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very much after February 17, 1970?

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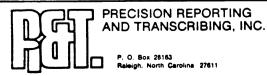


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THE COURT: All right.

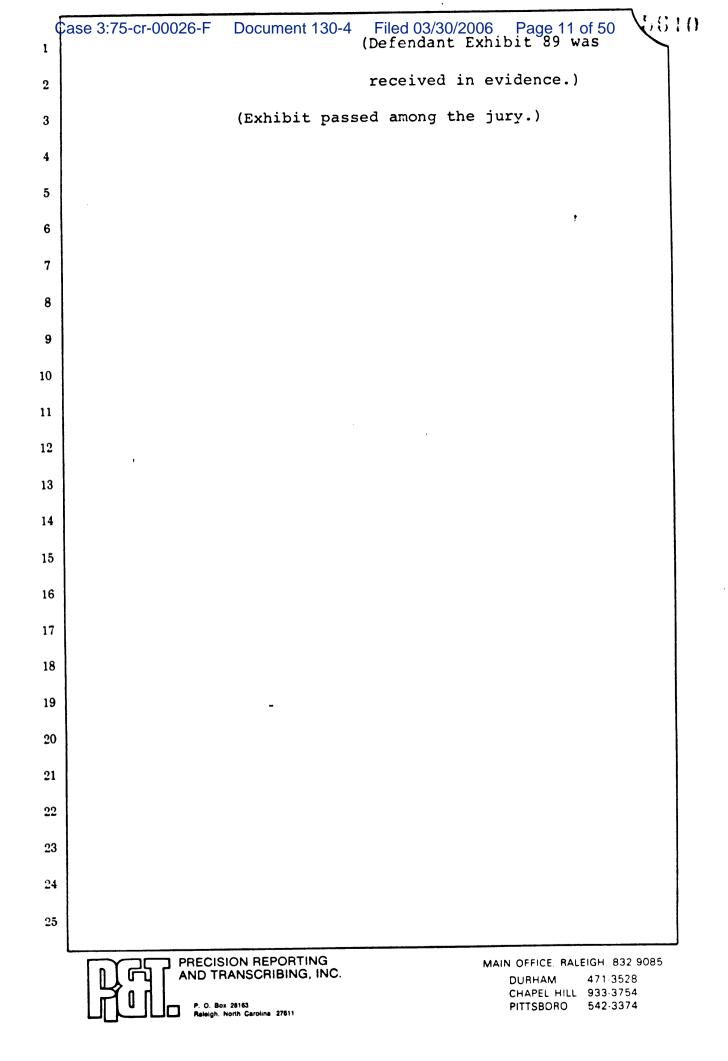
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#14 p3

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#14 p4

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Case 3:75-cr-00026-F Document 130-4 Filed 03/30/2006 Page 16 of 50

of manner but the hostility of her interest to the

Defendant.

I am going to tell Your Honor the other things that she has said. Would that be appropriate now to expedite, or should we do it one at a time?

THE COURT: Well, if it will save any trips up here maybe you should tell us now.

MR. SEGAL: She has already actually said something, and I did not want to raise a surprise question. I want to do it all at one time. The photograph that I showed her of the bedroom of Kristen MacDonald: during the interview yesterday, she stated that she remembered riding the rocking horse when she looked at that picture.

She also stated yesterday she remembered standing at the end of the sofa holding a candle. She also said when she saw the body of Kristen MacDonald-the one when she was clothed, with the baby bottle-that that picture looked familiar to her.

That scene looked familiar. She also said when she was shown the photograph of Colette MacDonald-the same one I showed her today-that she said that the face in that picture looked familiar, except that the chin was broken and made it a little hard.

She also stated--and I'm going to get to it-



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ase 3:75-cr-00026-F Document 130-4 Filed 03/30/2006 Page 17 of 50 she's gotten to the point where she does not sound

like she is going to cooperate further -- that she was standing of the corner of Honeycutt across from Melony Village.

She has a recollection of standing there during the early morning hours of February 17th, 1970. She further stated yesterday, and I intend to ask her now, that she has a recollection of standing outside the house looking at her hands and saying, "My God, the blood; oh my God, the blood."

She said that took place February 17, 1970. There are witnesses to each of these things. I must say, Your Honor, there were persons present the entire time this took place.

I intend to now ask her directly each of these questions. If she refuses or denies her statements I ask for leave to confront her:

"Did you not say that yesterday when you were confronted with these photos?"

If she persists in denying it we will of course impeach her as we have the right to impeach her under the rules. Although we have called her as a witness, there are rules that permit that to be done.

