuses interview.
August 10, 1977	Lonnie Davis (Victims' son/brother) writes to the SBI to ask for status of case. SBI Director responds that investigation has failed to produce sufficient evidence to justify arrest, but is active.
September 12, 1977	- SBI Agent Poole assigned to the investigation. - SBI report of other unsolved crimes across the state generated.
September 22 and 23, 1977	SBI contacts other law enforcement agencies where Sledge had lived or travelled seeking information about similar unsolved crimes.
September 23, 1977	Inmate Henry Sellers interviewed. Does not say Sledge confessed.

September 29, 1977	Investigators search the crime scene a fourth time and find documents indicating Aileen Davis had worked at a local amusement park.
September 30, 1977	- Carolyn Hall interviewed and says she heard Johnny Ray Benton watched the murders and William Thomas Haire may be involved. - Jenny Tatum interviewed and says her brother, Johnny Ray Benton, was staying in a trailer park less than a mile from the Victims' house the weekend of the murder and that she saw him in new shoes after the murder. - Kay Tatum interviewed and says that William Thomas Haire told her Sledge and three others did it.
October 3, 1977	William Dunn interviewed and says he was working with William O. Hunt when two or three men came in and said Sledge had confessed.
October 6, 1977	- William O. Hunt interviewed and says he was with Dunn, but denies hearing any conversation about Sledge and the murders. - Moses Bethea interviewed and says his daughter saw Sledge throw something in a wooded area the day after the murder. She recognized Sledge from the papers. - Charlie Blue interviewed about William Dunn Statement and denies knowing anything. - James Jackson interviewed and denies William Dunn's statement. - Harry Womble, owner of land leased for amusement park, interviewed and refers Investigators to park owner, Hazel Work, for employment records.
October 10, 1977	Kay Tatum interviewed again and gives more details about her conversation with William Thomas Haire.
October 11, 1977	William Dunn given a polygraph and no deception is indicated. James Jackson is confronted and again denies hearing anything about Sledge.
October 12, 1977	- Rachel Sessoms interviewed and says she lives in trailer park near the Victims. She says a month prior to the murders, two black men came by and asked if she was alone. When she got her husband, they asked for a ride. She never heard Johnny Ray Benton confess. She heard someone say it was the Victims' grandson or family. She also says she heard dogs barking the night of the murder. - SBI Report states investigation is centered around Sledge.
October 14, 1977	- William O. Hunt given a polygraph with no deception indicated. - Charlie Blue given a polygraph, but found mentally incompetent. - James Jackson given a polygraph with no deception indicated.
October 19, 1977	Captain Sparkman, Superintendent of White Lake Prison Camp interviewed and says inmate Donald Sutton was also on escape from White Lake Prison Camp at the time of the murders.
October 25, 1977	Mr. and Mrs. Sam Parker interviewed and say Marion Lee Hales is suspicious.
October 26, 1977	James "June Bug" Walters interviewed and says Sledge came by his house in Fayetteville while on escape.
October 27, 1977	Thomas Hart interviewed and says Sledge came by his house in Fayetteville while on escape and had two purses.
October 28, 1977	Omega and Wanda Hales interviewed again and describe when they last saw the Victims and discovery of bodies.

November 2, 1977	- Inmate Adrian Sellers reinterviewed. Says he heard another inmate say Sledge made incriminating statements. - Inmate Julian Broadway interviewed. Says Sledge never confessed. Sledge said he threw his clothes and a knife away. Said Sledge follows Allah and wants to do away with the white race. - Marion Hales interviewed and says he saw a car leave from the directions of the Victims house at 4:30 a.m. on Sept. 6th and pull into a driveway where some "blacks" lived.
November 4, 1977	- Marion Hales given polygraph with no deception indicated. - Inmate Donald Sutton interviewed and says Sledge told him about the escape, and that authorities were trying to pin the murder on him, but Sledge said he didn't do it. - Johnny Ray Benton given polygraph with no deception indicated. No documentation of interview.
November 6, 1977	Johnny Ray Benton given a polygraph with no deception indicated.
November 7, 1977	Inmate Julian Broadway interviewed a 2nd time. He says Sledge said he hid clothes and a knife.
November 9, 1977	- Elijah Robinson interviewed and says he heard two of the Victims' family members killed them and used a broom handle to make it look like one of the Victims had been raped. - Elijah Robinson given a polygraph, but examination terminated.
November 15, 1977	Johnny Ray Benton tells Investigators he saw Elijah Robinson leave the Victims' house the night of the murder.
November 16, 1977	- Johnny Ray Benton recants his statement and says he doesn't know anything about the murders. - Johnny Ray Benton administered a polygraph on recant with no deception indicated. - Jo Ann Chadwick interviewed and does not recall Elijah Robinson talking about the murders. - Capt. Sparkman contacts Investigators and says Julian Broadway has additional information.
November 17, 1977	- Julian Broadway interviewed a 3rd time and says Sledge incriminated himself. - Julian Broadway administered a polygraph with no deception indicated.
November 18, 1977	Viola Campbell interviewed and has no direct information.
November 29, 1977	- Isazarah Smith interviewed and did not have any information or know where Roscoe Smith was. - Marie Smith Melvin interviewed and did not have any information or know where Roscoe Smith was. - Carlos Padella interviewed and did not have any information and thinks Roscoe Smith is in Maryland.
November 30, 1977	- William Thomas Haire, III interviewed and says Danny Haire was suspicious. - Connie Todd Haire interviewed and did not have any information. - Samuel Smith interviewed and did not have any information or know where Roscoe Smith is. - Joseph Smith interviewed and did not have any information or know where Roscoe Smith is.

December 7, 1977	- Theo Jessup interviewed and says Samuel Smith was at her house the weekend of the murders. - Daniel Slater Haire Jr. interviewed and says he saw lights on at the Victims' house at 4 a.m. Sept. 6, 1976, but this was not unusual. - Daniel Slater Haire III interviewed and says he was in the mountains the weekend of the murders. - Willie McLaughlin interviewed and says he took Joseph Smith home around 12 a.m. on Sept. 6, 1976. - Margie Jessup Lesan interviewed and says Samuel Smith stayed with her at her mother's house the weekend of the murders, but he was drunk and stayed on the porch Sunday night.
December 15, 1977	The Governor's Office doubles the reward to $5,000 for information leading to arrest and conviction.
December 16, 1977	- Charles Edmundson interviewed and says he does not know anything about the murders. - Lonnie Davis interviewed about when he last saw Victims.
December 20, 1977	- Roscoe Smith interviewed and says he did not see Sledge on the night of the murders. - Billy Ray Hales interviewed and says he was with his girlfriend the night of the murders, but drove by that morning and saw a car parked near the Victims' house.
December 21, 1977	Roscoe Smith scheduled to take a polygraph, but refuses.
December 27, 1977	Roscoe Smith submits to a polygraph with no deception indicated.
December 28, 1977	- Robert Washington interviewed and says he was in jail in the same cell block as Sledge and Sledge talked about "she devils." - Carlos Wade interviewed and was in jail with Sledge, but did not remember him. - David Pegram interviewed and says he was in jail with Sledge, but Sledge didn't talk to anyone.
January 6, 1978	Charles Diggs interviewed and says he was in jail with Sledge, but did not hear Sledge say anything about crime.
January 18, 1978	Sledge Interviewed.
January 19, 1978	Sledge submits to a polygraph, but not completed.
January 20, 1978	Sledge submits to a polygraph with 6 tests and results of deception indicated.
February 8, 1978	- Thomas Hart interviewed and says he was in jail with Sledge and Sledge does not like white people. - Donald Sutton interviewed a 2nd time and says he was in jail with Sledge and Sledge talked about escape. - Phil Melvin, an associate of Sledge, interviewed and says he would not tell anything even if he knew.
February 9, 1978	Earl McClure interviewed. He was the supervisor of Sledge's prison road crew. Sledge sneaked off once. He does not recall working the road crew on the road near the Victims' home.
February 10, 1978	Donald Sutton interviewed a 3rd time and says Sledge talked about escape.
February 15, 1978 Morning	Donald Sutton interviewed a 4th time in Sampson Co. Prison Unit and says Sledge made incriminating statements and gives more details.

February 15, 1978 Evening	Agent Poole talks with Capt. Sparkman, Superintendent of White Lake Prison Camp, regarding Herman Baker.
February 16, 1978	Agent Poole, Det. Little, and Capt. Sparkman interview informant Herman Baker in a hotel room (brought there from prison). Baker says Sledge made admissions and spread pepper around the back door of the Victims' house.
February 17, 1978	Det. Little collects a pepper can from the Victims' house.
May 1-4, 1978	First trial. Results in a mistrial because jury unable to reach a verdict.
May 15, 1978	Inmate Adrian Sellers writes to SBI accusing Investigators of revealing information about his interviews and asks for protection.
August 28-31, 1978	Second Trial. Results in conviction for two counts of second degree murder.
September 1, 1978	SBI issues final report closing case.
September 27, 1978	Governor's Office agrees to pay $2,000 reward to Donald Sutton and $3,000 to Herman Baker.
December 5, 1978	Check for $2,000 delivered to Donnie Lee Sutton.
December 7, 1978	Check for $3,000 delivered to Herman Baker.
October 7, 1980	Herman Baker writes to Det. Little asking for help getting work release.
March 20, 2000	Sledge contacts NC Center on Actual Innocence (Center). Case not accepted.
June 4, 2003	Sledge files pro se MAR for DNA Testing.
June 11, 2003	MAR for DNA testing granted.
October, 2004	Center agrees to represent Sledge.
June 7, 2005	DA files affidavit that Columbus County Clerk's Office has evidence admitted at trial.
July 2006	Consent Order to transfer evidence to SBI for testing.
March 2008	Judge contacts Clerk and learns evidence was never transferred.
September 2008	Judge revises order and evidence transferred to SBI.
April 9, 2009	SBI reports no DNA profile obtained from pepper box.
May 19, 2009	SBI reports DNA on Victims' clothes, two partial profiles, do not match Sledge.
March 2010	Consent Order for DNA testing at private lab.
August 3, 2010	LabCorp reports partial DNA profile from Victim's slip excludes Sledge.
October 2011	Hairs from crime scene deemed missing.
August 2012	Hairs located at Clerk's Office.
October 2012	Hairs sent to Cellmark Forensics (Cellmark) for testing.
November 2012	Cellmark reports they were unable to obtain a profile from two hairs tested.
December 2012	Hairs sent to Mitotyping Technologies (Mitotyping) for testing.
December 13, 2012	Mitotyping reports Sledge excluded as contributor of the hairs.
February 12, 2013	DA asks SBI to assist in investigation.
March 18, 2013	Center interviews Herman Baker.
March 19, 2013	Herman Baker signs affidavit recanting trial testimony.
March 25, 2013	Center files MAR.
April 24, 2013	DA files response requesting a hearing.
May 6, 2013	Center refers case to Commission and files Motion to Hold MAR in Abeyance.
May 9, 2013	DA files response to Motion to Hold MAR in Abeyance and requests MAR hearing.
July 11, 2013	Hearing held and Motion to Hold MAR in Abeyance granted.

V. Law Enforcement Investigation

Agencies and Agents

On the day the bodies were discovered, the Bladen County Sheriff's Office (BCSO) and the North Carolina State Bureau of Investigation (SBI) began investigation of this case. Det. Phillip Little of the BCSO was assigned to the case. Agent Lee Sampson of the SBI also responded to the crime scene and assisted with the field investigation. On October 1, 1976, the Bladen County Sheriff requested an additional SBI agent be assigned to the case and Agent Marshall Evans of the SBI was assigned. On September 12, 1977, Agent Henry Poole of the SBI was also assigned to the case.

Initial Investigation

There is very little documentation by Det. Little of his initial investigative efforts in 1976. The BCSO file contains a few handwritten reports of interviews. The BCSO file contains no reports made by Det. Little of the crime scene or during the first days of the investigation.

Det. Little testified at both trials that he was the first to enter the crime scene and he made sketches. The sketches are included on the following pages. Photographs introduced at trial are included in a later portion of this brief. An SBI interview of Det. Little describing the crime scene is included later in this brief.

North Carolina Internal Records

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1. AGENCY	2. OCA FILE NO.	3. AGENCY IDENTIFIER NO.

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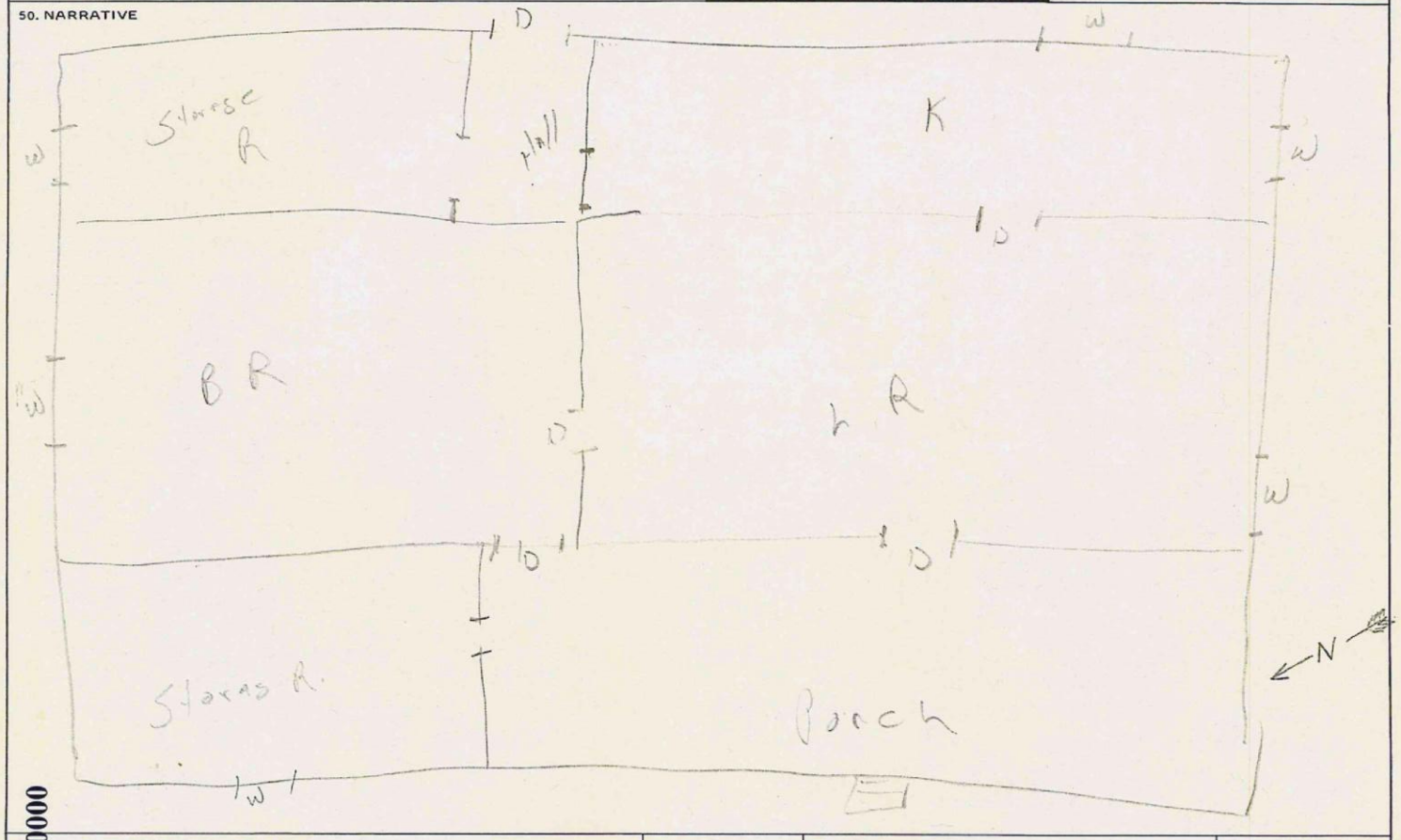

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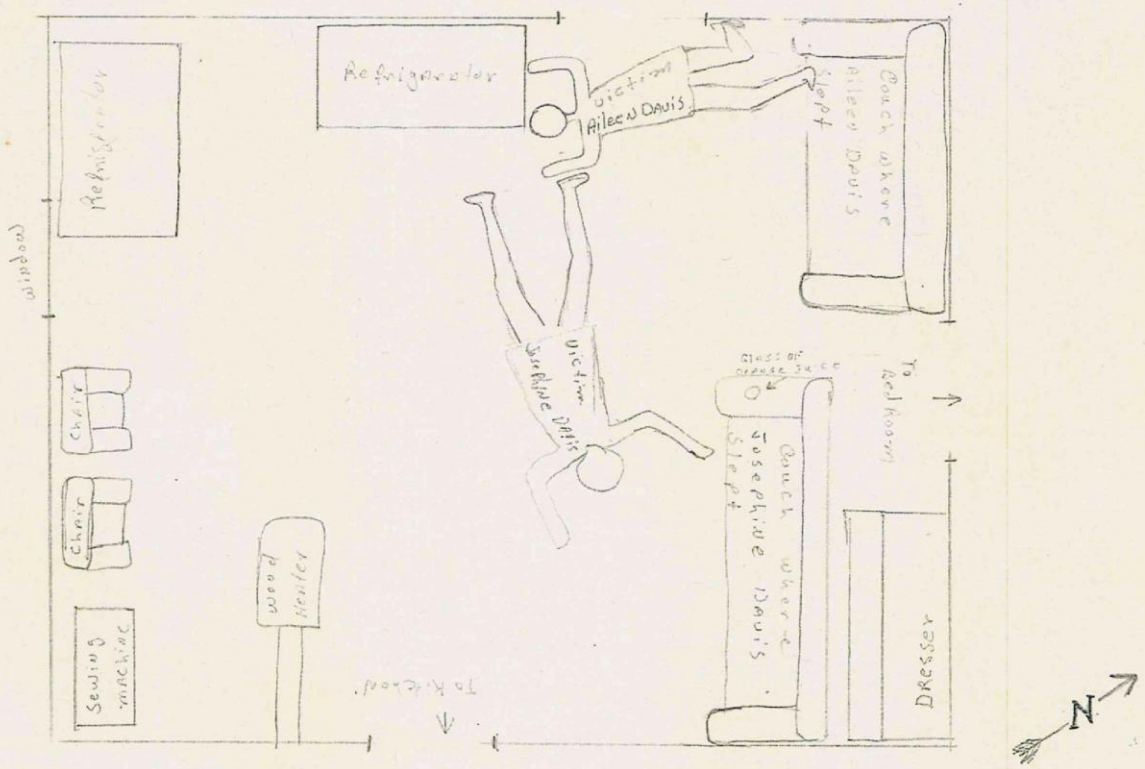

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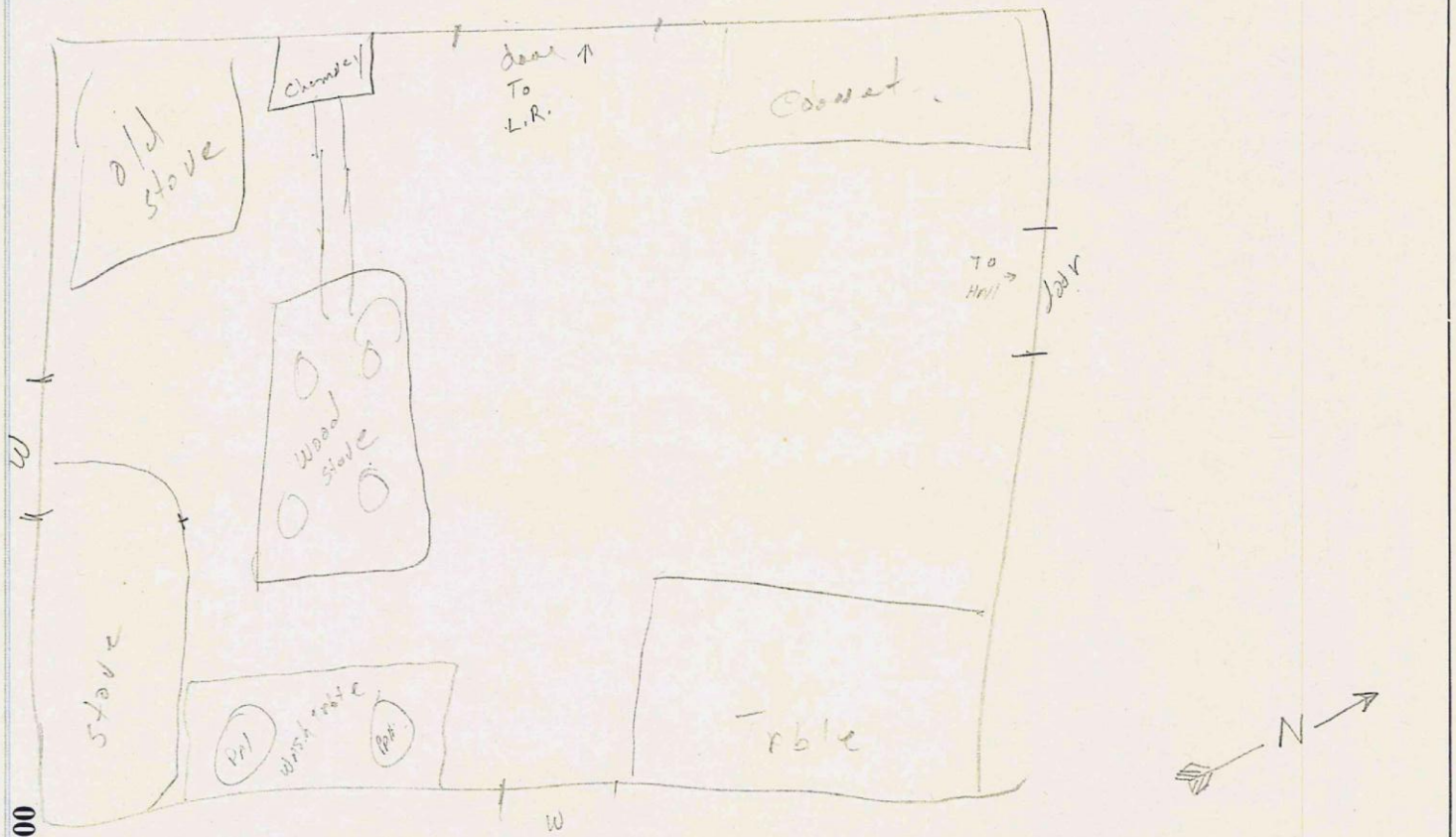

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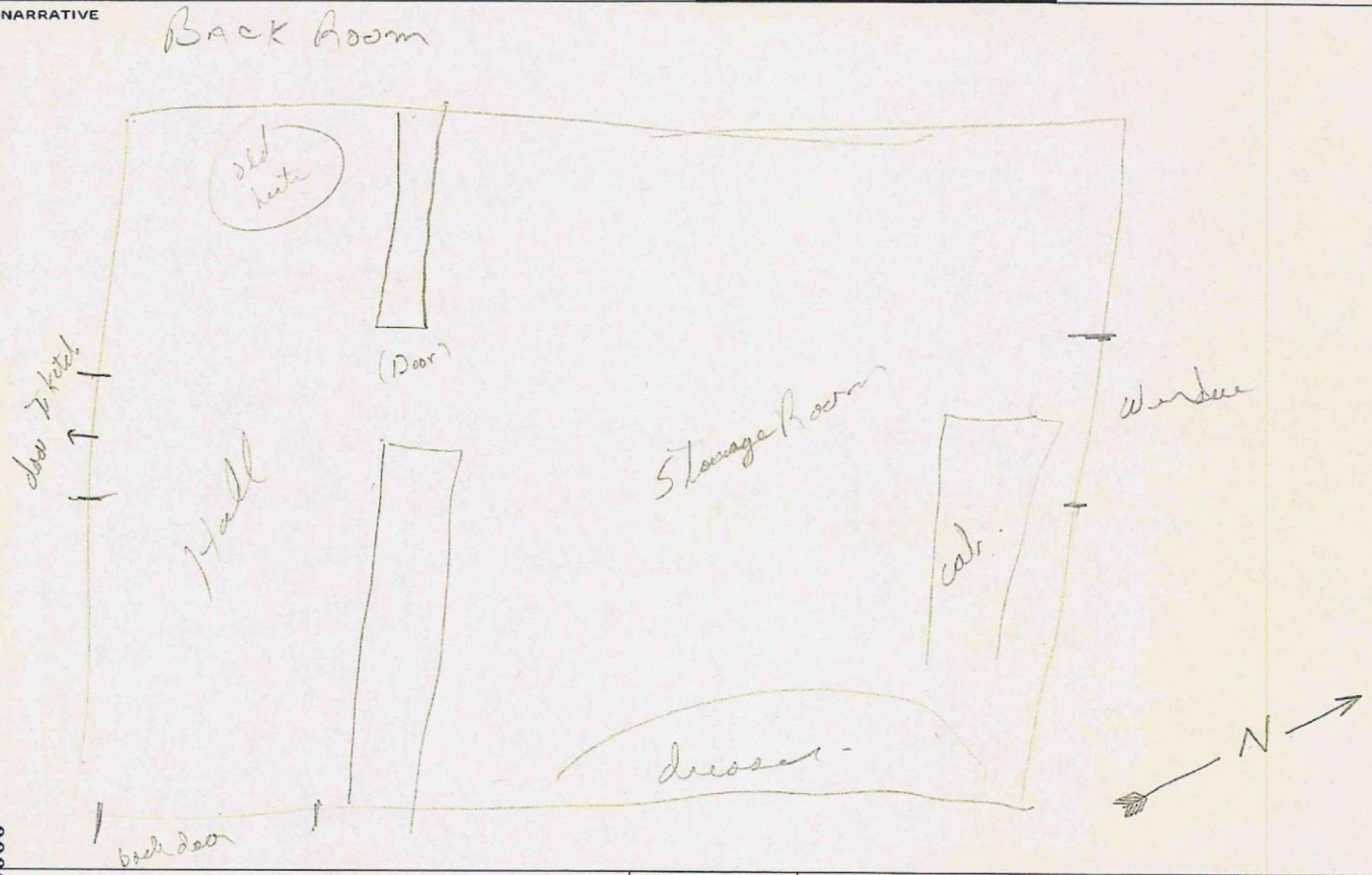

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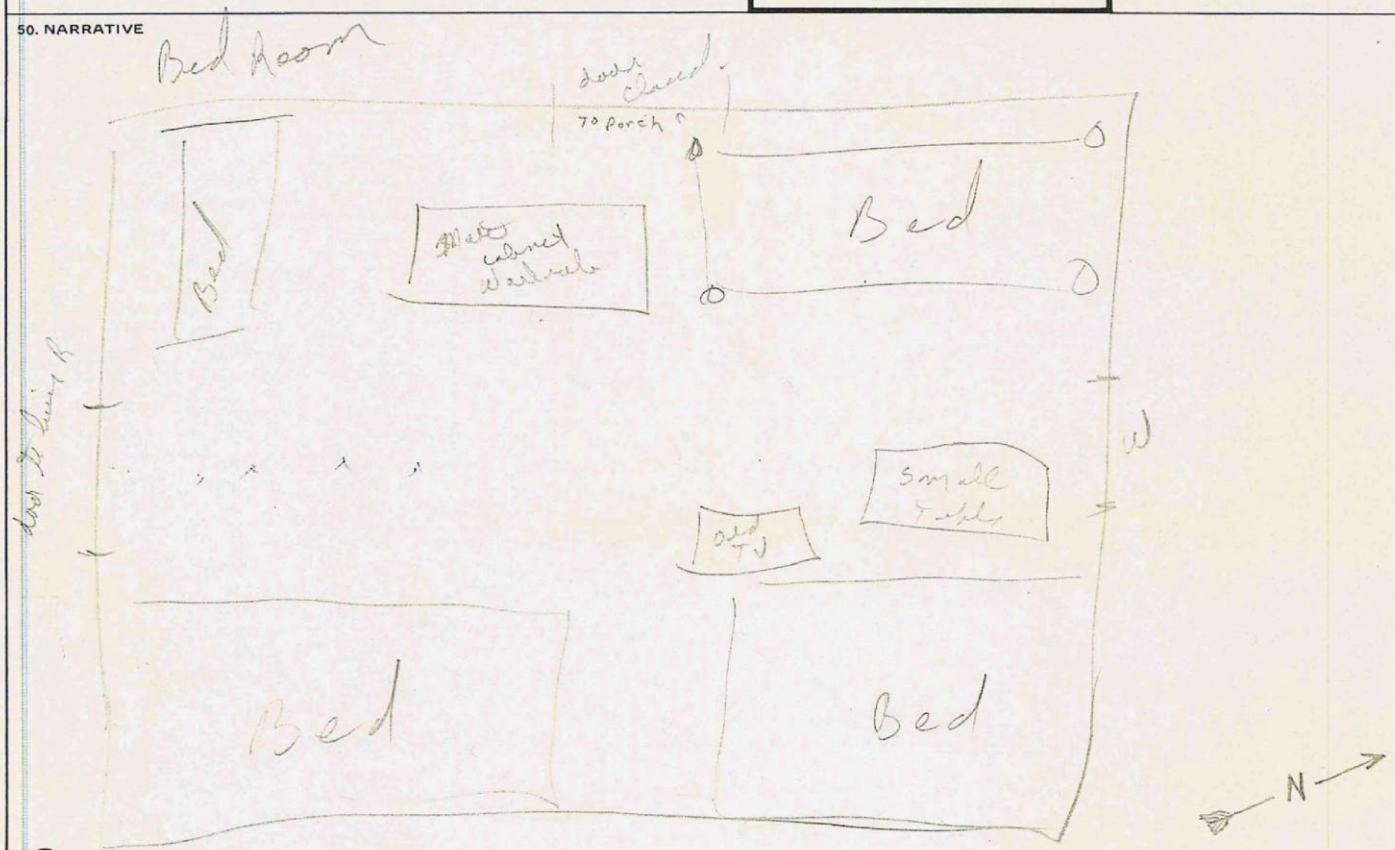

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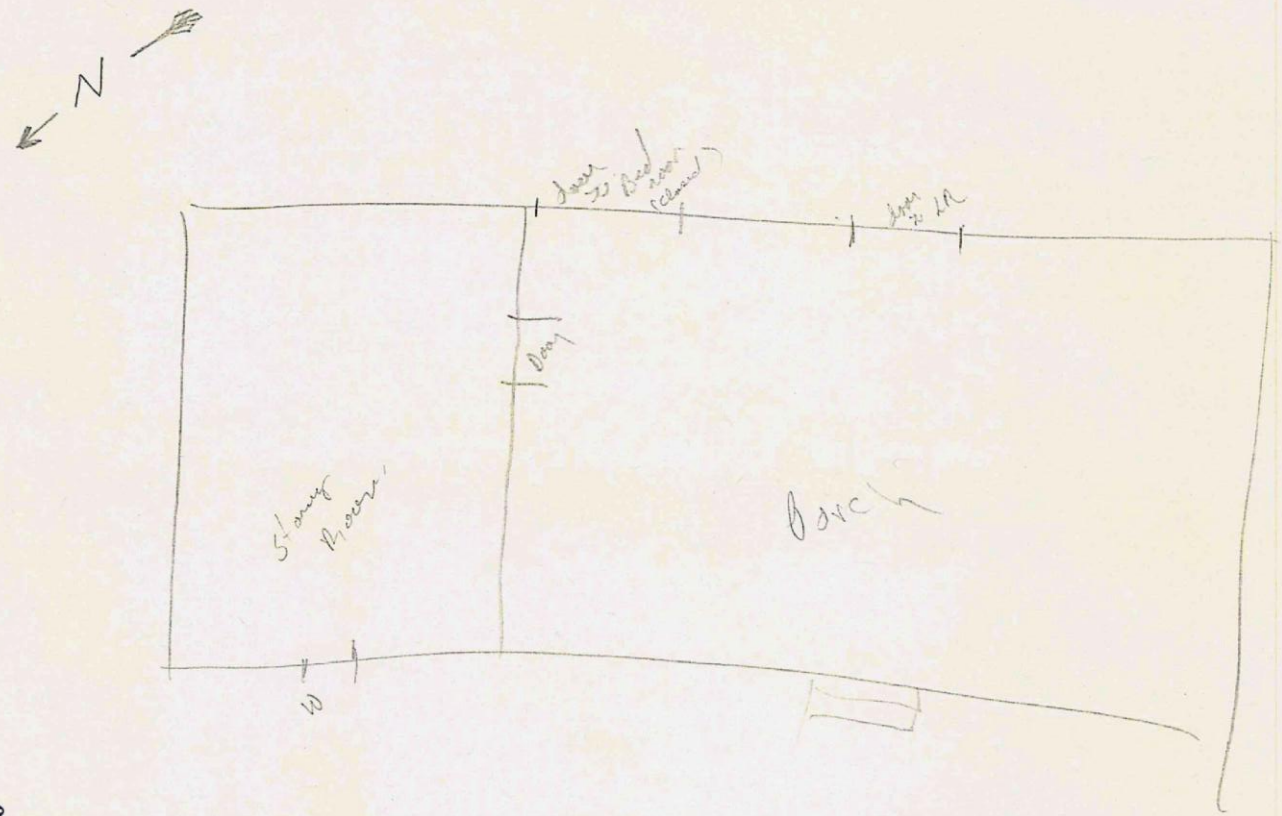

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Autopsies

Two autopsies were performed on the bodies of Josephine and Aileen Davis. The first autopsies were done by Dr. Marvin Thompson on September 7, 1976. Dr. Thompson determined the cause of death for both Victims to be "hemorrhage secondary to stab wounds." For both Victims, Dr. Thompson noted multiple stab wounds about the face and neck resulting in hemorrhage and bruises about the face and head. He noted vaginal lacerations on Aileen Davis and blood ethanol of .05 for Josephine Davis.[3]

The Victims' bodies were later exhumed for a second autopsy. The purpose given in the Order for Exhumation was that prior to burial, palm prints and identifiable fingerprints were not obtained from the bodies, x-rays were not performed, and the angle and depth of the wounds was not determined.[4]

The second autopsies were conducted on November 9, 1976, by Dr. William Reavis. Dr. Reavis also determined that both Victims "died as a result of hemorrhage due to stab wounds."[5] Dr. Reavis noted seven incise wounds on the body of Josephine Davis, four wounds on her left hand, bruises on her forehead and scalp, and three bruises on her chest. He performed x-rays and determined that Josephine Davis had fractures to both sides of her jawbone.[6] He noted multiple bruises on the face of Aileen Davis, two small lacerations on her face, two lacerations on her neck, and a laceration at the entrance to her vagina.[7]

Joseph Sledge

There is no documentation in the file of exactly when Joseph Sledge became a suspect, but testimony indicates he was suspected immediately because he had escaped from nearby White Lake Prison Camp on September 5, 1976. On September 7, 1976, Sledge was seen in Fayetteville by an officer and was involved in a car chase. Sledge was later arrested in Dillon, South Carolina and transported to the Cumberland County Jail on September 9, 1976.[8]

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[3] NC Office of the Chief Medical Examiner Report of Autopsy, Aileen Davis, A-76-127, Sept. 7, 1976 and NC Office of the Chief Medical Examiner Report of Autopsy, Josephine Davis, A-76-126, Sept. 7, 1976.
[4] Motion and Order for Exhumation, SBI File, SBI Bates stamp Pgs. 4674-4692.
[5] Second Trial Transcript, State v. Sledge, 78 CRS 2415-16 (Columbus County), August 21, 1978 Superior Court Session Columbus County, Pgs. 127-129.
[6] Id. Pgs, 121-129.
[7] Id. Pg. 134.
[8] Id. Pgs. 26-86.

Det. Little testified that on September 12, 1976,[9] he and other officers drove Sledge around the area and Sledge showed him his escape route from White Lake Prison Camp. Sledge led them to locations where he had stolen a car, stolen clothes off a clothesline and showed them where he had hidden his old clothes. Officers recovered two pairs of pants that Sledge showed them he had hidden in Fayetteveille.[10]

Det. Little testified that on the day they drove Sledge to the Victims' house and parked out front, there were five law enforcement officers in three cars. Det. Little testified:

> *We were sitting there in the car, and I had not made any statement to the defendant. The defendant looked over at the Davis house. He was handcuffed with his hands in front of him. He lifted his hands and pointed to the Davis house and said, 'A black man did not kill those two women. A white man did it. A black man would not have cut them up like they were.*[11]

A polygraph report shows that Sledge submitted to a polygraph on September 11, 1976 and the reports states there were five tests with a remark states "Q-lying."[12] There is no investigative report regarding this polygraph and no information regarding what questions were asked.

Investigation

The only BCSO investigative reports from the month of September 1976 are handwritten shorthand notes by Det. Little. The following interviews are the only written documented reports in the BCSO file from September 1976.

On September 12, 1976, Det. Little interviewed Carlos Mateo Padella who lived across the woods behind the Victims and was married to a Smith family member. Padella said his brother, Santos Mateo, was found in the wooded area between the Victims' home and Padella's home in May 1976 with

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[9] At the first trial, Det. Little testified this happened on September 10, 1976, and at the second trial, he testified it was on September 12, 1976. There is no report or documentation in the BCSO file providing information or a date. A polygraph was administered on September 11, 1976.
[10] Second Trial Transcript, State v. Sledge, 78 CRS 2415-16 (Columbus County), August 21, 1978, Superior Court Session Columbus County. Pgs. 28-114.
[Id.] Id. Pgs 88-92.
[12] SBI File, Polygraph Report Sept. 11, 1976, SBI Bates stamp Pg. 4603.

a fatal gunshot wound to the chest. A note says that this is still under investigation. The report says Padella said he was home in bed when the Davis murders took place.[13]

On September 12, 1976, Det. Little interviewed Daniel Slater Haire Jr. who lived near the Victims. The report indicates Haire said he drove by the Victims' home between 5 and 5:30 a.m. on Monday, September 6th and did not notice anything unusual.[14]

On September 14, 1976, Det. Little interviewed Grace Harris Baker. The report indicates that Baker saw a car pulled up in front of the store across from her house on Highway 701, north of Elizabethtown, around 4 a.m. on September 6th. Baker said a man washed his hands at the water faucet on the corner of the building and splashed water on the hood of his car. The report indicates the subject looked small, but Baker could not tell the color of the car or the race of the man.[15]

On September 14, 1976, Det. Little interviewed Ernest Johnson. The report indicates Johnson was interviewed because he lives near the Victims and someone (it does not indicate who) said he had scratches all over his body. Johnson was interviewed by the Sheriff, a Deputy, and Det. Little. The report indicates Johnson showed them two small scratches on his back and said he fell. The report states, "Subject Johnson is an alcoholic and health is bad very week and feeble [sic]."[16]

On September 16, 1976, Det. Little interviewed the Bryant family who lived near the Victims. The report says that David Bryant had an alcohol problem. David Bryant stated that he was home all night on September 5th and didn't see or hear anything. He was alone when his wife and daughter went to church. Bryant's wife and daughter said they went to church across the street from the Victims' house and saw Aileen Davis come out of her house around 8:30 p.m. and go back inside.[17]

A September 17, 1976, handwritten report states that Det. Little picked up Mary Gaither for questioning. The report indicates that she had been released from the Bladen County Jail on September 2, 1976 and had been incarcerated with Nat Gaither. The report states "Subject had white handled dagger in her possession with blood stains on same Nat Gaither advised it was animal blood where he had dressed a rabbit and squirrel."[18] Later, testing of the knife was negative for blood.

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[13] BCSO Bates stamp Pg. 385.
[14] Id. Pg. 398.
[15] Id. Pg. 397.
[16] Id. Pg. 399.
[17] Id. Pgs. 394-396.
[18] Id. Pg. 386.

The handwritten reports indicate that on September 18, 1976, Det. Little interviewed the Victims' family. The Victims' daughter/sister, Omega Hales, lived near the Victims. She said she took Josephine Davis home in her car around 10:00 p.m. on September 5, 1976. When they drove into the yard, Aileen Davis came out and talked to her. When Omega left, Josephine Davis was sitting on the porch. Omega also said Eddie Lanier visited the Victims. The report indicates that the Victims would get up during the night and come outside to use the bathroom. Neither drank liquor and Josephine was against it.[19]

Wanda Hales is Omega's daughter. The report indicates that on Monday, September 6, 1976, after "As the World Turns" went off TV, Wanda walked to her grandmother's house and noticed that the screen door was open and the wood door was closed. Wanda said the door only opened partway and she saw Josephine and Aileen Davis lying on the floor with blood all over them. She never went inside, only on the porch and was barefoot.[20]

The report also indicates that Wanda said in the early morning of September 6th, she saw a car pull to the road that goes by their house; a black man got out of the car and walked down the dirt road, and the car turned around and went toward town.[21] This dirt road ran beside the Hales house and led to the Smith home. The Smith family was later interviewed.

The report indicates that Marion Lee Hales is Omega's husband and he said that at about 4:00 a.m. on September 6th, he heard a vehicle take off from the direction of the Victims' residence accelerating very fast, and turn into the dirt road that goes past his house. Marion thought it was a station wagon and might be green in color. The report indicates he said neither Victim drank liquor and "he would bet his life on it."[22]

On September 19, 1976, Eddie Lanier was interviewed by Det. Little. Lanier said he had known the Victims off and on for 40 years. He had last seen them around August 1, 1976. Lanier said that he spent the night at the Victims' home on occasion and slept in a back room while the Victims' slept on the couches in the living room. Lanier said he had never known the Victims to drink and they didn't

[19] Id. Pgs. 391-392.
[20] Id. Pg. 393.
[21] Id. Pg. 393.
[22] Id. Pgs. 390.

allow liquor around them. Lanier stated he had never had sexual relations with either of the Victims and knew of no one who had.[23]

Documentation in the file shows that on September 16, 1976, a broadcast was sent to other agencies nationwide with details of the homicide that stated that one suspect was in custody. Det. Little received three responses from other agencies in other states indicating they had similar unsolved homicides. One agency indicated they had latent lifts. There is no documentation in the file indicating that prints or evidence from these cases was compared to this case.[24]

A New Jersey detective responded that they were holding a white male named Raymond Alves who admitted to raping and killing 8-10 people between Florida and New Jersey.[25] Later SBI reports indicate that Alves' fingerprints were compared to latent prints from this scene with no identification effected.

A handwritten note without a date appears to contain a list of possible suspects. The note says:

- Roscoe Smith – Subject in prison with Joseph Sledge.
- Roscoe Smith's Brother – Was put off at "Hales" home on or about 3:00 a.m. – before day on Labor Day of 76 – Heard something and ran.
- Donald Lee Hales - Taken by Sheriff Allen to training school in Rocky Mount, N.C. Sheriff advises he would carry Donald by his grandmother's residence (Mrs. Hales') and he would talk ugly and treat her mean.
- Billy Ray Hales (grand-son) – Grand-mother (Mrs. Hales) promised Bill ½ acre of land – had a dispute and refused to sign him any property – Subject (Billy) is believed to be on drugs and capable of committing such murders. "Gossip from Community." [26]

On October 1, 1976, SBI Agent Evans was requested to assist Det. Little in the investigation.[27] The following report details the status of the investigation from October 1, 1976 through November 9, 1976.

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[23] Id. Pgs. 388-389.
[24] Id. Pgs. 387-406.
[25] Id. Pgs. 403-404.
[26] Id. Pgs. 49-52.
[27] SBI File Bates stamp Pgs. 4564.

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
421 NORTH BLOUNT STREET
RALEIGH 27602

RUFUS L. EDMISTEN
ATTORNEY GENERAL

HAYWOOD R. STARLING
DIRECTOR

CONFIDENTIAL: This is an official file of the North Carolina State Bureau of Investigation. To make public or reveal the contents thereof to any unauthorized person is a violation of the General Statutes of North Carolina.

FILE NUMBER:	198-H-14 (Master File)
VICTIM:	Josephine Davis, W/F/
TYPE OF CASE:	Homicide
CITY:	Near Elizabethtown
COUNTY:	Bladen
SUSPECT:	X JOSEPH SLEDGE, B/M/
STATUS:	Pending
REPORT COVERS PERIOD:	October 1, 6, 7, 11, 12, and 26, 1976, November 2, 4 and 9, 1976
REPORT MADE BY:	Special Agent Marshall L. Evans, III:emc
DATE OF REPORT:	November 19, 1976
TRANSCRIBED:	November 22, 1976
COPIES TO:	3 Supervisor L. M. Harton 4 Hon. Lee Greer, District Attorney C Sent to Agent 5 SDD Supervisor C.M. BRYAN 9-1-77 BC 6 Assistant Attorney General Lester Chalmers 3-21-78

COPY 0 1 PAGES 14
AND ATTACHMENTS

004670

198-H-14

SYNOPSIS:

This case is Master File for companion case 198-H-15.

The victim is a White female in her early seventies (70's) who lived with her daughter, Ailene Davis (who is the victim in companion case 198-H-15).

The victim lived in a five (5) room, wood frame dwelling on the East side of Highway 242 North, approximately 1.3 miles North Elizabethtown, North Carolina in Bladen County.

The victim and her daughter were last seen alive at approximately 10:30 p.m., Sunday, September 5, 1976.

The victim and her daughter were found deceased by a relative at approximately 4:30 p.m. on Monday, September 6, 1976.

When found, the victim and her daughter were lying on the backs in the living room of the dwelling with their clothing pulled up to their waists.

Both victims bore multiple stab wounds and autopsy revealed death resulted from loss of blood.

Numerous items of physical evidence, including latent prints, were obtained in the crime scene search.

JOSEPH SLEDGE, B/M/, an inmate at the Bladen County Prison Unit who escaped on Sunday September 5, 1976, was developed as a suspect by the Bladen County Sheriff's Department. No arrest has been made.

Reporting Agent received an investigative request on this case from Bladen County Sheriff John B. Allen on September 1, 1976.

This case is pending further investigation.

198-H-14

DETAILS OF INVESTIGATION:

PREDICATION:

On October 1, 1976, Bladen County Sheriff John B. Allen, requested Reporting Agent to assist Bladen County Deputy Sheriff Phillip Little in the investigation of the murder of Josephine Davis. Reporting Agent responded to the request by assisting Deputy Sheriff Phillip Little in the investigation.

CRIME SCENE SEARCH:

AGENT'S NOTE:

Reporting Agent did not observe the crime in its original state. The interview of Deputy Sheriff Phillip Little contains a detailed description of the crime scene and the crime scene search that was conducted on Monday, September 6, 1976.

AGENT'S NOTE:

Photographs of the crime scene were taken by Deputy Sheriff Earl Storms on September 6, 1976. Special Agent Lee Sampson took additional photographs at later dates.

AGENT'S NOTE:

On Thursday, October 7, 1976, Deputy Sheriff Phillip Little, Special Agent Lee Sampson, and Reporting Agent returned to the crime scene and conducted another crime scene search in which additional items of physical evidence, including latent prints and items of bed clothing, were obtained. These items of physical evidence, plus clothing worn by the victims which was in the custody of Special Agent Lee Sampson and elimination fingerprints were submitted by Reporting Agent to the SBI Latent Print Laboratory on October 12, 1976.

AGENT'S NOTE:

On Monday, October 11, 1976, Reporting Agent met Bladen County Special Deputy Sheriff Bob Conerly in Fayetteville, North Carolina and took custody of a section of wooden floor bearing shoe tracks in blood which Sergeant Conerly removed from the crime scene. Reporting Agent submitted this item of evidence to the SBI Latent Print Laboratory on October 12, 1976.

AGENT'S NOTE:

On October 26, 1976, SBI Latent Print Laboratory Agents Wesley Layton and

Donald Sollars conducted a third crime scene search of the Davis residence and found additional items of physical evidence which they retained in their custody.

After hours of darkness on that same date, SBI Chemist J. S. Taub and D. G. Hedgecock conducted a ultraviolet light examination of the crime scene for evidence of seminal fluid, and also conducted a luminal examination of the crime scene for evidence of blood. Items of evidence were found as the result of the luminal examination and these items of evidence were retained in the custody of Chemist J. S. Taub. Special Agent Gary Knight of the SBI Photography Laboratory photographed the items of evidence found during the luminal examination and also photographed blood patterns at the crime scene.

AGENT'S NOTE:

On November 4, 1976, Bladen County Sheriff John B. Allen, Deputy Sheriff Phillip Little and Reporting Agent requested 13th Judicial District Attorney Lee Greer to draw a Petition and Order of Autopsy for the bodies of Josephine and Ailene Davis to be exhumed from their place of burial and transported to the office of the Chief Medical Examiner in Chapel Hill, North Carolina.

On November 4, 1976, Superior Court Judge Giles Clark signed a court order for the bodies of Josephine Davis and Ailene Davis to be exhumed and the bodies placed under autopsy and examined for items of physical evidence named in the court order.

AGENT'S NOTE:

On November 9, 1976, the bodies of Josephine Davis and Ailene Davis were exhumed and transported to the office of the Chief Medical Examiner in Chapel Hill by Butler Funeral Home of Roseboro, North Carolina. The bodies were accompanied by Bladen County Sheriff B. Allen, Deputy Sheriff Phillip Little and Reporting Agent. Dr. William M. Reavis of the Medical Examiner's Office conducted the autopsies of the victims. Special Agent Steve Jones, Special Agent Sam Pennica and Special Agent Donald Sollars of the SBI Latent Prints Laboratory took custody of the physical evidence obtained at the autopsy.

AGENT'S NOTE:

The following five (5) page attachment consists of a copy of the Petition and Order of Autopsy, a copy of the court order for exhumation and autopsy and a consent for exhumation signed by five (5) members of the victim's family. (See Attachment Number One)

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AGENT'S NOTE:

The following four (4) page attachment consists of a copy of the report of autopsy on Josephine Davis. This autopsy was conducted by Dr. Marvin W. Thompson at Southeastern General Hospital in Lumberton, North Carolina on Tuesday, September 7, 1976. Special Agent Lee Sampson was present at the autopsy and photographed the body of the victim. (See Attachment Number Two)

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Dr. Marvin Whitaker Thompson, Pathologist, Southeastern General Hospital, Lumberton, North Carolina

Dr. Thompson was interviewed at his office on November 2, 1976, by Deputy Sheriff Phillip Little, Special Agent Lee Sampson and Reporting Agent.

INTERVIEW STATEMENT:

AGENT'S NOTE:

Dr. Thompson is the Pathologist that performed the autopsy on Ailene Davis and Josephine Davis. The autopsies were performed at Southeastern General Hospital in Lumberton on September 7, 1976.

"There were not any photographs taken of the two (2) bodies at the autopsy.

I did not search the bloody portion of the two (2) bodies for any latent prints.

I did not search the bodies for foreign hairs. I cut some known hair samples from the pubic area on Ailene Davis.

I did not obtain any fingerprint parings or scraps under the fingernails of either victim.

I did not x-ray the bodies of the two (2) victims. I cannot say whether or not Josephine Davis had a broken jaw.

Both of the victims had bruises on their face and head. I cannot say what caused the bruises, they could have been caused by a fist or by a blunt instrument. The skin over the bruises was not broken.

Both of the victims had wounds on the neck. I measured the length of all wounds, but not the depth.

Josephine Davis also had a stabbing wound in her chest which penetrated the liver. This wound would have to be at least five (5) to six (6) centimeters deep in order to penetrate the liver. There was also a wound in Josephine Davis' left breast. All of the wounds on Josephine Davis were over three (3) centimeters long.

Ailene Davis had some wounds on her face. The wounds on Ailene Davis were from two (2) to five (5) centimeters long.

One (1) inch equals approximatey two and one half (2 1/2) centimeters.

Most of the wounds on the two (2) victims appeared to be slashing wounds made

at an angle. Major blood vessels in the necks of both victims were transected, causing great loss of blood which led to death.

The nature of the neck and head wounds on the two (2) victims indicate that the perpetrator may have been right handed.

The wounds appear to have been made with a butcher knife type weapon.

The autopsy of Josephine Davis did not reveal any evidence of sexual assault.

The autopsy of Ailene Davis showed evidence that the vagina had been penetrated. The inner walls of the vagina had been lacerated and there was evidence of bleeding around the lacerated area. I could not say what the vagina had been penetrated with. It could have been a penis, a finger, or some other object. I did not find any semen in Ailene Davis' vagina. I searched the victim's lower body for semen and did not find any. I did not find any semen on the victim's clothing. I did not search other body openings for semen.

