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1 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT,
2 WITH A JURY)

3 THE BAILIFF: All the jurors on this side
4 of the courtroom.

5 THE COURT: Good morning, ladies and
6 gentlemen. For those of you who have been summoned
7 as jurors for this week, by way of introduction my
8 name is Lynn Johnson, I'm one of the roving Superior
9 Court judges from Fayetteville assigned by the Chief
10 Justice to preside over your civil and criminal
11 sessions from January to June this year. Also
12 working with me here in Robeson County is Judge David
13 LaBarre who will be working in courtroom No. 2 across
14 the hallway. The two sessions for this week are both
15 criminal, so we'll be trying criminal cases this
16 week.

17 When you received your jury summons
18 for this week the jury summons should have notified
19 you that if you had a reason that you could not serve
20 this week you should have had an opportunity to talk
21 with your chief district court judge about an excuse.
22 However, on occasion a matter arises from the date in
23 time when you had an opportunity to talk with your
24 chief district court judge about those matters, such
25 as a death in the family or an illness. So therefore

1 at this time if there are any of you who feel you
2 have a compelling reason that you can not serve this
3 week, such as an illness or a death in the family, I
4 will be glad to talk with you in private up here at
5 the bench.

6 All right, if you'll come forward,
7 please. I'll talk with you one at a time.

8 (Conference at the Bench
9 outside the hearing of the reporter.)

10 THE COURT: Mr. Jacobs, at this time if
11 you'll make a Bible available to the remaining jurors
12 so the oath can be administered.

13 Ladies and gentlemen of the jury,
14 you'll have the following options of either taking
15 the oath, which I will call upon Miss Gaines to give
16 you in a moment, or being affirmed. Those of you who
17 are willing to take an oath on the Bible, if you'll
18 please stand, place your left hand on the Bible,
19 raise your right and take the oath. Those of you who
20 wish to be affirmed, remain seated.

21 THE CLERK: Place your left hand on the
22 Bible and raise your right.

23 (Jurors sworn)

24 THE COURT: Be seated, please. Those of
25 you who desire to be affirmed, if you will just

1 simply stand. If you will just simply raise your
2 right hand, please.

3 (Jurors affirmed.)

4 THE COURT: You may be seated.

5 Miss Burton, on behalf of the State is
6 the State ready to call a matter for trial?

7 MS. BURTON: Yes, sir, we are. Your
8 Honor, at this time the State is calling for trial
9 the matter of the State versus Harold Godwin, 87 CRS
10 7370, 86 CRS 14231, and 87 CRS 7373.

11 THE COURT: Mr. Godwin, you may have a
12 seat.

13 MS. BURTON: Your Honor, may Mr. Godwin
14 and I approach?

15 THE COURT: All right. Mr. Godwin, the
16 Assistant District Attorney wants to talk briefly, if
17 you'll come up here one minute.

18 (Conference at the Bench
19 outside the hearing of the reporter.)

20 MR. GODWIN: I would like to be heard
21 outside the presence of the jury.

22 THE COURT: Ladies and gentlemen of the
23 jury, I am informed that Judge La Barre also needs
24 some jurors for trial of a matter. We'll have to
25 share you this week. I'm going to ask Miss Gaines if

1 she will call 24 of your names. If you will listen
2 attentively to the call of your name, once she's
3 completed the call of the 24 then I'll ask one of our
4 bailiffs, Mr. Lewis or one of the other bailiffs, to
5 escort you across the hallway to courtroom No. 2. If
6 you'll listen for your names, please.

7 THE CLERK: Tasha Oxendine. Samuel
8 Jacobs.

9 THE BAILIFF: If you'll just stand up.

10 THE CLERK: James Cox. Mildred Weber.
11 Joanne Melvin. Johnny Bullard. Susan Inman. Janice
12 Locklear. Evonia Locklear. Gail Grayboy. Susan
13 Hunt. James Locklear. Kimberly Clark. Leland
14 Dubois. John Taylor. Sheila Thompson. Dula Parker.
15 Jimmy Hammond. Carolyn Deese. Patricia Johnson.
16 Andy Hunt.

17 THE COURT: To those jurors if you'll
18 please go with Mr. Lewis across the hallway to Judge
19 La Barre's courtroom.

20 Ladies and gentlemen of the jury,
21 Mr. Godwin, who is over at the table to my right, has
22 indicated that he wants to make some motions before
23 beginning jury selection. I wish we had a jury pool
24 room that we could utilize, but in order to hear
25 Mr. Godwin I need to do so out of your presence. I

1 hope it will not take very long, if you will
2 cooperate with us. If you will simply go out into
3 the hallway and I'll ask Mr. Jacobs or one of the
4 other bailiffs to come get you in just a few minutes.
5 If you'll just be patient with us. If you'll step
6 out in the hallway for a moment.

7 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT,
8 WITHOUT A JURY)

9 THE COURT: The jury having exited the
10 courtroom, Mr. Godwin, you indicated you had some
11 motions that you wanted to be heard outside the
12 presence of the jury.

13 MR. GODWIN: Your Honor, again I beg your
14 Honor reconsider me not pleading this case myself,
15 your Honor. I don't think I can plead this case
16 myself, your Honor. I'm no lawyer. I'm no lawyer.
17 I'm here faced -- I can't even write down -- read and
18 write and if your Honor would I'd like to be assisted
19 by my wife so she could put some notes, write some
20 notes down for me.

21 THE COURT: Your wife an attorney?

22 MR. GODWIN: She's not an attorney, your
23 Honor, but she's got education and be able to write
24 down some things for me. And I beg of your Honor to
25 do that for me, to allow her --

1 THE COURT: Motion is denied.

2 You have another motion?

3 MR. GODWIN: Your Honor, I ask your Honor
4 to not let me plead my own case because I'm
5 uneducated, I don't have any education, your Honor,
6 sixth grade education, I can't even read and write,
7 your Honor. And this is a critical case, your Honor,
8 that's before you right now, and to let me go in as
9 my own lawyer, as my own representation, will be
10 doing a great harm to my case, your Honor, and it's
11 prejudice to me, your Honor, being the Defendant in
12 this case, your Honor. I beg of you, your Honor, to
13 give me time to raise money for counsel. I mean, I
14 got -- we got some things I can sell out here and get
15 a counsel. With my wife, she's indicated to me that
16 she's talked to counsel last night and all and he
17 wants a sum of money of about \$15,000. And I told
18 her to go sell something, you know, to do something
19 to sell it. But we just can't borrow any money at
20 the present time. I've got all the money that I have
21 sunk into my company and, your Honor, I ask your
22 Honor not to let me be my own lawyer here today
23 because I don't think I'm competent enough, your
24 Honor, to plead my case. And that is basically all I
25 have.

1 THE COURT: All right, sir, if you'll
2 have a seat there one moment we'll be at ease.

3 MR. GODWIN: I have one other motion.

4 THE COURT: All right, sir.

5 MR. GODWIN: I think this case has been
6 tried like three times. I think the jury should know
7 that the case has been tried at least three times and
8 I think that this is the third time and I think they
9 need to know that there was a conviction in the first
10 case and I think that --

11 THE COURT: I'm afraid that's not
12 permitted under any Rules of Evidence that I'm aware
13 of, Mr. Godwin. Your motion is denied. That's just
14 simply not allowed.

15 MR. GODWIN: Oh, it's not allowed?

16 THE COURT: Yes, sir.

17 MR. GODWIN: I didn't know that. Again,
18 I say it's ignorance of the law as I am.

19 MRS. GODWIN: Your Honor, may I address
20 the Court?

21 THE COURT: No, ma'am.

22 Madam court reporter, if you'll take
23 the following, please, with respect to Mr. Godwin's
24 motions.

25 First, the Court takes judicial notice

1 of the files contained in 86 CRS 14231, 87 CRS 7373,
2 and 86 CRS 7370, all of which are incorporated by
3 reference as to the pleadings contained therein for
4 the purpose of ruling on these motions and the
5 motions on yesterday's date. The Court finds from a
6 review of those files that the Defendant, Harold
7 Godwin, has been previously represented by the
8 following attorneys in various capacities since 1986,
9 all of which, in so far as the Court knows, were
10 competent attorneys for the defense of his case:
11 John Campbell of the Robeson County Bar; Anthony
12 Rand, Cumberland County Bar, Randy Gregory of the
13 Cumberland County Bar, Carroll Barrington, Jr. of the
14 Cumberland County Bar, Hubert Rogers of the Robeson
15 County Bar; Arthur L. Lane of the Cumberland County
16 Bar; Frieda Beaumann, Assistant Public Defender,
17 Robeson County Bar; Donald Bullard, Robeson County
18 Bar; Robert Price, Robeson County Bar; Evander Britt,
19 Robeson County Bar, and Ronnie Mitchell, Cumberland
20 County Bar. The Court finds that a fair reading of
21 the files in these cases reflects a pattern of
22 conduct on the part of the Defendant to frustrate the
23 court system; the files in these cases reflect
24 numerous motions by many of the Defendant's attorneys
25 to withdraw because of failure of the Defendant to

1 keep appointments and cooperate with counsel in the
2 defense of his cases; that there are several orders
3 in these files by superior court judges outlining the
4 procedural history of these cases which the Court
5 adopts, and incorporates herein by reference; that
6 the Defendant absconded on Wednesday, November the
7 6th, 1991 during jury selection before the Honorable
8 Wiley Bowen, causing further delay in the
9 administration of justice; that in a hearing on
10 January 17th, 1995 before this Court the Defendant
11 admitted that he was not indigent and, in fact, had
12 utilized the sum of \$50,000 to purchase a home for
13 his wife and children placing the home in the name of
14 his wife so that the Internal Revenue Service could
15 not locate the asset; that the Defendant further
16 advised on January 17th, 1995 that the Defendant had
17 somewhere between \$150 to \$200,000 processed through
18 his business in the preceding here.

19 That the Defendant has had since
20 November, 1991 to make whatever arrangements he chose
21 to hire counsel; that the Defendant was advised on
22 January 17th, 1995 by this Court that his cases would
23 be tried within the next three weeks.

24 That the Court has had an opportunity
25 to talk at length with the Defendant and the

1 Defendant possesses a substantial degree of savvy and
2 understanding of the court system that belies this
3 protestation of lack of ability to proceed.

4 The date of these offenses is June
5 14th, 1986 and the Court has balanced the competing
6 interests of the right of the State as well as the
7 Defendant to a fair and speedy trial and finds that
8 due to the length of time since the date of the
9 offenses, and the Defendant's own absconding has
10 caused a material delay in the trial, that the State
11 is entitled to proceed to trial. The Court further
12 finds that in 13 years as a trial judge that a court
13 record has never so clearly demonstrated a plan and
14 design by Defendant to frustrate the trial of his
15 cases. The Defendant's motions are denied.

16 You ready to proceed, Mr. Godwin?

17 MR. GODWIN: Your Honor, there was an SBI
18 agent that was subpoenaed. I wonder, is he here?

19 THE COURT: Mr. Godwin, I asked you on
20 January 17th, 1995 to furnish me a list of witnesses.

21 MR. GODWIN: Yeah, but I put down in the
22 transcript you was gonna get that and you told the
23 clerk just to send that information to --

24 THE COURT: That is in the file. I'll
25 see if I -- what is he going to testify to?

1 MR. GODWIN: Testify to my fingerprints
2 on the evidence that they've located around the scene
3 of the crime and all did not have any of my
4 fingerprints on those items. There was none of them.
5 He's critical to my case and my defense, your Honor.

6 THE COURT: All right, I'll see if I
7 can't make arrangements to get a subpoena out to him
8 today.

9 MS. BURTON: Your Honor, from my
10 information Mr. Leonard has been notified
11 specifically by our office.

12 THE COURT: So he's available as a
13 State's witness as well.

14 MS. BURTON: He's available as a State's
15 witness and his testimony was there were no
16 fingerprints of any value for anyone.

17 THE COURT: He's under subpoena.

18 MR. GODWIN: Again, your Honor, I ask you
19 to appoint me counsel because I don't have any
20 education. And the law says everyone is entitled to
21 a counsel, your Honor. Every soul that's out here
22 is, is -- if needs counsel should be the right to
23 have counsel representing every and each and every
24 individual, your Honor, and I am an individual that I
25 don't have an education, your Honor. I can't read

1 and write. I want counsel, your Honor, and that's
2 all I'm going to say all through this trial is that,
3 your Honor, I want counsel because --

4 THE COURT: I made my findings,
5 Mr. Godwin.

6 Sit down, please.

7 MS. BURTON: Your Honor, we do have a
8 brief matter. We would ask the Court since the
9 Defendant is now representing himself to allow us to
10 state the names of our witnesses for jury voir dire,
11 as well as to get the names of the witnesses from the
12 Defendant.

13 The State's witnesses are Sylvia
14 Huggins, Charles Huggins, Rodney Dimery, James
15 Carter, Jimmy Maynor, Bernis Wilkins, Johnny Leonard
16 of the State Bureau of Investigation. These are all
17 witnesses who have testified previously in the first
18 as well as the second trial.

19 THE COURT: All right.

20 MS. BURTON: In addition, we would ask
21 for the name of the Defendant's business -- I
22 understand that there's several different names -- to
23 inquire of the jury of those places.

24 THE COURT: All right, you want to
25 furnish those, Mr. Godwin?

1 MR. GODWIN: Your Honor, I want counsel.
2 I want a lawyer. I do not want to proceed any more
3 without counsel, your Honor. I can't proceed without
4 counsel.

5 THE COURT: I understand your position
6 theory, Mr. Godwin. We're proceeding.

7 MR. GODWIN: Proceed, your Honor, but I
8 need counsel. That's all my words are is that I want
9 counsel to represent me. I can't afford one and I
10 want one. I can't afford him at this time because my
11 hands has been tied. You took my bond from me and I
12 do need counsel, your Honor. You took my bond so I
13 couldn't even go -- if I had been out I could have
14 sold something this morning. I could have went and
15 got me a counsel. But as of right now you took my
16 bond from me and I was under \$150,000 bond and I'm no
17 longer -- you took that bond from me, saying
18 something about because I absconded on one case, but
19 that didn't have anything to do with this case, not
20 here today to me it didn't, because I was gonna be
21 here. And I want counsel, your Honor. That's the
22 onliest thing I can say. I got to have a counsel to
23 represent me, your Honor.

24 THE COURT: Mr. Godwin, your message is
25 clear as to your position. Your objection has been

1 noted for the record and I don't need to hear any
2 more of your protestations on that issue. Do you
3 understand? It's recorded. This lady is taking it
4 all down. I understand your position.

5 All right, I've got his list here
6 somewhere, somewhere in here.

7 MS. BURTON: Your Honor, I believe I have
8 the list of January 17th. If you're concerned
9 specifically about that I have that.

10 THE COURT: All right.

11 MS. BURTON: We were trying to get last
12 names of people the Defendant mentioned yesterday.

13 THE COURT: Under the rules I can't force
14 him to do that and I don't intend to do that.

15 MS. BURTON: Yes, sir.

16 THE COURT: Mr. Godwin, do you have any
17 witnesses present at this time? Do you have any
18 witnesses present at this time that are going to
19 testify in your trial?

20 MR. GODWIN: Your Honor, I got one, I
21 think, one or maybe two. James Marvin Godwin and
22 Michael Godwin. Is James going to be here?

23 MRS. GODWIN: Supposed to be.

24 THE COURT: But there are none of them
25 present in the courtroom at this time?

1 MR. GODWIN: Michael Godwin is present in
2 the courtroom at this time.

3 THE COURT: All right. We're now in a
4 position --

5 MR. GODWIN: And Sheila Godwin is present
6 in the courtroom at this time, and Wanda Godwin is
7 present in the courtroom at this time. And Harold
8 Godwin, I'm here too, your Honor.

9 THE COURT: Yes, sir, I know that.
10 You ready to proceed with jury
11 selection?

12 MS. BURTON: Your Honor, just one
13 additional matter. We would ask the Court to
14 consider a preliminary instruction to the jury as to
15 the Defendant's right to proceed without counsel.

16 THE COURT: I already got that.

17 MS. BURTON: And in addition we would ask
18 the Court to consider a motion to sequester all
19 witnesses except I have two law enforcement officers
20 here with me, Detective Carter, and Detective Maynor,
21 would ask that they remain in the courtroom to assist
22 me.

23 THE COURT: I will do the sequestration
24 order at the conclusion of the jury selection.

25 MS. BURTON: Yes, sir.

1 THE COURT: Okay, Mr. Jacobs, if you'll
2 get our jury, please.

3 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT,
4 WITH A JURY)

5 THE COURT: Ladies and gentlemen of the
6 jury, we're now in a position to begin jury
7 selection. Prior to asking the clerk to call 12 of
8 you to go into the jury box, let me tell you a
9 little bit about how a jury trial progresses so
10 you'll know where we're going.

11 A jury trial usually takes place in
12 the following stages. First, jury selection; second,
13 opening statements by the attorneys, if they choose
14 to make opening statements; third, presentation of
15 the evidence; fourth, argument by the attorneys, then
16 jury charge by the judge, six, jury deliberation and
17 verdict and seventh, judgment or sentencing if the
18 verdict is guilty as to a charge. During the course
19 of the jury selection process the attorneys or, in
20 this case, the individual Defendant, have the right
21 provided by law to challenge a juror for cause and
22 also to exercise challenges without giving any
23 reason. These latter challenges are known as
24 peremptory challenges. Do not feel offended if a
25 party excuses you from sitting on the trial of a

1 particular case.

2 Also during the course of the trial
3 the parties may make certain objections and motions
4 which will require the judge to rule upon them as a
5 matter of law. Most of the time the trial judge can
6 rule upon these matters without any hearing, that is,
7 without arguments of the attorneys concerning the
8 questions of law. On occasion these matters may be
9 resolved by the attorneys discussing the question at
10 the bench with the trial judge. On other occasions
11 it may be necessary to excuse the jury from the
12 courtroom and hear further arguments of the attorneys
13 out of the presence of the jury. The procedure of
14 excusing the jury is a method of ensuring fairness to
15 the parties in the trial of the case.

16 If during the course of the trial you
17 become uncomfortable if you'll make your needs known
18 to one of our courtroom bailiffs we'll try to
19 accommodate you.

20 The normal operating hours in this
21 courtroom during the balance of this trial will be
22 9:30 in the morning to approximately 1:00; we'll try
23 to take a luncheon recess from 1:00 to 2:30 and then
24 go until approximately 5:00 p.m. We will also take a
25 break at midmorning and mid afternoon.

1 Madam clerk?

2 THE CLERK: William Prevatte, if you will
3 come up and take seat No. 1. It's on the back row.

4 Michael McCartney, seat No. 2.

5 MS. BURTON: Madam clerk, can you spell
6 that last name?

7 THE CLERK: M-c C-A-R-T-N-E-Y.

8 MR. GODWIN: Madam clerk, I need to
9 know -- you need to spell each and every name.

10 THE COURT: All right, madam clerk, if
11 you will do that for Mr. Godwin, please, ma'am.

12 MR. GODWIN: Give me just one second
13 here, let me draw up a little box, please.

14 THE COURT: She's going to bring you a
15 jury sheet over, Mr. Godwin, that will have all the
16 names on it. Didn't know whether -- all right.

17 THE CLERK: Christine Bullard, seat No.
18 3.

19 THE COURT: She's going to write them out
20 for you, Mr. Godwin.

21 THE CLERK: Dorothy Locklear, seat 4.
22 Dorothy Locklear.

23 (No response.)

24 Bryan Brown, seat 4.

25 Jimmy Davis, seat 5.

1 Linda Oxendine, seat 6.
2 Billy Revels, seat 7.
3 Sheila Thompson, seat 8.
4 Lawrence Overstreet, seat 9.
5 Carolyn Vendrick, seat 10.
6 Ann Locklear, seat 11.
7 Edward McLeod, seat 12.

8 THE COURT: Ladies and gentlemen of the
9 jury, the State of North Carolina has called for
10 trial a matter entitled State of North Carolina
11 versus Harold Godwin. The Defendant, Harold Godwin,
12 is charged in three separate Bills of Indictment with
13 the following offenses: The first Bill of Indictment
14 charges first degree rape. The second Bill of
15 Indictment charges first degree sexual offense, and
16 third Bill of Indictment, the offense of second
17 degree kidnapping. The offense of first degree rape
18 is alleged to have occurred on the 14th day of June,
19 1986, and that is the correct date, and the victim
20 named in the Bill of Indictment is Sylvia Lynn
21 Chavez. The charge of second degree kidnapping is
22 also alleged to have occurred on the same date and
23 again the victim named is Sylvia Lynn Chavez and the
24 remaining charge of first degree sexual offense is
25 also alleged to have occurred on June 14th, 1986 and

1 again the victim named in the Bill of Indictment is
2 Sylvia Lynn Chavez. To each of these charges the
3 Defendant has entered a plea of not guilty.

4 Turning to the table to my left, the
5 State of North Carolina is represented by Vanessa
6 Burton. Miss Burton, if you will stand just by way
7 of introduction. Turning to the table to my right,
8 ladies and gentlemen of the jury, you will note that
9 the Defendant is representing himself. The Defendant
10 is not indigent. The matter is being called for
11 trial and the Defendant is presently representing
12 himself. On occasion the Court may advise Mr. Godwin
13 of certain court procedures, but the Court is not
14 permitted to act as an advocate for either party. So
15 turning to the table to my right, Mr. Godwin, if you
16 will stand, please.

17 All right, thank you, sir, you may
18 have a seat.

19 Ladies and gentlemen of the jury, the
20 Defendant's pleas of not guilty means that the burden
21 of proof is on the State of North Carolina to prove
22 the Defendant's guilt beyond a reasonable doubt. The
23 State of North Carolina must prove each element of
24 each of these separate offenses beyond a reasonable
25 doubt. I shall at a later time give you further

1 detailed instructions with respect to definitions and
2 guidelines in evaluating the evidence presented to
3 you.

4 During the course of the next few
5 minutes Miss Burton on behalf of the State and
6 Mr. Godwin in a few more minutes shall have the right
7 to examine the jury collectively and individually
8 with respect to your fitness and competency to sit in
9 the trial of this matter. The questions asked by
10 Miss Burton or Mr. Godwin are not designed to pry
11 into your personal affairs.

12 Out of an abundance of caution,
13 Mr. Godwin, you have six peremptory challenges
14 allowed by statute. I will ask you to listen
15 attentively to the questions asked by Miss Burton of
16 this jury panel. When she passes 12 to you, you will
17 be allowed to question this jury questions as to
18 their fitness and competency. Then you may choose to
19 strike up to any six jurors if you choose to do so.
20 Do you understand?

21 MR. GODWIN: No, sir, I don't understand
22 the whole situation. I'm no lawyer and I need a
23 lawyer, your Honor. I need a lawyer bad, judge.

24 THE COURT: Ladies and gentlemen of the
25 jury, out of your presence I have been over this with

1 Mr. Godwin several times. I instruct you to ignore
2 his protestations. I've been over this with
3 Mr. Godwin many times.

4 Mr. Godwin, do not address that issue
5 again.

6 All right, you may proceed.

7 MS. BURTON: Thank you, your Honor.

8 Good morning, ladies and gentlemen of
9 the jury. As his Honor has told you my name is
10 Vanessa Burton and I'm an Assistant District Attorney
11 who has been assigned to try the case of the State
12 versus Harold Godwin. The first thing that we
13 generally like to do is just let you know that we're
14 not trying to pry into your personal life, but we
15 need to get some information from you so that we can
16 make informed choices as to who would be a good
17 juror, a fair and impartial juror in this case. And
18 so we ask for your patience and we ask for your
19 honesty.

20 The first thing I would like each of
21 you to do is take a look at me. Does anyone to their
22 knowledge recognize me or know me? Then I have
23 seated beside me Detective Maynor, the closest person
24 to me, as well as Detective James Carter. If you
25 would, each take a look at those detectives. Does

1 anyone who is now seated in the jury box recognize
2 Detective Jimmy Maynor? Is anyone to their knowledge
3 related to Detective Maynor?

4 Again, if you would look at Detective
5 Carter, does anyone know or believe that they know or
6 are you related to Detective Carter?

7 Now I would ask that you take a look
8 at the Defendant. Now, does anyone who's seated in
9 the jury box now know, believe that they know, or are
10 related to the Defendant, Harold Dean Godwin?

11 I have several names that I'm going to
12 call out to you initially to see if you know any of
13 these persons, if you are related to them or believe
14 that you know them. The first group of names that I
15 call will be State's witnesses, so if you know any of
16 the names or recognize any of the names, if you'll
17 just raise your hand and then I'll come back to you.
18 Sylvia Lynn Chavez or Sylvia Huggins. Charles
19 Huggins. I've already asked you about Detective
20 Carter and Detective Maynor. Rodney Dimery? Bernis
21 Wilkins? Johnny Leonard?

22 You understand by the Defendant having
23 entered a plea of not guilty, a Defendant is not
24 required to testify. Does everyone understand that?
25 So if you'll give me some indication so that myself

1 as well as Defendant knows that you understand it.
2 How about just raising your hand if you understand
3 it. And you understand further that the Defendant
4 does not have to call witnesses. Does everyone
5 understand that -- if you'll do so by raising your
6 hand -- and that throughout this trial from this
7 moment of beginning of this trial and throughout this
8 trial, the Defendant is presumed to be innocent. Do
9 you understand that that is a rule and a right that
10 is given to all Defendants who are charged with a
11 crime? Does everyone understand that? And can you
12 each accept that that is a rule that we all follow?
13 Every Defendant and every attorney. You each accept
14 that policy?

15 You understand further that there is a
16 possibility, however, even with that right not to
17 call witnesses or to testify, that the Defendant has
18 the right to choose to call witnesses to testify for
19 him. Does everyone understand that? And so I'm
20 going to call out some potential names and if you
21 recognize any of those names, also just let us know
22 if you recognize or know those persons. Peggy Dahl.
23 Rose Jacobs. Michael Godwin. And Michael Godwin is
24 no longer in the courtroom. Does anyone recognize
25 that name? James Godwin or Sheila Godwin? Does

1 anyone know or recognize Wanda Godwin, who is seated
2 in the courtroom? Ruth Godwin. Ronnie Dean
3 Hammonds.

4 This next list is a little bit longer.
5 If you'll be patient I'll try to go slowly so that
6 you can hear the names. Parker Alexander. Daniel --
7 David Daniel Autry. Julie Johnson Autry. Alese
8 Blanks. Lammarte Blanks. Linda Faye Blanks. Marty
9 Lynn Blanks. Benjamin Blunt. Frank Bowers. Lucille
10 Brewer. Tony Davis. Jacqueline Godwin. Paul
11 Haines. Bobby Hendren. Roger Jacobs. Rodney
12 Jacobs. Samuel Jacobs. Vonnie Jacobs. Barbara
13 Johnson. Buddy Johnson. Leola Johnson. Ruth
14 Johnson. Dale Locklear. Riley Locklear. James J.
15 Loff, Jr. David Lowery, Jr. Jimmy Lowery. Benny
16 Ray McMillan. David McMillan. Wilson Jenkins
17 McNeill, Jr. Lloyd T. Martin. Jennifer Godwin
18 Maynor. Lewis Moore. David Parnell. Horace
19 Parnell. Bill Pector. William Powers. David Earl
20 Thomas. Does anyone recognize any of those names
21 that I've called?

