

1 face the jury, and listen to the clerk.

2 THE CLERK: You do swear that the evidence you  
3 shall give to the Court and this jury in this case now  
4 being tried shall be the truth, the whole truth, and  
5 nothing but the truth, so help you, God?

6 MR. BLACKWELDER: I do.

7 THE COURT: Yes, sir. You may have a seat.

8 Thank you. Ms. Allen?

9 \*\*\*\*\*  
10 \*\*\*\*\*

11 MR. HAROLD JOHN BLACKWELDER, having been first duly sworn  
12 by the Clerk, testified on **DIRECT EXAMINATION** by **MS. ALLEN:**

13 Q. (BY MS. ALLEN) First of all, Mr. Blackwelder, I think  
14 you need to move that tissue box just to the side. I can  
15 hardly see you.

16 (Above request complied with.)

17 Q. (BY MS. ALLEN) Thank you. Would you state your full  
18 name for the Court, please.

19 A. Harold John Blackwelder.

20 Q. How old are you, Mr. Blackwelder?

21 A. Thirty-six.

22 Q. And where do you live?

23 THE COURT: Let me have that box because now  
24 it's in front of you and the jury. Thank you.

25 A. Albemarle.

1 Q. (BY MS. ALLEN) Okay. And could you tell us what you've  
2 been convicted of in the last ten years that is a Class  
3 Two misdemeanor or greater?

4 A. Driving while impaired.

5 Q. Okay. More than one time?

6 A. It was just one time.

7 Q. Okay. And back in July of 1999 did you know a fellow  
8 named Jeffrey Lynn Page?

9 A. Yes.

10 Q. Okay. How did you know Mr. Page?

11 A. I worked with him and hung around with him and all that.

12 Q. Okay. Were y'all friends?

13 A. Yeah.

14 Q. And do you recall on Friday, July 9<sup>th</sup> where you were?

15 A. I don't recall.

16 Q. Okay. Do you recall being with Jeff Page back in July of  
17 1999 and going to Shallotte?

18 A. Yes.

19 Q. Okay. And what were y'all doing down there?

20 A. We was going to Jeff Brantley's house for a cookout.

21 Q. Okay. And who was Jeff Brantley?

22 A. We called him Spider.

23 Q. That was his nickname?

24 A. Yeah, that was his nickname?

25 Q. How do you know him?

- 1 A. He used to live in Albemarle.
- 2 Q. Okay. And how did y'all get down there?
- 3 A. In Jeff's car.
- 4 Q. What kind of car did Jeff have?
- 5 A. A white Honda, at the time, that what we was in.
- 6 Q. All right. And when you got to Jeff Brantley's house,  
7 was that on a Saturday?
- 8 A. I believe. It's been so long.
- 9 Q. All right. Was it on July the 10<sup>th</sup>?
- 10 A. Yes.
- 11 Q. 1999. And what was going on there at Spider's house when  
12 you arrived?
- 13 A. They was having a get-together, a cookout and all.
- 14 Q. Okay. About how many people were there?
- 15 A. They wasn't many, probably six or seven when we got  
16 there.
- 17 Q. All right. Do you know Vanessa Smith?
- 18 A. Yes.
- 19 Q. How do you know Ms. Smith?
- 20 A. From -- She used to date a buddy of mine.
- 21 Q. Okay. And did you see Ms. Smith at Jeff Brantley's  
22 house, also known as Spider, in Shallotte?
- 23 A. Yeah.
- 24 Q. All right. Who was with her?
- 25 A. This guy named Scott.