I could not say what the time of death was on either victim. Josephine Davis had food in her stomach. It takes five (5) to six (6) hours for the stomach to empty."

Deputy Sheriff Phillip Little, Bladen County Sheriff's Department, Elizabethtown, North Carolina

Deputy Sheriff Little was interviewed by Reporting Agent on Thursday, October 14, 1976, and subsequent dates at the Bladen County Sheriff's Department.

INTERVIEW STATEMENT:

"On Monday, September 6, 1976, Deputy Sheriff Earl Storms and I were in the Kelly Section of Bladen County. We received a radio call from Sheriff Allen who told us to come back to Elizabethtown. The Sheriff told us that a homicide had been reported and that he was en route to the scene at that time. This was between 4:30 p.m. and 5:00 p.m.

A few minutes later, the Sheriff radioed us again and told us he was standing by at the Josephine Davis residence on Highway 242 North of Elizabethtown.

We arrived at the Davis at approximately 5:15 p.m. When we arrived, the only Police Officer at the scene was Sheriff Allen. There were a few spectators standing in the yard. There was not anyone in the house. To my knowledge, I was the first Police Officer to enter the house.

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I entered the house through the front door, which would only open enough for a person to barely get through. Deputy Sheriff Earl Storms entered the house through the front door soon after I did. Deputy Sheriff Storms and I immediately searched the entire house for intruders and found no one.

A few minutes after Deputy Sheriff Storms and I entered the house, Deputy Sheriff Lynn Moore arrived and entered the house. Deputy Sheriff Moore walked through the house, after entering through the front door, and went out of the house through the back door. Deputy Sheriff Moore checked the back yard and woods behind the house for evidence or people. Deputy Sheriff Moore did not stay in the house very long.

I have known the victims, Josephine Davis and Ailene Davis, for most of my life. I live less than one (1) mile from their house. The victims live in a five (5) room, wooden frame house on the East side of Highway 242 North. The house is approximately 35 yards from the edge of Highway 242. The house is located approximately .3 of a mile North of the intersection of Highway 242 North, Highway 53 West and Highway 701 South. The house is approximately 1.2 miles North of the Cape Fear River bridge at Elizabethtown. The house faces in a West/Northwest direction.

When I entered the front door of the victims' house, I found the body of Ailene Davis lying on her back on the floor just inside the front door with her head pointing in a Southerly direction and her feet pointing in a Northerly direction. Ailene Davis' body was so close to the front door that the door would not open into the room all of the way. Ailene Davis' head was near the right front corner of a green refrigerator which was on the South side of the front door. On the North side of the front door is a sofa. Ailene Davis' right foot was on the edge of the sofa near the middle of the sofa. Ailene Davis' left leg was bent nearly double with the left foot on the floor near the edge of the wall and her left knee in the air. Ailene Davis' arms were thrown back on either side of her head and were bent at the elbows. Ailene Davis was wearing a dark checked dress and a slip. The dress and slip were pulled up above her waist. Ailene Davis was not wearing underpants or brassiere or shoes and socks and was not wearing any jewelry. There was a brown and white, lace-up leather shoe lying between Ailene Davis' outspread legs. The shoe was near the right leg inner thigh.

I observed numerous wounds about the neck and face of Ailene Davis. The head, neck, arms, and upper torso of Ailene Davis were heavily saturated with blood and the floor beneath the head and upper torso was covered in pools of blood. The pools of blood were under the upper torso and head of Ailene Davis. The pools of blood were in a liquid state with a thin film or crust on top. There was also smears of blood on the lower torso and on both legs of Ailene Davis.

The body of Josephine Davis was lying on her back on the floor near the middle

of the room with her head pointing in an Easterly direction and her feet pointing in a Westerly direction. Josephine Davis' legs were outstretched and spread apart with the right foot touching the right elbow of Ailene Davis. Josephine Davis' right arm was thrown back beside her head with the elbow bent and her right hand touching a sofa. Josephine Davis' left arm was bent at the elbow so that her left hand was near her left shoulder. Josephine Davis was wearing a light colored dress and slip. The dress and slip were pulled up above her waist. Josephine Davis' upper torso from her waist to her neck, her right arm from the elbow to her shoulder and her entire left arm were covered with a printed bed sheet. Josephine Davis was not wearing underpants or a brassiere and was not wearing shoes or socks and did not have on any jewelry.

I observed numerous wounds about the neck and face of Josephine Davis and both of her lower arms and hands bore defensive wounds. The head and neck area of Josephine Davis were heavily saturated in blood and there were small amounts of blood smeared about her lower torso and both legs. There were pools of blood underneath Josephine Davis' head on the floor. The pools of blood underneath Josephine Davis' head were in the same state of coagulation as the pools of blood underneath the head of Ailene Davis.

Dr. Ralph Meinhardt, Bladen County Medical Examiner, examined the bodies of the two (2) victims at the crime scene and stated that in his opinion, death had occurred approximately eight (8) to 10 hours before his examination. Dr. Meinhardt made his examination at approximately 6:00 p.m. Dr. Meinhardt authorized that the bodies be sent to Lumberton, North Carolina for autopsy.

The autopsy of the two (2) victims was done on Tuesday, September 7, 1976. Special Agent Lee Sampson of the State Bureau of Investigation was present at the autopsy.

The house occupied by the two (2) victims, Ailene Davis and her mother Josephine Davis, is a unpainted, wood frame dwelling consisting of five (5) rooms and a front porch. The front porch extends from the Southwest front corner of the house to a point slightly more than halfway across the front of the house on the Northwest. On the Northwest front corner of the house is an outside storage room which access is gained from the front porch. The main body of the house consists of four (4) room and an entry hall at the back door. Directly behind the front porch on the Southwest front corner of the house is a living room, which is the room in which the bodies were found. Entry is gained into the living room from the front porch via a door located to the right or South of the center point of the house. To the rear of the living room at the Southeast rear corner of the house is located a kitchen. There is a door in the rear living room wall giving access into the kitchen. On the North side of the kitchen, at the center rear of the house, is a short hallway which gives access to the back

door of the house. The North wall of the kitchen contains a door giving access into the hall. At the Northeast rear corner of the house is located a small storage room. Access into the storage room is gained from the hall via a door in the South wall of the storage room. The Northwest front corner of the main body of the house contains a bedroom. This bedroom is between the outside storage room located at the front of the house and the small storage room located at the rear of the house. Access is gained into the bedroom from the living room via a door in the North wall of the living room. There is also a door in the front wall of the bedroom which gives access onto the front porch of the house at a point slightly to the left or North of the center point of the house.

Windows are located in the house at the following locations: in the South wall of the living room near Southwest front corner of the house, in the South wall of the kitchen near the Southeast rear corner of the house, in East wall of the kitchen near the Southeast rear corner of the house, in the North wall of the small storage room near the Northeast corner of the house and in the North wall of the bedroom at a point approximately midway in the room.

My examination of the outside storage room at the front of the house, of the small storage room at the rear of the house and of the hallway at the rear of the house did not reveal any physical evidence or signs of disturbance. Deputy Sheriff Earl Storms, Sheriff John B. Allen and I examined the entire house for physical evidence and conducted a crime scene search on Monday, September 6, 1976.

The bedroom of the house contained four (4) beds, one (1) in each corner, an old TV set, a small table and a dark colored, metal wardrobe with double doors. The metal wardrobe was standing in the approximate center of the room. The metal doors were open. A ladies hand bag and a small, metal box as well as a few items of clothing were lying on the floor in front of the open metal doors of the metal wardrobe. It appeared that these items had been removed from the metal wardrobe and left on the floor by the perpetrator. The remainder of the bedroom was disorganized, but did not appear to have been recently disturbed. The surface of the metal wardrobe and some of the items in the wardrobe were examined for latent prints and none were found. I made this latent print examination of the wardrobe and its contents.

There were drops of blood on the floor between the living room door of the bedroom and the metal wardrobe.

Deputy Sheriff Earl Storms and I examined the kitchen for physical evidence. Deputy Sheriff Storms and I both lifted some latent prints in the kitchen. We also examined the kitchen for signs of blood or other types of physical evidence. The only thing we found was a bloody shoe track on the kitchen floor just inside the doorway coming from the living room.

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I examined both of the windows and windowsills in the kitchen for any evidence that the windows had been used as the point of entry. I did not find any evidence to indicate that the windows were the point of entry. Neither one of the windows were secured in any way.

There was a pan of cooked steak and gravy on the stove. There was one (1) plate and a glass on the kitchen table that someone had been eating steak and gravy out of.

We examined the kitchen for sharp knives. We found two (2) butcher knives behind the hall door stuck in the wall. Neither of the knives appeared to have been used recently. Both were very rusty. We did not find any other sharp knives in the house.

The kitchen did not show any signs of a struggle and was not in disarray except for what appeared to be normal disorder.

I examined a glass found on the kitchen table for latent prints and did not find any.

The only physical evidence that I found in the kitchen were some latent prints I lifted from the stove near the window in the South wall of the kitchen.

There are three (3) stoves in the kitchen. On the South side of the door going into the living room is a wood burning, cast iron stove with a pipe going into a chimney. In the corner South of the wood burning stove is another cast iron stove. In the opposite corner or Southeast corner of room, is a white electric stove. This white electric stove is partially under the window in the South wall of the kitchen. I lifted the latent print off of the top, West corner of the white electric stove.

On the back or East wall of the kitchen, between the back window and the white electric stove, is a table with two (2) pans on top of the table. One of the pans had water in it with a plate in the water.

In the Northeast corner of the kitchen, between the back window and the hall door, is another larger table. This is the table which had the glass and eating plate sitting on it. The surface of the table was covered with a large variety of items such as condiments, groceries, and kitchen utensils.

In the Northwest corner of the kitchen between the door going into the hall and the door going into living room is a kitchen cabinet that contains a variety of food items.

The living room of the house was also used as a sleeping room by the two (2) victims. As you enter the living room by the front door from the porch, there

is a green refrigerator beside the front door on the right or South side of the front door. In the Southwest front corner of the living room is a second white refrigerator. This white refrigerator partially covers a portion of the window in the South wall of the living room. On the opposite side of the window from the refrigerator, against the South wall of the living room, are two (2) chairs. In the Southeast corner of the living room is an old sewing machine which had a radio sitting on top of it. Between the sewing machine and the kitchen door in the East wall of the living room is a wood burning, cast iron stove with a pipe flue connected to a chimney in the South wall of the living room. On the opposite side of the kitchen door from the store, facing toward the center of the room, is a sofa. This is the sofa that Josephine Davis slept on. Directly behind the sofa, in the Northeast corner of the living room, is a dresser. The top of the dresser contained a variety of papers, toilet articles and medicine. Next to the dresser, on the West side of the dresser, is the door to the bedroom. This door is in the North wall of the living room and the door is partially blocked by the Josephine Davis sleeping sofa. On the West side of the bedroom door, against the North wall of the living room and between the bedroom door and the front door of the living room is a second sofa. This is the sofa that Ailene Davis slept on.

The green refrigerator has two (2) doors, one at the top for a freezer and a large one on the bottom. This refrigerator contained food. The white refrigerator did not contain any food and was not working.

There was some woman's clothing, shoes, and pocketbooks on the two (2) chairs and on the sewing machine in the Southeast corner of the room.

In addition to the blood on the floor of the room immediately around the area of the two (2) bodies, there was also blood splattered on the front and right side of the green refrigerator and also on the wall between the refrigerator and the front door of the house. There were splatters of blood on the front and left side of the white refrigerator, on the window beside the white refrigerator, on the South wall between the window and the two (2) chairs and also a few splatters on the chairs.

There was a striped bed sheet lying on the Ailene Davis sofa. There was also a pillow inside a pillowcase lying on the same sofa. The pillow and pillowcase had been stabbed and slashed with a sharp instrument. Both the pillow and the striped bed sheet were lying on the end of the sofa furthest from front door of the house.

There was a second pillow inside a pillow case lying on the extreme East end of the Josephine Davis sofa. There was a white, terry cloth towel draped over the arm of the Josephine Davis sofa on the West end of the sofa. There was a printed bed sheet covering the upper portion of the body of Josephine Davis.

There was also a glass partially filled with orange juice sitting on the arm of the West end of the Josephine Davis sofa. The glass of orange juice was sitting on top of the terry cloth towel that was draped over the arm of the sofa.

On the floor behind the Josephine Davis sofa at the West end of the dresser near the door of the bedroom was a cardboard shoe box partially filled with paper documents, with other documents scattered on the floor around the shoe box.

Deputy Sheriff Earl Storms took photographs of the living room before the bodies were removed. Included in those photographs is a picture of bloody footprints on the floor near the body of Ailene Davis.

At a later date (September 30, 1976), Cumberland County Deputy Sheriff Sergeant Bob Conerly and I cut out the section of floor bearing the bloody footprints.

I examined the glass that contained orange juice, which was on the arm of the Josephine Davis sofa, for latent prints and did not find any. I also examined a one half gallon cardboard container of orange juice found in the green refrigerator for latent prints and lifted three (3) latent prints.

The entire living room was examined for latent prints by Deputy Sheriff Earl Storms and myself. The only latent prints found were lifted by Deputy Sheriff Storms from the upper, left corner of the green refrigerator. The entire exterior surface of the refrigerator was not examined at that time for latent prints because of wet blood on the surface of the refrigerator.

Before the bodies of the two (2) victims were removed from the house, I examined each body for presence of hairs. I removed hairs from the bodies of both victims.

The Sheriff removed a small radio found on top of the sewing machine from the crime scene for later examination for latent prints.

We also searched the entire living room for the murder weapon and did not find it.

The wooden floor of the living room was covered with linoleum, but the linoleum did not cover the entire floor, in some places the wooden floor was exposed.

When I arrived at the crime scene, there were not any lights on inside or outside of the house.

State Bureau of Investigation Special Agent Lee Sampson arrived at the crime scene after dark on Monday night. Special Agent Lee Sampson took some interior

and exterior photographs of the crime scene. Special Agent Sampson also took custody of some physical evidence that had been collected at the crime scene. Special Agent Sampson submitted the physical evidence to the State Bureau of Investigation Laboratory in Raleigh. Special Agent Sampson was also present at the autopsy of the two (2) victims on Tuesday.

Deputy Sheriff Lynn Moore and Deputy Sheriff Brodis Hester conducted the crime scene search on the exterior of the house.

Fresh automobile tire tracks were found on a woods path behind the house on the Northeast side of the house. These tire tracks were later eliminated as having been made by a car belonging to Josephine Davis' son, Lonnie Davis, who visited his mother on Sunday afternoon.

Two (2) tennis shoe tracks were found on the ground underneath the bedroom window on the North side of the house. Deputy Sheriff Lynn Moore poured plaster of paris cast of these tennis shoe tracks.

There were also signs found on the ground that someone had walked around the house, but these tracks were not clear enough for a cast to be made.

The yard and surrounding area about the house were searched for signs of blood drops and for the murder weapon. Nothing was found.

A hasp and lock were placed on the back door of the house and I retained all keys to the lock. A sliding thumb bolt was put on the inside of the front door and the outside storage room door was nailed. The outside bedroom door cannot be opened. The crime scene has been maintained secure. No one has been allowed to enter the crime scene without my presence since Tuesday, October 7, 1976."

This case is pending further investigation.

Handwritten notes in the BCSO file indicated that Charles Tyndall was investigated as a possible suspect because the Victims' family said he told someone he had come to Bladen County and "got up with the wrong crowd." Mr. Tyndall denied this and he and his two daughters were fingerprinted on November 1, 1976.[28]

The SBI file contains a December 6, 1976 letter from Jane Norris stating she thinks someone "knows more about the Josephine and Aileen Davis murder than they have told." Norris provides her address and telephone number and requested that law enforcement come speak with her. There is no indication whether Investigators ever followed up on this letter.

On June 23, 1977, SBI Deputy Director J.P. Thomas reviewed the case and reported to the Director that the master file was confusing and fragmented. The letter is included below.

[28] BCSO file handwritten note, BCSO Bates stamp Pgs. 39-46.

FORM 106

BUREAU OF INVESTIGATION
NORTH CAROLINA DEPARTMENT OF JUSTICE
RALEIGH

Intra-Bureau Correspondence

From: Deputy Director J. P. Thomas

Date: June 23, 1977

To: The Director

File No.: 198-H-14/15

Subject: Josephine Davis - Victim
Aileen Davis - Victim
Homicides
Bladen County, North Carolina

In Reply To:

The above case was selected recently for review. This is an unsolved double murder that occurred September 6, 1976.

The master file is fragmented and confusing because so many people have been involved with the evidence. The Bureau was not initially involved and I do not think our Agents are to blame for the poor results.

In the interest of a renewed comprehensive effort Supervisor Harton is requested to review the file, confer with Agents, etc.

Supervisor S. R. Jones is requested to review the work of his section and offer suggestions that may be helpful.

The master file reflects that only four (4) sets of inked prints have been compared with the latent prints. The field Agents should always document their requests for comparisons so it will reflect in the report. In talking with field and Latent Evidence people I find that they each want to take the blame for poor documentation. The attitude is admirable; however, an attempt to clarify procedure seems to be in order - field Agents should request comparisons on evidence forms, by memorandum or verbally. If verbal a memorandum confirming the conversation should follow. In this way everyones report will indicate where investigative pressure should be applied.

JPT:dj

cc: Deputy Director R. H. Carland
Assistant Director Harold E. Elliott
Supervising Agent L. M. Harton
Supervisor S. R. Jones
Special Agent L. E. Sampson
Special Agent M. L. Evans, III

000299

On August 10, 1977, the Victims' son/brother, Lonnie Davis, wrote to the SBI asking about the case. The SBI Director responded. The letters are included below.

Elizabethtown, North Carolina
August 10, 1977

Mr. Haywood Starling, Director
State Bureau of Investigation
Raleigh, North Carolina, 27601

Dear Mr. Starling:

On September 6, 1976 my Mother, Aileen Davis and Sister, Josephine Davis, were brutally murdered near Elizabethtown, North Carolina. In the days immediately following this there was right much activity concerning the investigation of this murder, but now no one seems to be doing anything.

I would like to know if the SBI is conducting an independent investigation in this crime, or if they are receiving the proper cooperation from the Bladen County Sheriff's Department, or if the case has been closed, or just what the status of this is.

Sincerely,

Lonnie H Davis

Lonnie H. Davis
R-3, Box 259
Elizabethtown, N.C. 28337

004734

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
421 NORTH BLOUNT STREET
RALEIGH 27601

RUFUS L. EDMISTEN
ATTORNEY GENERAL

HAYWOOD R. STARLING
DIRECTOR

August 12, 1977

Mr. Lonnie H. Davis
Route 3, Box 259
Elizabethtown, North Carolina 28337

Dear Sir:

This will acknowledge the receipt of your letter dated August 10, 1977 concerning the death of your mother and sister.

The State Bureau of Investigation initiated an investigation into this matter on October 1, 1976. Investigation to date has failed to produce sufficient evidence to justify an arrest.

Please be assured that this is an active investigation and that the State Bureau of Investigation will continue to pursue the investigation until it is brought to a successful conclusion.

Sincerely,

HAYWOOD R. STARLING,
DIRECTOR

Harold E. Elliott

Harold E. Elliott,
Assistant Director

HEE:dj

004733

SBI Agent Poole Assigned to Investigation

On September 12, 1977, SBI Agent Henry Poole was assigned to assist with the investigation.[29]

In September of 1977, the SBI contacted law enforcement agencies where Sledge was known to have lived or traveled to request files for any "unsolved homicides of a similar nature." Multiple agencies sent reports, but none appear to have been deemed relevant to this investigation. [30] The SBI also reviewed unsolved homicides across North Carolina.[31]

An SBI status report covering the period of September 23, 1977 through October 12, 1977 states, "Presently the investigation is centered around SLEDGE in an attempt to either eliminate him or take whatever action necessary against him."[32]

On September 29, 1977, Investigators examined the crime scene again. They located wage statements indicating Aileen Davis had worked at a local amusement park at nearby White Lake in 1972. They interviewed Harold Womble, who leased out the land to Work Amusement Company, which operated the carnival rides. He did not have employment records for Work Amusement Company and referred them to the owner, Hazel Work. He did recall Hazel Work once saying that Aileen Davis had worked for her part-time.[33]

From September 1977 through February 1978, numerous people were interviewed relating to different portions of the investigation. These interviews will be summarized below, broken up by subject matter.

Information from William Dunn

On October 3, 1977, William Dunn (white male age 45) was interviewed at his residence in Elizabethtown. Dunn said he worked at a TV repair shop in Fayetteville with William O. Hunt (described as "negro male"). The day after the murders two or three black males (named Charlie, James Walker, and "Little James") came over and stated they had been across the street at a grocery store drinking with "a black man named SLEDGE and SLEDGE has stated that he had killed two women in

[29] BCSO File Bates stamp Pg. 248.
[30] BCSO File and SBI File, reports located throughout both files.
[31] SBI File, SBI Bates stamp Pgs. 4736-38 and 4747-48.
[32] SBI Status Report, October 12, 1977 (covering Sept, 23-Oct. 12), SBI Bates stamp Pg. 4756.
[33] SBI Status Report, October 10, 1977, SBI Bates stamp Pgs. 4768-4773.

Elizabethtown" and Sledge had a pocket full of money. Dunn said William O. Hunt may not want to be involved with this case. Dunn said he did not know Sledge and this was the first he had heard of him. [34]

On October 6, 1977, William O. Hunt was interviewed at his home in Fayetteville. Hunt said he recalled being with William Dunn, but did not recall any conversation about Sledge and the murders. The report states, "Hunt appeared to be trying to impress Investigators about how much he did not know. He made comments such as, 'I don't remember what anybody says, you know how blacks are?' He stated several times he needed to talk with Bill Dunn in order to refresh his memory. He also stated that he remembers reading all about the case in the paper, but doesn't know, 'anything about what anybody said.'" [35]

On October 11, 1977, James Jackson (black male, no age in report) was interviewed at the E-Z Shop in Fayetteville.[36] Jackson said he was called "Little James." Jackson said he does not know anybody named Joseph Sledge or a black man who shaves his head. Nobody has ever said in his presence that they killed anybody. He has never heard anybody say that they killed two women. He does know both William O. Hunt and William Dunn, but if they said he knew anything about two women being killed they are either lying or have mixed him up with someone else. He knows Charlie Blue. [37] Officers tried to give Jackson a polygraph and he agreed, but the examiner was unable to perform it because Jackson had a severe cold.[38]

The investigative report says William Dunn was brought in to verify that this is the James Jackson he referenced. Dunn said he believed Jackson was the same person and knew him as "Little James," but could not be absolutely certain.[39]

William Dunn was then given a polygraph. The investigative report states "The polygraph test indicated that Mr. Dunn had told the truth when he related his knowledge of statements allegedly made by JOSEPH SLEDGE about killing the two women." [40] The polygraph report says no deception indicated

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[34] SBI Status Report, October 12, 1977 (covering Sept, 23-Oct. 12), SBI Bates stamp Pg. 4756-67.
[35] Id.
[36] It appears the E-Z shop is the grocery store Dunn referenced in his interview, although he referred to it as Horne's grocery.
[37] SBI Status Report, October 12, 1977 (covering Sept, 23-Oct. 12), SBI Bates stamp Pg. 4756-67.
[38] Id.
[39] Id.
[40] Id.

and says "none performed" for the numerical evaluation.[41] There is no record of what questions were asked.

The report states that the officers then "confronted" James Jackson and told him "the polygraph indicated William Dunn was telling the truth. James Jackson continued to deny any knowledge of statements made about the homicides by JOSEPH SLEDGE." [42]

On October 12, 1977, Charlie Blue (black male age 61) was interviewed at his residence in Fayetteville. The report states "According to information received during prior interviews, this subject was present when SLEDGE made statements concerning the killing of two women in Elizabethtown." Blue said "the only thing he knows for sure is that he is on disability, draws Social Security, and is trying to be a man." The agents note in the report states, "It is to be noted that Blue drinks wine often during the day and night."

On October 14, 1977, William Hunt and James Jackson were given a polygraph tests. The results for both show no deception indicated with a numerical score of 5 for Hunt and 6 for Jackson.[43] These polygraphs are not documented in the investigative reports and there is no indication what questions were asked.

On the same day, Charlie Blue was given a polygraph exam, but the report states that the examination was terminated because the examinee was determined to be mentally incompetent.[44] This polygraph is also not documented in the investigative reports.

There are no follow-up reports in the file.

Interviews Regarding Johnny Ray Benton

During the investigation, several people that were interviewed provided information that Johnny Ray Benton may have been involved in the murders.

On September 30, 1977, Investigators interviewed Carolyn Hall (no race or age provided in report) at her home in Elizabethtown. Hall said that a month prior, Jenny Tatum told her that Tatum's brother, Johnny Ray Benton, said he stood outside the window and watched the murders. Johnny Ray

[41] SBI Polygraph Report, October 11, 1977, SBI Bates stamp Pg. 4777.
[42] SBI Status Report, October 12, 1977 (covering Sept, 23-Oct. 12), SBI Bates stamp Pg. 4756-67.
[43] SBI Polygraph Report, October 14, 1977, SBI Bates stamp Pg. 4774.
[44] SBI Polygraph Report, October 14, 1977, SBI Bates stamp Pg. 4775.

Benton said that two boys did it. Hall said one of the boys might be William Thomas Haire, who changed clothes behind a truck stop after the murders and his girlfriend said his clothes were bloody. [45]

That same day, Investigators interviewed Jenny Tatum (no race or age provided in report) at her home in Elizabethtown. Tatum is the sister of Johnny Ray Benton. Tatum said that Jan Goldblox told her Johnny Ray Benton said he knew who killed the Davis women and he "might have been with the people who did it for all anyone knew." Tatum said at time of the murder, she lived close to the Victims and Johnny Ray Benton stayed with her. He spent the weekend of the murder at a trailer park less than a mile from the Victims' house. When Tatum saw him before the murder, he had on old tennis shoes and when she saw him after the murder, he had on a new pair of tennis shoes. [46]

On October 3, 1977, Investigators interviewed Kay Tatum (no race or age provided in report) in Elizabethtown. The report does not state whether Kay Tatum is related to Jenny Tatum or Johnny Ray Benton. Kay Tatum said she talked with William Thomas Haire one month after the murders and he said Joseph Sledge, Roscoe Smith, and two other men did the crime. She also heard rumors that Sledge told people in Fayetteville he killed two women in Elizabethtown (Tatum's mother was dating William Dunn). She had heard the Victims allowed "negro and Caucasian" young people to use drugs at their house. A week later, Tatum asked to be reinterviewed and said she had written down what she recalled about her conversation with William Thomas Haire. She recalled him saying he knew for a fact it was four people and that the Victims let them in because they knew them and one was Sledge. [47]

On October 12, 1977, Rachel Louise Sessoms (white female age 23) was interviewed at her home in Elizabethtown. Sessoms said she lives in the trailer park less than one mile from the Victims' house. [48] Sessoms said about a month before the murders, on a Sunday, two black men came to her trailer window at night and asked if she was alone. She said her husband was home and the two men then said they wanted a ride to Elizabethtown, but then they walked in the direction away from Elizabethtown. She said she did not know the men and could not describe them other than their height.

Sessoms said the night of the murder, a neighbor's dogs were barking around two or three in the morning. She did not see or hear anything unusual until the bodies were discovered. She and

[45] SBI Status Report, October 12, 1977 (covering Sept, 23-Oct. 12), SBI Bates stamp Pg. 4756-67.
[46] Id.
[47] Id.
[48] Id.

another woman heard screaming when the bodies were found and the other woman went to the house. She drove by the Victims' home 20 minutes later and there were a lot of people in the yard. [49]

Sessoms said her brother, Robert Butler, went to Arkansas with Johnny Ray Benton after the murders. Johnny Ray Benton had been staying at her mother's house in the trailer park. She never heard her brother or Johnny Ray Benton say anything about the murders. She had heard people say that Josephine Davis' grandson might have done it because of drugs or that someone else in the family did it. [50]

The files do not contain documentation that Johnny Ray Benton was interviewed until November 15, 1977; however, there is a polygraph report in the SBI file for Johnny Ray Benton for November 4, 1977 that states no deception indicated with a numerical score of 6. There is no indication of what questions were asked. In a later documented interview, Johnny Ray Benton names Elijah Robinson as the killer.

On November 9, 1977, Elijah Robinson (black male age 24, US Army Ft. Bragg) was interviewed. The investigative report of the interview states:

> *Robinson was interviewed on November 9, 1977, at Cumberland County Sheriff's Office by reporting agent and Detective Little. Robinson stated that he has heard something about the homicides, but that he would not tell investigator's [sic] what he had heard. He stated that he did not wish to become involved in this matter and would not talk about the murders.*
>
> *After some conversation, Robinson did state that he heard that two of the victims' family members had an argument with the victims and killed them. That they took a broom handle and stuck it in one of the victim's vagina to make it look like she had been raped.*
>
> *Robinson appeared somewhat irritated that officer would ask him about this homicide. He further stated that he could not recall where he received this information.*

[49] Id.
[50] Id.

> *Agent's note: Robinson was administered a polygraph examination on November 9, 1977 and refused to answer question concerning his having any knowledge of this killing. He later on this same day submitted to one test, which was administered by Special Agent Webster. According to Agent Webster, this test showed deception."*[51]

The polygraph report for Elijah Robinson states, "None Performed…Suspect had been interrogated extensively immediately prior to examination. Examination terminated by this examiner. Reexamination unlikely."[52] There is no documentation of what questions were asked during the polygraph.

On November 15, 1977, Johnny Ray Benton was interviewed at the Bladen County Sheriff's Department. Benton was advised of his rights and signed a waiver. Benton said that on September 5, 1976, he was at Marshalls Sessoms' house and after 11:30 p.m. he jogged home and took the long way past the Victims' house. Benton said he saw Elijah Robinson run out of the Victims' driveway and get in a car and leave at a high rate of speed. Three days later, Robinson came by Benton's house after Benton saw him talking to JoAnn Chadwick across the street. Robinson told Benton he better not tell anyone what he had seen. [53]

The next day, Benton was given a polygraph and the investigative report states that during the preparation for the polygraph, Benton said he had lied and did not see anyone at the Victims' house or know anything about the crime except what he had heard in the community. Benton said he lied because he was facing a four-year prison term and thought it would help him get out of prison.[54]

The polygraph report states no deception indicated with a numerical evaluation of 6. There is no documentation of what questions were asked during the polygraph. The polygraph examiner's remarks state: "Examinee confesses that he did not know anything about the murders except that which he had read in the paper or heard on the street. Stated that his statement in which he said he observed Elijah Robinson leave the Victims' residence was not true. Examinee was examined by RA to determine whether or not the examinee was involved in the above crime or if the examinee had any real knowledge concerning the above murders. It is the opinion of the RA that the Examinee was not

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[51] SBI Status Report, November 14, 1977, SBI Bates stamp Pgs. 4791-98.
[52] SBI Polygraph Report, November 9, 1977, SBI Bates stamp Pg. 4790.
[53] SBI Status Report, Nov. 22, 1977 (covering Nov. 10-16, 1977), SBI Bates stamp Pgs. 4801-4808.
[54] Id.

involved in the murders and that the examinee does not possess any significant information concerning the murders."[55]

On November 16, 1977, JoAnn Chadwick (white female age 16) was interviewed regarding Elijah Robinson. The report states that she had known Robinson her entire life, but could not recall talking to him about the Davis murders.[56]

A request was made to compare fingerprints on file for Elijah Robinson, but the November 30, 1977 SBI report states there were no prints on file and the comparison could not be made.[57] There is no indication in the investigative file that Elijah Robinson was ever fingerprinted or compared.

Interviews Regarding William Thomas Haire

On October 24, 1976, David Hamilton signed a rights waiver. A handwritten report in the BCSO file states that Hamilton said he did not know the Victims and heard William Thomas Haire was a suspect. The notes state that Hamilton was paroled August 15, 1975, agreed to take a polygraph, and did not know Joseph Sledge.[58]

An undated note in the BCSO file states, "According to interviews with locals it is apparent that Thomas Hare (sic) has done a lot of talking about knowing who killed the Davis ladies. Hare needs to be interviewed about his statements and if same are just BS be informed of his misconduct."[59]

On November 30, 1977, William Thomas Haire (white male age 24) was interviewed at his home. Haire said the last time he was at the Victims' house was in 1973 with Billy Ray Hales, Josephine Davis' grandson. His cousin Danny Haire had acted suspicious since the crime. Someone told him that the Monday the bodies were found, Danny's forehead was skinned up. Haire said the brother of Roscoe Smith was good friends with Billy Ray Hales (Josephine Davis' grandson) and Billy used to give "the Smith boy" drugs. [60]

An Agent's Note says, "It is to be noted that William Thomas Haire has told a great number of people in the past that he knew who killed the Davis ladies. Inquiries indicate that he has tried to

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[55] SBI Polygraph Report, Nov. 16, 1977, SBI Bates stamp Pg. 4799.
[56] SBI Status Report, Nov. 22, 1977 (covering Nov. 10-16, 1977), SBI Bates stamp Pgs. 4801-4808.
[57] SBI Laboratory Report, Nov. 30, 1977, SBI Bates stamp Pg. 4812.
[58] BCSO Supplementary Offense Report, BCSO Bates stamp Pgs. 37-43.
[59] BCSO Bates stamp Pg. 453.
[60] SBI Investigative Report, Dec. 2, 1977, SBI Bates stamp Pgs. 4815-4821.

impress several female members of the community with his knowledge when, in fact, he actually has no knowledge concerning this crime."[61]

Haire's wife, Connie Todd Haire (white female age 22), was also interviewed on the same day, at the same location. She said her husband had no knowledge of the crime.[62]

On December 7, 1977, Daniel Slater Haire Jr. (no race or age in report) was interviewed at his residence. He lived near the Victims and at 4 a.m. on September 6, 1977, he passed by the Davis house on his way to work and noticed a light on in the kitchen area, but nothing unusual. He had noticed lights on at the house before. He said he has no idea who killed the women, but Josephine's grandchildren were very disrespectful to her.[63]

On the same day, Daniel Slater Haire III (white male age 25) was interviewed at his residence in Elizabethtown. Haire said he and Billy Ray Hales (Josephine's grandson) were good friends and used to play near the house when they were children. He said he went to the mountains for Labor Day and returned that Monday and he was with Wynn Haire and his wife, John Wilkes, and Rosemary Watson. He feels like the Victims were killed by someone they know. Haire said he doesn't know anyone capable of committing such a crime.[64]

Interviews of Victims' Family and Neighbors

On October 19, 1977, Mr. and Mrs. Sam Parker (no race or ages noted in report) were interviewed. They lived close to the Victims. Mrs. Parker stated she was suspicious of Marion Lee Hales who is married to Omega Hales (Josephine Davis' daughter). Mrs. Parker said Marion Hales is rough and "upon hearing of the murders, did not act excited." She went on to say that he has a drinking problem and he wanted to move away, but Omega wanted to stay close to her mother and sister. She stated that Josephine had been at the Hales house until 8 p.m. the night before the murder. [65]

Mrs. Parker also said that Eddie Lanier went to see Josephine Davis, may have tried to court her, and stayed overnight on several occasions. She also said Jackie Dean Smith spent the night with Aileen

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[61] Id.
[62] Id.
[63] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pgs.4831-4840.
[64] Id.
[65] SBI Status Report, November 1, 1977 (covering October 19 – Oct. 31, 1977) SBI Bates stamp Pgs. 4780-87.

Davis when she worked at White Lake. The Parkers said they had never heard of any "blacks" visiting the Victims. [66]

Mrs. Parker says she heard from Tom Hall that his daughter (Doris Shaw) said Link Haire's son did the killing and a long-haired boy stood at the window. That boy told Tom Hall's daughter about it. [67] An agent's note after the interview summary states, "This information has been checked out, and a report will be submitted concerning it. As of this date, it is unfounded."[68]

On October 28, 1977, Omega (age not in report) and Wanda Hales (age 21) were interviewed. Omega is the daughter of Josephine Davis and Wanda is Omega's daughter. They live near the Victims' house. Omega said Josephine came to her house on Sunday September 5, 1976 and she drove Josephine home around 10:00 p.m. Omega saw her sister Aileen when Omega dropped Josephine off. [69]

Wanda said that she left her house about 4:00 p.m. the next day to visit Josephine and Aileen. When she got there everything appeared normal and her grandmother's little dog was tied up out front. The screen door was open and a chair was lying at the door. She pushed open the wooden door and saw the bodies and started yelling and rushed back to her house. Omega called the rescue squad. [70] Wanda stated that she did not enter the house.

Omega said Josephine "hated liquor and never drank a drop in her life and that if there was any liquor in her mother's body, it was because someone had forced her to drink it." Omega said she did not know if either of the Victims had a boyfriend. Eddie Lanier used to visit the Victims and spend the night, but was just a friend. She said she did not know of any "blacks" who went to the house and neither of the Victims had mentioned any strangers. [71]

Wanda Hales said during the early morning of September 6, 1976, she woke up and saw a car parked in front of her house and a tall, slender, black male got out and the car headed back toward Elizabethtown.[72]

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[66] Id.
[67] Id.
[68] Id.
[69] Id.
[70] Id.
[71] Id.
[72] Id.

On November 2, 1977, Marion Hales was interviewed at the Bladen County Sheriff's Department. He is the son-in-law of Josephine Davis and married to Omega Hales. He said Josephine had been at his house the Sunday before the murders and his wife took her home around 10:00 p.m. He got up on Monday morning at 4:30 a.m. and heard a car leave from the direction of the Victim's house at a high rate of speed. The car pulled into a driveway by his house that leads to "where three or four blacks live." He never saw the car leave that driveway. On Tuesday, he saw a black or blue car with out-of-state tags pull out of "the black's driveway."[73]

Marion Hales said Josephine does not drink and "there is no way a man could get Josephine to take a drink of liquor or beer." He said Eddie Lanier used to stay at the Victims' house. About six months prior to the murder, a man named David Bryant exposed himself to Aileen Davis. He described Bryant as a drunk who hangs around the community.[74] On November 4, 1977, Marion Hales was given a polygraph and the report states no deception indicated with a numerical score of 11.[75]

On November 18, 1977, a neighbor, Viola Campbell (black female age 60) was interviewed at her home, but was unable to provide the Investigators with any information other than her belief that there were rumors in the community about the Victims having money and that she believes "they were killed over some type of grudge."[76]

On December 19, 1977, Lonnie Davis (white male age 56) was interviewed. He is the oldest son of Josephine Davis. He visited the house the day before the murder. Davis said he did not know his mother or sister to have any boyfriends. Josephine never drank and "hated liquor as much as she hated the devil." Eddie Lanier sometimes visited and was a friend of the family. He had heard that Sledge had gotten a drink of water at his mother's house a week or two prior to the escape when he was working on the road. Agent's note says: "It is to be noted that Earl McClur (sic) has been a job foreman on the road gang for the Prison Department and worked JOSEPH SLEDGE. He needs to be interviewed."[77]

On December 20, 1977, Billy Ray Hales (white male age 28) was interviewed at the Bladen County Sheriff's Department. Hales was advised of his rights and signed a waiver. Hales is the grandson/nephew of the Victims. Hales said he was at his girlfriend's trailer the night of the murder.

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[73] SBI Status Report, Nov. 14, 1977, SBI Bates stamp Pgs. 4791-98.
[74] Id.
[75] SBI Polygraph Report, Nov. 4, 1977, SBI Bates stamp Pg. 4788.
[76] SBI Status Report, Nov. 22, 1977 (covering Nov. 10-16, 1977), SBI Bates stamp Pgs. 4801-4808.
[77] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pgs. 4831-4840.

Hales said Eddie Lanier visited his grandmother once in a while. Josephine never drank alcohol. Hales said William Thomas Haire told him that John Wilkes and Danny Haire may have killed his grandmother. David Bryant lived up the road from the Victims and exposed himself to them once and becomes very disorderly when he is drunk. On the morning the bodies were discovered, he saw a black Monte Carlo parked at the gas pumps below the Victims' house. The first time he passed it, it looked like someone was in the car, but when he came back by it appeared empty.[78]

On February 9, 1978, Earl Hood McClure (white male age 55) was interviewed. McClure was an employee of the Department of Transportation and supervised road crews. Sledge was on his road crew at White Lake Prison. McClure said Sledge was a loner and talked about religion.[79] The report states:

> *That on one occasion, while working near Elizabethtown (approximately two weeks prior to the Davis homicides), SLEDGE asked to go to the bishop (sic) and was gone from ten to fifteen minutes and then returned to the gang. That while he was gone, a Mrs. C. M. Johnson called and reported that a black male was behind her house crawling toward her house.*
>
> *According to McClure, the description given by Mrs. Johnson fits SLEDGE. That SLEDGE was wearing a red jacket when this incident occurred and they were working close to the Johnson house.*
>
> *McClure is not aware of any trouble SLEDGE had with anyone on the road gang.*
>
> *McClure stated that he doesn't recall ever working SLEDGE on Highway 242 near the Davis house.*[80]

Interviews Relating to Smith Family

The Smith family lived behind the Victims' house and shared a driveway with the Victim's daughter, Omega Hales. In November and December of 1977, Investigators conducted a series of interviews related to the Smith family.

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[78] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pgs.4831-4840.
[79] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pgs.4843-4849.
[80] Id.

On November 29, 1977, Isazarah Smith (no race or age indicated in report) was interviewed at her home. Smith said she did not recall anything unusual or notice any strangers in the area during the time of the murder.

On the same day, Marie Smith Melvin (black female age 27), the daughter of Isazarah Smith, was interviewed. She lived with her mother. Melvin did not recall seeing anyone in the area that appeared suspicious around the time of the murders. An agent's note says, "It is to be noted that during the interview with both Mrs. Isazarah Smith and her daughter, Marie Smith Melvin, neither claimed that they knew JOSEPH SLEDGE. Mrs. Smith also stated that she did not know the whereabouts of her son, Roscoe Smith. Mrs. Melvin also stated that she did not know the whereabouts of her brother, Roscoe Smith. It is to be noted that JOSEPH SLEDGE, suspect, served time with Roscoe Smith."[81]

On the same day, Carlos Padella (black male age 46) was interviewed at the same address. The report indicates that Padella is married to a Smith family member. Padella said Roscoe Smith is his brother-in-law and he is staying somewhere in Maryland. He last saw Roscoe Smith the previous Sunday. Padella has never heard Roscoe say anything about the murders. No one had said anything to Padella about who may have committed the murders.[82]

On November 30, 1977, Samuel Smith (black male age 32) was interviewed at the Smith home. Smith said he was with his girlfriend the entire night of the murder. He said he had not heard anyone say who may be responsible. Smith said he had not seen his brother, Roscoe Smith, in a month and does not know where he might have been on the night of the crime.[83]

On the same day, Joseph Smith (black male age 21) was interviewed at the Bladen County Sheriff's Department. The report indicates Smith said he lives with his mother Isazarah Smith. On the night of the murder, he got a ride from Willie Lofton[sic][84] and was let out at his driveway around 9:00 p.m. He does not have any idea who killed the Victims. He did not recall seeing strangers in the community prior to or after the murders. Smith said he did not know Joseph Sledge. He cannot recall the last time he saw his brother, Roscoe Smith, and does not know where he is staying. [85]

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[81] SBI Investigative Report, Dec. 2, 1977, SBI Bates stamp Pgs. 4815-4821.
[82] Id.
[83] Id.
[84] Investigators later interview Willie McLaughlin.
[85] SBI Investigative Report, Dec. 2, 1977, SBI Bates stamp Pgs. 4815-4821.

An agent's note with the interview report says: "It is to be noted that the driveway which leads to the Smith residence goes by the home of the Victim's daughter and son-in-law. That this driveway, in fact, is the driveway for the Victim's daughter and son-in-law who live just up the road from the Victims. This driveway leads approximately a quarter of a mile back into the woods, where there are several black families living."[86]

On December 7, 1977, Investigators interviewed Theo Jessup (black female age 55). Samuel Smith had said he spent the night at her house the night of the murders. Jessup confirmed that Smith was visiting her daughter, Margie Jessup Lesan, and stayed at their house that weekend. It is unclear from the report if he left Sunday or Monday morning.[87]

On December 7, 1977, Investigators interviewed Willie Clarence McLaughlin (black male age 23). McLaughlin said he took Joseph Smith home from New Town on the night of the murders sometime after midnight. He did not recall seeing anything unusual when he took Joe Smith home and Joe Smith appeared normal. He did not know Sledge. He does know Roscoe Smith and has never heard him talk about being a Black Muslim.[88]

On December 8, 1977, Investigators interviewed Margie Jessup Lesan (black female age 27). Lesan confirmed that Samuel Smith stayed at her mother's house the Tuesday prior to Labor Day through Monday Labor Day. On Sunday night, Smith became so drunk he could not get into the house and slept on the back porch.[89]

On December 20, 1977, Roscoe Smith (black male age 38) was interviewed at the Bladen County Sheriff's Department and was advised of his rights. He refused to sign a waiver. It is unclear if he later waived as the report indicates that he did answer questions. He said he was at Woodie's Grill the Sunday prior to the murder and that he did not see Sledge on the night the Victims were killed. An agent's note states: "Roscoe Smith and JOSEPH SLEDGE have served time together in the State Prison System. That both have been associated with the Black Muslims."[90]

On December 27, 1977, Roscoe Smith was subjected to a polygraph after first arriving late and refusing a previously scheduled polygraph on December 21, 1977. No deception was indicated. The

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[86] Id.
[87] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pgs. 4831-4840.
[88] Id.
[89] Id.
[90] Id.

examiner's remarks state, "Subject was extremely uncooperative and terminated the examination after the second test. Results of the first two tests were conclusive enough to form an opinion as to the truthfulness of the subject."[91]

Interviews of People who saw Sledge while on Escape

On October 10, 1977, Investigators interviewed Moses Bethea (black male no age listed in report). Bethea said his daughter saw Sledge throw something in a wooded area near her house in Fayetteville the day after the murders. She recognized Sledge from his photo in the paper. Bethea said he had reported this before, but officers looked in the wrong place and he had called numerous times and left several messages advising them of this. Bethea showed officers the area, but they did not search it at the time due to inclement weather.[92] The report states that a search of the area will be conducted at a later date, however there are no reports in the file regarding whether a search was ever undertaken.

On October 26, 1977, James "June Bug" Walters (black male age 50) was interviewed in the Cumberland County Jail. Walters said Sledge came to his house about a year ago and said he was on escape and needed $5. Sledge was wearing slacks and a t-shirt. Walters saw Sledge again several days later at Tommy Hart's house and he believed Sledge stayed there for a couple of days. He provided the names of others who were "close associates" of Sledge.[93]

On October 27, 1977, Investigators interviewed Thomas Hart (black male age 59) at the Bladen County Sheriff's Department. Hart said Sledge came by his house while on escape and asked for money. Sledge was wearing prison green pants and a civilian shirt. Later when Sledge came back, he was wearing checkered pants he got from James "June Bug" Walters. Sledge had two women's shoulder bags he was trying to sell. Sledge was driving a green Chevrolet and said it was stolen. He later saw Sledge in the Fayetteville jail, and Sledge said he blew the money he got from "the holdup in Fayetteville." Hart provided names of others who were present when he saw Sledge.[94]

On February 8, 1978, Thomas Hart was interviewed again, now at White Lake Prison Camp. Hart said he could not recall any details other than what he had previously given and reminded Investigators

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[91] SBI Polygraph Report, Dec. 27, 1977 SBI Bates stamp Pg. 4823 and 4824.
[92] SBI Status Report, Oct. 12, 1977 (covering Sept, 23 – Oct. 12), SBI Bates stamp Pg. 4756-67.
[93] SBI Status Report, Nov. 1, 1977 (covering October 19 – Oct. 31, 1977) SBI Bates stamp Pgs. 4780-87.
[94] Id.

to talk to other people he had previously named as present the last time they interviewed him. Hart said Sledge is a Black Muslim and does not like white people.[95]

Interviews of Inmates who had Served Time with Sledge

In 1977, Investigators began interviewing inmates who had been incarcerated with Sledge after he was brought back from escape. They continued this line of interviews throughout the remainder of the investigation.

On September 23, 1977, Investigators interviewed Adrian Sellers (white male age 40) at the Bladen County Prison Camp. Sellers told officers that he "pulled time" with Sledge. Another inmate (Ernest Edwards) had told Sellers that he (Edwards) overheard Sledge talking about hating whites. Sellers said Sledge did not have many friends, but provided names of others who may have talked to him. Sellers said Sledge once assaulted someone during road work.[96]

On October 19, 1977, Investigators met with Captain Sparkman, Superintendent of the White Lake Prison Camp. Captain Sparkman stated that Sledge had escaped from White Lake on September 5, 1976 and that dogs were brought in. Captain Sparkman told Investigators that Donald Sutton was also an inmate at the unit while Sledge as there. Captain Sparkman said Sutton had escaped on July 26, 1976 and was recaptured on September 21, 1976.[97]

On November 2, 1977, Adrian Sellers was interviewed a second time, now at White Lake Prison Camp. Sellers said that two weeks earlier, he had spoken with another inmate, "a homosexual known to him as Gypsy" and Gypsy said Sledge told Gypsy they couldn't prove he killed the two women because he threw the knife away.[98]

That same day, Investigators interviewed Gypsy, whose real name is Julian Broadway (white male age 22) at White Lake Prison Camp. Broadway said he was in the Cumberland County Jail from September 1976 through December 1976 and talked with Sledge on several occasions. The report states:

> *That on one occasion, SLEDGE stated that if all the white women were killed, then "they would be rid of the devil." According to Broadway,*

[95] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pgs. 4831-4840.
[96] SBI Status Report, Oct. 12, 1977 (covering Sept, 23 – Oct. 12), SBI Bates stamp Pg. 4756-67.
[97] SBI Status Report, Nov. 1, 1977 (covering October 19 – Oct. 31, 1977) SBI Bates stamp Pgs. 4780-87.
[98] SBI Status Report, Nov. 14, 1977, SBI Bates stamp Pgs. 4791-98.

> *SLEDGE stated that he had escaped from the White Lake Prison Camp, and that the authorities were trying to pin the killing of two white women on him.*
>
> *Broadway stated that on at least one occasion while talking to SLEDGE that SLEDGE eluded to the fact that he threw his clothes beside a railroad track and threw a knife beside the road.*
>
> *Broadway went on to say that SLEDGE never actually said he had killed anyone. However, SLEDGE did state that he was "here to do Allah's work. That Allah said to do away with the white race. Kill white women and that would do away with the devils (white men)."*[99]

On November 4, 1977, Investigators interviewed Donald Sutton (black male age 27) at Sampson County Prison Unit. Sutton was serving time for murder and had escaped from White Lake Prison Camp. When he was recaptured, he was in the Cumberland County Jail with Sledge. Sutton said Sledge told him that authorities were trying to pin the murder on him, but he didn't do it. The report states, "Sutton said he would try to recall his conversations with SLEDGE and should he be able to remember any new information, he would relay same to writer. Agent's Note: Sutton will be interviewed at a later date."[100]

During the investigation, Sutton was interviewed a total of four times and he ultimately told Investigators that Sledge confessed. Sutton testified at both trials and received a $2,000 reward after the conviction. The details of the interviews and his testimony are included in this brief.

On November 7, 1977, Julian Broadway was interviewed a second time. Broadway said he recalled that Sledge said he had escaped from prison and gone to some house. Broadway said he could not remember what Sledge said he did at the house, but Sledge said he hid his clothes beside a truck or near a railroad track and threw his knife away beside the road. Broadway said Sledge kept saying, "If they would kill all the white women, it would do away with the devil and they wouldn't be around." [101]

An agent's note after the interview report says "It is to be noted that Broadway did not offer any information until after talking with Adrian Sellers, who we know as an inmate in the North Carolina

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[99] Id.
[100] Id.
[101] Id.