22 MRS. WANDA GODWIN: I know Mr. Jacobs.

23 MS. BURTON: Sir, your last name is
24 Overstreet; is that right?

25 MRS. WANDA GODWIN: Yes.

1 MS. BURTON: You say you know a Roger
2 Jacobs? And do you know where the person that you
3 know lives?

4 MRS. WANDA GODWIN: Saddle Tree.

5 MS. BURTON: Lives in Saddle Tree? How
6 do you know Roger Jacobs?

7 MRS. WANDA GODWIN: Did some business.

8 MS. BURTON: Is that how you know him,
9 simply by him doing business? When was the last time
10 that you saw Roger Jacobs?

11 MRS. WANDA GODWIN: A couple weeks ago.

12 MS. BURTON: Did anyone else recognize
13 any names?

14 JUROR NO. 7: Horace Parnell.

15 MS. BURTON: How do you know Horace
16 Parnell? Do you know where he lives, sir?

17 JUROR NO. 7: No, I don't know where he
18 lives.

19 MS. BURTON: Do you know what type of
20 business or work he does?

21 JUROR NO. 7: If he's the one that I
22 think he is, he works for Columbia Electric.

23 MS. BURTON: Mr. Revels, did you
24 recognize anyone else?

25 JUROR NO. 7: No.

1 THE COURT: And I believe Mr. Prevatte,
2 your hand was raised.

3 JUROR NO. 1: Horace Parnell and Davis
4 Parnell. Ones I know are from Parkton.

5 MS. BURTON: And how do you know Horace
6 and David Parnell?

7 JUROR NO. 1: Just being around Parkton.

8 MS. BURTON: Do you know them socially or
9 through their business?

10 JUROR NO. 1: No.

11 MS. BURTON: When you say that you know
12 them, tell me what you mean.

13 JUROR NO. 1: I believe one of them is --
14 corner grocery on PParkton.

15 MS. BURTON: And you said that was
16 Horace?

17 JUROR NO. 1: Yes, ma'am.

18 MS. BURTON: How do you know David
19 Parnell?

20 JUROR NO. 1: Just from around Parkton.
21 I lived in Parkton for about three years.

22 MS. BURTON: And what years were you
23 living there?

24 JUROR NO. 1: '89, '90 and '91.

25 MS. BURTON: Okay, Mr. Revels, where do

1 you live, sir?

2 JUROR NO. 7: Roland. I'm from Roland.

3 MS. BURTON: Have you ever lived anywhere
4 else in the county other than Roland?

5 JUROR NO. 7: Yeah, I used to live a
6 little old place called Philadelphus. Born and
7 raised in the country.

8 MS. BURTON: So that's in the vicinity of
9 Philadelphus Church Road.

10 JUROR NO. 7: Uh-huh.

11 MS. BURTON: And Mr. Overstreet, where do
12 you live, sir?

13 MRS. WANDA GODWIN: 41 East.

14 MS. BURTON: 41 East in Lumberton?

15 MRS. WANDA GODWIN: (Witness moves head
16 up and down)

17 MS. BURTON: Mr. McCartney, sir, if you
18 would tell me the same information. Where do you
19 live in the county?

20 JUROR NO. 2: Off Highway 1003.

21 MS. BURTON: And is that in Lumberton?

22 JUROR NO. 2: The mailing address is
23 Pembroke, but it's about half and half.

24 MS. BURTON: And Miss Bullard?

25 JUROR NO. 3: I live in Prospect.

1 MS. BURTON: Mr. Brown?

2 JUROR NO. 4: (Inaudible.)

3 COURT REPORTER: I'm sorry; I couldn't
4 hear.

5 JUROR NO. 4: Red Springs.

6 MS. BURTON: Mr. Davis?

7 JUROR NO. 5: 41 East.

8 MS. BURTON: You said it's off what
9 street, sir?

10 JUROR NO. 5: Philadelphus Church Road.

11 MS. BURTON: Linda Oxendine?

12 JUROR NO. 6: Roland.

13 MS. BURTON: And Miss Locklear?

14 JUROR NO. 1: It's near Maynor Center,
15 but it's a Pembroke address.

16 MS. BURTON: So that's somewhere off 17?

17 JUROR NO. 1: 72.

18 MS. BURTON: Miss Vendrick?

19 JUROR NO. 10: Lumberton.

20 MS. BURTON: And Miss Thompson.

21 JUROR NO. 8: (Inaudible.)

22 MS. BURTON: Now, other than -- I believe
23 I asked Mr. Revels this. Other than Mr. Revels, have
24 any of you lived at any other residence within the
25 county other than the one that you've told me about?

1 Yes, sir. Mr. McCartney.

2 JUROR NO. 2: I lived in Pembroke.

3 MS. BURTON: And where in Pembroke did
4 you live, sir? Just give me a general idea, not your
5 actual address.

6 JUROR NO. 2: I lived on Deep Branch Road
7 right on the Pembroke city limits.

8 MS. BURTON: Let me ask if any of you are
9 familiar -- and I'm sure some of you will be familiar
10 with these areas -- other than Mr. Revels, who has
11 mentioned it, is anyone else familiar with
12 Philadilaphus Church Road, that area? Mr. McCartney,
13 have you ever lived out there?

14 JUROR NO. 2: No.

15 MS. BURTON: Do you have family or
16 friends out there?

17 JUROR NO. 2: I know some people that
18 have a business out there. I been out there.

19 MS. BURTON: Miss Locklear, are you
20 familiar with that area since you live near the
21 Maynor Center?

22 JUROR NO. 1: Uh-huh.

23 MS. BURTON: Anyone else? And I'm sure
24 all of you are probably familiar with 5th Street in
25 Lumberton. What about Starlight Drive? Does anyone

1 work in those areas of 5th Street and Starlight
2 Drive? Does anyone work in an area where you would
3 travel in the vicinity of Philadilaphus Church Road?

4 These questions are just to learn a
5 little bit more about you. If you could tell me, and
6 I'll probably start with Mr. McLeod, what type of
7 work that you do, whether or not you are married or
8 single, and if you've ever served on a jury before.

9 JUROR NO. 12: I'm single and this is my
10 first time on the jury. I do construction work, I've
11 been here for 9 year.

12 MS. BURTON: And have you ever had to
13 come to court for any reason outside of being called
14 for jury duty?

15 JUROR NO. 12: No.

16 MS. BURTON: Are you familiar with a
17 Godwin's Construction in Fayetteville?

18 JUROR NO. 12: I pour concrete.

19 MS. BURTON: So you're not familiar with
20 that company?

21 JUROR NO. 12: No.

22 MS. BURTON: Miss Locklear?

23 JUROR NO. 1: Married, housewife, this is
24 my first time for jury duty.

25 MS. BURTON: And, ma'am, what type of

1 work does your husband do? And does he have his own
2 company or does he work for someone else in the
3 county?

4 JUROR NO. 1: He works with Jim.

5 MS. BURTON: Do you have any children?

6 JUROR NO. 1: One.

7 MS. BURTON: A child that stays in the
8 home? How old is your child?

9 JUROR NO. 1: 8. I mean, 7.

10 MS. BURTON: Have you always worked
11 inside of your home?

12 JUROR NO. 1: (Witness moves head from
13 side to side.)

14 MS. BURTON: What type of work have you
15 done outside the home?

16 JUROR NO. 1: I worked several different
17 people, several different places.

18 MS. BURTON: And how long have you been
19 working inside the home only?

20 JUROR NO. 1: It would be a year now.

21 MS. BURTON: And Miss Vendrick.

22 JUROR NO. 10: I'm married, I do
23 secretarial. This is my first time for jury duty.

24 MS. BURTON: And what type of work does
25 your husband do, ma'am?

1 JUROR NO. 10: He farms and does
2 construction work.

3 MS. BURTON: Are you familiar with Godwin
4 Construction?

5 JUROR NO. 10: No.

6 MS. BURTON: Do you have children?

7 JUROR NO. 10: I have one.

8 MS. BURTON: And how old is that child?

9 JUROR NO. 10: 23.

10 MS. BURTON: Is that a boy or a girl?

11 JUROR NO. 10: Girl.

12 MS. BURTON: Is she in school or working?

13 JUROR NO. 10: No, she works.

14 MS. BURTON: And what type of work does
15 your daughter do?

16 MS. BURTON: She works in the pharmacy.

17 MS. BURTON: Mr. Overstreet.

18 MRS. WANDA GODWIN: Divorced, foreman.

19 MS. BURTON: Do you have any children?

20 MRS. WANDA GODWIN: One.

21 MS. BURTON: Boy or girl?

22 MRS. WANDA GODWIN: Boy.

23 MS. BURTON: And how old is he?

24 MRS. WANDA GODWIN: 25.

25 MS. BURTON: Does he work with you on the

1 farm?

2 MRS. WANDA GODWIN: Yeah.

3 MS. BURTON: Miss Thompson.

4 JUROR NO. 8: Yes, I'm married. I have
5 two boys and one stepdaughter.

6 MS. BURTON: And how old are your
7 children?

8 JUROR NO. 8: 9, 17 and 19.

9 MS. BURTON: Is the 17 year-old still in
10 high school?

11 JUROR NO. 8: Uh-huh.

12 MS. BURTON: Is the 19 year-old in
13 college or working?

14 JUROR NO. 8: She's in college. I got a
15 granddaughter and she's 14 months old.

16 MS. BURTON: And what type of work does
17 your husband do, ma'am?

18 JUROR NO. 8: He works at L. K.

19 MS. BURTON: And what type of business is
20 that?

21 JUROR NO. 8: They make sinks.

22 MS. BURTON: What are those?

23 JUROR NO. 8: Sinks. Faucets.

24 MS. BURTON: Mr. Revels?

25 JUROR NO. 7: Single. I reckon you can

1 support. That was back in '89 or '88. I had paid,
2 10 years later -- they got me 10 years later.

3 MS. BURTON: Miss Thompson.

4 JUROR NO. 8: A traffic violation four
5 years ago.

6 MS. BURTON: Just like a traffic ticket
7 or something?

8 JUROR NO. 8: I didn't get a ticket,
9 though.

10 MS. BURTON: Were you a witness in the
11 case?

12 JUROR NO. 8: No, I went to court but the
13 judge threw it out.

14 MS. BURTON: You weren't the person
15 charged?

16 JUROR NO. 8: No, he didn't charge me and
17 I didn't get a ticket for it.

18 MS. BURTON: Mr. Overstreet.

19 MRS. WANDA GODWIN: Traffic tickets.

20 THE COURT: Miss Burton, let me
21 interrupt. The other courtroom needs some additional
22 jurors. I'm going to permit the clerk to call 10
23 additional names to go across the hallway. Madam
24 clerk, they need 10 more jurors across the hallway in
25 Judge La Barre's courtroom. If you'll just assemble

1 call it that. I been married but we been separated
2 about 12 years.

3 MS. BURTON: Do you have any children,
4 sir?

5 JUROR NO. 7: One.

6 MS. BURTON: And how old is that child,
7 sir?

8 JUROR NO. 7: 12.

9 MS. BURTON: 20?

10 JUROR NO. 7: 12.

11 MS. BURTON: Mr. Prevatte.

12 JUROR NO. 1: Divorced.

13 MS. BURTON: Do you have any children?

14 JUROR NO. 1: A boy and a girl.

15 MS. BURTON: What are their ages?

16 JUROR NO. 1: Three and five.

17 MS. BURTON: And what type of work do you
18 do?

19 JUROR NO. 1: I'm a production supervisor
20 at Carl's.

21 MS. BURTON: I'm sorry, Mr. Revels, I
22 don't think I asked you what type of work you do.

23 JUROR NO. 7: Construction work. I work
24 for the a construction company out of Greenville,
25 Sourth Carolina.

1 MS. BURTON: Are you familiar with any
2 type of Godwin Construction or paving company?

3 JUROR NO. 7: No, out of state work. I
4 work in Virginia now.

5 MS. BURTON: Miss Thompson, I don't think
6 I asked you, either.

7 JUROR NO. 8: I'm an inspector for a
8 children's wear company.

9 MS. BURTON: Did I miss anybody else?
10 Mr. McCartney?

11 JUROR NO. 2: I am married, I have two
12 kids, four and 6. I work 10 years for D. B. cut and
13 hammer.

14 MS. BURTON: Does your wife work as well.

15 JUROR NO. 2: Yes, ma'am.

16 MS. BURTON: What type of work.

17 JUROR NO. 2: Burger King on 5th Street.

18 MS. BURTON: What type of business is the
19 place where you work, sir?

20 JUROR NO. 2: Electrical components.

21 MS. BURTON: Miss Bullard?

22 JUROR NO. 3: I'm married and I have two
23 girls, 9, 10. I work for fleet wood homes.

24 MS. BURTON: And what do you do there,
25 ma'am.

1 JUROR NO. 3: Fire finishing.

2 MS. BURTON: And your husband, what type
3 of work does he do?

4 JUROR NO. 3: He does sheet rock work.

5 MS. BURTON: Mr. Brown?

6 JUROR NO. 4: Married, two children,
7 professional truck driver.

8 MS. BURTON: Is it your own company, sir?

9 JUROR NO. 4: My truck. I'm leased to.

10 MS. BURTON: I'm sorry, I don't know a
11 whole lot about trucking, but do you have your own
12 trucking name or have you leased it to --

13 JUROR NO. 4: It's my truck leased to a
14 trucking firm.

15 MS. BURTON: And how long have you been
16 doing that?

17 JUROR NO. 4: Two years.

18 MS. BURTON: What company were you
19 working for?

20 JUROR NO. 4: I worked six years for
21 Kroft Metal as a driver and I worked for Tater
22 Express.

23 MS. BURTON: And what type of work does
24 your wife do, sir?

25 JUROR NO. 4: She's a floor supervisor

1 for L & M Apparel, Parkton.

2 MS. BURTON: And how long has she been
3 working there?

4 JUROR NO. 4: I'd say six months. She
5 was working at Lynn Howell, St. Paul's.

6 MS. BURTON: Mr. Davis.

7 JUROR NO. 5: Yes, I'm married, have five
8 children. They are all grown. And I'm the
9 maintenance manager.

10 MS. BURTON: Does your wife work outside
11 the home, sir?

12 JUROR NO. 5: No, she doesn't.

13 MS. BURTON: Did she ever work outside
14 the home?

15 JUROR NO. 5: Yes, she owned her own
16 business.

17 MS. BURTON: Was that in Fairmont?

18 JUROR NO. 5: No, it was in Lumberton.

19 MS. BURTON: Miss Oxendine.

20 JUROR NO. 6: I'm married and have one
21 child. She's 20.

22 MS. BURTON: Is your daughter in college?

23 JUROR NO. 6: No, she's working.

24 MS. BURTON: What type of work does she
25 do?

1 JUROR NO. 6: She works.

2 MS. BURTON: What type of work does your
3 husband do?

4 JUROR NO. 6: He works at West Point
5 Stevens.

6 MS. BURTON: Now, each of you were able
7 to hear the preliminary statements of His Honor. Is
8 there anything about the fact that the Defendant is
9 charged with kidnapping, rape and sexual offense that
10 you feel that you would not be able to serve and be a
11 fair, open-minded juror? Miss Locklear.

12 JUROR NO. 11: One of my sisters, she was
13 raped.

14 MS. BURTON: And you're saying based upon
15 that that you don't believe that you could set those
16 feelings aside and be fair to Mr. Godwin and listen
17 to the case?

18 JUROR NO. 11: No.

19 MS. BURTON: You understand that that
20 would be the requirement if you were selected? And
21 just to be clear, so Mr. Godwin as well as the Court
22 can hear you, based upon your sister's experiences
23 you feel that you would not be able to be a fair and
24 impartial juror?

25 JUROR NO. 11: Yes.

1 MS. BURTON: Your Honor, as to juror No.
2 11, we'd like to thank Miss Locklear and challenge
3 for cause.

4 THE COURT: Miss Locklear, thank you for
5 being very candid with us, but for the background
6 reasons that you've just described we'll let you
7 stand aside for purpose of this trial. Maybe there's
8 another matter you can be seated on later this week.
9 If you'll have a seat out in the audience.

10 Madam Clerk, if you'll show that for
11 cause and call another juror for that seat, please.

12 THE CLERK: Thomas, T-H-O.

13 MR. GODWIN: T-H-O -- okay.

14 THE CLERK: M-A-S. McCallum is M-c
15 C-A-L-L-U-M.

16 MS. BURTON: Good morning, Mr. McCallum.
17 I'll try to catch you up with other members who are
18 seated in the box. If you will please start with
19 this table, take a look at Detective Maynor as well
20 as Detective Carter and myself. Do you know or
21 recognize any of us?

22 JUROR NO. 11: No, ma'am.

23 MS. BURTON: Do you know the Defendant,
24 Harold Godwin?

25 JUROR NO. 11: No, ma'am.

1 MS. BURTON: I called out a lot of names.
2 Did you hear those names that I called? Did you
3 recognize any names that I called at that time?

4 JUROR NO. 11: No, I didn't.

5 MS. BURTON: Sir, what area of the county
6 do you live in?

7 JUROR NO. 11: Roland.

8 MS. BURTON: And are you married or
9 single?

10 JUROR NO. 11: Single.

11 MS. BURTON: And do you have any
12 children, sir?

13 JUROR NO. 11: I have one at home.

14 MS. BURTON: How old is that one?

15 JUROR NO. 11: 19.

16 MS. BURTON: So your other children are
17 all outside of your home?

18 JUROR NO. 11: Yes, ma'am.

19 MS. BURTON: How many children do you
20 have total?

21 JUROR NO. 11: Five.

22 MS. BURTON: And what type of work in
23 general do your children do?

24 JUROR NO. 11: Well, my oldest son is a
25 computer mechanic. My oldest daughter, she doesn't

1 work. She was hurt when she was young. She just
2 stays home.

3 MS. BURTON: She's disabled.

4 JUROR NO. 11: Right. My middle daughter
5 is a secretary. This is all out of state now.

6 MS. BURTON: So none of them live here?

7 JUROR NO. 11: Except for the 19
8 year-old.

9 MS. BURTON: Sir, you say you're from
10 Roland. What kind of work do you do?

11 JUROR NO. 11: I set forms.

12 MS. BURTON: Have you ever served as a
13 juror before?

14 JUROR NO. 11: No.

15 MS. BURTON: Have you ever had to come to
16 court for any reason?

17 JUROR NO. 11: Yes.

18 MS. BURTON: How long ago was that, sir?

19 JUROR NO. 11: Two months ago.

20 MS. BURTON: Two months ago? If you
21 will, tell me the reason you were coming to court.

22 JUROR NO. 11: I got a ticket for being
23 drunk in public and I paid it.

24 MS. BURTON: So it was a matter of you
25 having to come to court to pay it?

1 JUROR NO. 11: Yes.

2 MS. BURTON: Now, I think I asked
3 Mr. McLeod that question and did not ask the other
4 members in the box. Has anyone else had to come to
5 court for any reason other than being called for jury
6 duty? Okay, if you'll keep your hand raised for me?
7 Mr. Prevatte, I have you, Mr. McCartney, Mr. Revels.
8 Anyone else?

9 MRS. WANDA GODWIN: Traffic tickets.

10 MS. BURTON: Miss Thompson,
11 Mr. Overstreet, and Miss Oxendine.

12 Mr. Prevatte, how long ago did you
13 have to come to court, sir?

14 JUROR NO. 1: February '92.

15 MS. BURTON: What was the reason?

16 JUROR NO. 1: My divorce and separation.

17 MS. BURTON: And were you represented by
18 an attorney at that time?

19 JUROR NO. 1: Yes, ma'am.

20 MS. BURTON: And who was that attorney?

21 JUROR NO. 1: Musslewhite, Musslewhite
22 and McIntyre.

23 MS. BURTON: Mr. Revels.

24 JUROR NO. 7: I had to come to court
25 because -- get some money straightened out for child

1 on the side wall and I'll let one of the bailiffs
2 take you over there. Madam.

3 THE CLERK: Kevin Lowery. Katherine
4 Brown. Karen Dowell. Carolyn Locklear. Freddy
5 Kneller. Carolyn McCartney. Jimmy Rollins. Doris
6 Jacobs. Sally Jones. LaTonya Allen.

7 THE COURT: To those jurors, if you'll
8 please go with Mr. Lewis, he'll escort you over to
9 Judge La Barre's courtroom.

10 MR. GODWIN: Would you please take a
11 recess?

12 THE COURT: I'm going to do it right now.
13 Ladies and gentlemen of the jury, I've
14 also had a request from Mr. Godwin to take a recess
15 and I think it's probably appropriate. Although
16 you've been out in the hallway part of the time,
17 we've been seated since roughly 9:30. We'll use the
18 clock over here on the side of the wall to coordinate
19 our time. If you'd like to take 20 minutes to get a
20 cup of coffee or get a Coke or something, come back
21 at 11:35. To our jurors out in the audience if
22 you'll just simply come back and retake your seats in
23 the audience at 11:35.

24 I'll ask everyone else to remain
25 seated while our jurors depart. We'll see you back

1 in 20 minutes. Have a good break. Everyone else
2 remain seated, please, except our jurors.

3 To our jurors in the audience, feel
4 free -- please come back in 20 minutes.

5 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT,
6 WITHOUT A JURY)

7 THE COURT: To the members of the
8 Defendant's family, I am entering an order on today's
9 date that you are required during the breaks to stay
10 in the courtroom until all the jurors have
11 re-assembled in the courtroom. There are allegations
12 in this file of communications from the Defendant's
13 family on prior dates and times, when jurors were
14 taking breaks. Therefore, Mr. Godwin and members of
15 the family have to stay in the courtroom during the
16 breaks. They can go out after the jury has re-
17 assembled in the courtroom.

18 MR. GODWIN: I got a motion to bring in a
19 prosecution witness so the jury can see them. Some
20 of them might not recognize them by name, but
21 recognize them by face and then when we have a panel
22 of jurors and a juror say "Well, I know that girl."
23 It's too late then, your Honor. I challenge that,
24 your Honor.

25 THE COURT: All right, motion is noted

1 and overruled.

2 Do you have any other motions,
3 Mr. Godwin?

4 MR. GODWIN: Only that I still would like
5 to have counsel.

6 THE COURT: All right, if you bring that
7 issue up again in front of this jury panel I'm going
8 to add 30 days every time you do it. Understand?

9 MR. GODWIN: 30 days.

10 THE COURT: That's an order of the Court.

11 MR. GODWIN: Yes, sir, if I do it, you
12 give me 30 days.

13 THE COURT: I sure will. That will be at
14 the expiration.

15 MRS. GODWIN: Your Honor?

16 MR. GODWIN: Could I give my wife this?

17 MRS. GODWIN: Could I confer with my
18 husband during the break?

19 THE COURT: I will do the following.
20 Mr. Jacobs, if you will, make arrangements for the
21 Defendant's wife to confer with her husband in room
22 204 or such other room as you designate. I will also
23 enter a further order that Mr. Jacobs or one of his
24 designees have to be in the room during the meeting
25 with Defendant; however, that officer cannot disclose

1 to the State, nor the Court, the communications made
2 therein.

3 Mr. Jacobs, we'll take a recess of 20
4 minutes.

5 (Recess taken.)

6 THE COURT: Miss Burton, I believe before
7 we recessed you were examining the jury. You may
8 proceed.

9 MS. BURTON: Yes, sir. Thank you.

10 Have any of you ever been a victim of
11 a crime? That would include a range of things from
12 breaking and entering of your home or your car,
13 assaults or ever even seeing anyone who was a victim,
14 seeing the incident of a crime, being a witness to a
15 crime?

16 Mr. Prevatte? If you can, make sure
17 you speak loud enough so this triangle of persons can
18 hear you from the judge to the Defendant.

19 JUROR NO. 1: I'm supposed to be in court
20 next Thursday for assault with a deadly weapon. I
21 got a warrant out now for assault with a deadly
22 weapon.

23 MS. BURTON: For pointing or using the
24 weapon against you?

25 JUROR NO. 1: Yes, sir.

1 THE COURT: This Thursday or next
2 Thursday?

3 JUROR NO. 1: Next Thursday.

4 MS. BURTON: Anyone else? Mr. Davis.

5 JUROR NO. 5: My wife's business was
6 broken into, more than once.

7 MS. BURTON: During those occasions were
8 any persons charged with those offenses?

9 JUROR NO. 5: They were charged, but I
10 don't know what the outcome was.

11 MS. BURTON: Mr. Prevatte, having been
12 assaulted in the past and having a matter pending, do
13 you believe that you would be able to serve and be a
14 fair and impartial juror knowing what the Defendant
15 is charged with in this case?

16 JUROR NO. 1: Yes, ma'am.

17 MS. BURTON: Anyone else? Yes, ma'am.

18 JUROR NO. 10: My home has been broken
19 into.

20 MS. BURTON: And how long ago was that?

21 JUROR NO. 10: Back probably '76.

22 MS. BURTON: That experience aside, you
23 would still be able to be a fair and impartial juror?

24 JUROR NO. 10: Yes.

25 MS. BURTON: And Mr. Davis, the same for

1 you?

2 JUROR NO. 5: Yes.

3 MS. BURTON: Anyone else? I'm sorry,
4 Mr. McCartney. It's kind of hard to see.

5 JUROR NO. 2: Here a couple months ago
6 while we were at home we let somebody in the house to
7 use our phone. It was a couple of people. While
8 they were there they kind of ripped us off too.

9 MS. BURTON: Were those persons charged?

10 JUROR NO. 2: I was in bed at the time.
11 My wife is the one who handled it. I know she did
12 carry through with the process, but as far as coming
13 down here and going through, following through with
14 it, I don't know about that. But they were charged.
15 She did show up for court one time.

16 MS. BURTON: Is that for theft of
17 something from your home?

18 JUROR NO. 2: Yes.

19 MS. BURTON: Sir, that wouldn't affect
20 your ability to be fair and impartial in this case?

21 JUROR NO. 2: No.

22 MS. BURTON: Miss Bullard, I couldn't
23 tell if your hand was raised or are you just resting?

24 JUROR NO. 3: No.

25 MS. BURTON: Do any of you know of anyone

1 who has ever been raped, anyone who has ever been
2 kidnapped or anyone who has ever been charged with
3 the offense or convicted of the offense of having
4 been raped or kidnapped? Mr. McCartney.

