216 Va. 328

CLERK
SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

IN THE

Supreme Court of Virginia

AT RICHMOND

Record No. 75-0325

JOHN TURNBULL a/k/a GEORGE WAGGENER,
Plaintiff in error,

v.

COMMONWEALTH OF VIRGINIA,
Defendant in error.

JOINT APPENDIX

Peter G. Decker
Chris A. Christie
Decker, Zoby, Collias & Christie
One Main Plaza East
Norfolk, Virginia 23510
Counsel for Plaintiff in error

Andrew P. Miller
Attorney General
Burnett Miller, III
Assistant Attorney General
Virginia Supreme Court Building
Richmond, Virginia
Counsel for Defendant in error

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COMMONWEALTH OF VIRGINIA

COUNTY OF SOUTHAMPTON, to-wit:

IN THE CIRCUIT COURT OF SAID COUNTY:

DECEMBER 18, 1973

The Grand Jurors of the Commonwealth of Virginia in and for the body of the County of Southampton, and now attending the Circuit Court for the said County, upon their oaths present: That on or about May 24, 1973, in the County of Southampton, Virginia, John Turnbull, AKA George Waggener, did abduct Sandra Harrell Jones

Va. Code § 18.1-38

against the peace and dignity of the Commonwealth of Virginia.

THIS INDICTMENT found at the October Term, 1973, of the Circuit Court of Southampton County, on the evidence of Investigator Larry W. Coffman and Sheriff R. H. Brooks

witnesses sworn and sent to the Jury by the Court.

001

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Va. Code § 18.1-21

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THIS INDICTMENT found at the October Term, 1973, of the Circuit Court of Southampton County, on the evidence of

Investigator Larry W. Coffman and Sheriff R. H. Brooks

witnesses sworn and sent to the Jury by the Court.

Virginia: In the Circuit Court of Southampton County, on Monday, the 25th day of November, in the Year of Our Lord, Nineteen Hundred and Seventy-Four
Present: Honorable James C. Godwin, Judge

Commonwealth

vs. #142-1973

John Turnbull
AKA
George Waggener

This day came the Attorney for the Commonwealth, and John Turnbull AKA George Waggener, age 28, born September 12, 1946, who stands indicted for a felony, to-wit: That on or about May 24, 1973, in the County of Southampton, Virginia, John Turnbull, AKA George Waggener, did abduct Sandra Harrell Jones, appeared according to the condition of his recognizance; and came also Peter G. Decker, Jr. and Chris A. Christie, his attorneys.

Whereupon the accused was arraigned and after private consultation with his said attorneys, pleaded NOT GUILTY to the indictment, which plea was tendered by the accused in person.

The Court then impanelled twenty qualified jurors, free from exception for the trial of the defendant, in the manner provided by law. Whereupon the Attorney for the Commonwealth and the attorneys for the defendant exercised their rights to strike names from the panel, as provided by law, and the remaining twelve jurors, namely: Wesley Grover Joyner, Albert E. Cobb, W. J. Smith, Jr., Velma Barrett, Earl C. Heller, Walter White Cobb, Doris A.

Francis, Catherine Austin, Alex Gary, Jr., M. Reed Couk, Ruth P. DeHaven and Junius W. Holland, constituting the jury for the trial of the defendant, were duly sworn and two alternates, namely: Swann Burgess Bradshaw and Theodore J. Carr, were duly sworn.

After opening statements, the Court and jury partially heard the evidence of the Commonwealth and at 5:30 p.m. the Court adjourned until 10:00 a.m. on November 26, 1974.

Virginia: In the Circuit Court of Southampton County, on Tuesday, the 26th day of November, in the Year of Our Lord, Nineteen Hundred and Seventy-Four
Present: Honorable James C. Godwin, Judge

Commonwealth

vs. #142-1973

John Turnbull
AKA
George Waggener

The Court was called to order at 10:00 o'clock a.m. on November 26, 1974, at which time the Attorney for the Commonwealth continued to present the evidence of the Commonwealth.

At the conclusion of the Commonwealth's evidence, the attorney for the defendant moved the court to strike the Commonwealth's evidence, which motion was overruled and exception was noted; at the conclusion of all the evidence, the attorney for the defendant renewed his motion to strike the Commonwealth's evidence, which motion was overruled and exception was noted.

After hearing the evidence, the instructions of the court and argument of counsel, the jurors were sent to the jury room to consider their verdict. They subsequently returned their verdict in open court, reading:

> "We, the jury find the accused guilty of Abduction as charged in the indictment and fix his punishment at 30 years.
>
> /s/ Earl C. Heller
> Foreman"

The attorney for the defendant then moved the court to set aside the verdict, which motion was overruled and exception was noted.

The court then asked the defendant whether he desired to make a statement or to advance any reason why judgment should not be pronounced against him. The court having heard and considered the defendant's statement, finds the defendant Guilty of Abduction as charged in the indictment and sentences the defendant to confinement in the penitentiary of this Commonwealth for the term of Thirty (30) Years.

After pronouncing sentence, the court advised the defendant of his right to petition for an appeal to the Supreme Court of Virginia.

At all times during the trial of this case the defendant and his attorneys were present.

The Court orders that the defendant be allowed 39 days credit for the time spent in jail awaiting trial.

It is adjudged that the Commonwealth recover from the defendant the sum of $355.72, the costs assessed in this proceeding.

The Attorney for the defendant moved the court for a stay of execution to allow the defendant to appeal and that the bond of the defendant be continued, which motion was overruled and the defendant was remanded to jail.

On motion of the defendant by counsel for a bond to be set, the court set the bond at $100,000.00 in this case.

Commonwealth

vs. #143-1973

John Turnbull
AKA
George Waggener

This day came the Attorney for the Commonwealth, and John Turnbull, AKA George Waggener, age 28, born September 12, 1946, who stands indicted for a felony, to-wit: That on or about May 24, 1973, in the County of Southampton, Virginia, John Turnbull, AKA George Waggener, did feloniously kill and murder Sandra Harrell Jones, appeared according to the condition of his recognizance; and came also Peter G. Decker, Jr. and Chris A. Christie, his attorneys.

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The Court then impanelled twenty qualified jurors, free from exception for the trial of the defendant, in the manner provided by law. Whereupon the Attorney for the Commonwealth and the attorneys for the defendant exercised their rights to strike names from the panel, as provided by law, and the remaining twelve jurors, namely: Wesley Grover Joyner, Albert E. Cobb, W. J. Smith, Jr., Velma Barrett, Earl C. Heller, Walter White Cobb, Doris A. Francis, Catherine Austin, Alex Gary, Jr., M. Reed Couk, Ruth P. DeHaven and Junius W. Holland, constituting the jury for the trial of the defendant, were duly sworn, and two alternates, namely: Swann Burgess Bradshaw and Theodore J. Carr, were duly sworn.

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Commonwealth

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John Turnbull
AKA
George Waggener

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After hearing the evidence, the instructions of the court and argument of counsel, the jurors were sent to the jury room to consider their verdict. They subsequently returned their verdict in open court, reading:

> "We, the jury, find the accused guilty of Murder in the first degree as charged in the indictment and fix his punishment at 30 years.
>
> /s/ Earl C. Heller
> Foreman"

The attorney for the defendant then moved the court to set aside the verdict, which motion was overruled and exception was noted.

The court then asked the defendant whether he desired to make a statement or to advance any reason why judgment should not be pronounced against him. The Court having heard and considered the defendant's statement, findsthe defendant GUILTY of Murder as charged in the indictment and sentences the defendant to confinement in the penitentiary of this Commonwealth for the term of Thirty (30) Years.

After pronouncing sentence, the court advised the defendant of his right to petition for an appeal to the Supreme Court of Virginia.

At all times during the trial of this case the defendant and his attorneys were present.

The court orders that the defendant be allowed 39 days credit for the time spent in jail awaiting trial.

It is adjudged that the Commonwealth recover from the defendant the sum of $480.92, the costs assessed in this proceeding.

The Attorney for the defendant moved the court for a stay of execution to allow the defendant to appeal and that the bond of the defendant be continued, which motion was overruled and the defendant was remanded to jail.

On motion of the defendant by counsel for a bond to be set, the court set the bond at $100,000.00 in this case.

NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR

TO: B. A. Williams, Jr., Clerk
Circuit Court, Southampton County
Courtland, Virginia 23837

TAKE NOTICE that pursuant to Rule 5:1, the defendant, John Turnbull, a/k/a George Waggener, will apply for an appeal from the final judgments in the above styled matter which were entered on the 26th day of November, 1974, and said defendant does hereby file a Notice of Appeal and intention to apply to the Supreme Court of Virginia for a Writ of Error and Supersedeas.

The transcript of the trial will be filed within sixty days after the entry of final judgment.

ASSIGNMENTS OF ERROR

Defendant assigns the following errors:

1. The Court erred in ruling that the witness James Tolley, a witness called by the defense and who testified on direct examination and gave some testimony on cross-examination, was incompetent to testify, and in directing the jury to disregard the testimony of James Tolley.

2. The Court erred in overruling the defendant's motion for a mistrial made during the cross-examination of James Tolley, which motion was renewed when the Court declared James Tolley to be an incompetent witness.

3. The Court erred in overruling the defendant's motion for change of venue.

4. The Court erred in granting instruction No. 4.

5. The Court erred in granting instruction No. 5.

6. The Court erred in granting instruction No. 6.

7. The Court erred in granting instruction No. 7.

8. The Court erred in granting instruction No. 10.

9. The Court erred in granting instruction No. 12.

10. The Court erred in granting instruction No. 13.

11. The Court erred in refusing to grant instruction No. 19A.

12. The Court erred in refusing to grant instruction No. 19B.

13. The Court erred in overruling the defendant's motion to strike the Commonwealth's evidence at the conclusion of the Commonwealth's cases and after presentation of all the evidence.

14. The Court and the jury erred in finding the defendant guilty, as the evidence was insufficient to support a finding of guilty as charged and the finding was contrary to the law in evidence.

JOHN TURNBULL, a/k/a GEORGE WAGGENER

By_____
Of Counsel

Chris A. Christie, p.d.
DECKER, ZOBY, COLLIAS & CHRISTIE
Plaza One Building
Norfolk, Virginia 23510

I hereby certify that on the _____ day of _____, 19____, I mailed a true copy of the foregoing to Richard Crawford Grizzard, Esquire, Commonwealth's Attorney, Boykins, Virginia 23827.

_____

MOTION FOR BILL OF PARTICULARS

Comes now the defendant, John Turnbull, a/k/a George Waggener, by counsel, and moves this Honorable Court for the entry of an Order in these two cases requiring the Commonwealth to furnish details of the charges against him. Specifically, your defendant asks the following:

1. What are the alleged acts committed by your defendant in connection with the respective charges of murder and abduction?

2. In what jurisdiction did the said defendant allegedly commit each of the acts alleged in paragraph one (1) above?

3. With what person or persons was the defendant allegedly involved in the charges made against him in paragraph one (1)?

4. State the specific date or dates and time or times in which your defendant allegedly participated in the acts set forth in paragraph one (1).

5. State what overt acts were committed by the defendant in furtherance of the charges set forth in paragraph one (1).

6. State the exact location or locations of each specific act that defendant is charged with having committed with regard to the charges in paragraph one (1).

JOHN TURNBULL, a/k/a
GEORGE WAGGENER

By _____
Of Counsel

Peter G. Decker, Jr., Esquire
Decker, Zoby, Collias & Christie
Suite 900 One Main Plaza East
Norfolk, Virginia 23510 p.d.

LAW OFFICES
DECKER, ZOBY,
& CHRISTIE
NORFOLK, VIRGINIA

Bill Of Particulars

The plaintiff, Commonwealth of Virginia, by counsel, submits the following particulars of the charges against the defendant herein.

1. Defendant had Sandra Jones picked up by other persons on May 24, 1973 and taken to an apartment to punish her for not giving him her money. Sandra Jones was beaten in an apartment in Norfolk by June Reed, Linda Grant and Pamela Blair. Defendant ordered Linda Grant to take Sandra Jones to Georgia and make sure she did not return to Norfolk. Defendant ordered that Sandra Jones be burned to avoid identification. Pamela Blair and June Reed were ordered to accompany Linda Grant.

   Defendant instructed other Pagan members to have a damn good air tight alibi for that night (May 24, 1973); that if anyone asked about Sandy to say that she had left town with some other dancer headed for Georgia to live and dance; and that defendant stated they were going to get rid of Sandy.

   On May 30, 1973 at a meeting of the Pagans, the defendant stated that he would probably be picked up for Sandy's murder. He stated that he had told Linda and others to take Sandy's body to Georgia and dump it off, but they hadn't. He also stated that he had had Sandy picked up to beat the hell out of her. He stated that he must have been a dumb ass to let that stupid ass crazy

Linda try to do anything for him. He said he told Linda and the others to take Sandy's body toward Georgia and dump it off but the girls had only taken it to Suffolk. He stated he had given them some money and told them to take their time and just take a little vacation and that they had Josie Green's Mustang to drive, but instead they showed back up in Norfolk covered with mud the next morning. He said they had picked Sandy up someplace and were going to beat the hell out of her and they had beat her so bad they thought she was going to die, so he told the girls to take the body south and dump her off and make sure she was dead when they left her.

2. Norfolk, Virginia.

3. Jim Tolley, Joseph Green, Pamela Blair, Linda Grant and June Reed.

4. May 24, 1973, between 2:00 p.m. and 7:30 p.m.
May 30, 1973 in the late afternoon and evening.

5. Defendant issued the orders which culminated in Sandra Harrell Jones' abduction and murder.

6. All actions of defendant were in the Ocean View section of Norfolk, Virginia

COMMONWEALTH OF VIRGINIA

By Richard C. Grizzard
Richard C. Grizzard,
Commonwealth's Attorney for
Southampton County, Virginia

MOTION FOR DISCOVERY AND INSPECTION

NOW COMES the defendant, John Turnbull, a/k/a George Waggener, by and through his attorney and in accordance with the Fifth and Sixth Amendments of the Constitution of the United States and the Constitution of Virginia and moves the Court to order the Commonwealth to disclose to the accused all the evidence sought herein which is favorable to him pending in this matter or which is discoverable under the Rules of Court of the Supreme Court of Virginia.

Specifically, the defendant moves the Court to instruct the Commonwealth to make available to him the following evidence and such other evidence as the Court deems fit.

1. Written reports of autopsies, ballistic tests, including but not limited to firearms identification and trajectory testing, fingerprint analyses, handwriting analyses, blood, and urine tests, other scientific reports, and written reports of a physical or mental examination of the accused or any parties involved in the alleged offenses or the alleged victim made in connection with the particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody or control of the Commonwealth, pursuant to Rule 3A:14(b) (1) (ii).

2. Any written, recorded or oral statements or confessions made by the accused, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody or control of the Commonwealth, pursuant to Rule 3A:14 (b) (1) (i).

3. The statements of all persons who have been interviewed by an agent of the Commonwealth in connection with the above causes and whom the Commonwealth intends to call at the trial.

4. A listing or inventory of all property or evidence taken from the person of the accused, his hime or his automobile and a statement of the date that said properties or evidence were removed from the specified locations.

5. That the Commonwealth permit the defendant to inspect and copy or photograph any books, papers, documents, tangible objects, photographs, buildings or places, or copies or portions thereof, that are within the possession, custody or control of the Commonwealth, pursuant to Rule 3A:14 (b) (2), which relate to the charges against the defendant in the instant case.

6. All material now known to the Commonwealth or which may become known or which through due diligence, could become known from the investigating officers or witnesses in this case, which is exculpatory in nature or favorable to the accused or which may lead to exculpatory material. This is to include but not limit any and all contradictory statements made by Pamela Blair, June Reed and Linda Grant.

7. Copies of all police offense reports relating to the offenses herein on file with any Police Department or with the Commonwealth's Attorney.

8. A copy of the official police record of the defendant, if any, or a statement as to the non-existence of same.

9. A copy of all the written statements, summaries or oral statements, of all police officers, investigators or witnesses, including potential witnesses, which are favorable or exculpatory to the defendant.

10. The names and addresses of any and all potential witnesses known to the Commonwealth who might give information or testimony favorable to the defendant or relative to the charges.

11. An exact statement of the precise manner in which the alleged crimes were alleged to have been committed.

12. An exact statement of the dates and times of day on which the crimes were alleged to have been committed.

13. The exact locations at which the crimes were alleged to have been committed.

14. A copy of any and all search warrants issued in regard to the charges against the defendant, showing the return made by the serving officer, and a copy of the affidavits upon which the search warrants were issued.

JOHN TURNBULL, a/k/a GEORGE WAGGENER

By _____
Of Counsel

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion was mailed this 5 day of April, 1974, to the Commonwealth Attorney for Southampton County.

_____

DISCOVERY ORDERED BY COURT

Now comes the Commonwealth by counsel in accordance with an order of the Court and submits the following in reply to the defendant's Motion for Discovery and Inspection:

1. Photographs of the scene; Medical Examiner's photographs; Medical Examiner's report; Autopsy; F.B.I. Lab reports.
2. No written or oral statements of confession of accused given to police officers.
3. DENIED BY COURT.
4. No property taken from defendant.
5. Photographs.
6. Submitted to the Court.
7. DENIED BY COURT.
8. F.B.I. police record of defendant.
9. Given to Court.
10. None.
11. WITHDRAWN
12. WITHDRAWN
13. WITHDRAWN

COMMONWEALTH OF VIRGINIA

By: Richard C. Grizzard
Richard C. Grizzard, Counsel

STATE OF VIRGINIA
County of Southampton

I, Richard C. Grizzard, the undersigned, attorney for the Commonwealth of Virginia, hereby certify that on the 31st day of October, 1974, I mailed the aforesaid evidence to Peter M. Decker, Attorney for Defendant.

Richard C. Grizzard
Richard C. Grizzard

#5

You are instructed that abduction is the seizing, taking, transporting, detaining or secreting the person of another by force, intimidation, or deception and without legal justification or excuse, with the intent to deprive such other person of her personal liberty or to withhold or conceal her from any person, authority or institution entitled to her charge.

6

If you believe from the evidence beyond a reasonable doubt that Sandra Harrell Jones was abducted, as defined in another instruction of the court, with the intent to extort money or pecuniary benefit, or that Sandra Harrell Jones was abducted, as defined in another instruction of the court, with intent to defile the said Sandra Harrell Jones, and you further believe from the evidence beyond a reasonable doubt that John Turnbull, AKA George Waggener, was present, aiding and abetting in the commission of such crime, then you shall find the defendant John Turnbull, AKA George Waggener, guilty and fix his punishment at confinement in the state penitentiary for life or any term not less than three years.

Exception

#12

Murder in the first degree is the wilful, deliberate, premeditated and malicious killing of a human being or killing in the commission of abduction with the intent to extort money, or pecuniary benefit, or killing in the commission of abduction of a person with the intent to defile such other person.

Murder in the first degree is punishable by confinement in the penitentiary for life or for any term not less than twenty years.

#13

Even though you may believe from the evidence that the defendant did not intend to kill Sandra Harrell Jones, if you further believe from the evidence beyond a reasonable doubt that Sandra Harrell Jones was abducted with the intent to extort money, or pecuniary benefit, or with the intent to defile the said Sandra Harrell Jones, and further that Sandra Harrell Jones was killed during the time she was abducted and that John Turnbull, AKA George Waggener, was present, aiding and abetting in the commission of the abduction, then you shall find the defendant guilty of murder in the first degree and fix his punishment at confinement in the state penitentiary for life or for any term not less than twenty years.

20

The Court instructs the jury that in order to find the defendant guilty of murder, you must first find from the evidence beyond a reasonable doubt that the defendant is guilty of abduction. The Court further instructs the jury that if you find the defendant not guilty of abduction you shall also find him not guilty of murder.

PRESENT: Mr. Richard C. Grizzard,
Attorney for the Commonwealth

Mr. Peter Decker,
Mr. Chris Christie,
Of counsel for defendant

Mr. John Turnbull,
The defendant

MR. GRIZZARD: If it please the Court, the two cases that are set for trial today are Commonwealth v. John Turnbull, also known as George Waggener, with charges of abduction and murder. I think both cases can be tried at the same time, and they have requested a trial by jury, as I understand.

MR. DECKER: That is correct, Your Honor, and we do request a trial by jury, and we do not object to the charges being tried together.

THE COURT: All right, sir. Arraign the accused.

THE DEFENDANT, JOHN TURNBULL, ALSO KNOWN AS GEORGE WAGGENER, WAS ARRAIGNED ON TWO INDICTMENTS CHARGING MURDER AND ABDUCTION, AND ENTERED A PLEA OF NOT GUILTY TO EACH INDICTMENT.

MR. WILLIAMS, CLERK: Do you wish to be tried by the Court, or by a jury on these indictments?

DEFENDANT TURNBULL: By the jury.

***

Q Mrs. Edwards, would you state your name, address and occupation please?

A Judy Edwards, 3501 Lakewood Drive, Norfolk, and I am a housewife.

Q Mrs. Edwards, I am going to ask you to speak up loud. We want all the ladies and gentlemen of the jury to be able to hear you plainly, and we have got noise coming in through the heating system. Were you employed in the early part of May, 1973?

A Yes, sir.

Q Where were you working?

A At the Jolly Roger in Ocean View.

Q Did you know a girl by the name of Sandra Harrell Jones?

A Yes, sir.

Q How did you happen to know her?

A Well I had known her when I was younger and then I also knew her when she came to work at the Jolly Roger.

Q Do you know the defendant in this case, John Turnbull?

A Yes, sir.

Q What do you know him as?

A Pardon?

Q What name do you know him by?

A Mongoose.