When I am done with that I intend to turn her over for cross-examination.



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#14 p7

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5618 Page 19 of 50 Case 3:75-cr-00026-F Document 130-4 Filed 03/30/2006 and that is. "I don't remember." But in two or three or four instances--whatever the list would reveal--she 2 says something which would give an interesting insight 3 into her mind. I would submit that we have a right to 5 cross her on those; if she denies them then they have 6 a right to impeach her on the statements or show that 7 she did not say anything like that. 8 I am not going to cross THE COURT: 9 the hostility thing until there is a reason shown to 10 indicate it; but I am going to ask the witness a 11 question myself. 12 (Bench conference terminated.) 13 Ms. Stoeckley, how long 14 THE COURT: did you spend yesterday talking to Defense counsel in 15 this case--Mr. Segal, Mr. Smith, and others? 16 About three and a half to THE WITNESS: 17 four hours. 18 Did you thereafter talk THE COURT: 19 to the Government's attorneys? 20 Yes, sir. 21 THE WITNESS: Had you ever seen them THE COURT: 22 and talked to them before? 23 No, sir. One member I had THE WITNESS: 24 25 before.



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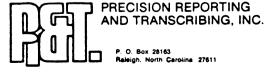
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#14 p9

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#14 p 10

C	ase 3:75-cr-00026-F Document 130-4 Filed 03/30/2006 Page 22 of 50 THE COURT: Any further questions of
2	this witness?
3	MR. SEGAL: Yes, Your Honora few
4	basic matters. We are getting to the end of this.
5	BY MR. SEGAL:
6	Q Ms. Stoeckley, I asked you before to take a
7	look at some photographs of what we have had identified
8	here at the trial as the body of Kristen MacDonald
9	Government 60, 70, 59 and 84. Do you recall these photo
10	graphs?
11	A Yes, sir.
12	Q When I asked you before whether they seemed
13	familiar to you, do you recall saying that the scene did
14	not seem familiar to you as your answer today in court?
15	A Yes, sir.
16	Q Do you not recall at this time that yester-
17	day, as you were sitting in the room outside the court-
18	room, when you were shown
19	MR. BLACKBURN: (Interposing) Your Honor,
20	excuse me. We would OBJECT to this type of question.
21	THE COURT: Let me just ask the ques-
22	tion. Were you asked that same question by this lawyer
23	yesterday?
24	THE WITNESS: Yes, sir.
25	THE COURT: What did you say then?



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C: 1	ase 3:75-cr-00026-F Document 130-4 Filed 03/30/2006 Page 24 of 50 THE COURT: Yes; I will SUSTAIN that.
2	MR. SEGAL: Your Honor, there is a plea
3	of surprise in this matter in regard to the answer. I
4	think we are entitled to present the question in this
5	form
6	THE COURT: (Interposing) Let me ask
7	her one more time.
8	MR. SEGAL: Yes, Your Honor.
9	THE COURT: Have you told anybody else
10	when this lawyer was not there any different story about
11	whether or not you recognized these pictures or anybody
12	in them?
13	THE WITNESS: What I just said about Co-
14	lette and the youngest girl.
15	THE COURT: He wants to know, though,
16	have you looked at these pictures and told somebody else
17	that you did, in fact, recognize this scene, or that you
18	had been there, or something of that nature?
19	THE WITNESS: Not that scene.
20	BY MR. SEGAL:
21	Ω Let me hand the group of photos back to you
22	again. Ms. Stoeckley, do you recall, just as you are
23	now, sitting on the stand, looking at those photosdo
24	you recall staring at those photos at some length when
25	Jane Zillioux was sitting just about next to you in that
1	I I



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BY MR. SEGAL:



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the easel, so that the members of the jury can also look with you the first of two photos. One is an enlargement marked G-982; then the other is marked G-145(a). Can I impose upon you, please, to perhaps step down here next to the witness stand, look at the photograph and tell me, how does it appear to be broken in any fashion?

- A The part going to the spring.
- Q That looks broken to you; is that right?
 (Witness nods affirmatively.)
- Q Now, let me show you the photograph that is marked 145(a). You also see in the lower left-hand corner the rocking horse; is that right?
 - A Yes, sir.
 - Q Does that look broken to you there also?
 - A No.

MR. SEGAL: You may go back to the stand, please.