5 JUROR NO. 2: Yes, I have a relative 8
6 years ago was charged with rape.

7 MS. BURTON: And what was the closeness
8 of your relationship?

9 JUROR NO. 2: First cousin.

10 MS. BURTON: First cousin?

11 JUROR NO. 2: Yes, ma'am.

12 MS. BURTON: And was that a matter that
13 went to trial?

14 JUROR NO. 2: Yes, ma'am.

15 MS. BURTON: Did you follow that matter
16 as it proceeded through the court system?

17 JUROR NO. 2: Just from talking to him.

18 MS. BURTON: So you talked with him about
19 it?

20 JUROR NO. 2: Yes.

21 MS. BURTON: I've said this a couple of
22 times, so I'm sure you realize what the Defendant is
23 charged with. Having been that closely connected to
24 your first cousin's charges, do you feel that you can
25 be a fair and impartial juror to the State?

1 JUROR NO. 2: Yes, ma'am.

2 MS. BURTON: Was your cousin represented
3 by an attorney?

4 JUROR NO. 2: Yes, ma'am.

5 MS. BURTON: Did anyone else have their
6 hand up?

7 Since a majority of you or perhaps all
8 of you have never served as a juror before, I'm going
9 to ask you some questions to make sure you understand
10 what your role would be if you are selected as a
11 juror.

12 Do you understand that if you are
13 selected then the 12 persons selected would have to
14 serve in the role of fact-finders in this case? And
15 that means that you would have to listen to the
16 evidence as it comes to you, before you, under sworn
17 testimony on the witness stand; that you would have
18 to listen to that evidence, evaluate that evidence,
19 and to discuss amongst yourselves what the issues are
20 in the case. Does everyone understand that?

21 And that, further, that his Honor is
22 the only person who can instruct you as to what the
23 law is in this case. And if you are selected as a
24 juror if it has to do with the law you must follow
25 the law as it is given to you by his Honor. If the

1 judge gives you additional instructions it's your
2 responsibility and duty if you are selected to follow
3 those instructions as well. Does everyone understand
4 that?

5 Further, that at the conclusion of a
6 case, if you are selected as a juror, it's your
7 responsibility to apply the law that his Honor has
8 given you to the facts that you have found from the
9 evidence, from all the evidence that is presented.
10 You understand that sympathy or speculation cannot be
11 a part of your decision-making process? Does
12 everyone understand that? And that the standard of
13 proof is beyond a reasonable doubt for the State.
14 Does everyone understand that? His Honor will give
15 you the instruction as to what beyond a reasonable
16 doubt is, but that does not mean beyond all doubt,
17 nor does it mean beyond a shadow of a doubt. It does
18 not mean that. Does everyone understand that?

19 Does anyone feel for religious or
20 personal reasons that they can not sit and reach a
21 decision as to whether or not -- or judge a decision
22 as to whether or not a person is guilty or not
23 guilty?

24 Now, as you are aware, the Defendant
25 does not have an attorney in this case. And you know

1 that I am an attorney. Does anyone who is seated now
2 in the jury box believe that they would have such
3 strong feelings of me being an attorney and the
4 Defendant not being an attorney, that you would
5 somehow give favoritism to the Defendant because he
6 does not have an attorney? Do you understand that if
7 you proceed without an attorney as a Defendant, then
8 you are held responsible to act on your own behalf as
9 an attorney would? Does everyone understand that?
10 And do you accept that that is another procedure that
11 we have as far as the rules according to what Judge
12 Johnson has told you? Does everyone accept that? So
13 no one who is seated in the box at this point would
14 think or give the Defendant a benefit of the doubt
15 simply because he does not have an attorney working
16 on his behalf in this case.

17 Also, if you are selected as a juror,
18 then it's your responsibility to decide who is
19 creditable and who is believable. Would each of you
20 apply the same standard of creditability to all the
21 witnesses who testify, regardless of whether they are
22 for the State or whether they are for the Defendant?
23 If so, if you will raise your hand? Does everyone
24 understand the question? If your evaluation of what
25 is truthful, would you use that same standard for

1 every witness that testifies? If so, raise your
2 hand.

3 Is anyone familiar with the area
4 around 41 South and Alamack Road? Okay,
5 Miss Thompson, which area?

6 JUROR NO. 8: I go through there every
7 day to work.

8 MS. BURTON: Going 41 South.

9 JUROR NO. 8: I go by Alamack Road.

10 MS. BURTON: Does anyone who's seated on
11 the jury box have a belief that it is impossible for
12 a woman to be raped?

13 As his Honor told you, these offenses
14 occurred on June 14th, 1986. Is there anything about
15 the time frame of when these offenses occurred and
16 the fact that we are now proceeding in 1995 on these
17 matters that you feel would prevent you from being
18 fair and impartial jurors? Does anyone have such a
19 strong belief against any premarital sexual
20 activities that you feel you could not serve and be a
21 fair and impartial juror listening to the evidence
22 with an open mind as to the evidence as it is
23 presented.

24 As I told you, the standard of proof
25 is beyond a reasonable doubt. Is there any person

1 who is seated in the box now that will feels that
2 they would require more than beyond a reasonable
3 doubt before they could reach a decision as to
4 whether or not the Defendant is guilty or not guilty?
5 Is there anyone who believes that they would not be
6 able to reach a decision if they did not hear, for
7 instance, any medical testimony or would you require
8 that from the State? And by your being silent, is it
9 fair that myself and Mr. Godwin can take that you are
10 saying no, that you would not require the State to
11 provide certain evidence to you; that you would
12 accept the instruction as to what beyond a reasonable
13 doubt is and apply it to the evidence as presented?

14 As you've had an opportunity to see,
15 our courtroom as well as our hallways are pretty
16 small. This morning has anyone heard anything about
17 this case, to your knowledge, other than what you've
18 heard in the courtroom? Do you understand that if
19 you are selected as a juror it is improper for anyone
20 to contact you, to speak to you about this case in
21 any manner whatsoever? Does everyone understand
22 that? And that would include the attorney, including
23 me, officers, people that you haven't seen in the
24 courtroom, the Defendant or any person whatsoever.
25 If you are selected to serve as a juror, would each

1 of you make it your responsibility if anyone contacts
2 you whatsoever, to notify his Honor, Judge Johnson?
3 If so, if you would raise your hand.

4 If I may have a moment, please.

5 THE COURT: Yes, ma'am.

6 MS. BURTON: Miss Bullard, do you know
7 Jeffrey Moore?

8 JUROR NO. 3: Yes, ma'am.

9 MS. BURTON: And how do you know
10 Mr. Moore.

11 JUROR NO. 3: He's from the same area
12 that -- that I was raised up with him.

13 MS. BURTON: Do you know any other
14 attorneys.

15 JUROR NO. 3: Yeah.

16 MS. BURTON: And who else do you know?
17 Are you related to Mr. Bullard, Donald Bullard?

18 JUROR NO. 3: No.

19 MS. BURTON: Does anyone else know any
20 attorneys if you haven't told me already?
21 Mr. McCartney.

22 JUROR NO. 2: I know Greg Bell, Jeffrey
23 Winn.

24 MS. BURTON: Yes, ma'am.

25 JUROR NO. 6: I know Mr. Locklear.

1 MS. BURTON: And Mr. Davis?

2 JUROR NO. 5: Campbell Reagan.

3 MS. BURTON: Are you related to
4 Mr. Reagan?

5 JUROR NO. 5: My daughter works with him.

6 MS. BURTON: You are not related to
7 Mr. Bell and Mr. Winn, are you?

8 JUROR NO. 2: No.

9 MS. BURTON: Do any of you know any
10 officers who work in law enforcement currently, or
11 are you related to anyone who does? Mr. Prevatte.

12 JUROR NO. 1: My ex-wife.

13 MS. BURTON: I'm sorry?

14 JUROR NO. 1: My ex-wife.

15 MS. BURTON: Works in law enforcement.

16 JUROR NO. 1: Yes, ma'am, Hope County.

17 MS. BURTON: So she doesn't live in this
18 county? What's her name?

19 JUROR NO. 1: Tammy Mercurio.

20 MS. BURTON: Yes, ma'am.

21 JUROR NO. 6: I know a couple.

22 MS. BURTON: Do they work a certain part
23 of the county that you know of? If you don't know,
24 that's fine.

25 What are their names?

1 JUROR NO. 6: Junior Mitchell, Bobby
2 Deese.

3 MS. BURTON: There's a new one, Anthony
4 Barnes. Anthony Barnes. Just started. Are you
5 related to any of those officers?

6 JUROR NO. 6: No.

7 MS. BURTON: Did anyone else have a hand
8 raised? Yes, sir, Mr. Brown?

9 JUROR NO. 4: (Inaudible.)

10 MS. BURTON: You know him because you
11 live in St. Paul's.

12 JUROR NO. 4: Personally.

13 MS. BURTON: Is he a family friend?

14 JUROR NO. 4: Acquaintance.

15 MS. BURTON: You've never had any trouble
16 with Major Watson or anything, have you?

17 JUROR NO. 4: No.

18 MS. BURTON: Mr. McCartney.

19 JUROR NO. 2: I know Ricky Dean Locklear.
20 Linda McNeill, Pembroke. That's about it.

21 MS. BURTON: Did I miss anyone?

22 Miss Bullard, do you know where Azure
23 Road is?

24 JUROR NO. 3: Yes, ma'am.

25 MS. BURTON: Is that where you live?

1 JUROR NO. 3: Yes, ma'am.

2 MS. BURTON: Is there anything that I
3 haven't asked that you feel would affect your ability
4 to serve as a juror in this case?

5 Your Honor, at this time we would like
6 to thank but excuse juror No. 1, Mr. Prevatte.

7 THE COURT: Mr. Prevatte, thank you very
8 much. If you'll please have a seat out in the
9 audience, please, sir.

10 MS. BURTON: Juror No. 2, Mr. McCartney.

11 THE COURT: Thank you very much for being
12 patient. If you'll just have a seat out in the
13 audience.

14 MS. BURTON: Juror No. 9, Mr. Overstreet.

15 THE COURT: Mr. Overstreet, thank you
16 also.

17 MS. BURTON: And juror No. 7, Mr. Revels.

18 THE COURT: Mr. Revels, thank you also
19 for being very patient. If you'll just have a seat
20 out in the audience.

21 MS. BURTON: Your Honor, we are satisfied
22 with the remaining jurors.

23 THE COURT: Madam clerk, if you'll call
24 four jurors for the remaining seats.

25 THE CLERK: Janice Locklear, if you'll

1 come up and take seat No. 1, J-A-N-I-C-E,
2 L-O-C-K-L-E-R.

3 Johnny Bullard, seat No. 2.

4 MR. GODWIN: Seat No. 2.

5 THE CLERK: J-O-H-N-N-Y, B-U-L-L-A-R-D.

6 Seat No. 7 on the front row, John
7 Hendren, J-O-H-N, H-E-N-D-R-E-N.

8 This is seat No. 9 on the front row,
9 Mildred Weber, M-I-L-D-R-E-D., W-E-B-E-R

10 THE COURT: Miss Burton, you may examine
11 our four new jurors on behalf of the State.

12 MS. BURTON: Good morning. Again, I'm
13 only speaking to the four new members who have been
14 seated. Were you able to hear the initial questions
15 and the questions that I've asked so far? Do any of
16 you know anyone who is seated at the juror so far?
17 Mr. Hendren?

18 JUROR NO. 7: I know Detective Maynor.

19 MS. BURTON: How do you know Detective
20 Maynor?

21 JUROR NO. 7: I've just known of him for
22 a number of years.

23 MS. BURTON: Is there anything about your
24 knowledge of him and the type of work he does that
25 would prevent you from being fair and impartial in

1 this case?

2 JUROR NO. 7: No, ma'am.

3 MS. BURTON: Did anyone else raise your
4 hands? It's kind of hard to see you, Mr. Bullard.

5 JUROR NO. 2: No.

6 MS. BURTON: If you'll take a look at the
7 Defendant's table, does anyone recognize there Harold
8 Godwin? No one does?

9 Now, I called out some names earlier
10 and I'll try to call those names out as quickly as I
11 can, but if you'll listen carefully if you recognize
12 any of the names just let me know. Sylvia Chavez or
13 Sylvia Huggins. Charles Huggins. James Carter.
14 Bernis Wilkins. Johnny Leonard. Rodney Dimery.
15 Peggy Dahl. Michael Oxendine. James Oxendine.
16 Sheila Oxendine -- I'm sorry -- Sheila Godwin.
17 Michael Godwin. Ruth Godwin. James Marvin Godwin.
18 Parker Alexander. David Autry. Julie Autry. Alese
19 Blanks. Lammarte Blanks. Linda Blanks. Marty
20 Blanks. Benjamin Blunt. Frank Frank Bowers.
21 Lucille Brewer. Tony Davis. Jacqueline Godwin.
22 Paul Haines. Bobby Hendren. Do you know him?

23 JUROR NO. 7: I know a Bobby Hendren.

24 MS. BURTON: Are you related to him?

25 JUROR NO. 7: We're distant cousins. I

1 haven't seen him in about 20 years to talk to him.

2 MS. BURTON: Do you know where the person
3 you know as Bobby Hendren lives?

4 JUROR NO. 7: He stayed in the Cliburn
5 Pines area. I'm not familiar with where he works or
6 anything.

7 MS. BURTON: Do you know even what type
8 of business he operated?

9 JUROR NO. 7: No, ma'am.

10 MS. BURTON: Roger Jacobs. Rodney
11 Jacobs. Samuel Jacobs. Bobby Jacobs. Barbara
12 Johnson. Buddy Johnson. Leola Johnson. Ruth
13 Johnson. Dale Locklear. Riley Locklear. James
14 Loft, Jr. David Lowery, Jr. Jimmy Lowery. Benny
15 Ray McMillan. David McMillan. Wilson Jenkins
16 McNeill, Jr. Lloyd Martin. Jennifer Godwin Maynor.
17 Lewis Moore. David Parnell. Horace Parnell. Bill
18 Pector. William Powers or David Earl Thomas. Did
19 anyone recognize any of those names?

20 Have any of you ever served as jurors
21 before? And Mr. Hendren, how long ago was that?

22 JUROR NO. 7: About 10 years ago I was on
23 a Grand Jury.

24 MS. BURTON: Anyone else? Have any of
25 you had to come to court for any reason outside of

1 any jury duty, being called to be part of a jury
2 pool? Ever been a victim of a crime or a witness to
3 a crime? Mr. Bullard, what part -- I'm sorry,
4 Mr. Hendren.

5 JUROR NO. 7: When you said victim, then
6 you said witness, I had someone murdered on my
7 property about two or three years ago.

8 MS. BURTON: Was this person a relative
9 of yours?

10 JUROR NO. 7: No, I didn't know them.

11 MS. BURTON: Was somebody charged in that
12 incident?

13 JUROR NO. 7: Yes, ma'am.

14 MS. BURTON: Did you have to at any time
15 testify because of that incident?

16 JUROR NO. 7: Yes, ma'am, I did testify.
17 I found the body.

18 MS. BURTON: Mr. Bullard, what type of
19 work do you do, sir?

20 JUROR NO. 2: I'm a welder.

21 MS. BURTON: A welder? And how long have
22 you been doing that?

23 JUROR NO. 2: Going on five years.

24 MS. BURTON: And do you work with your
25 family's business or for someone else?

1 JUROR NO. 2: Someone else.

2 MS. BURTON: And the name of that
3 company?

4 JUROR NO. 2: Crown Welding.

5 MS. BURTON: Are you married or single?

6 JUROR NO. 2: Single.

7 MS. BURTON: Miss Locklear, where do you
8 live in the county?

9 JUROR NO. 1: Paxton.

10 MS. BURTON: Do you know Mr. Bullard, by
11 any chance? Does anyone who was recently seated know
12 anyone in the box with you?

13 JUROR NO. 1: I know Christine Bullard.

14 MS. BURTON: Miss Locklear, how do you
15 know Miss Bullard?

16 JUROR NO. 1: We went to school together.

17 MS. BURTON: You're talking about high
18 school? How long has it been since you've seen
19 Miss Bullard?

20 JUROR NO. 1: Probably about three years.

21 MS. BURTON: So you haven't spent time
22 together socializing since school or anything like
23 that?

24 JUROR NO. 1: No.

25 MS. BURTON: Ma'am, are you married?

1 JUROR NO. 1: No, I'm not.

2 MS. BURTON: Mr. Bullard, I'm sorry, I
3 didn't ask you. Do you have any children?

4 JUROR NO. 2: No.

5 MS. BURTON: Miss Locklear, do you have
6 any children?

7 MS. BURTON: I have one child.

8 MS. BURTON: Mr. Hendron, where do you
9 live in the county, sir?

10 JUROR NO. 7: I live on S.R. 229,
11 commonly known as Alamac Road.

12 MS. BURTON: So you are familiar with the
13 surrounding area around Alamac Road there.

14 JUROR NO. 7: Portions of it, yes.

15 MS. BURTON: And what type of work do you
16 do?

17 JUROR NO. 7: I work with the North
18 Carolina Department of Transportation. I'm a highway
19 engineer. I am responsible for the maintenance and
20 the construction of the state road system in Bladen
21 County.

22 MS. BURTON: In Bladen County?

23 JUROR NO. 7: Yes, ma'am.

24 MS. BURTON: What kind of work does your
25 wife do?

1 JUROR NO. 7: She is retired. She was an
2 administrative assistant with the Department of
3 Social Services in Robeson County.

4 MS. BURTON: Do you and your wife have
5 children?

6 JUROR NO. 7: Yes, ma'am, they are grown
7 and live out of town.

8 MS. BURTON: You said they were all adult
9 age children?

10 JUROR NO. 7: Yes, ma'am.

11 MS. BURTON: And Miss Weber, ma'am, where
12 do you live in the county?

13 JUROR NO. 9: Route 1, Box 257 --

14 MS. BURTON: You don't have to give me
15 your address, just give me a general idea.

16 JUROR NO. 9: State Road 1003.

17 MS. BURTON: Is that near any named
18 neighborhood or does it have a name where you live?

19 JUROR NO. 9: Back Swamp.

20 MS. BURTON: Ma'am, are you married or
21 single?

22 JUROR NO. 9: Married.

23 MS. BURTON: What type of work do you do?

24 JUROR NO. 9: I work at the university.

25 MS. BURTON: At Pembroke State?

1 JUROR NO. 9: Yes.

2 MS. BURTON: What do you do there, ma'am?

3 JUROR NO. 9: Secretary.

4 MS. BURTON: And your husband, what type
5 of work does he do?

6 JUROR NO. 9: He's a corrections officer.

7 MS. BURTON: Do you and your husband have
8 children?

9 JUROR NO. 9: Yes.

10 MS. BURTON: And how many do you have?

11 JUROR NO. 9: Three.

12 MS. BURTON: Are they minor age children
13 living in your home?

14 JUROR NO. 9: Uh-huh.

15 MS. BURTON: Do any of you know of anyone
16 who's ever been raped before or anyone who's ever
17 been charged or convicted of a rape?

18 I believe Miss Locklear, Mr. Bullard
19 and Miss Weber, each of you remained silent
20 indicating you had never served on a jury before; is
21 that right? You understand that this Defendant is
22 charged with first degree rape, first degree sexual
23 offense, and kidnapping. Is there anything about
24 those charges in and of themselves, just the charges,
25 that you feel would prevent you from being a fair and

1 impartial juror? Is there something about them that
2 you feel that you could not listen to the evidence
3 and evaluate the evidence? Is there anyone who has a
4 religious belief that they could not judge as to
5 whether or not a person is guilty or not guilty?

6 Now, you understand that if you are
7 selected to serve as a juror you would work with
8 those persons who have already been chosen to serve
9 as jurors, and that would mean your responsibility
10 would be to listen to the evidence, evaluate it,
11 discuss it amongst your other jurors. Does anyone
12 feel that they would be uncomfortable and would not
13 be able to express their opinions or would be
14 unwilling to listen to the opinions of others? Do
15 you understand that his Honor, Judge Johnson, is the
16 only person who can tell you what the law is in this
17 case? And that if you are selected as a juror you
18 must follow the law as it is given to you by Judge
19 Johnson. Does everyone understand that and accept
20 that?

21 Now, is there anything about the fact
22 that the Defendant does not have an attorney and the
23 fact that I am an attorney that you feel that you
24 would feel sympathetic towards the Defendant or give
25 him more consideration as a juror? Do you

1 understand, as his Honor has told you, that if you
2 proceed in a matter without an attorney, that you are
3 held responsible to stand up for your rights as an
4 attorney would be and so you are treated as your own
5 attorney? Does everyone understand that? And that
6 as attorneys we have rules and obligations that we
7 must follow procedurally. Does anyone feel that they
8 would be uncomfortable because I am an attorney and
9 would as an attorney live up to my responsibilities,
10 make objections, present evidence to you as the
11 jurors?

12 Does anyone believe that it is
13 impossible for a woman to be raped? Has anyone ever
14 been assaulted in any manner or witnessed an assault?

15 You understand that because the State
16 has brought the charges against the Defendant that it
17 is our responsibility to put on evidence as to what
18 we believe shows that the Defendant is guilty of the
19 charges that he stands accused of? Does everyone
20 understand that? And, as such, our responsibility is
21 to prove to you beyond a reasonable doubt that he is,
22 in fact, guilty of the charges that we have brought
23 forth. Do you understand that the term "beyond a
24 reasonable doubt" is a standard of proof, and that
25 his Honor would have to give you the instruction as

1 to what that means? Does everyone understand that?
2 Mr. Bullard? It's kind of hard to see.

3 JUROR NO. 2: Yes.

4 MS. BURTON: So do you understand that it
5 does not mean -- the standard of proof beyond a
6 reasonable doubt does not mean beyond all doubt, or
7 beyond a shadow of a doubt. Does everyone understand
8 that? And do you each accept that? Do you
9 understand further that the Defendant does not have
10 to testify or to call witnesses, but if he chooses to
11 do so that as jurors it's your responsibility to
12 evaluate all witnesses based upon the same standard
13 of creditability/believability that you use in your
14 everyday functioning. Does everyone understand that?

15 Does anyone feel that they would not
16 be able to decide on the issue as to guilt or not
17 guilt, guilty or not guilty in this case, by the
18 nature of the case because they feel they would
19 require more of a standard than beyond a reasonable
20 doubt of the State? Does anyone feel that they would
21 have to hear, for instance, medical testimony before
22 they would be able to reach a decision as to guilty
23 or not guilty?

24 Now, are any of you familiar with
25 Philadilaphus Church Road? Starlight Drive? The

1 Maynor Center area or Jamestown? Yes, sir,
2 Mr. Hendren.

3 JUROR NO. 7: Well, I'm very familiar
4 with most of Robeson County. I worked up here for
5 about 14 years.

6 MS. BURTON: That was in your position in
7 the Department of Transportation.

8 JUROR NO. 7: Right.

9 MS. BURTON: Miss Locklear, what part of
10 Maxton do you live in, ma'am?

11 JUROR NO. 1: I live on Old Maxton Road.

12 MS. BURTON: Is that a general Route 3
13 address in Maxton?

14 JUROR NO. 1: Uh-huh.

15 MS. BURTON: Ma'am, have you ever had to
16 come to court for any reason outside of your jury
17 responsibilities?

18 JUROR NO. 1: No.

19 MS. BURTON: Mr. Bullard, what part of
20 Maxton do you live in, sir?

21 JUROR NO. 2: 1313.

22 MS. BURTON: I'm sorry.

23 JUROR NO. 2: Road 1313.

24 MS. BURTON: To your knowledge are you
25 related to be Donald Bullard?

1 JUROR NO. 2: No.

2 MS. BURTON: Do any of the new persons
3 who are seatsed in the jury know any attorneys or are
4 you related to any attorneys?

5 JUROR NO. 7: I know several, but not
6 related to any.

7 MS. BURTON: Miss Weber, what about you,
8 ma'am?

9 JUROR NO. 9: My brother-in-law is an
10 attorney.

11 MS. BURTON: In another part of the
12 state?

13 JUROR NO. 9: Yes.

14 MS. BURTON: Is anyone related to anyone
15 who works in law enforcement, or do you know officers
16 who work in law enforcement?

17 JUROR NO. 7: I know quite a few, but --

18 MS. BURTON: Not related? Miss Locklear?

19 JUROR NO. 11: I know some.

20 MS. BURTON: Mr. Bullard, you don't know
21 any at all?

22 JUROR NO. 2: Not related.

23 MS. BURTON: Miss Weber?

24 JUROR NO. 9: My husband is a corrections
25 officer.

1 MS. BURTON: Miss Locklear, who do you
2 know who works in law enforcement?

3 JUROR NO. 11: Stan James.

4 MS. BURTON: Anyone else?

5 JUROR NO. 11: No.

6 MS. BURTON: Mr. Bullard, are you related
7 to Mr. Chavez? How is it that you know --

8 JUROR NO. 2: We used to run together.

9 MS. BURTON: Did you know him before he
10 came to this county as well?

11 JUROR NO. 2: Yes.

12 MS. BURTON: Do you each understand that
13 if you are selected that sympathy or prejudice cannot
14 be a part of your decision making? And do you each
15 accept that?

16 As of today or before today, has
17 anyone heard anything about this case? You probably
18 heard me ask the other members of the jury, but if
19 you are selected, you understand that no one involved
20 with the trial, whether it's persons in the courtroom
21 or persons who are interested in the trial, are to
22 contact you if you are selected as a juror. Do you
23 each understand that? And do you understand that
24 it's your obligation to notify Judge Johnson if
25 anyone does contact you, regardless of who they are.

1 Do the four of you each promise that if you are
2 selected that you will notify Judge Johnson if
3 anything -- if anyone tries to contact you or to talk
4 to you in any manner whatsoever?

5 Have any of you ever been represented
6 by an attorney?

7 JUROR NO. 7: Yes, as far as my job I've
8 been represented a number of times by the Attorney
9 General's office.

10 MS. BURTON: Miss Locklear, I couldn't
11 tell if you are nodding yes or nodding no.

12 JUROR NO. 11: Nodding no.

13 MS. BURTON: And Mr. Bullard?

14 JUROR NO. 2: (Witness moves head from
15 side to side.)

16 MS. BURTON: Miss Weber, are you recently
17 married? What's your married name?

18 JUROR NO. 9: Hardin.

19 MS. BURTON: You told me that you lived
20 in the Back Swamp area? Is that a general P. O. box
21 of 2364?

22 JUROR NO. 9: That's my box at the post
23 office.

24 MS. BURTON: Has anyone ever been charged
25 or convicted of a crime?

1 Your Honor, if I may have a moment,
2 please.

3 THE COURT: Yes, ma'am.

4 MS. BURTON: Were any of you called to go
5 to courtroom No. 2? And then came back to this
6 courtroom? Miss Locklear, Miss Bullard and
7 Miss Weber? Mr. Hendren, you've been in this
8 courtroom.