Q I want to call your attention to the period of the third week in May of 1973, and ask you if

1 you had occasion to see the defendant in this case?
2 A I had seen him in the Jolly Roger
3 before.
4 Q Was Sandra Harrell Jones there on
5 any occasion when you saw the defendant?
6 A Yes, sir.
7 Q Can you recall the last time you
8 saw Sandra Harrell Jones?
9 A It was the end of May, right before
10 she was killed. She had been working there about a week be-
11 fore I identified her body.
12 Q Did anything occur that night in
13 regards to Sandra Harrell Jones and the defendant? Did you
14 see the defendant that night?
15 A I can't remember whether I saw him
16 but I know he had been looking for her and she had come in and
17 said if he came . . .
18 MR. DECKER: I object to anything
19 he said.
20 THE COURT: Don't go into that.
21 MR. GRIZZARD CONTINUING -
22 Q I will ask you if you saw the de-
23 fendant at the Jolly Roger at any time when Sandra Harrell
24 Jones was there that week?
25 A I had seen them that week.
26 Q What did Sandra Harrell Jones do?
27 A She would go out the door, and he
28 was looking for her, and she would go out another door.

Q Now the next time, was that the last time you saw her alive?

A Yes, sir.

Q Do you recall the next time you had occasion to see her?

A When I identified her body.

Q Do you recall when that was?

A May 31st.

Q Where was that?

A At the morgue.

Q I hand you this photograph, and ask if you know who that is?

A Yes, sir, it is Sandra Harrell Jones.

Q Is that the way she was when you saw her on May 31st?

A Yes, sir.

MR. GRIZZARD: I would like this photograph marked Commonwealth's exhibit "1".

MR. DECKER: No objection.

MR. GRIZZARD CONTINUING -

Q Mrs. Edwards, can you recall what day of the week it was that Sandra was there and went out the back door, and the defendant came there?

A No exactly. She had worked one day, and I think it was on a Monday, and it was either that night or the next night.

Q Either Monday or Tuesday?

A Right.

MR. GRIZZARD: Thank you, Mrs. Edwards. Answer Mr. Decker.

CROSS EXAMINATION

BY MR. DECKER:

Q On the evening in question, you can't tell this Court definitely that you actually saw this man at all?

A I don't know exactly what evening it was.

Q The evening she left out the side door, under your oath, you can't state that he was there?

A No, sir.

MR. DECKER: No further questions.

JAMES THORPE, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GRIZZARD:

Q Mr. Thorpe, state your name, address and occupation please.

A James Thorpe, 806 Thames Drive, Hampton, and I am a service station operator.

Q And where is your service station located, sir?

A 705 Shell Road in Hampton.

Q I want to call your attention to the

night, or the early evening of May 24, 1973, and ask you if on that particular night, you had occasion to see anyone, any patrons at your station that caught your attention?

A I had some girls come in there in a car asking questions about going to Florida, and the car didn't look like it was good enough to be driven out of the City limits.

Q Did you notice anything about the automobile in particular?

A It was in Hampton, and it had, I believe, two windshield stickers on it from two different cities and one was from Norfolk and one was something else, and it was in right bad shape and had a crack in the windshield, and that was what made me think she should not be going out of town with it.

Q What kind of vehicle was it?

A It was a Mustang, about a '55 or '56, something like that.

Q Now how many girls were in that car?

A Four.

Q Do you recall what color the Mustang was?

A Kind of a maroon.

Q Do you know where the girls were sitting in the car?

A Three were sitting in the front seat, and one laying down in the back seat.

Q What occurred while the car was there?

A Two of the girls got out, except the driver, two got out of the front seat and went to the rest room, and back and one of them asked me, the driver asked me, something about going to Florida, and which way there, and somebody said something about going to South Carolina, and one of them said, why don't we just go on to Florida, or something and I don't know which one of the girls it was, but I thought it was the girl in the back seat, I don't know for sure.

Q In other words, you couldn't swear to it?

A I couldn't swear to who said it.

Q Have you ever had occasion to identify any of those girls?

A I was brought some pictures; a bunch of pictures not long after it happened for identification.

Q Do you recall by name whether or not, or who you might have identified, if anybody?

A No, I don't know the names, but I believe I was told one of them was Pam Blair or something.

Q Is this the photograph you identified?

A Yes, this is the one I identified.

Q I will just hand you a photograph and ask you if you have ever seen that before?

A Yes, sir.

Q And the name on that is Pamela Jean Blair?

A Yes, sir.

Q Is this the photograph that you identified?

A Yes, sir.

MR. GRIZZARD: Answer Mr. Decker.

CROSS EXAMINATION

BY MR. DECKER:

Q Sir, what they were saying; the people they wanted directions to Florida?

A Yes, sir. At first they asked about going to South Carolina, and then they said something about why don't we go on to Florida.

Q To Florida?

A Yes, sir.

Q Here in this very urgent matter, you cannot testify that you ever saw any form of life in the person you describe as a girl in the back seat?

A No, sir.

Q You cannot say whether she was alive or dead at that time, can you?

A No, sir.

Q And the other girls were talking, and in particular this girl, Pam Blair, were they laughing and joking?

A No, I don't remember them laughing and joking or anything, but two of them got out and went to restroom, and one of them said something and I don't remember them even talking any more than one said something about going

to Florida, and one asked me did I check the oil, and I was checking the oil under the hood, and then I remember the girl paid me, and she said it didn't take but that much gas or something, and that is all I remember any of them saying.

Q So it was nothing out of the ordinary and they didn't act nervous or anything at that time?

A No, sir.

Q Just like they were going on a little trip?

A Yes, sir.

Q To Florida?

A Yes, sir.

MR. DECKER: I have no further questions.

REDIRECT EXAMINATION

BY MR. GRIZZARD:

Q Now, Mr. Thorpe, what in particular made you think the girl in the back seat may have said something?

A In my mind, I thought the other two girls were at the restroom when the conversation took place.

MR. GRIZZARD: All right, that's all.

RECROSS EXAMINATION

BY MR. DECKER:

Q But you are not certain of all of

1 that?

2 A No, sir.

3 Q You are just sort of guessing?

4 A I am just trying to remember it, and

5 I wouldn't remember any of it except that a lawyer came by a

6 couple of days afterwards and started asking questions, and

7 made me go back in my mind and try to remember it.

8

9 GEORGE EDWARDS, being first duly

10 sworn, testified as follows:

11

12 DIRECT EXAMINATION

13 BY MR. GRIZZARD:

14 Q Mr. Edwards, state your name, address

15 and occupation?

16 A George V. Edwards, and I live at

17 Capron, and I am a farmer.

18 Q And did you live there in May of

19 last year, sir?

20 A Yes, sir.

21 Q Mr. Edwards, I want to call your

22 attention to the night of May 24, 1973, particularly to the

23 time about eleven o'clock P.M. and ask you if anything

24 occurred at your residence that night, sir?

25 A Yes, sir, it was that night between

26 eleven and eleven-thirty someone knocked on the door and it

27 was Bill Gibbs. He told me that it was three girls were stuck

28 down the road and wanted me to go with him to help him pull

1 them out.

2 Q And what did you do?

3 A I went out to the car and talked

4 with them, and I thought they said they were from Fayette-

5 ville, North Carolina, or going to Fayetteville, I don't know

6 which, but anyway they told me they were down the road stuck,

7 and wished I would help them so Bill got in the truck with

8 me, and we went down by the old warehouse there and picked up

9 a chain and put it in the truck. I thought they were on a

10 county road, but they were back in a woods path.

11 Q Where did you all go? This path you

12 are speaking of, where is it exactly?

13 A I'd say about three miles from where

14 I live..

15 Q Do you know what county it is located

16 in?

17 A Southampton County.

18 Q All right, when you arrived at this

19 road, what did you do?

20 A Well I rode by the path they were

21 stuck in and Bill told me, he said, no, they are back in

22 this path, and I backed up and we went back in there and we

23 faced the car that was stuck. By them telling me they were

24 from Fayetteville, or that's what I thought they had said and

25 they had Virginia license plates on the car, and that was

26 when I took the license number down.

27 Q What else did you notice when you

28 first got there by the car?

A Well the car was real muddy and the door was open on the left-hand side and the front vent on the driver's side was broke out and there were some shoes in the car and a pocketbook, and some drink bottles and it was real muddy.

Q What kind of car was it?

A It was a '67 maroon Mustang.

Q What did you all do where the car was located?

A Well I backed up to where I could turn around and backed down to the car, and I pulled it out and Bill, he got in their car and drove it out to where the three girls and Mrs. Gibbs were in his car. They thanked him for pulling them out and gave us $30.00; $15.00 for Bill and $15.00 for myself.

Q Now these three girls, did you subsequently have occasion to identify any of them by photograph or in person?

A Yes, sir.

Q Do you recall who any of them were?

A It was Linda, the Grant girl, and the Reed girl.

Q All right, how long did it take you to locate the automobile and get the vehicle out? How long were you with those girls that night?

A I was gone from the house about an hour or maybe a little better.

Q Now how did they leave?

A Well she asked me how to get out to 58, and I told them to follow me to where I turned to come to my house and I stopped and they stopped behind me, and I told them how to go out to 58, and I said you can turn to your right and go to Emporia, or to your left and go back to Norfolk, and one of the girls said we are going back to Norfolk.

Q After they left, what did you do then, Mr. Edwards?

A Well I just wondered why the three girls would be back that far in the woods and it kind of raised my curiosity. The next morning I told my wife that night rather, that I was going back there the next morning and I thought maybe they had dropped a child out or something in there or something that was stolen, and I was telling this neighbor of mine, Paul Barnes, about it, and I said, I am going back down there this morning to see what they were doing back there. It was Camp Manufacturing Company land, and we got to the hole where they were stuck, and it was four jackets in the hole, and it was a blue bath towel, and we put the jackets, or no we left the towel in the mud hole but we put the jackets in the truck, and we could tell they had been on down the path further. They told us that night they turned around at the mud hole and then they got stuck.

Q How could you tell they had been down further?

A By the tracks. They went further back in the woods, and we followed the tracks and we went

about three or four hundred yards, I reckon, and that is where we found this girl right beside the path.

Q What time of morning was this?

A It was, I'd say, eight between eight and eight-thirty.

Q All right, now, where was this girl laying at that time when you saw her?

A She was laying face down with both arms spread out with her face to her right, and her right leg was up on a sapling and her left leg was kind of folded back across the right.

Q What did you do at that time?

A I got out of the truck and went and looked at her and I could tell she was dead.

Q Did you touch her or move her?

A No, sir, I didn't put my hand on her, but I could tell she was dead, and I called Mr. Brooks.

Q How did you leave at that time?

A I went straight on out the other way.

Q You went on through the mud hold on out?

A Yes, sir.

Q Mr. Edwards, I hand you this photograph. Would you come over here in front of the jury and I would like these marked in order, Commonwealth's exhibits "2", "3", and "4".

THE COURT: They will be marked for identification; Commonwealth's exhibits "2",

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1 DIRECT EXAMINATION
2 BY MR. GRIZZARD:
3 Q State your name, address and occupa-
4 tion please.
5 A Pam Blair, Portsmouth City Jail.
6 Q Can you speak up loud so the ladies
7 and gentlemen of the jury can hear you?
8 A Pamela Blair, and I am at the
9 Portsmouth City Jail.
10 Q And you have been found guilty of
11 murder and abduction in the case of Sandra Harrell Jones, have
12 you not?
13 A Yes.
14 Q Do you know the defendant in this
15 case, John Turnbull?
16 A Yes.
17 Q What do you know him as?
18 A Mongoose.
19 Q I beg your pardon.
20 A Mongoose.
21 Q I want to call your attention to
22 May of 1973, and ask you if you knew the defendant at that
23 time?
24 A Yes, I did.
25 Q How long have you known him say be-
26 fore May 24th of last year?
27 A I had known him for about six months,
28 but I hadn't known him personally but for about a month.

1 Q Did you know Sandra Harrell Jones?
2 A Prior to her death?
3 Q Yes.
4 A I had only known her a short while.
5 Q How long.
6 A A week maybe.
7 Q Do you know Jim Tolley?
8 A Yes.
9 Q How long had you known him?
10 A A month.
11 Q I want to call your attention to
12 May of 1973, prior to May 24th, and ask you if you had
13 occasion to be with the defendant in this case when he was
14 with Sandra Harrell Jones?
15 A Yes, I did.
16 Q Would you tell the Court what that
17 occasion was and what happened?
18 A It was, I believe, the 22nd, and
19 Jim Tolley and I gave Mongoose and Sandy a ride to downtown
20 Norfolk for her to pick up a check that she was supposed to
21 pick up.
22 Q Why were you going down to pick up
23 Sandy's check?
24 A Jimmy just came and asked me if I
25 would like to ride down with them, and he said that he had
26 promised. . .
27 Q Don't go into what Jim said. Once
28 you got with the defendant, Mongoose, or John Turnbull and

1 Sandra Harrell Jones and Jim Tolley, what happened?
2 A Well we were driving downtown Norfolk
3 to pick up her check when we pulled into the parking lot of a
4 big insurance building, some type of building like that. He
5 told her . . .
6 MR. CHRISTIE: Your Honor, at this
7 time may we approach the bench for one second?
8 THE COURT: Yes, sir.
9 MR. GRIZZARD CONTINUING -
10 Q When you speak of the defendant,
11 that is Mongoose, as you know him?
12 A Yes.
13 Q What did he tell her?
14 A He told her not to come back down-
15 stairs without any money.
16 Q Was anything else said at that time?
17 Did he do anything else at that time?
18 A He picked up a wrench that was on the
19 floor of the car and when he told her not to come back with
20 no money and threatened her, and it was not a verbal threat
21 but he had it in his hand and shook it at her.
22 Q Do you know what money he was speaking
23 of at that time?
24 A Her pay check.
25 Q All right, did she leave?
26 A She got out of the car and went into
27 the office building.
28 Q Then what happened?

A Well, she came back to the car and he got out and let her in and got in behind her, and asked her if she had the money, and she said, no, that they said they had already sent her pay check out.

Q What happened after she said that she didn't have the money?

A He backhanded her.

Q Where did he backhand her?

A They were sitting in the back and he hit her across the face.

Q Were there any injuries to her face at that time?

A Pardon me?

Q Were there any injuries to her face at that time?

A It busted her lip.

Q All right, what occurred after he hit her?

A She told him that all we would have to do was go by the apartment because the insurance office she had been working at, American Insurance Office, and they told her that they mailed the check there, and he said, O.K., but she had better get the check.

Q Where did you go from the insurance building?

A We drove to an apartment that she said was hers, but she had been living there so she could check to see if her check was there.

1 Q What did she do there?
2 A It wasn't there, but I didn't go in.
3 Q What happened when she came back?
4 A They were having an argument and
5 when she got back in the car, they argued a little bit about
6 it, and she told him she was going to go dance at the Jolly
7 Roger and she would be making some money, and she would give
8 him some that night or the next night.
9 Q Did he say anything at that time?
10 A He told her she had better because
11 she couldn't rip him off, and he called it his money because
12 she couldn't rip him off for any money.
13 Q You say this was on the 22nd?
14 A I believe so.
15 Q Now after you had been down to the
16 insurance place, and to her apartment, or what she said was
17 her apartment, and she didn't have the money, where did you
18 go from there?
19 A I believe we took them back to the
20 gas station.
21 Q All right, did you see her any more
22 on the 22nd?
23 A No.
24 Q When was the next time you saw her?
25 A On the 24th.
26 Q Where did you see her on the 24th?
27 A The first time?
28 Q Yes.

A In Josie Green's car in the parking lot of the Sunoco gas station on Shore Drive.

Q What kind of car is that?

A A maroon Mustang, '66, I believe.

Q This Sunoco station that you are speaking of, is there any significance to this Sunoco station?

A Well that is the gas station that Jimmy worked at, and all the Pagans that I had met within that month spent a lot of time there.

Q What time of day was it that you first saw her in Josie Green's car?

A Shortly after noon.

Q Who was at the service station when you first saw her?

A Linda and June were both in the car with her and Joe Green was there and Jim Tolley and Mongoose and myself, and another Pagan, but I can't recall his name. I can't remember who he is.

Q You say that Linda and June were in the car with her; where was everybody else?

A Standing in the parking lot.

Q How far apart were they from the car?

A Just a few feet, not far.

Q Well, what is a few feet; it could be two feet; it could be twenty feet, or it could be thirty feet. Can you pick out an object in this courtroom to show how far the names that you have mentioned were away from the

car in which Linda and June and Sandy were?

A Not any further than from here to this table, not that far.

Q For the record, that would be about six feet. Who was sitting where in the car?

A Linda was in the driver's seat and June was sitting next to the door on the passenger side and Sandy was sitting in the back seat behind June.

Q What happened when they came up to the Sunoco station this afternoon? Do you know what time it was?

A Around one or shortly after twelve.

Q Then tell what happened at that time?

A Well there was a lot of discussion about Sandy Jones and the discussion was pertaining to her because someone had decided that she was an undercover agent or an informant, and informing on the Pagans in some of their dealings and things that they did.

Q What was the discussion in particular? Tell us what the discussion was about.

MR. DECKER: Judge, it seems to me that the discussion would be inadmissible unless a proper foundation was laid and I would therefore object to it respectfully.

MR. GRIZZARD: If it please the Court, she has stated the parties that were there and placed them all within six feet of the automobile,

and the discussion takes place where these parties were located within six feet of the automobile.

THE COURT: Go ahead.

MR. GRIZZARD CONTINUING -

Q Who was the discussion among?

A Josie, Mongoose and I was there, Jim Tolley and June and Linda.

Q Who was involved in the discussion?

A All of us.

MR. DECKER: Your Honor, a statement made by the defendant clearly would be admissible but I don't believe that a general discussion, and I know she is going to testify about this discussion and what was said generally, and unless she can testify to specific conversations in this case, I would object to it.

MR. GRIZZARD: Any conversation in which the defendant was a part of at this particular point, in this particular case, is clearly admissible against the defendant.

THE COURT: I think the conversation would be admissible, or those statements made in his presence, but I think the witness should be specific rather than state generally that this was said and that was said. I think she would have to say what was said.

MR. GRIZZARD CONTINUING -

1 Q Now this discussion or conversation
2 that you are speaking of, who said what and tell it as best
3 you can as to who said what, and in what sequence.
4 A It is hard, because everyone was
5 sort of talking at one time.
6 MR. DECKER: I would therefore
7 object to the testimony.
8 THE COURT: If she can say what was
9 said, she can testify.
10 MR. DECKER: She has stated that she
11 cannot positively state it, Your Honor.
12 MR. GRIZZARD: She said it was
13 difficult, but she didn't say she couldn't.
14 THE COURT: Well, we will find out,
15 go ahead.
16 MR. GRIZZARD CONTINUING -
17 Q All right, Pamela, what was the
18 first thing that was said that you remember when these parties
19 were there?
20 A I remember Mongoose saying that he
21 had found out just the day before that Sandy was an informer,
22 and she had been informing on everything that the Pagans had
23 been doing over the past few months, and I remember Josie
24 saying something like that he had thought that anyway, and
25 the discussion went on, and I recall that Mongoose was angry
26 at her still because she had never gotten that check, and he
27 said, she had ripped him off for some money and that she was
28 supposed to have earned money dancing at the Jolly Roger, and

she didn't get it and he was very angry.

Q Did anybody other than Mongoose and Josie Green say anything?

A Jim Tolley was talking too, but I can't recall what he said in particular.

Q How about Linda Grant? Did she say anything?

A Not at that time, not when she first had driven up.

Q All right, is that all the discussion that you can remember?

A In that particular discussion, yes.

Q All right, what happened after this discussion took place right next to the car?

A Mongoose walked around the side of the car to where Linda was and she was on the driver's side, and he had been next to the passenger side, and he went around and told Linda to do what he told her to do, and go teach Sandy a lesson.

Q Is that all he said, just go teach Sandy a lesson?

A I believe so.

Q And what happened after Mongoose had told Linda to do that?

A June asked if I wanted to go for a ride, and I said, O.K., and I got in the car and we left the gas station.

Q Where did you go?

1 A To an apartment in the West Ocean
2 View area of Norfolk that had been rented by Linda and Joe
3 Green.
4 MR. DECKER: Is that the same car
5 that Sandy was in that you went for a ride?
6 A Yes.
7 MR. GRIZZARD CONTINUING -
8 Q All right, did anybody else get in
9 the car?
10 A No, just me.
11 Q So then it was the four women at that
12 time in the automobile?
13 A Yes.
14 Q All right now, when you got to this
15 apartment what happened?
16 A I got out of the car and went inside
17 and Linda, almost as soon as we got in there, she hit Sandy
18 and she told her that she had to teach her a lesson and that
19 she could not rip off any of the Pagans.
20 MR. DECKER: I object to that testi-
21 mony and it is clearly inadmissible.
22 THE COURT: Well she can tell what
23 she did to Sandy, but not what she said. I
24 sustain the objection, and will ask the jury to
25 disregard it.
26 MR. GRIZZARD CONTINUING -
27 Q Without going into anything that was
28 said at the apartment what was done at the apartment?

A The girl was badly beaten and her hair was cut.

Q You say badly beaten, who participated in the beating?

A Linda beat her.

Q Did she use anything other than her hands?

A A belt that belonged to June.

Q Just her hand and the belt?

A Yes.

Q What injuries, if any, did Sandra Harrell Jones receive at this time?

A Just superficial bruises, a bloody nose and a lot of bruises.

Q Where were the bruises?

A All over her body.

Q This belt that you are speaking of that she was beating her with, did you know anything about the belt?

A It was a leather belt that had two round interlocking metal things on it that make the buckle.

Q Well was the belt used lengthwise or doubled up, or used how?

A Both.

Q How long did this beating take place?

A We were at the house for well over an hour.