Prison system who, from time to time, has an abundance of information. That some of this information doesn't always prove to be valid."[102]

On November 16, 1977, Captain Sparkman of the White Lake Prison Camp contacted Investigators and said that Julian Broadway had further information about the murders.

On November 17, 1977, Broadway was interviewed a third time and said that one day they were served pork in jail. Sledge does not eat pork and said, "Those whites are still trying to kill me." Broadway responded that he should be glad to eat because lots of people didn't have anything to eat and Sledge said, "Well, I know two that won't be eating any more swine," and that he had cut two white women's throats in Bladen County, but they could not pin the murder on him because he had thrown the knife beside a bridge and his clothes beside a railroad track or near a truck or tractor. [103]

An agent's note after the interview report says, "It should be noted that Broadway is a homosexual and appears somewhat proud of his station in life."[104]

On November 17, 1977, Julian Broadway was given a polygraph with no deception indicated. There is no indication of what questions were asked and there is no numerical evaluation on the report. The examiner's remarks state, "Even though the examination of BROADWAY did not indicate any deception in regard to his statement that Joseph Sledge told him that he (Sledge) cut the Victims' throats, it is RA's opinion that the results may not be valid due to the physical and mental condition of the examinee."[105] The investigative report about the polygraph says the results were inconclusive "due to Broadway's emotional state and personality." However, the examiner did feel that he was "telling the truth."[106]

On December 28, 1977, inmate Robert Washington (black male age 27) was interviewed in the Cumberland County Jail. The investigative report states Washington was in jail with Sledge after Sledge was recaptured. Washington said Sledge told him he did not know how he became a suspect in the case. Sledge called white women "she devils" and said something about getting rid of "she devils."

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[102] Id.
[103] SBI Status Report, Nov. 22, 1977 (covering Nov. 10-16, 1977), SBI Bates stamp Pgs. 4801-4808.
[104] Id.
[105] SBI Polygraph Reports. Nov. 17, 1977, SBI Bates stamp Pg. 4800.
[106] BCSO Bates stamp Pg. 4807.

Washington said Sledge does not appear to be the kind who could commit such a crime. According to Washington, Sledge never hung around homosexuals.[107]

On that same day, Carlos Richard Wade (no race or age in report) was interviewed at White Lake Prison Camp. Wade stated he was in jail with Sledge, but could not remember Sledge other than hearing his name mentioned.[108]

On December 30, 1977, David Wayne Pegram (white male age 21) was interviewed at the Harnett County Youth Center. Pegram was in the Cumberland County Jail at the same time as Sledge and said Sledge "was a muscular individual who kept to himself and didn't talk to anyone."[109]

On January 6, 1978, Charles "Kim" Diggs (black male no age in report) was interviewed in Fayetteville. Diggs said he was in jail with Sledge. He did not overhear Sledge making any statements about two women being killed in Bladen County. An Agent's Note states, "Diggs is a homosexual and known in the Fayetteville area as a 'drag queen'."[110]

On February 8, 1978, Donald Sutton was interviewed for a second time at Sampson County Prison Unit. He said he has known Sledge for a couple of years and talked to him in Cumberland County Jail. The interview report says:

> *Sutton stated that SLEDGE told him that the women (victims in Bladen County) were supposed to die, and he (SLEDGE) was glad they were dead. That their deaths meant that there were 'two more they (blacks) would not have to worry about."*
>
> *That SLEDGE talked about hating white women. Further, that SLEDGE claims white women are "she devils" and should die.*
>
> *Sutton went on to say that SLEDGE said something about a lot of blood, but he (Sutton) doesn't recall exactly what was said about this.*

[107] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pgs. 4831-4840.
[108] Id.
[109] Id.
[110] SBI Investigative Report, Feb. 13, 1978 (covering Jan. 6 – Feb. 10, 1978), SBI Bates stamp Pgs. 4843-4849.

> *According to Sutton, he has heard SLEDGE say that the "white men" were supposed to rule the world for a certain period of time and if the white women were eliminated, the white man's rule would be shortened.*
>
> *Agent's Note: Sutton stated that since it has been sometime since he had talked with SLEDGE, he would need time to think and put their conversation together. This interview was terminated.*[111]

On that same day, Phil Thomas Melvin (black male age 27) was interviewed at the Sampson County Prison Unit. Melvin said Sledge is "crazy." Melvin also said that he would not tell Investigators anything about Sledge, even if he knew something.[112]

On February 10, 1978, Donald Sutton was interviewed a third time at Sampson County Prison Unit. The investigative report states:

> *Sutton again stated that he had known JOSEPH SLEDGE since 1974, and that they had spent sometime together in jail. According to Sutton, since he has known SLEDGE, he (SLEDGE) has talked about "knocking over whites, she devils." That Sledge thinks white men use white women to "get over on the black men,"*
>
> *Sutton stated that when they were in the Cumberland County Jail together, SLEDGE said that the authorities were trying to say that he killed two women. That SLEDGE said he wasn't guilty but after more conversation, SLEDGE said, "They should be dead." That SLEDGE said something about a lot of blood and seemed to be "hung up on blood."*
>
> *According to Sutton, he asked SLEDGE about his clothes and SLEDGE said that everything he had on was thrown away and nobody could ever find them.*
>
> *Sutton stated that SLEDGE told him that he had cut himself going over a fence (Sutton thought he meant a prison fence).*

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[111] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pgs. 4831-4840.
[112] Id.

As to SLEDGE'S escape, Sutton stated that SLEDGE told him that he had hidden after jumping the fence and then walked to Elizabethtown where he caught a ride with someone to Highway 87. That the person who gave him a ride let him drive the car. Sutton stated that SLEDGE would not tell him what he was doing before he left Bladen County. That SLEDGE told him that he was arrested in South Carolina, and that he was going either to Florida or Georgia. According to Sutton, he asked SLEDGE why he was trying to leave North Carolina and SLEDGE said because he was afraid 'they' were going to convict him of killing the two women.

Sutton stated that when he and SLEDGE were in the penitentiary together, SLEDGE had a blade. That at one time, he had a pocketknife as well as a blade that he had made from a kitchen knife.

Agent's Note: Sutton stated that he needed to think about their conversation and would probably be able to recall more of what he and SLEDGE talked about. This interview was terminated, and Sutton will be reinterviewed at a later date.[113]

An undated note in the BCSO file states that Inmate Charles Edmondson told SBI Agent Evans that he had information about the Davis case and would trade the information for work release. The note says the suspects were a black male and white male who killed the Davis ladies because they refused to tell where the money was located.[114]

On December 16, 1977, Charles Lewis Edmundson was interviewed at Central Prison. Edmundson stated that he did not know anything about the murders, but had a "storehouse of information" about other break-ins, "but would not pass it on until he was offered some kind of deal."[115]

On February 3, 1978, Julian Broadway was transferred to a different prison "This transfer was made due to Broadway being threatened by other inmates for giving information in this case."[116]

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[113] Id.
[114] BCSO file Bates stamp Pg. 453.
[115] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pgs. 4831-4840.
[116] SBI Investigative Report, Jan. 5, 1977 (covering Dec. 7, 1977 – Dec. 30, 1977), SBI Bates stamp Pg. 4849.

On February 15, 1978, Sutton was interviewed a fourth time at the Bladen County Sheriff's Office.[117] The report is on the following page.

[117] BCSO File, BCSO Bates stamp Pg. 190. Note: This report is not in the SBI File provided to the Commission by the SBI or the copy of the SBI file provided to the Commission by the NC Center on Actual Innocence.

Donnie Lee Sutton, B/M, Inmate - Sampson County Prison Unit, Clinton, North Carolina:

Sutton was reinterviewed on February 15, 1978, by writer and Detective Sergeant Phillip Little, Bladen County Sheriff's Office.

Sutton stated that while in jail he and Sledge talked about being arrested. That Sledge said the reason he was trying to leave the State after his escape was because "they" would pin a murder on him.

According to Sutton, he asked Sledge about the murder and Sledge said that he didn't intend to kill them, but was put in a position where he had to do it. Further, that Sledge said he was "glad the bitches were dead."

Sutton went on to say that Sledge talked about "all that blood." According to Sutton, he thought Sledge was crazy. That he (Sledge) said something about the women being cut up. Sutton stated he couldn't recall how or why Sledge said he knew they were cut up, but he definitely said they were cut up.

Sutton stated that there was no doubt in his mind about Sledge having killed the women. That he (Sledge) convinced him that he had killed the two women.

Sledge told Sutton that his clothes would never be found.

NOTE: Sutton thinks Sledge is too smart to wear bloody clothes out of Elizabethtown.

Sutton also stated that Sledge told him he caught a ride out of Elizabethtown to Fayetteville. Further, that Sledge told him that he got up with some "dude" at a service station in Fayetteville and convinced him to go to South Carolina, Georgia, or somewhere to make some money.

Sutton stated that he could not recall anything else at this time but may be able to remember more about their conversation later.

Sledge talked to Donnie Lee Sutton on Sept 18 on a Sunday at Cumberland Co jail

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On February 16, 1978, Herman Baker was interviewed by Agent Poole, Det. Little, and Captain Sparkman (Superintendent of White Lake Prison Camp) at the Bladen County Sheriff's Office. Baker was an inmate at White Lake Prison Camp and was transported to a local motel for the interview.[118] Baker's name had been provided to investigators by Captain Sparkman the day prior. The investigative report of this interview is below:

[118] Det. Little testified Baker was taken to a motel for the interview. Det. Little's testimony is include with the trial portion of this brief.

Herman Lee Baker, Jr., B/M-27, Inmate - White Lake Prison Unit, (Work Release - Department of Transportation):

Baker was interviewed on February 16, 1978, at 8:30 a.m., by writer, Captain Sparkman, North Carolina Department of Correction, and Detective Sergeant Phillip Little, Bladen County Sheriff's Office.

According to Baker, he has known Joseph Sledge since 1969. That he was in the Air Force and met Sledge at a poolroom in Fayetteville. That he lost contact with Sledge, but met him again in 1975 while serving time for forgery at the White Lake Prison Camp.

Baker went on to say that he was paroled in January, 1976. However, in April, 1977, he was back in the prison system after being convicted of Breaking and Entering.

That in June of 1977, he was at the Moore County Prison Camp and again met Sledge. That either in June or July, Sledge was lifting weights and he (Baker) was talking with him. While they were talking, another inmate came over and told Sledge he was wanted in the office. That Sledge returned 10-15 minutes later and said that he was wanted in court at Elizabethtown.

According to Baker, he asked Sledge why and Sledge said he wondered if it was about the murders in Elizabethtown. Baker went on to say that Sledge asked him, "If I tell you something, can you keep it to yourself?"

That Sledge said when he escaped he was running through the woods and looking for a place to hide when he came upon an old house. Sledge told Baker that he didn't think anyone was home and went in. That after he got in the house a lady came in the room screaming, "What are you doing in the house?" He pushed her and hit her. Another lady was coming in the room screaming and one yelled "call the police" or something to that effect.

According to Baker, Sledge said he started stabbing one of them and the other one was trying to pull him off and he stabbed her. Sledge said that he kept stabbing them and stabbing them. Sledge said, "Damn um, it seemed like I went crazy." Further, that Sledge said he ran out of the house through the back door and toward the woods. That he ran into a cleared field where there was an old building and buried the knife behind the old building.

Baker stated that Sledge referred to the women as devils and said that when he stabbed them he didn't think blood was going to come out, but thought fire would come out. Further, that while inside the house one of the women hit him with something.

Baker went on to say that Sledge told him he sprinkled black pepper around the back door steps when he left the house to keep the devils' spirits from coming after him.

That while inside the house he had one of the women on the floor and thought the other lady was going to a phone, so he jumped up and got the other one.

According to Baker, Sledge kept saying he stabbed...he stabbed.

Baker went on to say that Sledge talked a lot about killing white women. That on one occasion he told Ralph Quick, B/M, AKA: Scatter-man, he should kill the white girl he was dating. (That they were in prison at the time.)

NOTE: Baker stated that the conversation with Sledge took place at around 12:00 noon on a Tuesday. That he knows it was Tuesday because he had a class that night.

That Sledge went on to tell him that he stole a car after killing the two women.

On February 17, 1978, Det. Little returned to the crime scene and collected a pepper can that had been lying in the hall when he arrived after the murders. There is no investigative report documenting the collection of this pepper can. This information is taken from Det. Little's testimony.[119]

On May 13, 1978, Inmate Adrian Sellers wrote to the Director of the SBI stating that he was in danger from both guards and other inmates for giving information to Agent Poole and Det. Little. Sellers wrote that they agreed to keep his conversations with them confidential, but Captain Sparkman and others knew of the details. He asked for protection and transfer.[120]

Sledge Interview

On January 18, 1978, Sledge was interviewed by Det. Little and Agent Poole. It is unknown how many times Sledge had been interviewed prior to this date because there are no reports of previous interviews in the law enforcement files. The summary of the interview written by Agent Poole is included below.

Sledge submitted to a total of 11 polygraph tests on four different occasions. The polygraph reports do not indicate what questions were asked; however, deception is indicated on the 11 tests that were scored. There are no investigative reports regarding what Sledge had said during any accompanying interviews.[121]

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[119] Second Trial Transcript, State v. Sledge, 78 CRS 2415-16 (Columbus County), August 21, 1978 Superior Court Session Columbus County, Pgs. 293-294.
[120] SBI File Letter from Adrian Sellers, May 15, 1978, SBI Bates stamp Pgs. 4857-4862.
[121] SBI File, Polygraph Report January 19, 1978, SBI Bates stamp Pg. 4581 and SBI File, Polygraph Report January 20, 1978, SBI Bates stamp Pg. 4580.

INTERROGATION: ADVICE OF RIGHTS

YOUR RIGHTS

Place Bethend Neck Police Dep

Date January 18, 1978

Time 12:40 P.M.

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed [illegible]

Witness: [illegible]

Witness: [illegible]

Time: 12:40 P.M.

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198-1-11/15

DETAILS OF INVESTIGATION:

JOSEPH SLEDGE, JR., B/M-33, AKA: Latef, Inmate, North Carolina Prison System:

SLEDGE was interviewed at the Scotland Neck Police Department on January 18, 1978, by writer and Detective Sergeant Phillip Little of the Bladen County Sheriff's Office.

SLEDGE was advised of his constitutional rights and signed a waiver indicating that he was willing to talk without an attorney being present.

According to SLEDGE, he escaped from White Lake Prison on September 5, 1976, between 12:30 p.m. and 1:00 p.m., just after head count. SLEDGE stated that the reason he climbed over the back fence was to eat some grapes which were located behind the prison complex. That after he climbed the fence he found that no grapes were on the vine and decided to stay on the outside. He stated that he walked around a pond near the grapevine and sat down next to a tree until after dark. That after dark he crossed the highway, walked to Elizabethtown and stole a car which he drove to Fayetteville.

SLEDGE stated that while walking to Elizabethtown he passed a place (joint) where "all these black brothers and sisters were" and asked them for a ride to Elizabethtown. That they told him they were not going to Elizabethtown at that time. He stated that after talking to these people he took a shirt from someone's clothesline and changed shirts before going to Elizabethtown.

SLEDGE went on to say that he got to Fayetteville during the early morning hours of Monday, September 6, 1976, and picked up a boy on Murchenson Road and gave him a ride to Grove Terrace. That this boy paid him one (1) or two (2) dollars. That after giving the boy a ride he drove to Slater Avenue and parked in front of someone's house and slept in the car. (This was before daylight.)

Later that same morning at approximately 7:00 a.m., according to SLEDGE, he picked up another boy who worked at the airport and gave him a ride to work. That he doesn't know this person's name. That upon returning from the airport he went back to Murchenson Road and bought a bottle of wine, drove down Jasper Street and drank the wine. That he then picked up two girls (names unknown) and gave them a ride to a nearby store. According to SLEDGE, this was around 9:00 a.m.

SLEDGE stated that on Monday night, time unknown, he picked up Pee Wee White and drove him to Slater Avenue where he parked in front of a house on the 2500 block. That after he parked the car he couldn't get it started and Pee Wee left.

SLEDGE stated that he could not recall any other activities on Monday.

As to his activities on Tuesday, September 7, 1976, SLEDGE stated that early that day he stole a license tag which he put on the car that he had stolen in Elizabethtown. That he "played taxi" most of the day. That at approxi-

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mately 4:00 p.m., he was getting gas at a Texaco Station and a police car pulled up beside him and an officer told him to get out of the car. That he did get out of the car and ran across the parking lot, climbed a fence, and got away. According to SLEDGE, he hid under someone's house until Wednesday morning.

On Wednesday, according to SLEDGE, he came out from under the house at approximately 7:00 a.m. and noticed a pear tree nearby. That he stayed around the pear tree and ate pears until after dark. That after dark he started walking toward Bragg Boulevard and stole a pair of blue jeans from a clothesline. He went on to say that after he took the blue jeans he went into a store and purchased an orange. That while inside the store he saw a policeman who looked at him as if he were suspicious. That after leaving the store he stole another car and drove to the bus station.

According to SLEDGE, when he got to the bus station, he picked up a boy who said he was going to Florida and they started driving South. That he doesn't know this person's name, but they were together when he was arrested in Dillon, South Carolina.

SLEDGE talked about being a Muslim and denied killing the Davis women. According to SLEDGE, only God could prove who killed those women. SLEDGE'S conversation was filled with attempts to use a vocabulary beyond his capability.

Several times during the interview, SLEDGE would use phrases prefaced with "Praise be to Allah."

① Find Per We' white

②

Conclusion of Investigation

The SBI issued a final report closing the case due to conviction on September 1, 1978.

On November 30, 1978, Donnie Lee Sutton received $2,000 and Herman Baker received $3,000 as "payment of reward."[122] The memorandum states, "As a result of this information and the testimony of both Baker and Sutton, Sledge was convicted of two (2) counts of murder during August 1978 and received two (2) life sentences.[123]

On October 7, 1980, Herman Baker wrote to Det. Little stating that he had "messed up again" and asking Det. Little to help him get moved to a jail with a work release program. Baker wrote. "…Every were [sic] I go I seem to run into trouble about that Joe Sledge case…"[124] The file does not contain any response from Det. Little.

[122] SBI File Intra-Bureau Correspondence, Nov. 30, 1978, SBI Bates stamp Pgs. 4869-4872.
[123] Office of the Governor Memorandum, Sept. 27, 1978, SBI Bates stamp Pg. 4586 and SBI Memorandum, Nov. 8, 1978, SBI Bates stamp Pg. 4578.
[124] Letter from Herman Baker, Oct. 7, 1989, BCSO Bates stamp Pgs. 2-3.

VI. Suspects

During the course of the investigation, Det. Little named multiple other people as suspects. It is not clear as to why some of the named people were considered suspects and if they were ruled out or why.

List of Named Suspects in Sheriff's File

SUSPECT	RELATION TO CASE	PRINTS
Raymond Alves (white male)	Told officers in New Jersey he raped and killed 8-10 women between New Jersey and Florida.	Prints were compared. No identifications effected.
Mildred Tyndall Barnes (white female)	Daughter of Charles Tyndall, who was considered a suspect.	Prints were compared. No identifications effected.
Johnny Ray Benton (Native American male)	Interviewed and said he saw Elijah Robinson outside the Victims' house. He later recanted and was given a polygraph with no deception indicated. Rumors that he was present at the murders.	Does not appear fingerprints were compared.
David Bryant (white male)	Victims' family said he had exposed himself to Aileen and was a drinker. Bryant was interviewed.	Does not appear fingerprints were compared.
Mary Sue Gaither (female)	Det. Little obtained a knife from her. The SBI report for the knife lists her as a suspect. The knife was disassembled and tested for blood with negative results.	Prints were compared. No identifications effected.
Danny Haire Jr. (white male)	Lived near the Victims. Said he drove by their house the morning of the murder. No SBI Report lists as suspect.	Does not appear fingerprints were compared.
Danny Haire III (white male)	Rumors that he had a skinned forehead after murder. Interviewed and said he was in the mountains weekend of murders.	Does not appear fingerprints were compared.
Larry Wayne Haire (white male)	Rumor that he was involved.	Does not appear fingerprints were compared.
William Thomas Haire (white male)	Multiple rumors that Haire was involved.	Prints were compared. No identifications effected.

Billy Ray Hales (white male)	Grandson/Nephew of Victims. Listed as a suspect.	Prints were compared. No identifications effected.
Marion Hales (white male)	Son-in-law of Josephine. Rumors that he was involved. Given polygraph with no deception indicated.	Prints were compared. No identifications effected.
David Hamilton (unknown)	Unclear why he was a suspect. Interviewed.	Does not appear fingerprints were compared.
Robert James (unknown)	No reports about him. Listed as a suspect in SBI fingerprint report.	Prints were compared. No identifications effected.
Ernest Johnson (white male)	Rumors he had scratches on body. Interviewed.	Does not appear fingerprints were compared.
Carlos Mateo Padella (black male)	Interviewed shortly after the murder. Lived behind the Victims with the Smiths.	Does not appear fingerprints were compared.
Troy McKoy, Jr. (black male)	No reports about him. Listed as a suspect in SBI fingerprint report.	Prints were compared. No identifications effected.
Willie Clarence McLaughlin (black male)	Drove Joseph Smith home the night of the murders. Listed as a suspect in SBI fingerprint report.	Prints were compared. No identifications effected.
Leslie Raynor (unknown)	Listed as a suspect on a handwritten list in the BCSO file.	Prints were compared. No identifications effected.
Elijah Robinson (black male)	Named by Johnny Benton as a suspect. Interviewed.	Print comparisons requested, but not compared because no fingerprints on file.
Jimmy Robinson (black male)	Arrested in Maryland for rape and law enforcement file shared.	Does not appear fingerprints were compared.
Joseph Sledge (black male)	Claimant. Convicted of two counts 2nd Degree Murder.	Prints were compared. No identifications effected.
Jimmy Smith (black male)	Listed as a suspect on a handwritten list in the BCSO file. Friends with Billy Ray Hales. Joined army in 1976.	Does not appear fingerprints were compared.
Joseph Smith (black male)	Listed as a suspect on a handwritten list in the BCSO file. Lived behind the Victims. Got ride home from Willie McLaughlin the night of the murders.	Prints were compared. No identifications effected.
Joshua Smith (black male)	Listed as a suspect on a handwritten list in the BCSO file. Lived behind the Victims.	Prints were compared. No identifications effected.

Roscoe Smith (black male)	Lived behind the Victims. Knew Sledge in prison. Rumored to have been involved.	Prints were compared. No identifications effected.
Samuel Smith (black male)	Listed as a suspect on a handwritten list in the BCSO file. Lived behind the Victims. Interviewed and said he was at girlfriend's house the weekend of the murders.	Prints were compared. No identifications effected.
Charles Tyndall (unknown)	Listed as a suspect on a handwritten list in the BCSO file. Interviewed.	Prints were compared. No identifications effected.
Margaret Marie Tyndall (unknown)	Daughter of Charles Tyndall.	Prints were compared. No identifications effected.
Larry Wayne White (white male)	Interviewed in Florida. White was charged with the murder of an 80 year-old white woman. White refused to talk to them. No indication why White was considered a suspect.	Does not appear fingerprints were compared.

VII. Forensic Analysis

During the investigation multiple items of evidence were collected from the Victims' house and subjected to forensic analysis, including latent print analysis, microscopic hair comparison, and serology. Investigators returned to the crime scene multiple times throughout the investigation to collect more items, conduct tests, and collect additional latent lifts.

Sledge's clothing was also collected and subjected to serology analysis. The testing of the items collected from the crime scene and from Sledge will be detailed below.

Additional items of evidence were collected from under a bridge that Sledge stated he crossed over during his escape from White Lake Prison Camp. The Victims' family was shown these items and stated they were not from the Victims' house. Serology testing and paint comparison were done on these items and did not reveal any connection to the crime.[125]

Additionally, a white handled knife was collected from Mary Gaither who was listed in a SBI report as a suspect. The knife was disassembled and tested for blood and the presumptive test was negative.[126] The investigative file does not indicate that any other investigation was undertaken regarding this knife or Mary Gaither.

Fingerprints

Fingerprints were collected and compared to multiple people. The investigative and laboratory reports indicate 97 latent lifts were collected from the crime scene during the course of the investigation.[127]

The reports do not indicate which lifts were determined to be of value and therefore which lifts were able to be compared. The reports do indicate that 13 latent prints were identified as belonging to the Victims, Josephine or Aileen Davis. Two latent lifts were identified as belonging to the Victims' granddaughter/niece, Wanda Sue Hales.[128]

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[125] SBI Laboratory Report, Oct. 22, 1976, SBI Bates stamp Pg. 4645 and SBI Laboratory Report, March 29, 1977, SBI Bates stamp Pg. 4710.
[126] SBI Laboratory Report, Oct. 19, 1976, SBI Bates stamp Pg. 4640.
[127] A February 25, 1978, SBI Laboratory report indicates one additional latent print was lifted after the 97 were identified. That one latent print was identified as belonging to Aileen Davis.
[128] SBI Laboratory Report, Sept, 24, 1976, SBI Bates stamp Pgs. 4608-10; SBI Laboratory Report, Oct. 11, 1976, SBI Bates stamp Pg. 4638; SBI Laboratory Report, June 30, 1977; SBI Bates stamp Pgs. 4715-18; SBI Laboratory Report,

The remaining latent prints of value were compared to multiple individuals, including Sledge, many of the suspects listed above, law enforcement, first responders, family, friends, and neighbors of the Victims. No identifications were effected.[129]

Luminol

On October 16, 1976, SBI analysts conducted Luminol testing at the crime scene. The report and diagram are included on the following pages.

Nov. 30, 1977, SBI Bates stamp Pg. 4809 and SBI Laboratory Report, Feb. 25, 1978, SBI Bates stamp Pgs. 4852-4854.

[129] Id.

To Record Section

FORM 106

BUREAU OF INVESTIGATION
NORTH CAROLINA DEPARTMENT OF JUSTICE
RALEIGH

Intra-Bureau Correspondence

From: Chemists J. S. Taub & D. G. Hedgecock

Date: October 29, 1976

To: The Director

File No.: 262-T-10-60370
198-H-14/15

Subject: Crime Scene Investigation

In Reply To:

TYPE OF CASE: Homicide

COUNTY: Bladen

VICTIMS: Josephine Davis, Aileen Davis

SUSPECT: Joseph Sledge, Jr.

LOCATION: Route 2, Elizabethtown

DATE: October 26, 1976

On October 26, 1976, in response to a request for laboratory assistance from S/A Marshall Evans, the writers left Raleigh at 3:00 p.m. and proceeded to Elizabethtown, North Carolina, arriving at 5:00 p.m.

After meeting with S/A Evans, Deputy Little and Sheriff Allen at the Sheriff's Office, we proceeded to the above-described house for a visual examination for semen. We adjourned after marking several possible areas, to wait for dark.

At 7:15 we returned and examined the living room with an ultraviolet light. Several areas of possible semen were spotted, but preliminary tests with m.u.p. reagent were negative.

A visual search for blood followed. Large areas of the living room were covered with material that gave preliminary tests for blood. These areas included large areas of the floor in the middle and near the front door, two refrigerators, all four walls, two couches, a chair, a stove, a fan, a dresser, a cabinet radio--in fact, most items in the room. An examination of certain bloodstain patterns was made at this time.

A notable area of bloodstaining was seen in the general area of the living room in which two refrigerators were located at right angles to one another, a large green refrigerator-freezer against the front wall and a smaller white refrigerator against the outside wall. (see diagram.)

Several large, nondescript smeared areas were present on the lower right corner of the green refrigerator. Adjoining these smears, a heavy concentration of slightly elongated spatters across the lower front of this refrigerator were noted which were parallel to the floor and which displayed a directionality away from these large smeared areas. A small number of thin longitudinal or streak-like stains were present on the middle and upper portions of the refrigerator door and on the freezer door which displayed a general upward directionality.

The smaller white refrigerator perpendicular to the green refrigerator contained a large number of circular droplets and spatters on the middle and lower left front portions of the door. A small number of thin streaked stains were noted on the left side of the refrigerator as well with a general directionality away from the front of the refrigerator.

CRIME SCENE MEMO: 262-T-10-60370/192-H-14/15

A small number of spots and droplets were present on the floor between the two refrigerators. Some of these stains were directed toward the white refrigerator, while others were nondescriptive.

A number of large crusty stains were present on the wall to the left of the smaller white refrigerator which showed a "running" down effect.

A number of circular droplets, spatters, and specks were seen on the lower wall between the green refrigerator and the front door. Some larger stains showing a "running" down effect were also present on this wall between the light switch and the floor.

In general, the majority of these bloodstains were consistent with the type of spattering which occurs from a beating or clubbing type of assault. While some of these stains would have resulted from impact to exposed wounds, others probably resulted from being thrown or flung off of the involved weapon itself.

Most of these stains appear to have originated from the lower right area of the green refrigerator; the "running" stains present on the wall beside the white refrigerator and on the wall beside the green refrigerator do not, however, appear to necessarily or directly relate to the formation of these other stain patterns.

The directionality displayed by these stains indicates that the blows causing these patterns probably occured from several directions, e.g., from along the front of the refrigerator, from overhead, and possibly from along the right side of the refrigerator. The largest number of blows appears to have come along the front of the refrigerator, where the bloodstaining pattern is heaviest.

Also seen at this time were smudges leading into the bedroom adjacent to the living room and drops in the kitchen near the door to the living room.

At this point a Luminol examination was made. In the corridor of the bedroom numerous indications were found, most being a repeating pattern such as may be produced by a wet bloodstain on the bottom of a shoe. These marks were triangular in shape, about 1 1/4" by 1 1/2", and extended from the door to the window on the opposite side of the room. Also, in front of the metal cabinet there appeared a mark resembling a barefoot print, but which may also have been just a combination of spots. Several of these areas tested positive with phenolphthalin reagent.

Handprint

In the living room, a handprint of a left hand was revealed in an area 5" from the hinge-side doorjamb of the front door, immediately in front of one couch and adjacent to an area from which the floorboards had been cut and removed. The handprint was oriented such that the fingers pointed towards the couch and the front wall of the room. This handprint was about 7 1/2 inches long.

In the area of the stove four long streaks were revealed behind the stove, about 18" long and 3/8" wide. Nearby, in front of the sewing machine table, appeared a footprint of what appeared to be a left tennis shoe with circular suction cups in the sole. This print was indistinct due to the wearer having pivoted on the heel. This shoeprint was roughly 11" long.

On the wall beside the front door to a height of 4' and the wall beside the living room window to a height of about 6 1/2' there were visible blotches of material that gave chemical indications of blood. These blotches were unusual in that they consisted of what appeared to be numerous small (1/2" x 1/2") clots surrounded by soaked-in area and drips and streaks. A section of wallpaper from

CRIME SCENE MEMO: 262-T-10-60370/193-H-14/15

beside the window was retained for laboratory analysis.

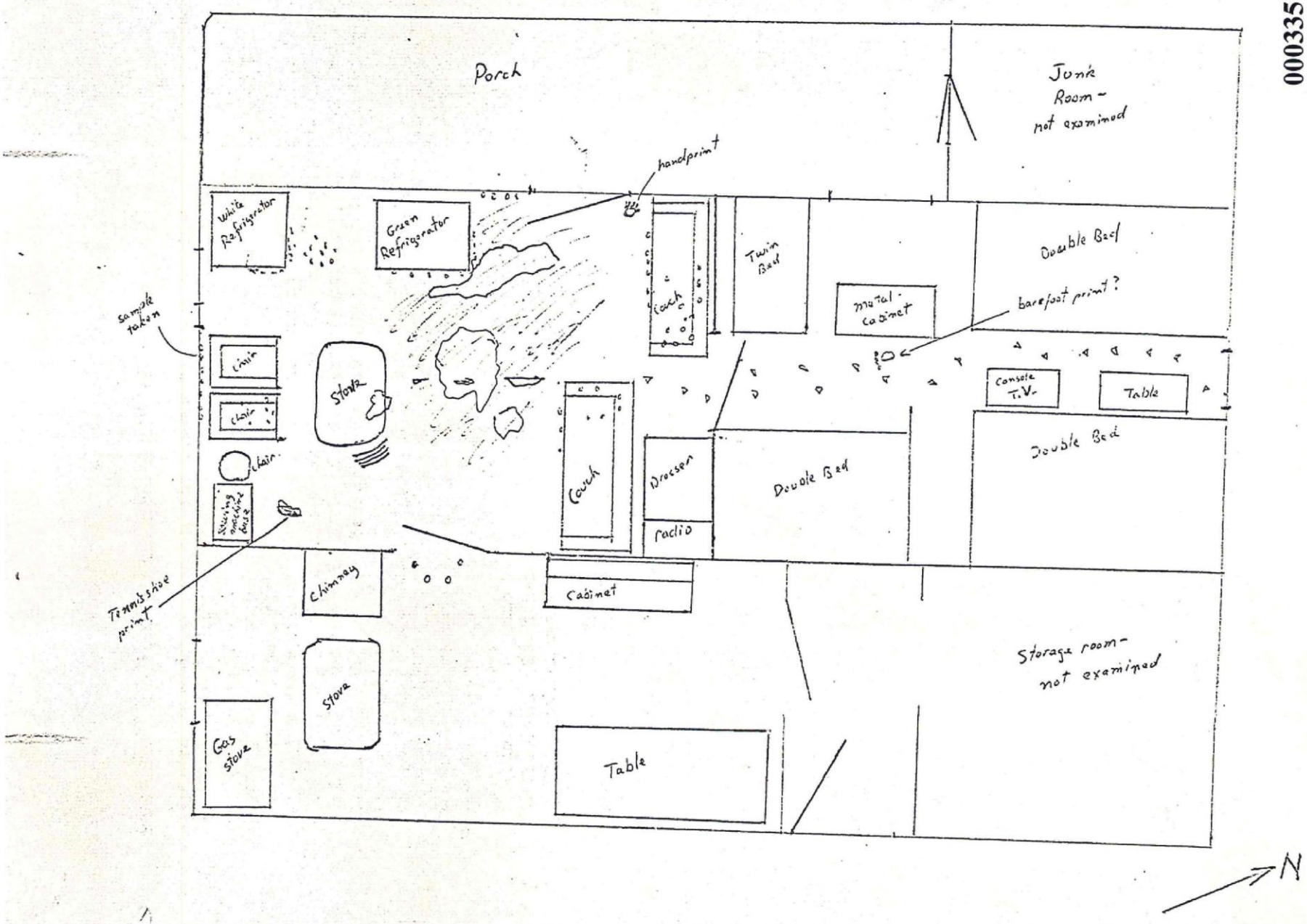
Photographs were taken by S/A Gary Knight of the marks on the refrigerators, the walls, and couches. Also, Luminol photographs were made of the foot-print-appearing mark in the bedroom, the handprint, the tennis-shoe print, and the streaks beside the stove.

After an examination of the entrance from the living room into the kitchen which revealed only the afore-mentioned visible droplets, the examination was terminated and we returned to the Bladen County Sheriff's Office to discuss the findings. We left Elizabethtown at 11:30 p.m. and returned to Raleigh at 1:15 p.m.

A diagram of the scene is appended to this report.

JST/DGH:dc
Enclosure

cc: Chemist J. S. Taub
Chemist D. G. Hedgecock
S/A Marshall Evans



Not to scale

000335

Serology

During the investigation, multiple items of evidence were subjected to blood analysis and tested for semen.

The clothing recovered from Sledge after his capture as well as the pants located during the drive around Bladen County with Sledge were tested for blood.[130]

The blue jeans taken from Sledge after his capture "bore human blood reactions for group A on the inside of the left pocket." Both Sledge and Aileen Davis were blood Group A. Josephine Davis was blood Group B. Human blood was located on the t-shirt collected from Sledge during his capture. Chemical indications were positive for blood on the green pants located in Fayetteville, jockey shorts taken from Sledge after his capture, and the right shoe taken from Sledge after his capture.[131] The diagrams from the SBI Laboratory Reports detailing these items and the testing are attached on the following pages.

No semen was found on the vaginal swabs taken from Aileen Davis' body.[132] A towel collected from the couch at the crime scene as well as the Victims' clothing were positive with presumptive tests for blood and negative with tests for semen. A patchwork cloth from the crime scene was positive with presumptive tests for blood. [133]

A piece of wallpaper was collected from the crime scene and testing revealed that it bore human blood giving reactions for group B.[134] Josephine Davis was blood Group B. Both Sledge and Aileen Davis were blood Group A.

The vehicle stolen by Sledge and recovered on September 7, 1976 was tested for blood. The reports states that a visual examination of the vehicle interior "revealed nothing notable." The vehicle was then tested with Luminol and multiple locations fluoresced.[135]

A green hat was collected from Sledge when he was captured and a green Army cap was collected from the woods near the crime scene on September 12, 1976. An SBI Intra-Bureau

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[130] SBI Laboratory Report, Sept. 24, 1976, SBI Bates stamp Pgs. 4621-22.
[131] Id.
[132] Id. and SBI Laboratory Report, June 30, 1977, SBI Bates stamp Pgs. 4728-29.
[133] Id.
[134] SBI Laboratory Reports, June 30, 1977, SBI Bates stamp Pgs. 4728-29.
[135] SBI Laboratory Report, Oct. 1, 1976, SBI Bates stamp Pgs. 4634-36.

correspondence report states a “cap” tested negative for blood. No testing of either hat is reflected in the SBI Laboratory reports.[136]

A chart prepared by the Commission staff detailing the items subjected to blood and semen testing during the 1976-1978 investigation is included on the following pages after the SBI diagrams. This chart will be reviewed at the Commission hearing.

[136] SBI Intra-Bureau Correspondence, Sept. 30, 1976, BCSO Bates stamp Pgs. 336-341 and SBI Laboratory Report, Sept. 24, 1976, SBI Bates stamp Pgs. 4621-22.

. NO. 3

CASE NO. 60370

E. ation

Container, Seal, Label

Plastic zip-lock bag

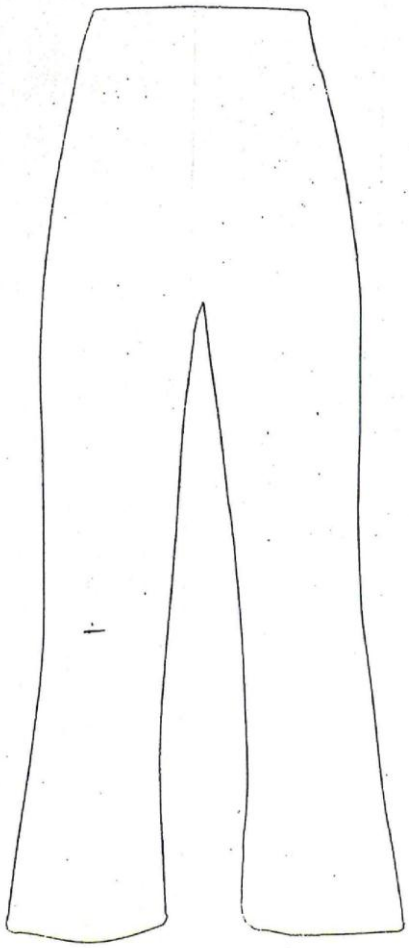
1 pr. green pants

Benz: Pos

Phenol: ? Pos

insuff. for further analysis

Front



000271

CASE NO. 60370

No. 5

Examination

Amylase: Pos
Phenol: Pos
Tak: Pos
Precip: α-Human - Pos
Rabbit - Neg

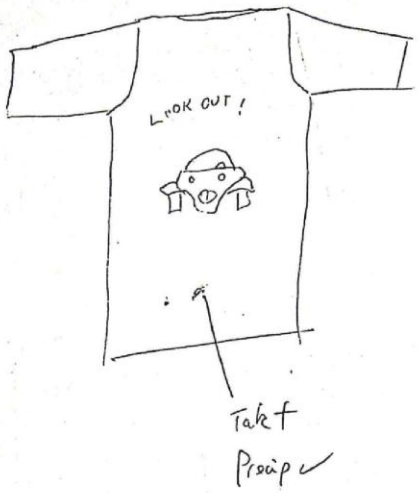
material insufficient for further analysis

Container, Seal, Label

Zip-lock bag c:

T-shirt w/ red trim & cartoon on front & back

Back

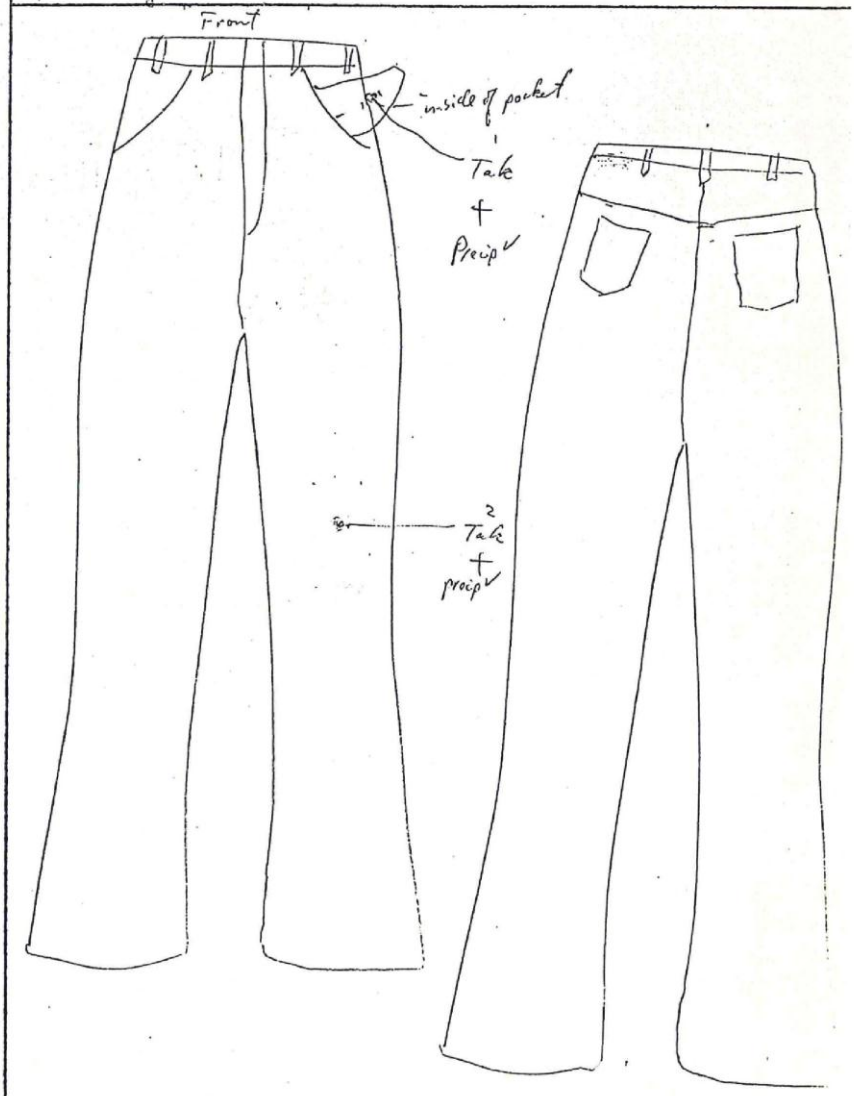


000272

NO. 6

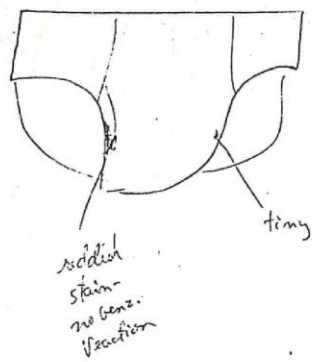
CASE NO. 60370

...nation	Container, Seal, Label
Benz: Pos Tak: Pos Precip: α-Human Pos β-Rabbit - neg	Plastic zip-lock bag c! 1 pr. blue jeans



000273

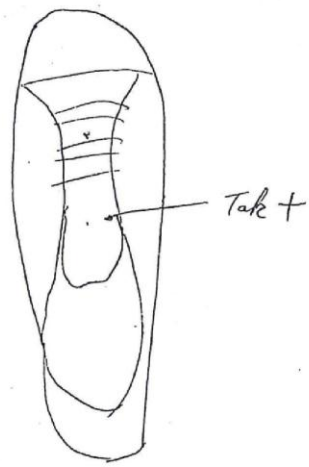
NO. 7 CASE NO. 60370

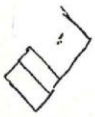
Examination	Container, Seal, Label
Benz: Pos insuff. for further analysis	Plastic zip-lock bag 1 pr. white jockey shorts – Fruit of the Loom size 30 inside out 

000274

J. 9

CASE NO. 60370

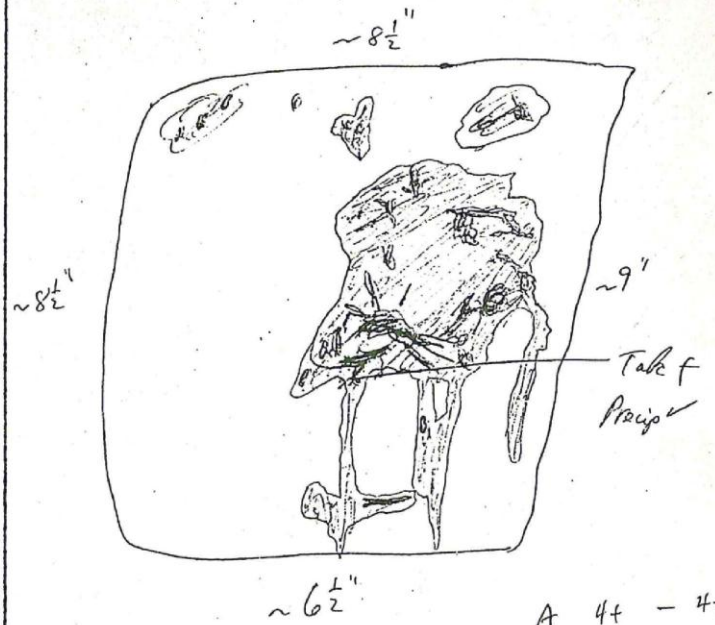
...mination	Container, Seal, Label
Benz: Pos Tak: Pos insuff. for further analysis	Plastic zip-lock bag c: 1pr. white tennis shoes Left shoes - Benz. neg Right shoe Top view 



000275

ITEM NO. D-1 CASE NO. 60370

Examination	Container, Seal, Label
Phenol: Pos Tolo: Pos Precip: a-Human + Rabbit −	Zip-lock bag, no seal – I collected & kept item Piece of wallpaper w/ stains



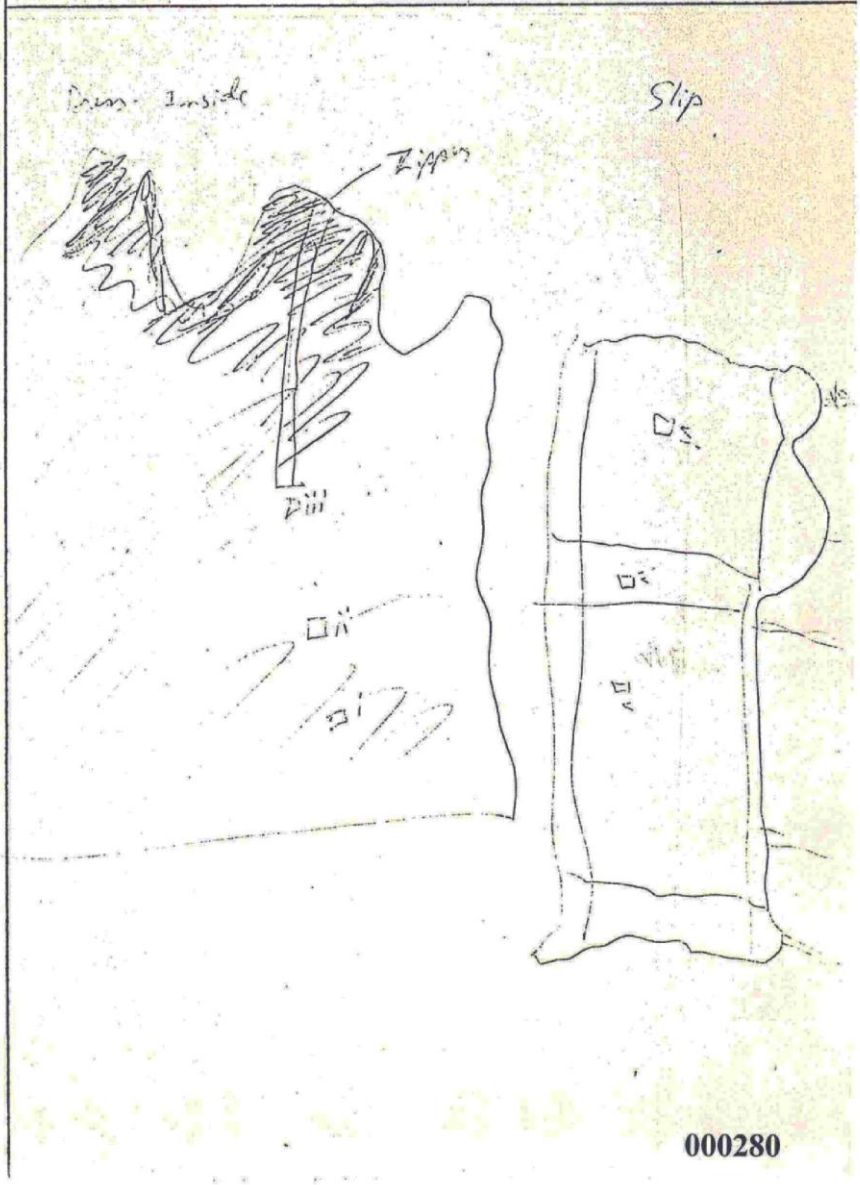
A	4+	–	4+	A
B	–	4+	2+	B
O	–	–	4+	O
D-1	–	3+	–	B
D-1	–	3+	–	B

000278

ITEM NO. H-8 CASE NO. 60370

Examination	Container, Seal, Label
Phenol; Pos	Plastic [illegible] [illegible] [illegible]

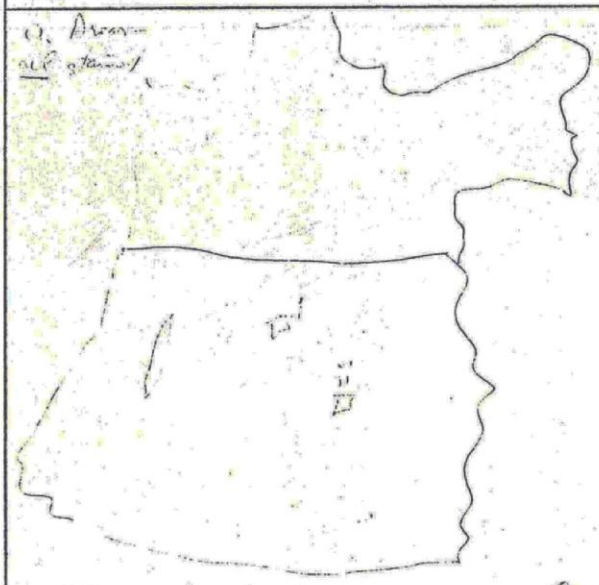
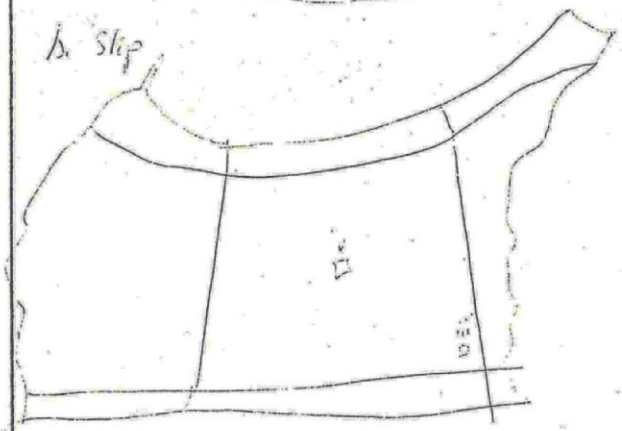
ITEM NO. H-5 CASE NO. 60370

Examination	Container, Seal, Label
Phenol: Pos	Zip-lock bag [illegible]
AP: neg	

000280

ITEM NO. H-4

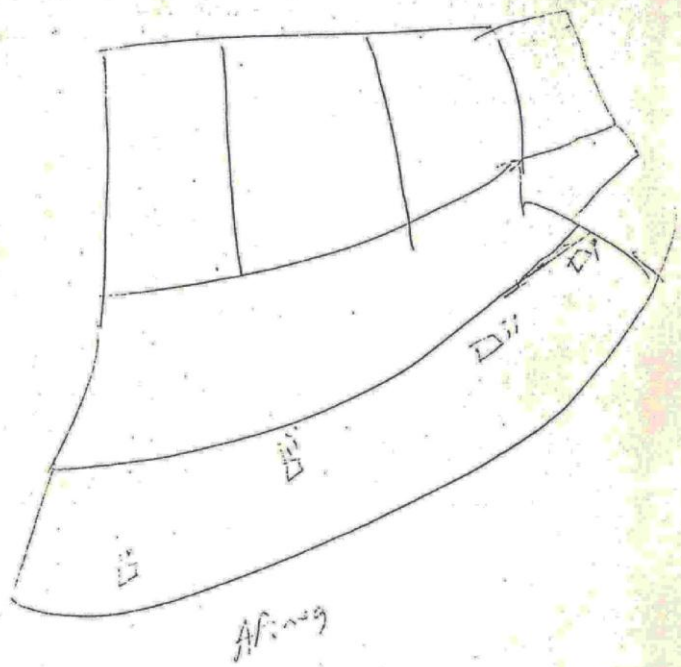
CASE NO. 60370

Examination	Container, Seal, Label
Phenol: Pos APrimo	Zip-lock bag ⊂ to plastic bag ⊃ : a. Drawstring off (for not all immobilized all stained) b. Wrist slip, cut off a. Drawstring all stained  b. Slip 
Phenol: Pos - contig the item APrimo	

000281

ITEM NO. H-6, H-7 CASE NO. 6037U

E[illegible]ination	Container, Seal, Label
H-6 Shoulder – some spots only nothing seen on UV	Zip lock bag I; black plastic bag II; grass discs
H-7 Shoulder	Zip lock bag I; plastic bag II; patchwork cloth



000282

Serology Summary

Item Description	Bench Notes	Lab Reports	Testimony – 1st Trial	Testimony – 2nd Trial
SBI Item 3: 1 pair – green pants (recovered in Fayetteville)	-Benz: Positive -Phenol: ? Positive -Insufficient for further analysis	"Chemical indications of blood were found on Item #3 (pants)..."	Brought up, but Taub did not testify about his findings	
*SBI Item 4: Blue and white striped knit shirt (from Sledge)	No bench notes provided	"Hairs removed from Items...#4...will be sent with Items...to the FBI."	Q: "Did you run a test to determine whether or not there was any indication of blood on that sweater?" A: "Yes, sir, I did." Q: "Was there any blood on it?" A: No, sir.	
SBI Item 5: T-shirt with red trim & cartoon on front & back (from Sledge)	-Benz: Positive -Phenol: Positive -Tak: Positive -Preap: Human – Positive; Rabbit – Negative -Material insufficient for further analysis	"Human blood was found on Item #5 (T-shirt)."		
SBI Item 6: 1 pair – blue jeans (from Sledge)	-Benz: Positive -Tak: Positive -Preap: Human – Positive Rabbit – Negative	"Bore human blood giving reactions for group A on the inside of the left pocket."**		
SBI Item 7: 1 pair – white jockey shorts (inside out) (from Sledge)	-Benz: Positive -Insufficient for further analysis	"Chemical indications of blood were found on... Item #7 (jockey shorts)..."		
SBI Item 9: 1 pair – white tennis shoes (from Sledge)	**Right Shoe**: -Benz: Positive -Tak: Positive -Insufficient for further analysis **Left Shoe**: -Benz: Negative	"Chemical indications of blood were found on... Item #9 (tennis shoes-the right shoe)..."		