9 MS. BURTON: Miss Locklear, can you tell
10 me again what type of work you do?

11 JUROR NO. 11: Sanitation.

12 MS. BURTON: With the county department?

13 JUROR NO. 11: (Juror moves head from
14 side to side.)

15 MS. BURTON: Where do you work?

16 JUROR NO. 11: Maxton Meat.

17 MS. BURTON: Maxton Meat? And how long
18 have you been there, ma'am?

19 JUROR NO. 11: Three years.

20 MS. BURTON: And before that what were
21 you doing?

22 JUROR NO. 11: Nothing.

23 MS. BURTON: You were working inside of
24 your home there?

25 JUROR NO. 11: Yes.

1 MS. BURTON: My final question. Does
2 anyone out of the four of you know a Ronnie Dean
3 Hammonds?

4 Your Honor, the State is satisfied.

5 THE COURT: Okay, thank you, ma'am.

6 Mr. Godwin, you have, provided by
7 statute, six peremptory strikes. That simply means
8 you may strike six jurors from this panel without
9 giving any reason. In order to assist you the law
10 also provides that you can ask background questions
11 of the jury sufficient so that you can intelligently
12 exercise those peremptory challenges. Your questions
13 of the jury, if you choose to ask them any questions,
14 should be background questions.

15 At this time you may proceed.

16 MR. GODWIN: Your Honor, I don't have no
17 knowledge about how to go about the issue, your
18 Honor. I need to --

19 THE COURT: Ladies and gentlemen of the
20 jury, let me advise you of the following. I am now
21 in my 13th year as a Superior Court judge. I can
22 assure you that I am acutely aware of all the rights
23 provided to a Defendant. This case has a long,
24 procedural history that would be inappropriate to
25 describe to you. The Court has had a lengthy hearing

1 prior to jury selection about the status of the
2 Defendant and lengthy findings have been made. The
3 Defendant has attempted to interject matters with
4 respect to the issue about counsel that the Defendant
5 knows in the jury selection process is inappropriate
6 and has been so instructed out of your presence.

7 I instruct you to disregard the
8 Defendant's statements in that respect and simply
9 determine the issues in this case on the evidence
10 presented to you and the law as I instruct you.

11 Can each of you do this? If so,
12 signify by raising your right hand.

13 (All jurors signal affirmatively)

14 THE COURT: Madam court reporter, if you
15 will show that each juror has responded
16 affirmatively.

17 Ladies and gentlemen of the jury, to
18 assist Mr. Godwin briefly one of the matters that was
19 not brought to anybody's attention -- and
20 Miss Burton, I will ask if you can assist the
21 Court -- can you name the personnel in the District
22 Attorney's office at this time? I don't believe that
23 issue was addressed.

24 MS. BURTON: Yes, sir. Those persons are
25 Johnson Britt, Jeffrey Moore, Stanley Todd, Judith

1 Daniels, Linda Price, Eric Hackney, Terri Martin,
2 Ivey Richardson, also known as Ivey
3 Richardson-Weathers. Those are the current persons
4 employed with our office.

5 THE COURT: Ladies and gentlemen of the
6 jury, do any of you know any of the members of the
7 District Attorney's office as recited by Miss Burton?
8 I take it by your silence that you do not.

9 Do you know any of the law enforcement
10 personnel whose names have been mentioned by
11 Miss Burton in the listing of the witnesses, both for
12 the State and by the Defendant? Let's see, Miss
13 Bullard did know one. Who was that, Miss Bullard?

14 JUROR NO. 3: Jeffrey Moore.

15 THE COURT: Did any of you have any prior
16 jury service prior to today's date in time? And
17 Mr. Hendren, I noted you have Grand Jury experience.
18 But do any of the prior jurors have prior jury
19 experience prior to this week? Either federal or
20 state.

21 Mr. Hendren, just for Mr. Godwin's
22 edification, when was your Grand Jury experience?

23 JUROR NO. 7: The approximate time was
24 1984.

25 THE COURT: Did you serve as Grand Jury

1 foreman at that time?

2 JUROR NO. 7: Yes.

3 THE COURT: Do any of you have any
4 relatives or close friends who are involved in law
5 enforcement? Miss Weber, you do have a husband who
6 is a corrections officer, and Mr. Godwin, I will let
7 you note that for the record.

8 You want to supplement those
9 questions, Mr. Godwin?

10 MR. GODWIN: Your Honor, it's just my
11 education and all.

12 THE COURT: All right, ask some
13 background questions, please, sir.

14 MR. GODWIN: Seat No. 6, Linda Oxendine,
15 you said you know Mr. Locklear.

16 JUROR NO. 6: Yes.

17 MR. GODWIN: How are you acquainted with
18 him, ma'am?

19 JUROR NO. 6: He was a teacher. He
20 taught me in school.

21 MR. GODWIN: You said you worked where?

22 JUROR NO. 6: Campbell Soup.

23 MR. GODWIN: Campbell Soup?

24 JUROR NO. 6: Uh-huh.

25 MR. GODWIN: Do you know Sylvia Chavez,

1 Sylvia Lynn Chavez, who is now Sylvia Lynn Chavez
2 Huggins?

3 JUROR NO. 6: No, sir.

4 MR. GODWIN: Seat No. 9, I can't
5 pronounce your name.

6 JUROR NO. 9: Weber.

7 MR. GODWIN: Miss Weber, you say your
8 husband is a corrections officer? Where is he a
9 corrections officer at, ma'am?

10 JUROR NO. 9: McCain.

11 MR. GODWIN: You work at the university?
12 What type work did you say?

13 JUROR NO. 9: Secretary.

14 MR. GODWIN: Your Honor, I'm going to
15 challenge No. 6.

16 THE COURT: All right, you are asking to
17 be excused Miss Oxendine, in seat No. 6?
18 Miss Oxendine, thank you very much for being
19 extremely patient with us. If you'll have a seat out
20 in the audience.

21 MR. GODWIN: Seat No. 10.

22 THE COURT: That's Miss Vendrick, I
23 think.

24 MR. GODWIN: Seat No. 7.

25 I would still like to keep my

1 remainder three open.

2 THE COURT: You have three more
3 peremptories, but what we have to do under the
4 statute, Mr. Godwin, is that you pass these then I
5 call three more jurors into the jury box, the State
6 examines those then those three are passed to you.

7 MR. GODWIN: But if I say I'm satisfied
8 with these, with the rest of these, and then I come
9 up and get to thinking about something else, your
10 Honor, you said I'm already past these three, that I
11 cannot --

12 THE COURT: You can't go back normally.

13 MR. GODWIN: I can't go back?

14 THE COURT: No, the jury is with you at
15 the present time on whether you want to pass these.
16 The statute provides a specific procedure in getting
17 a jury. I'll let you think about it a minute.

18 MR. GODWIN: Yes, sir.

19 Mr. Jimmy Davis, I think that's the
20 name, could you give me a little background on
21 yourself without me having to ask the questions, just
22 job title and just et cetera?

23 JUROR NO. 6: I'm retired from the Air
24 Force and I'm the maintenance manager at Munsonwear
25 in Fairmount.

1 MR. GODWIN: And you stated you live out
2 on 41, I think.

3 JUROR NO. 6: Elizabethtown Road on State
4 Road 2100.

5 MR. GODWIN: I will challenge seat No. 9
6 also, your Honor.

7 THE COURT: That's Miss Weber?
8 Miss Weber, thank you very much for being very
9 patient with us. If you'll have a seat out in the
10 audience.

11 Mr. Godwin, by my count that's four
12 peremptories. Do you want to pass the remaining
13 jurors at this time?

14 MR. GODWIN: Yes, sir, I sure do.

15 THE COURT: All right, that reserves two
16 peremptory challenges for the balance of the jury.

17 Madam clerk, if you'll call four new
18 jurors, please.

19 THE CLERK: Gale Grayboy, seat No. 6.

20 MR. GODWIN: Wait a minute, seat No. 6?
21 Let me get back here.

22 THE CLERK: Seat No. 6, Gail Grayboy,
23 G-A-L-E, Grayboy, G-R-A-Y-B-O-Y.

24 Kenneth Guthrie, seat No. 7,
25 G-U-T-H-R-I-E.

1 Dula Parker, seat No. 9., D-U-L-A,
2 Parker, P-A-R-K-E-R.

3 Carolyn Deese, seat No. 10,
4 C-A-R-O-L-Y-N, Deese, D-E-E-S-E.

5 THE COURT: Mr. Godwin, the statute
6 procedurally requires the jury to get back to the
7 State. The State has passed eight of the jurors.
8 It's Miss Burton's responsibility to examine the four
9 jurors and at some time, either later this morning or
10 later this afternoon, the four jurors will be passed
11 to you and you go through the same process. You have
12 two peremptory challenges left.

13 MR. GODWIN: I didn't understand that.
14 She can go through eight jurors?

15 THE COURT: No, sir, she has four jurors
16 to ask questions. All right?

17 MR. GODWIN: Okay.

18 THE COURT: You may proceed, Miss Burton.

19 MS. BURTON: Good afternoon, speaking now
20 to Miss Grayboy, Miss Deese, Miss Parker and
21 Mr. Guthrie, were each of you seated in a place where
22 you could hear the questions that I've asked so far?
23 Do you know anyone who's seated at this table? And
24 does anyone know the Defendant?

25 To your knowledge have you heard

1 anything about this case, whether it's this morning
2 or during the recess or at any time to your
3 knowledge? Do you understand that the Defendant is
4 charged with rape, sexual offense, as well as
5 kidnapping. Is there anything about those charges in
6 and of themselves that you feel would prevent you
7 from serving and being a fair and impartial juror?
8 Miss Parker?

9 JUROR NO. 9: Do I have to go through
10 this again?

11 THE COURT: Miss Parker, that's all
12 right. Why don't you come up. Stand right here.

13 (Conference at the Bench
14 outside the hearing of the reporter.)

15 THE COURT: Madam court reporter, if you
16 will show for the reasons privately disclosed in the
17 presence of Mr. Godwin and Miss Burton, Miss Parker,
18 she is allowed to stand aside for cause.

19 Madam clerk, if you will call a
20 replacement juror for that seat, please, ma'am.

21 THE CLERK: Tasha Oxendine, seat No. 9.

22 THE COURT: If you'll spell the name for
23 both counsel and the Court.

24 THE CLERK: T-A-S-H-A.

25 THE COURT: Miss Burton, you may examine.

1 MS. BURTON: Okay, good afternoon,
2 Miss Oxendine. Ma'am, were you originally in this
3 courtroom and had to go to courtroom No. 2?

4 JUROR NO. 9: Yeah.

5 MS. BURTON: Were you called at that time
6 and placed in the box over in courtroom No. 2?

7 JUROR NO. 9: Uh-huh.

8 MS. BURTON: Do you know the Defendant in
9 this case?

10 JUROR NO. 9: No.

11 MS. BURTON: Do you know any of the
12 people who are seated at the table here with me?

13 JUROR NO. 9: No.

14 MS. BURTON: Now, were each of you able
15 to hear the most recent listing of names of those
16 attorneys who worked in the DA's office?
17 Miss Oxendine, did you hear that as well?

18 JUROR NO. 9: Uh-huh.

19 MS. BURTON: Did any of you recognize the
20 names of those attorneys who are working in the
21 District Attorney's office or any support personnel?
22 Do any of you know -- if you know just raise your
23 hand -- or believe that you know these persons that
24 I'm about to call? The names are Sylvia Chavez or
25 Sylvia Huggins. Charles Huggins. Bernis Wilkins, --

1 Mr. Guthrie?

2 JUROR NO. 7: Bernis Wilkins, I know
3 someone right out behind me.

4 MS. BURTON: Sir, if you can keep your
5 voice up. You know some that live out by you?

6 JUROR NO. 7: In the Saddle Tree area. I
7 don't know their first names.

8 MS. BURTON: Is that where you live?

9 JUROR NO. 7: Yes, ma'am.

10 MS. BURTON: And how long have you lived
11 in the Saddle Tree area?

12 JUROR NO. 7: Nine and a half years.

13 MS. BURTON: And you are not sure that
14 you know Bernis Wilkins, you're just going by the
15 last name Wilkins?

16 JUROR NO. 7: Right.

17 MS. BURTON: Rodney Dimery. James Marvin
18 Godwin. Ruth Godwin. Sheila Godwin. Peggy Dahl.
19 Rose Jacobs. Johnny Leonard.

20 This is a longer list of names and if
21 you recognize someone, just raise your hand and then
22 I'll come back and try to talk with you.

23 Parker Alexander. David Daniel Autry.
24 Julie Johnson Autry. Alese Blanks. Lammarte Blanks.
25 Linda Faye Blanks. Marty Lynn Blanks. Benjamin

1 Blunt. Frank Bowers. Lucille Brewer. Tony Davis.
2 Jacqueline Godwin. Paul Haines. Bobby Hendren.
3 Roger Jacobs. Rodney Jacobs. Bobby Jacobs. Barbara
4 Johnson. Buddy Johnson. Leola Johnson. Ruth
5 Johnson. Dale Locklear. Riley Locklear. James
6 Loft, Jr., David Lowery Jr. Jimmy Lowery. Bennie
7 Ray McMillan --

8 THE COURT: You have one juror raising a
9 hand.

10 MS. BURTON: Miss Oxendine.

11 JUROR NO. 9: The name Jimmy Lowery. I
12 have a cousin by that name.

13 MS. BURTON: And where does your cousin
14 live, ma'am?

15 JUROR NO. 9: It's the Maxton area, but
16 it's a Roland address.

17 MS. BURTON: Do you know what type of
18 work that he does?

19 JUROR NO. 9: No.

20 MS. BURTON: When was the last time that
21 you saw him?

22 JUROR NO. 9: Might be about a year.

23 MS. BURTON: Did you see him at your home
24 or just in passing?

25 JUROR NO. 9: Yes, at my home.

1 MS. BURTON: And you say he's a cousin?
2 Is he a first cousin?

3 JUROR NO. 9: Yes.

4 MS. BURTON: Miss Deese, is your hand
5 raised as well?

6 JUROR NO. 10: I know Riley Locklear, as
7 in R-I-L-E-Y?

8 MS. BURTON: Let me hear how you
9 pronounce it. And where does he live?

10 JUROR NO. 10: Maxton.

11 MS. BURTON: Do you know how old he is?

12 JUROR NO. 10: He's probably in his
13 forties. We just work together.

14 MS. BURTON: And where do you work,
15 ma'am?

16 JUROR NO. 10: J. P. Stevens.

17 MS. BURTON: And how long have you worked
18 there?

19 JUROR NO. 10: 27 years.

20 MS. BURTON: I believe I stopped at David
21 McMillan. Wilson Jenkins McNeill Jr. Lloyd Martin.
22 Jennifer Godwin Maynor. Lewis Moore. David Parnell.
23 Horace Parnell. Bill Pector. William Powers and
24 David Earl Thomas.

25 Miss Oxendine, what part of the county

1 do you live in?

2 JUROR NO. 9: I'm originally from Back
3 Swamp, but I live in St. Paul's now.

4 MS. BURTON: And how long have you lived
5 in St. Paul's?

6 JUROR NO. 9: About three years.

7 MS. BURTON: Are you married or single?

8 JUROR NO. 9: Married.

9 MS. BURTON: And what type of work does
10 your husband do?

11 JUROR NO. 9: He's disabled.

12 MS. BURTON: And what type of work did he
13 do before he was disabled?

14 JUROR NO. 9: He worked at Carl's
15 Hosiery.

16 MS. BURTON: You work inside your home?

17 JUROR NO. 9: With my children.

18 MS. BURTON: How old are your children?

19 JUROR NO. 9: The oldest girl is two and
20 a half and my baby is a year.

21 MS. BURTON: Before your children did you
22 work outside the home?

23 JUROR NO. 9: I worked at Sara Lee Knits.

24 MS. BURTON: And how long did you work
25 there?

1 JUROR NO. 9: About two years, two and a
2 half.

3 MS. BURTON: Did you know a Marie Wright
4 that worked there.

5 JUROR NO. 9: Uh-huh.

6 MS. BURTON: Was she a supervisor of
7 yours?

8 JUROR NO. 9: No, she did the hiring.

9 MS. BURTON: Were you hired by her as
10 well?

11 JUROR NO. 9: Yes, uh-huh.

12 MS. BURTON: Miss Deese, are you married
13 or single?

14 JUROR NO. 10: Married.

15 MS. BURTON: And what type of work do you
16 do, ma'am?

17 JUROR NO. 10: I'm a machine operator.

18 MS. BURTON: What does that mean?

19 JUROR NO. 10: I run a machine that sews
20 towels.

21 MS. BURTON: And your husband, ma'am,
22 what does he do?

23 JUROR NO. 10: He's disabled.

24 MS. BURTON: And prior to that what type
25 of work?

1 JUROR NO. 10: He was in construction.

2 MS. BURTON: And where did he work
3 construction?

4 JUROR NO. 10: He was out of town. His
5 last job was in New Mexico.

6 MS. BURTON: Did he generally always work
7 out of state?

8 JUROR NO. 10: No, he had worked in
9 Laurenburg for a while for Gibson's Construction.

10 MS. BURTON: Do you have any children?

11 JUROR NO. 10: Yes, ma'am.

12 MS. BURTON: And how old are those?

13 JUROR NO. 10: 23, 20 and 19.

14 MS. BURTON: Are they outside of your
15 home?

16 JUROR NO. 10: Two of them at home.

17 MS. BURTON: Two of them at home, your 20
18 and 19 year-old?

19 JUROR NO. 10: No, the 19 and 23.

20 MS. BURTON: What type of work do they
21 do?

22 JUROR NO. 10: One of them works at
23 Carol's Food and one of them is a Hardee's manager
24 and he works for Carol's Food too.

25 MS. BURTON: Is that a family business?

1 JUROR NO. 10: No, it's tending hogs on a
2 farm.

3 MS. BURTON: Ma'am, what part of the
4 county did you say you lived in?

5 JUROR NO. 10: I live on Oxendine School
6 Road, 1312.

7 MS. BURTON: Does your neighborhood go by
8 a name, neighborhood?

9 JUROR NO. 10: No, other than Smith's.

10 MS. BURTON: Miss Oxendine, what part of
11 Roland are you currently living in?

12 JUROR NO. 9: That's where I lived before
13 I got married.

14 MS. BURTON: So now you're living in St.
15 Paul's?

16 JUROR NO. 9: In St. Paul's, uh-huh.

17 MS. BURTON: Mr. Guthrie, what type of
18 work do you do?

19 JUROR NO. 7: I'm a body shop manager.

20 MS. BURTON: Which shop is that?

21 JUROR NO. 7: Bleeker.

22 MS. BURTON: How long have you been
23 there, sir?

24 JUROR NO. 7: Five and a half years.

25 MS. BURTON: And are you married?

1 JUROR NO. 7: Yes.

2 MS. BURTON: What type of work does your
3 wife do?

4 JUROR NO. 7: She's an inspector.

5 MS. BURTON: For which company?

6 JUROR NO. 7: Lumberton Dyeing and
7 Printing.

8 MS. BURTON: Do you have children?

9 JUROR NO. 7: Yes, got seven children.

10 Four of them are growed and gone away from home. Got
11 an 11 year-old, 9 year-old and an 8 year-old at home,
12 plus I've got three grandchildren that stay with me.

13 MS. BURTON: And the grandchildren are
14 living, you say, with you?

15 JUROR NO. 7: Yes, I have custody of
16 them.

17 MS. BURTON: Miss Grayboy, ma'am, where
18 do you live in the county?

19 JUROR NO. 6: Red Spring.

20 THE COURT: Miss Grayboy, could you raise
21 your voice level, ma'am.

22 JUROR NO. 6: I live in Red Spring, about
23 two miles out 211.

24 MS. BURTON: And, ma'am, what type of
25 work do you do?

1 JUROR NO. 6: I stay at home.

2 MS. BURTON: Have you ever worked outside
3 of your home?

4 JUROR NO. 6: Yes, ma'am.

5 MS. BURTON: And what type of work did
6 you do?

7 JUROR NO. 6: It was day care.

8 MS. BURTON: Are you married, ma'am?

9 JUROR NO. 6: Yes, ma'am.

10 MS. BURTON: And what type of work does
11 your husband do?

12 JUROR NO. 6: He works at Converse.

13 MS. BURTON: And do you and your husband
14 have children?

15 JUROR NO. 6: Yes, ma'am, three. One is
16 16 next month and 11 years old and two and a half.

17 MS. BURTON: Have any of you ever been
18 selected to serve on a jury? Mr. Guthrie and
19 Miss Deese. And when I say that, were you actually
20 had an opportunity to reach a decision? How long ago
21 was that, Mr. Guthrie?

22 JUROR NO. 7: A little over two years.

23 MS. BURTON: And Miss Deese?

24 JUROR NO. 10: Same time.

25 MS. BURTON: Have any of you had to come

1 to court as a victim of a crime or as a witness to a
2 crime? Ever been a victim of a crime? No one had
3 any assaults or breaking or enterings or anything of
4 that sort? Do you know of anyone who's ever been
5 charged or convicted of raping or kidnapping anyone?
6 Do you know of anyone who's ever been raped or
7 kidnapped? Yes, Miss Grayboy.

8 JUROR NO. 6: My sister.

9 MS. BURTON: Was that recently?

10 JUROR NO. 6: A couple of years ago.

11 MS. BURTON: Is there anything about your
12 sister's experience that you feel would prevent you
13 from being fair and impartial in this case?

14 JUROR NO. 6: (Witness moves head from
15 side to side.)

16 MS. BURTON: Was anyone charged in that
17 case?

18 JUROR NO. 6: No, ma'am.

19 MS. BURTON: Miss Oxendine, do you know a
20 Wanda Brown or a Wanda Godwin?

21 JUROR NO. 9: Hunh-unh.

22 MS. BURTON: Do any of the new members
23 known anyone who's in the jury box with them? Yes,
24 Miss Deese.

25 JUROR NO. 10: I know Mr. Bullard and

1 Mrs. Bullard.

2 MS. BURTON: You know Miss Christine
3 Bullard and Mr. Johnny Bullard?

4 JUROR NO. 10: Uh-huh.

5 MS. BURTON: And how do you know
6 Miss Bullard?

7 JUROR NO. 10: I just know her from
8 school, way back. But he lives close to me, Johnny
9 does.

10 MS. BURTON: Were you and Miss Christine
11 Bullard classmates? Just in the same school?

12 JUROR NO. 10: Uh-huh.

13 MS. BURTON: But different grade levels?
14 When was the last time you saw Miss Bullard.

15 JUROR NO. 10: About 10 years.

16 MS. BURTON: And Mr. Bullard you see more
17 frequently?

18 JUROR NO. 10: No, but I know him because
19 he lives close.

20 MS. BURTON: Is there anything about
21 knowing the two other people who have been selected
22 as jurors that you feel would prevent you from
23 serving and being fair and impartial?

24 JUROR NO. 10: No.

25 MS. BURTON: Mr. Guthrie, did you raise

1 your hand?

2 JUROR NO. 7: No.

3 THE COURT: Miss Burton, it's right at
4 1:00. This appears to be a good place to stop. If
5 you'll make a note of where you are in your
6 examination.

7 Ladies and gentlemen of the jury, in
8 just a moment I'm going to let all of you take a
9 luncheon recess. I am informed Judge La Barre needs
10 some services from some of our jurors and at this
11 time I'm going to ask our clerk, Miss Gaines, if she
12 will call your names. And if you will, report to
13 Judge La Barre's courtroom at 2:30. You can go to
14 lunch in just a minute, but report to his courtroom
15 in 2:30 and it will be the names of those jurors who
16 have been probably excused from this courtroom.
17 Miss Gaine, if you will call those jurors' names.

18 THE CLERK: Michael McCartney. Linda
19 Oxendine. John Hendren. Carolyn Vendrick. Mildred
20 Wether. William Prevatte. Lawrence Overstreet and
21 Billy Revels.

22 THE COURT: All of those individuals, I'm
23 going to let you go to lunch in just one moment, but
24 when you come back, go to Judge La Barre's courtroom
25 in the courtroom across the hallway.

1 With that we're going to let all of
2 our jurors take a luncheon recess. All of those out
3 in the audience with the exception of those whose
4 names were called to go to Judge La Barre's
5 courtroom, come back to this courtroom before 2:30.
6 If you will report back to this courtroom and retake
7 your seats in the jury box at 2:30 and we will
8 continue with the jury selection process at that
9 time.

10 Everyone else remain seated with the
11 exception of our jurors. All our jurors may depart
12 and we'll see you at 2:30.

13 Miss Parker.

14 (Conference at the Bench
15 outside the hearing of the reporter.)
16 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT,
17 WITHOUT A JURY)

18 THE COURT: Would you or one of your
19 officers let me know when the jury has cleared the
20 elevator? We'll remain at ease.

21 Mr. Jacobs, if you'll put everybody in
22 recess until 2:30, please.

23 (Proceedings recessed for lunch)

24 THE COURT: Miss Burton and Mr. Godwin,
25 if you'll come up here briefly.

1 (Conference at the Bench
2 outside the hearing of the reporter.)
3 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT,
4 WITH A JURY)

5 THE COURT: Miss Burton, you may resume
6 your examination of the jury.

7 MS. BURTON: Miss Oxendine, Mr. Guthrie
8 and Miss Grayboy, I'll have to ask you to forgive me
9 if I repeat any questions that I asked you earlier.

10 I had called out some names and you
11 indicated, I believe, that you did not recognize any
12 of those names; is that right?

13 There are just a few other names that
14 I'd like to call your attention to. Do any of you
15 know Angus Thompson, Diane Phillips, Sue Berry, Gayla
16 Biggs, Jack Moody or Ronald Foxworth? And again,
17 briefly, Johnson Britt, John Carter, Stanley Todd,
18 Terri Martin, Jeffrey Moore, Linda Price, Ivey
19 Richardson and Susan Bariola?

20 Mr. Guthrie, have you ever served on a
21 jury before?

22 JUROR NO. 7: Yes, ma'am.

23 MS. BURTON: And how long ago was that?

24 JUROR NO. 7: About two years.

25 MS. BURTON: And did I ask you -- I

1 believe I asked you that before lunch, but did I ask
2 you whether or not it was a civil or criminal matter?
3 If you recall. If you don't, that's --

4 JUROR NO. 7: I don't remember.

5 MS. BURTON: And I believe Miss Deese,
6 you also said you had served. Do you recall whether
7 or not it was civil or criminal?

8 JUROR NO. 10: It was a drug case.

9 MS. BURTON: And I take it,
10 Miss Oxendine, and Miss Grayboy, that that means
11 you've never served, never been called except for
12 this week to be on the jury pool?