Q You said that her hair was cut, who

1 cut her hair?
2 A Linda.
3 Q What length was Sandra Harrell Jones
4 hair before it was cut?
5 A Very long, way down the middle of
6 her back.
7 Q While this beating was taking place,
8 was she clothed in any way?
9 A Part of the time, but not all of
10 the time.
11 Q How was her clothing taken from her
12 body?
13 A The shirt was ripped off when her and
14 Linda were fighting one time.
15 Q All right during the course of the
16 beating or after the beating took place, then what happened?
17 A No conversation?
18 Q No conversations.
19 A We got back in the car and left the
20 apartment and drove back to the gas station on Shore Drive.
21 Q About what time was it that you got
22 back over to the gas station on Shore Drive?
23 A Around about three o'clock.
24 Q When you arrived back at the gas
25 station on Shore Drive, who was present?
26 A Joseph Green, Jim Tolley, Mongoose,
27 and someone that I don't know who he was.
28 Q He is the same one there earlier that

you couldn't identify?

A Yes, and then Sandy, Linda, June and myself.

Q Do you know Skip Adams?

A I have met him.

Q He wasn't the one that you couldn't identify was he?

A No.

Q When you got back to Shore Drive where did you go? As you left the apartment what positions were the people sitting in the car?

A Sandy and June are both in the back seat and Linda was driving and I was on the passenger side.

Q When you got to the Sunoco station, where did you park the car?

A In the parking lot to the left.

Q As you look at it from the highway?

A No, from the right as you look at it from the highway.

Q What happened when you got back to the Sunoco station?

A I got out of the car and went to the bathroom and Linda got out of the car and walked just a few feet, six feet maybe, to where Josie and Jimmy and Mongoose and whoever the other man that was there, where they were standing and started talking to them.

Q Were all the men standing there together in one group when Linda approached them?

1 A I can't recall if they were all
2 standing there when she approached them, but when I walked
3 out of the bathroom, they were all there together.
4 Q How long were you in the bathroom?
5 A Five or ten minutes at the most.
6 Q What happened while you were at the
7 station after you got out of the bathroom, and Linda was
8 there with these men, Mongoose and the others?
9 A I walked over to her, and I heard
10 the conversation.
11 Q Who all was talking?
12 MR. DECKER: If you recall, and if
13 you don't recall, say so.
14 A I recall.
15 MR. GRIZZARD CONTINUING -
16 Q Go ahead.
17 A When I walked up Mongoose was
18 talking to Linda, and he told Linda that she should take Sandy
19 to Georgia, and I remember Linda asking Josie did she have to
20 go, and Josie told her, yes, she had to go, and she knew that
21 and Mongoose told Linda, he directed all the conversation to
22 Linda, and told Linda that she knew she had to do what he
23 told her to do and he told her to take Sandy to Georgia, and
24 if she didn't make it along the way to just drop her off
25 somewhere, and Linda asked him what he meant, and he said, "I
26 mean I don't want her to make it", and to be sure burn her
27 hands and her face so she can't be identified.
28 Q This is Mongoose and Linda talking

1 back and forth?

2 A Yes.

3 Q Josie Green was standing there, and

4 Jim Tolley was standing there?

5 A Yes.

6 Q And you were standing there?

7 A Yes.

8 Q This other person that you don't

9 recall, was he standing there too?

10 A I don't recall.

11 Q Where was June Reed?

12 A She was sitting in the back seat of

13 the car next to Sandy ten feet or maybe six to ten feet away.

14 Q After Mongoose said that, and what

15 I mean is I don't want her to make it, what happened or what

16 was said?

17 A Linda again asked Josie did she have

18 to go and he told her she did and she knew she did.

19 Q After Linda asked Josie did she have

20 to go and he said she did, was anything else said?

21 A There was a conversation between

22 Jim Tolley and myself.

23 Q Well don't go into that. What

24 happened then?

25 A Linda and I went and got back in the

26 car.

27 Q What was your reaction at this time?

28 A I was scared to death.

Q What were you scared of?

A I had only known them people for a month, and I hear really bad things about motorcycle groups anyway, and you look at somebody and you hear them say something like that and it scares you.

Q So you got back in the car. What did you get back in the car for?

A Jimmy told me I had to.

Q All right, when you got back in the car, where did you get?

MR. DECKER: Who told you you had to go?

A Jim Tolley.

MR. GRIZZARD CONTINUING -

Q After you got back in the car, where did you go?

A We drove up Ocean View Avenue and stopped at an apartment around Third Bay and Ocean View where June and Skip Adams had been living so she could go tell Skip that she was going to leave town.

Q How long was June up there?

A Fifteen minutes, perhaps.

Q And did she come back and get in the car?

A Yes, sir.

Q And when she got back in the car, how were you sitting?

A June and Sandy were in the back seat,

and Linda was driving and me on the passenger side.

Q New after you left Skip Adams apartment what time of day was this?

A Fourish or after.

Q Where did you go from there?

A We drove over to Hampton through the tunnel towards Newport News on the Interstate, and got off the Interstate and stopped at a gas station to get gas.

Q Now at the gas station where was everybody in the car?

A Linda in the front seat and me sitting on the passenger side and Sandy and June were in the back seat.

Q June was still in the back seat with Sandy?

A Yes.

Q What happened at the gas station?

A June and I got out and went to the bathroom and came back and Linda got gas.

Q Did you have any conversation at that time with the gas station attendant?

A I didn't and June didn't.

Q All right, after you left the gas station where did you go?

A We drove over the James River Bridge and I really don't know where we were going, and I don't know this area very well because I am not from here, but Linda knew exactly where she was going; she had been to Georgia before.

JOYCE GRAY HARRELL
COURT REPORTER
302 BANK STREET
SUFFOLK, VIRGINIA 23434

1 Q Go ahead and tell the Court what
2 occurred.
3 A We drove on Highway 58 and we stopped
4 at one point and asked directions from a black man.
5 Q Then where did you go after he gave
6 you directions?
7 MR. DECKER: Did you say from a black
8 man?
9 THE COURT: Speak a little louder so
10 everybody can hear you.
11 A Yes, a black man.
12 MR. GRIZZARD CONTINUING -
13 Q All right after you got the directions
14 where did you go? Speak up loud now.
15 A We drove to a place and stopped to
16 get something to eat.
17 Q Go ahead.
18 A June and I got out of the car and
19 went in and got the food and came back to the car, and we sat
20 there in the car and it started to rain and we stayed there
21 for half an hour or forty-five minutes and then we started
22 driving again.
23 Q Did Sandy eat anything?
24 A Some french fries.
25 Q Where did you go from there?
26 A We were driving on Highway 58, I
27 believe, and we passed a road and Linda stopped the car on
28 the side of the road suddenly and she turned around and said,

that is the road I want, and she went back and turned around a road, and it's just a side road off the highway, and we started driving back into the woods. It was in the country.

Q All right, do you know what happened then?

A We got lost and we drove around for a long time and couldn't find our way back out to a highway, and we couldn't find any paved road, and we finally saw a sign that said no trespassing and beware of dog, or some type of sign like that and we decided we would drive back into what we thought was a drive way.

Q Have you ever seen that before?

A Yes, that is the road we turned up in.

MR. GRIZZARD: At this time, Your Honor, I would offer this photograph as Commonwealth's exhibit number "6".

MR. DECKER: Your Honor, prior to it being accepted as an exhibit as opposed to identification, I would like to examine her on that point. We know she was there at night in the mud and so forth.

THE COURT: I will mark it for identification at this point as Commonwealth's exhibit number "5".

MR. GRIZZARD CONTINUING -

Q All right, you saw this sign that said no trespassing and you can't remember what else, and you

1 turned up that road and then what happened?
2 A We drove such a long way up into the
3 road that it was impossible to turn around because it had been
4 raining and it was a field on one side of us and trees on the
5 other side, and the ground was real real soft, so we had to
6 keep driving and we drove along back up the road until we
7 came to a turn in the road and it was a big mud puddle and
8 the car got stuck.
9 Q What happened when the car got stuck?
10 A Linda and June and I all three got
11 out the car to push it and Sandy climbed in the front seat to
12 drive it through and we got it unstuck.
13 Q After you get it unstuck out of the
14 mud hole then what did you do?
15 A We started to get back in the car and
16 Sandy climbed over the seat to be sitting in the passenger
17 side and Linda got in to drive and June and I climbed in the
18 back seat and we drove up the road.
19 Q How far up the road did you go?
20 A Thirty or forty feet probably.
21 Q What happened then?
22 A We could see in the headlights of
23 the car another big mud puddle that covered the entire road
24 and it wasn't very wide anyway, but Linda stopped the car
25 perhaps fifteen, ten to fifteen feet from the mud puddle and
26 she said, Sandy, come on and they both got out of the car and
27 walked around to the front of the car, and June and I were
28 sitting in there and I don't know what was going on, but they

walked toward the mud puddle and I recall seeing Linda put her hand on Sandy's back and Sandy got on her knees and Linda pushed her down with her face into the mud puddle with her hand on the back of her neck and her knee in the small of her back, and June and I get out of the car and started running towards Sandy and Linda and by the time we got there Linda had started to jump back and she was screaming and June and I and everybody was yelling and hysterical, and June and I grabbed a hold of Sandy and turned her over and water spouted out of her mouth and I checked her pulse and she was dead.

Q What did you do then?

A We were in hysterics.

Q After you realized she had no pulse that she was dead, what did you do after you knew that she was dead?

A We get in the car and started to turn it around, and Linda remembered that Sandy had on her coat, and she got out of the car and went back and got her coat and come back and got in the car and started driving back and got stuck in the same mud puddle we were stuck in the first time.

Q How long were you stuck in this mud puddle?

A The second time?

Q Yes.

A It was a long time and we couldn't get the car out and we walked a couple of miles, at least, to a farm house to ask them to help us pull the car out.

Q When you went to the first farm house, what did you do then?

A We had to go into the back to a trailer where the people were living and they put us in the car and took us to another man's house that had a tractor and a truck, and asked him if he would help us and he said, O.K., and we were with the farmer's wife and we drove back and the men took a pickup truck back up, and we showed them where the car was, and the men took a pickup truck back to try to pull the car out of the mud and the three of us sat in the car with the farmer's wife until they got back, which was about twenty minutes.

Q After you got these men and got the car out, then what did you do?

A Linda hugged one of the farmers and gave some money for pulling us out and she said we would have to pay a tow truck anyway, and we got in the car and followed the men who has the truck as far as his house, and he gave us directions to get back out to the highway and we started back to Norfolk.

Q On the way back to Norfolk, what did you do?

A We were all still really upset and crying, and Linda told June and I not to say anything to anybody.

Q Don't go into the conversation, just what did you do on the way back to Norfolk? Did you make any stops between where you left from the farmer's house?

1 A I can only remember stopping one
2 time and that was at a gas station.
3 Q What did you do at the gas station.
4 A We got out and got some gas.
5 Q Then did you go on to Norfolk?
6 A Yes, sir.
7 Q Where did you go in Norfolk?
8 A We went straight to the El Camino
9 Motel on Diamond Springs Road, where a member of the Pagans,
10 Lizard and his wife, Linda, had been living, and most every-
11 body stayed there a lot.
12 Q Did you see anybody there, or about
13 what time was it when you got there?
14 A Around one o'clock.
15 Q Did you see anybody there when you
16 got to the motel?
17 A Well Jimmy's car was sitting in front
18 of the motel as we were pulling up.
19 Q What kind of car does he have?
20 A A small Volkswagen, dark blue or
21 black.
22 Q Go ahead.
23 A Just as we were pulling up, these
24 men who were renting the motel room and his wife pulled up
25 next to us on a motorcycle, and they arrived at the same time
26 we did, and we got out of the car and they got off their bike,
27 and we all went into the motel room.
28 Q Who all was in the motel room?

A Jim Tolley, Josie Green, Mongoose and then Lizard and his wife, Linda, and Linda Grant and June and myself.

Q The couple that had the room what was their names?

A They call him Lizard and I don't know his full name, and his wife was named Linda and they called her little Linda.

Q What happened in the motel room?

A Linda told everyone that was there that she killed the girl and she had drowned her and she burned her face and her hands like she had been told to do, and she would never be identified as she had taken her out and dumped her.

Q Did anybody in the room or in particular Mongoose make any comment after Linda told what had occurred?

A He only said that that was good, and for no one to say anything.

MR. DECKER: He only said what?

A He only said that that was good and nobody was to say anything more about it at all.

Q How long were you at the motel room?

A For about an hour and Jimmy and I gave June a ride home and we returned.

Q Who opened the conversation when you returned to the motel room? Who was the first one to say anything?

1 A Linda.
2 Q Did she just tell her whole story?
3 A Yes.
4 Q How long were you there before you
5 left?
6 A At the motel?
7 Q Right.
8 A Perhaps an hour.
9 Q And you left there around two o'clock
10 in the morning?
11 A Yes.
12 Q And who left together again?
13 A Jim Tolley, myself and June Reed.
14 Q And where did you all go?
15 A We drove to the apartment that June
16 Reed and Skip Adams were sharing on Ocean View Avenue, and took
17 June home.
18 Q Where did you and Jim Tolley go?
19 A We were in route back to the motel
20 room, and we stopped at a place where you wash cars and stuff,
21 and we rinsed off the outside of the car. We returned to the
22 motel room.
23 Q Back to the same motel room where
24 everybody else was at?
25 A Yes, sir.
26 Q Did you all spend the night there?
27 A Yes, sir.
28 Q After that, did you have occasion to

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at this time ask that this witness be excused. I have concluded the direct examination of her and ask permission now to put Dr. Springate on the stand.

MR. DECKER: I have no objection to that.

DR. CHARLES SPRINGATE, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GRIZZARD:

Q Dr. Springate, state your name, address and occupation please, sir.

A Dr. Charles Springate, 401-A Colley Avenue, Norfolk, and I am a Forensic Pathologist.

Q Where are you employed, sir?

A At the office of the Chief Medical Examiner in Norfolk.

Q And how long have you been with the office of the Chief Medical Examiner?

A About two years.

Q Would you tell the Court what experience . . .

MR. CHRISTIE: We will stipulate to the qualifications as an expert in which he is going to testify.

MR. GRIZZARD CONTINUING -

Q Dr. Springate, I want to call your attention to May 25th of 1973, and ask you if you had occasion that day, sir, to observe the body of a person later identified as Sandra Harrell Jones?

A Yes.

Q And what time did you see the body, sir?

A Sometime between five and six P.M. on that date.

Q What did you do at that time?

MR. DECKER: On what date was that?

A On the 25th of May, 1973.

MR. GRIZZARD CONTINUING -

Q Go ahead.

A I briefly examined the body at the time and took smears and swabs, and then performed the autopsy the following day.

Q All right now, what did your examination of the body reveal?

A There were numerous injuries on various portions of the body starting first with the head, there was hemorrhage and swelling of both of the right eyelids and the left lower eyelid and there was an abrasion, which is a superficial scraping of the skin on the upper right portion of the head, and there was another abrasion on the left forehead, just above the eyebrow, and there were three contusions or bruises on the inner aspect of the lips, and two of these had lacerations or tears. They were located on the central

upper, left upper and right lower lips. There was a hemorrhage or hematoma on the right side of the face, three and three-quarter inches by four inches and there were two superficial superimposed abrasions over this hemorrhage. There were about fifteen scalp hemorrhages located on both sides of the head in the frontal region here; the parietal region, and both temporal regions here, and the back had a number of injuries, the most distinctive of which were five bruises or contusions which had an oval shape from two and a quarter to two and a half inches in length, and one and three-quarters to two and three-fourths in width. A similar oval contusion of the right lower back in the lumbar region and there were seven other irregular bruises of the upper back and a bruise of the right buttock. Going to the extremities; the right upper extremity had two faint contusions on the hand approximately in this location. The left upper extremity had several injuries consisting of four contusions on the top of the left shoulder and the left upper arm, and a faint contusion or bruise on the left forearm and another on the forearm and three on the back of the left hand. The lower extremities had two oval contusions on the outer aspects of the left thigh and these were similar in some respects to those on the back that I described before. There was also a faint contusion or bruise on the front of the right thigh. Examination of the neck showed hemorrhages in the strap muscles on the front part of the neck here, and a fracture of the cricoid cartilage, which is a cartilage which goes completely around the trachea just down below the Adam's apple, approximately in this location.

Q Now as you saw the victim on May 25th, how was Sandra Jones dressed at that time? What was her physical condition as far as her dress and clothing?

A The body was clothed and it was wet and she was clothed in a blue knit sleeveless shirt and blue-jeans.

Q Was there any lividity on her body at this time?

A Yes, there was post-mortem lividity on the front of the body, the anterior aspect.

Q Did you make internal examination of the body, sir?

A Yes, sir.

Q What were those findings.

MR. GRIZZARD: I will strike that, Your Honor, as I don't believe that would be relevant as far as the question of the cause of death, and we have the general appearance of the body.

THE COURT: All right.

MR. GRIZZARD CONTINUING -

Q From your examination, did you ascertain what was the probable cause of death?

A Yes.

Q And what did you find as the probable cause of death?

A Strangulation.

Q What did you base that on?

A On the hemorrhages in the neck and the fracture of the cricoid cartilage, which I described before.

Q How can you fracture the cricoid cartilage?

A It ordinarily is fractured by compression either by the fingers, the hand or the forearm used in compressing the neck.

Q Now could you ascertain from your examination a period of death or a time of death?

A I estimated that she had been dead perhaps twelve to twenty-four hours prior to the time that I first saw her on the evening of the 25th.

Q You saw her between five and six and that means death occurred somewhere between five and six P.M. on May 24th, and five and six P.M. on May 25th.

A Yes.

Q I hand you these two photographs, Dr. Springate and ask you if you have ever seen them before?

A I don't recall ever having seen these particular photographs.

Q Do you know what they depict?

A Yes. This is the back of the deceased and one of them shows the back of the head and the upper portion of the trunk and shows the ring-like contusions that I previously described.

Q Who took those pictures?

A I don't know. Those particular ones

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that right?

A I told you that I had heard tales about her.

Q Now let me ask you this; approximately three weeks before do you know of a situation where Linda found out about her boyfriend, Josie Green, being with another girl named Sandy, the deceased?

A No.

Q You never heard about that?

A No, sir.

Q Did you ever hear about Sandy running around with some of the other bros?

A No, sir.

Q You never heard about that?

A No, sir.

Q Even to this day you never heard about it?

A No, sir.

Q When you got to that house, would you describe the beating that was given to Sandy, the unmerciful beating?

A It was very brutal.

Q Very brutal?

A Yes, sir.

Q Was she bleeding?

A No.

Q It was bruises all over her?

A Yes, sir.

Q And her hair was cut off her head?

A Yes, sir.

Q And you were just sitting on the couch watching, is that right?

A Yes, sir.

Q Did Linda cut the hair off all by herself?

A Yes, she cut her hair.

Q And you were just sitting there?

A I didn't participate if that is what you are asking me.

Q And June Reed didn't participate?

A I didn't say that.

Q Well you did earlier?

A No, I did not.

Q Tell us what did June Reed do, Miss Blair?

A She kicked Sandy in the throat.

Q Kicked Sandy in the throat?

A Yes, sir.

Q Approximately right here?

A I wasn't watching that close.

Q Just kicked her in the throat?

A Yes, sir.

Q And that was in the City of Norfolk, Virginia, that she got kicked in the throat?

A Yes, sir.

Q How many times did June Reed kick

her in the throat?

A Once.

Q Did she take her clothes off?

A Her blouse was ripped off and her jeans were ripped considerably, but not off.

Q How far were you from the deceased when all of this was going on?

A Not far.

Q How far?

A Ten feet, perhaps.

Q About from you to me?

A A little further.

Q Was this girl, Linda, acting like a crazy person when she was doing all of this?

A Very angry.

Q She was mad at somebody, wasn't she, and very angry you said?

A Yes, sir.

Q She was doing it for a purpose, wasn't she?

A Yes, sir.

Q And she called her names, didn't she?

A I can't recall.

Q Well, in fact, she, herself, was very mad at this girl, wasn't she, and that was obvious, wasn't it why she was angry?

A Yes, sir.

Q You, yourself, didn't know why she was so angry, did you?

A Yes.

Q You did know?

A Yes.

Q Now then after this beating took place, I think you said it took about an hour to finish the beating on her, and how long did it take to beat her?

A We were at the house around an hour.

Q Around one hour?

A Yes, sir.

Q And how did she get back to the car?

A She walked?

Q She walked to the car by herself?

A Yes, sir.

Q Was she crying?

A No, sir.

Q Were you crying?

A Yes, sir.

Q Why didn't you just go ahead and leave then?

A I was scared.

Q So then you went down and got in the car, and you went back up to the place, up to the Sunoco gas station, Dutch's Sunoco?

A Yes, sir.

Q And you were visiting with Tolley again; James Tolley, was he there?

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girl up, or after she was beat up, and you came back, isn't it a fact that the accused, this man, was all the way on the other side of the gas station lot?

A When we drove up, he could have been, but when I walked out of the restroom, he wasn't. It was within six or ten feet of the car.

Q At that point, at most all times, Jim Tolley was right close to you when you were on that lot with that man, or where this man was, and your boyfriend, Jim Tolley, was right there with you, and it was natural that he would want to be close?

A He was close by.

Q At all times, anything you could hear he could hear?

A Yes.

Q And so if these statements were made that you say Turnbull made, then this man, Jim Tolley, your boyfriend, was close enough to hear them, isn't that true?

A Yes.

Q You then left the station at what time?

A Around four, between three and four.

Q And at that time you were on your way, or the girls were on their way to Florida?

A No, to Georgia.

Q Well the first time that Crazy Linda left though, she went to Florida, when she took Yvonne with her?

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ask directions, or stop somewhere and ask directions from a black man?

A It wasn't a gas station. It was in the parking lot of a store.

Q If you will tell this jury what happened with that black man.

A He propositioned Linda, and Linda told him she couldn't do anything with him for any amount of money, but that Sandy could.