1 Q. Okay. And did you know him?

2 A. No.

3 Q. Okay. Do you see him here in the courtroom here today?

4 A. Yeah.

5 Q. Okay. And would you tell us where he is?

6 A. *(Witness pointed to the defendant Mr. Scott.)*

7 MS. ALLEN: All right. Let the record reflect  
8 he's pointing to the defendant Mr. Allen.

9 Q. (BY MS. ALLEN) And tell us what happened when you were  
10 there with Scott and Vanessa, what you remember.

11 A. I just remember talking to Vanessa a little bit, and they  
12 always stayed in the bedroom.

13 Q. Okay. Now, do you know how they got there?

14 A. Yeah, they was in a truck.

15 Q. Okay. Do you remember what the truck looked like?

16 A. Yeah, it was a white truck.

17 Q. Was there anything special about it?

18 A. Yeah, it was a custom truck, nice truck.

19 Q. Nice truck?

20 A. Nice wheels, set low to the ground.

21 Q. Was it what you call a low-rider?

22 A. Yeah, it was made short to the ground.

23 Q. Okay. And did you see them arrive in that truck?

24 A. I didn't see them -- I seen them when they come in, but  
25 when I went out the white truck was sitting there.

- 1 Q. Okay. Now, was there anything that happened with that  
2 white truck while you were there?
- 3 A. He was wanting to sell it.
- 4 Q. Who was wanting to sell it?
- 5 A. Scott.
- 6 Q. Okay. So was he just talking about wanting to sell the  
7 truck?
- 8 A. No. He was talking to Jeff about it.
- 9 Q. When you say Jeff, do you mean Jeff Brantley or Jeff  
10 Page?
- 11 A. No, Jeff Page.
- 12 Q. Okay. And that's your friend from Albemarle?
- 13 A. Yeah.
- 14 Q. So you heard him talking to Jeff Page about selling the  
15 truck?
- 16 A. Yeah.
- 17 Q. Okay. Did you -- What did you see Scott doing with the  
18 truck, anything?
- 19 A. Well, Jeff asked me to come out and look at it and see  
20 what I thought. And I said a nice truck. He said I'm  
21 thinking about buying it. And I said well, whatever.  
22 And then it wasn't long Scott come in the house with the  
23 radio he took out of the truck and asked me if I wanted  
24 to buy it, and I told him I didn't have no money.
- 25 Q. Okay. Do you remember anything about the radio itself?

1 A. Naw, it was just a CD player, a nice, nice stereo.

2 Q. It was a nice stereo?

3 A. Yeah.

4 Q. Okay. And you said you weren't going to buy it because  
5 you didn't have any money?

6 A. Yeah, I didn't have the money.

7 Q. All right. So what did Jeff Page do about the truck?

8 A. He said he had to go to Albemarle to get the money.

9 Q. Okay. So he didn't have any money there with him?

10 A. No, not enough.

11 Q. Do you know how much money he needed to get?

12 A. I didn't know nothing about the price of the truck or  
13 whatever.

14 Q. Okay. Now, so Jeff Page had decided he was going to buy  
15 the truck at this point, is that right?

16 A. Right.

17 Q. All right. So what happened after that?

18 A. The next day we was going to Albemarle to get the money,  
19 and --

20 Q. How did y'all get up to Albemarle to get the money?

21 A. We took the truck.

22 Q. Who drove the truck?

23 A. This guy named Bobby, and I rode in it.

24 Q. All right. Was that Robert Peralta?

25 A. Yeah.

1 Q. All right. Did you know him?

2 A. I had known him but didn't know him real good because  
3 he's from -- I've always knowed him from hanging around  
4 Jeff Brantley.

5 Q. Now this was a bunch of Albemarle boys, is that right?

6 A. Right.

7 Q. Okay. So Robert Peralta drove the truck back and you  
8 rode with him, is that right?

9 A. Yes, ma'am.

10 Q. Okay. And now Jeff Page, how did he get back up to  
11 Albemarle?

12 A. He drove his white Honda car.

13 Q. Okay. And where did you and Robert Peralta go in the  
14 truck?

15 A. To Jeff's mother's house.

16 Q. All right. And what happened at Jeff's mom's house?

17 A. Jeff went in and got the money and brang (SIC) it back  
18 out.

19 Q. Did you see the money?

20 A. No.

21 Q. And after he got the money, what happened?

22 A. We went back to Shallotte to take --

23 Q. What happened with the truck?

24 A. We took it to Eddie Howard's house.

25 Q. All right. And who's Eddie Howard?

- 1 A. A friend of mine and Jeff's.
- 2 Q. That lives in Albemarle?
- 3 A. Well, between New London and Albemarle.
- 4 Q. In Stanly County?
- 5 A. Yeah, Stanly County.
- 6 Q. Okay. And were you there when Jeff Page -- when -- I'm  
7 sorry. You and Robert Peralta took the truck over to the  
8 Howard residence, is that right?
- 9 A. Yes, ma'am.
- 10 Q. Okay. And do you know where Eddie Howard is now?
- 11 A. He's deceased now.
- 12 Q. And where did you put the truck at Eddie Howard's house?
- 13 A. In his back yard.
- 14 Q. And after you took the truck to Eddie Howard's, what did  
15 y'all do?
- 16 A. We went back to Shallotte to take the money.
- 17 Q. Okay. And who was it that went back to Shallotte?
- 18 A. Me and Jeff.
- 19 Q. Jeff Page?
- 20 A. Yeah, and Bobby, and Jeff Brantley.
- 21 Q. Is that Robert Peralta?
- 22 A. Yeah, Robert Peralta.
- 23 Q. And Spider was with you too, Jeff Brantley?
- 24 A. Yes, ma'am.
- 25 Q. All right. So y'all all rode back to Albemarle in Jeff