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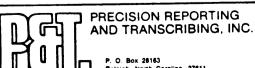
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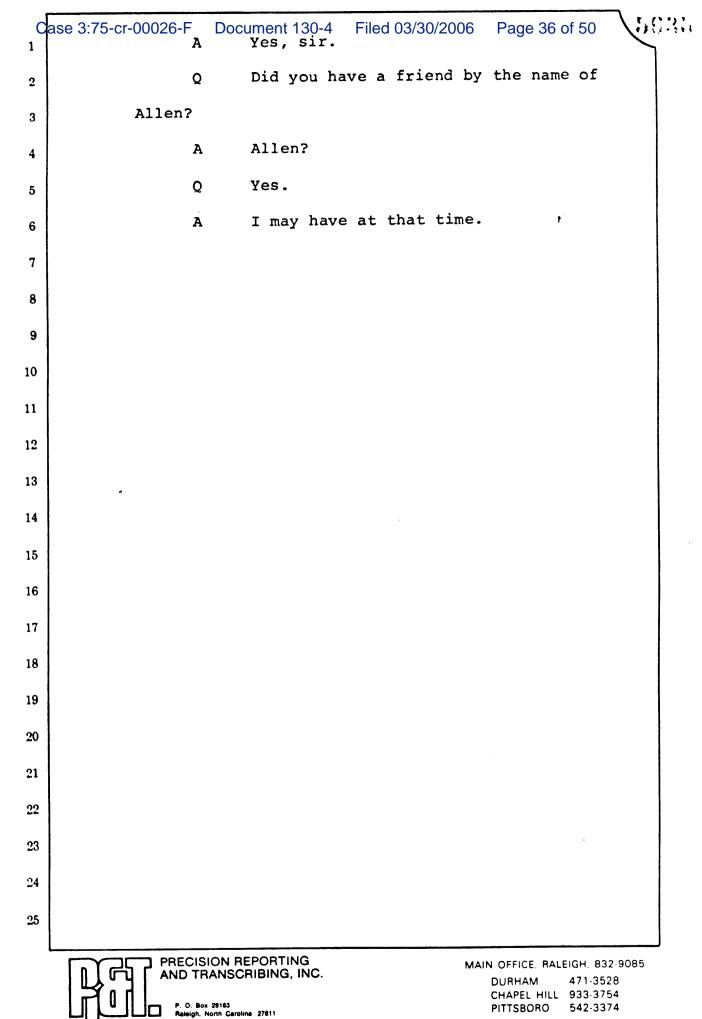


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Ca 1	se 3:75-cr-00026-F D drugs?	ocument 130-4 Filed 03/30/2006 Page 39 of 50
2	A	Yes, sir.
3	Ω	Transported them from where to where?
4	A	I don't know from where, but I got them.
5	Q	Got them off of Fort Bragg?
6	A	(Witness nods negatively) No.
7	Q	Was there any quantity of drugs you were
8	handling at	that time coming from soldiers who were ar-
9	riving from	Vietnam?
10	A	Through him?
11	Q	Not necessarily through him, but generally
12	speaking at	that time?
13	, A	Yes, sir.
14	Q	Did Allen Mazzarole ever strike or do vio-
15	lence to you	1?
16		MR. BLACKBURN: OBJECTION, Your Honor.
17		MR. SEGAL: I think we have a right to
18	show the nat	ture of her acquaintances, given the context
19	of this tota	al case and the facts we have, Your Honor.
20		MR. BLACKBURN: Your Honor, may we approach
21	the Bench?	
22		THE COURT: Yes; I don't what the pur-
23	pose of this	s is.
.24		MR. SEGAL: I will make an offer, Your



Honor.

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Case 3:75-cr-00026-F Document 130-4 Filed 03/30/2006 Page 40 of 50

BENCH CONFERENCE

MR. SEGAL:

My offer of proof, Your

1 1 1 1 1 1

Honor, in this final area of questioning—or next to the last area of questioning here—is not only do we be—lieve—we are in the process of building a considerable amount of circumstantial evidence as to her involvement and potential involvement in this case, but it is to show that her associates—the people she was close with, lived with, dealt with—were capable of the kind of violence, as opposed to say, a bunch of flower children who would not lift a finger to hurt a fly.

It would be inconsistent with the Defendant's response to these accusations to show that her friends were peaceful and lovable. It would prove it is not likely that she had associates who were capable of the monstrous kind of beatings here. On the contrary, we have reason to believe, based upon our interviews with her--it is not speculation--that this Mazzarole and several others were people capable of considerable violence.

It is circumstantial evidence in response to the Government's accusations that there was no group and if they were her friends, they were not capable of this.