Q All right, at that point Sandy got out of the car?

A No.

Q What happened?

A Well we drove back into a wooded area.

Q Was the black man with you then?

A Yes.

Q What was his name?

A I have no idea.

Q He got in the car, or did he get in the car in the front seat or the backseat?

A The back.

Q And you went into a wooded area?

A Yes, sir.

Q And what happened with that black man?

A Sandy and him got out of the car.

Q Sandy and him got out of the car?

A Yes, and walked into the woods and they walked out of our sight.

Q And they were gone for how long; maybe an hour or forty-five minutes?

A More like fifteen.

Q So Sandy was gone into the woods away from your view and the view of everyone in that car for a period of fifteen minutes?

A Perhaps that long.

Q And what was the purpose for them going into the woods?

A They were going to have sexual intercourse.

Q Was it your understanding when she got back that she did have sexual intercourse with that man?

A I don't know; I couldn't see it, and I couldn't tell you. They walked out of our view.

Q They were gone out of your view, and there is no way you could tell if they were out of your view for that long a period of time?

A Yes, sir.

Q She came back voluntarily of her own accord at that time?

A Yes, sir.

Q So at that time, it is safe to say she wasn't afraid of you all?

A I believe she was frightened.

Q Just frightened?

A But not to the point of taking off and running.

Q O.K., just a little bit frightened, and she was going along with whatever you asked her to do because she wanted to go there, isn't that right?

A I don't know.

Q She didn't voice an opinion?

A She didn't, no, sir.

Q Wasn't the reason she was going that she wanted to go to Florida or Georgia or somewhere?

A She didn't have much choice.

Q When she came back to that car after fifteen minutes, she didn't have any choice either, did she?

A Not when she was in the car, no.

Q I am sorry, I can't hear you.

A Not once she was in the car, no.

Q Not after she got back from wherever you say she was with the black man?

A Yes, in the woods.

Q I ask you, Miss Blair, in your direct examination all you said was that we asked directions of a black man and went on to something else, didn't you?

A I wasn't asked anything specific about that.

Q You didn't mention anything about this intercourse with the black man?

A I wasn't asked what happened and about that particular incident.

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the Commonwealth and ask you if you think this girl had sexual intercourse with all these bruises and stuff on her back and then came back to that car?

A I told you I can't say whether she did or not, I didn't see her.

Q When she came back to the car, was she similing?

A No.

Q Was the man with her?

A Yes.

Q Did you all give him a ride back to anywhere?

A To the same place we picked him up at.

Q Was Sandy paid for what she did?

A He gave Linda some money.

Q Gave some to Linda?

A Yes.

Q You don't know where this was, do you?

A No, sir.

Q Matter of fact, of your own knowledge, you don't know where anything was as far as saying this is Courtland, and this is Suffolk, and this is Norfolk, isn't that true?

A I am fairly familiar now.

Q At that time, you did not?

A Not at that particular time, no.

1 Q Now as you went down the road, you
2 got stuck the first time and you turned right off of a place
3 that said no trespassing and you got stuck shortly down that
4 road?
5 A Yes.
6 Q When you got stuck, I will just
7 ask you if this is a fact that you got out of the car, isn't
8 that true?
9 A Yes.
10 Q And Crazy Linda got out of the car?
11 A Yes.
12 Q And June Reed got out of the car?
13 A Yes.
14 Q Now this was after Sandy had had
15 intercourse with this guy?
16 A Yes.
17 Q On the roadside, and she was behind
18 the wheel and you three were outside of the car?
19 A Yes.
20 Q And you all pushed it out of the
21 mud hole?
22 A Yes.
23 Q And she rolled up far enough to get
24 out of the mud with the motor running?
25 A Yes.
26 Q And then she stopped?
27 A Yes.
28 Q And let you all back in?

1 A Yes.
2 Q Did any of you three have a gun?
3 A No.
4 Q So then Linda got behind the wheel
5 and drove up a little further?
6 A Yes, sir.
7 Q And I think you stated that both
8 Linda and Sandy got out of the car and walked up toward the
9 mud puddle in front of the car?
10 A Yes, sir.
11 Q Did Linda look like she was crazy;
12 like she was angry?
13 A I didn't see her face; I was sitting
14 in the backseat.
15 Q When she got out of the car she didn't
16 act like she was angry, did she?
17 A I couldn't tell.
18 Q Why couldn't you tell?
19 A She was a strange girl.
20 Q She walked up to this mud puddle and
21 did she get on her knees; I am talking about Crazy Linda? Did
22 she get on her knees?
23 A Not right away, no.
24 Q Did Sandy get on her knees?
25 A Yes.
26 Q Then did Linda get on her knees?
27 A She didn't get on her knees. She
28 pushed Sandy down and when she was pushing her down, she

1 eventually ended up on her knees when she was pushing her
2 down.
3 Q In fact, though, the only part of
4 Crazy Linda's body that was touching Sandy was Crazy Linda's
5 hands was on the back of Sandy's head, wasn't it?
6 A When she reached the ground, Linda
7 had put full force on her with her knee in the small of her
8 back.
9 Q And how long did Crazy Linda keep
10 Sandy's head in that mud puddle?
11 A Only a short time. Long enough for
12 June and I to realize what was happening and get out of the
13 car.
14 Q Was that as much as ten or fifteen
15 seconds?
16 A Perhaps. Perhaps even longer.
17 Q At least ten or fifteen seconds would
18 that be fair to say that?
19 A Yes.
20 Q That her head was in that mud
21 puddle?
22 A Yes.
23 Q And then when you realized what was
24 happening, what did you and June do before you realized what
25 was happening as her head was in the mud, were you just
26 sitting in the car?
27 A I didn't understand your question.
28 Q Before you realized what was

1 happening when you and June were sitting in the car.
2 A Yes, we were in the backseat.
3 Q And then when you realized what was
4 happening, what did you do?
5 A We had to reach over the front of
6 the car and open the door and get out and run up to where they
7 were at.
8 Q What did you do?
9 A Linda had jumped back and was
10 screaming and June and I immediately turned Sandy over.
11 Q What did you see then?
12 A Water spouting out of her mouth.
13 Q How long did that water spout out of
14 her mouth?
15 A I don't know.
16 Q Was it a matter of five, ten or
17 fifteen seconds?
18 A I don't know.
19 Q Now you say Crazy Linda was screaming?
20 A Yes.
21 Q Was she crying?
22 A Screaming.
23 Q Did she make any statements at that
24 point? Did she scream out anything?
25 A She told Sandy to get up that she
26 was kidding.
27 Q Linda told Sandy that Linda was only
28 kidding?

A She told her to get up, she was only kidding.

Q Were you crying at that time?

A Yes.

Q And was June Reed crying at that time?

A I believe so.

Q Now I will ask you this question; on that afternoon after that day were either you, June Reed or Crazy Linda using drugs, narcotics or drugs of any kind or marijuana?

A I wasn't; I couldn't speak for the other people.

Q You didn't use anything like that did you?

A I didn't that particular day.

Q Did you the day before?

A No.

Q What kind of drugs did you use?

A I didn't.

Q You never used any kind of drugs?

A I have smoked marijuana.

Q You have smoked marijuana, but on that day you didn't have anything to drink and no drugs?

A No, I hadn't for a good deal of time.

Q Certainly the people there, Jim Tolley and those Pagans, they didn't do it, did they?

A I don't know.

Q Did they ever offer you any?

A No.

Q Your eyes are red at this point and you look like you have been crying?

A Yes, sir.

Q Now on the day in question after that girl was dead, did you cry and did you say you were hysterical?

A After the girl died; after Sandy died?

Q Yes. You cried almost continuously until you got back to Norfolk?

A I cried a great deal.

Q How long would you say you cried?

A A great deal.

Q You were crying up until and including the time you got back to Norfolk, and you said you cried all the way back to Norfolk?

A I cried a great deal.

Q How about Linda, was she crying?

A No, she had stopped. She wasn't really crying, she was just screaming.

Q Who did most of the talking to the people that you went to their house; the farmer when you went to get help?

A Linda.

Q Linda did most of that, so she was pretty straight?

A Yes, sir.

Q But you were still pretty much upset and hysterical?

A Yes, sir.

Q And the other girl was also hysterical, June Reed?

A Yes, sir.

Q So the only one that wasn't crying was Crazy Linda?

A She was upset, but she wasn't nearly as upset as June and I.

Q You were there; do you think that was an accident, what she did?

MR. GRIZZARD: That is why we have this jury in this box. That is an improper question.

MR. DECKER: I think you are correct, and I will withdraw the question.

MR. DECKER CONTINUING -

Q When you came back to Norfolk, where did you go to live at that time?

A When we came back to Norfolk, we went to the motel on Diamond Springs Road.

Q Did you go to sleep somewhere that night?

A No, I did not sleep that night.

Q Where did you go to spend the night?

A I was at that motel room.

Q The one you and Jim were paying rent

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Q You pleaded guilty to first degree murder in this Court?

A Yes.

Q And did you force her to get into that car to go from Norfolk to anywhere?

A Did I force her myself, no.

Q Did you tell her to get into the car?

A No.

Q You did not tell her to get into the car?

A No.

Q Did you ever stop her from getting out of the car?

A No, she didn't try.

Q She didn't really want to get out of the car, did she?

A It didn't seem so.

Q It didn't seem so up until the time she died, and it didn't seem so then, did it?

A She didn't try to break away and run, if that is what you are making.

Q And you say that though you didn't do any of these things, or stop her from getting away, you plead guilty to kidnaping?

A Yes.

Q Do you recall when you were in jail, and you dismissed an attorney, you got a phone call from

A Yes, sir.

Q Who is that?

A That is Sandy.

Q That is the old lady of Mongoose?

A Yes, sir.

MR. DECKER: Let the record show that he said at one time she was an old lady.

MR. GRIZZARD CONTINUING -

Q When you say some Pagans worked and some didn't work, in particular in the period of May, 1973, do you know whether or not the defendant in this case, John Turnbull, was working?

A The whole time I was in the club, he never worked, not at a regular job.

Q During the period of May, 1973, could you tell the Court whether or not you had any functions or dealings with any police establishment?

A Yes, sir, I was working as an unpaid narcotics informant for the State Police, and also I worked with the State Arson Investigator's Office.

MR. DECKER: Did you say unpaid?

A Yes, sir.

MR. GRIZZARD CONTINUING -

Q How long had you been working as an undercover agent with the Virginia State Police and with the State Fire Marshall's Office before May 24th of '73?

A Approximately five months.

Q How long did you continue to work

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with them after May 24th of 1973?

A I would say approximately about nine months. I am not positive.

Q That would have taken you into 1974?

A Yes, sir.

Q In particular, I want to call your attention to May 24, 1973, and ask you if you had occasion on that date to see the defendant, John Turnbull, also known as Mongoose?

A Yes, sir, I did.

Q Could you tell the Court and the ladies and gentlemen of the jury what time you saw him?

A It was around four-thirty or five o'clock in the evening. I was living on Modock Avenue with some friends of mine, and John Turnbull, Josie Green and Jim Tolley came over to my apartment, and told me they wanted to talk to me.

Q Who else was present at your apartment at that time?

A It was a sailor that all I knew him by was Grit, and my wife, Linda.

Q When they arrived at your apartment, would you tell the ladies and gentlemen what happened?

A All three of them and myself, they told me to come back in the bedroom they wanted to talk to me. We walked back in the bedroom and Linda and Josie Green both left the bedroom and went back into the living room.

Q Which Linda are you speaking of?

A My wife. That left John Turnbull and Jim and myself in the bedroom, and it started out Mongoose told me to make sure I had an airtight alibi for that night, and I asked him what was going on, and at first he wouldn't tell me anything, and then Jim Tolley spoke up and said they were going to get rid of Sandy, and Mongoose made the statement that she had screwed over her last Pagan.

Q Just one minute. After Mongoose made the statement that she had screwed over her last Pagan, then what was said?

A He told me the story I was to tell if anyone asked me the last time I had seen Sandy, and I was to tell them that the last time I had seen Sandy, she and some other girl were hitchhiking from Norfolk, and they were going towards Georgia to work as topless dancers.

Q Now just the three of you were in the room at this time when this conversation was had?

A Yes, sir.

Q When exactly did Josie Green leave the room?

A He left the bedroom at the same time my wife did before we started talking.

Q How long did they stay at your apartment?

A No longer than a half an hour at the most.

Q So about what time did they leave

your apartment?

A It couldn't have been much later than five-thirty. I walked outside and they got back in Jim Tolley's black Volkswagen and left.

Q What did you do after they left?

A I had a prearranged meeting with Investigator Jim Smith of the State Police Narcotics section, and he was an agent and I was supposed to meet him at Oscar's on Ocean View Avenue, and so I got Grit to drive me up there because I didn't have a car right then that was running, and so he drove me up there, and I got off his motorcycle and ran inside and told Investigator Smith that I had reason to believe they were going to kill Sandy.

Q You talked to Investigator Smith?

A We made an excuse to Grit like we had something we had to do and we left there and went to a telephone and tried to call the State Police and get ahold of someone to help us look for them, and see if we could find Sandy, and we couldn't get ahold of anybody at the State Police Office. We contacted Bo Cadwell, the State Arson Investigator's Office and he informed us . . .

MR. DECKER: I object to hearsay.

MR. GRIZZARD CONTINUING -

Q In any event you called the State Fire Marshall's Office and the State Police and what did you do, you and Investigator Smith?

A We drove to several different locations where Pagans were known to hang around to look for

them.

Q How long did you spend doing that?

A We were out until approximately three-thirty in the morning.

Q Did you have occasion on the 25th of May to see any of the three that had come to your house the night before; Jim Tolley, Jomie Green or John Turnbull?

A Yes, sir, the next morning I went up to the Sunoco station on East Ocean View Avenue where Jim Tolley was working as a mechanic to see what I could find out. When I got up there the first thing he asked me . . .

Q Don't go into what he said at that time, but what did you all do at that time?

A He wanted to know if I could get rid of a pocketbook for him.

Q What did you do?

A I told him that I would with the intention of turning it over to the State Police as evidence, and at the last minute he changed his mind, and asked me to give him a ride over to Skip Adams' house to wake him up for work, and we left the station in my car, and I drove to Skip's house and he had the pocketbook in the car, and he walked into Skip's apartment. He was still in bed and Jim walked in and he asked him if he would get rid of the pocketbook, and Skip jumped up and said he didn't want to know nothing about it, and he wasn't having anything to do with the pocketbook, to get it out, and he didn't want to know anything about it. I gave all three of them a ride back up, not three, it was me,

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THE COURT: The objection is overruled, and note your exception.

MR. DECKER: Thank you, Your Honor.

MR. GRIZZARD CONTINUING -

Q After he asked her why and she wanted to know why he was on the street, what did she tell him?

A She told him she had been living in Suffolk, and that she had heard that Sandy Harrell's body had been found, and that he was wanted in connection with her murder. Then I left and they talked a few seconds, and they came back and they told us all to go down to the Beach, they wanted to talk to us that we were going to start the meeting then.

Q Who all was present at this time?

A It was Jim Tolley, John Turnbull, myself, Josie Green, Skip Adams and I am not positive about who else was there. It may have been everyone that was there right then, and it may not have been.

Q When you got down on the beach then what was said?

MR. DECKER: Would you mind repeating that; who was there?

A Jim Tolley, John Turnbull, myself, Josie Green and Skip Adams.

MR. GRIZZARD CONTINUING -

Q So then once you got down on the beach, and you people were present, then what was said?

A He started off and told us he knew

he was going to be picked up for questioning with Sandy's murder, and that the only thing he wanted us to make sure that we did was try to get someone into jail at least once a week on visiting day where he could get messages out, and where we could let him know what was going on on the outside, and he said his exact words he used, he said, "I must have been a dumb ass to try to let Crazy Linda try to take care of anything for me". He said that he had told them to take Sandy's body somewhere towards Georgia, and he had given them some money and supplied them with Josie Green's Mustang to use for a car, and told them to take a nice vacation and take them down towards Georgia somewhere and when they dumped her body out to burn her face or burn or mess her up, or something so her body couldn't be identified, and instead of doing that they showed up back in Norfolk the next morning covered with mud. They had only taken her, he said, towards Suffolk somewhere at the time.

Q Did anybody else say anything at that time?

A Not really pertaining to this. They talked to him about what they wanted him to do about meeting him on visiting day.

Q Did you ever talk to Mongoose directly as to what had happened?

A Yes, sir, I tried to several times, but he never would come right out and tell me anything.

Q Was there any explanation given as to why Sandy had been taken away?

A He made statements to me; the only thing was he didn't come out and say that was why she was killed, but he told me that he had a motorcycle broke down up towards Richmond someplace in a shop, and that she was supposed to be getting $60.00 pay from Tommy, the owner of the place at the beach where she was working as a dancer, and every time he went up there after she had stopped living with him to get the money from her, that she would duck out the back door or something instead of giving him the money to get his bike, and he had to have the money to get his bike out of the shop up there.

Q At the beach is where he was giving instructions as to what you were supposed to do, and when he was talking about letting Linda; that he must have been crazy to let Linda do anything for him. Was there any conversation as to what they had actually done for him?

A Well he made the statement what he had told them to do and where to take the body, towards Georgia someplace, and burn her hands and face, and rearrange her teeth so that nobody could identify the body, and he said instead of doing that they showed back up in Norfolk the very next morning and he said he had given them enough money so they could just kind of take a little vacation. He said instead of them doing that they came back the very next morning; the morning of the 25th.

Q Was any conversation had at this time as to what had started all these events of taking her south, and taking Sandy Harrell Jones south?

A He made the comment when they picked her up they just intended to beat her up, but they beat her so bad that they were afraid she was going to die anyway, and they were afraid to just turn her loose, or leave her wherever they had done it, and I don't know where it was, but they had beat her up, and he said he was just afraid she was going to die anyway.

MR. DECKER: He said, he or they said?

A He said.

MR. DECKER: Well, say that.

MR. GRIZZARD CONTINUING -

Q Go ahead.

A He said that he was afraid she was going to die anyway. He told them to take her down towards Georgia.

MR. GRIZZARD: All right.

CROSS EXAMINATION

BY MR. DECKER:

Q Now, Mr. Woods, you were a Pagan, were you not, prior to the time that you became an unpaid undercover man?

A Yes, sir.

Q And how long have you been a Pagan prior to the time that you became an unpaid undercover man?

A I would say at the longest four months; three months of that I was in jail.

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Q Now between seven o'clock and three-thirty; that is eight and a half hours; tell the jury some of the places you went of the usual hangouts and tell the jury what places you went to for approximately eight and one-half hours.

A We went to Dutch's Sunoco.

Q Tell us where it is?

A East Ocean View Avenue. We went to an apartment behind Dutch's Sunoco, and I think it is at the corner of Pleasant and I don't remember the other street. We went to the El Camino Motel. John Turnbull and Terry Goodman and some others lived there or stayed there at the motel once in a while.

Q How far is that from Dutch's Sunoco?

A Approximately four or five miles. We went to an apartment on 10th Bay that a girl named Moosh and her old man is named Jim. He was from up north someplace, and we went by there. We went to a hangout at Virginia Beach, at a lake, and we just rode around all over the place just looking to see what we could see.

Q You went to a lake at Virginia Beach?

A Right.

Q Why would you go to a lake at Virginia Beach?

A We used to have a lot of parties out there, and we thought they might have gone out there.

Q Did you go to the strip at all?

A No, sir.

Q Don't they usually go to the strip on Hampton Boulevard?

A I wouldn't have thought they would have been going there to kill someone.

Q But you didn't go down there to check to see if they were there?

A No, sir.

Q Did you all come in at three o'clock in the morning? Where did you go at three o'clock when you finished?

A I went home.

Q You did not go to the El Camino?

A No.

Q You did not go back to Dutch's Sunoco?

A No, sir.

Q You just went home and went to sleep?

A I did, yes, sir.

Q Did you ever make any further report of this to anybody? Did you tell anybody what you had been told that evening on the 24th?

A I talked to Investigator Coffman about it the next day at State Police Headquarters.

Q Is that Detective Coffman of the Norfolk Police Department?

A No, sir. He is an Investigator with the State Police.

Q How many people usually attended your

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MR. DECKER: I will have a motion, Your Honor.

THE COURT: All right, Sheriff, take the jury out, please.

MEMBERS OF THE JURY LEAVE THE COURTROOM.