*Items with an * are items that the Commission has been able to locate; all other items are missing and/or destroyed and cannot be located for additional forensic testing/analysis.

**NOTE: Lab Report dated 9/24/1976 indicates that Sledge is Group A blood, Aileen Davis is Group A blood, and Josephine Davis is Group B blood.

Item Description	Bench Notes	Lab Reports	Testimony – 1st Trial	Testimony – 2nd Trial
SBI Item B-14: Blue T-shirt with pocket (from Cape Fear River Bridge)	-Benz: Negative			
SBI Item B-13: Long sleeved green button-up jacket (from Cape Fear River Bridge)	-Benz: Negative			
SBI Item B-15: Blue knit blanket (from Cape Fear River Bridge)	-Benz: Negative			
SBI Item B-5: Maroon sock (from Cape Fear River Bridge)	-Benz: Negative			
SBI Item B-5: Green sock (from Cape Fear River Bridge)	-Benz: Positive -Material insufficient for further analysis	"Chemical indications of blood were found on... Item #B-5 (the green sock)."		
SBI Item C-2: White handled knife (from Mary Gaither)	-Benz: Negative -"I even disassembled the handle and tested each part inside – nothing."	"No blood was found..."		
SBI Item C-2: Pair of scissors (from crime scene)	Benz: Negative	"No blood was found..."		
SBI Item D-1: Piece of Wallpaper with stains (from crime scene)	-Phenol: Positive -Tak: Positive Preap: Human – Positive Rabbit – Negative Blood Group: B	"Item #D-1 bore human blood giving reactions for Group B."		
SBI Item 10: Stained white terry cloth towel (from arm of couch at crime scene)	-Phenol: Positive -AP: Negative			

*Items with an * are items that the Commission has been able to locate; all other items are missing and/or destroyed and cannot be located for additional forensic testing/analysis.

**NOTE: Lab Report dated 9/24/1976 indicates that Sledge is Group A blood, Aileen Davis is Group A blood, and Josephine Davis is Group B blood.

Item Description	Bench Notes	Lab Reports	Testimony – 1st Trial	Testimony – 2nd Trial
SBI Item 19: Green Army Cap (found in woods near crime scene)	No Bench Notes provided	No laboratory report provided, however a 9/30/76 Intra-bureau correspondence memo indicates: "The cap was negative for blood on September 13, 1976, by Chemist Jed Taub, and returned to Deputy Little."		
*SBI Item H-5: Dress (black and white) and Slip (from Victim)	-Phenol: Positive -AP: Negative	"No semen was found."		
*SBI Item H-4: Dress (color not determinable) and Slip (from Victim)	H-4a – Dress: -Phenol: Positive -AP: Negative H-4b – Slip: -Phenol: Positive -AP: Negative	"No semen was found."		
SBI Item H-6/8: Dress (from crime scene)	-Phenol: Positive; small spots only -Nothing seen UV	"No semen was found."		
SBI Item H-7/9: Patchwork cloth (from crime scene)	-Phenol: Positive			
SBI Item A4: Two swabs from Aileen Davis (vaginal)	No bench notes provided	"Blood was found on Item #A-4, but no semen."		

*Items with an * are items that the Commission has been able to locate; all other items are missing and/or destroyed and cannot be located for additional forensic testing/analysis.

**NOTE: Lab Report dated 9/24/1976 indicates that Sledge is Group A blood, Aileen Davis is Group A blood, and Josephine Davis is Group B blood.

Item Description	Bench Notes	Lab Reports	Testimony – 1st Trial	Testimony – 2nd Trial
Vehicle interior	Bench notes show only a diagram with darkened areas, presumably indicating areas noted with Luminol	"A visual search of the car's interior revealed nothing notable. A luminol examination was then conducted revealing the following points:..." Areas that reacted with luminol: • Driver's side seatback • Passenger side seatback • Front edge of rear seat • Top back of front seatback • Bottom interior edge or driver side door • Large diffuse area of driver's seat, small spot on seat near division of seatback, and semicircular pattern below headrest • Two small spots on seatback of front passenger seat just below headrest • A plastic bag under front edge of front passenger seat (eight small spots) • "All the above indications also tested positive with benzidine reagent."	**Direct** -Luminol helps locate the presence of blood. -It is sensitive and picks up blood that cannot be seen with the naked eye. -Every area that was illuminated with Luminol was also tested with phenolthalein and reacted positively. "The spots indicated the presence at some time in that car of blood. They could have been heavy stains that had been successfully wiped up before drying, or they could have been transfers from heavy dry stains, in other words, rubbing type transfers." **Cross** -Blood in the back seat at four locations -Test cannot say exactly how long blood had been there.	**See portion of brief that contains Taub Testimony at 2nd trial**

*Items with an * are items that the Commission has been able to locate; all other items are missing and/or destroyed and cannot be located for additional forensic testing/analysis.

**NOTE: Lab Report dated 9/24/1976 indicates that Sledge is Group A blood, Aileen Davis is Group A blood, and Josephine Davis is Group B blood.

Microscopic Hair Comparison

The FBI conducted microscopic hair analysis in this case. The FBI was asked to compare unknown hairs recovered from the pants and sweater that Sledge was wearing to Sledge's known pubic hairs. The FBI was also asked to compare hairs recovered from a pillowcase located under a bridge to Sledge's known pubic hairs. Finally, the FBI was asked to compare the hairs recovered from the abdominal area of Aileen Davis to Sledge's known pubic hairs.[137]

The FBI Report states:

> *Two brown pubic hairs of Negroid origin found one each in Q1 (Hairs removed from pants) and Q4 (Hairs removed from abdominal area of Victim) are microscopically like the K1 (known hair of suspect) pubic hair sample from SLEDGE.*
>
> *Four dark brown head hairs of Negroid origin were found in Q4 (Hairs removed from abdominal area of Victim). Brown head hairs of Caucasian origin were found in Q2 (Hair removed from sweater), Q3 (Hair removed from pillowcase), and Q4 (Hairs removed from abdominal area of Victim). Those hairs are suitable for significant comparison purposes in the event that known head hairs are submitted.*
>
> *It should be noted that hairs do not constitute a basis for positive personal identification.*[138]

No head hair was submitted from Sledge for comparison. An SBI Agent testified at the first trial that he was unable to collect a head hair sample from Sledge because Sledge's hair "was almost in a shaven position."[139] Investigation tended to show this was how Sledge kept his hair before and after the murders.

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[137] SBI letter to SBI, September 23, 1976, SBI Bates stamp Pgs. 4606-07.
[138] FBI Laboratory Report, November 2, 1976, BCSO File.
[139] First Trial Transcript, State v. Sledge, 78 CRS 2415-16 (Columbus County), April 24, 1978 Superior Court Session Columbus County, SBI Agent Lee Sampson testimony, Pg. 53.

Hair samples were collected from the Victims, but not submitted to the FBI.[140] The Medical Examiner testified that both Victims had gray hair and he recalled one was more brown-gray.[141]

Shoe Print Comparison

Two plaster casts were made of shoe prints found outside under the bedroom window at the crime scene. The SBI compared these plaster casts to the shoes taken from Sledge after his capture. The report states that the plaster casts each contain one shoe track and the tracks on the plaster casts were "dissimilar" and "could not have been made" by the shoes taken from Sledge.[142]

Two black and white photographs of shoe prints from the crime scene were also submitted for comparison. The report states that the first photograph showed shoe track impressions that were similar in tread design to the plaster casts. The photo was "dissimilar" and "could not have been made by" the shoes taken from Sledge.[143]

The report states that the other photograph was insufficient for determination of whether it was made by a shoe, but there were no similarities to the shoes taken from Sledge.[144]

Later, a floor board from inside the Victims' home containing another shoe print was submitted. The SBI report indicates it "contains portions of two (2) or three (3) shoe track impressions of a tennis type shoe and a partial palm print impression or fabric impression in blood." The shoe tracks were compared with the plaster casts and the report states that they were "similar in tread design." They were dissimilar in tread design of the shoes taken from Sledge, the shoes found under a bridge, the shoes worn by Det. Little, and the shoes worn by Funeral Home Worker Gordon Kinlaw.[145]

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[140] SBI Laboratory Reports, June 30, 1977, SBI Bates stamp Pgs. 4728-29.
[141] Second Trial Transcript, State v. Sledge, 78 CRS 2415-16 (Columbus County), August 21, 1978 Superior Court Session Columbus County, Pgs. 146-150.
[142] SBI Laboratory Report, Sept. 24, 1976, SBI Bates stamp Pgs. 4608-10.
[143] Id.
[144] Id.
[145] SBI Laboratory Report, June 30, 1977, SBI Bates stamp Pgs. 4715-4719.

VIII. First Trial

The first trial was conducted from May 1 through May 4, 1978. The trial was held in Columbus County due to a change of venue. The trial judge was Judge D.B. Herring. The state was represented by Assistant District Attorney Lee Greer and Deputy Attorney General Lester Chalmers. Sledge was represented by Attorney Reuben Moore.[146]

The State's evidence was similar to what was presented at the second trial. The defense presented no evidence at the first trial, but did present evidence at the second trial. The first trial resulted in a mistrial due the jury being unable to reach a verdict.

Donald Sutton and Herman Baker testified for the State at both trials. Their testimony from the first trial is included below.

[146] First Trial Transcript, State v. Sledge, 78 CRS 2415-16 (Columbus County),April 24, 1978 Superior Court Session Columbus County.

1 DONALD L. SUTTON, being first duly sworn, testified as follows 12!

2 during DIRECT EXAMINATION BY MR. GREER:

3 Q. Mr. Sutton, state your name to the - to his Honor and

4 to the members of the jury over here.

5 A. My name is Donald L. Sutton.

6 Q. Now, Donald, on the 17th day of September, 1976, state

7 where you were in jail.

8 A. Cumberland County.

9 Q. Now, what were you serving a term for, Donald?

10 A. Accessory after the fact of murder.

11 Q. On that date did you have occasion to see Donnie Lee -

12 I mean, Joseph Sledge, Jr.?

13 A. Yes, sir.

14 Q. Where did you see him?

15 A. In jail.

16 Q. All right, sir. Now, did you have a conversation.....

17 A. Yes, sir.

18 Q. .....with Joseph Sledge, Jr.?

19 A. Yes, sir.

20 Q. All right. Now, what did you ask him and what did he

21 ask you? Tell us the substance of that conversation.

22 OBJECTION. OVERRULED.

23 Q. Go ahead.

24 A. We carried on a conversation, you know, about, you know....

25 Q. Talk slowly now, and talk into that thing sitting there

1 so we can all hear you.

2 A. You know, we just carried on a conversation, about, you
3 know, about seeing each other for a long time, you know. Then,
4 you know, that's where we got down to talking about, you know,
5 my escaping and his escaping, you know. And I asked him, you
6 know, about his escape. And he told me that he had left, you
7 know, left the camp and went to Elizabethtown and got a ride.
8 And him and, you know, later he got up with some guy at some
9 service station or other. They was supposed to be going to
10 Georgia for some reason. And I asked him why. And he said
11 that he had to leave town because he was afraid, you know, those
12 murders were going to be pinned on him.

13 Q. All right, sir. Then did you -- Did he mention anything
14 about the murders over here in Bladen County?

15 OBJECTION. OVERRULED.

16 A. He started talking about it, you know. And he was telling
17 me, you know, about the bitches are supposed to die and all
18 this, you know, and he said they were cut up.

19 Q. Now, did he say who was cut up?

20 A. Yes. He said the women were cut up, you know, the two
21 people that were killed. And he carried the conversation on,
22 you know. And he said that he didn't intend to kill the
23 people,you know, it was just, you know, he was just put in a
24 position he had to.

25 Q. Now, what was that last statement he made to you?

1 A. He said that he didn't intend to kill the people, you
2 know, to kill those people but he was put in a position where
3 he had to.
4 Q. Now, you were talking about Miss Aileen Davis and Jose-
5 phine Davis at that time, weren't you?
6 OBJECTION. SUSTAINED.
7 Q. All right. Now, what did he say -- Did he say anything
8 in reference to them being dead?
9 OBJECTION. OVERRULED.
10 A. All he said was they were, you know - he talked about a
11 lot of blood, you know, and said that they were cut up, cut
12 and stabbed, you know. At that time I had just heard it on
13 the news, you know, I hadn't been too long heard it on the
14 news, and so, I wondered, you know, how he knew so much about
15 it. And this is why, you know, I asked him so many questions.
16 Q. All right. State whether or not he said anything about
17 his clothing.
18 OBJECTION. OVERRULED.
19 A. He said that -- He said that he had hid his clothes, you
20 know, and they would never be found.
21 Q. Did you have any conversation -- State whether or not
22 you had any conversation about women in general?
23 OBJECTION. OVERRULED.
24 A. Well, we had talked about them, you know. We had talked
25 about them a lot, you know, even, you know, during the time we

1 was in prison. And he said that they wasn't nothing but, you
2 know, she devils, you know, breeding devils, and they were
3 used against, you know, you know, to trick the black man, and
4 all this.
5 Q. Now, at a later time state whether or not you had an
6 occasion to talk with Mr. Henry Poole, this gentleman sitting
7 here?
8 A. I don't recall the exact date it was, but it was some
9 time in February.
10 Q. And did you have occasion to talk to the man sitting
11 next to him, Mr. Phillip Little?
12 A. Yes, sir.
13 Q. And state whether or not you told them what you have tes-
14 tified to here?
15 A. Yes, I have.
16 CROSS EXAMINATION BY MR. MOORE:
17 Q. Where do you live now, Mr. Sutton?
18 A. I'm at Sampson County Unit.
19 Q. In the Department of Corrections?
20 A. Yes, sir.
21 Q. How much more time have you got to serve?
22 A. Until August the 8th, 1986.
23 Q. '86?
24 A. Yes, sir.
25 Q. What have you been tried and convicted of, Mr. Sutton?

1 A. Accessory after the fact of murder.

2 Q. What else?

3 A. Assault.

4 Q. Is that all?

5 A. That's all.

6 Q. Didn't you just say you were talking with Joe Sledge

7 about your escape?

8 A. Yes. Well, I have escaped, you know.

9 Q. How many times did you escape?

10 A. Once.

11 Q. Have you been tried for that?

12 A. Yes, sir.

13 Q. And you say you voluntarily went to the authorities with

14 this, is that right?

15 A. No. They - I was questioned about it, you know.

16 Q. How many people in the unit, in the camp there, were

17 questioned about it?

18 A. How many people in the unit?

19 Q. Yes. How many people do you know were questioned about

20 it?

21 A. Me.

22 Q. Who else was questioned about it?

23 A. Well, at that particular time there wasn't nobody else

24 in jail at the camp, at the prison, at the time.

25 Q. You said they came to you and questioned you?

1 A. Yes, sir.....

2 Q. Why did they pick you out?

3 A. Because I was in -- I imagine I was in jail with him,

4 you know, at that particular time.

5 Q. You don't know how many other people they questioned

6 or talked to, do you?

7 A. No.

8 Q. You have not talked with anyone else they talked to?

9 A. No.

10 Q. And you say you had heard all about this on the radio?

11 Pardon?

12 A. Yes, sir.

13 Q. It was on the radio and in the newspapers, wasn't it?

14 A. Yes, sir.

15 Q. And you also heard about the reward, too, didn't you?

16 A. No, sir. I really -- Well, at that time I didn't really

17 give it much thought.

18 Q. But you did read that there was a $10,000 reward for

19 conviction in this case, didn't you?

20 A. No, sir.

21 Q. Isn't that why you went to the authorities, because you

22 knew they wanted Joe Sledge and you wanted that $10,000 reward?

23 A. I didn't go to no authorities.

24 Q. You just went because you were a law abiding citizen,

25 is that right?

A. I didn't go to the officers to begin with. They came to me.

Q. You have not been promised anything about coming in and testifying in this case, have you?

A. No, I haven't.

Q. You haven't even discussed the reward, have you?

A. No.

Q. You are going to turn it over to some charity if they give it to you, aren't you?

A. I haven't thought about that.

HERMAN BAKER, JR., being first duly sworn, testified as follows during DIRECT EXAMINATION BY MR. GREER:

Q. All right. Now, what is your name?

A. Herman Baker, Jr.

Q. And, Herman, do you know Joseph Sledge, Jr.?

A. I do.

Q. Where did you first see Joseph Sledge, Jr.?

A. Carthage Prison Unit.

Q. Where?

A. Carthage Prison Unit, North Carolina.

Q. Carthage?

A. Right.

Q. Do you recall when this was?

A. In the summer, of '77.

Q. Now, were you an inmate at that time at Carthage?

A. Yes, sir, I was.

Q. What were you serving time for?

A. Breaking and entering.

Q. How long were you there with Joseph Sledge?

A. About maybe two months.

Q. Herman, did you have occasion to talk with Joseph Sledge, Jr., about two alleged murders that were committed in Bladen County involving Josephine Davis and Aileen Davis?

A. Yes, sir, I did.

Q. What did he tell you about those particular women?

OBJECTION. OVERRULED.

A. He told me that he was on escape and he was running through the woods and broke into a house and ran into these two ladies and stabbed them. He was pushing one, and one was hollering, "Call the police." And he started hitting the other one, and he grabbed a knife. And after he stabbed the first one, one was on his back. And he pushed her down and stabbed her, was stabbing her.

Q. Did he say why he did this?

OBJECTION. OVERRULED.

A. Yes, sir. he did.

Q. Did he make any other statements to you?

A. Sir?

Q. State whether or not he said where he hit one of the women.

OBJECTION.

COURT: Speak up, if you will, please. OVERRULED.

A. He said he hit one in the jaw.

Q. All right. State whether or not there was a conversation in which he told you.....

OBJECTION.

Q. .....how he left?

OVERRULED.

A. He left out the back door.

Q. All right. Now, did he say what he did before he left out of the back door?

OBJECTION. OVERRULED.

A. Well, he stated he was going to grab some black pepper as he was going out the back door and sprinkle the black pepper around the back door so - something about the she devils wouldn't follow him.

CROSS EXAMINATION BY MR. MOORE:

Q. Mr. Baker, where do you live now, sir?

A. Where do I live now?

Q. Where are you residing now?

A. White Lake Prison Unit.

Q. How much more time have you got to serve?

A. A year.

Q. How much more time have you served?

A. How much more time have I served?

Q. How much have you served on this sentence?

1 A. A year.
2 Q. And you have a year yet to go?
3 A. Yes, sir.
4 Q. What have you been previously tried and convicted of?
5 A. On this sentence?
6 Q. No, sir. In your whole life. How old are you, Mr. Baker?
7 A. Twenty-seven.
8 Q. What have you been tried and convicted of?
9 A. One forgery. Forgery.
10 Q. Is that all?
11 A. B and E.
12 Q. That's breaking and entering?
13 A. Right.
14 Q. What did you break and enter?
15 A. Well, it was a house.
16 Q. I see. What else have you been tried and convicted of?
17 A. That's all.
18 Q. Pardon?
19 A. That's all.
20 Q. And you voluntarily went to the authorities with this
21 information?
22 A. Yes, sir, I did.
23 Q. All right. You did that because you are a law abiding
24 person and wanted the truth to come out, is that right?
25 A. Yes, sir, and me knowing about it.

1 Q. As a matter of fact, you have not been promised anything
2 in this regard, have you? The law hasn't promised you a thing,
3 have they?
4 A. No, sir, they haven't.
5 Q. As a matter of fact, you have not even discussed any
6 benefit to yourself, have you?
7 A. No, sir, I haven't.
8 Q. You haven't even discussed the reward, have you?
9 A. No, sir, I haven't.
10 Q. Are you telling us you didn't even know there was a
11 reward?
12 A. Not until recently.
13 REDIRECT EXAMINATION BY MR. GREER:
14 Q. Mr. Baker, who did -- Did you tell anyone about this
15 before you went to these two officers?
16 A. Yes, sir, I did.
17 Q. Who was that?
18 A. That was the Superintendent at the camp.
19 Q. And do you know who he was?
20 A. Yes, sir.
21 Q. Who was he?
22 A. Captain Sparkman.
23 Q. Captain Sparkman. And what did you tell Captain Sparkman?
24 OBJECTION. OVERRULED.
25 A. I told him that I knew of something that happened that

1 an inmate told me while I was at Carthage Prison Unit con-
2 cerning two murders that happened in Bladen County.
3 Q. Did you tell him why you were telling him?
4 A. No, sir, I didn't tell him.
5 Q. Why did you tell him?
6 A. Because it was, you know, bothering me knowing about it.
7 And I kept hearing about it.
8 Q. All right, sir. You see this gentleman sitting here?
9 A. Yes, sir.
10 Q. That is Mr. Henry Poole. Did you talk to him?
11 A. Yes, sir.
12 Q. And the man sitting next to him is Phillip Little. Do
13 you recognize him?
14 A. Yes, sir.
15 Q. Did you talk with him?
16 A. Yes, sir.
17 Q. Now, did you tell them what you have just told on the
18 stand?
19 A. Yes, sir.
20 HENRY LEE POOLE, being first duly sworn, testified as follows
21 during DIRECT EXAMINATION BY MR. CHALMERS:
22 Q. What is your name, sir?
23 A. Henry Lee Poole.
24 Q. And what is your occupation, Mr. Poole?
25 A. I'm with the State Bureau of Investigation.

IX. Second Trial

Sledge was retried for two counts of first degree murder. The second trial was conducted from August 28 through August 31, 1978. The trial was held in Columbus County due to a change of venue. The trial judge was Judge Giles R. Clark. The State was represented by Assistant District Attorney Lee Greer (Mr. Greer did not question witnesses), Assistant District Attorney Michael Easley, and Deputy Attorney General Lester Chalmers. Mr. Sledge was represented by Attorney Reuben Moore.[147]

The defense made a motion to record the opening and closing statements and the Judge allowed the motion, but they were not recorded and there is no record of what was argued to the jury.[148]

State's Evidence

Wanda Hales

Wanda Hales testified that she was the granddaughter of Victim Josephine Davis and the niece of Victim Aileen Davis. Josephine and Aileen lived together in Elizabethtown. On September 6, 1976, at about 4 p.m., Hales went to their house. She opened the door and saw Aileen lying there with blood all over her face. When Hales opened the door, it hit Aileen's leg. She stood outside the door and saw Josephine, "On the floor with her dress pulled up around her waist and the lower extremities showing." Hales testified that they were dead.[149]

Hales was unable to describe the position or distance of the Victims other than that they were in the same room. She said the refrigerator had blood on it.[150] The last time Hales had seen her aunt and grandmother was the night before around 8 p.m.

Hales testified that she went back to her house and told her mother. Her mother called the rescue squad. Her house is about 200 or 300 yards from her aunt and grandmother's house.[151]

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[147] Second Trial Transcript, State v. Sledge, 78 CRS 2415-16 (Columbus County), August 21, 1978 Superior Court Session Columbus County.
[148] Id. Pgs. 5-6 (Motion allowed) and Pgs. 20 (Opening Statements not Recorded) and Pgs. 386 – 387.
[149] Id. Pgs. 21-23.
[150] Id. Pgs. 23-25.
[151] Id. Pgs. 21-26.

On cross examination, Hales testified that there were "a bunch" of law enforcement officers and "a lot" of other people at the house after they called the rescue squad.[152]

Det. Phillip Little

Det. Little of the BCSO described the scene when he arrived and photographs were used to illustrate his testimony. Det. Little testified that he arrived at 5:15 p.m. on September 6, 1976 and described the positions of the bodies. A diagram created by Det. Little was used to illustrate his testimony and he drew the positions of the bodies and furniture on it during his testimony. The diagram was created in court and a photo was taken for the Clerk's file. The photograph of the diagram is included below.[153]

Det. Little used the diagram to describe blood on the wall, the floor, under the bodies, and a bloody shoeprint going out into the kitchen area. He testified that he did not find blood anywhere else in the house or at the front or back entrances.

Photographs of the Victims' bodies were also introduced and Det. Little used them to describe the bodies as he observed them. Det. Little testified about the photograph of Josephine Davis' body:

> *This photograph shows the body lying face up. It shows Josephine Davis. It shows the light colored dress and slip that she was wearing. Also, it shows the manner in which it was pulled up about her waist exposing the lower half of her body. It shows the stab wounds about her throat and face area, the blood spatterings on the wall – on the floor of the living room around her body, and the heavy concentration of blood on her upper torso.*[154]

The prosecutor asked how many stab wounds were on the body, and Det. Little answered "three or four that I observed."[155]

Det. Little used the photo of Aileen Davis' body to illustrate his testimony and said:

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[152] Id. Pgs. 27-28.
[153] Note: This diagram may be the one used at the first trial as the exhibit numbers were the same. It is the only State Exhibit 9 preserved in the Clerk's file.
[154] Id. Pg. 49.
[155] Id.

> *This photograph shows the body of the victim Aileen Davis. Located in the upper portion of the photograph, you can see the lower part of the front door which leads into the living room from the front porch. Also, right here you can see the green refrigerator which was next to her head. The foot of the victim Josephine Davis is also present in the photograph. It shows the black and white checkered dress that Aileen Davis was wearing and the slip. Also it shows how the dress was pulled up around her midsection exposing the lower half of her body. It shows the stab wounds in her neck, and the heavy pools of blood underneath her torso, and also the blood spatterings on the floor, and the lower portion of the green refrigerator.*[156]

The photographs used during Det. Little's testimony are on the following pages.

A photograph of the outside of the Victims' house was introduced and Det. Little described the house as an unpainted wooden house with a tin roof. Det. Little used the diagram introduced earlier with his testimony and the photograph to explain the layout of the house. The photograph is on the following pages.

Det. Little testified that when he first entered the house, they (reports indicate Det. Little and Deputy Storms were the first to enter the house) first did a search to make sure there were no intruders or anyone else in the house, then he made a crime scene sketch, and then collected evidence. Det. Little said he collected hairs from the body of Aileen Davis. He described one of the hairs as located on Aileen's forehead imbedded in blood.

Det. Little testified about a map he prepared. This map was introduced and was also drawn on the same board as the diagram of the house. Det. Little testified that the map shows "a route along U.S. 701 from White Lake showing the White Lake Prison Unit…Turnbull Creek which crosses U.S. 701 between White Lake and Elizabethtown…the Davis house is located about three-tenths of a mile from the intersection of 701 and 242 and 53 north on 242." Det. Little said the Davis house was about four-and-a-half miles from the prison by highway and about three-and-a-half to four miles coming through the woods.

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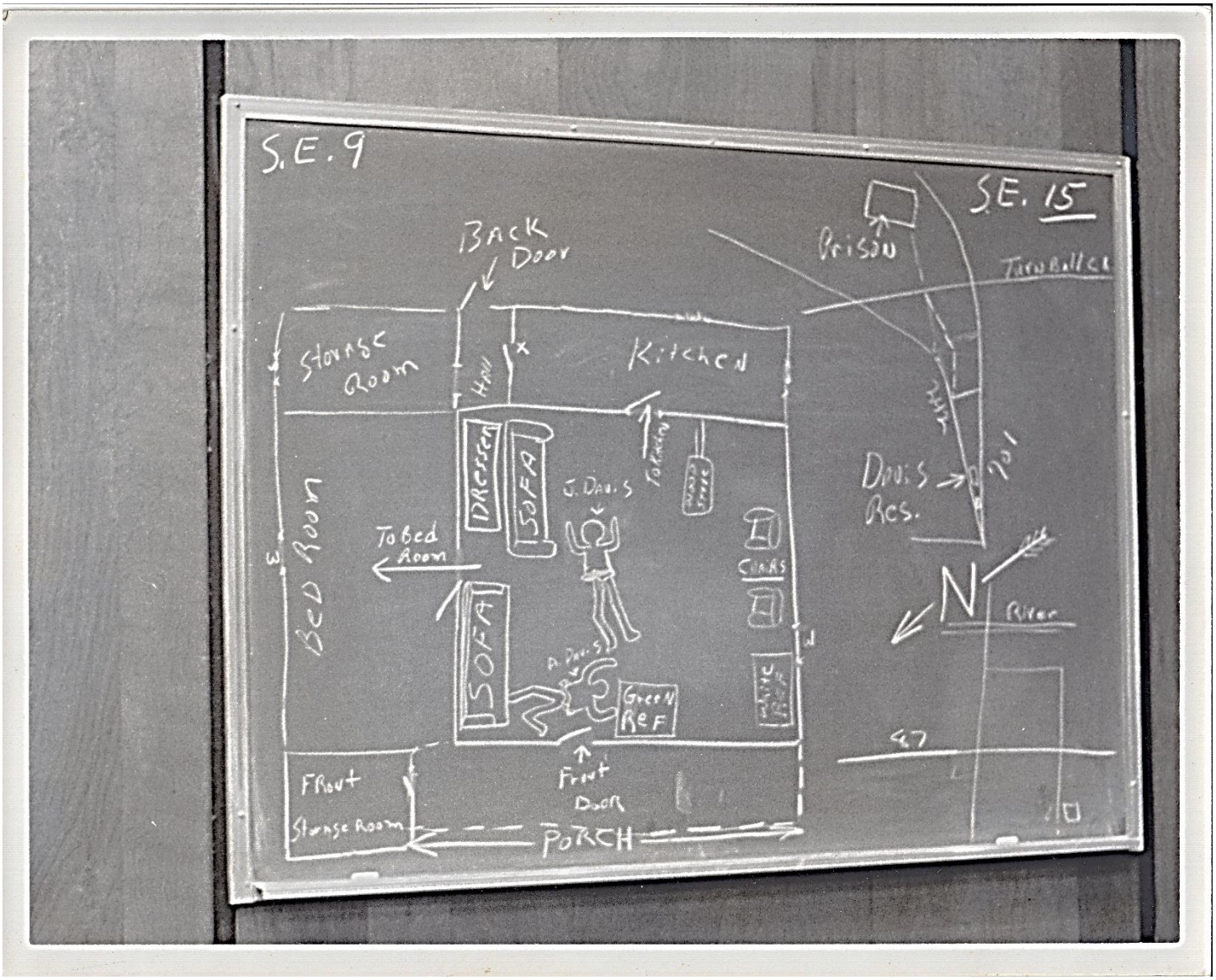
[156] Id. Pg. 52.

Det. Little showed that Hazel Thompson Smith's residence (this is the residence where Sledge stole a car) is about a "mile or a mile and a tenth or a mile and two-tenths" from the Davis residence. The trial testimony indicates Det. Little placed an "x" on this spot, but it is not reflected in the photograph of the map.[157] Det. Little testified that the residence of Dorothy Cassidy (where Sledge stole clothes from a clothesline) is about a city block away.[158]

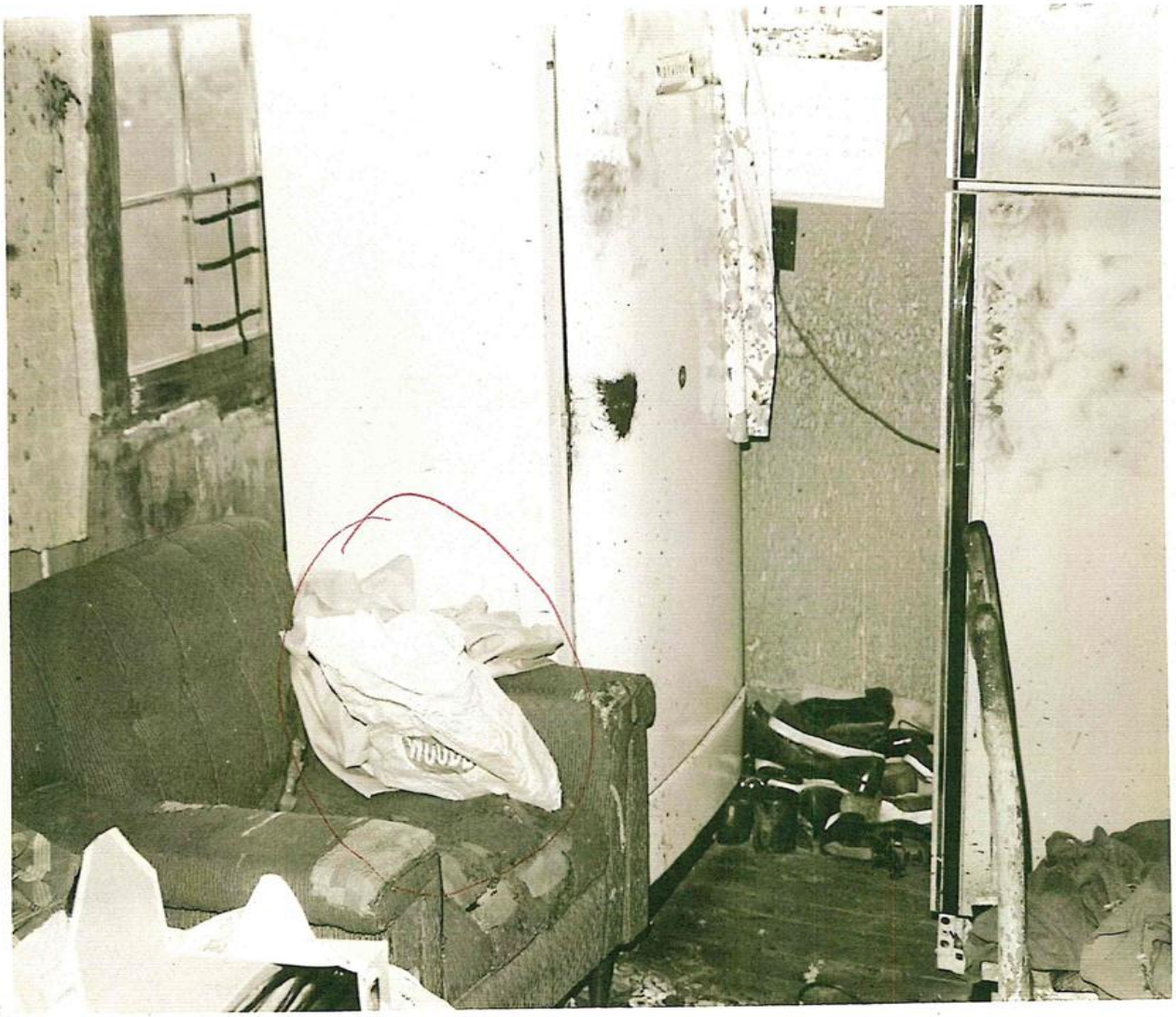
Det. Little then testified about his investigation of Sledge. The remainder of Det. Little's testimony and cross examination is included on the pages following the photographs. In the first trial, Det. Little testified that his interview of Sledge happened on September 10, 1976. In the second trial, he testified that it happened on September 12, 1976. There are no investigative reports summarizing this interview and the date.

[157] The same exhibits were used at both trials and this photograph may be from the first trial.
[158] Id. Pgs. 28-86.


S.E. 9
S.E. 15
BACK Door
Storage Room
Kitchen
Hall
Prison
Turnbull
Hall
Davis Res.
201
DRESSER
SOFA
J. Davis
To Kitchen
To Bed Room
BED Room
CHAIRS
SOFA
A. Davis
Green Ref
N
River
47
Front Door
Front Storage Room
PORCH

000133

000124



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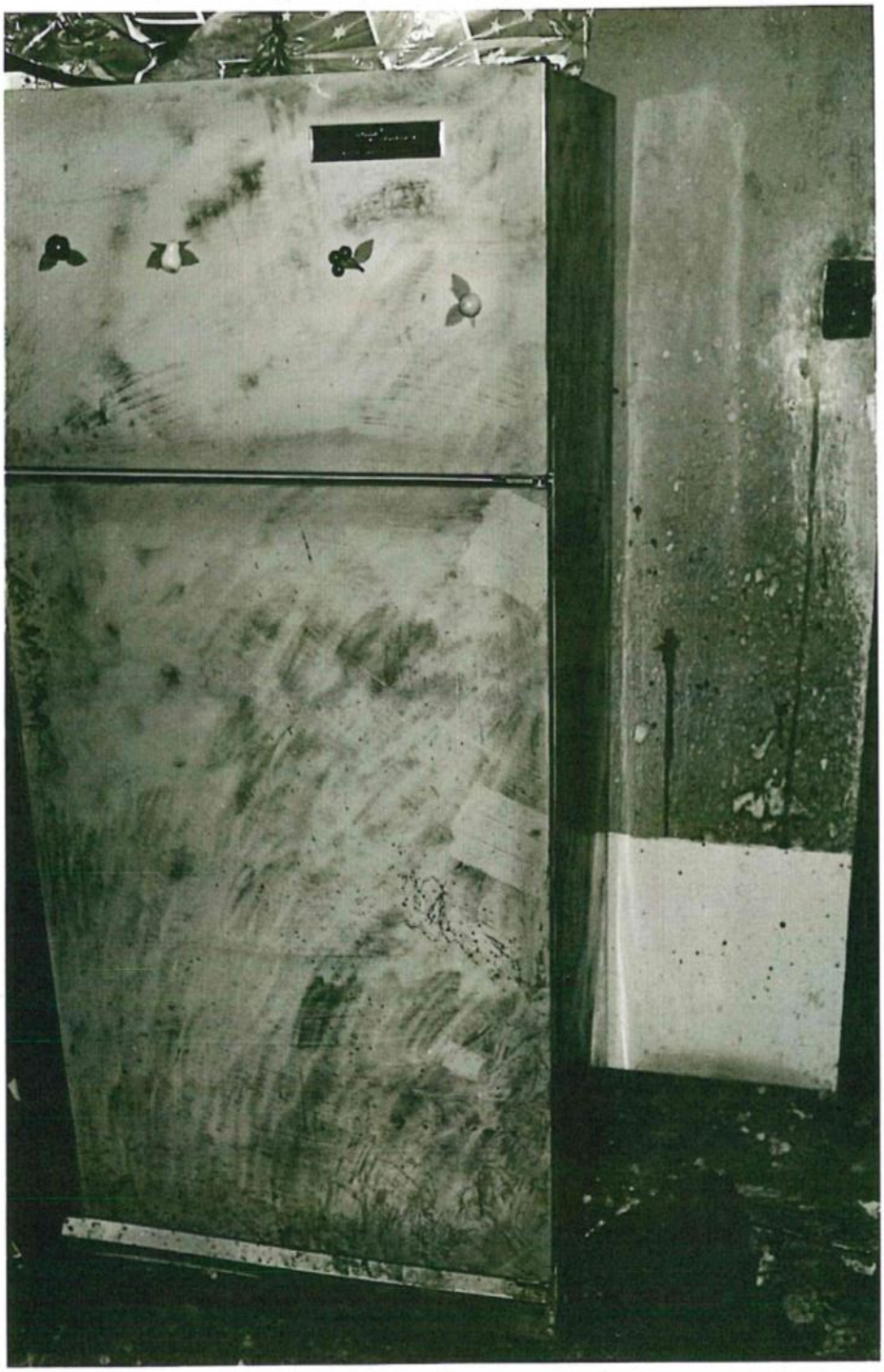

000128

PENGAD-Bayonne, N. J.
STATE'S
EXHIBIT

000098

KEEP
OUT
SHERIFF

1 full awareness of the consequences thereof. That the defend- 86
2 ant was fully advised of his constitutional rights to remain
3 silent, and of his right to counsel, and that the defendant
4 had full understanding of said rights. That the defendant
5 purposefully, freely, knowingly, voluntarily, understandingly,
6 and intelligently waived each of those rights, and thereupon
7 made the statement to the officers above-mentioned.
8 Upon such findings and conclusions, the Court rules
9 that the objection is overruled, and that the evidence of the
10 statement made by the defendant to the officer in question may
11 be received into evidence as otherwise competent.
12 MR. MOORE: To which we except.
13 COURT: To which ruling the defendant excepts. Now,
14 let's follow this procedure when we come back in. That jury
15 has certainly lost the continuity of the evidence. I will
16 announce when the jury returns that the objection has been
17 overruled. You will then restate the question to the officer,
18 so that the jury will know what it is he is talking about.
19 And we will proceed from there. Bring them in. (JURY RETURNS
20 INTO OPEN COURT.) All right, sir. The objection is overruled.
21 CONTINUED DIRECT EXAMINATION BY MR. EASLEY:
22 Q. Officer Little, where did you first see Mr. Sledge on
23 the 12th day of September, 1976?
24 A. Cumberland County Jail.
25 Q. All right, sir. And did you have any conversation with

him there at the jail?

A. Yes, sir.

Q. All right, sir. Where did you go from the Cumberland County Jail?

A. Bladen County Jail.

Q. All right. And who was with you?

A. Earl Storms, Sheriff Allen, and the defendant.

Q. All right, sir. After you got to the Bladen County Jail, did you leave and go anywhere else?

A. The defendant was lodged in the jail for a while. This was during the noon hour. We ate lunch and later came back and picked the defendant up. Deputy Storms and myself and the defendant were in one car, Sheriff Allen and Detective Bob Connerly from Cumberland County was in a second car, and Specia Agent Lee Sampson of the State Bureau of Investigation was in his vehicle.

Q. All right. So you and Mr. Sledge were in the car with Earl Storms. Can you tell me where you were seated.

A. Yes, sir. The defendant was sitting in the rear. Deputy Storms was driving. And I was sitting in the rear with him.

Q. You were in the rear with Mr. Sledge?

A. Yes, sir.

Q. All right, sir. What did you and Joseph Sledge do? Did you have any conversation with Mr. Sledge?

A. Yes, sir. When we left Bladen County Jail, we asked the

1 defendant to show us the route that he traveled after he es-
2 caped.
3 Q. All right, sir. Did he tell you when he escaped?
4 A. Yes, sir.
5 Q. When did he tell you he escaped?
6 A. He said it was shortly after the noon head count, around
7 2:30 p.m. or something like that.
8 Q. What day?
9 A. On the 5th of September, 1976.
10 Q. All right, sir. And that was from where?
11 A. From the White Lake Department of Corrections.
12 Q. All right, sir. Go ahead.
13 MR. MOORE: Objection.
14 COURT: Overruled. Go ahead.
15 A. We went to - the defendant, Deputy Storms, and myself,
16 Detective Connerly, Sheriff Allen, and Special Agent Sampson
17 went to the White Lake Prison. The defendant, Deputy Storms,
18 and myself were occupying the same vehicle. We stopped there
19 in front of the White Lake Prison. The defendant told us that
20 he crossed the rear fence of the prison and stayed in the woods
21 there behind the prison for some period of time. Later he said
22 he travelled through the woods, and got out on - near U.S. 701,
23 and stated that he stayed close to the highway so he wouldn't b
24 in the heavy brush and proceeded to Elizabethtown. When we
25 got to Turnbull Creek.....

Q. Will you point Turnbull Creek out on the map.

A. We left the prison and proceeded in this direction, south on 701. When we got here to Turnbull Creek, the defendant stated that he had to cross the creek.

Q. Had to what?

A. He had to cross the creek.

Q. All right.

A. We stopped there along side the road, and the defendant told us about crossing the creek. He stated that he had to stay out of sight, he was hiding from the elements, and the reason he had left the prison was because he had some trouble with an inmate and couldn't stand the pressure there any more. We proceeded on toward Elizabethtown. We got here to the intersection of 53, 242, and 701.

Q. Now, is that the intersection where you would turn to go to the Davis home?

A. That's correct.

Q. All right, sir.

A. There was at that time a fruit stand or a vegetable stand located at that intersection. The defendant stated that he hid behind a building there for some length of time and stayed in that area, and later on during the hours of darkness he proceeded on toward Elizabethtown. We stopped along the - from this intersection to Elizabethtown is a built up area, a low river area, and there is a fill there that the highway is built on.

1 We stopped along there just briefly, and the defendant said
2 that he waited.....
3 Q. Was this area before or after the Cape Fear River? Be-
4 fore you get to it coming down toward Elizabethtown?
5 A. Well, it is built up all the way from Elizabethtown,
6 from the bridge all the way through this area there. It is a
7 low flat river low land area and it's built up there.
8 Q. Between the intersection of 53 and Elizabethtown, there
9 is a road fill there?
10 A. Right, approximately ten, twelve, or fifteen feet high.
11 The defendant stated that he waited at the Cape Fear River
12 bridge until there was no traffic coming. And that when he
13 saw the way was clear, that he crossed the river bridge and
14 proceeded on toward Elizabethtown. He stated that when he got
15 to Queen Street, he made a left turn on Queen Street and pro-
16 ceeded to the end of Queen Street.
17 Q. All right. Let me ask you: Did you stop at Queen Street
18 A. Yes, sir.
19 Q. Go ahead.
20 A. He proceeded on until he got to Lower Street with its
21 intersection with Queen Street. That he proceeded down Lower
22 Street and crossed 87. He stated that he waited there until
23 there was no traffic coming, and then he ran across 87. He
24 proceeded on down Lower Street. He went around behind some
25 houses that is located between King Street and Swanzy Street.

These two streets intersect with Lower Street. He went to a residence there that was occupied by Dorothy Cassidy with a clothes line behind the residence. There he removed a sweater belonging to Mrs. Cassidy and - which he put on. He stated that he had removed some clothes somewhere between the time that he left the prison and until he got to this location at the Cassidy residence.

Q. Did he tell you what clothes he removed?

A. He said he removed a shirt.

Q. All right.

A. He at one time told us he hid a shirt somewhere in the neighborhood there of the Cassidy residence. We looked for a shirt and were unable to find it. He then stated that he went on down Lower Street until he got near the end of it, which Lower Street dead ends there. He located a Chevrolet belonging to Mrs. Hazel Thompson Smith, and that the car had the keys in it, and that he took the car and went to Fayetteville, North Carolina. He stated that he went back and hit N.C. 87 and proceeded on N.C. 87 into Fayetteville. The defendant stated to me that as he went through Elizabethtown he looked on the clock at the bank, and that the time was showing 2:20 a.m. which would have been September the 6th, the early morning hours of September the 6th. We looked for the shirt and could not locate it. The defendant then told us that he had hid the shirt in the area there near Turnbull. We went back

1 there and looked for the shirt and could not find it.
2 Q. All right. Now, was Mr. Sledge with you during this
3 time?
4 A. Yes, sir. After I left the Turnbull area.....
5 MR. MOORE: Objection, your Honor.
6 COURT: Overruled.
7 A. .....we made a search of the shirt there. We came back
8 down to this intersection of 242 and 701, proceeded up beyond
9 the Davis residence which is located about three-tenths of a
10 mile from this intersection, turned around and came back and
11 parked just north of the residence on the opposite side of
12 N.C. 242.
13 Q. You were on the opposite side?
14 A. Of the Davis residence.
15 Q. All right, sir. And north of it?
16 A. That's right.
17 Q. All right, sir.
18 A. We were sitting there in the car, and I had not made an
19 statement to the defendant. The defendant looked over at the
20 Davis house. He was handcuffed with his hands in front of hi
21 He lifted his hands and pointed to the Davis house and said,
22 "A black man did not kill those two women. A white man did
23 it. A black man would not have cut them up like they were."
24 Q. Do you know the address of that house?
25 A. Route 2, Elizabethtown.

1 Q. All right, sir. Now, how many different places did he
2 tell you his shirt was hidden?
3 A. Two different locations. The location here off of Lower
4 Street, and the location along in here somewhere.
5 Q. How many different stops did you make, if you know, with
6 Mr. Sledge in the back seat with you?
7 A. On the first trip we made about seven stops. And we
8 went back to this area and stopped again, and then back to the
9 Davis house which was eight or nine stops altogether.
10 Q. All right, sir. The residence of Mrs. Hazel Thompson
11 Smith that you testified to where Mr. Sledge told you he took
12 an automobile, how far is that from the Davis residence?
13 A. From the Davis residence it's approximately a mile and
14 three- or four-tenths.
15 Q. How was Mr. Sledge dressed at the time he was with you?
16 A. At the time he was with me he was in jail attire, the
17 coveralls and shower shoes.
18 Q. Is that - in Cumberland County, is that the first time
19 you saw him after September the 6th?
20 A. No, sir. The first time I saw him was in Dillon, South
21 Carolina.....
22 Q. All right. How was he dressed then?
23 A. He had on tennis shoes, blue jeans, a tee shirt, and the
24 blue and white striped pullover sweater that he got from the
25 Cassidy residence.

MR. MOORE: Object to that, your Honor.

COURT: Well, sustained as to what, if anything, he had on.

STATE EXHIBIT 18 MARKED FOR IDENTIFICATION. (SAME NUMBER FROM PRIOR TRIAL.)