MR. BLACKBURN: Your Honor, we just don't

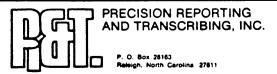


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5-cr-00026-F Document 130-4 Filed 03/30/2006 Page 41 of 50 think it is relevant to go into all the friends she Case 3:75-cr-00026-F might have had. She doesn't know whether they were 2 capable of violence or not. She is not competent to 3 testify. THE COURT: He just wants to show that 5 Mazzarole beat her up. 6 I anticipate he is probably MR. BLACKBURN: 7 going to go to some of the other friends after we get 8 through with Mazzarole. 9 I will tell you what. Ι MR. SEGAL: 10 can short-cut it, perhaps. Rather than going into a 11 myriad of names, to avoid that, I intend to ask her 12 whether she has suffered various injuries from '69 all 13 the way up to the present injury, and who inflicted these 14 injuries. We will not go into names of the friends, were 15 they related to drugs. 16 She has been hospitalized, beaten, broken--17 she deals with a fairly heavy-handed, violent crowd. 18 19 That is all that I ask. I think that will probably save 20 the objections. We would OBJECT on the 21 MR. BLACKBURN: grounds of relevance that she has been beaten up by her 22 23 friends, and still what he says is circumstantial evi-24 dence. There is still no connection between her and this