MR. DECKER: Your Honor, if it please the Court, I have a motion here to strike the evidence of the Commonwealth as regards to the murder as well as to the abduction. Now words have been spoken, obviously, by this woman, Pamela Blair, but only words. Words without substance. I say that they are basically unbelievable; everything she has stated. Even if believed, and I understand that on a motion to strike the evidence is accepted by the Court for the purposes of the motion in the light most favorable to the Commonwealth, and even if we should accept that, at no time has she stated that the deceased was alive when she came into Southampton County. At no time has she stated that at best she said the girl was left somewhere. She didn't say where she was left. Now nothing is to be left to the surmise of that jury. Whether or not it is possible and the word possible is used here for someone to have picked

1 this girl up from one place and put her there,
2 or whether or not it is possible that she was
3 left upon the roadside, whatever the next county
4 is, and that she, herself, maybe, was looking
5 for help or something and went another five miles
6 or three miles, or one mile and then fell dead
7 upon the ground, then the crime would not have
8 been committed here. I asked her a question
9 once, you don't know where you were, and she
10 said, well, I do now. I didn't know then. That
11 is as far as it got. Now if it please the
12 Court, Your Honor, so far this is a right
13 strange case. We have had her testimony that
14 she heard conversations, and after that she
15 heard things that were inadmissible, and she
16 said she heard Mongoose say this and that and
17 the other, and that is all well and good, and
18 that is going to be something for the jury to
19 consider, but I have got one major point here
20 as to the murder and/or the abduction. They
21 have not proved that this girl was alive when
22 she came into this county. No person has taken
23 that stand and said that she died in Southampton
24 County. Now there is some evidence that these
25 girls' car got stuck, or there is good evidence
26 that their car was stuck, and that the car was
27 in Southampton County, but no evidence, whatso-
28 ever that at the time the car was stuck that this

1 girl was in Southampton County, or that she
2 ever lived even for a brief moment in Southampton
3 County. Now if that is true and if her body;
4 her dead body had been taken across that line
5 and left in the ditch to die, or on the roadside
6 after she was dead, then don't you think, ob-
7 viously, a murder had been committed and you
8 can't be guilty of abducting a dead body if the
9 body was dead. Now we have got suggestions on
10 cross examination that she had intercourse with
11 a black man approximately fifteen minutes or
12 sometime before all of this happened at the
13 ditch, but at no time was the question asked
14 in what county or city was it that this occurred.
15 Now Mr. Gibbs, the farmer, was asked, where do
16 you live and where is your home, and where is
17 this other farmer's home, and he says, it is
18 here, and it is there, but as to where this girl
19 was killed, or where she died, to this moment, I
20 don't know the answer. I am not going to make
21 a bunch of argument and take the court's time
22 as to something I know is a jury matter. Some
23 of this testimony is basically unbelievable as
24 to the testimony of Woods and Pamela Blair, and
25 much of the testimony is, and I intend to im-
26 peach some of that testimony, but as to my
27 motion now, I do not believe there is any evi-
28 dence, or at least sufficient evidence to

sustain the burden of the Commonwealth to prove this girl, Sandy, was alive while in this county, and I move to strike the Commonwealth's evidence on both charges.

MR. GRIZZARD: If it please the Court, Your Honor, how much more alive can you get her than driving the car out of a mud hole in Southampton County, according to the testimony of Pam Blair. This is where they went down a little further into the woods, and they saw another mud hole and they turned around and that is where the murder took place, and they came out and got stuck in the same mud hole coming out, and Mr. Edwards has testified that was the mud hole in which he pulled them out, and that was in Southampton County, and I don't know what other evidence you need to show she was alive and killed in Southampton County. I ask the Court to overrule the motion.

MR. DECKER: If I may just add this for Pamela Blair. This is the one point I asked you to consider. When she said we were standing about six feet from the car, and she doesn't know this and she doesn't know that, but when she says a little bit further down the road. Now, Judge, to a good farmer who has been farming a long time, a little ways down the road might be eight miles to me, or a

little ways might mean from one drugstore to the next, but what does that mean. I am saying nothing can be left up to conjecture, and it has not been proved by prevailing evidence that this girl died in this county. A little ways down the road doesn't mean anything. I don't know what it means; how far is a little bit from here to there. It could be six feet from the city line.

MR. GRIZZARD: Pamela Blair stated they went thirty or forty feet before the second mud puddle and came in here and Mr. Edwards testified it was four hundred yards from the first mud puddle to the second.

MR. DECKER: Well I am not from here, and I don't know where it is.

THE COURT: Well I think the evidence is sufficient, gentlemen, to go to the jury at this point, and I think the Commonwealth has made out a prima facie case in both cases of murder and abuduction, and I am going to overrule your motion to strike and note your exception in the record.

MR. DECKER: If you will please, Your Honor.

THE COURT: Bring the jury in please, Sheriff.

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A In criminal investigation and accident investigation.

Q In this regard, did I direct you to go to see a young lady named Pamela Blair in the Portsmouth City Jail?

A You did.

Q And did you talk with her?

A I did.

Q Did she give you a statement?

A She did.

Q Can you tell the jury what date it was?

A November 8, 1974.

Q And on November 8, 1974, did you have a conversation with her with regards to the date of May 22nd, which was two or three days before May 24th?

A I did.

Q And was there a conversation with regard to the accused, John Turnbull, having slapped Sandy, the deceased, in the presence of Pam Blair or backhand her rather?

A It was, yes, sir.

Q And after that was there testimony, or what statement did she give you with regard to Mr. Turnbull having picked up something to threaten Sandy?

A She stated that Mr. Turnbull picked up a screwdriver in the automobile.

Q A screwdriver?

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come back after lunch, go directly to your jury room please. We will recess now until two o'clock.

TRIAL CONTINUING AFTER LUNCH RECESS.

JAMES LEROY TOLLEY, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DECKER:

Q Would you state your full name please?

A James Leroy Tolley

Q How old are you?

A Thirty years old.

Q Where are you from?

A Kentucky.

Q Where are you presently living?

A Right here at Southampton County Jail.

Q How long have you been in jail?

A Going on eleven months.

Q Why are you there?

A On an abduction charge.

Q When were you charged with this crime, and were you charged of any other crimes?

A Yes, sir. I was charged with murder

1 and abduction, and I think it was December 18th.
2 Q Were you found guilty or not guilty
3 of these charges?
4 A I was found not guilty of murder and
5 guilty of abduction.
6 Q And did you plead guilty or not
7 guilty?
8 A I plead not guilty.
9 Q Do you know when you were found
10 guilty?
11 A Do I know when?
12 Q Yes.
13 A June 4th.
14 Q Have you been sentenced?
15 A No, I haven't.
16 Q You have not been sentenced, and you
17 don't know how much time, if any, you will get?
18 A No, I do not.
19 Q Are you testifying for us under any
20 subpoena for the defendant?
21 A Yes, sir.
22 Q You know what a subpoena is?
23 A Right, I have it here in my pocket.
24 Q Now were you a member of the Pagans?
25 A Yes, I was.
26 Q When did you join the Pagans, Mr.
27 Tolley?
28 A I can't give you a date.

1 Q Within a month or so, would it have
2 been October, November, or December?
3 A I think it was around August a year
4 before.
5 Q August of '72?
6 A Yes, I think it was.
7 Q Were you a member of a Chapter in
8 Virginia Beach or Portsmouth or where?
9 A Virginia Beach.
10 Q Is that the same one the defendant
11 belonged to?
12 A Yes, it is.
13 Q Were you an officer in that chapter
14 of the Pagans?
15 A Yes, I was.
16 Q Was there a Norfolk Chapter?
17 A A Norfolk Chapter?
18 Q Of the Pagans?
19 A Yes.
20 Q How about Portsmouth?
21 A No.
22 Q Won't you please answer a little
23 bit louder. Was there a Portsmouth Chapter?
24 A No, there wasn't.
25 Q Were there any members of the
26 Portsmouth Chapter of the Pagans?
27 A I didn't understand the question.
28 Q Was there anyone from Portsmouth who

1 belonged to the Pagans?

2 A Yes, me.

3 Q In other words, you lived in Ports-

4 mouth?

5 A I lived at my brother's house in

6 Portsmouth, yes, sir.

7 Q You were a member of the Virginia

8 Beach Chapter?

9 A Right.

10 Q Why did you belong to the Virginia

11 Beach Chapter rather than the Portsmouth Chapter?

12 A There was no Portsmouth Chapter.

13 Q Billy Woods was not a President of

14 the Portsmouth Chapter?

15 A No, there never was a President of

16 the Portsmouth Chapter. He was never a President of the

17 Pagans.

18 Q He was not.

19 A He was never a President.

20 Q How about Crazy Bill; did he belong

21 to the Pagans?

22 A Crazy Bill?

23 Q Did you know anybody named Crazy Bill

24 or Crazy Charlie?

25 A Crazy Bill or Crazy what?

26 Q Crazy Charlie? Did you happen

27 to know anyone by that name, and if you didn't just say you

28 didn't?

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1 the non-existing motive of this case, and under
2 the case which I discussed with you earlier, it
3 is admissible, and I will tie it in.
4 THE COURT: If it is going to be tied
5 in, all right.
6 MR. DECKER: It will be tied in.
7 MR. DECKER CONTINUING -
8 Q Go ahead.
9 A I didn't understand the question.
10 Q You broke up with June Reed about
11 three weeks prior to May 24, 1973?
12 A Right.
13 Q At that time did you have anything
14 to do with the deceased, Sandy Jones, at about that time?
15 A No, about that time, no.
16 Q Did you ever have intercourse with
17 Sandra Jones?
18 A About two weeks before she got
19 murdered.
20 Q Before she died?
21 A Well, yes.
22 Q And to your own knowledge, did anyone
23 else have intercourse with her at that very time, two weeks
24 before her death?
25 A Well prior to her death it was two
26 other people had intercourse with her.
27 Q That you know of?
28 A Yes.

1 Q Who were they?
2 MR. GRIZZARD: I want to know if he
3 was present.
4 MR. DECKER: I asked if he knows of his
5 own knowledge, and if he knows, he can say so.
6 MR. GRIZZARD: He can't answer that
7 question unless he was present and saw her.
8 THE COURT: I don't want him to answer
9 the question based on what somebody told him.
10 If he knows of his own knowledge and not what
11 someone told him then he can testify.
12 MR. DECKER CONTINUING -
13 A On another occasion I know.
14 Q Tell us about that one; the one you
15 know about.
16 A Well I know that Josie Green had
17 intercourse with her because I had the apartment right next
18 to the gas station and he took her over there.
19 Q And was that at the same time that
20 you had intercourse with her?
21 A About a week after.
22 Q And he took her over to your apart-
23 ment right next to the gas station?
24 A Right.
25 Q Who was Josie Green's old lady?
26 A Crazy Linda, they called her.
27 Q Crazy Linda?
28 A Right. That was what he called her,

1 Crazy Linda.

2 MR. GRIZZARD: These photographs,
3 Mr. Decker has shown me, the last three or
4 four have notations written on the back of them
5 which have nothing to do with this case.

6 MR. DECKER: We can mark it out. I
7 don't want to be technical about it.

8 MR. GRIZZARD: I don't want a lot of
9 hearsay testimony going in on the back of those
10 photographs.

11 MR. DECKER: I agree with you again,
12 Mr. Grizzard, and we will mark it out and that
13 will take care of it.

14 MR. DECKER CONTINUING -

15 Q Jim, take a look at this
16 photograph and tell me if you can identify it please.

17 A Yes, this building here, this first
18 apartment you see here is the one I had. It was my apartment.

19 Q Is that right next to the gas station;
20 Dutch's Sunoco?

21 A Yes, it is right next to it, about a
22 half a block away.

23 MR. DECKER: That will be exhibit
24 number "5" for the defendant.

25 MR. DECKER CONTINUING -

26 Q Now at the time that Josie Green
27 had intercourse with the deceased, you said that was about a
28 week before her death?

1 A Well, I had it about two weeks about
2 that; right around a week or something like that.
3 Q Now was there ever any conversation
4 in your presence concerning Josie Green having had inter-
5 course with the deceased?
6 MR. GRIZZARD: Was the defendant
7 present? He is calling for hearsay unless the
8 defendant was present.
9 MR. DECKER: I am going to ask did
10 anyone ever discuss this matter with Crazy
11 Linda. He can answer that yes or no.
12 THE COURT: He can answer the
13 question yes or no.
14 MR. DECKER CONTINUING -
15 Q Did someone discuss this fact with
16 Crazy Linda?
17 A Yes, they did.
18 Q When was that?
19 A That was about three or four days,
20 or a week maybe before her death.
21 Q Three or four days or a week before
22 she was dead?
23 A Right.
24 Q And where was it that this matter
25 was discussed with Crazy Linda?
26 A It was in my apartment.
27 Q Who else was there?
28 A June Reed.

Q June Reed?

A Right.

Q Is June Reed the one who discussed it with Crazy Linda?

A Yes, she was.

Q Well don't say what she said, but after it was discussed with Crazy Linda, what was Crazy Linda's reaction there in your apartment. What did she do?

A Well I had about three dishes is all I had in my apartment, and they were sitting right next to the sink and she grabbed them and busted every one of them in the sink, so I told her to leave.

Q Was she angry; did she look angry?

A Yes, she kicked the door open and left. She was angry.

Q Because of the fact of this intercourse with her old man, and this was discussed with her?

A Yes, she was very jealous.

Q And she was angry?

A Yes.

Q At who?

A I guess at Sandy.

Q And that was three or four days before they found her dead; Sandy dead that is?

A Around about there. I can't come right up to the date on it.

Q Did you ever tell Pam Blair that you had had intercourse with Sandy?

A No, I never did tell her. Somebody else did.

Q What was Pam Blair's reaction to what you had done with Sandy?

A I didn't know about it until after all of this had happened. She told me I wouldn't never have another intercourse with her.

Q When did she tell you that?

A It was about two days after Sandy's death.

Q And she told you that. Did she seem like she was remorseful or crying?

A No, she was calm.

Q Who was June Reed's old man?

A Skip.

Q Do you know whether or not June Reed was mad at Sandy, the deceased for any reason?

A Yes, I do.

Q Do you know that of your own knowledge?

A Yes, I do.

Q Of your own knowledge do you know whether that had anything to do with Skip and Sandy?

A Yes, sir.

Q Now I am going to call your attention to the 24th day of May and ask you if you had an occasion to see John Turnbull, the accused in this case, on that day. That is the day allegedly this girl died.

1 A The 24th of May?
2 Q Yes, sir, 1973.
3 A Yes, I did.
4 Q Where did you see him and what time?
5 A He came up to the station and I
6 worked at Dutch's Sunoco gas station, and he came up there
7 around lunch time, maybe a little bit before, and stayed until
8 about six or something like that. Then me and him went down
9 to the strip.
10 Q He got there around noon?
11 A Yes, around noon.
12 Q On the 24th?
13 A Yes.
14 Q Were you with him the entire time?
15 A Yes, I was.
16 Q Do you recall sometime in the after-
17 noon, before the time you left to go to the strip, that the
18 girls came up there?
19 A Yes, sir.
20 Q I am talking about Crazy Linda, Pam
21 Blair and who else was it?
22 A Would you say it again.
23 Q Was June Reed with them also?
24 A Say the names over again.
25 Q I want to know did three girls come
26 up there, and tell the jury which three girls came up there,
27 if they came.
28 A Linda Grant, June Reed and Pamela

1 Blair.

2 Q When they came up to that station

3 was there anyone else with them at that time to your knowledge?

4 A To my knowledge, it wasn't nobody

5 with them.

6 Q Did you see Sandy in the car?

7 A No, I didn't see her.

8 Q Could you have seen her if she was

9 there?

10 A I guess so. How could somebody hide

11 in a car.

12 Q At that time, did you talk with

13 anyone?

14 A Yes, I talked with the three girls.

15 Q Who did you talk with?

16 A I talked with June Reed, Linda and

17 Pam.

18 Q And what, if anything, did you all

19 discuss? Did you discuss anything with Pam, your old lady,

20 in the presence of Mongoose? If you didn't, just say you

21 didn't.

22 A I discussed around him and I don't

23 know if he heard it or not. He could have; it was like maybe

24 from here to that table from me, and I don't know whether he

25 heard me or not.

26 Q Do you know where the girls were

27 going or where they wanted to go?

28 A Well I took it as a joke that they

1 were going to Florida.
2 Q Is that what you were told?
3 A Well June and Linda were asking me
4 if I would let Pam go with them to Florida.
5 Q Did you order Pam to go?
6 A Did I order her to go?
7 Q Yes, sir.
8 A No, she wanted to go to Florida.
9 Q Do you know why they wanted to go
10 to Florida?
11 A Linda had just got back from Florida
12 about a month or so before that.
13 Q Do you know that of your own know-
14 ledge that Linda had been to Florida?
15 A Yes.
16 Q You are talking about Crazy Linda
17 now?
18 A Yes, I am.
19 Q Who did she take to Florida about a
20 month before?
21 A A girl named Yvonne.
22 MR. GRIZZARD: Everything this
23 witness has testified to for the last fifteen
24 minutes, he knows everything of his own know-
25 ledge. That is the way the questions are being
26 worded to him, and I want to know how he knows
27 they went to Florida and if somebody else told
28 him, and if he is in Florida with Yvonne and

1 Linda, I want to know it.
2 MR. DECKER: I will rephrase it.
3 MR. GRIZZARD: There is no way to
4 rephrase it. It is what somebody else told him.
5 MR. DECKER: Well, let me try.
6 MR. GRIZZARD: You have been testify-
7 ing for the last twenty minutes.
8 MR. DECKER: I am doing the best I
9 can, Judge.
10 MR. DECKER CONTINUING -
11 Q Do you know of a time when Crazy
12 Linda left with someone for a little while, for a matter of
13 days?
14 A Yes, sir.
15 Q How many days was she gone approxi-
16 mately? Was it a month before this occurrence we have been
17 talking about, or how long a period of time did you not see
18 her around Dutch's Sunoco, and so forth, in the City of Nor-
19 folk?
20 A It was a good three weeks anyway.
21 Q And when she came back, who was with
22 her?
23 A Well she came back by herself, but I
24 went to Richmond and another girl I was talking to; another girl
25 that was with her. . .
26 Q You can't testify as to what she told
27 you. That would be hearsay.
28 A I can't testify to what who told me?

1 Q To what anybody else told you, and
2 just what you saw. When did you next see Crazy Linda?
3 A It was about three weeks later after
4 she left.
5 Q Did you see Yvonne?
6 A Yes, I did.
7 Q And what was Yvonne's condition when
8 you saw Yvonne? I am talking about her hair?
9 A She had short hair.
10 Q When Yvonne left did she have long
11 or short hair?
12 A She had real nice long hair.
13 Q Now when John Turnbull, the accused,
14 got to Dutch's Sunoco station on the 24th of May, somewhere
15 around noon, was there ever any time when he made any state-
16 ments to any of these girls that you heard with regard to
17 Sandy?
18 A No.
19 Q If he made any statements Jim Tolley
20 would have heard him?
21 A Yes, I would.
22 Q Did he order her death?
23 A No, not that I know of.
24 Q Well, if he did would you have heard
25 it?
26 A Yes, I would have.
27 Q During that time, Pam Blair, she was
28 your old lady, right?

A Yes.

Q Was she ever out of your presence, or was she with you the whole time?

A She was with me the whole time.

Q Right with you, right?

A Right.

Q And you say you never heard the accused make any statements with regard to Sandy?

A No, he didn't make no statements regarding to Sandy at that time.

Q Not at that time?

A Not at any time that I heard of.

Q I will take you a little further. What time did the girls leave?

A What time did they leave?

Q Leave the station.

A Well they only stayed about ten minutes or so, and around three or something like that, three or three-thirty, something like that, it was around in that time.

Q And then they left?

A Yes.

Q And after that was Jim Tolley; I mean to say John Turnbull, was he with you, or did he go somewhere else?

A He was with me.

Q What time did you and John Turnbull leave Dutch's Sunoco station?

A It was around six or something like that. Around six o'clock in the evening.

Q Where did you go when you left?

A Down on the strip.

Q What part of the strip?

A It is the Hampton Boulevard end of it.

Q Now, Mr. Tolley, how long was that a hangout of the Pagans on the strip?

A That's where most of us went all the time.

Q How long had you been going down on Hampton Boulevard and staying down there?

A About two months, I guess.

Q At that time were you all hanging around at East Ocean View?

A I didn't hear the question.

Q At that time were you all hanging around in East Ocean View in the evenings?

A No, because we couldn't get in no bars there.

Q How long have you been told to stay out of the bars in East Ocean View?

A About ever since we started going down to the strip; around two months or maybe a little bit more.

Q So for about two months prior to the 24th, you had been going down to Hampton Boulevard on the strip?

A Right.

Q Had Billy Woods gone down there with you all?

A Had he ever gone down there with us? Yes, he has been down there.

Q And did he know that is where you all hung around?

A Yes.

Q Would he have knowledge that you all had been blackballed from East Ocean View?

A Yes.

Q How long did you and Mongoose stay down there on the strip on the evening in question?

A Until the bars were getting ready to close. I think they close around two o'clock. We left a few minutes before then.

Q How many of the Pagans were down there on the late evening of May 24th and early morning of May 25th, if you recall?

A Of the Pagans?

Q Yes, of the Pagans.

A Me, Mongoose, Josie Green, Crazy Charlie and his brother, and I think Billy or B. B. and I don't know what his last name is, but they call him B. B.

MR. DECKER: That's all I have.

CROSS EXAMINATION

BY MR. GRIZZARD:

Q You say you were found not guilty of

1 murder?

2 A Yes, I was.

3 Q And the murder was not proved to

4 have occurred in Southampton County?

5 A I really don't know why. I don't

6 know what the circumstances were.

7 Q You were in the courtroom, weren't

8 you?

9 A I was in Court, but I never did hear

10 why I was found guilty or anything about it.

11 Q Reading from page 108 of the trans-

12 cript, I want you to answer whether or not you have heard

13 Judge Godwin. . .

14 MR. DECKER: May we approach the

15 bench? I have an objection.

16 MR. GRIZZARD CONTINUING -

17 Q I will rephrase the question.

18 Isn't it a fact that the Court dismissed the charge on the

19 basis that the Court held that the Commonwealth had not

20 proved that the murder occurred in Southampton County. Do

21 you recall the Court stating that?

22 A I think so.

23 Q You didn't even bother to take the

24 witness stand in your own case, did you?

25 A No, I didn't.

26 Q According to your testimony today,

27 you didn't even see Sandra Jones on the 24th?

28 A No, I didn't.

1 Q And you would not even take the stand
2 in your own case to say that you didn't see her that day, and
3 you couldn't have anything to do with it.
4 A If my lawyer had told me to take the
5 stand, I do what my lawyer tells me to do.
6 Q Did you . .
7 MR. DECKER: Let him finish answering
8 the question. He has a right to answer it.
9 A Mr. Kissinger was my lawyer and he
10 told me not to get on the stand, and I have got to do what my
11 lawyer tells me to do.
12 MR. GRIZZARD CONTINUING -
13 Q And you brought Linda Grant down as
14 a witness?
15 A She testified.
16 Q And June Reed testified?
17 A Right.
18 Q And you brought Pam Blair down as a
19 witness?
20 A Yes.
21 Q And she did not testify?
22 A Right.
23 Q And you talked to her before trial?
24 A I talked to Pam?
25 Q Right.
26 A No. How could I talk to her?
27 Q Do you know why she was not put on
28 the witness stand?