Q. I am going to show you what has been marked and identified as State's Exhibit No. 18 and ask you if you have seen that before, and if so, when and where?

A. Yes, sir.

Q. What is it?

A. It's the blue and white pullover knit sweater that the defendant was wearing when I first observed him in Dillon, South Carolina.

COURT: What date was that, sir?

A. That was on the 9th of September, 1976.

Q. All right, sir. Now did you take that sweater off the defendant?

A. No, I did not.

Q. All right, sir. Do you know what happened to the sweater

A. Yes, sir.

Q. Did the defendant take the sweater off?

MR. MOORE: Objection.

COURT: Overruled.

A. The sweater was picked up by Special Agent Lee Sampson.

Q. All right. Did he turn it over to you?

A. No, sir. He turned it over to the State Bureau of Investigation Lab.

Q. Has this ever been in your care, custody, and control?

A. Yes, sir.

Q. All right. Who gave it to you?

A. Special Agent Marshall Evans, I believe.

Q. All right, sir. And after Marshall Evans gave it to you, has it been in your care, custody, and control since then?

A. Up until May, yes, sir, of this year.

Q. You say Mr. Sledge told you that he took a sweater. Did he tell you what sweater? Did he tell you whether or not.....

A. Yes, sir. He stated that - the sweater that he was wearing.

MR. EASLEY: Your Honor, I would like to introduce this in evidence at this time.

MR. MOORE: Objection.

COURT: Sustained at this time.

MR. EASLEY: No further questions.

COURT: You may cross examine.

CROSS EXAMINATION BY MR. MOORE:

Q. Mr. Little, let me ask you some questions in relation to some of these exhibits that have been introduced. First with regard to State's Exhibit No. 6 that you said showed the south corner of the living room area of the Davis home, is that correct?

A. Yes, sir.

Q. All right. Now, I'll ask you from State's Exhibit No. 9 if not it shows this chair immediately touching this white refrigerator?

A. Yes, sir.

Q. To that extent this picture is a little bit out of scale, is it not? Now, I realize the difficulties in drawing these things, but in any case, as a matter of fact this refrigerator almost covers up some of that window, does it not?

A. Yes, it does. I illustrated the refrigerator actually too small there.

Q. Well, maybe - let me rephrase and ask you this: How large was the living room?

A. That living room is approximately 12 by 12.

Q. All right. Now, would you say that where I am standing is approximately - an area this large would be 12 by 12?

A. About, yes, sir.

Q. And in that area there were two - I think one of these exhibits shows it perhaps - you don't have a photograph showing the size of those couches, do you?

A. No, sir.

Q. All right, sir. Now, I will hand you State's Exhibit No. 5 and ask you, if you would, to tell me whether or not Mrs. Davis - and I think that's a photograph of Mrs. Josephine Davis, is that not correct?

1 A. That's right.
2 Q. And it shows her head or the upper part of her body next
3 to or near the sofa as you have drawn it here?
4 A. Yes, sir.
5 Q. And as I understand that exhibit there, this sofa act-
6 ually goes almost adjacent to this wall, does it not?
7 A. Yes, sir.
8 Q. And.....
9 A. That is.....
10 Q. I understand. I am not talking about this wall; I'm
11 talking about the - where is your north and south - it would
12 be the east wall?
13 A. There was a - at that time there was a radio, an old
14 cabinet style radio there.
15 Q. All right. In other words, this had what we call, I
16 guess, an end table between it and the wall?
17 A. No, it was an old radio, one of these big.....
18 Q. All right. A console, that sits on the floor?
19 A. Yes, sir.
20 Q. All right. And in other words, the console radio and
21 then the sofa, and then her body extending from the sofa, is
22 that right?
23 A. Yes, sir.
24 MR. CHALMERS: If your Honor please, could the
25 record show that Mr. Moore is cross examining the witness about

1 State's Exhibit No. 5.
2 MR. MOORE: Yes, sir. I am sorry. I thought I said
3 that. Yes, sir. No. It's State's Exhibit No. 9 on here.
4 MR. CHALMERS: I beg your pardon. It is 9. Excuse
5 me.
6 MR. MOORE: This exhibit here is No. 5.
7 MR. CHALMERS: I see. All right.
8 Q. So, with regard to State's Exhibit No. 9, the console
9 was in a direct line with the sofa, was it not, Mr. Little?
10 A. More or less, yes, sir.
11 Q. And the console and the sofa was how far from the door
12 into the kitchen? I mean, how far distance wise?
13 A. Oh, about three feet.
14 Q. About three feet. These two chairs on State's Exhibit
15 No. 9 and the sewing machine are all, would you say, or were
16 they in a relatively close position side-by-side?
17 A. Yes, sir.
18 Q. The dresser is a table-top dresser type, is it not, Mr.
19 Little? In other words, it is not a big dresser; it's chest
20 high?
21 A. Yes, sir.
22 Q. The dresser illustrated on State's Exhibit No. 9, is
23 that correct?
24 A. Yes, sir.
25 Q. In other words, Mr. Little, for a room of that size there

1 was a great deal of furniture in there, was there not?
2 A. Yes, sir.
3 Q. And the furniture and, of course, the position of the
4 ladies was very close on the inside?
5 A. Yes, sir.
6 Q. There were - Now, with regard to State's Exhibit No. 6
7 that I think the State has introduced, there were books in some
8 of the chairs, papers on some of the chairs, and other loose
9 items about that room, were there not?
10 A. There were.
11 Q. Not only in the area that is shown on State's Exhibit
12 No. 6 but also there were loose items of a personal nature or
13 papers or one thing on the other pieces of furniture in the
14 room, the dresser and the sofas?
15 A. Yes, sir. There were medicine bottles and such things
16 as that, shoe boxes with papers and what have you in them.
17 Q. And bottles of various sorts and description were all
18 about the room?
19 A. No, I wouldn't say all about the room. On that dresser
20 there was.
21 Q. Well, Mr. Little, there were some paraphernalia, for
22 lack of a better word, underneath the dresser, too, was there
23 not?
24 A. Yes, sir.
25 Q. And there was also some loose paraphernalia around the

1 sewing machine, in that area?
2 A. Yes.
3 Q. And around the heater, in that area?
4 A. No.
5 Q. Do you have a picture of that, Mr. Little?
6 A. No, sir.
7 Q. As a matter of fact, most of the house was of the same
8 basic description as the living room was it not, Mr. Little?
9 In other words, there was a lot of furniture and a little house?
10 A. Yes, sir.
11 Q. And basically what was the size of the house, if you can
12 recall?
13 A. That house was probably 20 by 30.
14 Q. Okay. Now, Mr. Little, did you, in making your search
15 and investigation of this house, determine that anything was
16 missing or stolen?
17 A. No.
18 Q. Did you have occasion to find any of the valuables or
19 money that was in the house?
20 A. Yes.
21 Q. Basically where were these valuables and money kept and
22 what were they?
23 A. We found checks and currency in the victims' pocketbooks.
24 And there was also other valuables located in other pocketbooks
25 Q. I guess what you are saying is like a lot of elderly

1 people, they kept their assets in different places throughout
2 the house?
3 A. Yes, sir.
4 Q. And to the best of your investigation you determined that
5 none of these assets or valuables had been taken?
6 A. Yes, sir.
7 Q. Now, I realize that you and the other officers did as
8 much as you could with your crime investigation. Do you have
9 an idea as to how many different sets of fingerprints were
10 taken there at the crime scene?
11 A. Overall there were approximately 90 or 97 latent lifts
12 made in this investigation. Now, all of those.....
13 Q. That's all I asked you.
14 MR. EASLEY: Objection. Let him finish his answer.
15 COURT: You may explain your answer.
16 A. All of those latent lifts were not made in the immediate
17 area of the crime scene. There were latent lifts that were
18 made from other items that we thought possibly could be connect
19 ed with this crime which later turned out through investigatior
20 that were not related to it.
21 Q. All right. And as a matter of fact different prints or
22 latent prints, that is the impressions, were taken at various
23 times, were they not, Mr. Little?
24 A. There were eighteen original latent lifts made at the
25 crime scene.

1 Q. All right. And what I am saying though is at different
2 times during the course of your investigation, other prints
3 were made at other times?
4 A. That's right.
5 Q. And, of course, in this case your investigation covered
6 what period of time, Mr. Little?
7 A. The investigation covered approximately seventeen months.
8 Q. How long has the Sheriff been Sheriff of Bladen County?
9 A. I believe about 32 or 34 years.
10 Q. And there was right much pressure on you in this par-
11 ticular case, was there not, Mr. Little?
12 A. What kind of pressure?
13 Q. Pressure to bring somebody to trial in this case?
14 MR. EASLEY: Objection.
15 COURT: Overruled.
16 A. No, sir, I wouldn't say so.
17 Q. Isn't it a fact, Mr. Little, that that is the reason the
18 Sheriff decided not to run again.....
19 MR. EASLEY: Objection.
20 COURT: Objection sustained.
21 Q. Now, Mr. Little, with regard to State's Exhibit No. 15,
22 you have shown thereon a mark that is to be the Davis home, is
23 that correct?
24 A. Yes.
25 Q. And you have testified that is approximately three-tenths

of a mile from the intersection of Highway 242 and Highway 701 and Highway 53, is that right?

A. That's right.

Q. Now, of course, three-tenths of a mile is the length of three football fields, is that about right?

A. It's about 300 yards, yes, sir.

Q. And there is a - or is there any other house or dwelling between the Davis home and the intersection?

A. Yes, sir. The Hales home.

Q. How about the Rodney Sutton home?

A. Right. Right there in the intersection.

Q. So, there are two homes there?

A. Yes, sir.

Q. How many homes are there, during that period of time, on the other side of 242?

A. There is a church directly across from the Davis house. A bulk type propane gas tank located between their residence and the intersection.

MR. EASLEY: Your Honor, may I ask that for the record he is using.....

MR. MOORE: I am referring to State's Exhibit No. 15. I'm sorry.

Q. Also calling your attention to State's Exhibit No. 15, - first repeat to us what distance it is from the prison to the intersection?

A. It's about four-and-a-half miles.

Q. In the area of the - as shown on State's Exhibit 15 from the prison to the intersection, how many houses would you say are there roughly north of Highway 701 and adjacent or sitting off of Highway 701?

A. To what point, sir?

Q. Well, say a hundred yards.

A. Probably ten or twelve at least.

Q. Of course, we certainly have the Turnbull Project in there, don't we?

A. Yes, sir.

Q. How many homes - that is one paved road that goes off of Highway 701 on State's Exhibit 15, is that right?

A. That's right.

Q. How many homes are in the Turnbull Project?

A. There are several in that whole project, fifteen or twenty.

Q. All right, sir. And how far would you say the paved road is down that project?

A. Oh, a quarter of a mile.

Q. All right, sir. And there is also another little subdivision in there adjacent to the Bladen Lakes Furniture, Willard Tatum's residence, is there not, sir?

A. Yes, sir.

Q. How many homes in that area?

1 A. I have no idea. There are several homes from White Lake
2 Prison to that area. I don't have any idea how many.
3 Q. But there are many, many homes?
4 A. Yes, sir.
5 Q. All right, sir. Now, with regard to the 17th day of
6 September - let me verify that date - the 12th day of September,
7 1976, you said you and Earl Storms - Earl Storms is a Deputy
8 Sheriff of Bladen County?
9 A. Yes, sir.
10 Q. Still a Deputy Sheriff?
11 A. Yes, sir.
12 Q. The Sheriff-elect, the new Sheriff?
13 A. Yes, sir.
14 Q. You all took Mr. Joe Sledge from the Cumberland County
15 Jail back to Bladen County?
16 A. Yes, sir.
17 Q. And after traveling the route that you say you went from
18 the prison to the place where the car was taken, then you said
19 you went to the Davis home?
20 A. Yes, sir.
21 Q. Now, you did that of your own volition, did you not,
22 Mr. Little?
23 A. That's right.
24 Q. And when you got there, you and the other two automobiles
25 were traveling with you, were they not?

A. Yes, sir.

Q. And you stopped in front of the home as shown on State's Exhibit No. 8, is that right?

A. That's right.

Q. And the home looked exactly like State's Exhibit No. 8?

A. Yes.

Q. And it had the sign marked out there and blockaded off such as it was by the Bladen County Sheriff's Department?

A. The sign says: Keep out. Sheriff.

Q. And when this statement was made, it was some seven days after the murder of these two women, was it not?

A. Approximately.

Q. And Sheriff John B. Allen was there, was he not, sir?

A. Yes.

Q. And as a matter of fact, he was out of his car when the statement was made?

A. I believe so.

Q. Now, you said you got to the scene of this crime at about 5:15, is that right?

A. That's right.

Q. How many people were there when you got there?

A. I observed the Sheriff, of course, there in the front yard. There was a couple of spectators standing out near the highway.

Q. How many spectators?

1 A. Two.
2 Q. That's all you saw?
3 A. Yes. Deputy Sheriff Lynn Moore.
4 Q. What total number of officers were there when you arrived?
5 A. Sheriff Allen.
6 Q. He was the only officer?
7 A. Yes, sir.
8 Q. And Officer Lynn Moore came up after that?
9 A. Yes, sir. He came up along about the time I arrived.
10 Q. How many other officers came up after that?
11 A. There were several.
12 MR. MOORE: Just one moment, please, your Honor.
13 COURT: Suppose we just recess right there and get
14 some lunch. Members of the jury, we are going to recess at
15 this time for lunch. We will reconvene at 2:15 p.m. If you
16 will, please return to the courtroom and take the seats in the
17 jury box at that time. During this recess, please remember and
18 abide by the instructions that I have given you earlier. Do
19 not discuss the case with anyone or allow anyone to discuss it
20 in your presence. Do not talk about it among yourselves. Keep
21 your minds open. Do not form or express an opinion concerning
22 the guilt or innocence of the defendant or relating to this
23 case. Take a recess until 2:15 p.m. (LUNCHEON RECESS.) Mr.
24 Little, come back to the stand, please. Mr. Moore, I believe
25 at the recess you had this witness on cross examination. You

1 may proceed.

2 CONTINUED CROSS EXAMINATION BY MR. MOORE:

3 Q. Mr. Little, how many photographs or pictures were taken

4 of the inside of the house, if you know?

5 A. I don't know.

6 Q. Do you know how many different officers took photographs

7 of the inside of the house?

8 A. Three to my knowledge.

9 Q. And, of course, there were many more photographs than

10 have been used heretofore in this case so far, is that right?

11 A. Yes.

12 Q. The shirt or sweater that you have referred to that was

13 identified as State's Exhibit 18, the Cassidy sweater, who did

14 you say gave that to you? To refresh your memory, was it Mr.

15 Marshall Evans?

16 A. Just a moment, sir, and let me look at my - I received

17 that from.....

18 Q. It was either Lee Sampson or Marshall Evans?

19 A. From Jed Taub on 9/13/76.

20 Q. All right, sir. Did you also have occasion to receive

21 a pair of green institutional pants from either Mr. Lee Sampso

22 or Marshall Evans?

23 A. I also received a pair of green pants on 9/13/76 from

24 Mr. Taub.

25 Q. With regard to the green pants, are you familiar with tl

1 institutional pants as worn by the inmates at the White Lake
2 Department of Corrections?
3 A. Yes, sir.
4 Q. What color are they?
5 A. Well, if they are green, they would be green, sir.
6 Q. Well, are they green?
7 COURT: Do you know, is what he is asking.
8 A. Yes, sir. Some of the pants that they wear are green,
9 yes, sir.
10 Q. The pants that you received on the 13th of September, 1976
11 from Mr. Taub, were they the type of pants that are similarly
12 worn by the inmates of the White Lake Department of Corrections?
13 A. Yes, sir.
14 Q. Did you have occasion to observe any blood on those pants?
15 A. No, sir.
16 MR. EASLEY: Objection (SAME TIME ANSWER).
17 COURT: Overruled.
18 Q. Did you have occasion to observe blood on State's Exhibit
19 No. 18 which was the Cassidy sweater?
20 A. No, sir.
21 Q. Now, you said you took approximately - or there were
22 during the course of the investigation some 97 fingerprints.
23 I assume all those fingerprints were negative to the defendant
24 Sledge?
25 A. Yes, sir, as far as I know, sir.

1 Q. Did you have occasion to take any shoe prints or shoe
2 casts either of the soil around the premises or the tracks in-
3 side the house, the one that you have already referred to?
4 A. Yes, sir. There was a plaster cast made of the shoe
5 tracks outside of the house.
6 Q. And I think you also made a picture or diagram of the
7 bloody print on the inside of the house?
8 A. That's right.
9 Q. Were these prints and cast negative to the shoes that
10 Sledge was wearing when apprehended?
11 A. Yes.
12 Q. Did you see the Rescue Squad vehicle or members of the
13 Rescue Squad remove the bodies of the two deceased women?
14 A. Yes.
15 Q. They arrived after you arrived or were they there when
16 you arrived?
17 A. No, they arrived after I arrived. They were not allowed
18 in the crime scene until we were through in there.
19 Q. Were they there when you got there?
20 A. No, sir. They arrived after I did.
21 MR. MOORE: Just one moment, your Honor.
22 Q. Now, Mr. Little, I think that you have testified that
23 the first time you saw Mr. Sledge was in Dillon, South Carolin
24 on about the 9th day of September, 1976, is that correct?
25 A. Yes, sir.

1 Q. At that time did you have - well, did you notice the
2 length of Mr. Sledge's hair at that time?
3 A. Yes, sir.
4 Q. How would you describe it?
5 A. Probably an eighth or a quarter of an inch long.
6 Q. In other words, it was shaved or cut very close?
7 A. It was pretty close to the way it is now.
8 Q. All right, sir. Did you have occasion to notice any cuts
9 or scratches on him?
10 A. Yes.
11 Q. Where did you see those?
12 A. He had a dug out place on his chest. He had scratches
13 on his hand and his arm.
14 Q. Which hand?
15 A. I believe it was the right hand.
16 MR. MOORE: No other questions of this witness, your
17 Honor.
18 COURT: Any further by the State?
19 REDIRECT EXAMINATION BY MR. EASLEY:
20 Q. Officer Little, you said that there were three cars
21 present when you went to the residence of Josephine and Aileen
22 Davis at the time Mr. Sledge pointed at the house. Were there
23 three cars present with you just then or throughout the whole
24 episode when you were going back over the escape route?
25 A. The whole - through the whole time.

1 Q. All right. And you said some people got out of the car.
2 Were people getting out of the car throughout the whole escape
3 route?
4 A. Yes.
5 Q. Would you describe the dug out place that you found on
6 his chest, on Mr. Sledge's chest?
7 A. Yes, sir. It was a place about half the size of a penny,
8 just a .....
9 Q. Was it a fresh scratch?
10 A. Yes, sir.
11 MR. MOORE: Objection to that, your Honor.
12 COURT: Overruled.
13 Q. All right, sir. Now, exactly where - how many of these
14 marks did you see and where were they?
15 A. I observed the mark on his chest and the marks on his
16 arm and on his hand, his right hand.
17 Q. Where on his chest? Would you show on my body, please.
18 A. Right along in this area.
19 Q. How many?
20 A. One was all I noticed.
21 Q. One that you noticed. All right. Now, the scratches,
22 on his - did you say his right hand?
23 A. Yes, sir.
24 Q. Where on the right hand was it? Was it on the outside
25 or the palm or.....

1 A. He had some scratches in the knuckle area of his hand,
2 and he had a dug out place, I believe, on the palm of his han
3 Q. All right. The area of the hand, will you point out on
4 my hand where you are talking about.
5 A. Around in this area.
6 Q. All right, sir. Now, the scratch that you said you saw
7 on his arm, was that similar to the one you saw on his chest?
8 A. No, they were longer scratches.
9 Q. All right. Were they the same width?
10 A. No, they were narrow.
11 Q. Would you describe those, please, sir. Point out on my
12 arm where they were and describe that scratch.
13 A. Along his forearm there. Just a long narrow scratch.
14 Q. Was it a wide scratch?
15 A. No, it was a narrow scratch.
16 Q. How narrow was it?
17 A. Oh, about the width of a pencil maybe.
18 Q. A pencil point?
19 A. Yes.
20 Q. How many of those were there?
21 A. I don't recall. There were several.
22 Q. That one was different from the one on his chest?
23 A. Yes.
24 Q. Now, were all of them fresh as the others?
25 MR. MOORE: Objection.

COURT: Overruled if he has an opinion.

Q. Did the ones on the chest appear to be fresh?

MR. MOORE: Objection.

COURT: Overruled.

A. Yes, sir.

Q. Did the one on his arm appear to be fresh?

MR. MOORE: Objection.

COURT: Overruled.

A. Yes.

Q. As a matter of course, Mr. Little, do you always take fingerprints at every crime scene?

MR. MOORE: Objection.

COURT: Sustained. Irrelevant.

MR. EASLEY: That is all the questions I have.

RECROSS EXAMINATION BY MR. MOORE:

Q. Mr. Little, of course, you took a picture of Mr. Sledge right after you saw him on the 9th of September in Dillon, South Carolina, didn't you?

A. No, sir.

Q. You did not?

A. No, sir.

MR. MOORE: Your Honor, may we approach the bench? (COUNSEL APPROACH THE BENCH.) I have no further questions at this time, your Honor.

COURT: You may step down. Call the next witness.

Dr. Wilton Reavis

Dr. Reavis testified that he performed autopsies on both Victims on November 9, 1976. The bodies had been exhumed for the autopsies. Dr. Reavis first testified about the autopsy of Josephine Davis and stated that the body had been embalmed, dressed, and buried prior to this autopsy. There was mold present on the skin surfaces and the face was "covered in a thick coat of makeup."[159]

Dr. Reavis testified that he noted asymmetry to Josephine Davis' face and x-rays were performed. Dr. Reavis formed the opinion that Josephie had fractures to her jawbone on each side of her face." Dr. Reavis noted bruises present on the forehead, left cheek, and right side of the chin.[160]

Dr. Reavis noted "seven incised wounds present on the anterior surfaces of the body." The prosecutor asked if "incised wounds" were "stab wounds" and Dr. Reavis agreed. Dr. Reavis described the location and size of each wound. There was one stab wound on the abdomen, two on the midline of the chest, and three on the neck. The final stab wound was not described in testimony.[161]

Dr. Reavis then described bruises he noted on Josephine Davis' forehead and scalp and three bruises on her chest. He said Josephine Davis' left hand had four stab wounds. Dr. Reavis states that his opinion was that Josephine Davis "died as a result of hemorrhage due to stab wounds."[162]

Dr. Reavis then testified about his autopsy of Aileen Davis. The body was in the same condition, exhumed, embalmed, clad in funeral attire, and the exposed skin was covered in yellow green mold. He noted multiple bruises on her face. There were two small lacerations on her face.[163]

Dr. Reavis described two lacerations to Aileen Davis' neck. The wound on the right side of the neck was 1.25 inches in length and 1.5 -2.5 inches deep. It penetrated her thyroid gland and resulted in hemorrhage into the soft tissues, trachea, windpipe, and esophagus. The second neck wound was on the left side of the jaw. It was 2 inches long and ran along and struck the jaw bone.[164]

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[159] Id. Pgs. 119-120.
[160] Id. Pgs. 121-123.
[161] Id. Pgs. 123-126.
[162] Id. Pgs. 127-129.
[163] Id. Pgs. 129-132.
[164] Id. Pgs. 131-133.

Dr. Reavis testified that Aileen Davis had a 1 inch superficial laceration at the entrance to her vagina.[165]

Dr. Reavis testified that in his opinion "Aileen Davis died as a result of hemorrhage due to stab wounds.[166]

Slides of the autopsy photos were shown to the jury through a projector.[167] Some of these slides are not available and they are not included in this brief. Dr. Reavis then stated, "The bruises present on the bodies of Josephine and Aileen Davis could have been caused by a fist or other blunt – heavy blunt object striking the deceased. The incised wounds which were present on the bodies of Josephine and Aileen Davis could have been the result of a knife of other sharp instrument."[168]

On cross examination, Dr. Reavis testified that both women had gray hair and said he recalled that one was more brown-gray. He also stated that his autopsy was two months after their deaths and he was not able to determine a time of death. Dr. Reavis testified that the prior autopsy report showed a blood sample was taken for toxicology, but that he was not asked to testify about the result. He also testified that there were differences between the two autopsies, but he was not asked to describe the differences. Dr. Reavis also testified that he took fingernail clippings that were turned over to SBI agents.[169]

Donald L. Sutton

Donald Sutton testified about conversations he had in jail with Sledge. Sutton's testimony from the first trial is included earlier in this brief. The investigative reports of his four law enforcement interviews are also included earlier in this brief. Sutton's entire testimony is included below.

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[165] Id. Pg. 134.
[166] Id. Pgs. 134-135.
[167] Id. Pgs. 135-145.
[168] Id. Pgs. 145-146.
[169] Id. Pgs. 146-150.

1 and I just wondered if those incisions were there.
2 A. Yes. The standard Y-shaped incision that is made at the
3 time of autopsy was present on the chest and abdomen of each of
4 these women and had been previously sutured by the embalmer.
5 MR. MOORE: No further question, your Honor.
6 MR. CHALMERS: All right. Thank you, Doctor.
7 COURT: Thank you, Doctor. You may be excused.
8 Call your next witness.
9 MR. EASLEY: Somebody go to the Grand Jury room and
10 get Mr. Sutton, please.
11 DONALD L. SUTTON, being first duly sworn, testified as follows
12 during DIRECT EXAMINATION BY MR. EASLEY:
13 Q. State your name for the Court and jury, please.
14 A. My name is Donald L. Sutton.
15 Q. All right. Now, Mr. Sutton, are you currently confined
16 in prison?
17 A. Yes, sir.
18 Q. All right. Where are you in prison?
19 A. Sampson County Unit.
20 Q. All right, sir. I want you to speak clearly and speak
21 slowly, if you will, please. I will ask you if you had occa-
22 sion to see the defendant, Joseph Sledge, in Cumberland County
23 in September, of 1976?
24 A. Yes, I did.
25 Q. Do you remember what date that was?

1 A. It was around the 17th or 18th.
2 Q. Do you know what day it was?
3 A. No, sir. I know it was on a Friday.
4 Q. Friday?
5 A. Yes, sir.
6 COURT: Did you ask the month? He said the 17th or
7 18th.
8 MR. EASLEY: Of September.
9 A. It was September.
10 Q. All right, sir. Now, did you have some conversation with
11 Joe Sledge?
12 A. Yes, sir, I did.
13 Q. All right. Did Joe Sledge tell you anything about being
14 in the home.....
15 MR. MOORE: Objection.
16 Q. .....of Josephine or Aileen Davis?
17 COURT: Objection sustained as to leading. He is
18 your witness.
19 Q. What did Joseph Sledge tell you?
20 A. Well, I asked him, you know.....
21 MR. MOORE: Objection.
22 COURT: Overruled.
23 A. I asked him about, you know, why was he in jail, you
24 know. And, you know, I heard something about this, you know,
25 but I didn't know the details.

1 Q. About what?
2 A. About this case here.
3 Q. All right.
4 A. But I didn't know the details. And so, he told - he was
5 telling me about that he was busted in South Carolina. And so,
6 I asked him why he, you know.....
7 Q. That he was busted in South Carolina?
8 A. Yes. He was picked up down there. And I asked him where
9 was he going. And he said that he was trying to leave, you
10 know, trying to leave Carolina because he was afraid that he
11 would be, you know, charged with this murder.
12 Q. All right, sir. Did he tell you anything else?
13 A. Well, we talked some more, you know, that night. But we
14 didn't really get into a really good conversation until Satur-
15 day morning.
16 Q. All right. Did you ask him any more questions the next
17 morning or did he say anything else to you?
18 A. No. All he talked about, he talked about a lot of blood
19 and stuff like that.
20 Q. All right. Did he tell you what he had done?
21 A. No, not until later, you know.
22 Q. Well, what did he tell you that he had done?
23 A. Well, he told me that, you know, later on that evening
24 when we talked.....
25 MR. MOORE: Objection.

COURT: Overruled.

A. .....he told me that he did kill the people, you know, those two women, you know.

Q. Did he tell you where they lived?

A. No. All I knew, it was in Bladen County, that he was in Bladen County.

Q. All right. Did he tell you how he did it?

MR. MOORE: Objection.

COURT: Overruled.

A. Well, he told me that the women were cut up. You know, all he said, they were cut up, you know, they were stabbed, and there was a lot of blood.

Q. All right, sir. What else did he tell you?

A. He told me that he was put in a position where he had to.

Q. Did he tell you anything else about the women, Mr. Sutton?

A. No. Well, at that time we was eating breakfast, you know. And he told me that, you know, that they were two, you know, bitches that would never eat breakfast again.

Q. All right, sir. Now, did he talk to you about women?

MR. MOORE: Objection.

COURT: Overruled.

A. Well, he used to talk to me a lot about that, you know. About white women, you know, out to possess the black man's mind and so forth, you know.

Q. Did he refer to them in any particular way?

A. Yes, sir.

Q. How did he refer to them?

A. As she devils.

Q. Well, what did he tell you about she devils?

A. That they was bad for the black man, you know, and, you know, out to get their minds, you know. And they was, you know, sort of like used as a crutch for the white man, you know, to, you know, to rule the black man.

Q. All right, sir. Now, Mr. Sutton, did you have any conversation with Mr. Sledge about his clothes?

A. Yes, sir, I did.

MR. MOORE: Objection.

COURT: Overruled.

Q. Well, what did he tell you?

A. He told me.....

MR. MOORE: Objection.

A. .....his clothes.....

COURT: Overruled.

A. .....was put in a place where they would never be found.

Q. All right. What else did he tell you?

A. No more than all he ever talked about was she devils. That's all he ever talked about.

Q. Can you explain to the Court and to the jury what she devils are?

MR. MOORE: Objection.

1 COURT: Well, sustained as to what he says they are.
2 Q. What did Mr. Sledge tell you she devils are?
3 A. They are white women. They are breeders, breeders or
4 devils.
5 Q. All right, sir. And what else has he told you about she
6 devils, if anything?
7 A. You know, that the black man should, you know, rebel over
8 this here and should kill every, you know, should kill every
9 one, you know, that really should cross their path. This is
10 the way he explained it to me.
11 Q. Did you talk about that often?
12 A. Well, he used to talk to me quite a bit about that, you
13 know, when we were at White Lake Prison Camp together.
14 Q. Did he tell you whether or not he had escaped from prison
15 MR. MOORE: Objection.
16 COURT: Overruled.
17 A. Well, he told me he escaped.
18 Q. All right. Did he tell you - did he say anything to you
19 about where he went?
20 MR. MOORE: Objection.
21 A. No, he didn't say where he went after he left prison,
22 you know, when he left the unit.....
23 COURT: Overruled.
24 A. .....he didn't say whether he, you know, he went straig
25 to the people's home or when he left Bladen whether or not he

1 went straight to the people's home or nothing like that. 15

2 Q. All right. Did he give you any reason why he escaped?

3 MR. MOORE: Objection.

4 A. No, sir.

5 COURT: Overruled.

6 MR. EASLEY: Your witness.

7 CROSS EXAMINATION BY MR. MOORE:

8 Q. Mr. Sutton, where do you live now?

9 A. Sampson County Unit, Prison Unit.

10 Q. What are you in for, Mr. Sutton?

11 A. Accessory before and after the fact of murder.

12 Q. You have been convicted of murder?

13 A. Yes, sir.

14 Q. What else have you been convicted of?

15 A. Assault.

16 Q. Is that all?

17 A. Yes, that's all. One charge of assault that I had against

18 me, you know, was thrown out of court. There was two assaults,

19 but, you know, only one went against me.

20 Q. Was that assault with a deadly weapon with intent to kill

21 inflicting serious bodily injury?

22 A. Yes, sir.

23 Q. How much more time have you got to serve? How much

24 active time are you under, let me ask you that.

25 A. Twenty-eight to thirty years.

1 Q. Twenty-eight to thirty?
2 A. Yes, sir.
3 Q. Now, Mr. Sutton, how long have you been in jail?
4 A. You mean, in prison?
5 Q. Yes, sir, this last time. Prison, Department of Correct-
6 ions, jail, the whole bit?
7 A. Well, I have been in a little over nine years.
8 Q. Well, I'll ask you, sir, if you weren't in Fayetteville
9 for escape?
10 A. Yes, sir, I was.
11 Q. So, have you been convicted of escape?
12 A. Yes, sir, I was convicted of it.
13 Q. How many times have you been convicted of escape?
14 A. Once.
15 Q. Now, during the last nine years while you have been in
16 the various jails and prisons, have you been punished for
17 violating the rules there in the jail?
18 MR. CHALMERS: Objection to that, if your Honor
19 pleases.
20 COURT: Overruled.
21 A. Have I ever been punished?
22 Q. Yes, sir.
23 A. For the things that I did wrong?
24 Q. I mean for breaking prison rules and instructions that
25 you were given there in the various jails?

1 A. Well, any time you break a rule, you be punished for it. 15
2 Q. My question to you, Mr. Sutton, is how many times have
3 you been punished for such things as that?
4 A. Well, not too many.
5 Q. Just tell us those that you can remember.
6 A. Four or five times.
7 Q. I would like to know what you were charged with on those
8 times, Mr. Sutton.
9 MR. EASLEY: Objection.
10 COURT: Well, sustained.
11 Q. I will ask you, sir, if you weren't punished for active
12 mutiny.....
13 MR. EASLEY: Objection.
14 Q. .....in a riot.....
15 MR. EASLEY: Objection.
16 Q. .....in November of 1976?
17 COURT: Overruled.
18 A. Was I?
19 Q. Yes, sir.
20 A. Yes, sir.
21 Q. I will ask you, sir, if in 1973 you were disciplined for
22 disobeying a prison official?
23 A. In '73?
24 Q. Yes, sir. That was in Sampson County Unit, Mr. Sutton.
25 A. Maybe so. I probably did.

1 Q. I'll ask you, sir, if you weren't disciplined for making, l(
2 drinking, possessing alcoholic beverage in 1972?
3 A. No, sir. I didn't do that. I don't know nothing about
4 that.
5 Q. This was in the Bladen County Unit. Were you disciplined
6 during 1972 in the Bladen County Unit for anything dealing with
7 alcohol?
8 A. Yes, sir. I came - I remember I came in one night off
9 pass, you know, and I was intoxicated.
10 Q. Were you disciplined in 1972 for disobeying a prison
11 official?
12 A. Yes, sir.
13 Q. In 1971 for failing to perform duties?
14 A. Yes, sir.
15 Q. In 1971 for disobeying prison official and failing to
16 perform duties the second offense, for the second time?
17 A. Yes, sir.
18 Q. And in 1971 a third time for disobeying a prison official?
19 A. 19 when?
20 Q. 1971. That was in March, of 1971. That was in the
21 Harnett.....
22 A. Harnett County?
23 Q. The Harnett Youth Center, I guess.
24 A. Yes, sir.
25 Q. You remember that?

A. Yes, sir.

Q. And in 1976, you were disciplined for escape or attempting to help someone else escape?

A. No, sir. I escaped, but I didn't attempt to help anybody else escape.

Q. Now, Mr. Sutton, you say this conversation with Mr. Sledge took place in the Fayetteville County Jail?

A. Yes, sir.

Q. Do you remember when Mr. Sledge was brought into that jail?

A. No, sir. He was there when I got there.

Q. And did he leave before you left or after you left?

A. I left before he - I left. I don't know when he left.

Q. You left before he left?

A. Yes, sir.

Q. Do you remember John Cross being there? Do you know John Cross, Mr. Sutton?

A. No, sir, not personally.

Q. Do you know Joseph Shaw?

A. No, sir.

Q. And you don't know whether they were there or not?

A. There were quite a few people in this area, you know.

Q. All right. What Cell Block were you all in?

A. I don't know the number. See, it is a new jail. I don't know anything about it.

Q. Oh, I see. You remember all this conversation but you can't remember where you were?

A. I don't know anything about the number of any cell block.

Q. I see. Now, these particular cells that you were in, are they individual cells?

A. No, sir. It's, you know, a big block, you know, it's a big cell block, and it has individual cells in the block, you know, within the block.

Q. And each man has his own individual cell in which he sleeps at night, is that correct?

A. Yes, sir.

Q. And these individual cells open up into a foyer or a recreation area but still behind bars but that the inmates can go into during the day, is that correct?

A. Yes, sir.

Q. Do you recall which cell you stayed in, Mr. Sutton?

A. No, I don't.

Q. How many cells were in this cell block?

A. I don't know. It was a pretty big cell, you know. It's hard to say. You know, I didn't count them or nothing like that.

Q. Well, were there six or seven cells, eight, ten?

A. I couldn't be sure.

Q. You don't have any earthly idea how many individual cells were in that block?

A. No. I mean, I couldn't give you a direct answer on that. 16

Q. How many inmates were in that block?

A. There might have been about maybe five or six.

Q. And you don't know the names of any of the rest of them?

A. No, sir.

Q. The only man whose name you remember you say is Joe Sledge?

A. Because we did time together.

Q. And you had a case pending then against you for escape?

A. Yes, sir.

Q. And you say you had heard about this Bladen County murder?

A. I heard something about it, but, you know, I mean.....

Q. Where did you hear it? On the radio?

A. I heard something about it, you know, people talking, you know.

Q. Who was talking about it?

A. You know, some of the people, you know, I was dealing with on the street.

Q. I see. That's before they caught you for that last escape?

A. What last escape? There was only one.

Q. Well, you heard it discussed on the street before they put you in that cell block there in Fayetteville, is that what you are saying?

A. Yes. I heard something about it, but, you know, I really didn't know the details of it.

1 Q. But you knew that there were two murders that took place 16
2 in Bladen County before they put you in that cell, is that what
3 you are saying?
4 A. Yes, sir, I heard.
5 Q. And you knew that you had to be tried yet for that escape,
6 too, didn't you?
7 A. Yes, sir.
8 Q. And, Mr. Sutton, you are aware of the reward in this case,
9 aren't you?
10 A. I didn't know about that until the time when we came to
11 court the last time. The first time, that's when I became
12 aware of that then.
13 Q. You mean every time this case was discussed on the radio
14 and you talked about it on the street, you didn't talk about
15 the reward?
16 A. Well, you know, people don't really, you know, talk about
17 things like that on the street. You know, they might say some-
18 thing about it or mention it, you know, but you don't have time
19 to worry about somebody else's problems.
20 Q. How long had you been out on that escape, Mr. Sutton?
21 A. I don't know. About maybe two months, two or three months
22 Q. And you say this conversation took place in September, of
23 1976, is that right?
24 A. Yes, sir.
25 Q. And when was it that you went to the law?

A. When was it that I went to the law?

Q. Yes, sir.

A. I didn't go to the law.

Q. When did you tell the law about this, Mr. Sutton?

A. When they came down to talk to me in Sampson County.

Q. And when was that?

A. Sometime in February.

Q. Of what year?

A. It was in - I think it was in '77.

Q. Are you sure of that, Mr. Sutton, or was it in 1978? Wasn't it this year, Mr. Sutton?

A. This is '78.

Q. Yes, sir.

A. No. It was this year.

Q. This year, 1978?

A. Yes.

MR. MOORE: Seventeen months later. No further questions, your Honor.

REDIRECT EXAMINATION BY MR. EASLEY:

Q. Did you tell Mr. Poole.....

MR. MOORE: Objection.

COURT: Overruled.

Q. .....with the S.B.I. and Mr. Phillip Little what you have testified to here today?

A. Yes, sir.

1 Q. And did you give them a statement in February, 1978?
2 Did you give them a statement then?
3 A. Yes, sir.
4 Q. All right. Did Mr. Sledge ever tell you why he killed
5 the two Davis women?
6 MR. MOORE: Objection.
7 COURT: Overruled.
8 A. Just like I told you, you know. He told me he killed
9 them, you know. He didn't say why he killed them. All he
10 said, he was just put in a position to kill them, you know, to
11 where he had to kill them.
12 Q. All right. Now, you said that you heard about a reward
13 the first time that you testified?
14 A. Yes, sir. I didn't know about that until I came to
15 court the first time.
16 Q. All right. Who did you hear that from?
17 A. His lawyer.
18 Q. That man, Mr. Moore?
19 A. Yes, sir.
20 Q. All right, sir. Mr. Sutton, what is your financial
21 position?
22 A. Well, my father, he has this.....
23 MR. MOORE: Objection.
24 COURT: Well, I'm going to sustain it. Sustained.
25 MR. EASLEY: That is all, your Honor.

RECROSS EXAMINATION BY MR. MOORE:

Q. Have you got any money in your pockets?

A. I have a few pennies.....

MR. CHALMERS: Objection, if your Honor please.

COURT: You object to his question, and you asked him the same thing.

MR. MOORE: I understand that, your Honor. I just want to know what he has got in his pockets.

COURT: I'm going to sustain his, too.

Q. Mr. Sutton, what you are saying is that Joe Sledge told you that he hated white women?

A. Yes, sir.

Q. And he told you this while you were eating breakfast?

A. Yes, but we talked the whole - from the time I got there until the time I left Tuesday. I shipped out on Tuesday.

Q. And nobody else was there during that conversation?

A. Yes, there was people there.

Q. Who else was there? Anybody else that heard the conversation?

A. I don't know if they heard or not. You know, we only talked, you know, between ourselves.

MR. MOORE: No further questions, your Honor.

FURTHER REDIRECT EXAMINATION BY MR. EASLEY:

Q. I would like to ask one more: Do you know Mr. Sledge before that time?

A. Yes, sir.

Q. Have you roomed - well, not roomed with him - but have you been in prison with him before?

A. Yes, sir.

Q. Have you talked to him more than that one time about women?

A. Yes, I did.

Q. You knew him before then?

A. Yes, sir.

MR. EASLEY: That's all.

MR. MOORE: No further questions.

COURT: Step down. Call your next witness.

MR. CHALMERS: Could we approach the bench, your Honor.

COURT: Yes, sir. (COUNSEL APPROACH THE BENCH.)

MR. EASLEY: Mr. Sheriff, would you get Mr. Henry Poole from my office, please. Henry Poole.

HENRY POOLE, being first duly sworn, testified as follows during DIRECT EXAMINATION BY MR. CHALMERS:

Q. What is your name, sir.

A. Henry Poole.

Q. And, Mr. Poole, where do you live?

A. I live in Raleigh, North Carolina, sir.

Q. And what is your occupation, Mr. Poole?

A. I'm a Special Agent with the State Bureau of Investiga

Special Agent Henry Poole and Det. Phillip Little

SBI Agent Henry Poole was called to corroborate Donald Sutton's testimony. Agent Poole testified that he worked for the SBI for over ten years. On February 15, 1978, they interviewed Donald Sutton at the Sampson County Prison Unit. SBI Agent Poole reiterated the things that Donald Sutton told him which Sutton had just testified about.[170]

Agent Poole testified that he interviewed Sutton another time, but did not state when or how many times. Agent Poole said he could not recall any additional information provided by Sutton during the second interview. Agent Poole stated that he and Det. Little had sought out Sutton stating, "During the course of our investigation, we attempted to determine who all was in the Cumberland County Jail when Mr. Sledge was brought there after his recapture, and Mr. Sutton's name was on the list. And we attempted to interview all these people, and we interviewed Mr. Sutton during the course of this procedure."[171]

On cross examination, Agent Poole testified that he had interviewed "quite a number" and "numerous" inmates concerning this crime. He was unable to provide an exact number. The defense attorney asked him if Johnny Ray Benton told him that Elijah Robinson committed the crime. Agent Poole said yes and went on to say, "We followed numerous leads concerning this case, and I worked on it six or eight months continuously. And during this time we talked about many people and followed many leads. I couldn't be about to say how many."[172]

The defense attorney asked Agent Poole if he determined whether John Cross and Joseph Shaw were in the same prison unit as Sledge and Agent Poole said he could not recall. He was not asked further about these people. Agent Poole testified there was a $5,000 reward in this case.[173]

On redirect, Agent Poole was asked about his investigation relating to Elijah Robinson and he said, "Well, we administered polygraph tests too…(Defense objected)…We determined in our opinion that he didn't have anything to do with it."[174] The investigative reports indicate the polygraph of Robinson was not completed.

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[170] Id. Pgs. 168-171.
[171] Id. Pgs. 171-172.
[172] Id. Pgs. 173-174.
[173] Id. Pgs. 172-175.
[174] Id. Pg. 175.

Det. Little was also called to corroborate Sutton's testimony. Det. Little stated that he was present with Agent Poole when Sutton was interviewed and reiterated Sutton's testimony. Det. Little said he had talked with Sutton other times without Agent Poole and Sutton said "basically the same thing."[175] He did not testify how many times or describe the difference between the interviews.

On cross examination Det. Little said they didn't promise Sutton anything or mention the reward to Sutton. Det. Little said he did not know whether the reward was common knowledge or if it had been on the radio.[176]

Agent Lee Sampson

Agent Sampson testified that he had been a Special Agent with the SBI for eight years. On September 7, 1976, Det. Little gave him a vial of hairs collected from the crime scene that he turned over to Major Hester from the BCSO. Agent Sampson testified that on September 9, 1976, he collected known pubic hair samples from Sledge. Agent Sampson also testified that on September 10, 1976, he removed a sweater from Sledge at the Law Enforcement Center in Fayetteville. Agent Sampson testified about the chain of custody of physical evidence.[177]

On cross examination, Agent Sampson said he observed stains on the sweater worn by Sledge, but could not say whether they were blood and that it was sent away for testing. Agent Sampson also testified that he had a conversation with Sledge during the collection and Sledge took him to where green institutional pants were located and to where a pair of gray pants were located. Sampson also took a white pullover with red stripes, a pair of blue jeans, white jockey shorts, one pair of black socks, one pair of Converse tennis shoes, and a green hat from Sledge. These items were submitted to the lab for testing.

Agent Sampson testified that when Sledge undressed, he recalled seeing scratches on Sledge's hands and arms. The defense attorney asked Agent Sampson about making a note regarding the lack of substantial scratches on Sledge's body and Agent Sampson responded, "I made some comments about the scratches that were on his body or on his hands and arms."[178]

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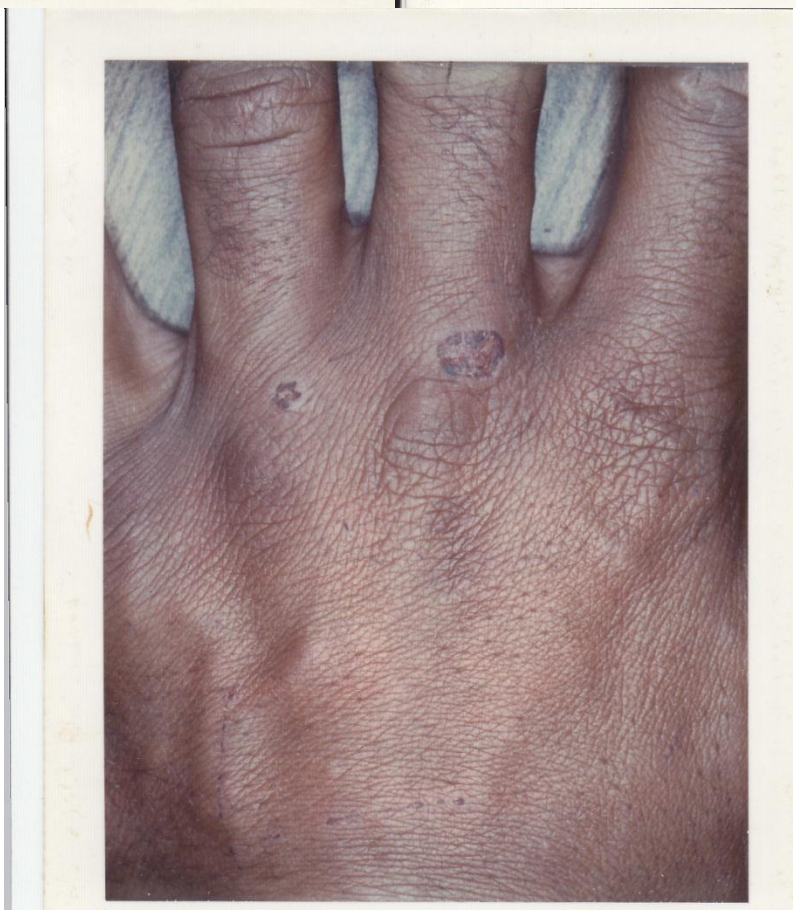
[175] Id. Pgs. 176-177.
[176] Id. Pgs. 178-179.
[177] Id. Pgs. 181-188.
[178] Id. Pgs. 188-190.

On redirect, three photos of Sledge's body were introduced and the prosecutor offered them to illustrate Agent Sampson's testimony about the "wounds" on Sledge's body.[179] The photographs are included on the following page.

[179] Id. Pgs. 190-194.



Agent Joseph Taub

Agent Joseph Taub testified that he had been an agent with the SBI for under four years. He testified regarding chain of custody of multiple items of physical evidence that he sent to the FBI. He also testified that he removed "some hairs" from a pair of pants, sweater, and pillowcase that had been brought to him in this case.[180]

On cross examination, Agent Taub testified that he ran a test on the sweater that had been earlier introduced and taken off Sledge and determined there was no blood on the sweater.[181]

Agent James Frier

Agent Frier testified that he had been a Special Agent with the FBI in Washington D.C. for seven years. The court admitted Agent Frier to testify as an expert in fiber and hair comparison. Agent Frier testified that he examined hairs that had been removed from the Victim's abdomen (earlier testimony described these hairs as removed from Aileen Davis' naked abdomen and imbedded in blood on her forehead[182]), hairs removed from a pair of pants (these had been earlier described as hairs removed by Agent Taub from a green pair of pants shown to law enforcement by Sledge[183]), hairs removed from a pillowcase (this pillowcase was found under a bridge and later deemed irrelevant to the investigation[184]), and hairs removed from a sweater (earlier testimony described this as a blue and white sweater worn by Sledge[185]). Agent Frier was provided with a pubic hair sample from Sledge.[186]

Agent Frier testified that based on his examination of the items, he formed the following opinion:

> *I found in Exhibit 12-C, which are the hairs removed from the victim's abdomen, and in Exhibit 12-B, which were hairs removed from pants, I found in each of those specimens a Negroid pubic hair which was microscopically alike with some of the hairs comprising the known pubic hair sample from the defendant. On Exhibit 12-C which is the hair*

[180] Id. Pgs. 199-205.
[181] Id. Pg. 205.
[182] Id. Pg. 56 (Phillip Little Testimony).
[183] Id. Pg. 202 (Agent Taub Testimony).
[184] Id.
[185] Id. Pg. 103 (Agent Taub Testimony).
[186] Id. Pgs. 211-218.

> *removed from the abdominal area, and on the hair removed from the pillow case, and on the hair removed from the sweater, I found Caucasian head hairs. Now, I could do no further examination of those particular hairs because I did not have a known head hair sample from any person. Also, I found in Exhibit 12-C, the hairs removed from the abdomen, Negroid head hairs which I also could not do any further comparisons because I had no known head hair sample.*[187]

Agent Frier was again asked if he had reached a conclusion or opinion and he stated:

> *I determined that the pubic hairs of Negroid origin that I found in hairs removed from the pants, which were Exhibit 12-B, and in the hairs removed from the abdomen, which were Exhibit 12-C, were microscopically alike in all respects to some of the hairs comprising the known pubic hair sample from the defendant and could have originated from him or another individual of the same race whose hairs exhibited the same exact microscopic characteristics.*[188]

On cross examination, Agent Frier testified that he was not making a positive identification and said, "Hairs do not constitute a basis for positive identification as fingerprints." He also testified that the Caucasian hairs from the sweater and pillowcase were brown Caucasian hairs.[189]

Hazel Thompson Smith

Smith testified that she lived in Elizabethtown and owned a 1969 Chevrolet automobile. She described the car as "A light green '69 two-door Impala Chevrolet, dark green vinyl top, and it had rusty spots." She said the interior was "green and worn." Smith said she bought the car in 1968 as the 1969s were coming in. The inside of the car was worn. To her knowledge, there was no blood inside the car. Two photos of the car were introduced are included on the following pages.[190]

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[187] Id. Pgs. 218-219.
[188] Id. Pgs. 219.
[189] Id. Pg. 220.
[190] Id. Pgs. 221-228.