13 Do either of you, Miss Oxendine and
14 Miss Grayboy, know anyone who is in the jury box
15 there with you? You understand that if you are
16 selected as a juror then it would be your
17 responsibility, along with the other members who have
18 been chosen, to listen to the evidence; that's one
19 responsibility; to decide what the facts are from the
20 sworn testimony which comes in the form of evidence,
21 and then to talk amongst yourselves about the issues
22 that have been raised; to apply the law that is given
23 to you by the judge, and then to decide as to whether
24 or not the Defendant is guilty or not guilty. Do you
25 each understand that? Miss Oxendine?

1 JUROR NO. 9: Uh-huh.

2 THE COURT: Do you feel that you would be
3 able to discuss openly the issues involved in this
4 case, knowing that it's a first degree rape, a sexual
5 offense, which is basically an allegation of oral
6 sex, as well as kidnapping? Miss Grayboy,
7 Miss Oxendine? Miss Oxendine, you are not really --
8 I can't tell from your reaction if you are
9 responding. If you could state for me what you're
10 thinking.

11 JUROR NO. 9: First off I don't know
12 about rape, I don't know, you know, how you claim
13 rape. I don't feel it's my duty to say someone did
14 something if I didn't see them do it.

15 MS. BURTON: So you're saying that you
16 don't feel that you could be a judge as to whether
17 someone is guilty or not guilty?

18 JUROR NO. 9: That's what I'm saying.

19 MS. BURTON: Your Honor, we would
20 challenge Miss Oxendine for cause.

21 THE COURT: Miss Oxendine, the statements
22 that you made, is that in large part based upon your
23 religious conviction?

24 JUROR NO. 9: Yes, sir.

25 THE COURT: For that reason we'll let you

1 stand aside. If you'll just have a seat out in the
2 audience. Madam clerk, if you will show that for
3 cause and call a replacement, ma'am.

4 THE CLERK: Rachel Russell.

5 MS. BURTON: Good morning, Miss Russell.
6 I'll try to catch you up with the remaining jurors.
7 Do you know me or any of the officers? Do you know
8 the Defendant?

9 JUROR NO. 9: No.

10 MS. BURTON: Now, I've called out several
11 times now quite a long list of names. Did you
12 recognize any of the names I called?

13 JUROR NO. 9: No.

14 MS. BURTON: What part of town do you
15 live in?

16 JUROR NO. 9: Off of Tarheel Road, Road
17 1972.

18 MS. BURTON: Do you know anyone who is
19 seated in the jury box with you?

20 JUROR NO. 9: No.

21 MS. BURTON: Ma'am, have you ever served
22 as a juror before?

23 JUROR NO. 9: Yeah, about three years
24 ago. Or I was called. I was never --

25 MS. BURTON: You were called to be in the

1 jury pool like you are right now but never had to
2 actually reach a decision as to guilty or not guilty?

3 JUROR NO. 9: No.

4 MS. BURTON: Ma'am, do you have any
5 religious convictions that would prevent you from
6 making a decision or judging, making a decision as to
7 guilty or not guilty?

8 JUROR NO. 9: Yes, I'd like to be
9 excused.

10 THE COURT: Miss Russell, if you'll come
11 up here just one moment. Miss Burton, if you and
12 Mr. Godwin will come up.

13 (Conference at the Bench
14 outside the hearing of the reporter.)

15 THE COURT: Thank you very much. We'll
16 let you stand aside.

17 Madam clerk, for the reasons disclosed
18 at the bench privately but with Mr. Godwin and
19 Miss Burton present, Miss Russell will be excused for
20 cause. If you will call a replacement juror for that
21 seat, please.

22 THE CLERK: James Cox.

23 MS. BURTON: Do you know any of the
24 parties?

25 JUROR NO. 9: No, ma'am, but I explained

1 in the other courtroom a while ago I'm not justified
2 to sit up and say whether a man is guilty or not
3 guilty.

4 MS. BURTON: So you don't believe
5 regardless of the evidence you would be able to make
6 a decision whether someone is guilty or not guilty?

7 JUROR NO. 9: No, ma'am.

8 MS. BURTON: Is that based upon your
9 personal experience or your religious belief?

10 JUROR NO. 9: My personal experience.

11 MS. BURTON: So you don't feel you would
12 be able to make a decision as to whether someone is
13 guilty or not guilty.

14 JUROR NO. 9: That's correct.

15 MS. BURTON: We would challenge for
16 cause.

17 THE COURT: You are excused, sir. Call a
18 replacement juror, please, ma'am.

19 THE CLERK: Kimberly Clark.

20 THE COURT: State may examine.

21 MS. BURTON: Good morning, Miss Clark.

22 If you would look at my table, as well as the
23 Defendant's table, do you know any of the parties?

24 JUROR NO. 9: No, ma'am.

25 MS. BURTON: Ma'am, where do you live in

1 the county?

2 JUROR NO. 9: I live off I-95 near
3 Clark's Body Shop.

4 MS. BURTON: Is that a family business?

5 JUROR NO. 9: Yes, ma'am.

6 MS. BURTON: Ma'am, do you know anyone
7 seated there in the box with you?

8 JUROR NO. 9: No, ma'am, I don't.

9 MS. BURTON: Do you have any religious
10 experiences or personal experiences that you feel
11 would prevent you from serving in a case such as
12 rape, sexual offense and kidnapping?

13 JUROR NO. 9: No.

14 MS. BURTON: Do you know anyone who's
15 ever been raped or kidnapped or accused of rape or
16 kidnapping?

17 JUROR NO. 9: No.

18 MS. BURTON: Have you ever served as a
19 juror before?

20 JUROR NO. 9: No.

21 MS. BURTON: Did you hear the names that
22 I've called out?

23 JUROR NO. 9: Yes, ma'am.

24 MS. BURTON: At some point you were in
25 courtroom No. 2.

1 JUROR NO. 9: Uh-huh.

2 MS. BURTON: Was that in the early
3 morning hours? Do you know about what time you would
4 have come back over here?

5 JUROR NO. 9: No, I don't.

6 MS. BURTON: Did you recognize any of the
7 names that His Honor, Judge Johnson, gave as well as
8 names I would have given?

9 JUROR NO. 9: Susan Mary Ulney.

10 MS. BURTON: Do you live in the Fairmont
11 area?

12 JUROR NO. 9: No, Lumberton.

13 MS. BURTON: How do you know her?

14 JUROR NO. 9: She taught a class at
15 Robeson Tech.

16 MS. BURTON: She's not a personal friend
17 or anything?

18 JUROR NO. 9: No.

19 MS. BURTON: Did you recognize any other
20 names?

21 JUROR NO. 9: No.

22 MS. BURTON: Ma'am, do you know anyone
23 who's ever been a victim of a crime, or have you ever
24 been a victim of a crime?

25 JUROR NO. 9: No.

1 MS. BURTON: Mr. Guthrie, the same
2 question to you, sir. Do you know anyone who's ever
3 been a victim of a crime?

4 JUROR NO. 7: No.

5 MS. BURTON: And Miss Deese.

6 Miss Clark, have you ever had to come
7 to court for any reason?

8 JUROR NO. 9: Speeding violation.

9 MS. BURTON: How long ago was that?

10 JUROR NO. 9: 1986.

11 MS. BURTON: All four of you, have any of
12 you heard anything about this case, to your
13 knowledge?

14 JUROR NO. 9: No.

15 JUROR NO. 6: No.

16 MS. BURTON: Now, is there anything about
17 the fact that the Defendant is representing himself,
18 serving in the capacity as his own attorney, that you
19 feel would cause you to give him sympathy or be
20 biased in his favor because I am an attorney?

21 JUROR NO. 10: No, ma'am.

22 MS. BURTON: Do you each understand
23 according to what Judge Johnson has already told you
24 that if you are serving as your own attorney, then
25 you are held responsible for knowing what the law and

1 the rules are?

2 JUROR NO. 9: Yes.

3 MS. BURTON: You understand that if you
4 are chosen as jurors then you would be the only
5 persons who could reach a decision as to who was
6 believable, who is a creditable witness? Do you each
7 understand that? Would you apply the same standard
8 of credibility to every witness, regardless of who
9 calls them to testify, whether they are a State's
10 witness or whether they are a Defendant's witness?

11 Have any of you ever been represented
12 by an attorney, or are any of you related to
13 attorneys?

14 JUROR NO. 6: I am.

15 MS. BURTON: Who is that?

16 JUROR NO. 6: Mary Jacobs.

17 MS. BURTON: When was the last time you
18 had contact?

19 JUROR NO. 6: A year, year and a half.

20 MS. BURTON: Mr. Guthrie, is your hand --
21 yes, sir.

22 JUROR NO. 7: I had Fred Russell White
23 as an attorney for a divorce.

24 MS. BURTON: But you are not related to
25 him in any fashion?

1 JUROR NO. 7: No, ma'am.

2 MS. BURTON: Do any of you know or are
3 you related to anyone who works in law enforcement?
4 Okay, if you can just keep your hand up and let me
5 note that, then I'll come back to you.

6 Miss Grayboy -- okay, I have everyone's hand, I
7 believe. Ma'am, who do you know or are you related
8 to?

9 JUROR NO. 6: I have a brother, he's got
10 a recent job, something, I don't know what it is, but
11 something like a probation officer.

12 MS. BURTON: Does your brother work in
13 this county?

14 JUROR NO. 6: Yes, ma'am.

15 MS. BURTON: What's his name?

16 JUROR NO. 6: James Chavez Jr.

17 MS. BURTON: Okay, and Miss Clark?

18 JUROR NO. 9: Bart Locklear, I have a
19 cousin who is a correction officer. Al Williams, Sam
20 Moore.

21 MS. BURTON: And Mr. Guthrie.

22 JUROR NO. 7: My brother-in-law is a
23 deputy up in Illinois.

24 MS. BURTON: In Illinois, but no one
25 locally?

1 JUROR NO. 7: No.

2 MS. BURTON: Now, were you each able to
3 hear me mention briefly the standard of proof and
4 that the Defendant does not have to testify or call
5 witnesses, but the State is required to put on
6 evidence and to prove beyond a reasonable doubt that
7 he is in fact guilty of the charges we've brought
8 against him. Do you each understand that? And that
9 that standard of proof is not beyond all doubt or
10 beyond a shadow of a doubt, but it is a standard of
11 proof that only His Honor can instruct you on.

12 Now, would either of you require a
13 higher standard of proof because of the nature of the
14 charges? For instance, is there anyone who is seated
15 now amongst the four of you who believes that you
16 would require the State to put on evidence of medical
17 testimony or any other higher standard you feel
18 regardless of what His Honor would tell you?

19 Mr. Guthrie, are you familiar with
20 Philadilaphus Church Road, or Alamac Road?

21 JUROR NO. 7: I've heard of them, but not
22 really familiar.

23 MS. BURTON: Don't know where they are
24 located in the county?

25 JUROR NO. 7: I know roughly where they

1 are located. I know Alamac Road is off Second
2 Street.

3 MS. BURTON: But it's not a road that you
4 travel frequently?

5 JUROR NO. 7: No.

6 MS. BURTON: What about you?

7 JUROR NO. 9: I've heard of Philadilaphus
8 Church Road.

9 MS. BURTON: But neither are roads that
10 you travel frequently?

11 JUROR NO. 9: I have to go down Alamac
12 Road occasionally.

13 MS. BURTON: Miss Grayboy?

14 JUROR NO. 6: I have to go that way
15 frequently.

16 MS. BURTON: You do that frequently?

17 JUROR NO. 6: Yes, ma'am.

18 MS. BURTON: Is there anyone who believes
19 that it is impossible for a woman to be raped, out of
20 the four new jurors?

21 Just a few more questions. You
22 understand, as I have mentioned to other jurors who
23 have been selected, that if you are selected you are
24 the sole fact-finders and no one in the courtroom can
25 talk to you about the case, including amongst

1 yourselves, until His Honor tells you that you can.
2 Do you each understand that? That means you have the
3 responsibility of notifying the only person who can
4 talk with you, his Honor, if someone tries to talk
5 with you about the case.

6 Now, for the four of you, do you each
7 promise that if you are selected as a juror, whether
8 you are in the hallways, in the courtroom or wherever
9 you may be, if anyone tries to contact you that you
10 will make it your responsibility and take on the
11 responsibility to let the judge know that people are
12 trying to talk with you?

13 Now, is there anything about the fact
14 that these incidents are alleged to have happened in
15 June of 1986 that would affect your ability to be
16 fair and impartial with it being 1995? Does anyone
17 know of any reason why they could not serve and be a
18 fair and impartial juror?

19 Does anyone have -- of the four of
20 you -- such a strong opinion or belief against
21 premarital sex that you feel that you would not be
22 able to be a fair -- and when we say fair, we mean an
23 open-minded juror; to listen to all of the evidence
24 and reach your decision based upon what the evidence
25 is?

1 Your Honor, if I may have a moment.

2 THE COURT: Yes, ma'am.

3 MS. BURTON: Have any of you ever lived
4 any place in the county that you have not told me
5 about, other than the place where you are living?

6 JUROR NO. 9: Used to live on Highway
7 711, five miles before you get to.

8 MS. BURTON: Your Honor, for purposes of
9 this trial we would like to thank but excuse juror
10 No. 7 and we are satisfied with the remaining jurors.

11 THE COURT: Mr. Guthrie, thank you very
12 much for being extremely patient. If you will please
13 have a seat out in the audience.

14 Madam clerk, please call a replacement
15 juror for seat No. 7.

16 THE CLERK: Evonia Locklear.

17 THE COURT: We need our spelling.

18 THE CLERK: This is for seat No. 7,
19 E-V-O-N-I-A, Locklear, L-O-C-K-L-E-A-R.

20 THE COURT: Miss Burton, you may examine.

21 MS. BURTON: Thank you, your Honor.

22 Miss Locklear, do you know anyone
23 seated at the table here?

24 JUROR NO. 7: No, I don't.

25 MS. BURTON: Do you know the Defendant?

1 JUROR NO. 7: No, I don't.

2 MS. BURTON: You live somewhere in the
3 vicinity of Pembroke?

4 JUROR NO. 7: Right.

5 MS. BURTON: Is that in the Deep Branch
6 area?

7 JUROR NO. 7: Uh-huh.

8 MS. BURTON: How long have you been
9 living there, ma'am?

10 JUROR NO. 7: For six years.

11 MS. BURTON: Were you living in another
12 part of the county before that?

13 JUROR NO. 7: Prospect.

14 MS. BURTON: Were you in this courtroom
15 originally and had to go to courtroom 2?

16 JUROR NO. 7: Right.

17 MS. BURTON: Now, did you know or do you
18 know Jeffrey Moore?

19 JUROR NO. 7: Yes.

20 MS. BURTON: How do you know Jeffrey?

21 JUROR NO. 7: I knew his parents. He
22 graduated way behind -- ahead of me in school.

23 MS. BURTON: So do you live near where
24 his parents live when you were living in the Prospect
25 area?

1 JUROR NO. 7: Right, uh-huh.

2 MS. BURTON: Ma'am, have you ever been
3 chosen as a juror before?

4 JUROR NO. 7: No.

5 MS. BURTON: Have you ever had to come to
6 court for any reason?

7 JUROR NO. 7: No.

8 MS. BURTON: You understand, and I'm not
9 sure if you were in here at the time, but this case
10 involves charges of rape, sexual offense, and
11 kidnapping with sexual offense basically being
12 allegations of oral sex. Is there anything about
13 those particular charges that you feel would prevent
14 you from serving as a juror?

15 JUROR NO. 7: No.

16 MS. BURTON: Do you know of anyone who's
17 ever been raped or assaulted before?

18 JUROR NO. 7: No.

19 MS. BURTON: Do you know of anyone who's
20 ever been charged with those types of offenses?

21 JUROR NO. 7: No.

22 MS. BURTON: Have you ever been a victim
23 of a crime?

24 JUROR NO. 7: No.

25 MS. BURTON: Have you ever witnessed a

1 crime?

2 JUROR NO. 7: No.

3 MS. BURTON: Ma'am, what type of work do
4 you do?

5 JUROR NO. 7: Substitute teaching.

6 MS. BURTON: Which school is that?

7 JUROR NO. 7: Different areas. Prospect,
8 Pembroke, Deep Branch.

9 MS. BURTON: Do you know or are you
10 related to anyone who works in law enforcement?

11 JUROR NO. 7: No.

12 MS. BURTON: Do you know or are you
13 related to anyone who is an attorney?

14 JUROR NO. 7: No.

15 MS. BURTON: Have you ever had --

16 JUROR NO. 7: Attorney?

17 MS. BURTON: Yes, ma'am.

18 JUROR NO. 7: Gay Brillock.

19 MS. BURTON: Gay Brillock? Are you
20 related to him?

21 JUROR NO. 7: On my grandmother's side.

22 MS. BURTON: When was the last time that
23 you saw him?

24 JUROR NO. 7: It's been a couple years.

25 MS. BURTON: To your knowledge have you

1 heard anything about this case?

2 JUROR NO. 7: No.

3 MS. BURTON: Now, I'm going to call out a
4 few additional names for you. Do you know Sylvia
5 Huggins, Charles Huggins or Sylvia Chavez, Rodney
6 Dimery?

7 JUROR NO. 7: No.

8 MS. BURTON: Ruth Godwin. Sheila Godwin.
9 Wanda Godwin. James Marvin Godwin. Michael Godwin.

10 JUROR NO. 7: No.

11 MS. BURTON: Ma'am, are you married or
12 single?

13 JUROR NO. 7: Yes.

14 MS. BURTON: What type of work does your
15 husband do?

16 JUROR NO. 7: He works at Pembroke State.

17 MS. BURTON: And how long has he been
18 employed there?

19 JUROR NO. 7: I think for seven years.

20 MS. BURTON: Do you and your husband have
21 children?

22 JUROR NO. 7: Two.

23 MS. BURTON: Are these children that are
24 still in your home?

25 JUROR NO. 7: Yes.

1 MS. BURTON: How old are they?

2 JUROR NO. 7: Nine and eight.

3 MS. BURTON: Have you ever been
4 represented by an attorney?

5 JUROR NO. 7: No.

6 MS. BURTON: Have you ever had to come to
7 court for any reason other than jury duty?

8 JUROR NO. 7: No.

9 MS. BURTON: Ma'am, do you know anyone
10 who is seated there in the jury box with you?

11 JUROR NO. 7: Yes.

12 MS. BURTON: Who do you know?

13 JUROR NO. 7: Christine Bullard and
14 Miss Deese.

15 MS. BURTON: How do you know
16 Miss Bullard?

17 JUROR NO. 7: Went to school with her.

18 MS. BURTON: High school?

19 JUROR NO. 7: Yes.

20 MS. BURTON: How long has it been since
21 you saw her?

22 JUROR NO. 7: I'm not sure. It's been a
23 couple years ago.

24 MS. BURTON: Were you and Miss Bullard
25 friends in school?

1 JUROR NO. 7: Well, we'd speak.

2 MS. BURTON: How do you know Miss Deese?

3 JUROR NO. 7: I used to work with her.

4 MS. BURTON: And where were you working
5 at that time?

6 JUROR NO. 7: JP Stevens.

7 MS. BURTON: How long ago was that,
8 ma'am?

9 JUROR NO. 7: Three years.

10 MS. BURTON: Ma'am, do you believe that
11 you could serve as a juror, listen to the evidence,
12 assist in evaluating that evidence by talking with
13 your colleagues who would be selected as jurors, give
14 your opinion, listen with an open mind as to what
15 their opinion is, listen to the instruction as to
16 what the law is from Judge Johnson, and apply that
17 law?

18 JUROR NO. 7: Yes.

19 MS. BURTON: Do you feel that you would
20 be comfortable talking about matters involving rape
21 and oral sex?

22 JUROR NO. 7: I think so.

23 MS. BURTON: You would not let any
24 discomfort prevent you from expressing your opinion
25 and voting your conscience?

1 JUROR NO. 7: No.

2 MS. BURTON: Now, do you understand, as
3 I've asked the other jurors, that if you are selected
4 as a juror you would be a fact-finder? So from the
5 evidence, sworn testimony, you would have to decide
6 what the facts are in this case. Do you understand
7 that?

8 JUROR NO. 7: Yes.

9 MS. BURTON: Only His Honor can tell you
10 what the law is in this case; that the Defendant does
11 not have to testify, nor does he have to put on any
12 evidence. But if he does so, that you as a juror can
13 hold his witnesses to the exact same standard of
14 credibility and truth and believability that you
15 would hold the State's witnesses; you understand
16 that?

17 JUROR NO. 7: Yes.

18 MS. BURTON: You understand that the
19 standard of proof is beyond a reasonable doubt. And
20 that's what the State must prove to you. That is not
21 beyond all doubt, it is not beyond a shadow of a
22 doubt; do you understand that.

23 JUROR NO. 7: Yes.

24 MS. BURTON: You understand that his
25 Honor is the person who -- and is the only person --

1 who can instruct you as to what beyond a reasonable
2 doubt is. Do you understand that?

3 JUROR NO. 7: Yes.

4 MS. BURTON: Now, is there anything about
5 the fact that the Defendant does not have a lawyer
6 and is acting as his own attorney in this case --

7 JUROR NO. 7: No.

8 MS. BURTON: -- that would cause you to
9 be sympathetic toward him or resentful of the fact
10 that I am an attorney?

11 JUROR NO. 7: No.

12 MS. BURTON: You wouldn't automatically
13 give him greater credence or benefit of the doubt
14 simply because he does not have an attorney?

15 JUROR NO. 7: No.

16 MS. BURTON: You understand that he is
17 held to the same responsibility as I am as a licensed
18 attorney.

19 JUROR NO. 7: Licensed?

20 MS. BURTON: As I am a licensed attorney,
21 do you understand that he is then held to the same
22 responsibilities as far as following the law, the
23 procedures, of court?

24 JUROR NO. 7: Yes.

25 MS. BURTON: Ma'am, do you believe that

1 it's -- do you have any strong beliefs that you feel
2 would prevent you from serving in a rape case,
3 whether it's personal or whether you simply don't
4 believe that it's possible for someone to be raped?

5 JUROR NO. 7: It's possible someone could
6 be raped.

7 MS. BURTON: I'm sorry? I didn't hear
8 your last part.

9 JUROR NO. 7: I believe it's possible
10 that someone could be raped.

11 MS. BURTON: Do you have a feeling
12 personal within yourself where you feel that,
13 regardless of what the evidence would be, you would
14 not be able to reach a decision concerning guilt or
15 not guilt only because of what the case is?

16 JUROR NO. 7: No.

17 MS. BURTON: You don't have any religious
18 belief that that could occur, that would prevent you
19 from making a decision as to guilty or not guilty.

20 JUROR NO. 7: No.

21 MS. BURTON: Do you have any feelings
22 that you feel would make you hesitant to believe that
23 someone is raped, regardless of what the evidence
24 would be.

25 JUROR NO. 7: No.

1 MS. BURTON: You say you don't know of
2 anyone who's ever been raped or assaulted?

3 JUROR NO. 7: No.

4 MS. BURTON: Or anyone who's ever been
5 charged?

6 JUROR NO. 7: No.

7 MS. BURTON: Now, let me ask you this.
8 You appeared to be hesitating a little. Was that
9 because you were just thinking about it, or you're
10 not sure.

11 JUROR NO. 7: Well, I was thinking about
12 it.

13 MS. BURTON: Have you, personally, ever
14 been in a situation that made you feel as if you were
15 threatened with the possibility of being raped?

16 JUROR NO. 7: No.

17 MS. BURTON: Did you know any of the
18 parties who were in the case in courtroom 2?

19 JUROR NO. 7: Excuse me?

20 MS. BURTON: Did you know any of the
21 persons who were involved in the case in courtroom 2?

22 JUROR NO. 7: No.

23 MS. BURTON: Ma'am, I'm going to call out
24 my longer list of names and if you recognize any, if
25 you would just raise your hand. Parker Alexander.

1 David Autry and Julie Autry. Alese Blanks. Lammarte
2 Blanks. Linda Faye Blanks. Marty Lynn Blanks.
3 Benjamin Blunt. Frank Bowers. Lucille Brewer. Tony
4 Davis. Jacqueline Godwin. James Marvin Godwin.
5 Michael Godwin. Ruth Godwin. Paul S. Haines. Bobby
6 Hendren. Roger Jacobs. Rodney Jacobs. Samuel
7 Jacobs. Vonnie Jacobs. Barbara Johnson. Buddy
8 Johnson. Leola Johnson. Ruth Johnson. Dale
9 Locklear. Raleigh Locklear. James Loft, Jr. David
10 Lowery, Jr. Jimmy Lowery. Billy Ray McMillan.
11 David McMillan. Wilson Jenkins McNeill, Jr., Lowell
12 T. Martin. Jennifer Godwin Maynor. Lewis Moore.
13 David Parnell. Horace Parnell. Bill Pector.
14 William Powers and David Earl Thomas.

15 JUROR NO. 7: No.

16 MS. BURTON: Since you live right outside
17 the Pembroke area, are you familiar with where the
18 police station is located in Pembroke?

19 JUROR NO. 7: Right.

20 MS. BURTON: Do you know the area that is
21 considered the Philadilaphus Church Road area?

22 JUROR NO. 7: Right.

23 MS. BURTON: Do you know people who live
24 in that area?

25 JUROR NO. 7: I know some, but I can't

1 recall any right at the moment.

2 MS. BURTON: Is that -- the Philadilaphus
3 Church Road -- a street that you travel frequently?

4 JUROR NO. 7: Yes.

5 MS. BURTON: Is that near where you've
6 described that you live?

7 JUROR NO. 7: No.

8 MS. BURTON: Do you travel that road to
9 get back and forth from work, or just for visiting or
10 travelling to see friends?

11 JUROR NO. 7: Just visiting.

12 MS. BURTON: Ma'am, if you are selected
13 as a juror would you hold your fellow jurors
14 responsible, as well as yourself, for notifying the
15 judge if anyone tried to contact you?

16 JUROR NO. 7: What?

17 MS. BURTON: About the case. If anyone
18 tried to contact you about the case would you, if you
19 learned about it involving another juror or if it
20 involved you, would you tell the judge about it?

21 JUROR NO. 7: Yes.

22 MS. BURTON: And you understand that it's
23 improper for anyone to contact you or to try to talk
24 to you about the case?

25 JUROR NO. 7: Right.

1 MS. BURTON: Do you also understand that
2 part of serving on a jury is not only listening to
3 the opinions of others, but open-mindedly expressing
4 what your opinions are? And as you do that you have
5 the right to talk amongst yourselves and discuss the
6 issues and to debate what those issues are.

7 JUROR NO. 7: Yes.

8 MS. BURTON: Do you feel that you would
9 be able to do that?

10 JUROR NO. 7: Yes.

11 MS. BURTON: Do you know of any reason
12 why you could not serve and be a fair and impartial
13 juror?

14 JUROR NO. 7: No.

15 MS. BURTON: Do you have any mindset at
16 this moment that you could not reach a decision as to
17 guilty or not guilty?