1 A No, I don't know.
2 MR. DECKER: He is going a little
3 far afield now.
4 THE COURT: I sustain the objection.
5 MR. GRIZZARD CONTINUING -
6 Q You are telling this jury today that
7 you had relations with Sandy Jones, and you also told this
8 jury that Josie Green had relations with her of your own
9 knowledge?
10 A Yes, sir.
11 Q I am going to ask you if you were
12 present and saw it?
13 A Yes, I did.
14 Q You went over to the apartment and
15 watched them?
16 A I was there and they were in bed,
17 yes.
18 Q I thought they left you at the
19 Sunoco station.
20 A Who left me at the Sunoco station?
21 Q Josie Green and Sandy Jones.
22 A No, they came up to the Sunoco
23 station and asked me if they could use my apartment, and I
24 said, yes, and I went over there.
25 Q To watch?
26 A No, not to watch. I went over there
27 to get something to eat.
28 Q You sat there and ate while they were

1 having sexual relations?
2 A No, I went in the refrigerator and
3 it is right next to the bedroom, and I got my food out and
4 then I went back over to the station.
5 Q And you talked to Pam, I believe you
6 said, one or two days after the murder.
7 A After Sandy's death, yes, and I
8 didn't talk to Pam. Pam talked to me.
9 Q You originally started out testifying
10 that you had relations with Sandra Jones before she was
11 murdered. Was she murdered?
12 A I don't know. I don't have any idea
13 whether she was murdered or not.
14 Q You don't know anything at all about
15 it?
16 A No, I don't.
17 Q I am going to place you on your guard.
18 I am going to show the jury that you are telling an untruth.
19 A I don't know whether Sandy was murdered
20 or not.
21 Q You know nothing about the circum-
22 stances surrounding her death, is that what you are telling
23 this jury?
24 A I don't understand that question.
25 Q You know nothing about her death?
26 MR. DECKER: Is he asking if he knows
27 first hand, or is he asking did he hear by
28 hearsay. I want to know exactly what he is

1 asking now. If he would make it more specific
2 as to exactly what he is asking, I think that
3 would probably be a little bit better, and he
4 can answer the question.
5 MR. GRIZZARD: He is on cross examina-
6 tion, and I am asking him if he knows about her
7 death.
8 MR. DECKER: I object to the form of
9 the question.
10 THE COURT: Well let's be specific
11 gentlemen.
12 MR. GRIZZARD CONTINUING -
13 Q Do you know anything about her death?
14 A The only thing I know about her
15 death is after her death.
16 Q Now on the day of the 24th of May,
17 John Turnbull came up there at about lunch time you said?
18 A Around lunch time.
19 Q And he stayed there until six o'clock
20 P.M.?
21 A Right.
22 Q At which time you left with John
23 Turnbull?
24 A Right.
25 Q Did you ever see Joe Green that
26 afternoon?
27 A Yes, I did.
28 Q When did you see Joe Green?

A Around three-thirty or whenever the girls were there.

Q Joe Green was there when the girls were there?

A Right.

Q When had he gotten there; before or after the girls?

A Right before.

Q And did he stay there until the girls left?

A Yes, he was there until the girls left.

Q So from the time he first arrived he stayed there until six o'clock until you left with the defendant and he went with you?

A No.

Q When did you get back with Joe Green?

MR. DECKER: Let him answer the question. I don't know what he is going to say.

THE COURT: Go ahead and answer.

A Ask me the question again. I have got about three questions going at one time.

MR. GRIZZARD CONTINUING -

Q When did Joe Green leave?

A He left around about three or four or five minutes, or maybe ten minutes after the girls did.

Q When did you next see Joe Green?

A Later on down on the strip that night.

1 Q You didn't see him any more until
2 you saw him on the strip?
3 A Right.
4 Q After you left the service station,
5 did you go to Billy Woods apartment?
6 A No, I did not.
7 Q Did you have any conversation with
8 Billy Woods that night at his apartment?
9 A I did not even see Billy Woods that
10 night.
11 Q You did not see him at all that
12 night?
13 A No, I didn't.
14 Q You didn't even see him on the
15 strip; he wasn't with you and the rest of them drinking?
16 A No.
17 Q I believe you have also said that
18 the defendant made no statements to the girls at all, and did
19 not order her death?
20 A That's right.
21 Q That is at the Sunoco?
22 A Right.
23 Q Did you ever hear the defendant make
24 any statement in your presence to Billy Woods?
25 A About what; no.
26 Q He did not go to the apartment of
27 Billy Woods?
28 A He was with me; he couldn't have went.

1 Q Did you ever him make any statements
2 after the girls had returned at the club meeting, maybe, as to
3 what had happened?
4 A No.
5 Q Did he ever say that they are going
6 to pick me up because of Sandy's murder?
7 A No.
8 Q Did he ever say that he told them to
9 take her to Florida and dump her?
10 A No.
11 Q Did he ever say they beat her so
12 bad we thought she was going to die, and I told her to get her
13 out of her and make certain she is dead when they left her?
14 A No.
15 Q Did he ever say burn her hands and
16 make certain she is not identified?
17 A No, I heard Linda say that.
18 Q When did you hear Linda say that?
19 A I think it was the night they came
20 back.
21 Q Well let's go into the night they
22 came back; what time was it?
23 A When they came back?
24 Q Right.
25 A Around two or something like that.
26 Q In the morning?
27 A Yes.
28 Q That would be the morning of the 25th?

A Yes.

Q What was their condition; their clothing? Were they muddy or wet?

A Yes, they had mud all over them.

Q What happened when they came in?

A Nothing. They went in and took a shower and everything.

Q Did Linda have any conversation with Mongoose?

A She had a conversation with Josie Green.

Q Did Linda make the statement that she had burned her face and hands so that she couldn't be identified?

A Yes, she did.

Q Did she tell Mongoose that they didn't think they could make it to Florida, so they dumped her off somewhere down the road?

A No, we was in the bedroom and Mongoose was asleep on the floor in the living room.

Q So Mongoose had no conversation with her?

A No.

Q Mongoose didn't tell her that she did a good job or anything else?

A Not in my presence.

Q You are absolutely certain that everything you have told is the truth so far?

A Yes.

Q I am giving you one chance now to change your story.

A I can only tell the truth as I see it.

Q And that is the truth what you have testified to?

A Yes.

Q That is your handwriting?

MR. DECKER: Could I see that? Let him identify it first.

MR. GRIZZARD CONTINUING -

Q Is that your handwriting?

A I don't know if it is or not.

Q Did you write Pamela Blair a letter in June of this year?

A Did I write her when?

Q In June of this year right after your trial?

A I don't know if I did or not.

MR. DECKER: I will have to read it Your Honor.

MR. GRIZZARD CONTINUING -

Q While he is reading the letter, let me ask you this question. In September of last year, did you wreck the Black Knight?

A Did I wreck the Black Knight.

Q Right.

A No, I didn't wreck it.

Q You had nothing to do with it?

A No, well I guess I did have something to do with it.

Q What did you do?

A I threw a chair across the bar.

Q What else did you do?

A That's all I did.

Q Did you take out a chain and swing it at anybody?

MR. DECKER: I object and there is no relevancy at all, and he is trying to impeach the witness and I have not said that he is any paragon of virtue, and if he did something else and maybe whipped somebody up, I don't know about that. That doesn't have anything to do with any of this, and I object to it.

THE COURT: It will have to be tied in, gentlemen. This is an act that took place when?

MR. GRIZZARD: September of 1973.

MR. DECKER: I object to that.

MR. GRIZZARD: I will tie it in, and I will tie it in directly to the defendant.

MR. DECKER: I note my exception to that.

THE COURT: I think we had better discuss that out of the presence of the jury. We will take a short recess, ladies and gentlemen.

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TRIAL CONTINUING AFTER RECESS.

EXAMINATION OF JAMES LEROY TOLLEY

CONTINUING BY MR. GRIZZARD:

Q Would you look at that letter again and tell this Court and this jury whether you wrote it.

A I can't say whether I wrote it or not. It don't have my signature on it.

Q Are you denying that you wrote this letter.

MR. DECKER: He said he can't tell whether he wrote it or not.

A It don't have my signature to it. I don't know whether I wrote that letter or not.

Q Is that your handwriting?

A I can't tell.

Q You don't know your own handwriting?

A No, I don't.

MR. GRIZZARD: If it please the Court, we had better send the jury out again because this witness needs to be warned.

MR. DECKER: In front of the jury I object to that, that is highly improper.

THE COURT: All right, ladies and gentlemen, will you step out to the jury room please.

JURY MEMBERS LEAVE COURTROOM.

MR. GRIZZARD: I would ask that the witness be given a few minutes to glance at the contents of this letter, and I will ask him again if he wrote it.

MR. DECKER: Well before he is given a few minutes to look at it and so forth, and before he is warned, and he can have any warning you want and I don't know what he is going to testify to, and I don't know his handwriting, but he says it is not signed, and I don't recognize this as my handwriting. He has made the statement and if Mr. Grizzard wants to warn him let him go ahead and give the warning.

THE COURT: Let me see the letter. The simplest way to handle this is to let the witness see the letter and read it and certainly he will know after he reads it whether or not it is his letter or not. If he wrote it, let him read the letter.

MR. GRIZZARD CONTINUING -

Q Read this letter please. Now I am asking you if you wrote that letter.

A I am going to say that I don't remember writing that letter.

Q This is not your handwriting?

A I can't say it is. It looks like my handwriting but a lot of it don't look like mine.

Q Did you write this letter to Pam Blair?

A I don't remember writing no letter to Pam Blair, not that letter anyway.

Q And you are denying this is your letter?

Mr. Decker: He said he did not deny it, and he said he didn't remember writing it.

MR. GRIZZARD: I am asking whether or not he wrote this letter. This business about I don't know is not good enough.

A When I sign a letter, I do not sign it that way.

THE COURT: Did you read the contents of the letter?

A I read it and I read the contents and it don't make no sense to me. Black Knight got busted up for a different reason than what that says.

MR. GRIZZARD CONTINUING -

Q All I am asking you is did you write this letter.

A I don't remember writing that letter.

Q Are you denying writing it, and I am entitled to a yes or no answer, and then you will have a warning of what the law is.

A I can't give a yes or no answer, because a lot of times I say and do things I don't remember. I have been seeing the doctor down here and I was in that mental hospital last year and I do things I don't remember, and I cannot give an answer to that.

THE COURT: You can't remember whether or not you wrote a fourteen page letter or however long it is?

A No, I can't remember it.

MR. GRIZZARD: I would ask the Court to warn the witness as to the penalties for perjury in this case.

MR. DECKER: Your Honor, I don't think that this is in order at this time. As I say his lawyer is not here and I am not his lawyer, but on the other hand, I did call him as a witness and I think he has stated he doesn't remember, and I haven't said one word to him since that letter first came out, nor has my partner, Mr. Christie, and I don't know anything about the motivation for his answer, but I do know this; he has answered the question and he says he doesn't remember it and it has not been properly identified for entry into evidence, and he cannot be examined on it.

A My name is James Tolley.

MR. GRIZZARD CONTINUING -

Q Do you sign all of your letters James?

A Most of the time Jim or James.

Q And Jimmy?

A Occasionally I have, yes.

MR. GRIZZARD: I am going to ask the

Court to warn him what the penalties of perjury are because unless he is advised, I think we would be taking him to advantage, and if he keeps denying he wrote that letter, the Commonwealth intends to bring a perjury indictment against him.

MR. DECKER: He did not deny it.

MR. GRIZZARD: He did not give a yes or no answer.

MR. DECKER: He says he can't remember. The Commonwealth says to answer the question and he answers it, and then he brings a perjury indictment.

JAMES TOLLEY: I am not answering no more questions in this Court. I am finished with it right now. I will not answer another question in this Court as far as the defendant or the prosecution either one. I quit right now. If you want to give me a charge of perjury, give it to me.

THE COURT: Are you asking us to tell the jury to disregard everything you have said?

JAMES TOLLEY: I don't care what you tell the jury. I tried to tell you that I don't remember writing the letter and everything and he is going to bring charges on me and everything else. What can I do?

THE COURT: Do you have a little

1 trouble remembering?

2 JAMES TOLLEY: Yes, I have a lot of

3 trouble remembering. See the doctor down here

4 whenever they take me, and I was in the mental

5 hospital last year because I can't remember what

6 I do sometimes.

7 THE COURT: Can you remember anything

8 that happened back eighteen months ago?

9 JAMES TOLLEY: Yes, I remember a few

10 things that happened eighteen months ago, but

11 some things I don't remember. Sometimes I have

12 spells I black out for maybe two hours or

13 something and I don't know what I am doing in

14 those two hours or something or other. I have

15 asked to see a neurosurgeon since I have been

16 down here for eleven months, and I haven't got

17 to see one yet to find out why this is, and I

18 still haven't got to see one and the docter won't

19 give me the pills I need for headaches or any-

20 thing else and my nerves have almost been shot

21 too, and I tried to tell the truth and then they

22 bring this stuff like this that I don't know

23 nothing about, and I can't recognize it anyway,

24 and I don't remember doing it.

25 THE COURT: What do you remember

26 about this whole situation?

27 JAMES TOLLEY: Right now, I don't

28 remember nothing.

THE COURT: You can't remember anything?

JAMES TOLLEY: I can't remember nothing. I can't remember nothing right now, Your Honor.

THE COURT: You can't remember anything about Sandy Harrell Jones and about her death, or anything surrounding that?

JAMES TOLLEY: I don't remember nothing.

THE COURT: Did you remember anything about it a few minutes ago when you were testifying?

JAMES TOLLEY: I don't know. I don't even know if I testified or not.

MR. GRIZZARD: Your Honor, the Commonwealth still contends that I am entitled to ask questions on this letter. I have Pam Blair here to identify this letter, and the source of that letter.

THE COURT: Would you gentlemen please approach the bench.

MR. DECKER: I have a motion for a mistrial. The Court has overruled my motion and I note my exception to it.

MR. GRIZZARD: On what grounds, Mr. Decker?

MR. DECKER: On the grounds that we are caught by surprise as to the testimony of

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this witness in the last few minutes, and that the ends of justice would better be served in a mistrial and starting a new day. I understand that Your Honor has also ruled as to how you will handle the matter as to this witness, and we will just wait until Your Honor does that and note our exception to that for the record.

MR. GRIZZARD: Are you going to note an exception to the Court saying that this man is not competent to testify?

MR. DECKER: Let's approach the bench.

THE COURT: Take the witness out.

JURY MEMBERS RETURN TO COURTROOM.

THE COURT: Ladies and gentlemen of the jury, I have examined the witness who just testified, and after examining this witness I find that he is not competent to testify in this case. I will ask that you disregard any statement that he may have made in this courtroom during this trial. Anything this witness may have said will not be considered by you when you arrive at your verdict in this case. I will ask that his entire testimony be stricken from the record.

MR. DECKER: We will note our

exception to that, Judge.

THE COURT: Yes, sir.

MR. DECKER: We will call the defendant to the stand.

JOHN TURNBULL, the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DECKER:

Q If you will state your full name please.

A John Christopher Turnbull.

Q How old are you.

A Twenty-eight.

Q Where do you live?

A 311 Twenty-ninth Street, Virginia Beach, Virginia.

Q Where are you presently employed?

A Southeastern Metals at the Naval Air Station.

Q How long have you been employed there?

A Two months.

Q Where were you born?

A Atlantic City, New Jersey.

Q And when did you first become associated with the Pagans motorcycle gang?

A About six years ago.

Q Where was that?

A In Delaware.

Q And was the name of the motorcycle organization known as the Pagans at that time; the Pagans motorcycle club?

A I had a chance to join.

Q You were then how old?

A Twenty-two.

Q And how long did you stay in the Pagans there in Delaware?

A I didn't join.

Q You did not join?

A Not there.

Q When and where did you first join the Pagans?

A I joined in '71.

Q Where?

A Chester, Pennsylvania.

Q Then you moved to this area?

A Yes, I did.

Q And was there a Pagan chapter in the Tidewater area? I am talking about Norfolk, Portsmouth and Virginia Beach, and Chesapeake, was there a Tidewater chapter at that time?

A No, not at that time. There had been over a period of about five years ago.

Q When did you first meet some people

1 who were associated with the Pagans in the Tidewater area?
2 A September of '72.
3 Q September of '72?
4 A Yes, sir.
5 Q Did you all get together?
6 A Yes, at a party.
7 Q Who were the other people that you
8 got together with?
9 A John Sweiter, known as Hogbear, and
10 some friends of his, Terry Goodwin, whose name is Lizard, and
11 Billy Woods, and I don't know their full name, but Crazy Bill
12 and Lee.
13 Q Where did you form your first chapter?
14 A The first chapter was in Virginia
15 Beach.
16 Q And how many people were in that
17 chapter?
18 A Five.
19 Q Did you later form another chapter
20 in Norfolk, Virginia?
21 A Yes, we did.
22 Q And how many people were in that
23 chapter?
24 A I'd say about eight.
25 Q Did you ever form a chapter, or was
26 a chapter ever formed in the City of Portsmouth?
27 A No.
28 Q It was not?

A No.

Q Well you were sitting here and you heard Billy Woods say he was President of the Portsmouth chapter, is that true or false?

A False.

Q Was Billy Woods President of any chapter?

A No.

Q What was his position with the Pagans?

A A member.

Q Just a member?

A Yes.

Q How long have you known Billy Woods?

A Since September of '72.

Q Now what was your position in the Tidewater area with the Pagans.

A We formed a chapter and I was appointed President.

Q Of the Virginia Beach chapter?

A (Nods affirmatively).

Q Were you generally in charge of Norfolk also? Were you over this fellow Billy in Norfolk?

A Billy Bryant, B. B., he had the Norfolk chapter. I was his advisor.

Q Who appointed you his advisor?

A The mother club.

Q Who is the mother club?

A The Governors of the cLub.

1 Q Where are they located?
2 A All over; no central location. They
3 are just like Governors of states and they have their
4 territories.
5 Q When you joined this club, or this
6 group of people who formed this club, did you have any honeys
7 or old ladies at that time when you first started?
8 A Yes, we did.
9 Q Were any of the principals that I
10 am talking about, Crazy Linda and Pam Blair and June Reed, were
11 any of these girls either honeys or old ladies when you first
12 got involved in the club in '71?
13 A No.
14 Q They were not?
15 A No, they weren't.
16 Q Did members have different honeys and
17 different old ladies?
18 A Yes, they did.
19 Q Did you have a honey?
20 A I had an old lady.
21 Q Who was your old lady?
22 A D. D. They call her D. D., it was
23 Denise Warren.
24 Q I notice that you know her first
25 name and last name. When did she become your old lady?
26 A In '71.
27 Q And how did you designate or how
28 does anyone designate when you have an old lady?

A You give her your property patch.

Q Do you have your property patch?

A No, she still has it.

Q Who has it?

A D. D.

Q Did Sandy, the deceased, ever have your property patch?

A No, she didn't.

Q This is a property patch you see; this defendant's exhibit, do you not?

A Yes, it is Crazy Bill's.

Q What chapter was Crazy Bill a member of?

A He originally had come into the Virginia Beach Chapter, though he was a resident of Portsmouth.

Q He was a resident of Portsmouth, but he was in the Virginia Beach Chapter?

A At that time I had two people in Portsmouth.

Q While we are on that, what about Crazy Charlie?

A He is the other one.

Q Which one was he a member of?

A Virginia Beach, but he attended Norfolk's meetings.

Q So Crazy Bill and Crazy Charlie were not from the Portsmouth Chapter?

A No, they lived there.

Q Getting on with D., is she still in the area?

A No, she is not.

Q Is she still your old lady?

A No, not now.

Q Now what would characterize Sandy, the deceased, as far as you are concerned? First, when did you meet her?

A I would say April.

Q Of what year?

A '73.

Q The early part or the late part of April?

A I'd say about the middle or third.

Q How did you meet her.

A I was at a bar at Jolly Rogers in Ocean View.

Q East Ocean View?

A Yes. There was a disturbance out in the parking lot and I had to make a retreat and she helped me out.

Q It was a fight?

A Yes.

Q You were involved in it?

A Yes.

Q Were you later banded from that place?

A I was banded at the time.

Q You were banded at the time?

A (Nods affirmatively).

Q How long had you been banded from the Jolly Roger?

A A month or two months at that time. This was the third week in April or the fourth week in April.

Q So you say that Sandy, the deceased, helped you get out of there?

A Yes, she did.

Q Where did you go at that time with Sandy, if anywhere?

A Bayview Apartments, Apartment 1 at First Bay.

Q Did you feel like she had kind of gotten you out of a tight there?

A Yes, indeed.

Q Did you appreciate it?

A I certainly did.

Q And where did you go and what did you do?

A We went to Bayview Apartments.

Q At East Ocean View?

A Yes, Bayview Apartments.

Q Why did you go there?

A There were friends of ours, the fellow and his brother he was living with, and they were not members but we figured that was the best place to go. One of the people had been picked up, Hogbear, and we knew he had that number and we wanted to find out what happened to him and

1 we waited there to find the results.

2 Q Now where did Sandy live at that

3 time?

4 A Where did she live?

5 Q Yes.

6 A Pinecrest Apartments Hotel.

7 Q Did you later take her there?

8 A Yes, I did.

9 Q Did you have sexual intercourse with

10 Sandy ever?

11 A Yes.

12 Q How many times?

13 A Twice.

14 Q Was she your old lady?

15 A No.

16 Q Would you consider her your honey?

17 A I would say a chapter honey.

18 Q What do you mean by chapter honey?

19 A I was with her, or whoever was with

20 her.