crime, other than the fact she doesn't know where she



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Case 3:75-cr-00026-F
                     Document 130-4
                                    Filed 03/30/2006
                                                    Page 42 of 50
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         was.
2
                      THE COURT:
                                         He wants to make an argu-
3
         ment, for whatever it is worth, that she ran around with
         a bunch of people who were capable of brutality.
 4
5
                      MR. SEGAL:
                                         We have other evidence.
6
         The Defense does not rest on this alone. Please under-
7
         stand that. On this subject matter---
8
                      THE COURT:
                                         (Interposing)
                                                         Well, let's
9
         go.
10
                      (Bench Conference terminated.)
11
                      THE COURT:
                                        Did Mazzarole beat you up
12
         on some time?
13
                      THE WITNESS:
                                         Yes.
14
                     THE COURT:
                                         He would sometimes beat you
15
         up?
16
                      THE WITNESS:
                                         Yes, sir.
17
                     THE COURT:
                                         All right; do you want to
18
         ask her any more about that?
19
                     MR. SEGAL:
                                         Not Mazzarole, Your Honor.
20
        Bear with me one second.
21
                     THE COURT:
                                         All right.
22
                      (Pause.)
23
                     BY MR. SEGAL:
24
                     During 1969 and 1970, Ms. Stoeckley, were you
25
        ever beaten up by other members of the groups of people
```



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C 1	ase 3:75-cr-00026-F Document 130-4 Filed 03/30/2006 Page 43 of 50 you dealt with and related with in Fayetteville?
2	A No, sir.
3	Q Have you suffered other injuries since that
4	time from people that you have been dealing with and
5	working with in drugs?
6	A Yes, sir.
7	Q Your present injury nowyour arm injury
8	is that a result of a beating someone gave you with a
9	steel bar recently?
10	A Yes, sir.
11	Q Was that about drugs, too?
12	A Yes, sir.
13	MR. SEGAL: I have no further ques-
14	tions.
15	THE COURT: Any cross-examination?
16	MR. BLACKBURN: Yes, sir; I believe a few
17	questions.
18	THE COURT: All right, sir.
19	CROSS-EXAMINATION 11:57 a.m.
20	
21	BY MR. BLACKBURN:
22	Q Ms. Stoeckley, directing your attention to,
2 3	I guess, the 16th or 17th of February, at 12:00 midnight,
24	I believe you testified on direct examination you were
25	standing in your driveway; is that correct?



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Yes, sir.

Would it be fair to say that at 12:00

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CHAPEL HILL 933-3754 PITTSBORO 542-3374

C 1	ase 3:75-cr-00026-F	Document 130-4 Filed 03/30/2006 Page 46 of 50 BY MR. BLACKBURN:
2	Q	Now, you have testified that you had a
3	blond wig;	is that correct?
4	A	Yes, sir.
5	Q	Where did you usually keep the blond wig?
6	A	In a closet in my apartment.
7	Q	On Clark Street?
8	A	Yes, sir.
9	Q	Did you wear it very frequently?
10	A	Infrequently.
11	Q	You wore it sort of as a joke as I under-
12	stand you?	
13	A	Yes, sir.
14	Q	When you were talking with Greg Mitchell in
15	the driveway	y, do you recall whether or not you had the
16	blond wig or	n or off?
17	A	I did not have it on. He did not like it.
18	Q	He didn't like it? And, if you didn't have
19	it on, it wo	ould be in the closet; is that correct?
20	A	Yes, sir.
21	Q	I believe you testified that you had two
22	or three pai	rs of boots?
23	A	Yes, sir.
24	Q	You wore those frequently?
25	A	When I wore shoes, that is what I worewas



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Ca 1	se 3:75-cr-00026-F the boots.	Document 130-4 Filed 03/30/2006 Page 47 of 50
2	Q	You don't recall which pair of boots you
3	had on that	night; do you?
4	A	No, sir.
5	Q	Now, the ankle boots that I think you said
6	you had, wh	at color were they?
7	A	Black.
8	Q	Black?
9	A	Yes, sir.
10	Q	Did they zip up or did they lace up or what?
11	- A	The black ones were just slip on and then
12	they buckle	d around the ankle.
13	Q	It is fair to say that you just don't know
14	where you w	ere between 12:00 o'clock midnight and about
15	4:30 or 5:0	0 o'clock the next morning; is that correct?
16	A	Yes, sir.
17	Q	Directing your attention to that photograph
18	and assumin	g for a moment, if you will, that the
19	MacDonald a	partment is this one right here (indicating),
20	to your own	personal knowledge, Ms. Stoeckley, have
21	you ever be	en inside the MacDonald apartment before?
22	А	No, sir.
23	Q	At any time?
24	А	Not that type; no, sir.
25	Q	I am sorry?



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C 1	ase 3:75-cr-00026-F Document 130-4 Filed 03/30/2006 Page 48 of 50 Not that type of apartment; no, sir.
2	Q It is fair then to say that it is your
3	testimony that to your own personal knowledge, you have
4	never been in that particular apartment at any time?
5	A Yes, sir.
6	Q When was the first time you have seen Dr.
7	MacDonald?
8	A To my knowledge, this morning.
9	Q This morning?
10	(Witness nods affirmatively.)
11	Q It is the first time to your knowledge that
12	you have ever seen him; is that correct?
13	A Yes, sir.
14	Q Let me show you this picture of Kristen
15	MacDonald again. Do you need to look at it again?
16	A No. I have got one.
17	Q You have got one, okay. Besides seeing that
18	scene in those photographs, to your own knowledge, when
19	was the first time you have ever seen that scene?
20	A Yesterday.
21	Q And how did you see it?
22	A In the pictures.
23	Q You were shown a number of photographs
24	yesterday; were you not?
25	A Yes, sir.



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C 1	ase 3:75-cr-00026-F Q	Document 130-4 Filed 03/30/2006 Page 49 of 50 And those photographs purported to be
2	the crime s	scene of the MacDonald apartment; is that
3	true?	
4	A	Yes, sir.
5	Q	Do you recall ever seeing any of those
6	scenes prid	or to yesterday?
7	А	Not these particular scenes; no, sir.
8	Q	Now, you testified that the little girl in
9	that bedy	ou had seen a little girl like that; is that
10	your testin	nony?
11	А	Yes, sir.
12	Q	Where might you have seen such a little
13	girl?	
14	A	I worked a lot with children. I could have
15	seen one li	ke that anywhere.
16	Q	I believe you testified that you might have
17	seen Colett	e on post; is that correct?
18	A	Yes, sir.
19	Q	To your own knowledge, did you participate
20	in the kill	ings of the MacDonald family?
21	A	No, sir.
22	Q	How do you feel towards children?
23	А	I love children.
24	Q	Of your own personal knowledge, did you
25	kill Colett	e MacDonald?



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Ca 1	se 3:75-cr-00026-F A	Document 130-4 Filed 03/30/2006 Page 50 of 50 No, sir.
2	Q	How about Kristen?
3	А	No, sir.
4	Q	How about Kimberly?
5	А	No, sir.
6	Q	Did you try to kill Dr. MacDonald?
7	А	No, sir.
8	Q	Do you know who did?
9	, A	No, sir.
10	Q	Do you recall ever being in the MacDonald
11	apartment o	arrying a candle?
12	A	No, sir.
13	Q	Now, I believe you testified on Direct that
14	you have be	en through Corregidor Courts before; is that
15	correct?	
16	A	I cut through there quite a bit.
17	Q	That was sometimes on the way to Womack?
18	A	Either Womack or over to the Officers'
19	Club or any	thing. I used to take Extension Courses at
20	the college	over there, too, and cut through there.
21	Q	That would have been prior to 1970; is that
22	correct?	
23	А	Yes, sir.
24	Q	Did you ever have occasion that you can
25	specificall	y recall to go on Castle Drive by the



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