18 JUROR NO. 7: No.

19 MS. BURTON: Have you at any time made up
20 in your mind at this point how you feel about this
21 case.

22 JUROR NO. 7: No, not at this time I
23 haven't.

24 MS. BURTON: You understand that if you
25 are selected as a juror it's your responsibility

1 throughout the whole trial not to make a decision
2 until you are instructed to deliberate with your
3 other jury members?

4 JUROR NO. 7: Yes.

5 MS. BURTON: And will you do that and
6 listen to your other jury members, as well as express
7 what your opinions are?

8 JUROR NO. 7: Yes.

9 MS. BURTON: Your Honor, the State is
10 satisfied.

11 THE COURT: Mr. Godwin, as a reminder,
12 you have two peremptory questions remaining. Your
13 questions at this time, if any, should be directed to
14 juror No. 6, Miss Grayboy; juror No. 7, Miss
15 Locklear; juror No. 9, Miss Clark; and juror No. 10,
16 Miss Deese. If you have any questions you may
17 proceed.

18 MR. GODWIN: Juror No. 7, Miss Locklear,
19 you state you used to live at Prospect?

20 JUROR NO. 7: Right.

21 MR. GODWIN: What vicinity of Prospect?
22 I was just curious to know.

23 JUROR NO. 7: Right off 710.

24 MR. GODWIN: 710. And you teach school
25 or --

1 JUROR NO. 7: I just sub. Substitute
2 teacher.

3 MR. GODWIN: Substitute? Did you ever
4 know John Dozier Locklear or Leila Locklear? I think
5 Leila Locklear just died last --

6 MS. BURTON: Your Honor, I would object
7 to his giving information about people.

8 THE COURT: Overruled as to knowledge of
9 individuals. Do you know any of those persons,
10 Miss Locklear?

11 JUROR NO. 7: My parents know them.

12 MR. GODWIN: Your Honor, I need some time
13 to think.

14 THE COURT: All right, just take your
15 time, Mr. Godwin.

16 MR. GODWIN: Do you know Arnold Locklear,
17 Miss Locklear?

18 JUROR NO. 7: Arnold Locklear? The law
19 firm Locklear? No, not personally.

20 MR. GODWIN: Donald Bullard?

21 JUROR NO. 7: Yes.

22 MR. GODWIN: You know Donald personally?

23 JUROR NO. 7: Right.

24 MR. GODWIN: Do you feel as if I was to
25 show my innocence in this court that you could

1 properly find me not guilty in the case?

2 JUROR NO. 7: Repeat the question.

3 THE COURT: He's asking you, I think,
4 Miss Locklear, if the State fails to satisfy you
5 beyond a reasonable doubt as to his guilt, could you
6 return a verdict of not guilty, which would be your
7 duty and responsibility to do so, if the State did
8 not satisfy you that he's guilty beyond a reasonable
9 doubt.

10 JUROR NO. 7: If not satisfied.

11 THE COURT: That's what he's asking.

12 MR. GODWIN: Miss Oxendine --

13 Miss Oxendine, seat No. 9?

14 THE COURT: No, that's Miss Clark.

15 MR. GODWIN: Clark?

16 THE COURT: Yes, sir, Kimberly Clark.

17 MR. GODWIN: Would you spell that name
18 for me, your Honor?

19 THE COURT: K-I-M-B-E-R-L-Y.

20 MR. GODWIN: K what?

21 THE COURT: I-M-B-E-R-L-Y; is that
22 correct? Clark, C-L-A-R-K.

23 MR. GODWIN: What did you say your
24 occupation was, ma'am?

25 JUROR NO. 9: Assistant manager at

1 National Finance Company, downtown Lumberton.

2 MR. GODWIN: Lumberton. And your husband
3 works at?

4 JUROR NO. 9: Clark's Body Shop on
5 highway 74.

6 MR. GODWIN: Miss Deese, you said you was
7 from where, ma'am?

8 JUROR NO. 10: Maxton.

9 MR. GODWIN: Any kin to Ray Deese?

10 JUROR NO. 10: Not that I know of.

11 MR. GODWIN: Do you know any of -- that's
12 already been asked.

13 Miss Grayboy, think you said you have
14 a daughter that had been raped before or something?

15 JUROR NO. 6: No, I have a sister.

16 MR. GODWIN: A sister? Would that mean
17 anything to you about finding me innocent or guilty?
18 If the State failed to show that I was guilty would
19 you return a verdict of not guilty?

20 JUROR NO. 6: I don't think so.

21 THE COURT: Let me help him out here,
22 Miss Grayboy. The burden always remains upon the
23 State of North Carolina to prove that any Defendant
24 is guilty beyond a reasonable doubt. And I think
25 what Mr. Godwin is asking you, if the State failed to

1 satisfy you beyond a reasonable doubt as to his
2 guilt, could you return a verdict of not guilty,
3 which would be your duty to do so if they had not
4 satisfied you. Could you do that?

5 JUROR NO. 6: Yes.

6 MR. GODWIN: Miss Grayboy, do you know a
7 Harold Bell?

8 JUROR NO. 6: No, not really. I know the
9 name. I've heard of the name.

10 THE COURT: Any additional questions,
11 Mr. Godwin?

12 MR. GODWIN: Trying to think of some,
13 your Honor.

14 THE COURT: All right, I'll give you a
15 couple more minutes.

16 Ladies and gentlemen of the jury, let
17 me see if I can assist Mr. Godwin slightly. You four
18 new jurors, are you related by blood or marriage to
19 any law enforcement officer? That is, Miss Locklear,
20 Miss Clark, Miss Deese or Miss Grayboy? No?

21 JUROR NO. 6: Would you repeat that one
22 more time?

23 THE COURT: Are you related by blood or
24 marriage to any law enforcement officers?

25 JUROR NO. 6: No.

1 THE COURT: Are any of you personally
2 acquainted with any members of the District
3 Attorney's office, that is, Mr. Johnson Britt or any
4 members of his staff that have been described earlier
5 by Miss Burton earlier today, to your knowledge?

6 Have any four of you ever sat on a
7 jury before, before today's date? Miss Deese, I
8 believe you indicated you have before. How long ago
9 was that?

10 JUROR NO. 10: I think it was about two,
11 two and a half years ago.

12 THE COURT: Do you remember if it was a
13 criminal or civil session?

14 JUROR NO. 10: It was a drug case.

15 THE COURT: And you actually sat and
16 deliberated in that case?

17 JUROR NO. 10: Yes.

18 THE COURT: Do you have any additional
19 questions, Mr. Godwin?

20 MR. GODWIN: My mind is drawing blanks,
21 your Honor.

22 THE COURT: All right, well, I think
23 between the questions asked by Miss Burton and the
24 ones I've asked and the ones that you've asked you
25 have sufficient information to exercise your

1 peremptories if you choose to do so. You want to
2 think about that a moment?

3 MR. GODWIN: Yes, sir.

4 THE COURT: All right, sir. You have
5 two. You don't have to exercise them, but it's your
6 choice at this point.

7 MR. GODWIN: Yes, sir.

8 Your Honor, could I ask a question?
9 How many does the State have?

10 THE COURT: Same number that you do.
11 Each side has six. Miss Burton has exercised five
12 peremptories; you have exercised four so far. You
13 have two more.

14 MR. GODWIN: She's exercised five, so she
15 has one more?

16 THE COURT: Yes, sir.

17 MR. GODWIN: No. 9. I speak of you as
18 numbers because I can't speak the name.

19 THE COURT: You want to excuse
20 Miss Clark; is that the lady you want to excuse?
21 Miss Clark, thank you for being patient with us.

22 It's not required that you use all of
23 them, but feel free to do so.

24 Are you satisfied with the other three
25 jurors, Mr. Godwin?

1 MR. GODWIN: If I use this last one I'm
2 out, right?

3 THE COURT: On the regular panel you will
4 be out. You will be entitled to one peremptory per
5 alternate juror thereafter.

6 MR. GODWIN: One more minute, your Honor,
7 and I'll make a decision.

8 THE COURT: Mr. Godwin, I think it's time
9 to make a decision.

10 MR. GODWIN: Miss Grayboy, please.

11 THE COURT: Miss Grayboy, thank you very
12 much for being patient with us. The Defendant has
13 exercised his peremptory. You will stand aside,
14 please.

15 Madam clerk, if you will call two new
16 jurors to those seats, please, ma'am.

17 THE CLERK: Leland Dubois.

18 THE COURT: If you will spell
19 Mr. Dubois's name for both Miss Burton and
20 Mr. Godwin.

21 THE CLERK: D-U-B-O-I-S.

22 MS. BURTON: What was the first name
23 again?

24 THE CLERK: Leland.

25 Samuel Jacobs, seat 9.

1 THE COURT: Miss Burton, you may examine
2 our two new jurors.

3 MS. BURTON: Thank you, your Honor.

4 Speaking now to Mr. Dubois, is that
5 correct, the correct pronunciation? And Mr. Jacobs.
6 I'm asking just each of you to pretty much go through
7 the same thing that the other members have gone
8 through. If you would start with this table, do you
9 recognize me, Detective Maynor or Detective Carter?
10 And does anyone know the Defendant?

11 Mr. Jacobs, where do you live in the
12 county?

13 JUROR NO. 9: In Lumberton.

14 MS. BURTON: In Lumberton?

15 JUROR NO. 9: Yes, ma'am.

16 MS. BURTON: Have you ever lived anywhere
17 else in the county?

18 JUROR NO. 9: No.

19 MS. BURTON: What type of work do you do?

20 THE COURT: Could you raise your voice
21 level a little bit, please?

22 JUROR NO. 9: I work at West Point
23 Stevens.

24 MS. BURTON: Do you know Miss Deese?

25 JUROR NO. 9: No.

1 MS. BURTON: Do you know anyone else
2 seated in the box with you?

3 MS. BURTON: No, ma'am.

4 THE COURT: Miss Burton, let me interrupt
5 you. The other courtroom needs some additional
6 jurors, so if you'll listen to your name and then
7 assemble over at the side we'll let one of our
8 bailiffs take you over there. Madam clerk?

9 THE CLERK: Rachel Russell and Kenneth
10 Guthrie.

11 THE COURT: Miss Burton, you may proceed.
12 I thought we had more to send over there.

13 MS. BURTON: Mr. Jacobs, are you married
14 or single?

15 JUROR NO. 10: Single.

16 MS. BURTON: Have you ever been married?

17 JUROR NO. 10: No, ma'am.

18 MS. BURTON: Do you mind if I ask how old
19 you are?

20 JUROR NO. 10: 20.

21 MS. BURTON: Did you recently just
22 graduate from high school?

23 JUROR NO. 10: Yes, I did.

24 MS. BURTON: And how long have you been
25 working at West Point Stevens?

1 JUROR NO. 10: Six months.

2 MS. BURTON: And what type of work, if
3 any, were you doing before then.

4 JUROR NO. 10: Construction work.

5 MS. BURTON: And where were you doing
6 that work, sir.

7 JUROR NO. 10: At Raeford.

8 MS. BURTON: Do you live with your
9 parents.

10 JUROR NO. 10: Yes, ma'am.

11 MS. BURTON: Give me an idea where in
12 Lumberton you live.

13 JUROR NO. 10: Off 48 by-pass.

14 MS. BURTON: And what type of work does
15 your father do.

16 JUROR NO. 10: He works in maintenance at
17 West Point.

18 MS. BURTON: And your mother.

19 JUROR NO. 10: Inaudible.

20 MS. BURTON: Have you ever been a juror
21 before.

22 JUROR NO. 10: No, ma'am.

23 MS. BURTON: Never been called for the
24 jury pool.

25 JUROR NO. 10: Hunh-unh.

1 MS. BURTON: Mr. Dubois, I'll ask the
2 same questions of you, sir. What part of the County
3 do you live in.

4 JUROR NO. 6: Deep branch area.

5 MS. BURTON: Are you familiar with some
6 of the streets that I've called out, or the areas,
7 like Philadilaphus Church Road, Alamac Road.

8 JUROR NO. 6: Not really. I know about
9 Philadilaphus, but not as far as where the roads are
10 located at.

11 MS. BURTON: What type of work do you do,
12 sir?

13 JUROR NO. 6: I am a high school teacher.
14 I teach science.

15 MS. BURTON: In Lumberton?

16 JUROR NO. 6: Fairmont High School.

17 MS. BURTON: Have you ever lived at any
18 other place in the county other than the Deep Branch
19 area?

20 JUROR NO. 6: No.

21 MS. BURTON: Mr. Jacobs and Mr. Dubois,
22 as to the fact that the Defendant does not have an
23 attorney, do either of you feel that you would feel
24 sympathetic towards him to such an extent or to any
25 extent that you would give him the benefit of the

1 doubt or show sympathy towards him.

2 JUROR NO. 6: No.

3 MS. BURTON: You each understand that if
4 he serves as his own attorney, he is required to
5 follow the procedures and rules that licensed
6 attorneys do.

7 MS. BURTON: Are you married, sir?

8 JUROR NO. 6: Yes.

9 MS. BURTON: You've gone through this?
10 What about you, Mr. Jacobs, were you called into the
11 jury box in courtroom 2 as well.

12 JUROR NO. 9: Yes, ma'am.

13 MS. BURTON: Do you know anyone who is an
14 attorney or works in law enforcement.

15 JUROR NO. 6: Yes.

16 MS. BURTON: And who do you know, sir?

17 JUROR NO. 6: My brother-in-law used to
18 be with the SBI. He worked for the court until a
19 recent election. I don't know if Horace Locklear is
20 still a practicing attorney, but I know him by
21 marriage.

22 MS. BURTON: You know that Mr. Sam sun
23 worked in my office; is that right.

24 JUROR NO. 6: Yes.

25 MS. BURTON: Is there anything about

1 that, that he no longer works there, that you feel
2 that you would not be able to be a fair and impartial
3 juror knowing that I still work in that office.

4 JUROR NO. 6: No, because he doesn't
5 discuss his cases.

6 MS. BURTON: To your knowledge do you
7 know anything about this case, or Mr. Jacobs, as well
8 as you, Mr. Dubois.

9 JUROR NO. 6: No.

10 MS. BURTON: When was the last time that
11 you saw Mr. Sam sun.

12 JUROR NO. 6: I guess that would have to
13 be Sunday dinner.

14 MS. BURTON: Mr. Jacobs, is your address
15 this the vicinity of route 10, box 886.

16 JUROR NO. 10: No, ma'am, it's route 5,
17 box 404.

18 MS. BURTON: Are you familiar with the
19 Philadilaphus Church Road area.

20 JUROR NO. 9: No, ma'am.

21 MS. BURTON: Do either of you know of
22 anyone who has ever been assaulted, ever been raped,
23 or ever been charged with rape? Know of anyone or
24 have you ever been a witness to a crime.

25 JUROR NO. 6: No.

1 MS. BURTON: A victim of a crime.

2 JUROR NO. 9: No.

3 MS. BURTON: Now, in this case it
4 involves charges of first degree rape, kidnapping and
5 sexual offense. Is there anything about the nature
6 of the offenses that you feel would prevent you from
7 being fair and impartial?

8 I'm not quite sure at what point you
9 came into this courtroom, so I'm going to try to
10 briefly read out the names that I've called and if
11 you recognize any, if you'll just let me know.
12 Sylvia Chavez or Sylvia Huggins. Charles Huggins.
13 Rodney Dimery. Bernis Wilkins. Johnny Leonard. Do
14 either of you recognize Wanda Godwin, Ruth Godwin,
15 Sheila Godwin, James Marvin Godwin, Michael Godwin?
16 Mr. Dubois, do you know anyone else who works in my
17 office, to your knowledge.

18 JUROR NO. 6: Not to my knowledge.

19 MS. BURTON: Those names are Johnson
20 Britt, Stanley Todd, Jeffrey Moore, Henry Oxendine,
21 Linda Price, Susan Bariola, Ivey Richardson Weathers,
22 Judith Daniels, Terri Martin. Do you recognize any
23 one of those names?

24 JUROR NO. 6: The District Attorney, as
25 far as being someone in the office, for the reason my

1 brother-in-law was also in the primaries running for
2 the chair position, so I have met him through that
3 process.

4 MS. BURTON: This is a longer list and
5 I'll try to go through as fast as I can. Hopefully I
6 can see you through my peripheral vision. David
7 Daniel Autry, Julie Johnson Autry, Alese Blanks,
8 Lammarte Blanks, Linda Faye Blanks, Marty Lynn
9 Blanks, Benjamin Blunt. Frank Bowers. Lucille
10 Brewer. Tony Davis. Jacqueline Godwin. Paul
11 Haines. Bobby Hendren. Ronnie Jacobs. Rodney
12 Jacobs. Samuel Jacobs. Vonnie Jacobs. Barbara
13 Johnson. Body Johnson. Leola Johnson. Dale
14 Locklear. Raleigh Locklear. James Loft. David
15 Lowery Jr. Jimmy Lowery. Betty Ray McMillan. David
16 McMillan. Wilson Jenkins McNeill Jr. Lloyd T.
17 Martin. Lewis Moore. David Parnell. Horace
18 Parnell. Bill Pechter. William Powers. David Earl.
19 Thomas.

20 Now, Mr. Jacobs, have you ever had to
21 come to court for any reason?

22 JUROR NO. 9: No, ma'am.

23 MS. BURTON: Never had to testify on
24 behalf of anyone.

25 JUROR NO. 9: (Witness moves head from

1 side to side.)

2 MS. BURTON: Have knits of you had any
3 any kind of contact with law enforcement personnel?
4 Do you know anyone who's seated in the box here with
5 you at this point.

6 JUROR NO. 6: No.

7 JUROR NO. 9: No.

8 MS. BURTON: Mr. Jacobs and Mr. Dubois,
9 do you believe that you would be able to listen to
10 the evidence and talk amongst your fellow jurors
11 about the matters that are involved in this case? Do
12 you know of any reason that you could not serve.

13 JUROR NO. 6: No.

14 MS. BURTON: Do you know or do you
15 believe that it's not possible for a woman to be
16 raped? Do either of you have that belief?
17 Mr. Jacobs.

18 JUROR NO. 9: No.

19 MS. BURTON: I mean, you say you don't
20 know anyone who's ever been assaulted or charged with
21 rape.

22 JUROR NO. 9: No.

23 MS. BURTON: Do you understand that if
24 you are selected as a juror that it then is your
25 responsibility to follow the instructions of the

1 Court and the Court is Judge Johnson; do you each
2 understand that? And that is to follow his
3 instructions as to what your behavior should be, as
4 well as to what the law is in this case. Do you each
5 understand that? Do you each promise that you will
6 follow those instructions.

7 JUROR NO. 6: Yes.

8 MS. BURTON: Now, do you accept and
9 understand that as jurors that you are the only 12
10 people, if you are part of the 12, who can decide
11 what the facts are based upon the sworn testimony?
12 Do you understand the question? Let me repeat it in
13 this way.

14 The State is required to put evidence
15 on, and that evidence must come to you from the
16 witness stand as sworn testimony. And from that
17 testimony you as a juror must decide what the facts
18 are from that testimony. Do you understand that.

19 JUROR NO. 6: Yes.

20 MS. BURTON: So that means that if you
21 serve as a juror that you and your other 11 members
22 are the fact-finders in this case. Do you understand
23 that.

24 JUROR NO. 6: Yes.

25 MS. BURTON: As such, then you are

1 required to apply the law to what you have found the
2 facts are. Do either of you have any difficulty with
3 that.

4 JUROR NO. 9: No, ma'am.

5 JUROR NO. 6: No.

6 MS. BURTON: Will either of you require a
7 higher standard of proof because this case involves
8 the allegations of rape and oral sex, as well as
9 kidnapping.

10 JUROR NO. 6: No.

11 MS. BURTON: Do either of you have any
12 religious believes or personal believes that would
13 not allow you to reach a decision, regardless of what
14 the evidence would be, as to whether or not the
15 Defendant is guilty or not guilty.

16 JUROR NO. 6: (Witness moves head from
17 side to side.)

18 MS. BURTON: You understand that it's the
19 State's responsibility to prove to you beyond a
20 reasonable doubt that he is guilty of the charges
21 that he is charged with, and you understand that it's
22 your obligation if the State fails to prove that, to
23 find the Defendant guilty? Likewise, if it proves
24 beyond a reasonable doubt, remembering that beyond a
25 reasonable doubt is not all doubt, that it is also

1 your responsibility to find the Defendant guilty
2 based upon the fact that the State has proven to you
3 beyond a reasonable doubt that he is guilty. Do you
4 understand that?

5 JUROR NO. 6: Yes.

6 MS. BURTON: Would either of you require
7 the State to provide or put on evidence to you that
8 His Honor has not indicated is required in this case?

9 JUROR NO. 6: (Witness moves head from
10 side to side.)

11 MS. BURTON: So none of you feel that it
12 would be required for your satisfaction that the
13 State would have to put on medical testimony, for an
14 example?

15 JUROR NO. 6: I have a question with
16 that. Are you saying that when it's above the
17 standard or are you talking about just the standard?
18 You talking about evidence, now?

19 MS. BURTON: Let me ask you in this way.
20 The standard of proof is beyond a reasonable doubt
21 and the charge of first degree rape would involve
22 forced sexual intercourse with the use of a weapon.
23 Would either of you require of the State that they
24 provide to you medical testimony, is the question, in
25 addition to what the legal requirements for rape are?

1 THE COURT: Miss Burton, I'm not sure
2 that that's really a fair question because it
3 encompasses the jury -- so I'm going to sustain an
4 objection on my own motion. Probably not a fair
5 question.

6 MS. BURTON: Do you each understand that
7 you must accept the standard of proof and you cannot
8 require more than beyond a reasonable doubt from the
9 State? Do each of you accept that?

10 Have either of you ever been
11 represented by an attorney? Are you related to any
12 attorneys?

13 JUROR NO. 6: Talking about as far as by
14 blood?

15 MS. BURTON: Either by blood or by
16 marriage, family connection.

17 JUROR NO. 6: As I said, I know one
18 attorney.

19 MS. BURTON: And you are related to him
20 by marriage?

21 JUROR NO. 6: By marriage.

22 MS. BURTON: Anyone else?

23 JUROR NO. 6: No, ma'am.

24 MS. BURTON: What about you, Mr. Jacobs?

25 JUROR NO. 9: No.

1 MS. BURTON: Mr. Jacobs, you indicated
2 that your address was Route 5, Box 44? And, sir,
3 what is your date of birth?

4 JUROR NO. 9: October 18, 1974.

5 MS. BURTON: October 18 of '74? Do you
6 have anyone else in your house who is also named
7 Samuel Jacobs?

8 JUROR NO. 9: Just me.

9 MS. BURTON: Just yourself?

10 Your Honor, may we approach?

11 THE COURT: Yes, ma'am. Mr. Godwin, come
12 up, please.

13 (Conference at the Bench
14 outside the hearing of the reporter.)

15 THE COURT: Ladies and gentlemen of the
16 jury, the hour is roughly 10 till by the clock on the
17 side wall. If you'd like to take 20 minutes for a
18 brief recess, get a cup of coffee or a Coke or
19 something, I'll ask our jurors who are in the jury
20 box if you'll come back in and be reseated at 10
21 after. And those of you out in the audience, feel
22 free to stretch your legs and come back and be in the
23 audience at that hour. Everyone else, with the
24 exception of the jurors, remain seated. We'll see
25 all our jurors in 20 minutes. Have a good break.

1 All our jury may leave.

2 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT,
3 WITHOUT A JURY)

4 THE COURT: For reasons I won't go into,
5 I will ask all our jurors to leave the courtroom
6 while you take your break. I won't go into the
7 reasons at the present time.

8 We'll follow the same standard that
9 I've previously imposed, that the Defendant's family
10 and witnesses will have to remain in the courtroom
11 during the course of the 20 minute break. You cannot
12 intermingle with the jury while they are taking their
13 break at this time.

14 With that, Mr. Jacobs, give everybody
15 a recess until 10 after, please.

16 (Recess taken.)

17 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT,
18 WITH A JURY)

19 THE COURT: Miss Burton, are you ready to
20 proceed?

21 MS. BURTON: Thank you, your Honor.

22 Mr. Jacobs, have you ever lived in
23 Strickland Heights or at Route 3, Box 9?

24 JUROR NO. 9: No, ma'am.

25 MS. BURTON: Speaking again to Mr. Dubois

1 and Mr. Jacobs, each of you would apply the same
2 standard of believability to whatever witness or
3 credibility, honesty; whatever witness testifies you
4 would use the same standard for evaluating whether or
5 not they are creditable or believable witnesses? Do
6 either of you know of any reason why you could not
7 serve?

8 JUROR NO. 9: No.

9 JUROR NO. 6: (Witness moves head from
10 side to side.)

11 MS. BURTON: Your Honor, for purposes of
12 this trial we'd like to thank but excuse juror No. 6
13 and we are satisfied with Mr. Jacobs.

14 THE COURT: Mr. Dubois, thank you very
15 much. The State has excused you. Please have a seat
16 out in the audience.

17 Madam clerk, if you'll call a
18 replacement juror for seat No. 6.

19 THE CLERK: Susan Inman.

20 THE COURT: State may examine.

21 MS. BURTON: Good afternoon, Miss Inman.
22 You live in the St. Paul's area?

23 JUROR NO. 6: Yes, ma'am.

24 MS. BURTON: Do you know anyone who is
25 seated at the table here with me, or do you know the

1 Defendant, Harold Godwin?

2 JUROR NO. 6: No.

3 MS. BURTON: Now, I have called out names
4 throughout the day. Have you been in courtroom 1 or
5 were you transferred over to courtroom 2?

6 JUROR NO. 6: I was over there until
7 right before lunch.

8 MS. BURTON: Have you been able to hear
9 the names that I recently called since we've been
10 back at 2:30?

11 JUROR NO. 6: Yes, ma'am.

12 MS. BURTON: Did you recognize any of
13 those names?

14 JUROR NO. 6: No, ma'am.

15 MS. BURTON: Did you have an opportunity
16 when they were in the courtroom to see Wanda Godwin,
17 who is still in the courtroom, as well as Ruth
18 Godwin, who was seated beside her?

19 JUROR NO. 6: I don't know either one of
20 them.

21 MS. BURTON: Ma'am, have you ever served
22 as a juror before?

23 JUROR NO. 6: Yes, ma'am.

24 MS. BURTON: And how long ago was that?

25 JUROR NO. 6: Eight or nine years.

1 MS. BURTON: You say you live in the St.
2 Paul's area? Are you married or single?

3 JUROR NO. 6: Married.

4 MS. BURTON: What type of work does your
5 husband do?

6 JUROR NO. 6: He's a lawyer.

7 MS. BURTON: Ma'am, do you work outside
8 your home?

9 JUROR NO. 6: I'm a substitute teacher.

10 DETECTIVE CARTER: Do you know anyone
11 seated in the jury box with you?

12 JUROR NO. 6: No.

13 MS. BURTON: Which schools do you usually
14 work, the St. Paul's area?

15 JUROR NO. 6: Uh-huh.

16 MS. BURTON: Do you have children in your
17 home? What?

18 JUROR NO. 6: Yes, ma'am.

19 MS. BURTON: Ma'am, do you have any
20 religious convictions or belief that would prevent
21 you from judging whether or not another person is
22 guilty or not guilty?