21 Q Whoever was with her?

22 A Yes.

23 Q Did she go with a lot of people

24 there from the chapter?

25 A I would say in the company of maybe

26 fifty per cent off and on, and a couple of the guys had old

27 ladies.

28 Q And they didn't like Sandy going with

1 their old men?
2 A Certainly not.
3 Q Do you know, in fact, whether Crazy
4 Linda approved of her going with this fellow Josie Green?
5 A She certainly would not.
6 Q Now after you left, and I am talking
7 about the third week in April, and you left the place on
8 First Bay to take Sandy to her apartment, tell the jury here
9 what you found.
10 A The apartment was empty. Everything
11 she owned was gone. She complained that she had been ripped
12 off by her roommate.
13 Q What does ripped off mean?
14 A Well, her roommate, she had a room-
15 mate living with her.
16 Q Does ripped off mean stolen?
17 A The roommate had taken off with
18 everything of hers and Sandy's.
19 Q Did therefore, Sandy, the deceased,
20 have anything else, any personal poossessions like clothes and
21 so forth?
22 A No, just what she was wearing.
23 Q Where did you then take her, if any-
24 where?
25 A She believed that she knew where the
26 stuff was at.
27 Q So what did you do with Sandy then?
28 A So we went to where she believed the

1 stuff was at.
2 Q Where was that?
3 A I'd say approximately ten blocks
4 from her residence from Pinecrest, where she was staying.
5 Q Approximately ten blocks from her
6 residence?
7 A Yes.
8 Q Did you go there?
9 A Yes, I did.
10 Q With her?
11 A Yes.
12 Q And what did you find?
13 A Her stuff.
14 Q Where was it?
15 A In the apartment.
16 Q Whose apartment?
17 A I don't know.
18 Q Did you then take her anywhere else?
19 I am talking about Sandy now.
20 A Yes, I took her back to Bayview
21 Apartments.
22 Q Then did you put most of her stuff
23 back in there?
24 A No, sir, her original apartment; this
25 is where I went that night.
26 Q That is where you went to find out
27 what happened to Hogbear on First Bay?
28 A Right.

Q What did you do then?

A I took her there.

Q How long did she stay there?

A I'd say a couple of weeks.

Q What did Sandy do for employment when you first met her the third week in April?

A To my knowledge, nothing.

Q She was at the Jolly Roger.

A She was partying there, floating around.

Q Did she then get a job there at the Jolly Roger?

A At that time, no.

Q When did she get a job up there?

A I believe she worked maybe two nights in those two weeks up on the strip.

Q Doing what?

A Dancing.

Q What kind of dancing?

A Topless.

Q Topless dancing?

A (Nods affirmatively).

Q Did she also dance at the Jolly Roger as a topless dancer?

A Yes, she did.

Q During this time were you having intercourse with her?

A On two occasions.

1 Q All together two occasions?
2 A Yes.
3 Q Now of your own personal knowledge
4 at that time I am talking about now, the third week in April,
5 and the first or second week in May, who was Josie Green's
6 old lady?
7 A Linda.
8 Q Crazy Linda?
9 A Crazy Linda.
10 Q And who was June Reed's old man?
11 A Skip Adams.
12 Q And who was Pam Blair's old man?
13 A Jim.
14 Q Jim Tolley?
15 A Yes.
16 Q Now of those three men, of your own
17 knowledge, and I am talking about Skip, Jim, and who is the
18 other one.
19 A Josie.
20 Q And Josie. How many of those men had
21 to do with this girl, Sandy?
22 A Only two.
23 Q Which two?
24 A Josie and Jim.
25 Q Josie and Jim. Do you know, or have
26 any knowledge of Crazy Linda finding out about Josie and
27 Sandy?
28 A Yes.

Q What knowledge do you have of that?

A She was rather upset and told me to keep her away from Josie.

Q When was that?

A A couple of weeks before her death.

Q What do you know about Crazy Linda?

A She came to the club and we met her in the Jolly Roger in the winter, and she was there with what she said was her sugar daddy, and she told me she saw Josie and fell in love and between Jim and Josie it was a tossup between which one was going to be with her, and so they all went.

Q Tell us about her personality that you could see. I am talking about Crazy Linda.

A Impulsive and quick.

Q What do you mean by quick?

A Quick to lose her temper.

Q What did she do when would lose her temper.

A Whatever she could.

Q You are not helping me at all. Answer the question fully.

A Well if somebody said something to her wrong, and she had the opportunity she would hit them and if they turned around she would hit them if they were bigger than her.

Q But did you see her do that on occasions?

A Yes, sir, I did.

Q When she got back about the last part of April, 1973, from wherever she had been, did you see the condition of the girl, Yvonne, who had been with her?

A Yes, she came to the bar.

Q Tell the jury what Yvonne looked like.

A She had a haircut, rather short.

Q What else?

A Well apparently she had been in quite a fight.

Q Did you ever have any occasion to loan money to Sandy?

A Yes, I did.

Q Tell the jury about that.

A The night of the ruckus we had at the Jolly Roger when we went to her place, and she had been cleaned out, we left there and she was destitute and she had to get herself together, and I helped her and loaned her what she needed at that time.

Q How much money did you give her?

A Thirty dollars.

Q Did she ever pay you back?

A No.

Q When did she promise you she would pay you back?

A Within ten days or two weeks.

Q Now in or about the second week, or shortly thereafter of May, did you have occasion to pick up

1 Sandy and take her somewhere?
2 A Yes, I did.
3 Q Did you take her to pick up a check?
4 A That is correct.
5 Q Tell the circumstances of what
6 happened to the jury when you picked her up.
7 A We went to this, I can't tell you
8 the exact location or what the name of the place was, but it
9 was a rather big building and she said that she had a paycheck
10 coming to her from there.
11 Q Had you asked her about it?
12 A No, she came to me and told me.
13 Q Go ahead.
14 A So we went there and she went up and
15 came back down and said they had mailed it to her house, or
16 to her apartment that she had previously.
17 Q Did you hit her then?
18 A No, I never struck her.
19 Q You never hit Sandy?
20 A No, I didn't.
21 Q Did you pick up either a wrench from
22 the floorboard, or a screwdriver from the floorboard and
23 threaten her?
24 A No.
25 Q You did not?
26 A No.
27 Q Who was with you on that occasion if
28 anyone?

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A Sandy.

Q Sandy and who else?

A James Tolley and Pam.

Q James Tolley and Pam were there too?

A Yes.

Q And you admit to that?

A Yes, I do.

Q Did you go anywhere else from there when you left that apartment?

A Yes, we did. We went by Pinecrest.

Q What was there?

A Nothing. She went up and checked at the desk to see if she had any mail.

Q What happened then?

A She came back down to the car and we left.

Q Were you mad at her then?

A No, I wasn't.

Q Did you feel like she might have been afraid of you?

A I feel like she may have, yes. I will admit that.

Q Why?

A She owed me thirty dollars.

Q Did you ask her for the money?

A Yes, I did.

Q Did she have the money?

A No, she didn't.

1 Q Now let's go to a Sunday night
2 preceding her death or her alleged death, and I ask you, though
3 you haven't been identified as having been there, did you go
4 to the Jolly Roger where she was working; that would be about
5 three or four days before her ultimate death? Did you go to
6 the Jolly Roger?
7 A Yes, I did.
8 Q You admit to that?
9 A Yes, I do.
10 Q Who was with you?
11 A Vennie, the fellow that had the
12 apartment at Bayview.
13 Q Did you go in there so that she could
14 see you?
15 A No, I wasn't allowed in the bar.
16 Q You didn't go in?
17 A I looked to see if she was there.
18 Q Did you see her?
19 A Yes, I did.
20 Q And did anyone else go in there before
21 you?
22 A Yes, I came back to the car and got
23 Vennie to go in.
24 Q Vennie was allowed to go in?
25 A That's right, he wasn't a Pagan.
26 Q And you sent him in with certain
27 instructions or something to tell Sandy?
28 A Yes.

Q Was it a threat?

A No.

Q And after that do you know whether Sandy came out to the car, or did she go somewhere else?

A She never came out.

Q Where did she go?

A I don't know.

Q She left?

A Yes.

Q To that point had she paid you the thirty dollars?

A No.

Q You were not really upset about that, were you?

A Not real upset, but it was thirty dollars.

Q Was that enough for you to want to hurt her over?

A No, I never did.

Q Did you hurt her from that time on the Sunday night prior to her death on the 24th of May or thereabouts?

A I don't know the exact date.

Q Did you ever see her alive again?

A No, I didn't.

Q You did not?

A No.

Q What did you do between that time,

let's say the Sunday and that would be around the 20th, I guess and the 24th, generally. Were you working then?

A No.

Q What were you doing?

A I stayed at the gas station all day, and some of the bros had their scooter there working on their bikes, and Jim worked there and Skip worked there.

Q Did you have any meetings between the 20th and the 24th of May?

A No.

Q On the 24th of May, did you have occasion to see Pam Blair and June Reed and Crazy Linda?

A Yes, I did.

Q What time was that?

A In the afternoon between two and two-thirty.

Q What was the occasion? Tell us where you were and what you were doing and just what happened?

A Me and Jim were on the left side of the station sitting on a car talking to a girl named Juanita. She was looking for her old man when they pulled in.

Q Who pulled in?

A Linda and the girls.

Q You say the girls; was Sandy Harrell Jones or Sandy Jones Harrell, was she there?

A I didn't see her.

Q You did not see her?

A No.

Q How close did you get to the car when they came there?

A Twenty-five feet.

Q Describe to us, if you will, how long is this Dutch's Sunoco, the whole lot?

A The whole lot?

Q Yes.

A Maybe two hundred feet.

Q Two hundred feet long?

A Yes, I would say so.

Q All right now facing the gas station from Ocean View Avenue, would you be to the left or to the right of that gas station?

A To the left.

Q How far to the left?

A It would be on the pavement.

Q That is over close to the apartment house, is that right?

A I am in the parking lot itself.

Q But you are still in the parking lot?

A Yes, sir.

MR. DECKER: I would like to pass defendant's exhibit "1" and "2", the pictures of the gas station around for the jury to see please.

MR. DECKER CONTINUING -

Q And you say you were sitting over somewhere to the left on the parking lot, is that true?

1 A Correct.
2 Q And what were you doing?
3 A Sitting on a car.
4 Q Who were you talking to, if anyone?
5 A Me and Jim and Juanita.
6 Q Jim who?
7 A Jim Tolley.
8 Q Now when they came on the lot facing
9 the gas station from Ocean View Avenue, what side did they
10 come on?
11 A The right side.
12 Q And where did they pull up to, if
13 anywhere?
14 A Behind the parked cars on the right
15 side of the station.
16 Q And did anyone get out of the car?
17 A Yes.
18 Q How far was that car parked from
19 the place you were sitting or standing talking to Jim and
20 whoever?
21 A I'd say one hundred fifty feet.
22 Q Did you go over to the car?
23 A No, I didn't.
24 Q What happened?
25 A Linda and Pam got out of the car
26 and came over to Tolley and Pam wanted to go on a trip with
27 Linda, and she needed Linda to help her talk to Jim to talk him
28 into letting her go.

1 Q Pam needed Linda to talk to Jim
2 Tolley so that she could go?
3 A That's correct.
4 Q Where did they want to go?
5 A Florida.
6 Q And did they talk about going to
7 Florida?
8 A Yes, they did. Linda told them it
9 was some good pickings.
10 Q What does that mean?
11 A A lot of money.
12 Q How were they going to get money?
13 A Dancing, hustling or whatever.
14 Q At that point had Sandy's name been
15 brought up at all?
16 A No.
17 Q In the conversation on that day had
18 you talked about Sandy?
19 A No.
20 Q Now how many of those three girls
21 that you say came on that lot that you talked to, and you say
22 you talked with Linda?
23 A Yes, I did.
24 Q Who else?
25 A I greeted Pam.
26 Q What do you mean; you said hello?
27 A Yes.
28 Q And was she there with Jim?

1 A She was standing there talking to
2 him, yes.
3 Q Did you or did she talk about Sandy
4 at that time; Sandy Jones Harrell?
5 A No.
6 Q No one talked about Sandy at that
7 time?
8 A No.
9 Q How long did they stay on the lot?
10 A Five or ten minutes.
11 Q Then what did they do?
12 A They left
13 Q And when was the next time you saw
14 those girls?
15 A That night.
16 Q What time?
17 A I'd have to say it was a little after
18 two. Between two and two-thirty.
19 Q If you are saying that night, you
20 really mean early the next morning?
21 A Yes, we had come back from the bars.
22 Q It would be early the next morning?
23 A If that is what you mean to say,
24 yes.
25 Q On the 25th of May, '73?
26 A That's correct.
27 Q Now when they left that lot, I want
28 you to look at the jury when you answer the question; did you

1 have any knowledge that Sandra Jones Harrell was going to get
2 hurt?
3 A. Not killed, no.
4 Q What do you mean by that?
5 A Well it was the attitude against her
6 from Linda and Pam.
7 Q What do you mean by attitude against
8 her?
9 A They were upset with her, and she
10 was messing with their old men.
11 Q Do you know that?
12 A Yes.
13 Q Do you know that Linda was upset with
14 her?
15 A Yes, I do.
16 Q Was Pam also upset with her?
17 A Yes, indeed.
18 Q Did you have any idea that anything
19 would happen at that time with regard to Sandra?
20 A No.
21 Q But you did know there were some
22 people mad at her?
23 A Yes, I did.
24 Q Did you know that Sandy was even
25 going with them?
26 A No, I didn't.
27 Q You thought that Linda, Pam and June
28 were going to Florida for some pickings?

1 A Yes.
2 Q How long were they expected to stay;
3 these old ladies, and I use the word old ladies in the
4 vernacular, and how long would they be expected to stay there?
5 A Two weeks and not as long as Linda
6 stayed the last time; I'd say about two weeks.
7 Q And then come back?
8 A Yes.
9 Q How long did you stay there on that
10 lot of that gas station?
11 A What date?
12 Q On the 24th.
13 A On the 24th, all day until we went to
14 the strip.
15 Q Who else was there on the lot?
16 A Jim Tolley and Josie Green.
17 Q Now when you all left that lot, who
18 left together.
19 A Me and Jim.
20 Q Didn't Josie Green go with you?
21 A I don't believe so.
22 Q What do you mean, you don't believe so?
23 Did he go or didn't he?
24 A No, he left after they did.
25 Q He left after the girls left?
26 A Yes.
27 Q And when was the next time you saw
28 Josie Green.

A At the strip.

Q Where is the strip?

A Hampton Boulevard at the bottom, right at the gate to the Naval Base.

Q How far is that from East Ocean View in miles?

A I'd say eight miles to ten miles.

Q For the last two months next preceding just before the 24th day of May, 1973, where was the hangout of the Pagans?

A The strip.

Q On Hampton Boulevard?

A Yes, it was the only place we could go.

Q And that was a full eight miles away from East Ocean View?

A Yes, we kind of wore that out.

Q You had worn that out. Now would Billy Woods have had occasion to know where the hangout of the Pagans was at that time, and had been for two months?

A He certainly would. His old lady worked over there.

Q Where did his old lady work?

A Toscal Lounge, I believe it is.

Q What did she do there?

A Dancing.

Q What kind of dancing?

A Topless.

Q Could you point to his old lady in the courtroom, if she is in the courtroom?

A Yes.

Q Where is she?

A The girl with the coat on.

Q Would you point to her?

A Yes, sir.

Q You have pointed to the old lady or legal wife of Billy Woods, who is sitting on the front row to the right with the coat over her?

A Yes.

Q How long had she been working over there as a topless dancer?

A Quite a while.

Q How often during the two months just prior to this, May 24th, had you seen Billy Woods down there on strip where the Pagans hung out?

A Quite a bit; he had a honey, a masseuse in one of the parlors there.

Q You mean he had a money as well as a wife?

A Yes.

Q What was her name?

A Tasha.

Q And on the day of May 24th, when you left the station, you say that Josie Green had already gone?

A Yes.

Q And you left around six o'clock?

A I'd have to say six or seven in that neighborhood.

Q You left with who?

A Tolley.

Q Where did you go directly?

A To the strip.

Q On Hampton Boulevard?

A Yes.

Q And what did you do there on the strip?

A Well I, myself, will drink Pepsi. I don't drink beer and I shoot pool.

Q And shoot pool?

A Yes.

Q Do you make any money shooting pool?

A Yes.

Q And did you go several places?

A Yes, indeed.

Q Tell us about this strip where the Pagans have been hanging out for two months. How long is that strip you are talking about?

A All the bars in about a two hundred foot area.

Q You go to all of them if you want to go in and out?

A A couple of them, and we weren't allowed in the Western Steak House, but a couple of us were allowed in Lovey's.

Q So that is where you spent the evening? How many of your fellow Pagans did you see down there on the evening in question? I am talking about the late evening of May 24th, and the early morning hours of May 25th, 1973?

A Myself, Tolley, Josie, Lizard, B. B., Bob, Wilbur, Crazy Charles.

Q Crazy Charles?

A Yes.

Q How about this fellow, Billy Woods; did you see him that night?

A No, I didn't.

Q You did not see him?

A No, I didn't.

Q How long did you stay down there on the strip?

A Until the bars closed.

Q Did you then leave after the bars closed?

A Yes.

Q Where did you go then?

A El Camino Motel.

Q Did you have any intentions at that time of meeting anybody, or did you go back there to meet anyone?

A No, that is where I lived.

Q Did you go to meet any old ladies?

A That is where we lived.

Q At the El Camino Motel?

A Yes.

Q Where is that located?

A Diamond Springs Road.

Q I show you a picture and ask you if you can identify this picture?

A That is the El Camino.

Q That is the El Camino Motel?

A Yes.

MR. DECKER: We would offer that as defendant's exhibit number "6".

MR. DECKER CONTINUING -

Q So you went to the El Camino Motel?

A Yes.

Q And there you stayed?

A Yes.

Q Tell us what time you got there?

A I'd say around two-thirty.

Q A.M. on May 25th, '73?

A Yes.

Q And what events, if anything, happened while you were there at the El Camino Motel?

A Nothing too eventful. Josie's car was all full of mud.

Q Josie's car?

A Yes.

Q What kind of car was that?

A A Mustang.

Q What year?

A Well it come out in '67.

Q Was that the same car that the girls had left in earlier that afternoon, and I am talking about the afternoon of the 24th?

A That's correct.

Q It was all muddy.

A Yes.

Q Tell the jury what happened.

A Well we went inside and the girls were in there, rather dirty and muddy, and Josie was kind of under the weather and Jim was a little under the weather and Linda tried to explain that she had committed a crime under protest from Lizard and myself, and we really didn't want to hear it and we didn't want to know anything about anything she might have done, and that is basically what happened.

Q Why didn't you want to hear it?

A I didn't want to know anything about a crime.

Q Is that an ordinary thing when somebody starts to tell you?

A You don't want to hear anything about anything illegal. You keep your business to yourself.

Q You don't care if it happens, you just don't want to hear about it?

A I don't want any parts of it, no.

Q Why is that? Is that Pagan thinking?

A Yes, indeed. You don't discuss anything in front of somebody else.

1 Q Is that the first you heard, or had
2 any inkling that Sandy had been hurt?
3 A Yes.
4 Q And when was that?
5 A That was at two-thirty.
6 Q A.M. on May 25th, 1973?
7 A That's correct.
8 Q Is that the truth?
9 A Yes.
10 Q You sat there and you heard this
11 fellow, Billy Woods, say that you came by his house with Jim
12 and Josie?
13 A That's correct.
14 Q Tell this jury did you or did you not
15 go by Billy Woods' house on May 24th, somewhere between five
16 and seven o'clock in the evening?
17 A No, I didn't.
18 Q You did not?
19 A No, I didn't.
20 Q Under your oath, you did not?
21 A That's correct.
22 Q Did Jim Tolley go by there?
23 A No, he couldn't have, he was with me.
24 Q Do you know whether Josie Green went
25 by there?
26 A I couldn't say. I wasn't with him.
27 Q Taking you back to two-thirty in the
28 morning of the 25th, what did you do then after you saw the

girls come back all muddy?

A Well Jim and Pam took June home, I believe, and Linda and Josie went in the other room and laid down to go to sleep and went to sleep.

Q Linda came back and went to bed with Josie?

A Yes, this was after they cleaned up, of course.

Q But she went to bed with Josie; how about Pam, what did she do?

A Well they took June home and I was asleep when they got back.

Q When was the next you heard about this? You know now that Sandy is dead?

A That is correct.

Q What was the next thing you heard about it? I am talking about on or off the record you tell this jury when it was?

A The following day Linda tried to start to talk about it again, and I told her to be quiet. I just didn't want to hear it.

Q By then you knew about Sandy?

A That's right.

Q What did she try to tell you?

A She tried to tell me how she killed her.

Q Did she get it out to you how she killed her?

A Just pieces.

Q But firsthand knowledge you don't know that even to this moment, do you?

A No, I don't.

Q Do you know where she was killed?

A No, I don't.

Q Do you know how she was killed?

A No, I don't.

Q Do you, of your own knowledge, other than what Linda told you know who killed her, other than what Linda told you, do you know who killed her?

A No, I don't.

Q Now after that next day, being the 25th, did you have a visit by a person named C. A.?

A Yes, I did.

Q Tell me who is C. A.?

A C. A. Carol was a Confederate Angel or the honey of a Confederate Angel at one time, and she came up to the gas station, and I wouldn't myself believe that she was an informer, but she came up to the gas station on the 30th, and told me that she had been to Suffolk, and she had heard from the police down there that three Pagan old ladies had killed a fourth Pagan old lady. This is what she said, and wondered why we hadn't been arrested. I told her I didn't know and I didn't understand it, and I told her at first that I didn't believe it, and that is what I told her, and after the conversation I knew it looked like something was going to happen, so I got the people together that were there and told them that

I expected that everybody is going to be picked up and everybody is going to be questioned and that is it. I told them to keep cool.