On the night of September 5, 1976, the car was in her yard and she left the keys inside. She last saw it when she went to bed around 11:30 p.m. or 12:00 a.m.. The next morning, she noticed it was missing around 7:30 a.m.[191]

On cross examination, Ms. Smith said that she had five children and six grandchildren and the car was a family vehicle. Her family used to own a dog that rode in her car, but she could not recall whether that was prior to owning this car. When she got the car back, she was not able to see any blood in the car. The seat cover was worn through and she had gotten a cushion for the front seat. When she got the car back, the cushion was still there, but on the floor. She did not notice any blood on the cushion. When she got the car back, there was a "slick tire" in the foot of the back seat and one in the trunk. There was also an empty five gallon gas can in the trunk. Her son drove the car out of the lot when she first got it back and then she drove it.[192]

[191] Id. Pgs. 226-227.
[192] Id. Pgs. 229-233.

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G. D. White

Officer White testified that he had been a Fayetteville Police officer for over three years. On September 7, 1976 at 7:10 p.m., he was on duty and saw Joseph Sledge standing behind a green '69 Chevrolet at a Sonoco gas station. He identified Sledge in the courtroom. He was looking for Sledge as a result of information he received during a briefing at 3:00 (unknown if a.m. or p.m.) that day.[193]

Officer White testified that upon seeing Sledge, he notified headquarters and Sledge got into the car and stared to move forward. Officer White attempted to block Sledge with his own vehicle, but Sledge backed up and took off. Officer White said he pursued for approximately 3.5 miles and reached speeds of 80 miles per hour. They left the city limits of Fayetteville and went into the county. They got to a dead end road and Sledge drove through a yard and collided with a fence. Sledge got out of the car and Officer White pursued him on foot, but lost him in the woods.[194]

Officer White described the car Sledge was driving as a '69 Chevrolet. He was shown the photos of the car Ms. Smith testified was hers and said it appeared to be the same vehicle, but the license plate was different. Officer White said Sledge had on, "green clothing, appeared to be such as the type that service station attendants wear, green in color with a green cap."[195]

Officer White testified that he turned off the still running car and called for the County ID Bureau, called his supervisor, and called for a wrecker. The vehicle was impounded with the Altman Oil Company and he directed the person that collected it to "keep the car locked and no one was to mess with the car except law enforcement agencies."[196]

The Judge asked Officer White to clarify what vehicle he was driving when he pursued Sledge and Officer White testified he was in a Fayetteville Police Department marked vehicle and used his blue light and siren during the pursuit.[197]

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[193] Id. Pgs. 233-235.
[194] Id. Pgs. 236-238.
[195] Id. Pgs. 237-239.
[196] Id. Pgs. 239-241.
[197] Id. Pgs. 241-242.

Harvey Eugene Melvin

Harvey Melvin testified that he is an employee of Altman Oil Company. On September 7, 1976 around 8 p.m., he picked up a vehicle from Officer White. He took the vehicle by wrecker to his home and the next morning took it to a storage lot at the company office. The car was then impounded and the doors were locked and it was inside a chain link fenced area.[198]

On September 21, 1976, several agents from the SBI were "in and out" and he directed them to the vehicle. Mr. Melvin described the vehicle as a '69 Chevrolet two-door and said the photos of the vehicle shown to the previous witnesses depicted the vehicle he was describing.[199]

On cross examination, Melvin stated that when he first collected the vehicle, he left it at his home overnight while he slept and impounded it the next day. He said three people with the company have access to the impoundment area.[200]

Agent Joseph Taub

SBI Agent Taub was recalled to testify about forensic testing performed on the vehicle. His entire testimony and a chart are included below.

[198] Id. Pgs. 244-246.
[199] Id.
[200] Id. Pgs. 246-247.

1 go in there, too, didn't you, or were you there when that 24
2 happened?
3 A. I don't remember Mrs. Smith being there.
4 Q. Sir?
5 A. I don't recall Mrs. Smith being there.
6 Q. I see. I guess you are saying you don't recall anyone
7 actually coming and taking the vehicle away from the area, is
8 that right? Were you there when the vehicle was driven away
9 from the impoundment area?
10 A. I was at the office, yes.
11 MR. MOORE: No further questions, your Honor.
12 REDIRECT EXAMINATION BY MR. EASLEY:
13 Q. Did you notice whether or not there was a tire in the
14 back of the car? I don't mean the trunk. In the back seat of
15 the car when you had it?
16 A. I don't recall.
17 Q. How about a gas can?
18 A. I don't remember about a gas can either.
19 MR. EASLEY: That's all.
20 COURT: Thank you, Mr. Melvin. Call your next wit-
21 ness.
22 MR. EASLEY: Jed Taub.
23 JOSEPH S. TAUB, having been previously sworn, testified as
24 follows during DIRECT EXAMINATION BY MR. EASLEY:
25 Q. Now, Mr. Taub, you have already stated to the Court that

you are a Special Agent with the State Bureau of Investigation, is that correct?

A. Yes, sir.

Q. In what department do you work?

A. I work in the laboratory, in the Chem Lab, as a Forensic Serologist.

Q. All right. Will you tell his Honor and the jury what functions the Serologist with the S.B.I. Laboratory in Raleigh performs?

A. He examines articles of evidence for the presence of blood and other body fluids.

Q. And how long have you been in that section?

A. Not quite four years.

Q. During the three-and-a-half or four years period, approximately how many examinations have you conducted with respect to blood and body fluids?

A. Individual examinations for the presence of blood would probably number in the range between 30,000 and 80,000. I really don't know. I have done approximately 600 cases in the last three years, and each case might contain between one item and a hundred items, and each examination of each of those items might be between one step and fifteen different steps.

Q. All right. Now, prior to going with the S.B.I. and the Chemical Laboratory as a Serologist, did you receive any formal training from any colleges or universities; and if so,

would you please state from which ones and what degrees, if any, you received.

MR. MOORE: Objection.

COURT: Overruled.

A. I received a Bachelor's Degree in Biology from the University of Chicago in 1972. I received a Master of Science in Forensic Science from George Washington University. At that time I spent four months internship with the Laboratory of the Bureau of Alcohol, Tobacco and Firearms, in Washington, D.C. Following that, I became employed with the North Carolina State Bureau of Investigation and trained for fourteen months in the Forensic Serology Section. In addition to this, I have attended the F.B.I. Academy Basic Forensic Serology School, in Quantico, Virginia, and numerous scientific meetings and seminars and workshops.

Q. All right. Now, what is Forensic Science, Mr. Taub?

A. Forensic Science as it applies to what our laboratory does is the examination of evidence to determine any information of value that could be presented to a court.

Q. All right, sir. After receiving your Master of Science Degree in Forensic Science from George Washington, you say you went to the Lab of the Alcohol, Tobacco and Firearms?

A. Yes, sir.

Q. Approximately how long did you work for that laboratory?

A. There was a four month's internship.

Q. What was the nature of your work there?

A. I rotated between several different sections doing some typewriter and document examinations, mostly ink work in classifying and identifying varieties of ink. I also worked with the serologist there, the arson investigator, and the instrumentation men.

Q. All right, sir. And after leaving there, did you immediately go with the State Bureau of Investigation?

A. Yes, sir.

Q. All right. Now, during the last three-and-a-half years, have you had occasion to testify in various courts throughout this state and other areas?

A. Yes, sir, I have.

MR. EASLEY: All right. If your Honor please, I would like to tender this witness as an expert in the field of Forensic Serology at this time.

MR. MOORE: Objection.

COURT: Do you wish to examine him, Mr. Moore?

MR. MOORE: No, sir.

COURT: You may proceed.

Q. All right. Now, Mr. Taub, on the 21st day of September, 1976, did you have occasion to go to Altman Oil Company's impoundment in Fayetteville, North Carolina?

A. Yes, sir, I did.

Q. And did you have Mr. Eugene Melvin here direct you to an

automobile?

A. Yes, sir, I did.

Q. Will you describe the automobile, please.

A. It was a 1969 Chevrolet Impalla Custom, green vinyl top, green paint, green vinyl interior, with no license plate, and the serial number 164479U119694.

Q. All right, sir. Now, I am going to show you State's Exhibit No. 16 and ask you what it is.

MR. MOORE: Objection.

COURT: Overruled.

A. This is a photograph of a green vinyl over green two-door Chevrolet hardtop similar to the one I examined.

Q. All right. I am going to show you State's Exhibit No. 17 and ask you what that is.

MR. MOORE: Objection.

COURT: Overruled.

A. This is the rear end of a Chevrolet which appears to be the one that I examined. However, at the time I examined it, it did not have a license plate on it.

Q. All right, sir. State whether or not State's Exhibit No. 16 fairly and accurately represents the vehicle that you have described which you saw on the 21st day of September, 1976.

MR. MOORE: Objection.

COURT: Overruled.

A. Yes, sir, it does.

Q. And state whether or not State's Exhibit No. 17 fairly and accurately represents the vehicle that you have described that you saw on the 21st day of September, 1976.

MR. MOORE: Objection.

COURT: Overruled.

A. Yes, sir, it does.

MR. EASLEY: Now, if your Honor please, I believe these have already been introduced in evidence for the purpose of illustrating the testimony of Mrs. Smith. I would like to pass these around to the jury.

MR. MOORE: Objection.

COURT: Well, sir, let's proceed at this time. You can do that later.

Q. Now, Mr. Taub, did you have occasion to run any tests on the '69 Chevrolet Impalla with the vehicle identification number that you have described?

MR. MOORE: Objection.

COURT: Overruled.

A. Yes, sir, I did.

Q. All right, sir. And could you tell the Court and the jury what sort of tests you did run.

MR. MOORE: Objection.

COURT: Overruled.

A. I conducted a visual search of the car's interior, and followed that with what is called a luminol examination of the

car's interior.

Q. All right, sir. Now, would you state - explain to the jury what the luminol examination is.

A. The luminol examination consists of spraying a chemical over an area where blood is suspected to be in the dark. If the chemical contacts blood, it will glow in the dark. It is sensitive to the extent of a few parts per million, and it will pick up traces of blood that cannot be seen with the naked eye.

Q. All right, sir. Now, what did your test reveal?

MR. MOORE: Objection.

COURT: Overruled.

A. On the driver's side seat back of the back seat was an area that appeared to be a smudge about seven inches by two inches. On the passenger's side seat back of the back seat was an area approximately five inches by two inches. On the front edge of the rear seat, the sit down portion, two areas were found: One in the middle about three inches by four inches, and one two inches from the right side which was about two inches by two inches. There was a spot at the top of the back of the front seat back about one inch by two inches. And on the bottom interior edge of the driver's side door, two small streaks approximately half an inch by two inches. In addition, a large diffused area where the driver would sit was revealed, and a small semicircular pattern approximately seven inches in diameter on the seat back where the driver would rest his back.

1 There were also two small spots on the seat back of the front 25
2 passenger's side just below the head rest. And a plastic bag
3 under the front edge of the front passenger's side seat showed
4 approximately eight small spots. All of these things reacted
5 with the luminol reagent, and also reacted with a benzidine
6 reagent which a presumptive test.....(REPORTER ASKS FOR CLARI-
7 FICATION).....benzidine, b-e-n-z-i-d-i-n-e, reagent which is a
8 presumptive test for the presence of blood and considered to
9 be fairly specific.
10 Q. Now, based on your examination of these spots that you
11 have just described to his Honor and the jury, did you form an
12 opinion as to what these spots indicated?
13 MR. MOORE: Objection.
14 COURT: Overruled.
15 A. Yes, sir, I did.
16 Q. And what was your opinion?
17 MR. MOORE: Objection.
18 COURT: Overruled.
19 A. On the basis of these chemical indications of blood, I
20 believe these tests to have revealed the presence of blood in
21 this automobile.
22 Q. All right. On these particular - you are talking about
23 just on these particular spots and areas that you have testi-
24 fied to?
25 A. Yes, sir.

Q. Based on your experience and your previous examinations and previous tests you have run, do you have an opinion satisfactory to yourself as to whether or not it is unusual - this is an unusually large area of blood that you have described?

MR. MOORE: Objection.

COURT: Sustained.

Q. Do you have an opinion satisfactory to yourself whether or not the area you have described as being blood were highly concentrated?

MR. MOORE: Objection.

COURT: Overruled.

A. They were not highly concentrated in that they were not, for the most part, visible to the naked eye. However, they were not what I would consider to be diffused or weak reactions which would indicate the presence of more blood than a weak reaction would indicate.

Q. All right, sir. Now, in preparation for trial, rather than going to the board, did you have occasion to make a diagram of that automobile, Mr. Taub?

MR. MOORE: Objection.

COURT: Overruled.

A. Yes, sir, I did.

Q. And do you have it with you?

A. I have a copy of it with me.

MR. MOORE: May we approach the bench. (COUNSEL

APPROACH THE BENCH.)

STATE EXHIBIT 23 MARKED FOR IDENTIFICATION.

Q. I am going to hand you what has been marked State's Exhibit No. 23 and ask you if you can tell me what that is.

A. Yes, sir. This is a copy of the diagram which I prepared for my report on the examination of this car.

Q. All right. Now, does this diagram fairly and accurately represent the spots that you have described that you saw on the 21st day of September, 1976?

MR. MOORE: Objection.

COURT: Overruled.

A. Yes, sir, it does.

Q. And would this diagram aid you in illustrating your testimony to the jury?

MR. MOORE: Objection.

COURT: Overruled.

A. Yes, sir.

MR. EASLEY: Your Honor, I would like to introduce this in evidence at this time.

COURT: For what purpose? For what purpose do you offer it?

MR. EASLEY: I would like to offer it just for the purpose of illustrating the officer's testimony.

MR. MOORE: Objection.

COURT: It will be received. Overruled.

Q. Would you take that and explain to the jury what you saw and point it out on the diagram, State's Exhibit No. 23.

A. This is a diagram of the car as seen from above if we were to remove the roof. The front of the car is here. The rear of the car is here. The seats and the steering wheel are indicated for orientation to enable you to see where things are in the car. The areas which I found that reacted with my reagent are marked in red, and the sizes of some of them are indicated as I testified a moment ago beside each spot.

We noted a spot at the top of the rear seat and the seat back which is a little hard to see with a straight down view of the seat back. These two here. And on the seat area, two spots on the rear seat which I also mentioned a moment ago. This oblong area right there is the seat back and indicated up above, and the spots which I mentioned of a semicircular pattern here appears upside down on this photograph, but that is an artifact, the way they had to be drawn. The semicircular pattern was actually U-shaped, with the closed portion directed upward toward the top of the seat back which you would see if you leaned this seat back down. Then the large area on the seat of the driver's side of the front seat which appeared a large smeared diffused reaction. And these few spots here on the right side of the diagram indicate the plastic bag underneath the front seat of the car.

MR. EASLEY: Your Honor, I request permission to

pass that around for the jury to view, along with the photographs of the vehicle.

MR. MOORE: Objection.

COURT: All right, sir. You may do so. Members of the jury, the diagram that is being given to you for your examination at this time and the photographs as well, the diagram being marked State's Exhibit No. 23 and the photographs State's Exhibits No. 16 and 17, are introduced into evidence in this case solely for the purpose of illustrating to you the testimony of the witness now on the stand as to the place where he says he saw certain - or where certain spots were revealed on the vehicle, and the photographs to illustrate to you the previous testimony of the witness as to the appearance of that vehicle. It may be considered by you to the extent that you find they do so illustrate the testimony of the witness, and for no other purpose in connection with this trial. (EXHIBITS PASSED TO JURY.)

STATE EXHIBIT 23 RECEIVED IN EVIDENCE.

CROSS EXAMINATION BY MR. MOORE:

Q. Mr. Taub, did you actually draw that diagram?

A. I drew the copy from which that was taken.

Q. But you didn't actually do this, did you, sir?

A. If I may explain: The form that that is on is the standard form that we keep in the laboratory for this purpose. I drew in on my copy the areas which have been marked in red on

this one, and then xeroxed that. Of course, the red would come out black on the xeroxed copies; however, if I remember correctly, the last time I was down here I did in fact color that in myself, along with the one which I have in my possession here.

Q. Okay. That is not the original diagram that you made?

A. No, sir.

Q. All right. Now, Mr. Taub, just taking the largest area...

MR. MOORE: I guess it's all right to go ahead and talk while the jury is passing it around?

COURT: Certainly.

Q. .....taking the largest area that is shown there on the driver's side of the seat, of course, there is a big area of blood there. Your tests and examination showed various spots and dots there, rather than a contiguous body of blood there, is that not correct?

A. No, sir. It was more in the nature of a smear or - it pretty well covered the area indicated in a diffused or smeared out type of pattern.

Q. Now, was the seat there worn through to the fiber of the fabric?

A. Yes, sir, I believe it was.

Q. All right. Did you have an occasion to examine for blood the wire mat on top of the seat that was in the car? Did you see such a wire cushion?

A. I don't remember, and I don't have it in my notes.

Q. Do you have in your notes whether you made an examination of the spare tire in the back of the passenger's portion of the car?

A. No, sir, I don't.

Q. Did you go into the trunk of the car at all?

A. I don't recall that I did. I generally only make notes of where I find things, rather than where I don't.

Q. In other words, you are saying it is possible you went in the trunk but you didn't find anything because you don't have any notes on it?

A. That's possible, yes, sir.

Q. Okay. Now, you say that - well, first let me ask you this: Does your test in any way differentiate or distinguish between human blood and animal blood?

A. No, sir, it does not.

Q. Does your test in any way tell the time that the blood was there?

A. No, sir. It does not indicate the time that the blood was put down.

Q. In other words, it does not tell you how - there is no way that your test can measure how long the blood had been there?

A. Not this test. Combined with other circumstances, it may indicate a time. However, the test itself does not.

Q. But the test that you testified in this court about this case in no way tells you the length of time that the blood was

there?

A. No, sir.

Q. All right. Now, as I understand it, there were three tests that were made on this particular car. Test No. One was a visual test, is that correct?

A. Yes, sir.

Q. Was there any blood at all visible to the naked eye?

A. Nothing that I would look at and say that is blood. There were a number of areas which I tested which were positive.

Q. With regard - excuse me. I didn't mean to interrupt you. With regard to the other two tests, are either one of those tests conclusive as to finding of blood?

A. The luminol is conclusive as to the negative finding, that is if it is not reactive you can say there is not blood there. If it does react, you go further to test it because the luminol is not specific.

Q. Well, when you say not specific, what you are saying is that it is not conclusive as to finding of blood?

A. No, sir, it is not.

Q. All right. With regard to the chemical test that was run after the luminol, it also is or is not conclusive as to finding of blood?

A. It is not considered conclusive in itself. It does define a much smaller group of substances than the luminol test does.

Q. But there are other substances that will react positively and give the same showing as blood with that test also?

A. With that test there are a few things which are possible to react with that test.

MR. MOORE: No further questions, your Honor.

REDIRECT EXAMINATION BY MR. EASLEY:

Q. Other things that might react with this luminol - does the luminol test react in different ways? For instance, would it be dim or bright?

A. It would be dim or bright under different circumstances. Under a - with a heavier concentration of blood, it glows more intensely. With a very thin concentration of blood or with, for instance, swamp water, or a heavy concentration of vegetab juices for instance, it might react very dimly. There are, fo instance, a number of metals that will react with luminol. However, these do not react with the benzidine reagent.

Q. All right. And this test that you had did react with benzidine?

A. Yes, it did.

Q. All right. Now, as to the luminol, did you have a dim reaction or an intense reaction?

MR. MOORE: Objection.

COURT: Overruled.

A. These were in the intense range of reaction.

MR. EASLEY: All right.

1 RECROSS EXAMINATION BY MR. MOORE:

2 Q. Sufficient to get a positive reaction toward blood or
3 with any other substance that would react positively with that
4 particular test?

5 A. As I said, there are various substances which will react
6 with luminol, some of them weakly, some of them strongly. A
7 large - actually, a fair number will react with luminol. That
8 is why it is always combined with the benzidine or similar type
9 tests which has different false-positives.

10 Q. But my question - I mean, the question that we have got
11 to clarify for the jury now is that these two tests even in
12 combination are not conclusive as to finding of blood?

13 A. -They are not.....

14 Q. Isn't that what you testified to just a while ago?

15 MR. EASLEY: Objection. Let him finish the answer.

16 MR. MOORE: Excuse me. I'm sorry.

17 A. If I may explain?

18 Q. Yes, sir. Go right ahead. I'm sorry.

19 A. The luminol test in itself is not considered conclusive
20 to blood. The benzidine test in itself is not considered con-
21 clusive to blood. The two are used in combination because the
22 substances, as I say a wide variety, which will give a reactic
23 with a luminol test are not the same as the substances which
24 will give a reaction with the benzidine test, with the except
25 ion of some reaction of the luminol with a concentrated veget

extract such as heavy swamp water or a direct vegetable squashed onto an area such as we have managed to duplicate this with, which will react with a benzidine reagent.....

Q. No, sir, that is not my question.

COURT: He is not through.

MR. MOORE: I'm sorry.

A. .....So, taken that way, it is quite correct to say even in combination these two tests are not to be considered specific to the exclusion of all other things for blood.

MR. MOORE: That is all. Thank you, sir.

FURTHER DIRECT EXAMINATION BY MR. EASLEY:

Q. But they do react different ways with vegetables or swamp water than they do with blood, is that correct?

A. They will react with each of those reagents; however, the quality and time of the reaction tend to differ somewhat.

Q. All right. Now, will vegetable or swamp water or whatever, the benzidine, is that a slow or lighter benzidine reaction?

A. It will tend to be a slower reaction and usually not as intense.

Q. All right. Now, does this benzidine this time, was it a slow reaction or an instant reaction?

MR. MOORE: Objection.

COURT: Overruled.

A. It would have been an instant reaction.

1 MR. EASLEY: All right, sir. Thank you.

2 FURTHER CROSS EXAMINATION BY MR. MOORE:

3 Q. Of course, all of those reactions depend on the quantity

4 of the substance that happened to be there subject to the test,

5 don't they?

6 A. Yes, sir. The benzidine with blood, however, would react

7 instantly if there is a detectible quantity there.

8 MR. MOORE: No further questions.

9 COURT: Folks, I believe we will recess at this time

10 and get some lunch. You may step down. Members of the jury,

11 we are going to recess for lunch at this time. We will recon-

12 vene at two o'clock p.m. If you will, be back in the court-

13 room, please, and take the seats that you occupy in the jury

14 box at that time. Please remember and abide by the instruct-

15 ions I have given you earlier concerning your conduct as jurors

16 Do not discuss the case with anyone else, or allow anyone to

17 discuss it in your presence, or discuss it among yourselves.

18 Do not read, watch, or listen to any news accounts of the mat-

19 ter. Do not form or express any opinion regarding the guilt

20 or innocence of the defendant or other aspects of the case.

21 Take a recess until two o'clock p.m. (LUNCHEON RECESS.) Call

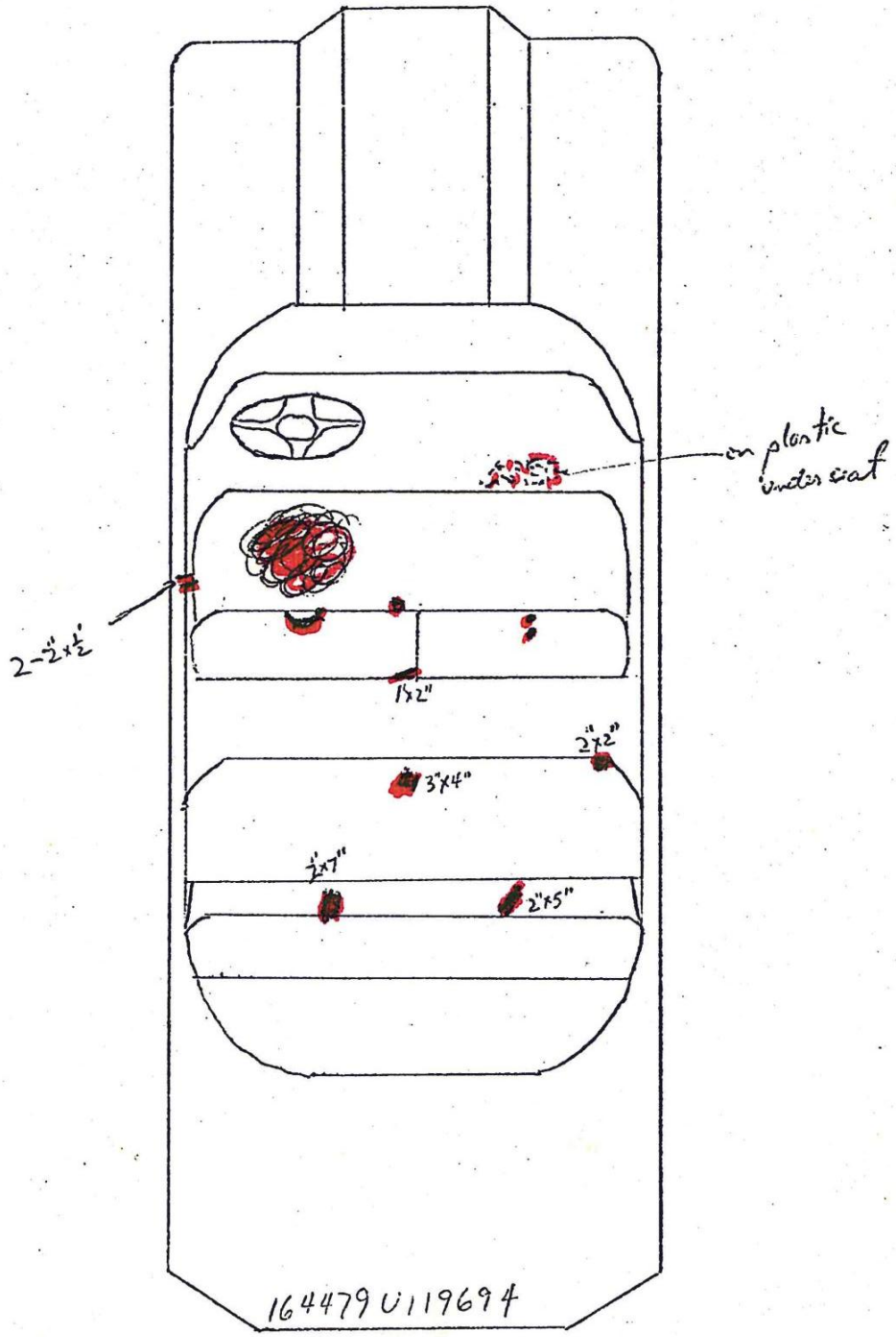
22 your next witness.

23 MR. EASLEY: Your Honor, I would like to recall Mrs.

24 Hazel Thompson Smith just momentarily to the stand, please.

25 COURT: Hazel Thompson Smith.

STATE'S EXHIBIT 23



Hazel Thompson Smith

Smith was recalled and clarified that the two tires and gas can found in her car when she collected it were not hers. She also said that as she recalled, her license plate was returned to her and she put it on the car before they drove it out of the lot.[201]

Dorothy Cassidy

Cassidy testified that on September 5, 1976, she lived in Elizabethtown and she pointed out her home on the map previously introduced with Det. Little. When she went to bed on September 5, 1976, she had clothes hanging outside on her clothesline. She identified the blue and white sweater that had been taken off of Sledge as hers and said that it had been hanging on her clothesline that night. Cassidy testified that she did not know Sledge and had not given him permission to take or wear her sweater. On cross examination, she clarified that she realized something was missing from her clothesline, but did not know what item was missing.[202]

Herman Baker

Herman Baker testified about conversations he had with Sledge while in prison. Baker has been interviewed and will be called to testify at the upcoming Commission hearing.

[201] Id. Pg. 267.
[202] Id. Pgs. 268-271.

Q. You are not familiar with him. Did you ever give him permission to take your sweater or to wear your sweater?

A. No, sir.

MR. CHALMERS: You may examine her.

CROSS EXAMINATION BY MR. MOORE:

Q. What you are saying, Mrs. Cassidy, I take it is that something was missing from the line, but whether it was this piece of apparel or another piece of apparel, you don't have any independent recollection, is that right?

A. What I mean, I usually hang my clothes - certain things, all towels and things, and that time I didn't. I was in a rush. And something was hanging between - it was a shirt - hanging between two towels. In fact, it was a green splotched one, and then there was a brown one, a brown and a green, hanging on the left end of the clothes line, and that's what was there. I knew something was missing, but I didn't know what.

MR. MOORE: All right. No further questions.

MR. CHALMERS: All right. You may come down. May the witness be excused?

MR. MOORE: I have no further questions.

COURT: Yes, sir.

MR. EASLEY: The State calls Herman Baker, your Honor.

HERMAN BAKER, JR., being first duly sworn, testified as follows during DIRECT EXAMINATION BY MR. EASLEY:

Q. State your name for the Court, please.

A. Herman Baker, Jr.

Q. All right. Now, sit a little closer to the microphone, if you can, Mr. Baker. Where do you live, Mr. Baker?

A. Philadelphia, Pennsylvania.

Q. All right, sir. Now, do you know the defendant, Joseph Sledge?

A. Yes, I do.

Q. And how long have you known Mr. Sledge?

A. Off and on since 1969.

Q. Where did you meet him?

A. At a pool room in Fayetteville.

Q. Where?

A. At a pool room in Fayetteville, North Carolina.

Q. All right, sir. Now, have you ever been incarcerated for any reason?

A. Yes, I have.

Q. And where were you in prison?

A. White Lake.

Q. Anywhere else?

A. Moore County.

Q. All right. Have you ever been in prison with Joseph Sledge?

A. Yes, I have.

Q. How many times?

A. Twice.

1 Q. All right, sir. Now, were the two times you have been
2 in prison with Joseph Sledge, how long a time were the two to-
3 gether that you were with him?
4 A. Off and on for about a year.
5 COURT: Can you identify when that was?
6 Q. All right, sir. When were you with him the first time?
7 A. In 1975.
8 Q. And where was that?
9 A. White Lake.
10 Q. And where were you with him the second time?
11 A. In '78, in Moore County.
12 Q. Now, I will ask you if in the summer of 1977 you had
13 occasion to have any conversation with Joseph Sledge?
14 MR. MOORE: Objection.
15 COURT: Overruled.
16 Q. Regarding the killing of Josephine and Aileen Davis of
17 Elizabethtown?
18 A. Yes, I did.
19 MR. MOORE: Objection (SAME TIME ANSWER). I made an
20 objection for the record, your Honor.
21 COURT: Sir? I did not hear you.
22 MR. MOORE: Objection to the form of the question.
23 COURT: Well, I didn't hear your objection if you
24 made one, Mr. Moore. Your objection is to leading?
25 MR. MOORE: Yes, sir.

1 COURT: Overruled. Do not lead the witness. Let's
2 proceed.
3 Q. All right. Where were you when you talked with Mr.
4 Sledge?
5 A. We were at the weight pile and we were talking.
6 (REPORTER ASKS FOR CLARIFICATION.)
7 COURT: We did not understand you.
8 Q. Speak slowly and a little louder, please. Lean up into
9 that microphone. Where were you?
10 A. At the weight pile.
11 Q. The weight pile?
12 A. Yes, sir.
13 Q. And what is the weight pile?
14 A. It's where you lift weights at for exercise.
15 Q. Now, was this at White Lake or in Moore County?
16 A. Moore County.
17 Q. All right. And what, if anything, did Mr. Sledge say to
18 you?
19 MR. MOORE: Objection.
20 COURT: Overruled.
21 A. Well, an inmate came up and told Sledge he was wanted at
22 the office.....
23 MR. MOORE: Objection to what an inmate said, your
24 Honor.
25 COURT: This was something that you said someone sai

1 to Mr. Sledge?
2 A. Yes, sir.
3 COURT: In your presence?
4 A. Yes, sir.
5 COURT: Overruled.
6 Q. Go ahead, Mr. Baker.
7 A. And he went to the office, and came back in about ten or
8 fifteen minutes later, and said he had to go to Elizabethtown,
9 for a trial. And I asked him.....
10 Q. Who said this? The inmate or.....
11 A. Sledge.
12 Q. All right. He had to go to trial in Elizabethtown and
13 what?
14 A. He said he presumed it was about a murder.
15 Q. Anything else?
16 A. Yes. He told me, he said, "If I tell you something,
17 will you keep it to yourself?"
18 Q. And what did you tell him?
19 A. I said, "Yes, I will."
20 Q. All right. And what did he tell you?
21 A. He told me while he was in White Lake Prison he escaped.
22 He was running through the woods and came to an old house. And
23 he went into this house. And this lady come out hollering,
24 "What are you doing in my house?" And she started screaming,
25 and he pushed her, and he hit her on the jaw and knocked her

down. And he started stabbing her. And another lady came in from behind him, and he pushed her down and stabbed her, and stabbed her, and kept stabbing her.

Q. All right, sir. Did he say anything to you about.....

MR. MOORE: Objection, your Honor.

COURT: Overruled. Ask your question.

Q. All right. What else did he tell you about it?

A. What else did he tell me? He was in the house stabbing and stabbing the women. And as he was getting ready to leave, he went out the back of the house.

Q. All right. Now, did he tell you - what, if anything, else did he tell you he did?

A. As he was leaving out the back, he spread black pepper around the back door step of the house or the back of the house.

Q. Did he tell you why he sprinkled black pepper around the back of the house?

A. Yes, sir.

MR. MOORE: Objection (SAME TIME ANSWER) to the question, your Honor.

COURT: Overruled.

A. Because the she devils - he said something about the she devils' spirits would follow him.

Q. All right. Now, you - have you ever talked with him about she devils' spirits before?

1 A. Yes, I have.
2 Q. Was that before he told you about this or after?
3 A. Before.
4 Q. All right. Now, would you tell the jury what Mr. Sledge
5 tells you she devils are.
6 A. White women.
7 Q. And what does Mr. Sledge tell you about she devils?
8 A. He said it is best to kill all the she devils because it
9 was bad for black people. It was against black people.
10 Q. All right. Now, did you ever hear him say anything to
11 anybody else about she devils?
12 A. Yes, I have.
13 Q. And do you remember who that was or when that was or what
14 did he say?
15 A. He was talking to a group of people, you know, sitting
16 around the bunks at night.
17 Q. And what did you hear him say?
18 A. He was telling about.....
19 MR. MOORE: Objection, your Honor.
20 COURT: Overruled.
21 A. .....devils, you know, she devil womens and what they
22 deserved.
23 Q. Did he say what they deserved?
24 MR. MOORE: Objection.
25 A. He said to be killed.

COURT: Overruled.

Q. Did you ever hear him tell that to anybody else, any other person?

A. Yes, I have.

Q. Who was that?

A. It was another inmate.

Q. And what did Mr. Sledge tell him?

A. He should kill his girl friend because she was white.

Q. Did he say anything to you about any blood?

A. Yes. He said when he killed them he didn't think blood was going to come out, he thought fire was going to come out.

Q. Now, did you - in February, of 1978, did you have occasion to talk to Mr. Henry Poole of the S.B.I. and Mr. Phillip Little?

A. Yes, I did.

Q. Did you tell them that you knew him?

A. Yes, I did.

Q. Did you tell them what you have testified to here today in court?

A. Yes, I did.

MR. EASLEY: Your witness.

CROSS EXAMINATION BY MR. MOORE:

Q. Now, Mr. Baker, what have you been tried and convicted of?

A. Forgery, and breaking and entering.

Q. How many counts of forgery?

A. I don't remember exactly how many it was. I think it was thirty.

Q. Thirty some counts?

A. Yes.

Q. How many counts of breaking and entering?

A. Convicted?

Q. Yes.

A. Once.

Q. How much time did you get?

A. Four to five.

Q. When was that, Mr. Baker? I mean - yes - Mr. Baker.

A. It was in April, 1977.

Q. How many times have you been charged with breaking and entering and larceny?

MR. EASLEY: Objection.

COURT: Objection sustained.

Q. All right, sir. Were you punished for a violation of prison rules while you were incarcerated?

A. Yes, I was.

Q. That was in 1978 for violating a prison rule?

A. Yes, it was.

Q. How many times have you been punished for violating prison rules?

A. I think it was twice or three times.

Q. All right, sir. And you said you had this conversation with him and finally went to talk to Mr. Poole in February, of 1978?

A. Right.

Q. It didn't weigh on your conscience until February, of 1978, is that right?

A. It always have, but I didn't know what to do about it. I didn't know who to contact.

Q. I see. And it weighed on your conscience so much that you felt like you had to go to the law?

A. Right.

Q. In other words when he asked you to keep a secret, you weren't going to do that; you lied to him about that?

A. I didn't know it was going to be that type secret.

Q. But what I am saying to you, you lied to him when you said you would keep a secret?

A. Right.

Q. All right, sir. Now, I'll ask you, sir, if in February, 1978, you didn't hear about the reward?

A. In February, of 1978?

Q. Yes, sir. When you went to the law and told about this thing, hadn't you just heard about the $5,000 or $10,000 reward, whatever it is?

A. No. I heard about it afterwards.

Q. I see. After 1978?

Q. All right, sir. Now, this conversation that you had with Mr. Sledge, you say it took place in the Carthage Unit?

A. Yes, I did.

Q. And when did you say this conversation took place?

A. In the summer.

Q. The summer of what year?

A. '78. '77, excuse me.

Q. You know, that's kind of close. You testified you didn't talk to Mr. Poole until February, of '78. Was it the summer of '77 or the summer of '78?

A. '77.

Q. All right, sir. Now, you and he were both lifting weights?

A. No. I don't lift weights.

Q. He was there lifting weights by himself?

A. Right.

Q. Minding his own business?

A. Right.

Q. And you came up to him?

A. Right.

Q. And conveniently had this conversation with him?

A. Well, we always talked. I buy soap and stuff from him.

Q. I see. At the time you had this conversation with him, Mr. Baker, how much more time did you have to serve?

A. About eight or nine months, maybe ten.

A. After 1978? No.

Q. Where did you first hear about the reward, Mr. Baker?

A. I didn't hear. I seen it on the bulletin board as I was coming out of the office after talking about it.

Q. All right. Now, when you testified about this case back in May of this year, you were in jail, weren't you?

A. Yes.

Q. Since that time they have let you out on parole, haven't they?

A. Yes. I made parole. They didn't let me out.

Q. And that was part of the deal, for you to testify, wasn't it?

A. No, it wasn't.....

Q. I will ask you, sir.....

MR. EASLEY: Objection.

COURT: Just a minute. Mr. Moore, don't cut him off.

A. I had made parole before I talked about this case. I was waiting on Philadelphia to send information back on my job at home.

Q. Yes, sir. Since you testified in the first case, the North Carolina Department of Corrections has let you out on parole, haven't they?

A. No, they have not.

Q. You are out on parole, aren't you?

A. Yes, I am. My uncle helped me get out on parole.

Q. During the first trial of this case, you were still in jail?

A. That's right.

Q. Hoping and waiting that you would qualify for parole?

A. I had already made parole when I was in jail.

Q. And I'll ask you, sir, if the State of North Carolina hadn't purchased your ticket to come back down here this week?

A. No, they did not.

Q. You paid for it yourself?

MR. EASLEY: Objection, your Honor.

Q. Well, they paid for it, didn't they?

A. Yes, they did.

Q. And they have got you in a motel out there and pay for your meals, don't they?

A. Yes, they do.

Q. And they are paying your way back, too, aren't they?

A. Yes, they are.

Q. Well, when do you get the $5,000 reward in this case?

A. What $5,000?

MR. EASLEY: Objection (SAME TIME ANSWER).

Q. You say you don't know about the $5,000 reward?

A. Ain't nobody told me I was getting no $5,000 reward.

Q. Now, you say that Mr. Sledge told you that he sprinkled that black pepper around the back door?

A. Yes, he did.

Q. Around the steps as you go out of the house?

A. Yes.

Q. Is that what he told you?

A. Yes.

Q. As he was leaving the house?

A. Right.

Q. And that he sprinkled the pepper and then he took off?

A. Right.

Q. And that's what he told you?

A. Yes, he did.

MR. MOORE: No further questions, your Honor.

REDIRECT EXAMINATION BY MR. EASLEY:

Q. Had you made parole, Mr. Baker, before or after you testified the first time?

A. Well, North Carolina had approved me for parole.....

MR. MOORE: Objection.

COURT: Overruled.

A. .....and I was waiting for Pennsylvania to send back paper work.

Q. All right. Now, you had qualified for parole, is that correct?

A. That's correct.

Q. All right. Now, then did you go to Philadelphia?

A. Yes, I did.

Q. And is that where you are living now?

A. Yes, it is.

Q. And are you working up there now?

A. Yes, I am.

Q. Did Officer Poole and Officer Little go up to Philadelphia and give you a ride down here?

A. Yes, they did.

Q. And did they make arrangements for you to get back?

A. Yes, they did.

Q. And how are you going back?

A. My father is going to take me back.

Q. Your father is?

A. Right.

MR. EASLEY: All right.

RECROSS EXAMINATION BY MR. MOORE:

Q. Mr. Baker, is what you are testifying here is that Mr. Sledge hates white women?

A. The way he put it to me, yes.

MR. MOORE: No further questions.

MR. EASLEY: Come down. Get Henry Poole.

HENRY POOLE, having previously been duly sworn, testified as follows during DIRECT EXAMINATION BY MR. CHALMERS:

Q. Mr. Poole, I believe you have previously been sworn, is that correct?

A. Yes, sir.

Q. And, Mr. Poole, in connection with the performance of your duties as an agent with the State Bureau of Investigation,

Agent Poole and Det. Little

Agent Poole and Det. Little were recalled to corroborate Herman Baker's testimony. The transcript of their testimony during this portion of the trial is below.

1 A. Yes, it is.
2 Q. And are you working up there now?
3 A. Yes, I am.
4 Q. Did Officer Poole and Officer Little go up to Philadelphia
5 and give you a ride down here?
6 A. Yes, they did.
7 Q. And did they make arrangements for you to get back?
8 A. Yes, they did.
9 Q. And how are you going back?
10 A. My father is going to take me back.
11 Q. Your father is?
12 A. Right.
13 MR. EASLEY: All right.
14 RECROSS EXAMINATION BY MR. MOORE:
15 Q. Mr. Baker, is what you are testifying here is that Mr.
16 Sledge hates white women?
17 A. The way he put it to me, yes.
18 MR. MOORE: No further questions.
19 MR. EASLEY: Come down. Get Henry Poole.
20 HENRY POOLE, having previously been duly sworn, testified as
21 follows during DIRECT EXAMINATION BY MR. CHALMERS:
22 Q. Mr. Poole, I believe you have previously been sworn, is
23 that correct?
24 A. Yes, sir.
25 Q. And, Mr. Poole, in connection with the performance of
your duties as an agent with the State Bureau of Investigation,

1 did you have an occasion in 1977 to talk to Mr. Baker, the wit- 28
2 ness who was just on the stand?
3 A. Yes, sir. It was in February, of '78, sir, as I recall.
4 Q. All right, sir. And as a result of information you re-
5 ceived, did you go to the prison camp and get him out?
6 A. No, sir. I called the Superintendent - contacted the
7 Superintendent at the Prison Camp, and he brought him to me.
8 Q. All right, sir. What prison camp was that?
9 A. White Lake.
10 Q. And where was Mr. Baker brought to you?
11 A. To a motel in White Lake.
12 Q. All right, sir. And why was he brought there?
13 MR. MOORE: Objection to that, your Honor.
14 COURT: Overruled.
15 A. I was afraid someone would perhaps kill him in the prison
16 system if they knew what I was talking with him about.
17 MR. MOORE: Objection and move to strike, your Honor.
18 COURT: Motion to strike is allowed as to what he
19 thought. Members of the jury, it is not competent evidence,
20 and you will not consider it. Disabuse it from your minds.
21 Q. All right, sir. Did you interview Mr. Baker there with
22 respect to a conversation or conversations he had with the de-
23 fendant Joseph Sledge concerning the killing of Ms. Aileen and
24 Mrs. Josephine Davis?
25 A. Yes, sir.

Q. All right, sir. Would you tell his Honor and the jury exactly what Mr. Baker told you.

MR. MOORE: Objection.

MR. CHALMERS: Corroboration, if your Honor pleases.

COURT: Overruled.

A. According to Mr. Baker, he had known Mr. Sledge since 1969. Mr. Baker said that he was in the Air Force at the time, and he met Mr. Sledge in Fayetteville. He met him at the pool room as I recall. He stated that he again had an occasion to have contact with Mr. Sledge in 1975. That at this time he was serving time for forgery at White Lake Prison Camp. Mr. Baker went on to say that he was paroled in '76, and then in 1977 he was arrested for breaking and entering and went back into the prison system, and during the summer of '77 he had an occasion to have contact with Mr. Sledge again in Moore County. And he was talking with Mr. Sledge one day while he was lifting weights. And while they were talking, another inmate came by and informed Mr. Sledge that he was wanted in the office. And about ten or fifteen minutes later Mr. Sledge returned and said that someone in Elizabethtown wanted to see him. According to Mr. Baker, he asked Mr. Sledge what it was about or why, and that Mr. Sledge stated that he wondered if it was about the murders in Elizabethtown. He said that Mr. Sledge went on to say, "If I tell you something, will you not tell anyone," or, "Can you keep it to yourself." Mr. Sledge said

1 that he had escaped from the White Lake Prison Camp, and he 28
2 was running through the woods and looking for a place to hide
3 when he came upon an old house. That according to Mr. Sledge,
4 he didn't think anyone was home, and he went in. That after
5 he got into the house a lady came into the room screaming some-
6 thing to the effect, "What are you doing in my house?" That
7 he pushed her and hit her. And another lady came in screaming.
8 He stated that he recalled she was going to call the police or
9 call the law or something to that effect. Mr. Baker went on
10 to say that Mr. Sledge said that he started stabbing one of
11 them, and the other one was trying to pull him off, and he
12 stabbed her. And that he kept stabbing and stabbing them.
13 Mr. Baker said that Mr. Sledge made the comment about, "Damn,
14 it seemed like I went crazy." He stated that Mr. Sledge told
15 him he ran out the house through the back door and through the
16 woods, and went out into a cleared field there near an old
17 building and hid the knife or buried the knife that he used in
18 this field. He stated that while he was talking with Mr.
19 Sledge that Mr. Sledge referred to the women as devils - as
20 she devils, and stated that when he stabbed them that he didn't
21 think blood was going to come out but he thought fire was going
22 to come out of them because they were she devils. He stated
23 that according to Mr. Sledge when he left the house he sprink-
24 led some black pepper around the back door steps to keep the
25 spirits of the she devils from following him outside. During

1 the conversation he stated that while he was inside the house
2 that one of the women was on the floor, and he kept stabbing
3 her, and the other lady was trying to pull him off, and he
4 stabbed her as well. Continuously he stated Mr. Sledge said
5 that - referred to the women as white she devils and stated
6 that they should be killed.
7 Q. State whether or not Mr. Baker told you where Mr. -
8 state whether or not Mr. Baker told you that Sledge stated that
9 he hit one of the women in the jaw?
10 MR. MOORE: Objection.
11 COURT: Overruled.
12 A. Yes, sir, he did say that he hit one of the women in the
13 jaw.
14 Q. I'm sorry. I can't hear you.
15 A. Yes, sir, he did say that.
16 Q. Say what?
17 A. That he hit one of the women in the jaw.
18 MR. CHALMERS: You may examine the witness.
19 CROSS EXAMINATION BY MR. MOORE:
20 Q. Are there any fields near that house, Mr. Poole?
21 A. Any fields near the house?
22 Q. Yes, sir.
23 A. Yes, sir. There is some open areas there, yes, sir.
24 Q. Did you look for the knife?
25 A. Yes, sir.

Q. Did you use a metal detecting system? One of those machines, you know, that buzzes when it contacts metal?

A. I wasn't there when that was done. I requested that be done, and another officer was to take - took care of that. I was not there.

Q. As far as you know, your instructions were followed and that was done?

A. Yes, sir.

Q. As far as you know, was the knife found?

A. No, sir.

Q. How much reward is there in this particular case, Mr. Poole?

A. $5,000.

Q. Hasn't that been doubled by the State of North Carolina? Isn't that the local amount and hasn't it been doubled by the State?

A. No, sir. To my knowledge, it is $5,000. There may have been some local money available, but to my recollection, Mr. Moore, it was $5,000 from the Governor's Office in this case.

Q. From the Governor's Office $5,000, is that right?

A. Yes, sir.

Q. Whether there is any local money or not, you don't know?

A. I am not aware of any.

MR. MOORE: No further questions, your Honor.

MR. CHALMERS: All right. Come down.

PHILLIP LITTLE, having been previously sworn, testified as follows during DIRECT EXAMINATION BY MR. EASLEY:

Q. Now, Officer Little, you have been previously sworn?

A. Yes, sir.

Q. Did you have occasion to talk with Herman Baker in February, of 1978?

A. Yes, I did.

Q. And did he give you a statement at that time?

A. Yes.

MR. EASLEY: Your Honor, I am offering this for the purpose of corroboration only.

Q. Were you with Mr. Poole?

A. Yes, sir.

Q. All right, sir. What did Herman Baker tell you?

A. According to Baker, he had known the defendant Joseph Sledge since 1969. That he had been in the Air Force and had first met the defendant Sledge at a pool room in Fayetteville. That shortly after this he had lost contact with the defendant Sledge, but had met him again in 1975 while serving time for forgery at White Lake Prison Unit. Baker went on to say that he was paroled in January, 1976. That again in April, of 1977, he was back in the prison system after being convicted of breaking and entering. That in 1977 in the summer that he was at the Moore County Prison Unit and again met Sledge there. And that some time in the summer Sledge was lifting weights, and

that he was there talking with the defendant. And that another inmate came up and told Mr. Sledge that someone wanted to see him. And that Sledge had then left and stayed gone about ten or fifteen minutes, and he returned. And Baker stated that Sledge told him he wondered if it was about the murders in Elizabethtown. And that he went on - the defendant went on to tell Baker, "If I tell you something, will you keep it to yourself?" Baker stated that Sledge said that he escaped from the White Lake Prison Unit and was running through the woods and was looking for a place to hide. That he came up on an old house that he didn't think anyone lived in, and that he broke into the house. And that as he entered the house a lady appeared and was screaming at him and asked him what he was doing in the house. And that he hit her and knocked her down and began stabbing her. And about that time another lady came into the room and something was yelled about calling the police, or something to that effect. According to Baker, he stated that he continuously stabbed the women and said, "Damn, it seemed like I went crazy." And he went on - Mr. Baker went on to say that Sledge told him that he ran out of the house, and as he ran out the back of the house he sprinkled black pepper around the back door so that the she devils' spirits could not follow him. Mr. Baker stated that Sledge had referred to white women as being she devils and that - on several occasions, and that when he stabbed the two Davis women that he didn't think blood would come out but that fire would come out. Mr. Baker

1 went on to say that Sledge had talked a lot about killing white
2 women, and that on one occasion he had told another inmate that
3 had a white girl friend that he should kill her because she was
4 a she devil.
5 Q. All right, sir. Now, Officer Little, I am going to show
6 you what has been marked and identified as State's Exhibit No.
7 19.....
8 STATE EXHIBIT 19 MARKED FOR IDENTIFICATION.
9 Q. .....and ask you if you have seen that before, and if so,
10 when and where, and what is it?
11 MR. MOORE: Objection.
12 COURT: Overruled.
13 A. Yes, I have.
14 Q. And what is it?
15 MR. MOORE: Objection.
16 COURT: Overruled.
17 A. It's a can of black pepper.
18 Q. All right, sir. And where did you see it?
19 A. The first time I saw this can of black pepper was on the
20 6th of September, 1976, at the Davis house lying on the floor
21 in the hall that leads to the rear exit.
22 Q. All right, sir. Would you go up to State's Exhibit 9
23 and make a mark where you found that can of black pepper on
24 the 6th day of September, 1976.
25 A. I found the black pepper can lying on the floor in right

about that area.

Q. All right. Now, Mr. Little, when did that black pepper can become an official part of your file?

A. Shortly after February the 16th, 1978.

Q. Was that after you talked to Baker?

A. Yes, sir.

MR. EASLEY: Your witness.