23 JUROR NO. 6: No, ma'am.

24 MS. BURTON: Do you know of anyone who's
25 ever been raped or accused of a rape or assaulted?

1 JUROR NO. 6: No, ma'am.

2 MS. BURTON: Have you ever been the
3 victim of a crime?

4 JUROR NO. 6: No, ma'am.

5 MS. BURTON: Ma'am, do you know anyone
6 who is either an attorney, whether they are related
7 to you or not, or who works in law enforcement?

8 JUROR NO. 6: (Witness moves head from
9 side to side.)

10 MS. BURTON: Have you ever been
11 represented by an attorney?

12 JUROR NO. 6: No, ma'am.

13 MS. BURTON: Now, you understand that
14 this Defendant is accused of first degree rape,
15 sexual offense, which involves oral sex, and
16 kidnapping. Do you understand those are the charges?

17 JUROR NO. 6: Yes, ma'am.

18 MS. BURTON: Is there anything about the
19 very nature of the charges that would prevent you
20 from being fair and impartial?

21 JUROR NO. 6: No, ma'am.

22 MS. BURTON: When you served a few years
23 ago, was that in a criminal or civil matter?

24 JUROR NO. 6: Criminal.

25 MS. BURTON: And since that time have you

1 ever been called back to be a part of a jury pool
2 until this time?

3 JUROR NO. 6: No, ma'am.

4 MS. BURTON: Have you ever had to come
5 for court for any reason other than jury service?

6 JUROR NO. 6: I went to district court in
7 St. Paul's. I saw two girls fight. And I was a
8 witness.

9 MS. BURTON: You were the witness? Was
10 that in relation to your school work there as a
11 substitute teacher?

12 JUROR NO. 6: I was just going to the
13 grocery store and I just saw two girls fighting.

14 MS. BURTON: So when you saw that you
15 reported it to the police officer who appeared?

16 JUROR NO. 6: Well, I was there. And I
17 knew the girls.

18 MS. BURTON: Have you ever seen any other
19 type of assault?

20 JUROR NO. 6: No, ma'am.

21 MS. BURTON: You say you've never been
22 the victim of a crime?

23 JUROR NO. 6: No.

24 MS. BURTON: Do you know anyone in your
25 family or your circle of friends who has been?

1 MS. BURTON: No, ma'am.

2 MS. BURTON: Your 19 year-old, is that
3 child in college or still in high school?

4 JUROR NO. 6: He works for the State.

5 MS. BURTON: You said your husband was a
6 plumber. Does he have his own business, ma'am?

7 JUROR NO. 6: It's family-owned.

8 MS. BURTON: Do you have any beliefs
9 where you feel that it's impossible for a woman to
10 ever be raped?

11 JUROR NO. 6: No, ma'am.

12 MS. BURTON: Do you have any strong
13 feelings about the issues of rape that would prevent
14 you from being fair and impartial in this case?

15 JUROR NO. 6: No, ma'am.

16 MS. BURTON: Have you heard anything
17 about the case?

18 JUROR NO. 6: No, ma'am.

19 MS. BURTON: The fact that this offense
20 occurred June 14th, 1986, does that prevent you in
21 any way from being a fair and impartial, open-minded
22 juror?

23 JUROR NO. 6: No, ma'am.

24 MS. BURTON: You understand that if you
25 are selected to serve as a juror that specifically

1 your decision would be made unanimously between you
2 and the other 11 jurors?

3 JUROR NO. 6: Yes, ma'am.

4 MS. BURTON: And you understand that you
5 could not allow sympathy and speculation to take part
6 in your decision-making process.

7 JUROR NO. 6: Yes, ma'am.

8 MS. BURTON: That you would be required
9 to evaluate the evidence as it comes before you as
10 sworn testimony, to apply the law to that evidence,
11 and to discuss with your fellow jurors what you
12 believe the evidence has proven to you. Do you feel
13 that you would be comfortable discussing with persons
14 you say you do not know what the issues are in this
15 case?

16 JUROR NO. 6: Yes, ma'am.

17 MS. BURTON: Would you listen to their
18 opinions as well with an open mind, but finally reach
19 your decision based upon what your convictions are?

20 JUROR NO. 6: Yes, ma'am.

21 MS. BURTON: You understand that the
22 standard of proof is beyond a reasonable doubt, not
23 beyond all doubt or a shadow of a doubt?

24 JUROR NO. 6: Yes, ma'am.

25 MS. BURTON: And that if the State proves

1 to you beyond a reasonable doubt that the Defendant
2 is in fact guilty of first degree rape, kidnapping
3 and sexual offense, that then you would have a duty
4 to find the Defendant guilty?

5 JUROR NO. 6: Yes, ma'am.

6 MS. BURTON: You understand that -- on
7 the other side -- that if the State fails to prove to
8 you beyond a reasonable doubt you would have then an
9 obligation to enter a verdict of not guilty?

10 JUROR NO. 6: Yes, ma'am.

11 MS. BURTON: You understand that the only
12 party required to put on evidence in the State?

13 JUROR NO. 6: Yes, ma'am.

14 MS. BURTON: Ma'am, would you accept that
15 that is a rule that we must all follow so that all
16 Defendants are treated the same?

17 JUROR NO. 6: Yes, ma'am.

18 MS. BURTON: You understand that just
19 because the Defendant does not have a person sitting
20 with him as his attorney does not mean that you can
21 give him the benefit of the doubt or be sympathetic
22 towards him and let that have any bearing on your
23 decision-making process? You understand that?

24 JUROR NO. 6: Yes, ma'am.

25 MS. BURTON: You understand that he is

1 required to follow the rules of procedure just like I
2 am?

3 JUROR NO. 6: Yes, ma'am.

4 MS. BURTON: And the person who controls
5 the flow of the trial and the rules is His Honor,
6 Judge Johnson.

7 JUROR NO. 6: Yes, ma'am.

8 MS. BURTON: You understand that if you
9 are selected as a juror that no one, including those
10 persons who are also on the jury with you, are
11 allowed to talk to you until the judge tells you as a
12 group that it is now time to deliberate? You
13 understand that you have an obligation and a
14 responsibility to tell His Honor, Judge Johnson, if
15 anyone attempts to talk to you about this case in any
16 manner, regardless of who that person is.

17 JUROR NO. 6: Yes.

18 MS. BURTON: People who are in the
19 courtroom, people who are not in the courtroom.

20 JUROR NO. 6: Yes, ma'am.

21 MS. BURTON: Would you hold that
22 responsibility dear and follow that responsibility
23 and notify Judge Johnson if anything were to occur?

24 JUROR NO. 6: Yes, ma'am.

25 MS. BURTON: Ma'am, earlier I called --

1 right before the break I called again a very long
2 list of names. Did you recognize anyone from those
3 names?

4 JUROR NO. 6: No, ma'am.

5 MS. BURTON: Do you know or are you
6 related to a Ronnie Hammonds?

7 JUROR NO. 6: Not that I know of. I'm
8 sure I'm not related.

9 MS. BURTON: Does the name sound familiar
10 to you?

11 JUROR NO. 6: No.

12 MS. BURTON: To your knowledge, have you
13 heard anything or read anything about this case?

14 JUROR NO. 6: No, ma'am.

15 MS. BURTON: Do you have any personal
16 feelings concerning premarital sexual activity that
17 you feel would prevent you from being fair and
18 impartial in this case?

19 JUROR NO. 6: No.

20 MS. BURTON: Your Honor, if I may have
21 just a moment, please.

22 THE COURT: Yes, ma'am.

23 MS. BURTON: Ma'am, have you ever lived
24 anywhere else in the county other than St. Paul's?

25 JUROR NO. 6: No, ma'am.

1 MS. BURTON: Your Honor, I'm sorry,
2 Miss Inman, let me call out again the names of the
3 potential witnesses just to make sure you don't
4 recognize any of those names. Sylvia Chavez or
5 Sylvia Huggins. Charles Huggins. Rodney Dimery.
6 Bernis Wilkins. Johnny Leonard. Peggy Dahl. Rose
7 Jacobs. Michael Godwin. James Marvin Godwin.
8 Sheila Godwin. Any of those names?

9 JUROR NO. 6: (Witness moves head from
10 side to side.)

11 MS. BURTON: Your Honor, the State is
12 satisfied.

13 THE COURT: Mr. Godwin, you have a right
14 to examine both Mr. Jacobs and Miss Inman. The
15 status of the case is that both sides have exhausted
16 their six peremptory challenges, but you still have a
17 right to ask questions of these two jurors.

18 You may proceed.

19 MR. GODWIN: Qr. Jacobs, you stated where
20 you work at.

21 JUROR NO. 9: West Point Stevens.

22 MR. GODWIN: How long have you been
23 there, sir?

24 JUROR NO. 9: Six months.

25 MR. GODWIN: Six months? And where do

1 you live at?

2 JUROR NO. 9: In Lumberton.

3 MR. GODWIN: Have you always lived in
4 Lumberton?

5 JUROR NO. 9: Yeah.

6 MR. GODWIN: What part of Lumberton, may
7 I ask?

8 JUROR NO. 9: Down around -- off 41.

9 MR. GODWIN: You have never been into
10 court for anything?

11 JUROR NO. 9: No.

12 MR. GODWIN: And I guess No. 6, Miss --

13 THE COURT: Inman.

14 MR. GODWIN: -- Inman, you said your
15 husband owned a business, plumbing business.

16 JUROR NO. 6: It's family-owned. His dad
17 owns it.

18 MR. GODWIN: Could I have the name of
19 that business, please.

20 JUROR NO. 6: Inman plumbing, in saint
21 Paul's.

22 MR. GODWIN: And you are an elementary --
23 you are a substitute --

24 JUROR NO. 6: I substitute.

25 MR. GODWIN: I guess, your Honor, that's

1 all I have to say.

2 THE COURT: All right, sir, in the
3 discretion of the Court to order the seating of an
4 alternate juror. Madam clerk, if you will call the
5 alternate, please.

6 THE CLERK: Helen McCarty, seat No. 13.
7 First name is H-E-L-E-N.

8 MR. GODWIN: M-C-C-A-R --

9 THE CLERK: T-Y.

10 THE COURT: Miss McCarty, you are being
11 called as a 13th or the alternate juror in the trial
12 of this matter, it being the duty and responsibility
13 of the alternate to sit in case of illness of one of
14 our other jurors, do you understand that? Do you
15 further understand it will be your responsibility to
16 listen attentively to listen to the evidence as
17 though you are going to sit in that matter?

18 JUROR NO. 13: May I make a matter? I am
19 aware of this matter and half the list that she
20 called out, so I would like to eliminate myself.

21 THE COURT: Miss Burton, you and
22 Mr. Godwin have any objection based upon that
23 representation?

24 MS. BURTON: The State does not, your
25 Honor.

1 THE COURT: Mr. Godwin? Miss McCarty
2 says she knows a good percentage of the people whose
3 names have been called.

4 MR. GODWIN: Well, your Honor, no, before
5 I say that, I don't know. I'm no attorney, your
6 Honor. Again, I say --

7 THE COURT: We'll go through the process,
8 then.

9 Mr. Godwin, I think it would be fair
10 to advise you that by statute you are entitled to one
11 additional peremptory per alternate seat. Therefore,
12 both you and Miss Burton have one more peremptory
13 challenge.

14 All right, State may examine.
15 Miss McCarty, I wish we would let you go, but
16 Mr. Godwin has reservations about consenting to
17 taking you off, so we'll have to go through the
18 process. If you'll just be patient with us.

19 MS. BURTON: Miss McCarty, it probably
20 will be easier if you'll state the names of the
21 persons that you recognized.

22 JUROR NO. 13: David Parnell, Betty
23 Johnson, these are all neighbors. Everybody that's
24 on that list is a neighbor.

25 MS. BURTON: Do you know the Defendant?

1 JUROR NO. 13: Yes, I'm aware of him. He
2 lives down the street from us.

3 MS. BURTON: He lives right down the
4 street from you?

5 JUROR NO. 13: I'd say a few blocks.

6 THE COURT: You say Mr. Godwin does?

7 JUROR NO. 13: Yes.

8 MS. BURTON: Do you know his wife, Wanda
9 Godwin?

10 JUROR NO. 13: I don't want to give you
11 the wrong impression. We're not very good -- not
12 friends or anything like that, but I do know them. I
13 say hello when I see them.

14 MS. BURTON: About how many houses would
15 you say that you live down from the Defendant?

16 JUROR NO. 13: Trying to count houses;
17 it's not easy to do. It's two blocks. Parkton is
18 not a big place.

19 MS. BURTON: So, as a result of the size
20 of Parkton and as well from knowing the Defendant
21 when you see him, as well as his wife and some of
22 those other parties, have you had an opportunity to
23 hear about this case?

24 JUROR NO. 13: Yes, but somewhere in the
25 back of my mind -- it was a long time ago --

1 THE COURT: Miss McCarty, let me just
2 interject and I'll Miss Burton and you not to
3 interject the knowledge that you bring with you and
4 let her be discreet when asking the questions so as
5 not to communicate it to the other jurors. We'll try
6 to be discreet in that way.

7 MS. BURTON: Based upon your memory, as
8 well as the persons you've indicated you know, it's
9 fair to say you know more than five of the names I've
10 called, including the Defendant?

11 JUROR NO. 13: I think I counted 15 a
12 while ago.

13 MS. BURTON: Ma'am, do you feel -- you
14 understand the seat that you are in is like the
15 insurance seat in case someone is sick or there's an
16 emergency and they cannot serve?

17 JUROR NO. 13: Yes.

18 MS. BURTON: Do you feel, based upon your
19 knowledge about the case, whatever your recollection
20 is, your knowledge about the Defendant, his wife, any
21 other persons that you know, that you could serve and
22 be a fair and impartial juror?

23 JUROR NO. 13: I think I could serve and
24 I think I could be fair, but I wouldn't really want
25 the responsibility.

1 MS. BURTON: Do you feel that you would
2 have -- I guess since Parkton is such a small place
3 that you would feel some pressure if you were then
4 selected to serve on this jury?

5 JUROR NO. 13: In terms of my
6 decision-making, no, nobody else can tell me how to
7 think, except the judge when he tells me what I
8 should do. But I would just feel a little
9 uncomfortable.

10 MS. BURTON: Is that based upon your
11 prior knowledge, you say, about the Defendant, his
12 family, and this case?

13 JUROR NO. 13: All I remember is a very
14 small caption and I can't attach good or bad with it,
15 okay?

16 MS. BURTON: You understand that those
17 persons who have been selected as jurors, the 12
18 people who have been selected, have each said to the
19 State and to the Defendant that they know nothing
20 about this case? And that puts you in a different
21 situation. So the concern is do you believe it's
22 fair to the State for you to have knowledge about the
23 case and then to serve as a juror in this case?

24 JUROR NO. 13: No.

25 MS. BURTON: Your Honor, we would

1 challenge for cause.

2 THE COURT: You want to ask her any
3 questions? I'm going to allow the challenge,
4 Mr. Godwin, in view of her particular knowledge about
5 this situation.

6 MR. GODWIN: As far as I'm -- I don't --
7 I can't remember -- I don't -- Parkton is a small
8 place, but still I can't remember.

9 MS. BURTON: Your Honor, we would object
10 to any statements.

11 THE COURT: Miss McCarty, thank you very
12 much. I'll let you stand aside based on the peculiar
13 knowledge you bring to this case, but thank you for
14 being candid for us.

15 Madam clerk, if you will call a
16 replacement juror for this seat, ma'am.

17 THE CLERK: Cherry Strickland.

18 MS. BURTON: First name, madam clerk.

19 THE CLERK: Cherry, C-H-E-R-R-Y.

20 THE COURT: Miss Strickland, I gather you
21 understand the duties and responsibilities of the
22 alternate, do you not?

23 JUROR NO. 13: Yes.

24 MS. BURTON: Miss Strickland, do you know
25 anyone seated at the table with me.

1 JUROR NO. 13: Yes, ma'am.

2 MS. BURTON: Who do you know, Detective
3 Maynor or Detective Carter?

4 JUROR NO. 13: both of them.

5 MS. BURTON: How is it that you know both
6 of these detectives?

7 JUROR NO. 13: Over the years.

8 MS. BURTON: Are you related to either
9 one of them, to your knowledge?

10 JUROR NO. 13: No.

11 MS. BURTON: Do you have other members of
12 your family or members of your family that work in
13 law enforcement?

14 JUROR NO. 13: No.

15 MS. BURTON: When you say that you know
16 these officers, have you worked with them in any
17 capacity at all?

18 JUROR NO. 13: No.

19 MS. BURTON: Have you seen them as a part
20 of their activity as being law enforcement officers?

21 JUROR NO. 13: Repeat the question.

22 MS. BURTON: Have you seen them as a
23 result of them being law enforcement officers
24 performing their duties, as such?

25 JUROR NO. 13: Yes.

1 MS. BURTON: Have you ever had an
2 occasion where the officers have either helped you or
3 been involved in a family situation?

4 JUROR NO. 13: I think Mr. Carter talked
5 to me on one occasion about an incident.

6 MS. BURTON: And were you a victim of a
7 crime?

8 JUROR NO. 13: No, not at that time.

9 MS. BURTON: Have you ever been a victim
10 of a crime?

11 JUROR NO. 13: A break-in.

12 MS. BURTON: And recently, ma'am, I
13 called out a list of names of attorneys, of other
14 persons. Did you recognize any of those names?

15 JUROR NO. 13: I know by name, but not
16 personally.

17 MS. BURTON: And who is it that you
18 believe you recognize? Whose name was it?

19 JUROR NO. 13: The attorneys, Oxendine.

20 MS. BURTON: You recognize Mr. Henry
21 Oxendine? Who else, ma'am?

22 JUROR NO. 13: That's the only one I can
23 remember right now.

24 MS. BURTON: Ma'am, what part of the
25 county do you live in?

1 JUROR NO. 13: St. Paul's, between St.
2 Paul's and Saddle Tree.

3 MS. BURTON: And how long have you lived
4 there?

5 JUROR NO. 13: Practically all my life.

6 MS. BURTON: Have you lived anywhere else
7 in the county?

8 JUROR NO. 13: No.

9 MS. BURTON: Are you married?

10 JUROR NO. 13: Yes.

11 MS. BURTON: And what type of work do you
12 do, as well as your husband?

13 JUROR NO. 13: I work for the public
14 school of Robeson County for 19 years at Parkton
15 School.

16 MS. BURTON: Were you a teacher there?

17 JUROR NO. 13: Teach every assistant.

18 MS. BURTON: And your husband?

19 JUROR NO. 13: Self-employed contractor.

20 MS. BURTON: And what type of contractor?

21 JUROR NO. 13: Plumbing.

22 MS. BURTON: Did you recognize any of the
23 names from the longer list that I called?

24 JUROR NO. 13: Yes.

25 MS. BURTON: To your knowledge do you

1 know anything about this case?

2 JUROR NO. 13: Very little.

3 MS. BURTON: So when you say very little,
4 the answer is yes, that you know something about this
5 case?

6 JUROR NO. 13: I have heard about it.

7 MS. BURTON: Was that this morning or is
8 this as a result of your living in the St. Paul's/
9 Parkton area?

10 JUROR NO. 13: When I realized this was
11 the case to be brought my mind went back, but I
12 couldn't remember what it was about when I heard this
13 morning what it was about.

14 MS. BURTON: As a result of hearing that,
15 that has recalled to your memory what you knew about
16 the case?

17 JUROR NO. 13: I can't say I even
18 remember anything about what years ago -- I can't say
19 that.

20 MS. BURTON: You haven't heard anything
21 today?

22 JUROR NO. 13: No, not --

23 MS. BURTON: Other than what you've heard
24 in the courtroom by His Honor, as well as through the
25 questions I've asked?

1 Who are the persons that you say you
2 recognize their name?

3 JUROR NO. 13: On the long list?

4 MS. BURTON: Yes, ma'am.

5 JUROR NO. 13: I know the Defendant and I
6 know his family. I know the places. I know the ones
7 from Parkton.

8 MS. BURTON: How long have you known the
9 Defendant?

10 JUROR NO. 13: I haven't known him that
11 well personally. I knew his relatives.

12 MS. BURTON: Did you know his mother,
13 Ruth Godwin?

14 JUROR NO. 13: Yes.

15 MS. BURTON: Do you know his wife, Wanda
16 Godwin?

17 JUROR NO. 13: I worked with Wanda.

18 MS. BURTON: You work in the same school?

19 JUROR NO. 13: Yes.

20 MS. BURTON: Ma'am, do you believe based
21 upon your knowledge and the people that you know
22 involved with this case that you could be a fair
23 juror?

24 JUROR NO. 13: I would have to be honest
25 and fair, but it would -- I think working with Wanda

1 and knowing the family it would make it hard for me.
2 But I would have to be fair. That's the only way I
3 know to be.

4 MS. BURTON: When you say you know the
5 family, who else in the Defendant's family do you
6 know other than him, his wife and his mother?

7 MS. BURTON: I used to attend church with
8 his sister and her son, who was on the list also.
9 Like I say, all the blanks that you called, I know
10 them. Mr. Bowers, the Parnells.

11 MS. BURTON: You realize that I called
12 out names of people who potentially would be
13 witnesses, those members of the Defendant's family.

14 JUROR NO. 13: Yes.

15 MS. BURTON: With your knowledge of them
16 do you think you could be fair to the State if they
17 are called as a witnesses?

18 JUROR NO. 13: Yes.

19 MS. BURTON: How long have you known the
20 family?

21 JUROR NO. 13: Practically all my life.

22 MS. BURTON: Did you grow up --

23 JUROR NO. 13: Yes.

24 MS. BURTON: -- with the Godwin family?

25 JUROR NO. 13: There was no close tie.

1 It's just a community, you know, church/community
2 situation. Nothing personal.

3 MS. BURTON: Do you currently still
4 attend church services with members of the
5 Defendant's family?

6 JUROR NO. 13: No.

7 MS. BURTON: What school do you work at?

8 JUROR NO. 13: Parkton.

9 MS. BURTON: Is that the school that
10 Wanda Godwin is employed with now?

11 JUROR NO. 13: Yes.

12 MS. BURTON: Have you talked with her
13 about this case?

14 JUROR NO. 13: I spoke with her this
15 morning. I really haven't talked to her about the
16 case.

17 MS. BURTON: When you say you really
18 haven't --

19 JUROR NO. 13: I mean I haven't talked to
20 her. I haven't discussed the case with her. When I
21 walked in I was surprised to see her because I didn't
22 realize this was the case to be tried.

23 MS. BURTON: You're saying to me that
24 that now that you do realize that, realizing that
25 these people who have been selected as jurors say

1 that they don't know any family members from either
2 side, don't know any parties involved in the case,
3 that with all the information you've now told me that
4 you still think you could be fair to the State?

5 JUROR NO. 13: Well, as I said, I could
6 be fair because that's the only way I know to be, is
7 fair.

8 MS. BURTON: Your Honor, we would
9 challenge for cause.

10 THE COURT: Challenge is denied based
11 upon the statements in open court. May form a basis
12 for a peremptory, but her answers as reflected in the
13 record do not rise to that level.

14 MS. BURTON: Ma'am, do you believe that
15 you could judge members of the Defendant's family?

16 JUROR NO. 13: Judge --

17 MS. BURTON: Members of the Defendant's
18 family.

19 MR. GODWIN: Object, your Honor.

20 THE COURT: I think the question is
21 dealing with the credibility of witnesses who may be
22 called. To that extent, overruled.

23 You may answer.

24 JUROR NO. 13: Yes, I think so.

25 MS. BURTON: Your Honor, we would thank

1 but excuse her. No. 13, Miss Strickland.

2 THE COURT: Miss Strickland, thank you
3 for being candid with us, but the State has exercised
4 a peremptory. If you will please have a seat out in
5 the audience.

6 Madam clerk, please call a replacement
7 juror for that seat.

8 THE CLERK: Doris Jacobs. D-O-R-I-S,
9 Jacobs, J-A-C-O-B-S.

10 THE COURT: Miss Jacobs, I gather you
11 understand the duties and responsibilities of the
12 alternate juror.

13 JUROR NO. 13: Yes, sir.

14 THE COURT: With that, Miss Burton, you
15 may examine.

16 MS. BURTON: Ma'am, do you know anyone
17 seated at the table with me?

18 JUROR NO. 13: No, ma'am.

19 MS. BURTON: Do you know the Defendant?

20 JUROR NO. 13: I know of him.

21 MS. BURTON: And how is it that you know
22 of him?

23 JUROR NO. 13: I work at Southern
24 National Red Springs and I used to work with Wanda's
25 mother.

1 MS. BURTON: Do you know anything about
2 this case?

3 JUROR NO. 13: Just about when it
4 happened.

5 MS. BURTON: So your answer is, yes, you
6 know something about the case.

7 JUROR NO. 13: Yes, ma'am.

8 MS. BURTON: Did you recognize any of the
9 other names that I called out?

10 JUROR NO. 13: No, ma'am.

11 MS. BURTON: And where do you live in the
12 county?

13 JUROR NO. 13: Pembroke.

14 MS. BURTON: And how do you know the
15 Defendant's mother-in-law?

16 JUROR NO. 13: I used to work with her at
17 Southern National.

18 MS. BURTON: When was the last time you
19 talked?

20 JUROR NO. 13: Well, she died. I don't
21 remember the year she died, but I worked with her
22 about three years before she died.

23 MS. BURTON: And did you learn her
24 daughter as a result of knowing the mother?

25 JUROR NO. 13: Uh-huh.

1 MS. BURTON: Do you see her in the
2 courtroom here, recognize her as Wanda?

3 JUROR NO. 13: Uh-huh.

4 MS. BURTON: When was the last time you
5 saw Wanda Godwin?

6 JUROR NO. 13: Probably a year or so
7 since I seen her at the bank.

8 MS. BURTON: I'm sorry, you said you
9 believe it may have been about a year?

10 JUROR NO. 13: Yes, ma'am.

11 MS. BURTON: Did you recognize any of the
12 other names that I called?

13 JUROR NO. 13: No, ma'am.

14 MS. BURTON: You say you live in
15 Pembroke. Where in Pembroke do you live?

16 JUROR NO. 13: The Moss Neck area.

17 MS. BURTON: The Moss Neck area.

18 JUROR NO. 13: Uh-huh.

19 MS. BURTON: You realize that you can't
20 tell me what it is that you believe you know about
21 this case, but my question to you is that do you
22 recall knowing specific information about this case?