Q So you admit having that meeting?

A Yes, indeed.

Q At that meeting did you say who was at the meeting?

A Posie Green, Skip Adams, Indian Bill, Tiny Bill.

Q Billy Woods?

A Yes, but I am not certain about Lizard.

Q How about B. B.?

A B. B. wasn't there. I am not positive about Lizard.

Q Did you say at that time that you should have known better than to put something in Crazy Linda's hands?

A No, I didn't. I said nothing concerning the crime whatsoever. I didn't jeopardize myself.

Q Did you ever make the statement with regard that you told her to have her hands and face burned and she didn't do that?

A No, I didn't.

Q You never made that statement?

A No, I didn't.

Q Why didn't you make the statement?

A I had no reason to.

Q To this moment have you ever been paid

1 the thirty dollars back?
2 A No, I haven't.
3 Q Did this guy, Billy Woods, ever say
4 anything to you in the way of an apology?
5 A An apology?
6 Q Up to and including today, has he ever
7 made an apology to you?
8 A There were no hard feelings and that's
9 all, and I told him there were no hard feelings.
10 Q And he said, no hard feelings?
11 A He said no hard feelings, and he was
12 facing one hundred eighty years, and no hard feelings, and I
13 told him, no hard feelings.
14 Q Mr. John Turnbull, have you ever been
15 convicted of a felony?
16 A No, I haven't.
17 MR. DECKER: I have no further
18 questions at this time. Answer the questions
19 of the Commonwealth.
20
21 CROSS EXAMINATION
22 BY MR. GRIZZARD:
23 Q Did you know that Sandy Jones was an
24 undercover agent with the Narcotics in Norfolk?
25 A No, I didn't. I don't believe she
26 was.
27 Q You said at one time you thought
28 Sandy was afraid of you?

A Yes, I did.

Q Was there any particular reason Sandy was afraid of you?

A She owed me money.

Q Anybody that owes you money had better be afraid of you?

A No, but that is what they might think.

Q Did she ever act in any way to make you think she was afraid of you?

A No.

Q Other than try to avoid you?

A At one time, yes.

Q You would go to the front door, and she went out the back?

A I did not see her leave.

Q She didn't intend for you to see her.

A She made no attempt to leave when I saw her.

Q Billy Woods during the period of time that you knew him in the Pagans, you never had any difficulty with him?

A Yes, I did.

Q What was that?

A Failure to meet the meetings and not having his motorcycle on the road.

Q You didn't have your motorcycle on the road in May of last year?

1 A That's correct.
2 Q It was in hock in Richmond?
3 A No, it wasn't.
4 Q Where was it in hock?
5 A It wasn't in hock, it was broke down.
6 Q And you needed money to get it out?
7 A I had already retrieved it.
8 Q Where did you get the money?
9 A From the Chapter.
10 Q From the Chapter?
11 A Correct.
12 Q Is that where you got all your money?
13 A No, it isn't.
14 Q Where did you get your money?
15 A Well the Chapter fund and that is why
16 we pay dues.
17 Q How much are your dues?
18 A Two dollars a week.
19 Q You have got how many members?
20 A We had eighteen at the time.
21 Q That's thirty-six dollars a week?
22 A That's correct with nothing going out.
23 Q Was everybody paid up?
24 A That's correct.
25 Q That's the only source of income you
26 had?
27 A No, it wasn't. That wasn't my
28 income that was Chapter income.

Q I understand that, but you were not working.

A That's correct.

Q Where were you getting the money?

A Shooting pool, conniving, finding somebody that's got a motorcycle for sale, or finding somebody that wants to buy.

Q That is conniving?

A Yes.

Q The only trouble you had with Billy Woods was that he didn't attend meetings?

A No, he just missed some.

MR. DECKER: Whatever his answer is let him finish answering the question.

MR. GRIZZARD CONTINUING -

Q He missed meetings?

A A few.

Q And he didn't keep his bike on the road?

A I understood his reason for not having his bike on the road, but the members didn't.

Q You never had any dispute with him personally, only those two reasons you have given?

A That's correct.

Q He has nothing against you?

A To my knowledge, no, outside maybe of resentment.

Q What would he resent you for?

A He sat in jail for three months and I didn't get him out.

Q That was on the hand grenade charge?

A That's correct.

Q What were you going to get him out with, the thirty-six dollars dues?

A He felt that we should meet the bond immediately, and we couldn't do it.

Q You said you did take Sandy to a business building to get her paycheck?

A That's correct.

Q And she voluntarily came to you on that particularly occasion?

A Yes, she did.

Q And said come on and give me a ride and I will get my paycheck and pay you?

A Not at that time. She said earlier that she was going to get her paycheck if I wanted my money to supply her with a ride.

Q So you and Jim Tolley and Sandy and Pam Blair went?

A That's correct.

Q Any particular reason, or did you have any trouble with Pam Blair?

A None whatsoever.

Q You never had to hit her or have an argument with her?

A That's correct.

Q You don't have anything against her personally?

A No, I always liked her.

Q And she doesn't have anything against you personally?

A That I don't know; I never give her any reason.

Q You did not see Sandy on the 24th of May of 1973?

A That's correct.

Q And you did not know that anything had happened to her until the next morning when Linda was telling you that something happened to her?

A That's correct.

Q You did not give the order?

A No, I didn't.

Q And you did not know that she had been killed?

A After it happened, yes.

Q You did not know that she had been picked up and beaten?

A No.

Q You did not state that you had better have a good airtight alibi for tonight?

A Not on that night, no.

Q You did not state that the girl you had been living with, if anybody asked about her they were supposed to have gone to Florida?

A I was not living with her.

Q I ask you if you have ever made that statement?

A You said the girl I was living with. I won't living with no one.

Q Did you make the statement to Billy Woods if anyone asked about Sandy, the girl you had been living with, that he was to say that she left town with some other dancers heading for Georgia, and I beg your pardon, I think the statement was, the girl you had been dating, if I am not mistaken. Didn't you make the statement to that effect to Billy Woods?

A Not on that night.

Q When did you make it?

A The following day.

Q Where?

A At his place.

Q When did you go to see Billy Woods?

A Sometime in the afternoon.

Q So you did make that statement to Billy Woods?

A That's right.

Q So it was made on the 25th, after you knew that Sandy had been killed?

A That's right.

Q Who was present when that statement was made?

A Myself.

1 Q No one else was present?
2 A That's correct.
3 Q Jim Tolley was not there?
4 A No.
5 Q Did you also tell him at that time
6 that you were going to get rid of Sandy because she had ripped
7 off her last Pagan, or screwed over her last Pagan?
8 A No statement of that nature, no.
9 Q How did you happen to make that
10 statement to Billy Woods the following afternoon anyway?
11 A I never made that statement.
12 Q Your first statement was to have a
13 good alibi if anybody wanted to know about Sandy, and tell
14 them she had gone to Georgia?
15 A Just in case he gets picked up and
16 questioned, and just in case he might get asked.
17 Q At that time you didn't know the
18 girl was dead.
19 A The following day I most certainly
20 did. I knew it at two-thirty or three o'clock that morning.
21 Q That the body had been found?
22 A No.
23 Q And you were going to be picked up?
24 A No.
25 Q I didn't think you knew that until
26 C. A. Carol told you that on the 30th.
27 A That's correct.
28 Q But you were setting up your alibi the

next day anyway?

A That's correct.

Q You were looking ahead to the future?

A I always do.

Q Protecting yourself?

A Not myself.

Q Protecting the Pagans?

A That's correct.

Q What else did you tell Billy Woods the following day?

A That was all.

Q Just that one statement?

A I had a busy day, yes.

Q You had a busy day; who else did you tell that to?

A I told a couple of people.

Q Who?

A Some people from the other Chapter.

Q Who?

A Would I be involving them; B.B. he was to tell his Chapter and Hogbear, he had been laid up with an operation.

Q Hogbear was in the hospital.

A That's correct.

Q Who else?

A Indian Bill and Tiny, and I told everybody in the Ocean View area that was a Pagan.

Q In the event the deceased, Sandra

1 Harrell Jones was picked up or found, or her body was found
2 and identified, they would associate her body with the Pagans,
3 and you wanted to make certain that every Pagan and everyone
4 associated with the Pagans motorcycle club in Virginia Beach,
5 Norfolk and Portsmouth knew what they were supposed to say?
6 A No, not what they were supposed to
7 say, but just to be careful and to keep cool.
8 Q And to say that the last time anybody
9 saw Sandy, she was hitchhiking to Georgia with some other girls?
10 A Whatever they wanted to say.
11 Q That is what you told them to say?
12 A No, I didn't tell them all what to
13 say.
14 Q I thought you testified that you told
15 them the exact thing you told Billy Woods.
16 A No.
17 Q What did you tell them?
18 A I just told them that there was going
19 to be something coming down maybe, and just to keep it cool.
20 Q I thought you told them that on the
21 30th?
22 A Right, that is correct.
23 Q But you went around personally and
24 told everybody that on the 25th?
25 A Immediately in the area, yes.
26 Q What time that day did you tell them
27 that?
28 A That I don't know.

Q Was that before or after you found out from Linda what had happened?

A It was after.

Q When did you find out from Linda what happened?

A She was trying to tell me some pieces.

Q It was pieces on the morning of the 25th, and some pieces during the next day?

A All I needed to hear was one little piece, and I didn't need it broken down in black and white. I know what happened.

Q You knew because you gave the order.

A No.

Q And you wanted to make absolutely certain that everybody was telling the same story?

A Not the same story.

Q That Sandy had been disassociated with all members of the Pagans before anything could be taken to her?

A No, I didn't say disassociation.

Q That's the net result. The last time you saw her she was on her way to Georgia with somebody else hitchhiking.

A That's what I originally thought of anyway.

Q That's what I am sure of. On the 30th after you saw C. A. Carol, and at this point you absolutely knew for certain that Sandy Jones body had been found?

A That's correct; it was the first time.

Q And that was when you called this meeting down on the beach?

A I didn't call it, everybody was there.

Q You listed four people that were there?

A Right. Skip, Indian Bill, Tiny, Josie, Bill, myself and possibly Lizard.

Q I had another one on direct examination. You said Joe Green, Skip Adams, Indian Bill and Billy Woods.

A I believe I said Tiny.

Q Now we are going to add Tiny to that list.

A I am pretty certain I said it the first time.

Q Just answer my questions; who else was there? Was it just the six of you and not the fifteen that was hammering away at Billy Woods?

MR. DECKER: He never testified it was fifteen there.

MR. GRIZZARD CONTINUING -

Q Now did you make the statement at that time that you must have been a dumb ass [illegible]let stupid Crazy Linda do anything for you?

A No.

Q Did you make the statement at that

time that you had told Linda and the others to take Sandy's body, or Sandy to Georgia and dump her?

A No, I made no statements of that kind.

Q Did you make the statement that they were to take Sandy and Sandy had been picked up and they beat her up so bad you thought she was going to die, and they were told to take her someplace and make sure that she was dead before they left?

A I made no such statement.

Q Give me one reason why Billy Woods would take that witness stand and tell a lie about this one particular instance?

A I can't say. I made no such statement.

Q Give me one reason why Pam Blair would have made the statements from that witness stand as to what you told them to do at the Sunoco station on the afternoon of May 24th?

A I can't give you any reason except she hasn't been sentenced yet is the only reason I could give.

Q And therefore she is going to sell you down the river to save her soul?

A That's a possibility; a very good one.

Q Billy Woods is not even charged with this?

A No, he is not.

MR. GRIZZARD: That's all.

MR. DECKER: The defendant rests, Your Honor.

THE COURT: Is that the case, gentlemen?

MR. DECKER: Yes, sir.

MR. GRIZZARD: Yes, sir.

THE COURT: Well while we are here, I want to inquire of the ladies and gentlemen of the jury and, of course, I will leave it up to you to decide. We can finish this case today, or we can come back tomorrow morning. Now I anticipate it will probably take us roughly from thirty minutes to an hour to get the instructions together. During this time we can let you go and get supper, which would mean that we would be ready to argue the matter around six-thirty. If you ladies and gentlemen would rather stay here and finish tonight, then we are perfectly willing to do so. If you want to come back tomorrow, we will do that. It is entirely up to you. We will act at your convenience. I take it from your comments that it is your desire to finish today. At this time we will recess until six-thirty, and I will let you ladies and gentlemen go and eat supper and be back here at six-thirty.

TRIAL CONTINUING IN THE COURTROOM IN

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present actively or constructively at the time of the commission of the offense, but one who, before it is committed, contrives, instigates or advises. You can change that to the word orders, the commission, because that is what happened in this case. The defendant ordered the commission of this offense. A principal in the first degree, he is not the immediate or actual perpetrator and he doesn't necessarily abduct or physically take possession of the body of Sandra Harrell Jones. He orders it done. He doesn't have to be the immediate perpetrator.

Second degree principals are those who don't with their own hands commit the act, but were present aiding and abetting, and the test for a principal in the second degree is whether he was encouraging and inciting the commission of the crime by words, gestures, looks, or signs, or in some manner offering aid or consent to the commission of the crime. They are liable to the same punishment under the law as a person who with their own hands committed the crime. Now in this particular case, you will recall, I told you in opening argument you are trying two cases. One is abduction and one is murder. The Court defines abduction for you, and that is the taking, seizing, transporting the person of another, or secreting the person of another without their consent with the intent to deprive that person of their liberty. That is abduction. Pecuniary benefit is anything that can be valued in money, or money itself. These are all listed in the instructions. That is one of the charges which you

1 are trying today is abduction with intent to extort money
2 or pecuniary benefit, or to defile Sandra Harrell Jones.
3 You are also trying the charge of murder. Once, as the
4 instructions tell you; once an abduction with intent to
5 defile or intent to extort money is set in operation if
6 a murder ensues during the period of this abduction any-
7 body who is involved in the original abduction is res-
8 ponsible for the murder. That is what the instructions
9 tell you. You are also instructed on the credibility of
10 witnesses, and that is what you ladies and gentlemen of
11 the jury determine. The credibility of witnesses; who
12 are you going to believe? Who sat on that witness stand
13 and told you the truth. The Court has told you the things
14 that you can consider; their appearance, their demeanor
15 on the witness stand; their manner of testifying; their
16 apparent intelligence; their interest or lack of it in
17 the outcome of the case; their temper; their feeling;
18 their bias, and all of these things go to determine, or
19 for you to determine whether or not you believe a parti-
20 cular witness. You are also instructed that even though
21 a witness states something unequivocably, you don't have
22 to believe it and that is your prerogative. You, as
23 ladies and gentlemen of the jury, are the ones who deter-
24 mine who was telling the truth in this particular case.
25 In line with the credibility of witnesses, the Court
26 states that you have to believe from the evidence that
27 the crime took place in Southampton County. Pamela Blair,
28 uncontradicted, says that the girl was alive, and Sandra

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see me, and make certain that I can get out instructions. Then he goes and says, I must have been a dumb ass to let Linda do anything for me. They picked her up and beat her up for not paying the money. That is extortion. If I owe you money, you can't pick me up and beat me up to make me pay you; that is extortion. In the process of punishing this girl for not paying Mongoose the money, they beat her so badly that they thought she was going to die, and he told them to take her south and make sure she didn't make it, and to burn her hands and to burn her feet, and make certain she couldn't be identified. That is what this case is, ladies and gentlemen. It boils down to Pam Blair and Billy Woods against John Turnbull. The question of credibility. It is a question of belief. You are going to hear Mr. Decker in a few minutes attacking to no end Pam Blair and Billy Woods. Pam Blair, as I mentioned earlier, stayed on that witness stand for over two hours in direct examination and cross examination. Did you hear any contradictions? She was subject to a cross examination on November 8th by a trained state police investigator, who is now employed by Mr. Decker, who is a lawyer of some experience and Mr. Christie. She was questioned for another hour and a half. You put all of that together and you have got four and a half or five hours of repeating the same story, and what contradictions do you get out of that. Mr. Branch said it was a screwdriver, and she said it was a wrench. That is a big contradiction. That is what the big foundation was laid

for impeaching her testimony. Then the contradiction was you told them specifically that you went to such and such a school and took an exam, and her testimony on the witness stand was, I took an exam that morning and I am not certain as to what school or where it was, and that is the second big contradiction. Has there been one contradiction of what she testified as to what Mongoose told them on May 24th at the Sunoco station in Norfolk? Answer, no. Has there been one contradiction as to what occurred on the morning of May 25th when they returned from Southampton County? No. Her testimony and the comments that Mongoose made to her at that time, they run the same pattern and the same type of comments that the defendant made to Billy Woods, and Billy Woods has nothing to win, lose, gain or anything in this case, none whatsoever. He is not charged in this case, and he is not an accomplice, and he is not an accessory and he has been promised nothing. It just so happens he was working undercover narcotics when he found out somebody could be killed, and he tried to stop it. That is Billy Woods' involvement in this case. I wish to the dear Lord that he could have managed to stop it and we wouldn't have to be here today, but he didn't, and since he didn't, we are trying John Turnbull for murder and abduction. Ladies and gentlemen, the evidence is clear. He ordered it for discipline reasons, and this girl would not pay him the money, and so he was going to take it out of her hide, and the beating progressed to such an extent that they

were afraid she was going to die, and they decided they had better get her out of here and make sure she is dead. From start to go it is John Turnbull. I ask this jury to find the defendant, John Turnbull, guilty of abduction as charged in the indictment and sentence him to life imprisonment. I ask this jury to find the defendant, John Turnbull, guilty of first degree murder as charged in the indictment and sentence him to life imprisonment. Thank you.

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verdict. I will ask that you retire to your jury room to fix the number of years that you feel are proper in this case.

JURY MEMBERS RETIRE TO JURY ROOM.

BY MR. CHRISTIE: Your Honor, I made a motion to strike the evidence after all the evidence and that is being inserted prior to the jury's return.

BY THE COURT: Alright sir.

JURY MEMBERS RETURN TO COURTROOM.

BY MR. WILLIAMS, CLERK: " We the jury find the accused guilty of abduction as charged in the indictment and fix punishment at 30 years." Signed Earl C. Heller, foreman. " We the jury find the accused guilty of murder in the first degree as charged in the indictment and fix punishment at 30 years." Signed Earl C. Heller, foreman. Ladies and gentlemen of the jury, is this your verdict and if so say you all.

ALL JURY MEMBERS INDICATE THAT THIS IS THEIR VERDICT.

BY THE COURT: Would you like to have the jury polled?

BY MR. CHRISTIE: Yes, sir.

BY MR. WILLIAMS, CLERK: Will you please answer as I call your name and ask if this is your verdict.

ALL JURY MEMBERS REPLY YES TO THE QUESTION " IS THIS YOUR VERDICT."

BY THE COURT: Alright ladies and gentlemen of the jury, thank you very much for your services here for the past 2 days and I know it has been a little lengthy but we appreciate your services and we will call you when we need you again. You are now excused and thank you very much.

JURY MEMBERS LEAVE COURTROOM.

BY MR. CHRISTIE: Your Honor, I have a motion at this time. I would move to strike the verdict of the jury as being contrary to the law and the evidence. I don't think I have to go into it any further and I would of course renew the motion to strike the

1 evidence based upon the fact that the defendant was in-
2 dicted under code section 18.1-38 which required that
3 abduction of this individual was for the purpose of
4 extortion and there was no factual foundation for that.
5 BY THE COURT: Alright sir, I am going
6 to overrule your motion to strike the evidence and set
7 aside the jury's verdict and note your exception in the
8 record.
9 BY MR. CHRISTIE: Yes, Your Honor.
10 BY THE COURT: Alright John Turnbull,
11 stand up. Now Turnbull, you have been found guilty of
12 abduction as charged in an indictment and you have been
13 found guilty of murder in the first degree as charged
14 in an indictment. Do you know of any reason other than
15 those previously stated on the witness stand why you
16 should not be sentenced at this time?
17 DEFENDANT TURNBULL: No, sir, other than
18 the fact I didn't commit either one.
19 BY THE COURT: The jury has found you
20 guilty of murder in the first degree as charged in the
21 indictment and fixed your punishment at 30 years in the
22 state penitentiary. At this time I sentence you to 30
23 years in the state penitentiary for first degree murder
24 as charged in this indictment. The jury has also found
25 you guilty of abduction as charged in an indictment.
26 They have fixed your punishment at 30 years in the state
27 penitentiary. At this time I sentence you to 30 years
28 in the state penitentiary for the charge of abduction

as charged in the indictment.

BY MR. CHRISTIE: Your Honor, at this point I would note the defendant's appeal and of course we have to go through the proper procedures and I would ask the court for the statutory judgment time so that he may note his appeal and I think it is a 60 day period and I would ask that Your Honor continue the $30,000.00 bond that Mr. Turnbull is presently on so that he may perfect his appeal to the Supreme Court of Virginia. I would note at this point that Mr. Turnbull has been before this court on every occasion that it was required of him and he has not left the jurisdiction and he has a job in the area and I think that the $30,000.00 bond is an adequate amount at this point.

BY THE COURT: Well gentlemen of course the $30,000.00 bond was fixed prior to any conviction of the defendant. At this time he stands convicted of first degree murder and of abduction. If any bond should be fixed, it would have to be substantially more than $30,000.00 on each charge to allow the defendant to leave the courtroom here today. I am going to remand the defendant to jail and if you gentlemen want to argue the question of bond at a later date, I will be glad to hear you. I will say this that the bond if fixed and if I decide to fix bond for this defendant, it will be substantially more than $30,000.00, because at this point he stands convicted of first degree murder and abduction.

BY MR. CHRISTIE: Your Honor will not at

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