CROSS EXAMINATION BY MR. MOORE:

Q. Now, Mr. Little, how large an area would you say that kitchen is?

A. Probably 4 by 8.

Q. Much smaller than the area in which the jury is presently located? Probably the same.....

A. About the same width. The length would be.....

Q. About half. All right. In that kitchen how many different stoves are there?

A. There are two, sir.

Q. I will ask you, sir, if there is not one large white stove?

A. Yes, sir.

Q. I will ask you, sir, if there are not two other antique stoves - maybe one is a heater - but there are two other, for lack of a better word I would call an antique, stoves there?

A. There is an electric stove and a wood stove which the victims used, and the other stove was inoperative.

Q. So, there are three stoves in that room?

A. Yes, sir.

Q. All right, sir. I will ask you if also there is not a table?

A. Yes, sir, there's a table.

Q. Do you recall about the dimensions of that table?

A. A standard sized eating table.

Q. A standard sized table. I will ask you, sir, if there is not also in the northern corner of State's Exhibit No. 9, which would be this corner, the northern corner of the kitchen, also what we call a hutch or a cabinet?

A. Yes, sir.

Q. I will ask you, sir, if on top of the table the people did not - the table was located in which corner of the kitchen, so we can get everything straight?

A. The table was located in this corner.

Q. All right. Which I assume would be the eastern corner?

A. Yes.

Q. All right, sir. I will ask you, sir, if on top of the table there was not the area in which the victims stored their pots and pans and eating utensils?

A. Yes.

Q. As a matter of fact, on the table was a plate with some unfinished food, and silverware, and various things there on the table?

A. Yes, sir.

Q. I will ask you, sir, if the cabinet to the left is the only storage area on which - let me rephrase it - is the only contained storage area in the kitchen for keeping supplies and foodstuffs?

A. That's correct, sir.

Q. There was other foodstuffs and supplies kept and maintained underneath the table, was there not? There was some pots and pans, bottles, and other things, kitchen utensils, that were also under the table, weren't there?

A. Yes, sir.

Q. As a matter of fact, when you got there the kitchen cabinet was open, was it not?

A. No.

Q. It was not open?

A. No, sir.

Q. All right, sir. Let me ask you this, Mr. Little: Do you know how much the local reward is in this particular case?

A. The only reward that I'm aware of is the $5,000 reward.

Q. You don't know that the Sheriff of Bladen County has put up $5,000 himself in this case?

A. I sure don't, sir.

Q. All right. Mr. Little, as the result of your investigation, did you - you testified that you got some hairs out of that house. Did you remove the hair from the pillow that has

1 been previously referred to in this case?
2 A. No, sir. I believe Special Agent Taub testified that he
3 removed that, sir.
4 Q. I see. But the pillow case from which it came from that
5 house? He said he got it as the result of this investigation.
6 I just don't know - it never came out whether it came from that
7 house or not. I just wonder if you know that.
8 A. I would have to look at my notes.
9 Q. All right, sir. Please do that.
10 A. (COMPLIES.) No, sir. The pillow case did not come from
11 the residence.
12 Q. Where did the pillow case come from?
13 A. The pillow case came from an area underneath the Cape
14 Fear River Bridge on U.S. 701 leading into Elizabethtown.
15 Q. All right. Mr. Little, now, did you have an occasion to
16 receive from the officer, Lee Sampson, the green pants and the
17 gray pants that he testified to?
18 A. No, sir.
19 Q. Have you seen those pants?
20 A. Yes, sir.
21 Q. Did you see any blood on those pants?
22 A. There was blood on the pocket on the pants.
23 Q. The pocket of which pants?
24 A. The green pants.
25 Q. I will ask you, sir, if at the first trial of this case

you didn't testify there was no blood on those pants?

A. Yes, sir.

Q. So, there was no blood visible on those pants, is that right?

A. That's correct.

Q. And they were also tested by the S.B.I. as a result of your examination?

A. Yes, sir.

Q. That is true of the green pants and the gray pants, is that correct?

A. That's right.

Q. When - just one moment, your Honor. I think you also recovered a pair of black socks, is that correct?

A. Yes.

Q. Was there any blood visible on those socks?

A. The only blood reaction was on a pair of green socks.

Q. There was none on the black socks that you recovered?

A. No, sir.

MR. MOORE: All right. No further questions, your Honor.

REDIRECT EXAMINATION BY MR. EASLEY:

Q. Mr. Little, has that pepper can been in your care, custody, and control since September the 6th, 1978, until May of this year?

A. Yes, sir.

1 Q. All right. Now, is it in the same condition now as it 299
2 was at the time you found it?
3 MR. MOORE: Objection.
4 COURT: Overruled.
5 A. Yes, it is.
6 Q. What did you do with it this year in May?
7 A. It was brought into this courtroom the first week in May.
8 Q. All right, sir. And did you introduce it into evidence
9 at that point?
10 A. Yes, I did.
11 MR. MOORE: Objection (SAME TIME ANSWER).
12 COURT: Overruled.
13 Q. Other than the pepper can that you said was located here
14 going out the back and the bloody footprint, was there anything
15 else disarranged in that kitchen?
16 A. No, sir, there were not.
17 MR. EASLEY: That's all.
18 RECROSS EXAMINATION BY MR. MOORE:
19 Q. Now, Mr. Little, did you make a picture of the pepper
20 can in that room?
21 A. No, sir.
22 Q. And are you trying to tell this jury that a room that is
23 4 feet by 8 foot that has got three stoves, and a table with
24 pots and pans on top of the table, foodstuffs and pans below
25 the table, one cabinet with foodstuffs in the room, wasn't it

1 somewhat of a mess? There was bottles and pots and pans all 30
2 over that room, wasn't there, Mr. Little?
3 A. The only visible disarrangement in that room that I
4 noticed was this pepper can lying on the floor.
5 Q. Mr. Little, that is true; I can appreciate that. By the
6 same token, it was disarranged with regard to pots and pans
7 being on top of the table, wasn't it?
8 MR. EASLEY: Objection (DURING QUESTION).
9 COURT: Sustained. You asked him that.
10 Q. Now, that pepper can wasn't placed in your custody until
11 February, of 1978, is that right? You took that pepper can in
12 your custody in February, 1978?
13 A. I took it into my physical control after February the
14 16th, 1978.
15 Q. Yes, sir. I will ask you, sir, if you can read what's
16 on the bottom of that can?
17 A. FEB177V, "V" as in Victor.
18 Q. Mr. Little, that doesn't make much sense to me. Would
19 you write it on the board up there what you say is on the bot-
20 tom of that can.
21 A. (COMPLIES.)
22 MR. MOORE: No further questions, your Honor.
23 MR. CHALMERS: If your Honor pleases, may we approach
24 the bench. (COUNSEL APPROACH THE BENCH.)
25 MR. EASLEY: Lacy Thompson.

Defense's Evidence

Joseph Sledge

Joseph Sledge was the first witness called by the defense. His entire testimony is included below.

1 to confer with my client, and I think he has some witnesses
2 here and I would like to talk with them. I don't think it
3 would take over five or ten minutes to make that decision.
4 They are available right here, your Honor.
5 COURT: Take ten minutes. (AFTERNOON BREAK.) Mr.
6 Enzor, bring the jury in, please, sir. (THE JURY RETURNS INTO
7 OPEN COURT.)
8 MR. MOORE: Your Honor, the defendant will put on
9 evidence and calls Joseph Sledge to the stand.
10 JOSEPH SLEDGE, JR., being first duly sworn, testified as follow
11 during DIRECT EXAMINATION BY MR. MOORE:
12 Q. State your name, please, sir.
13 A. Joe Sledge.
14 Q. How old are you, Joe?
15 A. Thirty-four.
16 Q. Where were you staying in September, of 1976, on the 5th
17 day of September?
18 A. At White Lake Prison Unit, Bladen County.
19 Q. Did you have occasion to leave the White Lake Prison
20 Unit?
21 A. Yes, sir.
22 Q. Did you escape from there, Joe?
23 A. Yes, sir, I did.
24 Q. When you escaped, where did you go?
25 A. I jumped the fence and waited until it got dark in the

1 neighborhood, the vicinity of the prison unit.

2 Q. All right, sir. After it got dark, where did you go?

3 A. I walked all the way through the trees.

4 Q. Through the what, Joe?

5 A. Through the woods on the traffic - facing the traffic

6 going toward Elizabethtown on foot.

7 Q. On foot?

8 A. Yes, sir.

9 Q. Did you follow the road, Joe?

10 A. Yes, sir.

11 Q. How close were you to the road?

12 A. It was maybe about say two or three yards away from the

13 road, to keep from being visualized by the coming traffic, the

14 oncoming traffic.

15 Q. All right, sir. When a car or a vehicle would approach

16 you as you were walking along the road, what, if anything,

17 did you do?

18 A. Well, I just managed to stay out of sight in the neigh-

19 borhood far away from the visual sight of the traffic, being

20 at that hour of the night it was dark, total dark.

21 Q. All right. Joe, when you got to Elizabethtown, where

22 did you go?

23 A. When I got in Elizabethtown, I had waited in the vicinity

24 of this mortuary, this place where there is a church with grave

25 up there. There is a bunch of graves in that area.

1 Q. That is right on the other side of the river as you co
2 into Elizabethtown, isn't it?
3 A. Yes, sir.
4 Q. All right.....
5 A. So, I recuperated for a period of time. And then I wer
6 down inside the neighborhood, where I was discouraged about m
7 wearing apparel I had had on.
8 Q. Well, what wearing apparel did you have on?
9 A. The institution clothes. The green pants, institution.
10 Q. What color shirt, if any, did you have on?
11 A. I had a woolen sweater - a woolen - an old woolen butto
12 sweater.....
13 Q. All right.
14 A. .....that I had taken off after I confiscated the other
15 item.
16 Q. All right, sir. Joe, before you got to Elizabethtown,
17 did you stop anywhere other than to rest back of the prison
18 camp?
19 A. Before I got to Elizabethtown, I stopped at a place - a
20 little place going toward Elizabethtown where maybe - maybe a
21 handful of people was standing outside, two couples, two wome
22 and two men. I asked them were they going toward town at tha
23 particular time, and they said no. So, I decided to vacate t
24 premises, seeing that I was escaping from the unit to keep fr
25 being taken under the presumption, you know, that I was escap

1 from the unit. So, I decided I needed a departure from that
2 environment.
3 Q. All right. Now, Joe, that little place, was that what
4 we call cometimes a piccolo place.....
5 A. Yes, sir.
6 Q. .....or a grocery store?
7 A. Yes, sir. It's an auto parts company where they store
8 broken parts of automobiles.
9 Q. All right, sir. Joe, other than that little stop right
10 there - was that out on Highway 701, the road from Elizabethtown
11 to the White Lake Prison?
12 A. Yes, sir. That's 701.
13 Q. Did you go anywhere else?
14 A. No, sir.
15 Q. Did you ever go to this house that Phillip Little took
16 you to later?
17 A. No, sir.
18 Q. All right, sir. When you got to Elizabethtown, now, go
19 ahead and tell the jury what you did, after you waited around
20 the church and the cemetery there.
21 A. Well, I decided - I seen - I noticed the officer was ob-
22 serving the environment. I observed him at the car place where
23 they sell these cars, the night watchman. So, I got.....
24 Q. Joe, listen.
25

A. Sir?

Q. You have got to speak a little slower, so the jury can hear you. It is kind of hard to hear in here.

A. Yes, sir.

Q. Now, you are talking about a car lot?

A. Yes, sir. There was a night watchman coming to and from inspecting and investigating throughout the night, you know, the nightly check. So, I got up and went over in the neighborhood. So. there was this clothes line in this particular neighborhood. It wasn't no more than two blocks away from where I was. So, I taken this sweater off the line. And the sweater I had on, I believe I put it in the trash can or somewhere in that particular section of the environment where this sweater came from, this sweater right here that was confiscated when I was arrested in Dillon, South Carolina.

Q. All right, sir.....

A. So, from that time - in the near about vicinity from where I had taken the sweater, there was this carport - there was a house on the corner right there at the corner. There was a pair of gray sharkskin pants or something like that I put on over the pants to keep those green pants from being recognized that I had on institutional wearing apparel. So, I put them over the pants I had on, and then I went on. And this woman there or somebody had keys in the car - I don't know who it was - but somebody (WITNESS UNINTELLIGIBLE.) had left the

1 keys in the car, so I took the car to go on in. WITNESS
2 UNINTELLIGIBLE.) So, I decided to go towards the neighborhood
3 city where I was first apprehended in '73, Fayetteville.
4 Q. All right. Joe, did you kill those two Davis ladies?
5 A. No, sir, I did not.
6 Q. Do you hate white women?
7 A. No, sir.
8 Q. Were you born and raised and worked around white people
9 most of your life?
10 A. Yes, sir. At the age of six - I started working at age
11 six.
12 Q. Where did you work at, Joe?
13 A. In Savannah, Georgia, a person down there named Arthur
14 Cromartie. He owns a drug store in Savannah, Georgia. He and
15 my father was in the Navy together. And I have been working
16 ever since I was about six years old at home.
17 Q. Now, is he a white fellow?
18 A. Well, yes, sir.
19 Q. All right. Joe, after they caught you - where did they
20 first catch you? In Dillon, South Carolina?
21 A. Well, yes, sir. Well, no. Well, what had happened was
22 this: Well, my prior departure - I was informed by an indivi
23 ual person in the City of Fayetteville that the police was
24 looking for me to be investigated for these alleged slayings.
25 It shook me up a great deal. So, I said I better go acquain

1 myself with a particular set of people that have dealings with
2 the law, so I could report my statement to them so they can
3 turn me in properly and get my classification understood be-
4 fore they carried me - started shanghaiing me and everything.
5 So, I said, well, I better do this. Before - prior to doing
6 this, going to the neighborhood to work in Columbia, South
7 Carolina, this officer pulled up into the gas station and told
8 me to get out. So, I decided, I said, I'm not going right now.
9 So, I.....
10 Q. I know that. My question to you is this: They finally
11 took you into custody in Dillon, South Carolina.....
12 A. In Dillon, yes, sir.
13 Q. .....is that right?
14 A. Yes, sir.
15 Q. And did they some time take you back to the prison there,
16 the Law Enforcement Center in Fayetteville?
17 A. Yes, sir.
18 Q. All right. Do you know who was there in the cells with
19 you there in Fayetteville.....
20 A. Yes, sir.
21 Q. .....some of the inmates?
22 A. Yes, sir. And the very first night I was taken in cus-
23 tody, I was placed in a punitive segregation there, you know
24 individual cells and a small aisle, to - for further investi
25 gation. So, that - after I had been arraigned in court the

next evening, they moved me that next day from that environment to another environment.

Q. Well, I guess what I'm asking you, Joe, is were you ever put in a cell block with Donald Sutton?

A. Yes, sir. Sutton came in after I had been taken in custody. He was apprehended for escape from White Lake Prison Unit.

Q. All right. Was Joe Shaw there in the same cell block?

A. Yes, sir.

Q. Was John Cross there in the same cell block?

A. Yes, they were.

Q. Now, did you have any conversation with Sutton about the killing of these two ladies?

A. No, sir. The only question that Sutton raised about was me being apprehended and being up under investigation. Because they had it all on the news, $3,000 reward at that particular time they said from the news. Because Cross had a radio, and I was listening to the radio one particular morning, and the radio stated that anybody having information leading to the alleged slayings there would be a $3,000 reward. So, this is all I had, you know, to commune with the particular individual in that section.

Q. Did you tell Sutton that you had killed these two ladies?

A. No, sir, I did not.

Q. Now, this cell block, do you know how many cells are in this cell block?

A. Yes, sir.

Q. Do you know.....

A. It was probably about - let's see - maybe from one end to the other, about eight cells.

Q. All right. Now, are those cells for one person?

A. Those are single man cells.

Q. All right. During the night or during the day did you keep your individual things in one cell, and did you sleep in one cell at night?

A. Yes, sir.

Q. And each person had his own cell?

A. Each individual had their own cell.

Q. All right. And then out in front of the cells, you had kind of a recreation area or game area, is that right?

A. Yes, sir, where we would eat at tables. They had two tables.

Q. You had a shower out there?

A. Yes, sir.

Q. And that is where the guys would play cards and first one thing and another?

A. That's where the guys would sit down and play cards.

Q. All right. Now, you were telling us that you never told Sutton that you killed those two women?

A. No, sir. I never had seen Sutton before in my life until I went down there - he was down there at White Lake Prison

1 Unit. I didn't have any familiarity with him. I'm from
2 Savannah, Georgia. Before I got acquainted with the individual
3 inmate, it was on - it was just a plain regular schedule basis
4 where you eat, sleep, and do other things.
5 Q. Okay. Joe, let me ask you another question: While you
6 were there in the Fayetteville Unit, did the officers come ask
7 you to go get the clothes for them, the clothes you were wear-
8 ing when you left Elizabethtown?
9 A. No, not that particular occasion because when - it was
10 after I was being investigated - I mean after I was under in-
11 vestigation that particular evening, they carried me to the
12 hospital and gave me a blood sample. They drew some blood
13 from my vein.....
14 Q. You agreed to let them do that, didn't you?
15 A. Yes, sir. I had nothing that I could say outright to be
16 in captivity. So, he said, where is the clothing that you had
17 on prior - prior to your leaving White Lake Prison Unit. I
18 told him. So, we went out on Bragg Boulevard in the vicinity,
19 and he confiscated the institution clothes and the pair of
20 gray pants pulled over the green institution clothes I had had
21 on. So, he said - he got those and put those in the car. And
22 he already had the sneakers that I had on.
23 Q. He took your sneakers?
24 A. And underwear. Yes, sir.
25 Q. He took all your clothes?

A. Yes, sir. Underwear, socks, everything I had on.

Q. All right. Now, in the summer of 1977, did you have occasion to talk with Herman Baker?

A. Well, in the summer of 1977, I was released - I was taken to McCain after I received a sentence of four years from Judge Pilston, Jr., in Fayetteville for auto larceny. So, Officer - from the Elizabethtown Police officials, delivered me to McCain. From McCain, I was transferred to Carthage.

Q. Now, that's the car you took in Fayetteville to go to Dillon, South Carolina?

A. That's the car I was apprehended in in Dillon, South Carolina.

Q. But my question to you, Joe: Did you ever have a conversation with Baker about killing those two women?

A. No, sir. I haven't had a conversation with Baker over five minutes since I have been knowing him.

Q. All right.

A. And he said I have been knowing him in Fayetteville.

MR. MOORE: No further questions, your Honor.

COURT: You may cross examine. Well, gentlemen, I believe before you start that, we had a little break but I don' believe the jury did. Let's let them have about fifteen minute at this time, and then we can continue on. Members of the jury, you all can have a recess of fifteen minutes. Court will be in recess fifteen minutes. (AFTERNOON BREAK.) All

1 right, sir. You have the witness on cross examination.
2 CROSS EXAMINATION BY MR. CHALMERS:
3 Q. Your name is Joseph Sledge?
4 A. That's correct.
5 Q. And you know Mr. Phillip Little?
6 A. September - September the 9th, 1976, from Dillon, South
7 Carolina. I was confiscated and brought back to Cumberland
8 County and placed in custody for escape from Bladen County
9 Prison Unit.
10 Q. Would you answer my question now?
11 MR. MOORE: Objection, your Honor. I think he tried
12 to answer the question.
13 COURT: Sustained.
14 Q. Do you know Mr. Phillip Little?
15 A. No, sir, I don't.
16 Q. Have you ever talked to this man right here?
17 A. I answered questions, yes, sir.
18 Q. You answered questions for him?
19 A. Yes, sir.
20 Q. And the questions you answered at that time for him, you
21 freely and voluntarily answered those questions, didn't you?
22 A. Yes, sir.
23 Q. And you answered those questions after he warned you of
24 what constitutional rights you had, didn't you?
25 A. That was Captain - Sheriff Allen. He was the one that

1 asked me.....

2 Q. I'm asking you if this man here didn't give you your con-

3 stitutional rights?

4 A. Yes, sir. Yes, sir. It's been about two years ago.

5 But yes, sir.

6 Q. And he told you what your constitutional rights were, and

7 after he gave you - after he told you what they were, you told

8 him - gave him certain statements, didn't you?

9 A. Yes, sir.

10 Q. And you gave him those statements freely and voluntarily,

11 didn't you?

12 A. Yes, sir.

13 Q. And there was no coercion by Mr. Little to get you to

14 make any statement, was there?

15 A. No, sir.

16 Q. And there was no promise made by Mr. Little to get you

17 to make any statement, was there?

18 A. No, sir.

19 Q. And Mr. Little didn't give you any offer of any reward

20 or anything to make any statement to him, did he?

21 A. No, sir.

22 Q. And as you said before, everything you told Mr. Little

23 was freely and voluntarily given, isn't that right?

24 A. Correct.

25 Q. All right. Now, let me ask you this: On the 5th day

of September, 1976, you were a prisoner at the camp - I mean,

1 at the White Lake Prison Camp located in Bladen County, weren't
you?
2 A. September 5th, yes, sir.
3 Q. Now, why were you in prison?
4 A. I was arrested for receiving stolen goods, and received
5 four years from Cumberland County.
6 Q. You were sentenced to four years.....
7 A. Yes, sir.
8 Q. .....in jail.....
9 A. Right.
10 Q. .....in Cumberland County?
11 A. Right.
12 Q. And when did you get that sentence?
13 A. Sometime during the month of May, 1973.
14 Q. In May, of 1973?
15 A. Yes, sir.
16 Q. And you got how much of a sentence?
17 A. Two 2 year sentences running consecutive.
18 Q. Two 2 year sentences to run consecutively, so that made
19 a total of four years you had to serve, is that right?
20 A. That's correct.
21 Q. And then I believe that you escaped from that prison
22 sentence, did you not?
23 A. And stayed gone fourteen months.
24 Q. Stayed gone fourteen months?
25 A. Yes, sir. Arrested in New York City, and was brought

1 back here.

2 Q. All right. Now, when you escaped from that prison sen-

3 tence, that you were serving four years on, you say you went to

4 New York?

5 A. I escaped from White Lake and went to New York from the

6 Bladen County Jail. They left me in the jail, and I walked

7 out the door.

8 Q. Oh, you escaped from the jail?

9 A. I walked out the door.

10 Q. You walked out the door and went to New York and stayed

11 gone fourteen months?

12 A. I was apprehended in New York and brought back down here.

13 Q. But you stayed gone fourteen months on that particular

14 escape?

15 A. On that sentence, on that four year sentence.

16 Q. All right. And you were tried for it and convicted.....

17 A. Six months to run concurrent with the time I had.

18 Q. But you were tried for that escape, were you not?

19 A. That's right.

20 Q. And you were given a six month sentence?

21 A. That's right.

22 Q. And so at the time you escaped from prison on the 5th

23 day of September, 1976, you were serving a four year sentence

24 and a six month sentence?

25 A. That's right. It was four years and six months.

Q. Four years and six months. All right, sir. Now, tell his Honor and the jury, if you will, please, how you went over the fence. Just describe that fence that they keep around the Prison Unit there.

A. Well, it was approximately about - after the noon check right before visiting hours, about 12:30 to be more precise. What I did, I decided to vacate - not intentionally, but I decided, I said, well, I better leave this environment because being I'm away from this particular area, I'm not affiliated with no particular individual in this environment. And I had a run-in with the personnel on the premises, an inmate. He did six months back-up time for a misunderstanding that he and I had on the rules, I think. Well, since they put him in this same environment - he's about 270 pounds, and I don't weigh but about 140 pounds - I decided I better go ahead on about my business by myself or get my life took. So I said, I better go ahead on. So, I decided to leave.

Q. So you decided to leave?

A. I left, yes, sir.

Q. You left, and you left over a back prison fence, didn't you?

A. Yes, sir. Between the fence and the - this vocational building that they have out there.

Q. All right. Now, before you left, did you take any clothes with you from the prison?

1 A. No, sir. All I had on was the institution clothes I had
2 had on. This old green institutional shirt - it was a little
3 badly torn - and the institutional pants, and a pair of sneak-
4 ers - an old pair of All Star sneakers that I had on - and
5 everything.
6 Q. All right. Now, what time did you - about what time did
7 you leave?
8 A. About 12:30.
9 Q. About 12:30?
10 A. It had to be 12:30 or 25 til 1:00, in that neighborhood.
11 Q. And when you - where did you go?
12 A. Well, I went on around from around there in that area.
13 From the rear area of the institution there is this little
14 creek. There is a little creek sitting right behind the motor
15 pool, where we get up and go to work every morning in this
16 motor pool. And I walked all the way around in the brushes
17 and sat on the side, on the side of the motor pool where it
18 was in brushes where the trees were where I couldn't be visual-
19 ized by the human beings from walking and traveling on the
20 highway. And so, I stayed in that area until it got dark.
21 Q. All right. Let me ask you this, Joe: You come over
22 here. This is State's Exhibit No. 15. You see where it says
23 White Lake Prison?
24 A. Yes, sir.
25 Q. And this is Highway 701 and 41 and 53 coming on down

1 here to come into Elizabethtown?
2 A. Yes, sir.
3 Q. You are familiar with that?
4 A. Right.
5 Q. All right. And then you come on down from the Prison
6 Unit into Elizabethtown, but there is another highway up here
7 called Highway 242. You have been on that road, haven't you?
8 A. Yes, sir. Working out there on the road cutting right-
9 of-ways.....
10 Q. Cutting right-of-ways and whatever they told you.....
11 A. .....and burying dead dogs.
12 Q. And burying dead dogs and everything, whatever they told
13 you to do?
14 A. What they told me to do.
15 Q. Right. And then down Highway No. 242, that comes in and
16 intersects right there with Highway 701, don't it?
17 A. Yes, sir, it does.
18 Q. Right. And then 242 and 701, they both come on into
19 Elizabethtown?
20 A. That's right.
21 Q. And Highway 87 from Elizabethtown goes over to Fayette-
22 ville, don't it?
23 A. I assume so. I don't know that for a fact.
24 Q. You don't know that for a fact?
25 A. No, sir, I don't.

Q. All right. Now, - but you know where Turnbull Creek is on here, don't you? You remember Turnbull Creek there right below the Prison Camp?

A. Is this coming up going toward Elizabethtown?

Q. Coming toward Elizabethtown, right, on this side of the Prison Camp.

A. Oh. This is this little trestle you go across, this little bridge?

Q. Yes.

A. Yes, that's right. That's right. You go across that bridge.

Q. Right. And then you go across this bridge. You go on the bridge across the Cape Fear River?

A. That's right.

Q. And so, this diagram here, State's Exhibit No. 14 - I mean, No. 15, is a correct and accurate description of Highway 701, the Prison Camp, Highway 242, Turnbull Creek, the Cape Fear River, and that road that goes on over into Elizabethtown, isn't it?

A. Yes, sir.

Q. And Highway 701 goes on through Elizabethtown, isn't that correct?

A. Yes, sir.

Q. All right, sir. Go back to the stand. Now, you say you went over the fence and you didn't take anything with you?

A. No, sir, I didn't.

Q. All right. Now, what did you do after you went over the fence?

A. I waited until it got dark. I decided that - it was my estimation they probably would figure like, say, in the neighborhood of four o'clock they would assume that I had been already gone, had enough time - ample time for someone to come pick me up and carry me on to a destination where I would be far away from the environment by that hour, the check, the count time.

Q. What time was count time?

A. About four o'clock.

Q. About four o'clock?

A. That's right.

Q. All right. Now, how far away did you go from the Prison Camp?

A. I was right there in the neighborhood of the Prison Camp at four p.m.

Q. About how far away were you away from the Prison Camp?

A. No more than maybe, say, maybe 500 yards.

Q. No more than 500 yards?

A. That's right.

Q. Did you see anybody come looking for you after four o'clock?

A. No, sir. Nobody. I seen people leaving the institution

1 from their visits.

2 Q. And did you see anybody - or hear any dogs barking after

3 four o'clock.....

4 A. No, sir.

5 Q. .....after the last head count?

6 A. No.

7 Q. You never did hear any dogs barking out there, did you?

8 A. No, sir, I didn't.

9 Q. Did you?

10 A. No, sir.

11 Q. And you never saw any people coming down there in that

12 direction looking for you?

13 A. No, sir.

14 Q. All right. Now, approximately how long did you stay

15 back there in the woods?

16 A. Well, it had to be between - it being the month of

17 September, the sun doesn't set until after eight o'clock.

18 It was about eight-thirty.....

19 Q. About eight-thirty.....

20 A. .....because I waited until it got completely dark.

21 Q. About eight-thirty or nine o'clock before you left?

22 A. Completely dark. The sky was dark black, in September.

23 Q. All right. And in fact the truth about the matter is

24 we are talking about two years ago from next week, aren't we?

25 A. Exactly.

Q. Right.

A. Yes, sir.

Q. And you say you waited until eight-thirty or nine o'clock that night until it got completely dark before you moved?

A. Yes, sir.

Q. All right. Now, when you moved, what did you do?

A. Oh, I crossed the highway going where I could visualize the traffic coming toward me, so I could understand and see exactly in front of me what is taking place. So, whenever an occurence was taking place as far as the visual eye can see, I would witness a physical creature moving on the earth, I would duck behind some bushes and some trees.

Q. All right. And that was along Highway 701 as you were going along there, is that right?

A. Going straight up toward Elizabethtown.

Q. Straight up toward Elizabethtown on Highway 701, just like we looked over there on the map a minute ago?

A. Directly toward the city.

Q. All right. Now, about where did you - how many stops did you make?

A. Sir?

Q. How many stops did you make along Highway 701?

A. One in particular. Because it had to be after ten-thirty or eleven, I know, because the fact there was this people in this particular area out there in this place where they play

1 music, coming toward this - toward the Prison Unit.
2 Q. Well, how far down from the Prison Unit was that?
3 A. I know it had to be in the estimation of particularly
4 about three or four miles, about two or three miles at the
5 most.
6 Q. All right. Now, was that on which side of Highway 242?
7 Had you passed Highway 242 coming into.....
8 A. No. I'm talking about leaving the Prison Unit going
9 toward Elizabethtown.....
10 Q. Right.
11 A. .....I stopped at this particular place there. Everybody
12 was standing outdoors, and inside the place - is a music place
13 where people listen to music and dance and et cetera.
14 Q. And where was that? Tell me where that place was?
15 A. It was right there in the neighborhood of a place where
16 they fix cars, like a car auto parts place where they fix cars,
17 paint cars and et cetera.
18 Q. Well, what I - you see, I'm from Raleigh, and I don't
19 know where you are talking about.....
20 A. Well, I'm from Savannah, Georgia. All I know, we come
21 to and fro down this particular highway going - leaving from
22 White Lake Prison Unit to Elizabethtown.....
23 Q. Well, all right.....
24 A. .....and this particular place is on the same road that
25 leads toward Elizabethtown.

1 Q. All right. Now, when you are talking about the road that
2 leads toward Elizabethtown, are you talking about before or
3 after you cross the Cape Fear River, the big long bridge that
4 is down there?
5 A. It is before you get to the Cape Fear River down there.
6 Q. Well, how far?
7 MR. MOORE: Well, I object to that, your Honor. I
8 think he has already said he doesn't know.
9 COURT: Overruled.
10 A. It had to be in the vicinity - it had to be about three
11 miles from White Lake. White Lake is about seven miles from
12 Elizabethtown, isn't it.....
13 Q. All right. Now, how far.....
14 A. .....so say about - three and four is seven, so that
15 would be four miles to go to get to Elizabethtown.
16 Q. How far is it from the Cape Fear River?
17 A. Now, that - my estimation on that mileage is inconception
18 to my understanding. I don't know.
19 Q. You don't have.....
20 A. It is in the range of a mile, I know that much.
21 Q. I beg your pardon?
22 A. I know it's - the signs say that from White Lake to
23 Elizabethtown is seven miles.
24 Q. Well, what I want to know is how far.....
25 A. So.....

1 Q. .....is the place you stopped from the Cape Fear River? 33
2 A. I don't know. It had - well, let's say about four miles
3 then.
4 Q. Four miles on the other side of the river?
5 A. It was two people - it was four people standing out there
6 beside the automobile. I asked them were they going to town
7 at that particular time. They said no, they wasn't going to
8 town at that particular time.
9 Q. All right. Now, let me ask you this: Was the place you
10 stopped along here on Highway 701, in this area around Turnbull
11 Creek?
12 A. Well, White Lake - coming out of White Lake Prison Unit
13 to where I was.
14 Q. All right. Come up here and point out to me on State's
15 Exhibit 15 about where you stopped. You said here is the
16 Prison Camp.
17 A. Here is the Prison Camp right here.
18 Q. All right.
19 A. Let's say from here within a range of maybe three miles
20 would be where?
21 Q. Well, you show me where you stopped.
22 A. Well, it's a place - it's a.....
23 MR. MOORE: Your Honor, I object to that. He has no
24 way of saying where three miles is.
25 A. .....there's a environment in there and people listen to
music in the place. Leaving White Lake Prison Unit, it's over

on the lefthand side going toward Elizabethtown.

Q. All right. Now, here is the Cape Fear River, here is Turnbull Creek.....

A. It's way before you get to the Cape Fear River. From White Lake to Cape Fear River is about six miles. I would say in a range of White Lake of about two or three miles.

Q. All right. You say about two or three miles, somewhere up in here?

A. This is the environment I asked for a ride.

Q. Is that the place you stopped and asked for a ride?

A. That's the place.....

Q. That right there where that No. 701 is?

A. It was - no - it was - from White Lake Prison Unit in the area about two or three miles would be somewhere in this neighborhood.....

Q. Somewhere in that neighborhood.....

A. .....from White Lake.

Q. Okay. Somewhere right there. Okay.

A. That's right. As soon as they wouldn't give me no ride, then I continued with my journey on foot.

Q. All right. And you stopped there at what time?

A. Oh, it had to be about ten o'clock.

Q. All right. Now, what did you do after you stopped there?

A. I asked an individual being was he going toward Elizabethtown at that particular time, and he said no. It was two

1 males and two females.
2 Q. Well, you told me about that. What I want to know is
3 what you did after you stopped there and you talked with them?
4 A. I continued on my journey, after they said they wasn't
5 going to Elizabethtown.
6 Q. And you continued on with your journey?
7 A. Yes, sir.
8 Q. All right, sir. Now, when you talked with Mr. Phillip
9 Little and rode with him on September the 9th, of '77, you
10 never took him to that place, did you?
11 A. What you say now? Rephrase your statement again.
12 Q. When you talked with Mr. Phillip Little on September the
13 12th, 1976, and you rode around with him that day, you never
14 stopped at that place and told him you had stopped there to
15 ask some brothers and sisters for a ride, did you?
16 A. Well, on the morning of - let's say that it was - the
17 exact day, it was the 9th or 10th, maybe the 10th of September,
18 I know Sheriff Allen came in the jail and asked me the question,
19 asked me would I mind answering some questions. And he said
20 that - I said that I would coincide to the best of my intelli-
21 gence. So, they brought me down here on the escape. It was
22 Sheriff Allen - there was another S.B.I. Agent, but he hadn't
23 appeared in the courtroom. He was the major man that was up
24 over it, but I haven't seen him in the courtroom since then.
25 I mean, he hasn't been here. But he was one that give me foot-

1 prints and fingerprints, and he brought me down here on the
2 escape.....
3 Q. Joe.....
4 A. .....from White Lake Prison Unit.....
5 Q. Joe.....
6 A. .....but he is not on this premises.
7 Q. If you will answer my question: You rode around with
8 Mr. Sledge (SIC) here, didn't you, and Deputy Sheriff Storms
9 on the 12th of September, 1976, didn't you?
10 A. If that's the exact date. Is that the exact date?
11 Q. That's the exact date according to the evidence in this
12 case.
13 A. It could have been a day before, a date earlier.
14 Q. All right. Well, anyway, you got in the car with this
15 man here and Sheriff Storms?
16 A. That's right.
17 Q. And you rode around with them that day, didn't you?
18 A. Yes, sir.
19 Q. And you went to certain places, didn't you?
20 A. That's correct, sir.
21 Q. And you told them certain things that day, didn't you?
22 A. Yes, sir. I answered certain questions.
23 Q. And one of the questions they asked you was for you to
24 tell them where you went after you escaped, didn't they?
25 A. Correct. That's right.

Q. Right. And when they asked you to take them where you went, you didn't take them to this place and tell them that you stopped there and asked for a ride into Elizabethtown, did you?

A. Yes, sir, I did. I told them everywhere I went and the exact statements that I made to them to tell them that these individual people that was out in front of this place. I showed them the place, but that was impractical to what they was interested in finding out. So, they asked me, where were you. And I said that I waited until it got dark and walked to Elizabethtown.

Q. All right. Now, you said that you did tell Mr. Little about stopping up at that place.....

A. This juke joint. Yes, sir, I did.

Q. .....and that you took him up there?

A. Yes, sir. There was a bunch of policemen I explained it to.

Q. All right. Now, after you left that place on the 5th of September after you escaped, after you left the piccolo place, where did you go?

A. On foot toward Elizabethtown. I was still on foot walking.

Q. All right. And about how many miles did you have to walk?

A. I don't know. Maybe about four miles.

Q. About four miles?

A. Three or four, yes, sir.

Q. All right. Now, did you stop anywhere during that four mile period?

A. No, sir.

Q. You did not?

A. No, sir.

Q. All right. What did you then do after you got into Elizabethtown?

A. Well, see, what I do, I walked - I waited until I got to the Cape Fear River. I became skeptical about being visualized by some oncoming traffic, to get across that bridge in this particular time without being seen, so, I waited until all the traffic from the red light, as far as I could see all the way, about maybe about three hundred football fields - about three football fields. So, I could see the red light, and I couldn't see no traffic. So, I seen the red light. So, I said, if I can beat this red light before it turns green, I can get all the way across that bridge before anybody comes down the bridge to see that I'm going across the bridge. So, when I got toward the bridge, I waited. And when the light turned red, I broke out and ran all the way across the bridge.....

Q. All right.....

A. .....without being seen.

Q. .....about what time was it when you crossed the bridge?

A. Oh, it was late. It was - it had to be - I know it had to be after mid - well, see, I'm miscalculating the time. See, the time is getting - is confused on this matter because it was late because of the fact that I know that I waited until after eight o'clock to leave from all the way down there. And walking in that particular area on foot, just walking not running. About - I would say it had to be roughly in the neighborhood of midnight.

Q. About midnight?

A. Yes, sir.

Q. So, by midnight on the 5th of September, the day you escaped, by midnight you were at the Cape Fear Bridge?

A. Yes, sir. I was at the Cape Fear Bridge about midnight or before midnight.....

Q. All right.....

A. ..... We will say - we are pushing it close. It was late, late, because this is why: When I got to Fayetteville, there was still people and pedestrians in the community.

Q. I know, but what I want to ask you is according to your best estimate, it was midnight when you got to the Cape Fear Bridge?

A. That's right.

Q. And you are satisfied with that time?

A. Yes, sir.

Q. Okay. All right, sir. Now, after you got to the Cape

1 Fear Bridge and after you waited so you could get across, what
2 did you then do?
3 A. Oh, I waited - when I got across the Cape Fear Bridge,
4 I went in this particular area in this neighborhood, where I
5 sat down and waited in this area. When I seen these officers in
6 the community investigating for - the night watchmen inside the
7 city.
8 Q. All right. Now, that was when you got off of Highway 701?
9 A. After I got all the way off the Cape Fear Bridge.
10 Q. After you got off the bridge, you got off of Highway 701
11 when you saw the officers over there, and you turned to the left
12 and went up a dead end street, didn't you?
13 A. No. See, when I got across the Cape Fear Bridge in
14 Elizabethtown, I sat on the side of this church like, the
15 mortuary right there in the City of Elizabethtown. And these
16 officers was watching over these car lots, night watchmen.
17 Q. Yes. That's when you got off of Highway 701, the main
18 road?
19 A. The main road from Elizabethtown?
20 Q. Yes.
21 A. Yes. I was all the way across the bridge inside the city.
22 Q. All right. And then you got off the main road at that
23 time and took a left and got over into a place where there won't
24 as many folks?
25 A. Well, you know where this building - that brand new

1 building right there on the corner there right catty-cornered 33
2 from the Cape Fear Bridge?
3 Q. No, I don't.
4 A. Well, they built a brand new building here, right here
5 previously.
6 Q. But, anyway, you turned to the left and got off of the
7 main road going into Elizabethtown after you passed the bridge,
8 didn't you?
9 A. After I cross the Cape Fear Bridge, it's - from the Cape
10 Fear Bridge going across the Cape Fear Bridge toward Elizabeth-
11 town I beared around to the left.....
12 Q. Right.....
13 A. .....and walked on around.
14 Q. And you walked on around and you went up this street
15 here. You turned off of 701, and you walked off and got on
16 Queen Street, didn't you, and then you went down Lower Street
17 here?
18 A. In Elizabethtown?
19 Q. Yes.
20 A. It's a church. There's a church. There's a church right
21 somewhere. There's a church on the corner. There's a church
22 on the corner because there is a little branch bank right
23 there off the corner right there, right off from the little
24 church.
25 Q. All right. You went down and you got on Lower Street

1 and you stole a sweater down there, didn't you?
2 A. That's what I done.
3 Q. Okay. And this sweater here, introduced into evidence
4 as State's Exhibit No. 18, this is the sweater you stole from
5 that woman's clothes line?
6 A. That's right.
7 Q. That's the sweater you stole, ain't it?
8 A. That's right.
9 Q. When had you discarded your other sweater, the sweater
10 that you had when you left the penitentiary?
11 A. Oh, it wasn't no sweater. This was a shirt.
12 Q. It was a shirt?
13 A. It was a shirt, see.
14 Q. Where had you discarded that shirt?
15 A. It was like a sweat - a tee shirt.
16 Q. Yes.
17 A. Well, this tee shirt got so badly tore walking through
18 those bushes, and so I took a shirt out a man's truck, out of
19 a man's truck going toward the city.
20 Q. All right. Now, the shirt that you took - but now you
21 say you stole a shirt from a man's truck?
22 A. It was a woolen button-up shirt.
23 Q. All right. And that was in a man's truck. Where was
24 that truck located?
25 A. It was parked in the yard.

1 Q. And what road was it on?

2 A. 701, I think. That's the road. 701 is going toward

3 Elizabethtown.

4 Q. 701?

5 A. It had to be.

6 Q. Now, let me ask you this: What did you do with your

7 prison shirt that you took off when you stole the shirt from

8 the man?

9 A. I put it down inside this tractor-trailer on this man's premises. This tractor-

10 trailer, the rig - the rig was there, but the tractor-trailer

11 wasn't. I mean, the trailer wasn't there, but the rig was.

12 The trailer, you know, this great big trailer, it was parked

13 on the premises.....

14 Q. All right.

15 A. .....I took the shirt and wrapped it up and put it inside

16 the rig, and put the shirt - it was so badly torn, see - so, I

17 put this other shirt, this woolen here, out the front seat of

18 the car.....(COUNSEL AND WITNESS TALKING SAME TIME.)

19 Q. Where did you hide the prison shirt?

20 A. I put it on the rig.

21 Q. You put it on the rig?

22 A. That's right. And took this other shirt out and put this

23 other shirt on.....(COUNSEL AND WITNESS TALKING SAME TIME.)

24 Q. .....why did you change shirts?

25 A. Why? Because it was torn. It was an old institutional

1 shirt that matched the pants, the green pants..... 34
2 Q. Yes.
3 A. .....but it was torn, little moth holes in it. And it
4 got a little torn, so I took it off.
5 Q. Well, did you take Mr. Phillip Little back to where that
6 shirt was?
7 A. Yes, sir, him and a few other officers.....
8 Q. All right.....
9 MR. MOORE: I object, your Honor. He is not giving
10 him an opportunity to answer the question.
11 COURT: Don't cut him off, Mr. Chalmers.
12 MR. MOORE: Did you finish your answer there, Mr.
13 Sledge?
14 A. Sir?
15 MR. MOORE: Did you finish your answer?
16 A. Yes, sir.
17 Q. All right, sir. Now, you took the officers back to look
18 for the green prison shirt?
19 A. Yes, sir. We went out looking for it.....(COUNSEL AND
20 WITNESS TALKING SAME TIME.)
21 COURT: You will have to talk one at the time, gentle-
22 men. Mr. Sledge, let me ask you, sir, don't start answering
23 until he finishes his question. Mr. Chalmers, don't you start
24 questioning him until he finishes his answer. Don't cut each
25 other off.

Q. All right, sir. Now, you took the officers back to the prison to look for a prison shirt, didn't you?

A. Yes, sir, we did.

Q. And you never found it, did you?

A. No, sir.

Q. All right, sir. Now, you say the next shirt that you took was a white shirt?

A. No. This shirt - this shirt was a woolen shirt. It looked like a workman's shirt, you know, one of these workmen's shirts. It was a woolen shirt. It was a woolen shirt. It was a buttoned, you know, woolen workman's shirt, like you work in a mill somewhere.

Q. All right, sir. Now, did you put that shirt on?

A. Yes, sir.

Q. And you wore that shirt?

A. All the way to town.

Q. All the way to town?

A. Yes, sir.

Q. And then you went to Mrs. Cassidy's clothes line and took the sweater here, State's Exhibit 18, which you just looked at?

A. Yes, sir.

Q. You took that sweater and put it on and discarded the other shirt?

A. Took the other shirt off and put it in the trash can, but they was unable to confiscate that shirt that I taken out the

truck.

Q. All right, sir. Why did you take that shirt off?

A. Because this here shirt was a better shirt. It was a better shirt as far as the pants was concerned. This other shirt wasn't nothing but an old woolen shirt that workmen, you know, a workman's shirt. So, I just put that shirt on because it was cool anyway at that particular hour of the night. And I took this other shirt because it was a better shirt, I mean, as far as the pants were concerned. And so, I put that on, and then put on some gray pants up under the shirt - up under the insititutional pants.

Q. Where did the pants come from?

A. Up under the carport, right there in the same neighborhood where that shirt came from.

Q. I see.

A. And somebody had a pair of pants laying out there on the carport. So, I put these gray pants on over these green pants because the gray pants were a little too hefty. They were a little too large in size as far as the waist band is concerned. So, I put them on and put the gray pants on to hold them up, to keep them on. So, when I had gotten to Fayetteville, this - when the officer got in behind me out there at the Texaco Stati when he told me to stop and get out, I wouldn't.

Q. You wouldn't?

A. No, sir.

1 Q. All right. Now, let me ask you this: After you took the
2 shirt, State's Exhibit No. 18, you stole the car that belonged
3 to Mrs. Thompson (SIC), is that right?
4 A. Yes, sir. See, the keys were left in her car.
5 Q. And you took her car?
6 A. From the front of her door.
7 Q. All right, sir. And then you left Elizabethtown and went
8 to Fayetteville?
9 A. Went to Fayetteville.
10 Q. All right, sir. Now, after you got her car, where did
11 you go?
12 A. After I got in her car?
13 Q. Uh-huh.
14 A. I tried to push it out from in front of her door, but it
15 was too heavy. So I cranked it up right in front of the door
16 .....(COUNSEL AND WITNESS TALKING SAME TIME.)
17 Q. .....what time of night was this?
18 A. It had to be - it wasn't twelve o'clock. It had to be
19 twelve or - it was the early early wee small hours of the morn-
20 ing. It was way early in the morning, because people was still
21 in the area in the civilization. So, I assumed it had to be
22 early in the morning, maybe twelve-thirty. My calculation at
23 the time, it should have been.....
24 Q. Well, when you left Elizabethtown in the car you saw the
25 time that you left Elizabethtown, didn't you?

1 A. Well, see, what it was, it was some - I know, it was after
2 midnight. This officer was parked on the side of this area in
3 Elizabethtown when I pulled across the red light going straight
4 out through the city. Through the city, where the courthouse
5 is, it goes straight on through the city. I kept straight on
6 out through the city. And I saw the officer was parked at the
7 curb, but I just ignored him and kept right on going until I
8 got to Fayetteville.
9 Q. All right. Now, when you went to Fayetteville, you did
10 not go on Highway 87; you went on down beyond - you passed the
11 bridge again, didn't you?
12 A. No, sir. No, sir. I went straight on to Fayetteville,
13 because when I got to Fayetteville there was two women I had
14 knowed out there about the truck stop. I come off the bridge
15 on this side going into Fayetteville.
16 Q. Now, when you left Elizabethtown.....
17 A. When I left Elizabethtown.....
18 Q. .....did you go out beyond the bridge again?
19 A. No, sir. I went straight through the city.
20 Q. Well, if you went straight through the city, then you
21 had to go right by the.....
22 A. No. See, when I left Elizabethtown, this particular ar
23 where this lady's car was parked.....
24 Q. Right here is where you stole the car.
25 A. Okay. All right. Now, what is the name of the street
that runs straight through the city, the business district?

1 Q. Highway 701, did you go back out there?
2 A. I am talking about going through the business district.
3 Q. That's what I'm talking about.
4 A. That is going through the business district, going
5 straight through the business district?
6 Q. That's right.
7 A. Going straight out going toward Fayetteville?
8 Q. Right.
9 A. Okay. How could I come over the bridge when I come straig
10 through the business district?
11 Q. I don't know. I want to know after you got in that car,
12 did you go back across the Cape Fear River?
13 A. No, sir. I didn't go back across the Cape Fear River.
14 Q. Okay. Now, - but Mr. Little was correct when he testi-
15 fied that you told him that when you left Elizabethtown you saw
16 the clock and it said 2:02, isn't that right?
17 A. Who you say now? Mr. who now?
18 Q. Mr. Little.
19 A. When he said 2:02?
20 Q. Yes. The clock said 2:02 when you left Elizabethtown,
21 didn't it?
22 A. When I left Elizabethtown?
23 Q. Yes.
24 A. You see, these calculations (WITNESS UNINTELLIGIBLE.)
25 They got me all confused about the time. Because see, I picked

1 up an individual in Fayetteville and carried him home for a
2 dollar bill. So, it had to be somewhere in the neighborhood
3 about - at that time about after two o'clock. Because when I
4 first arrived in Fayetteville, there was these two women sitting
5 at the truck stop down in Fayetteville out there on the high-
6 way. They were the very first two people I saw because they
7 asked me what I was doing there.....
8 Q. Well, let me ask you this: Didn't you tell Mr. Little....
9 A. Who?
10 Q. Didn't you tell Mr. Phillip Little when he talked with
11 you that when you left Elizabethtown you looked at the bank
12 clock and it said 2:20?
13 A. Well, at that particular time, see, the hour, the exact
14 hour of the time, see, that was confused about that particular
15 time that hour. It was late. It was late. It was real late.
16 Q. Don't you remember telling Mr. Little that it was at
17 2:20 when you left Elizabethtown because you looked at the
18 bank clock?
19 A. Well, that's what I'm saying. I looked at that bank
20 clock. That bank clock was - well, I knowed it was late. But
21 see, this is what got me all confused about time. From the
22 time I left the Unit until the time I confiscated this auto-
23 mobile and drove it to Fayetteville, it was late. I know that
24 much. See, what the fact is I'm trying to get established in
25 my mind is people were still in the environment in the city at

that particular time at night, so I figured it had to be a little earlier from the time that I had started to Fayetteville from the course of an hour that I had left from Elizabethtown before it had gotten daybreak, daylight. So, I had to be in that area at Fayetteville from that particular time, say maybe three or four hours, something in that neighborhood, three hours at the most.

Q. Mr. Sledge, my question to you is this: Did you tell Mr. Phillip Little that you left Elizabethtown at 2:20 because when you left you saw the clock at the bank?

A. Well, let's say 2:20 then. Let's say 2:20. I'm not positive about nothing.

Q. You are not positive about nothing?

A. No. Not for a definite concrete yes or no.

Q. All right, sir. Now, let me ask you this: When you got over to - you were familiar with Fayetteville?

A. Well, I was in the Army in '65 from Savannah, Georgia, at Ft. Bragg, North Carolina. That's how I got familiar with Fayetteville.