23 JUROR NO. 13: Just based on what I
24 heard, that's all.

25 MS. BURTON: Is that based upon what

1 someone in the Defendant's family has said to you?

2 JUROR NO. 13: No, ma'am.

3 MS. BURTON: Based upon community
4 statements?

5 JUROR NO. 13: Yes, ma'am.

6 MS. BURTON: Was that out of where you
7 worked or where you were living?

8 JUROR NO. 13: Yes, ma'am, where I
9 worked.

10 MS. BURTON: That was during the time
11 that the Defendant's mother-in-law was alive?

12 JUROR NO. 13: Well, I think she had
13 passed away by then.

14 MS. BURTON: By the time you say you
15 heard anything?

16 JUROR NO. 13: I don't know if she had
17 passed away right then or not, but it may have been
18 prior to her death.

19 MS. BURTON: Now, you understand that if
20 you are selected as a juror you also would serve in
21 the capacity of insurance, just to make sure that we
22 have someone to replace another juror if for some
23 reason we need to.

24 JUROR NO. 13: Yes, ma'am.

25 MS. BURTON: Do you believe based upon

1 your statements to me that you could be a fair and
2 impartial juror?

3 JUROR NO. 13: Yes, ma'am.

4 MS. BURTON: What type of work do you do,
5 ma'am?

6 JUROR NO. 13: I am branch manager of
7 Southern National Bank in Red Springs.

8 MS. BURTON: And how long have you been
9 branch manager?

10 JUROR NO. 13: About three and a half
11 years.

12 MS. BURTON: Are you able to set aside
13 any statements that you've heard about this case?

14 JUROR NO. 13: I'll try, yes, ma'am.

15 MS. BURTON: When you say you'll try, do
16 you know whether or not you can set them aside,
17 ignore what you say you know about this case, and
18 evaluate this case based upon the evidence as it is
19 presented in this courtroom.

20 JUROR NO. 13: Yes, ma'am.

21 MS. BURTON: And based upon what the law
22 is, according to Judge Johnson.

23 JUROR NO. 13: Yes, ma'am.

24 MS. BURTON: Do you know anyone who works
25 in law enforcement?

1 JUROR NO. 13: I know just a couple.

2 MS. BURTON: Who are they?

3 JUROR NO. 13: I know just a few cops
4 that are in Red Springs. That's all.

5 MS. BURTON: And who are they?

6 JUROR NO. 13: I know Henry Lee Oxendine
7 in Red Springs. I know Jerry Parker and just one or
8 two of the others when I see them.

9 MS. BURTON: What part of Red Springs, if
10 any, are you familiar with?

11 JUROR NO. 13: All of red springs.

12 MS. BURTON: Do you frequent that area or
13 do you live like at the roads that lead from Pembroke
14 to Red Springs? Do you live in that vicinity?

15 JUROR NO. 13: I live off 72, between
16 Converse and Pembroke is about where I live, but I
17 work in Red Springs. I've worked there all my life.

18 MS. BURTON: So then you are familiar
19 with Philadilaphus Church Road?

20 JUROR NO. 13: Yes.

21 MS. BURTON: And Maynor Center?

22 JUROR NO. 13: Yes.

23 MS. BURTON: Are you married?

24 JUROR NO. 13: Yes, ma'am.

25 MS. BURTON: And what kind of work does

1 your husband do?

2 JUROR NO. 13: Fleetwood Homes in
3 Pembroke.

4 MS. BURTON: And what type of work does
5 he do?

6 JUROR NO. 13: Mobile homes, builds
7 mobile homes.

8 MS. BURTON: He actually builds them?

9 JUROR NO. 13: Uh-huh.

10 MS. BURTON: And do you have children?

11 JUROR NO. 13: Yes, ma'am, two.

12 MS. BURTON: And what are their ages?

13 JUROR NO. 13: Eight and ten.

14 MS. BURTON: Ma'am, have you ever been
15 the victim of a crime?

16 JUROR NO. 13: Yes, ma'am, a break-in.

17 MS. BURTON: And how long ago was that?

18 JUROR NO. 13: April one year.

19 MS. BURTON: Any other type of crime?

20 JUROR NO. 13: No, ma'am.

21 MS. BURTON: Have you ever seen a crime
22 take place?

23 JUROR NO. 13: No, ma'am.

24 MS. BURTON: Have you ever had to come to
25 court for any reason other than for jury duty?

1 JUROR NO. 13: No, ma'am.

2 MS. BURTON: Have you ever served as a
3 juror before?

4 JUROR NO. 13: Yes, ma'am.

5 MS. BURTON: And how long ago was that?

6 JUROR NO. 13: About three and a half,
7 four years ago.

8 MS. BURTON: Ma'am, do you have any
9 religious convictions or personal ideas that would
10 prevent you from judging the guilt or innocence of
11 another?

12 JUROR NO. 13: No, ma'am.

13 MS. BURTON: Now, if you are selected to
14 serve as a juror, you understand that you are not
15 allowed to talk with anyone about the case, nor
16 allowed to have people talk with you.

17 JUROR NO. 13: Yes, ma'am.

18 MS. BURTON: As of today, notwithstanding
19 your statements about your prior knowledge, have you
20 talked with anyone about the case?

21 JUROR NO. 13: No, ma'am.

22 MS. BURTON: And if, for some reason,
23 someone were attempt to talk with you, would you
24 report that person to the judge?

25 JUROR NO. 13: Yes, ma'am.

1 MS. BURTON: You understand that if for
2 some reason one of the members who is seated here had
3 an emergency that then you would take their place?

4 JUROR NO. 13: Yes, ma'am.

5 MS. BURTON: And are you able to say that
6 if that were to occur that you would go into your
7 position and role as a juror and as a juror that you
8 would set aside what you say you know about this case
9 and what you know about the Defendant?

10 JUROR NO. 13: Yes, ma'am.

11 MS. BURTON: Would you make your decision
12 based solely upon what the evidence is in this case?

13 JUROR NO. 13: Yes, ma'am.

14 MS. BURTON: Do you know of anyone who's
15 ever been assaulted or raped?

16 JUROR NO. 13: No, ma'am.

17 MS. BURTON: Do you know of anyone who's
18 ever been charged or convicted of a rape?

19 JUROR NO. 13: No, ma'am.

20 MS. BURTON: Ma'am, are you related in
21 any way to the Godwins?

22 JUROR NO. 13: No, ma'am.

23 MS. BURTON: Are you related to any of
24 the other names that I've called out?

25 JUROR NO. 13: No, ma'am.

1 MS. BURTON: You say you live in the Moss
2 Neck area; is that right?

3 JUROR NO. 13: Yes, ma'am.

4 MS. BURTON: Do you know Henry Oxendine
5 or Jeffrey Moore?

6 JUROR NO. 13: I know Jeffrey Moore.

7 MS. BURTON: How do you know Mr. Moore?

8 JUROR NO. 13: I went to school with him.

9 MS. BURTON: Were the two of you in
10 school together?

11 JUROR NO. 13: He was superior to me.

12 MS. BURTON: Do you know a Samuel Jacobs?

13 JUROR NO. 13: No.

14 MS. BURTON: And you don't recognize
15 Mr. Jacobs sitting here?

16 JUROR NO. 13: Hunh-unh.

17 MS. BURTON: What about Roger Jacobs,
18 Rodney Jacobs or Vonnie Jacobs.

19 JUROR NO. 13: Hunh-unh.

20 MS. BURTON: Do you know Arlie Jacobs?

21 JUROR NO. 13: No.

22 MS. BURTON: May we approach, your Honor?

23 THE COURT: Yes, ma'am.

24 (Conference at the Bench
25 outside the hearing of the reporter.)

1 MS. BURTON: Miss Jacobs, my final
2 question to you, you've heard me speak about what the
3 standard of proof is in a case, a criminal case, that
4 it's beyond a reasonable doubt. And if the State
5 proves to you beyond a reasonable doubt would you be
6 able to find the Defendant guilty of the crimes that
7 he's charged with, taking into account the statements
8 that you've made to me?

9 JUROR NO. 13: Yes, ma'am.

10 MS. BURTON: Your Honor, the State
11 passes.

12 THE COURT: Mr. Godwin, you may examine
13 Miss Jacobs and again, just as a reminder, you have
14 one peremptory left. Do you desire to ask
15 Miss Jacobs a few questions?

16 MR. GODWIN: You said you knew Wanda, my
17 wife's mother? Worked with her at Southern National
18 Bank.

19 JUROR NO. 13: Yes, sir.

20 MR. GODWIN: Do you know her brother?

21 JUROR NO. 13: Yes, sir, I do.

22 MR. GODWIN: I am satisfied with her,
23 your Honor.

24 THE COURT: All right, you don't want to
25 ask any more questions?

1 MR. GODWIN: Yes, sir.

2 THE COURT: With that, madam clerk, if
3 you will empanel the jury, please, ma'am.

4 (Jury empaneled.)

5 THE COURT: To our jurors out in the
6 audience, I am informed that I am supposed to give
7 you the following message. Do all of you have the
8 telephone number that was furnished to you earlier,
9 that you are to call in, the telephone answering
10 service? All of you have that? You are to call back
11 between 12:00 and 1:00 tomorrow, 12:00 and 1:00
12 tomorrow, and you will receive further instructions
13 at that time. If any of you need the telephone
14 number, Mr. Jacobs many have those or one of our
15 other deputies will have those in hand for you as you
16 exit the courtroom. Be sure you call that number
17 between 12:00 and 1:00 tomorrow.

18 You are free to go. Thank you for
19 being very patient with us.

20 Ladies and gentlemen of the jury, the
21 hour is almost 5:00 or four minutes to 5:00 and in
22 just a minute I'm going to let you get a head start
23 on the downtown traffic in Lumberton. I want to ask
24 you to report back at 9:30 tomorrow morning. But
25 prior to doing that I need to give you certain

1 instructions that I want you to abide by during the
2 balance of this trial. Those instructions are as
3 follows: It is your duty not to talk among
4 yourselves about the case, until you begin the actual
5 jury deliberations. It is your duty not to talk with
6 the parties, or counsel. It is your duty not to talk
7 about anything else or to allow anyone to talk to you
8 in your presence about the case. If anyone attempts
9 to communicate with you about this case you must
10 report that fact to me immediately.

11 It is your further duty not to form an
12 opinion about the guilt or innocence about the
13 Defendant or to express an opinion about the case
14 until you actually begin your jury deliberations. It
15 is your further duty to avoid reading, watching or
16 listening to any accounts of the trial, if in fact
17 there are any. Finally, it is your duty not to go to
18 the place or places where the offenses are alleged to
19 have been committed.

20 With that, ladies and gentlemen of the
21 jury, I will ask you to report back to the jury duty
22 located behind me in the morning at or before 9:30.
23 I will bring you out at that hour. The next stage of
24 the trial process is that both the State and
25 Mr. Godwin have a right to make an opening statement

1 if they choose to make an opening statement, followed
2 by the evidence in the case at that time. So all of
3 you have a good evening and report back at 9:30
4 tomorrow morning. Everyone else remain seated,
5 please.

6 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT,
7 WITHOUT A JURY)

8 MR. GODWIN: I have a motion, your Honor.

9 THE COURT: I just want the jury to be
10 gone. Mr. Jacobs, make sure the jury has departed,
11 please, sir.

12 THE BAILIFF: All gone, your Honor.

13 THE COURT: All right, the jury now
14 having departed, Mr. Godwin.

15 MR. GODWIN: Your Honor, I just want the
16 record to reflect and the record to show that for the
17 record, Miss Burton --

18 THE COURT: You talking about Vanessa
19 Burton, the Assistant District Attorney.

20 MR. GODWIN: Miss Burton, being a
21 licensed attorney, has been, you know, got two of her
22 witnesses here to help pick juries and to help to get
23 juries down while I, the Defendant, have no license,
24 is not a licensed attorney, and I have not had that
25 application to have anyone to assist me or to help

1 me. I just wanted that reflected in the record, your
2 Honor.

3 THE COURT: That is correct. But the
4 record also reflects that at the various breaks on
5 today's date and time you had an opportunity to
6 confer with your mother and I -- your wife and your
7 mother. Is that not also correct?

8 MR. GODWIN: Your Honor, that was during
9 a brief recess, two brief recesses, which did not,
10 you know, been a lot of jurors changed and everything
11 changed.

12 THE COURT: But you did have that
13 opportunity, did you not?

14 MR. GODWIN: A couple times, but we never
15 talked about what jurors or anything, whenever any
16 jurors or anything like that, like Miss Burton has
17 all day with her two witnesses, being law enforcement
18 witnesses. I just wanted the record to reflect, your
19 Honor.

20 THE COURT: That's fine.

21 MR. GODWIN: Thank you, sir.

22 THE COURT: All right. Let's move along
23 to the next order of business.

24 Miss Burton, tomorrow morning do you
25 desire to make an opening statement?

1 MS. BURTON: Yes, sir.

2 THE COURT: Mr. Godwin, do you want to
3 make a brief opening statement?

4 MR. GODWIN: Yes, sir.

5 THE COURT: Is 10 or 15 minutes
6 sufficient time for you, Miss Burton, or do you need
7 longer than that?

8 MS. BURTON: Your Honor, I would say no
9 more than 20 minutes.

10 THE COURT: I will allow both sides -- is
11 that sufficient time for you, Mr. Godwin, 20 minutes?

12 MR. GODWIN: Your Honor, if it takes me
13 20 minutes. I mean --

14 THE COURT: Well, I'm not asking you to
15 consume the time, I'm just setting outside parameters
16 for you. Is 20 minutes sufficient time?

17 MR. GODWIN: Yes, sir.

18 THE COURT: All right, then I will set 20
19 minutes as the parameters within which to make your
20 opening statement -- I'll give you an opportunity in
21 one minute.

22 Next order of business is there's a
23 request from the State for sequestration of witnesses
24 and my standing policy is to do it both ways, both
25 for the Defendant and the State. But I will allow

1 Mr. Godwin to have some members of his family or
2 whoever he chooses to remain in the courtroom in
3 spite of the sequestration order to observe the
4 proceedings.

5 MR. GODWIN: What is a sequest order,
6 your Honor?

7 THE COURT: That means witnesses, neither
8 the State or the Defendant's witnesses, will be
9 permitted to hear each other testify. Since I've got
10 two officers here, I'll let you choose two members of
11 your family or witnesses to remain in the courtroom
12 to observe the proceedings. Who do you want to
13 remain?

14 MR. GODWIN: Your Honor, I object to
15 that. Everybody is entitled --

16 THE COURT: You don't want your wife or
17 your mother to remain in the courtroom?

18 MR. GODWIN: I want everybody to be in
19 the courtroom at one time, your Honor. This is a
20 trial here.

21 THE COURT: That's right.

22 MR. GODWIN: Why am I treated any
23 different than you would any other trial? Why
24 sequester a jury, I mean people to -- why sequester
25 them?

1 THE COURT: So they can't hear each other
2 testify.

3 MR. GODWIN: What benefit is that going
4 to do to the defense? What benefit --

5 THE COURT: Well, I'm doing it both ways.

6 MR. GODWIN: It's going to benefit the
7 DA, your Honor.

8 THE COURT: Oh, I don't know about that.

9 MR. GODWIN: That's what she's going for,
10 your Honor, and I think it's extreme prejudice on my
11 behalf, your Honor, on me being the Defendant in this
12 case.

13 THE COURT: All right.

14 MR. GODWIN: I think that all people
15 should be out here listening to all the testimony
16 that's given in this case, your Honor. I'm no lawyer
17 and again I beg your Honor to give me counsel. I
18 want counsel, your Honor. I'm going into a major
19 trial in the morning and I don't have a raft with me.

20 THE COURT: A what?

21 MR. GODWIN: I don't have a raft. I
22 don't have no guidance, your Honor. I need guidance.

23 THE COURT: All right, I've noted your
24 request and it's overruled.

25 Miss Burton, I'm going to enter an

1 order of sequestration with respect to all your
2 witnesses except the two who are present in the
3 courtroom.

4 MS. BURTON: Your Honor, as to that
5 order, the State could use just one officer.

6 THE COURT: All right, choose your -- I
7 don't --

8 MS. BURTON: Detective Maynor is the
9 chief lead detective and we can do without
10 Mr. Carter.

11 THE COURT: All right, then Detective
12 Maynor may remain and the balance of your witnesses
13 will have to be sequestered, I assume, in the
14 District Attorney's office or wherever you choose.

15 MS. BURTON: Your Honor, that's the only
16 available space that we have.

17 THE COURT: All right, then I want to
18 make arrangements for Mr. Godwin's witnesses in one
19 moment. But still I have the standing offer,
20 Mr. Godwin, to let two of your family remain in the
21 courtroom who are witnesses. Now, if they're not
22 going to be witnesses they can stay in the courtroom.
23 That makes no difference.

24 MR. GODWIN: Your Honor, at the same time
25 I'm just saying this gives her witnesses time to go

1 in there and review any old transcripts, to get their
2 testimony right, come right out here fresh after
3 reading that testimony and get up here on this jury
4 and tell it like the paper said. I want you to let
5 them tell it like they remember it, like they
6 remember it, not what the transcript reflects in
7 their last, the last cases they had, your Honor.
8 It's what she's wanting this to be is what it wants
9 to be. She wants Miss Huggins to sit down with a
10 copy just like I've seen Jimmy Maynor and Mr. --
11 what's your name, sir?

12 DETECTIVE CARTER: Carter.

13 MR. GODWIN: Mr. Carter doing all evening
14 here reading their part of the transcript, their
15 testimony of the transcript. Have you not been doing
16 it, sir? Have you not been --

17 THE COURT: He's not on the stand yet.
18 You can ask him on the stand. That's a fair
19 question, Mr. Godwin, when he gets on the stand.

20 MR. GODWIN: But he's been doing it all
21 evening, your Honor. She's preparing each one of
22 them by testimony, by testimony that was given a
23 couple years ago. She's preparing them right now by
24 given them the print, the printout of this
25 transcript, their testimony, your Honor, and I think

1 it's unfair to me, your Honor, unfair to me because
2 they gonna come out of there after going out of it
3 reading it, reading it, reading it, reading it and
4 they're going to come out here with it fresh on their
5 mind, your Honor, and they're going to know exactly
6 what to say. They're going to say what the
7 transcripts say, not what they remember or they
8 recall. They going to say what their transcript
9 says, your Honor, and I think it's unfair to me and
10 prejudice to me, your Honor, and I please ask you to
11 deny that. Think on it, your Honor, for just a
12 second and see just how prejudice it will be to me.

13 MS. BURTON: Your Honor, if I could
14 briefly make one statement?

15 THE COURT: Yes, ma'am.

16 MS. BURTON: The record will reflect that
17 when this Defendant was tried the very first time in
18 1987, a transcript was prepared and delivered. And
19 the second trial a transcript was prepared and
20 delivered, each occasion, to the Defendant or one of
21 his numerous attorneys, including 12 or 13 attorneys,
22 and at no point under any situation or circumstance
23 did the evidence of the State change. The evidence
24 of the State has been documented and has consistently
25 been the same and the only change in testimony has

1 come from the defense side.

2 THE COURT: All right.

3 MR. GODWIN: Your Honor, may I say
4 something? Both transcripts of both cases, even this
5 man here and Jimmy Maynor and the prosecuting
6 witness -- and it reflects in the transcript, both of
7 it varies. Both of it is different. It's not the
8 same. What they're gonna do tomorrow is they want to
9 make sure that this one don't vary because they want
10 to make sure they got it memorized, memorized in
11 their brain, you know, because they gonna be back
12 there reading it the whole time just like I seed him
13 rehearsing his and him rehearsing his today and
14 Mr. Carter rehearsing his today. All day long he's
15 been sitting there, your Honor, with a portion of his
16 transcript. I happened to look over there and it was
17 testimony where he testified, your Honor. I paid
18 attention to it. I'm sitting there listening five
19 feet from him.

20 THE COURT: You mean you got your own
21 copy of the transcript there?

22 MR. GODWIN: I got a copy of the
23 transcript here, but I haven't even read it, your
24 Honor.

25 THE COURT: Well, you need to study it

1 tonight.

2 MR. GODWIN: Study it? Well, I mean, I
3 guess so. If everyone else is studying I guess I
4 better study too, haven't I?

5 THE COURT: Yes, sir, I note you have a
6 copy. All the things you pointed out here this
7 afternoon are subject to cross examination. It
8 sounds like you can do a pretty good job with that
9 tomorrow by asking him about the very subject matter
10 you talked with me about today. You should make a
11 note.

12 MR. GODWIN: Could you lend me some of
13 your education to write with? That's all I ask.

14 THE COURT: Let's not play games.

15 MR. GODWIN: I cannot read and write,
16 your Honor.

17 THE COURT: You may make notes.

18 MR. GODWIN: It's not a game, your Honor.
19 It's not a game. It's fact.

20 THE COURT: So you get a copy of the
21 transcript and you've been through the trial twice so
22 you already know what all the testimony is, insofar
23 as I can tell.

24 What witnesses do you want to remain
25 in the courtroom to observe the proceedings,

1 Mr. Godwin?

2 MR. GODWIN: Your Honor, could I let you
3 know first thing in the morning?

4 THE COURT: Yes, sir, and it can be any
5 two of your choice. I assume you want some family
6 members to remain here, but you need to advise me in
7 the morning.

8 MR. GODWIN: Yes, sir.

9 THE COURT: I need to know a place to
10 place the remaining witnesses because they will also
11 be sequestered, that is, they won't be permitted to
12 hear the testimony of any of the witnesses until I
13 discharge them. Mr. Jacobs, have you got a place,
14 suggest a place on the first floor or second floor,
15 Sheriff's Department or somewhere? Law lounge? Will
16 you make that available in the morning?

17 MR. GODWIN: If one comes in late, your
18 Honor.

19 THE COURT: I'll make sure if you notice,
20 tell me who it is. I'll let Mr. Jacobs or one of the
21 other deputies take them down to the law lounge and
22 we'll coordinate when we take breaks in the morning.
23 All your witnesses you need to have them here in the
24 morning because they'll be going down with Mr. Jacobs
25 or one of the other bailiffs to the law lounge while

1 we proceed with the trial.

2 Any other matters at this time?

3 MR. GODWIN: Your Honor, if my witnesses
4 object to being secluded in the morning what would I
5 do about that when they find out they got to go down
6 there and be locked up in a room?

7 THE COURT: They aren't in custody, they
8 are simply being, by order of the Court, placed in a
9 place where they cannot hear other witnesses testify.
10 That's the simple --

11 MR. GODWIN: Is they able to roam around
12 or go around or go to the drink machine when they
13 want a drink, your Honor?

14 THE COURT: As I understand the law
15 lounge, which is at the other end of the building, it
16 has all those facilities in it, where they can get a
17 soda or whatever they wanted in there.

18 I'll work it out at the breaks,
19 Mr. Godwin.

20 MR. GODWIN: Okay. You are a pretty good
21 judge, your Honor, I can say that for you.

22 MRS. GODWIN: Your Honor, is there any
23 way that I could sit by my husband and -- Mr. Maynor
24 has sat beside Miss Burton during --

25 THE COURT: Are you an attorney?

1 MR. GODWIN: I request that, your Honor.

2 MR. GODWIN: He's not an attorney.

3 MRS. GODWIN: My husband has no education
4 to read or write or take notes.

5 MR. GODWIN: Deputy Carter is not an
6 attorney, your Honor. Be fair to me.

7 THE COURT: I will let -- make special
8 arrangements through Mr. Jacobs at the Sheriff's
9 Department for you to go over and visit him tonight
10 if you want to help him prepare, but I will not let
11 you sit beside him during the course of the trial.

12 MR. GODWIN: Will she be able to sit
13 right here behind me? Will you do that?

14 THE COURT: Not within the Bar. Not
15 within the Bar.

16 MRS. GODWIN: Is there any way he could
17 confer with me about something he doesn't understand,
18 or cannot write, take notes on?

19 THE COURT: Not at the present time.

20 MRS. GODWIN: There's been many times
21 today that he has needed assistance and has not had
22 it.

23 THE COURT: I've entered my rulings,
24 Miss Godwin. We'll see you in the morning. But I
25 will ask Mr. Jacobs to make special arrangements for

1 Miss Godwin to go to the jail so she can go over the
2 transcript with Mr. Godwin.

3 MR. GODWIN: Your Honor, the way they
4 visit there she could not go through, over -- through
5 a glass-plated window in the jail house. It would be
6 just about impossible for the visiting. It would
7 have to be contact visit, your Honor, to go --

8 THE COURT: Can we do that, Mr. Jacobs,
9 if you know?

10 MR. GODWIN: I'm sure they give contact
11 visit.

12 THE COURT: At the jail.

13 THE BAILIFF: Have to be approved.

14 THE COURT: All right.

15 MR. GODWIN: Or ordered by the judge
16 would do it, your Honor.

17 THE BAILIFF: You can do an order and
18 I'll take it with me.

19 THE COURT: I'm going to enter an order
20 to permit Mr. Godwin's wife to have a contact visit
21 for a reasonable time period to aid Mr. Godwin in
22 going over the transcript of the prior proceedings in
23 this case. I'll have it for you in just a few
24 minutes.

25 MR. GODWIN: Thank you, your Honor.

1 MRS. WANDA GODWIN: Your Honor, I'm his
2 mother.

3 THE COURT: Yes, ma'am.

4 MRS. WANDA GODWIN: Can I testify on his
5 behalf?

6 MR. GODWIN: No, ma.

7 THE COURT: That's between you and your
8 son.

9 MR. GODWIN: That's between me and you.
10 Don't worry about testifying in my behalf. You ain't
11 got nothing to say in my behalf except you love me
12 and that's the only thing you can say.

13 MRS. WANDA GODWIN: Yeah, but I'd like to
14 testify to something I know is real.

15 MR. GODWIN: And I love you.

16 THE COURT: What time are the meals
17 served.

18 THE BAILIFF: They serve from 5:00. He
19 can be fed any time at the jail.

20 THE COURT: Why don't you let him get fed
21 and then Miss Godwin can come up.

22 MRS. GODWIN: Around 7:00 would be good
23 for me.

24 THE COURT: I'll put the order at 7:00
25 and for a reasonable time period thereafter in the

1 discretion of the jailer, just for tonight.

2 All right.

3 MS. BURTON: Your Honor, are we free to
4 go at this time?

5 THE COURT: Yes, ma'am.

6 (Recess taken at 5:15.)

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1 STATE OF NORTH CAROLINA)
2 COUNTY OF CUMBERLAND) ss.

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I, Donna Victoria DuMouchel, Registered Professional Reporter, do hereby certify that the within and foregoing transcript, consisting of pages of typewriting, is a full, true and correct transcript of my shorthand notes thereof, and a full, true and correct statement of the testimony of proceedings had in said cause.

Donna Victoria DuMouchel
Donna Victoria DuMouchel
Certified Shorthand Reporter

Dated: 4 August 1995