Q. All right. And you, of course, met Vernon Baker in 1969?

A. No, sir. I was in Norfolk Reformatory doing time in 1969.

Q. I'll ask you if you didn't meet.....

A. No, sir, I did not.

Q. .....Baker in 1969 at the pool room in Fayetteville?

A. No, sir. No, sir. I didn't come to Fayetteville until

1 after '70. I was in Norfolk in 1969.
2 Q. I'll ask you if you didn't just say a minute ago that you
3 went into Fayetteville in 1966 in the Air Force?
4 A. I was drafted in the Army on September 13th, 1965. I had
5 come to Fayetteville in November, '65.
6 Q. All right. How long did you stay in the Air Force from...
7 A. I stayed in the Army, 24th Transportation Unit in the
8 Army, in '65.
9 Q. All right. And that was in Fayetteville, wasn't it?
10 A. That was at Ft. Bragg, North Carolina.
11 Q. Right. And how long did you stay there?
12 A. I stayed in Fayetteville for about ten months.
13 Q. About ten months?
14 A. At Ft. Bragg.
15 Q. All right. And then where did you go?
16 A. From '69 I was working in a golf course in Dawestown
17 (PHONETIC), Pennsylvania.
18 Q. Well, I'll ask you if you didn't meet Joseph Sledge (SIC)
19 at a pool room called the Hole in the Wall in 1969?
20 A. No, sir. That's a lie. You look that up and find out.
21 I was in jail in '69. You have got to look that up.
22 Q. And the bartender there at the Hole in the Wall was named
23 Mr. Harris. Do you remember Mr. Harris there?
24 A. Bob Harris was in Fayetteville when I first come to
25 Fayetteville at Ft. Bragg.

1 Q. All right. And he was running a place called the Hole in 35
2 the Wall, wasn't he?
3 A. Called "Ash." That's right.
4 Q. That's right. And Willie worked at the bar. You remem-
5 ber Willie?
6 A. That's right. Yes, sir. Willie Currie was the man - my
7 companion from my home town, from Savannah, Georgia.
8 Q. Right. And that was during '69 and '70, wasn't it?
9 A. That was in '65. '65, '66.
10 Q. Yes. And '69 and '70?
11 A. No, sir. '69 and '70 I was in the north.
12 Q. You were in the north?
13 A. You can look it up. I tell you it's on record.
14 Q. Now, where is the Hole in the Wall located in Fayetteville?
15 A. It's on Hillsborough Street, called Ash's Pool Room when
16 I was there.
17 Q. I'll ask you if it isn't on Franklin Street there in
18 Fayetteville?
19 A. No, sir. Bob Harris runs Ash's Pool Room on Hillsborough
20 Street.
21 Q. It's on Hillsborough Street?
22 A. Yes, sir.
23 Q. All right.
24 A. In '69 I was in Norfolk Reformatory.
25 Q. All right. And I'll ask you if you weren't in that pool
room with Baker, and the place was run by Harris, and Willie

1 was the one who worked at the bar?

2 A. No, sir. I never seen Baker before in my entire life.....

3 Q. You never saw Baker before in your.....(COUNSEL AND WIT-

4 NESS TALKING SAME TIME.) When is the first time you ever saw

5 Baker?

6 A. Down there at White Lake Prison Unit.

7 Q. The first time you ever saw.....

8 A. No. Carthage, I think.

9 Q. Huh?

10 A. Carthage, I think.

11 Q. Well, let me ask you this: Do you know Alexander Williams

12 in Fayetteville?

13 A. No, sir.

14 Q. Huh?

15 A. No, sir.

16 Q. Do you know Alexander that they call "Cue" there in

17 Fayetteville?

18 A. What you say now?

19 Q. Do you know an Alexander that they call "Cue" there in

20 Fayetteville?

21 A. No, sir, I don't.

22 Q. Well, do you know "Cue" in Fayetteville?

23 A. No, sir, I don't.

24 Q. You never heard of "Cue?"

25 A. No, sir.

Q. And you don't know that "Cue" is now in the Atlanta

1 Penitentiary?

2 MR. MOORE: Well, I object, your Honor.

3 A. No, sir. I know a Willie Currie. Willie Currie was in

4 Leavenworth there about thirty years.

5 Q. Uh-huh.

6 A. That's all I know. I'm from Savannah, Georgia. See,

7 Currie was in the 82nd Airborne Division, see, and I was in the

8 Medic Transportation Unit in '65. He was from Savannah in the

9 Paratroopers, and I was from Savannah in another outfit.

10 Q. All right. Do you know Teresa that lives on Deep Creek

11 Road in Fayetteville?

12 A. No, sir. All I know is Willie Currie. That was my only

13 acquaintance with a civilized human being for that environment

14 Q. Willie who?

15 A. Willie Currie.

16 Q. Nobody else?

17 A. I was a soldier, see. Currie was a pedestrian of the

18 city. He was a resident of Fayetteville.

19 Q. All right. Well, do you know a Glendell Pinckney in

20 Fayetteville?

21 A. Yes, sir.

22 Q. What does Glendell Pinckney do?

23 A. Who?

24 Q. Glendell Pinckney.

25 A. I was in the service out there at Ft. Bragg, and she wa

1 pregnant with a baby when I first saw her.
2 Q. I see.
3 A. Yes, sir.
4 Q. And - well, do you know Jim Buck Walters there in
5 Fayetteville?
6 A. No, sir. No, sir.
7 Q. "June Bug" Walters?
8 A. "June Bug" Walters?
9 Q. Yes.
10 A. No, sir.
11 Q. You do not? All right, sir.....
12 A. I know - what you say about knowing a guy, now, there was
13 this old man named "Tomahawk." Now, I knowed him when I was a
14 soldier out there from Ft. Bragg. He was an old veteran from
15 the Army.
16 Q. All right. Now, let me ask you this: After you got to
17 Fayetteville, what did you do?
18 A. After I had gotten to Fayetteville on that particular
19 evening, I saw these two particular individual females out
20 there in a trucking unit out there at this truck stop. You
21 know you make a right - you bear to the right going into the
22 city going to the city from Elizabethtown? I met these two
23 women there, and they looked at me and I looked at them.....
24 Q. What time of the morning was it you saw them?
25 A. It had to be real early in the morning. It had to be

1 every bit after one o'clock.
2 Q. Could it have been as late as seven o'clock in the morn-
3 ing?
4 A. No, sir. It wasn't even daybreak. It was way in the
5 early wee small hours of the morning.
6 Q. Now, let me ask you this: When you picked up the girls
7 there in Fayetteville that morning.....
8 A. I didn't pick up no girls in Fayetteville. There wasn't
9 nobody picked up. I picked up a guy and carried him to a job
10 at the airport, and he gave me $2.
11 Q. He gave you $2?
12 A. For carrying him to work.
13 Q. All right. And then after you carried him to the air-
14 port, you saw these two girls, didn't you?
15 A. No. After I carried him to the airport, I went and
16 parked and went to sleep.
17 Q. You went and parked and went to sleep?
18 A. Out there on the Murchison Road, out there in the neigh-
19 borhood.
20 Q. All right. And then after you woke up after you went to
21 sleep, is that when you saw the girls?
22 A. No, sir. The women was found early, about 2:30 a.m. in
23 the morning. Let's put it that way, about 2:30 a.m. in the
24 morning. They was out there at the truck stop sitting down,
25 and they was - immediately after I left Elizabethtown.

Q. All right. Well, now, after that.....

A. I was in the stolen automobile.

Q. .....did you then steal a set of license plates from a car in Fayetteville?

A. These license plates, it was stolen. It was a parked unused car to keep the license plate - to keep the plates from being visualized, and I switched plates on the automobile.

Q. You stole a license plate and switched plates?

A. That's what I did. That's right. That's right.

Q. All right. Now, did you also steal two tires and the gas can?

A. No. I didn't steal two tires. There was one tire and a gas can in the car. The gas can came from - I think the gas can was borrowed.

Q. You stole the gas can?

A. No. An I.O.U. You know, you give me $2 and tell me when I return the $2 back you will give me the gas can.

Q. Well, how did you get the gas can?

A. I got the gas can because I ran out of gas. And I went to go put the gas in and go carry the gas can back to the man, the man jumped and got me, and that's the reason.....

(COUNSEL AND WITNESS TALKING SAME TIME.)

MR. MOORE: Objection.

COURT: Don't cut him off, please.

MR. MOORE: Go ahead and tell about the gas can.

A. I was going to carry the gas can to the person I got the gas can from, the man down there at the Texaco Station where I was getting gas to put in the car. The officer got in behind me before I could straighten things back out.

Q. All right. Now, where did you get the tires that you put in the back seat of the lady's car?

A. That tire came out - that tire came off - out the side of a building, I believe. I believe it was a bunch of old tires inside on this lot where they were dumping old wrecked cars in, wrecked cars, old abandoned cars. So, I put that tire inside - I took the tire and put the tire inside the car.

Q. You got two tires.....

A. I assumed that that medium sized tire would fit that particular car. I was getting ready to make a long journey down south.

Q. You got two tires there, is that right?

A. There was just one tire.

Q. One tire?

A. That's all.

Q. All right. Now, then you saw the officer, and he pulled up and tried to get you to stop, didn't he?

A. That is what he tried to do.

Q. All right. And he chased you for some three miles.....

A. No. No. It wasn't that far.

Q. How far was it?

A. Maybe the length of two football fields.

Q. Two football fields?

A. About three at the most. Because I parked in this yard and jumped the fence and went and hid up under the house all night long. I hid up under the house. See, when I jumped the fence, I didn't realize the fact that I had gotten over the fence. I didn't think I had gotten over. I got over on the other side and I jumped the fence twice. I think then is when these scratches on me came from.

Q. You say what?

A. I say, this is where I assume that these here scratches - I didn't knowed I was scratched. See, I hid up under the house I stayed up under the house all night long, and didn't come out the next morning about 7:30 or 8:00 o'clock after.....

Q. Well, why didn't you stop when the officer turned on his blue light and siren and got up to eighty miles an hour trying to catch you? Why didn't you stop?

A. Who? Me?

Q. Yes.

A. Because they were trying to connect me with something I didn't know nothing about.

Q. Well, how did you know they were trying to connect you..

A. Because it was in the paper. It was in the paper. The man had the paper, and the man told me, said they were looking for me to investigate me for murder. I said, what? It shook

me up a great deal. I said, Man, I better get to where I can get some help from somebody, because these people around here - I'm not with familiarity with nobody in this area. There's nobody to say nothing to me or help me do nothing.

Q. Well, why didn't you stop and tell the officer that was chasing you at eighty miles an hour, stop and tell him exactly what you are telling these folks sitting on the jury?

A. That would be absolutely, because the fact that there still would be no concern there to upgrade my -- to prove my side on my part. You understand a summation - an accusation. I said, I'm going to go to somebody that knows some facts, a definite fact.

Q. Well, who would you go to?

A. To a man. Go to a man and talk to him.

Q. What man were you going to talk to?

A. Down there in another area in the world.

Q. Well, tell me who that man is in the other area of the world that you were.....

A. See, I was working for an old man named Mr. Ralph Beasley (PHONETIC) before I gets busted, come to Fayetteville and get put in jail for four years. See, I been working for him durin the course of time I was arrested in Fayetteville in '73. I was working at Midnight Tech and Education Center at night, janitorial service. You see, prior to my coming to Fayettevil I was arrested for this - something happened in 1971, see.

They put me in jail in '73 because I jumped out the police car in '71 and went and hid in some bushes and left the city. And I left the city and was down there in Columbia, South Carolina, working for Mr. Beasley about eleven months. So, I decided to come to Fayetteville one day and come to jail, and when I come to jail I was placed in custody four years.

Q. All right. Well, let me ask you this: Why were you going down there to see him?

A. I was going to talk to that man about me being investigated for these two slayings that had occurred here in this - they put in the paper because I knowed somebody was going to...

Q. All right. Well, let me ask you this: Did you read anything about the two women being killed in the newspaper?

A. It was in the paper approximately - was it the 8th day of September?

Q. I don't know.

A. The paper stated - the paper stipulated that they were looking for Joseph Sledge, an escapee from White Lake Prison Unit, for the investigation of an alleged slaying of two female that was assassinated in their home September 5th, 1976.

Q. Did you see that in the newspaper?

A. That's right.

Q. What newspaper was that in?

A. The Fayetteville Observer.

Q. Huh?

A. The Fayetteville Observer.

Q. Was it in the Fayetteville Observer?

A. It was in the Fayetteville paper.

Q. When was that?

A. September, of '76.

Q. September, of '76?

A. 1976.

Q. Well, you had already left Fayetteville on the 7th of September?

A. No. I didn't get busted in Dillon, South Carolina, until the 9th day of September, 1976.

Q. Until the 9th day of September. Well, now, when the officer tried to stop you on the 7th, there won't nothing in the paper about.....

A. I said between the 5th and the 7th, from the time I left the Prison Unit they had it in the paper. They were looking for me, in the paper, for being investigated for two slayings that occurred down there in Bladen County. They were looking for me to investigate me. They wanted to question me about it. That is what the paper stated.

Q. You were being chased by the officer to be stopped on the 7th of September.....

A. Well, listen. Wasn't there information in the paper pertaining to this in the Fayetteville Observer between the 5th and the 9th day of September.....

1 Q. Not as I know of.

2 A. .....from the time I left the Unit until I been apprehend-

3 ed?

4 Q. Not as I know of.

5 MR. MOORE: Well, I object, your Honor.

6 COURT: Overruled.

7 A. Well, this is what the paper stipulated because it was in

8 the paper, contradictory statement about notifying the Observer

9 paper.

10 Q. Now, what I want to ask you though is you didn't read the

11 Fayetteville paper until the 8th of September, did you?

12 A. I read the paper. It had to be - well, the exact date -

13 let me see. It was - it was - it was - let me see. The next

14 day - the next day when I come out from under that house, and

15 I got busted in Dillon, South Carolina. It was after midnight

16 when I was brought into Cumberland County, wasn't it? What is

17 the exact hour I was brought in from Dillon, South Carolina,

18 to Cumberland County?

19 Q. I don't know.

20 A. Well, that's the time because it goes through the mid-

21 night hour. It had to be the 7th day of September, I assume.

22 See, I'm working on a summation now; I'm not actual.

23 Q. In other words, you are asking this jury to believe you

24 on summation now, is that right?

25 A. It had - it was between the 7th day I know because of

1 fact that when the man apprehended me in Dillon, South Carol-
2 ina, it was the 9th he said. So, it had to be between the 7th
3 and the 9th when I was arrested in Dillon, South Carolina.
4 Q. Had you read a newspaper from the time.....
5 A. I read the paper in front of Fayetteville State Univer-
6 sity because the man had me push the car on the lot because I
7 had give out of gas in front of that particular area in the
8 section of the city in that particular automobile that was ta-
9 ken from Elizabethtown.
10 Q. Had you read a newspaper before the officer started
11 chasing you?
12 A. I did what now?
13 Q. Had you read a newspaper before the officer started
14 chasing you?
15 A. That's right. I read the newspaper before the officer
16 started chasing me.
17 Q. Well, he started chasing you on the 6th of September,
18 didn't he?
19 A. No.
20 Q. You escaped on the 5th of September, didn't you?
21 A. That's right. It was all the way around from that next
22 day.
23 Q. Huh?
24 A. From Monday. I didn't get - he chased me on a Tuesday.
25 I spent the night in Fayetteville that Monday, all night that
night until the next Tuesday.

Q. Don't you know.....

A. It was a Tuesday. It was on a Tuesday, wasn't it?

Q. Don't you know, Mr. Sledge, the bodies of the dead women weren't found until five o'clock on the afternoon of the 6th of September?

A. He said the Tuesday. I was arrested - I was chased on a Tuesday of September. I spent that whole Monday and the Monday night in Fayetteville city, sleeping in the car.....(WITNESS RAPPING ON STAND.)

COURT: All right.

A. .....out there in the area. I gets arrested on the - I gets chased on the Tuesday evening.

COURT: We are going to recess right now. You can step down and start back tomorrow. Members of the jury, we are going to recess at this time until nine-thirty tomorrow morning. We will at that time resume the trial of this case. Now, of course, I have advised all of you initially at the outset of these proceedings that it is not proper for any of you at any time to discuss this case with anyone. Also, for you not to discuss it among yourselves, or to allow anyone to discuss it in your presence. Now, members of the jury, I cannot tell you how serious an admonition this is. It would be very highly improper for any of you to talk to anybody about this case, or for you to talk about it among yourselves. It would also be improper for any of you to read, watch, or listen to any news

accounts because information that you would receive from such sources would not be evidence in this case, and it would not be proper for you to consider it. So, I must admonish you again very seriously to avoid any such contacts and conversations with any persons about the case. And I feel it is only proper that I should tell you that there has been some questions raised about this matter, and that it is something that we must guard against very, very carefully. So, please abide very strictly by those admonitions, and if anybody does attempt in any manner to contact you or talk to you about this case, please let me know immediately about that. It is vitally important that you do so. If you will please abide by those instructions, you may be excused, members of the jury, at this time until nine-thirty tomorrow morning. Everyone else remain seated. Members of the jury only may be excused at this time. (THE JURY RETIRES FROM OPEN COURT.) All right. I want to see counsel just briefly right after the recess. Take a recess until nine-thirty tomorrow morning.

AUGUST 31, 1978:

COURT: Let the witness come back to the stand. You may proceed, Mr. Chalmers.

CONTINUED CROSS EXAMINATION BY MR. CHALMERS:

Q. Now, Mr. Sledge, you, of course, know Herman Lee Baker, Jr.?

A. Yes, sir. From Carthage.....

1 Q. I can't hear you.

2 A. From Carthage, Carthage Institution. Carthage, in June,

3 of 1977.

4 Q. Uh-huh. And you know Donald Lee Sutton?

5 A. From White Lake Prison Unit.

6 Q. You know him?

7 A. I know of him. I don't know him personally. I never

8 had acquaintance with him.

9 Q. And you admit, do you not, being in the area of the home

10 of Ms. Aileen Davis and Mrs. Josephine Davis up until beyond

11 dark on the night of September the 5th, 1976, don't you?

12 A. No, sir.

13 Q. You deny that?

14 A. Yes, sir.

15 Q. Do you recall what you testified to yesterday?

16 A. Yes, sir.

17 Q. But you deny that this morning?

18 A. I beg your pardon?

19 Q. I didn't hear you.

20 A. You said, what I said yesterday?

21 Q. Yes.

22 A. Yes, sir. I know what I said yesterday.

23 Q. You know what you said yesterday?

24 A. Yes, I know.

25 Q. And you know you testified yesterday that you stayed i

1 the area of the Williamson home after you escaped up until the
2 time - the Davis home up until after dark, don't you?
3 MR. MOORE: Objection.
4 COURT: Sustained to argument.
5 Q. All right. But you never left the area of the Prison
6 Camp and started going down 701 until after it got dark on the
7 night of September the 5th, 1976, did you? Isn't that right?
8 A. That is very correct.
9 Q. Right. And you had to pass the Davis house, did you not?
10 A. No, sir.
11 Q. You did not?
12 A. If 701 is on the Davis house.....
13 Q. You know where the Davis house is?
14 A. After September the 9th, yes, sir.
15 Q. You know where it is on September the 9th?
16 A. After September the 9th. I think it was on the 10th or
17 11th I was carried down to the particular area in the community
18 of Bladen County.
19 Q. Right. And you admit getting in the car and went with
20 Phillip Little, do you not, and driving around and showing him
21 everything that you did that night?
22 A. Phillip Little, Sheriff Allen, and another officer.
23 Q. Did you not?
24 A. Yes, sir. We rode three different individuals in the
25 same automobile.

1 Q. Right. And do you recall stopping in front of the Davis 36
2 house?
3 A. Right.
4 Q. And do you recall making any statement in front of the
5 Davis.....
6 A. I was told that it was a Caucasian that killed those two
7 women.
8 Q. Who told you that?
9 A. At the institution, at the jail, an inmate.
10 Q. Some inmate in the jail?
11 A. Some inmate, yes, sir. Some inmate told me down there
12 at Bladen County the same thing (COUNSEL AND WITNESS TALKING
13 SAME TIME.).....at the White Lake Prison Unit. He said a police
14 officer told him that.....
15 MR. MOORE: Your Honor, I think he ought to be able
16 to answer the question.
17 A. .....that is what he told me now. He said a police off-
18 icer told him that.....
19 COURT: Don't cut him off.
20 A. .....and he said, I want to tell you that, so you will
21 know that.
22 Q. Oh, I see. So you will know that.
23 A. That is what he told me.
24 Q. Uh-huh. But you did make a statement in front of the
25 Davis home, did you not? You pulled up your hands and pointed

over there to the house and told Mr. Little that.....

A. I didn't pull up no hands. The man asked me - the man asked me did I want to get out the car, Sheriff Allen did. I said, "No, sir." I had never been on that premises, and I don't want to put nothing on that premises that would incriminate me there at all. You know, walk in there and then put some footprints there and about ten or twelve years later.....(COUNSEL AND WITNESS TALKING SAME TIME.)

Q. .....Did you make a statement to Mr. Little that no white man would have done - I mean, no black man would have done that?

A. No, sir. I said - it wasn't about a black man. I said it was somebody in the family, a Caucasian, that did it that way.

Q. I see. All right. Then you admit you stole a shirt - I mean, a sweater from somebody's house?

A. Off somebody's clothes line, yes, sir.

Q. A white sweater?

A. It was this gray sweater here.

Q. All right. And before you stole that gray sweater, you had stolen a woolen jacket?

A. A woolen sweater, a workman's shirt, out of the front seat of a big car - a truck I meant.

Q. All right. Okay. And then you admit stealing the car?

A. Yes, sir.

Q. And then you admit going to Fayetteville and stealing two

1 tires?

2 A. No. It was one tire that was taken.

3 Q. One tire, and stole a gas can?

4 A. No, the gas can wasn't stolen.

5 Q. Where did you get - oh, you got the gas can to get some

6 gas?

7 A. Yes, sir.

8 Q. And then after you left - after you wrecked that car.....

9 A. It wasn't wrecked.

10 Q. Well, you drove it up in somebody's yard, didn't you?

11 A. Yes.

12 Q. Did you drive that car away?

13 A. I left the car in the yard.

14 Q. You left the car in the yard?

15 A. That was after I had made this unlawful flight to avoid

16 prosecution.

17 Q. I see. Then how did you get to Dillon, South Carolina?

18 You stole another car, didn't you?

19 A. That's what happened. That's exactly what I did.

20 Q. You stole another car?

21 A. That's right. I jumped the fence in a trailer court

22 after.....

23 Q. All right. Well, now, how did you steal that other car?

24 A. I jumped the fence in a trailer court after I shook the

25 police from down there and just run down there from this Texac

1 Station. So, what I had done, I had waited all night until the 37
2 next morning about - let's say about seven-thirty or eight
3 o'clock. So, I waited in that area where I was.....
4 Q. I didn't ask you that.....
5 MR. MOORE: I object, your Honor.....(COUNSEL AND
6 WITNESS TALKING SAME TIME.)
7 COURT: Overruled. You asked him.
8 A. You want to know exactly what I did do.....
9 Q. No, I didn't ask you that.....
10 COURT: All right.....
11 Q. .....I said where did you steal the other car?
12 A. Out a trailer court off Bragg Boulevard.
13 Q. All right. Now, how did you steal that? Was that.....
14 A. The keys was in the car.
15 Q. All right. And then you were picked up in Dillon, South
16 Carolina?
17 A. Sir?
18 Q. You were picked up in Dillon, South Carolina?
19 A. Dillon, South Carolina, about nine-thirty or ten o'clock
20 one night.
21 Q. All right. Let me ask you this: Did you wipe the blood
22 off the seat of the car that you stole from Mrs. Thompson's (SIC
23 house?
24 A. No, sir.
25 Q. You did not. Let me ask you this: What have you been

1 tried and convicted for?

2 A. Where? What you mean?

3 MR. MOORE: Objection, your Honor, to being tried.

4 COURT: Motion denied.

5 Q. I beg your pardon?

6 A. What did you say?

7 Q. Just tell his Honor and the jury what you have been tried

8 and convicted for.

9 A. Receiving stolen goods.

10 Q. And what else?

11 A. Receiving stolen goods. This is in - from Cumberland

12 County, in 1973.

13 Q. And what else?

14 A. I thought this was unconstitutional, man. This is a

15 hearing on the law, a court before a jury, no criminal offenses.

16 That's incriminating my jury trial.

17 Q. Just answer my question. What have you been tried and

18 convicted for?

19 A. Well, I know that I was arrested in Washington, D.C., for

20 larceny and stayed in the jail when this murder came out in

21 '59, in the summer of '59 in Fayetteville. I was in Norfolk

22 Reformatory during the time. I was arrested in Dawestown,

23 Pennsylvania, somewhere for - I was placed in custody for thirt

24 days in Dawestown, Pennsylvania. I served some time in Norfolk

25 for carrying a pistol without a license.

1 Q. All right. And what else have you been tried and con-
2 victed for?
3 MR. MOORE: Objection.
4 A. I was tried and convicted in New York for stealing a car.
5 Q. And what did they do with you up there?
6 MR. MOORE: Objection.
7 A. Give me a year, a suspended sentence, and.....
8 COURT: Sustained as to what the sentence was.
9 A. .....brought me back down here to finish up this time
10 down here. They split it up with this time down here.
11 Q. All right. Well, you have been tried and convicted for
12 escape, haven't you?
13 MR. MOORE: Objection.
14 COURT: Overruled.
15 A. Yes, sir. Previously, in 1975. '75, February.
16 Q. Well, what were you tried and convicted of in Pennsylvania
17 MR. MOORE: Objection.
18 A. Loitering or something. Walking down the highway.....
19 MR. MOORE: Well, I object.
20 A. .....I got arrested.
21 Q. All right. Have you been tried and convicted yet for
22 stealing Mrs. Thompson's (SIC) car?
23 A. I got six to eight years for that, yes, sir.
24 Q. Six to eight years?
25 A. Six to eight.

1 Q. Six to eight. Have you been tried and convicted for the
2 escape?
3 A. Seventeen months escape time.
4 Q. Have you been tried and convicted for stealing the car in
5 Fayetteville?
6 A. Four years, yes, sir.
7 MR. MOORE: Objection (SAME TIME ANSWER).
8 COURT: Overruled.
9 Q. Sir?
10 A. Four years. I received four years from Judge Pilston, Jr.
11 COURT: All right. You may come down.
12 MR. MOORE: May I ask a few questions, your Honor?
13 REDIRECT EXAMINATION BY MR. MOORE:
14 Q. Now, Joe, I want you to do me a favor. Come up here,
15 please, and stand beside State's Exhibit No. 15 here. The
16 White Lake Prison Unit, you see it on there?
17 A. Yes, sir.
18 Q. All right. Point to it for the jury, please. Point to
19 the prison for the jury.
20 A. Right here.
21 Q. All right. Now, when you got out of there, you testified
22 that you went behind the Department of Transportation maintenan
23 area, is that right?
24 A. Yes, sir.
25 MR. CHALMERS: Objection (SAME TIME ANSWER).

1 COURT: Overruled.

2 Q. All right. Show us where that area is.

3 A. This is the White Lake Prison Unit. That had to be some-
4 where in the area in this vicinity in this area. About right
5 here because it was coming from toward Elizabethtown coming in
6 this direction. So, it is a maintenance place where they keep
7 trucks and buses and cars et cetera, somewhere in this area.

8 Q. All right, sir. Now, you are saying you were on the
9 opposite side of the maintenance facility?

10 A. Yes, sir. I was on the opposite side of the maintenance
11 building. And the reservoir runs right in between the main-
12 tenance and the place I was until it got dark.

13 Q. All right. What you are saying is there is a reservoir
14 or a creek that runs on the other side of the maintenance area?

15 A. That's right.

16 MR. CHALMERS: If your Honor pleases, I object to
17 Mr. Moore's testimony.

18 COURT: All right. Mr. Moore, I'm going to have to
19 sustain it. If you want him to use the diagram to illustrate
20 something, he will have to illustrate it rather than you, sir.

21 MR. MOORE: Yes. I'm sorry, your Honor.

22 Q. Joe, I don't think the jury knows exactly where the res-
23 ervoir was.....

24 MR. CHALMERS: Objection.

25 COURT: Sustained.

1 Q. .....Will you point that out on the diagram. 37
2 A. The reservoir between the motor pool - there is a motor
3 pool. There is a little reservoir running up beside the motor
4 pool, maybe say about 75 or 80 yards. So, I waited in that par-
5 ticular destination until it got dark between the hours of about
6 eight or eight-thirty that evening.
7 Q. All right. What, if anything, was on the other side of
8 Highway 701?
9 A. The other side of Highway 701, it was this confectionary
10 and a highway, a road at the intersection at the corner I think
11 from where I was.
12 Q. Do you remember the name of the confectionary or the store?
13 A. No, sir, I don't.
14 Q. All right. Was it a grocery store and gas station?
15 A. It was a grocery store and a gas station because it had
16 two gas pumps outside of it.
17 Q. You can have a seat back. Now, Joe, there has been a
18 lot of talk about the time that you left the camp, the time
19 that you went down Highway 701, the time that you got to
20 Elizabethtown, the time that you left Elizabethtown. Did you
21 have a watch with you, Joe?
22 A. No, sir, I did not.
23 Q. Had you just escaped from prison?
24 A. Just escaped from prison between the hours of say about -
25 I know from 12:30 up until about 8:30. That's eight hours.

1 Q. All right. Joe, there has been a lot of talk about a lot
2 of people, names in Fayetteville, and they asked you if you kne
3 these people. Do you know them - do you think you might know
4 them if you saw their faces, but you don't know their given
5 Christian name?
6 MR. CHALMERS: Objection, if your Honor pleases, to
7 the form of that question.
8 COURT: Sustained.
9 Q. Joe, are you sure you don't know some of those people the
10 District Attorney mentioned to you if you were to see them by
11 face?
12 MR. CHALMERS: Objection.
13 COURT: Sustained.
14 A. It's a possibility because of the fact that, see, I was
15 a soldier from Savannah. But the individuals of a mutual ac-
16 quaintance, you know, going and coming.
17 MR. MOORE: All right. No further questions, your
18 Honor.
19 MR. CHALMERS: Come on down.
20 MR. MOORE: Your Honor, I object to that. The Distric
21 Attorney doesn't tell the witness when to leave the witness
22 stand.
23 COURT: The objection is sustained. Call your next
24 witness.
25 MR. MOORE: Your Honor, I have - I need two other

Joseph Shaw

Joseph Shaw testified that on September 17, 1976, he was incarcerated with Joseph Sledge and Donald Sutton in the Cumberland County Jail. Shaw said he did not hear Sledge make any statements to Sutton about killing two ladies in Bladen County. Shaw testified that Sledge never admitted it to him either. According to Shaw, Sledge did have a short conversation with Donald Sutton. [203]

On cross examination and redirect, Shaw testified that the way the jail was set up they were all together all the time and he listened to everything Sledge said when he talked with Sutton because, "There was no way that I could avoid doing it, in the position we were in." Shaw described that they had individual cells and there was one confined area in front of the cells and except when they were in their individual cells, they were together at all times and ate meals together.[204]

John Cross

John Cross testified that on September 17, 1976, he was in the Cumberland County Law Enforcement Center with Joseph Sledge and Donald Sutton. He never heard Sledge make any statements about killing two women in Bladen County. Cross testified that Sledge did not make any such statement to Donald Sutton or himself. On cross examination, Cross said that Sledge, "Was alone and never talked to any people. He stayed in his cell most of the time he was there." Cross said he did not stand guard over Sledge's cell and did not know who went in or out.[205]

Conclusion of Trial

The closing arguments were not recorded. During the Judge's instructions to the jury, he listed the exhibits introduced and referred to the diagram of the vehicles as "showing the location of the blood spots that one of the witnesses testified that he saw thereon."[206]

The Judge summarized the evidence during instructions. His summary is on the following pages.

The transcript does not reflect the length of time the jury deliberated. The jury asked for the first degree murder instructions again and deliberated into the evening. The jury returned a verdict of

[203] Id. Pgs. 376-382.
[204] Id. Pgs. 376-382.
[205] Id. Pgs. 382-385.
[206] Id. Pg. 393.

guilty to two counts of second degree murder. Sledge was sentenced to two life sentences to run consecutive.[207]

[207] Id. Pgs. 415-434.

1 or from brutal or vicious circumstances of the killing; or from
2 the manner and means in which the killing was done.
3 Now, second degree murder, members of the jury, differ
4 from first degree murder in that neither the specific intent to
5 kill, premeditation, nor deliberation is necessary. In order
6 for you to find the defendant guilty of second degree murder,
7 the State must prove beyond a reasonable doubt that the defendan
8 did inflict wounds upon the bodies of Josephine Davis and Aileen
9 Davis with malice thereby proximately causing the death of each
10 of them.
11 Now, in this case both of the parties have introduced
12 evidence, and it becomes necessary at this time that I make some
13 recapitulation or review of some of the evidance to you. In so
14 doing, I wish to advise you that it is not my intent to repeat
15 all of the evidence that has been offered. You have heard the
16 evidence. And further, that if I should state the evidence
17 different from what you recall the evidence to be, then you wil
18 disregard what I say the evidence is and rely and be guided
19 solely upon your own recollection, for the evidence in this cas
20 is what you, the jury, find the evidence to be.
21 Now, the State in this case has offered some evidence
22 which in substance tends to show - and again I say it tends
23 to show there again because what it does show is for you to
24 say - but it tends to show that Wanda Hales was the granddaught
25 of Mrs. Josephine Davis and the niece of Ms. Aileen Davis, and

1 that sha lived near them on Highway 242 in Bladen County in
2 September, of 1976. That the home of Josephine and Aileen Davis
3 was located on Route 2, Elizabethtown, about three hundred yards
4 from Highway 701 and 242 intersection. It is also located
5 approximately one and three-tenths miles from Elizabethtown,
6 and approximately four-and-a-half miles from the Bladen County
7 Prison Unit and between those two places off on Highway 242
8 about three hundred yards. That on this occasion Wanda Hales
9 had seen Josephine and Aileen Davis alive on September 5 of that
10 year, and that Mrs. Josephine Davis had been to Wanda's home the
11 prior evening about eight o'clock p.m. or on the evening of
12 September 5 at about eight o'clock p.m. That at about four
13 o'clock p.m. on the 6th of September, Wanda went to the Davis
14 home to visit with her grandmother and her aunt. That as she
15 pushed the door open, she observed them lying on the floor.
16 That Aileen had blood on her face, and that Mrs. Josephine
17 Davis' dress was pulled up around her neck and that her lower
18 extremeties were exposed, and that both of them were dead.
19 That Deputy Sheriff Phillip Little arrived at the
20 Davis home around five-fifteen p.m. that date and conducted a
21 search of those premises. That he observed that the dresses
22 of both of the women were pulled up. That each of the women
23 had stab wounds in their bodies. That there were pools of
24 blood under their bodies, and that blood was heavily spattered
25 about the room on the walls, floor, and furniture. That there

1 was some blood smears onthe kitchen floor. That Deputy Sheriff
2 Little collected a hair sample from the body of Aileen Davis,
3 taking a hair from her abdomen and taking other hairs from the
4 vicinity of her head where they were imbedded in blood. That
5 he also observed on that occasion a pepper can on the floor in
6 the hall that led to the back door, and that he later took that
7 can into possession.
8 That on November the 9th, 1976, Dr. Wilton Reavis,
9 a Pathologist then employed as an Assistant Medical Examiner
10 for the State of North Carolina, performed an autopsy on the
11 bodies of Josephine and Aileen Davis. That on the body of
12 Josephine Davis he observed seven incised or stab wounds on
13 her upper front abdomen, her chest and neck, the wounds being
14 from one-half to one and three-eights inches in length, some
15 of which penetrated through her skin. That she had multiple
16 bruises of her jaw, face, forehead, and left cheek, and the
17 right side of her chin. That her jaw bone had been fractured
18 on both sides of the face, and she also had four incised wounds
19 on her left hand. That in the opinion of Dr. Reavis, Mrs.
20 Josephine Davis' death was caused by hemorrhage due to stab
21 wounds. That he observed the body of Ms. Aileen Davis and
22 observed that it was bruised on the face and forehead, the right
23 eye brow, below the right eye, the left cheek, and both sides
24 of her jaw. That there was a laceration about the left eye
25 brow and another on the lip. That there were two incised or

1 stab wounds, one on the right side of the neck which protruded
2 - which penetrated the right lobe of her - of the thyroid gland,
3 and that there was extensive hemorrhage in the neck tissues.
4 That the other incised wound was on the left side of the jaw.
5 That there was a one inch wound at the posterior entrance to th
6 vagina. That in the opinion of Dr. Reavis, Aileen Davis died
7 as a result of hemorrhage due to stab wounds. In the opinion
8 of Dr. Reavis, the bruises in the bodies or on the bodies could
9 have been caused by a fist or other blunt instrument, and the
10 incised wounds could have been caused by a knife or some other
11 sharp instrument.
12 That on September 5, 1976, the defendant Joe Sledge
13 was confined at the Bladen County Prison Unit of the Department
14 of Corrections near White Lake. That he escaped from that loca
15 tion about two-thirty p.m. that date.
16 That Mrs. Cassidy, who lived on Lower Street, in
17 Elizabethtown, had a sweater taken from a clothes line some tim
18 after the night of the 5th of September or during that night.
19 That a 1969 model Chevrolet automobile was taken from
20 the home of Mrs. Helen (SIC) Thompson Smith on Lower Street
21 some time after eleven-thirty p.m. on that date.
22 That Officer G. D. White, of the Fayetteville Police
23 Department, attempted to apprehend the defendant in Fayettevill
24 at seven-ten p.m. on September the 7th when he saw the defen-
25 dant in Mrs. Smith's car. That the defendant fled and Officer

1 Smith (SIC) pursued him a distance of some three-and-a-half 4
2 miles onto a dead end street. The defendant drove the car onto
3 that street, ran it into the yard of the house, and jumped out
4 and fled on foot and escaped Mr. White. That that car was taken
5 into custody, and it was impounded.
6 That Deputy Sheriff Little saw the defendant in
7 Dillon, South Carolina, on September the 9th and observed a
8 dug out place on his chest and observed scratches on the knuckle
9 of his hand. That on September the 12th, Deputy Sheriff Little
10 took the defendant to Bladen County Jail and then to White Lake
11 Prison Camp. That he asked the defendant to show the route that
12 he had taken at the time of his escape from prison, and that
13 they followed that route pursuant to the instructions that were
14 given by Mr. Sledge. That the defendant told Officer Little
15 that he had escaped from White Lake Prison around two-thirty
16 p.m. on the 5th of September. That he stayed in the woods for
17 some time. That he had then gone along Highway 701 to Eliza-
18 bethtown. That he hid behind a building at the 701-242 inter-
19 section for some time and then crossed the bridge into Eliza-
20 bethtown. That he took a sweater from a residence in Elizabeth-
21 town and took a car on Lower Street there. That he then headed
22 back to Fayetteville, and that at the time that he passed the
23 bank clock in Elizabethtown that it was two-twenty a.m. The
24 defendant also advised Deputy Little that he had hid the shirt
25 that he was wearing at the time of his escape near Turnbull

1 Creek. That the officers returned with Sledge to that place
2 to look for it without results. That they then drove to an
3 area near the Davis home and parked there across the road from
4 that residence. That nothing was said to the defendant at
5 that time. That the defendant looked at the home, pointed at
6 it, and said, "A black man did not kill those two women. A
7 white man did. A black man would not have cut them up like
8 that."
9 The State offered further evidence which tends to
10 show that Donald Sutton was in the Cumberland County Jail with
11 the defendant around the 17th or 18th day of September, 1976.
12 That Joe Sledge told Mr. Sutton that he had been picked up in
13 South Carolina. That he was trying to leave North Carolina
14 because he was afraid that he would be charged with murder.
15 That Sledge later said that he did kill those two women in
16 Bladen County, and that they were cut up and stabbed, and that
17 there was a lot of blood. That he had not intended to do it,
18 but that he was put in a position where he had to. He also
19 told Sutton that white women were she devils out to possess the
20 minds of black men, and that they were used to help white men
21 control black men, and that black men should kill all of them.
22 And that he had put the clothes that he was wearing at a place
23 where they would never be found.
24 That during the summer of 1977 Herman Baker, Jr.,
25 was an inmate at the Moore County Prison Unit at Carthage, Nort

1 Carolina, where the defendant was also confined. That Baker
2 had known the defendant for some time before that and had on
3 one previous occasion been in prison with him. Sledge told
4 Mr. Baker that he had to go to trial in Elizabethtown and that
5 he presumed that it was about a murder. Sledge also then asked
6 for Sutton's - asked for Baker's confidence, and told Baker
7 that he had escaped from the White Lake Prison Camp. That he
8 had gone through the woods looking for a place to hide. That
9 he came to an old home and thought that no one was there. That
10 he went inside. That a lady came in and found him there. That
11 she started screaming and asked what he was doing in her house.
12 That he hit her and pushed her down and stabbed her. That
13 another woman came in and started screaming. That he also hit
14 her and pushed her down and stabbed her. That he kept on
15 stabbing them. He said that it seemed like he went crazy. He
16 referred to white women as she devils, and said that he thought
17 fire rather than blood would come out of them when he stabbed
18 them. That he went out the back door, and that as he did so he
19 sprinkled pepper around the back of the house so that the she
20 devils' spirits would not follow him.
21 The State offered further evidence which tends to
22 show that the hair that was removed from Aileen Davis was
23 sent to the F.B.I. Laboratory, together with a pubic hair that
24 had been removed from the defendant. That these were micro-
25 scopically examined and compared by Jim Frier, an F.B.I. Agent

1 in the F.B.I. Laboratory, in Washington. That the hair re-
2 moved from the body of Aileen Davis was determined by him in
3 his opinion to be a Negroid pubic hair, and in the opinion of
4 Mr. Frier it was microscopically alike to the hair which was
5 removed from the defendant and could have come from him.
6 That on September the 21st, 1976, Mr. Jed Taub, a
7 Forensic Serologist with the State Bureau of Investigation,
8 examined Mrs. Smith's 1969 Chevrolet automobile at the place
9 where it had been impounded in Fayetteville. That he examined
10 the vehicle for blood, and made a luminol and a benzidine ex-
11 amination of the vehicle. That he discovered during that
12 examination what in his opinion were blood spots on the back
13 and front seats of the vehicle at several places, with a large
14 diffused area of blood in the area of the driver's seat, and
15 also on a plastic bag that was in the car, and on the driver's
16 door. To the best of Mrs. Smith's knowledge, there was no
17 blood in the car when it was taken from her residence.
18 Now, members of the jury, that is what some of the
19 evidence offered by the State in this case in substance tends
20 to show.
21 Now, the defendant has offered evidence through his
22 own testimony as a witness, and the testimony of other wit-
23 nesses, which in substance tends to show that he is thirty-four
24 years of age. That on the 5th of September, 1976, he was at
25 the White Lake Prison Unit. That he left there at that time

1 and escaped from there. That he went and waited until it got 40
2 dark in the vicinity of the Prison Unit. That he then walked
3 through the woods facing traffic to Elizabethtown. He followed
4 the road some two or three yards distance away from the road.
5 That when a car approached he stayed out of sight, and that it
6 was total darkness at that time. That at Elizabethtown he
7 waited near a mortuary, a grave site, recuperating for some
8 period. That he was wearing institutional clothing, consisting
9 of green pants, and a woolen sweater which he had taken after
10 he left the camp. That he stopped before he got to Elizabethtown
11 at a place where some people were standing, and then left that
12 place when they were not able to give him a ride on to Eliza-
13 bethtown. That he never went to the house that Mr. Little took
14 him to later. That he saw officers around a car place near the
15 mortuary there where he was and saw night watchmen there. That
16 he then went on into a neighborhood some two or three blocks
17 from that place and took a sweater off a clothes line. That
18 he put the sweater he was wearing that he had taken earlier
19 into a trash can. That near by he saw a house and got a pair
20 of gray pants there. That he put those on over the green pants
21 that he was wearing. That he found a car with keys in it, and
22 that he took the car and went toward Fayetteville. That he
23 did not kill the Davis women, and that he does not hate white
24 women. That he was caught in Dillon, and that someone in
25 Fayetteville had told him that they were looking for him, and

1 he felt that he should go see a certain group of people. That 40
2 the officers got him in Dillon and took him back to Fayetteville
3 and put him in jail. That he was in a cell block there with
4 Don Sutton. That Sutton came in after he did. That Joe Shaw
5 and John Cross also were there. That he did not talk to Sutton
6 about the killing of the ladies. That he heard news, and there
7 was some discussion there about a reward of some $3,000 having
8 been offered. And that he did not tell Sutton that he killed
9 them. That he did not know Sutton until he met him sometime
10 before at White Lake Prison. That the officers asked him where
11 his clothes were, and that he went with them out on Bragg
12 Boulevard and got some clothes there and gave them to them,
13 consisting of the green and gray pants and some sneakers.
14 That John Cross - correction - that Joe Shaw was also
15 confined to the Cumberland County Jail on the 17th of September,
16 1976. That he was locked in the same area there of the jail
17 that the defendant was and that Mr. Sutton was. That he did
18 not hear the defendant make any statement to Mr. Sutton. That
19 they did have some short conversations. That the defendant did
20 not admit to Mr. Shaw that he had killed anyone in Bladen County.
21 That John Cross was also in the Cumberland County Jail
22 at that time and knew the defendant there, and that he thinks
23 he knows Sutton. That he did not hear Sledge make any statement
24 to Sutton, and that Sledge made no statement to him regarding
25 this matter.

X. Appeal

Sledge filed a direct appeal through his trial attorney, Reuben Moore. He argued that the trial court erred in: (1) denying his motion for the names of other prison inmates who would testify to incriminating statements he had allegedly made to them; (2) in failing to require the prosecution to furnish him, prior to trial, the photographic slides of the bodies of the two Victims; (3) refusing to allow him to cross examine Dr. Reavis regarding the first autopsy; and (4) allowing the admission of the pepper can as it was too remote to have any probative value and was erroneously admitted. He also made other assignments of error based on technicalities. In the Spring Term of 1979, the North Carolina Supreme Court issued an opinion finding no error and upheld the convictions (certified June 6, 1979).[208]

[208] Columbus County Clerk of Court File, State v. Sledge, 78 CRS 2415-16.

XI. Other Postconviction Efforts

Between 1979 and 2003, Sledge filed numerous postconviction motions based on various grounds and all were denied without a hearing.[209]

On June 4, 2003, Sledge filed a Pro Se Motion for Appropriate Relief for DNA Testing. On June 11, 2003, his motion was granted.[210] Testing did not begin until 2008.[211]

From 2009 through 2012, North Carolina Prisoner Legal Services (PLS) reviewed Sledge's case for sentencing, medical, and parole issues. In 2011, he wrote a letter to PLS requesting "representation for DNA testing" and writing "I would like to request represent [sic] on a legal matter concerning DNA testing." "The Bladen County Sheriff knows I became a scape good [sic] and the public [sic] hair and head hair samples recovered in this case was left by the perpetrator. I had no head hair and they know that for a fact…I mean where DNA could prove who the guilty party really is and the State done cover that up. What is an inmate to do."[212]

Sledge wrote to the North Carolina Center on Actual Innocence (Center) in 2000, but his case was not accepted at that time. In 2003, after his Pro Se Motion for Appropriate Relief for DNA testing was granted, Sledge again contacted the Center to ask for help with the testing. In October of 2004, the Center agreed to represent Sledge. In 2005, the Columbus County Clerk's Office notified then District Attorney Rex Gore that the Clerk's Office had in its possession the items that had been admitted into evidence during Sledge's trial. In July of 2006, the Center and then District Attorney Rex Gore entered into a consent order requesting the transfer of evidence to the SBI for DNA testing.[213]

In March 2008, Judge Sasser wrote the Columbus County Clerk regarding the status of DNA testing because Sledge had been inquiring. The Clerk responded that the evidence had never had been transferred for testing. In September 2008, Judge Sasser revised the order and instructed the Clerk to transfer the evidence to the SBI for DNA testing. The evidence was transferred to the SBI.

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[209] Columbus County Clerk of Court File, State v. Sledge, 78 CRS 2415-16 and LEXIS State Appeals Search, State v. Sledge.
[210] Columbus County Clerk of Court File, State v. Sledge, 78 CRS 2415-16.
[211] NC Center on Actual Innocence File, State v. Sledge.
[212] PLS File, Letter from Sledge, May 11, 2011, PLS Bates stamp Pgs. 64-65.
[213] NC Center on Actual Innocence File, State v. Sledge.

On April 9, 2009, the SBI issued a report stating "No DNA profile was obtained from the swabbings from the black pepper box."[214]

On May 19, 2009, the SBI issued a report stating that "A partial male DNA profile was obtained from the bottom front of the slip of Aileen Davis which did not match the male DNA profile obtained from Joseph Sledge, Jr. A second partial male DNA profile was obtained from the swabbings from the bottom front of the dress from Josephine Davis, which did not match the male DNA profile obtained from Joseph Sledge Jr. or the partial male DNA profile obtained from the swabbings from the bottom front of the slip of Aileen Davis."[215]

In March 2010, then District Attorney Rex Gore and Center Director Christine Mumma entered into a Consent Order for additional DNA testing at LabCorp Inc., a private DNA Laboratory.[216]

On August 3, 2010, a partial male DNA profile was obtained from the slip of Josephine Davis. Joseph Sledge Jr. and his paternal relatives were excluded as the source.[217]

In October 2011, LabCorp noted that the hairs found at the Clerk's Office were not with the evidence shipped from the Clerk's Office and the hairs were deemed missing. In August 2012, the Columbus County Clerk located the hairs on a top shelf in the evidence vault. In October 2012, the hairs were sent to Cellmark Forensics (formerly LabCorp). In November 2012, Cellmark reported that they were unable to obtain a profile from two of the hairs. In December 2012, the hairs were sent to Mitotyping Technologies, a private DNA laboratory.[218]

On December 13, 2012, Mitotyping Technologies issued a report stating, "The mitochondrial profiles of the two questioned hairs share a common base at all positions compared between the samples, indicating that these hairs could have come from the same person or maternally related persons. The profiles of these two hairs are different from the mitochondrial DNA profile of Joseph Sledge. Therefore, Joseph Sledge and his maternal relatives can be excluded as contributor of these two questioned hairs."[219]

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[214] Id.
[215] Id.
[216] Id.
[217] Id.
[218] Id.
[219] Id.

On February 12, 2013, District Attorney Jon David sent a letter to the SBI requesting assistance in the murder investigation of Josephine and Aileen Davis. On March 18, 2013, the Center interviewed Herman Baker and on March 19, 2013, Center Director Christine Mumma obtained an affidavit from Baker recanting his trial testimony.[220]

On March 25, 2013, Center Director Christine Mumma filed a Motion for Appropriate Relief (MAR) on Sledge's behalf. On April 24, 2013, District Attorney Jon David filed a response to the MAR requesting a hearing. On May 6, 2013, the Center referred the case to the Commission and Center Director Christine Mumma filed a Motion to Hold the MAR in Abeyance. On May 9, 2013, District Attorney Jon David filed a request for a hearing on the Motion to Hold the MAR in Abeyance and requested the MAR be set for hearing as soon as possible. On July 11, 2013, a hearing was held on the Motion to Hold the MAR in Abeyance and the Motion was granted for 90 days. The Motion was later extended by mutual agreement while the Commission continued its investigation.[221]

The Commission staff's full investigation and all DNA testing will be presented at the upcoming hearing.

[220] Id.
[221] Id.

XII. Conclusion

A hearing will be conducted before the North Carolina Innocence Inquiry Commission on December 3, 4, and 5, 2014. At that time, the Commission staff will present the evidence uncovered during their investigation and other postconviction investigations. Multiple witnesses are expected to testify before the Commission.

The Commission is charged with considering "credible, verifiable evidence of innocence that has not been previously presented at trial or considered at a hearing granted through postconviction relief."[222] Each Commissioner shall determine whether "there is sufficient evidence of factual innocence to merit judicial review."[223]

[222] N.C.G.S. § 15A-1460.
[223] N.C.G.S. § 15A-1468(c).