1 Page's Honda?

2 A. Yes, ma'am.

3 Q. Okay. And what happened after you -- I'm sorry. You  
4 rode back to Shallotte?

5 A. Shallotte.

6 Q. Okay. And what happened after you got back to Jeff  
7 Brantley's house?

8 A. Jeff Brantley took the money and give it, I believe give  
9 it to Scott Allen.

10 Q. Okay. And what happened after that?

11 A. We came back to Albemarle.

12 Q. All right. Who came back?

13 A. Me and Jeff Page and Vanessa.

14 Q. Okay. So Vanessa rode back to Albemarle with y'all?

15 A. Yes, ma'am.

16 Q. All right. Did she talk about anything in the car on the  
17 way back?

18 A. Yes.

19 Q. Could you recall what she said?

20 A. She --

21 MR. OLDHAM: Objection, Your Honor.

22 A. She said --

23 THE COURT: Sir, when an objection's made, just  
24 wait.

25 A. Oh, I didn't hear. I'm sorry.

1 THE COURT: That's all right. Members of the  
2 jury, I think I'm going to excuse you for just a moment.  
3 I know you just got in here, but it's probably just a  
4 turn-about, if you will.

5 *(Jury is excused from the courtroom.)*

6 TIME: 10:26 a.m.

7 *(The following proceedings were held in open court,*  
8 *no jurors being present in the courtroom.)*

9 THE COURT: Now, what's the basis of your  
10 objection other than it's hearsay?

11 MR. OLDHAM: Your Honor, I would assume that  
12 whatever is attempting to be elicited from him is offered  
13 for the purpose of corroboration. Mrs. Smith's testimony  
14 was that things had broken down with her after she got  
15 back to Shallotte. She had no independent recollection  
16 of how she arrived back at Lilly Efird's house in  
17 Albemarle. There's been no testimony that she's talked  
18 to anybody or made any statements which the State is  
19 attempting to elicit for corroborative purposes, so it  
20 would not be admissible for the purpose of -- And I can  
21 only assume it's offered for something that's asserted.

22 THE COURT: What did she tell you?

23 A. She told me that that Allen was escaped from prison, and  
24 the guy that owned the truck -- that owned the truck,  
25 they was scared that he was going to turn him in, so

1 Allen shot and killed him. And that's how he got the  
2 truck.

3 THE COURT: Any further questions you want to  
4 ask this fellow so we can take care of all these with  
5 this line of questions at one time?

6 MS. ALLEN: Regarding this voir dire, Your  
7 Honor?

8 THE COURT: Yes, ma'am.

9 MS. ALLEN: Or a subsequent question on direct?

10 THE COURT: Well, if there are subsequent  
11 questions about what Ms. Smith told him.

12 MS. ALLEN: No, that's -- I just was asking a  
13 question about what she told him in offering it for  
14 corroboration of what she testified to regarding what  
15 happened in the woods.

16 THE COURT: All right. The corroboration, this  
17 statement about scared he was going to turn them in, what  
18 is that corroborative of?

19 MS. ALLEN: That is not -- That particular  
20 statement that he just made is not corroborative of her  
21 direct testimony. However, the statement that Scott --  
22 she told them that Scott shot the boy, it is  
23 corroborative of what happened, and that that was the  
24 victim's truck.

25 THE COURT: Sir, would you tell me again what

1 she told you?

2 A. She said they was somewhere in the woods up in the  
3 Uwharries, and the guy that owned the truck, Allen was  
4 scared that he was going to turn him in because he was  
5 escaped from prison, and they shot and killed him. Or  
6 Allen Scott (SIC) killed him and left him in the woods.

7 THE COURT: Now tell me again, maybe it's just  
8 because I'm from Stokes County, okay? And that's not  
9 suggesting that I didn't hear you, but tell me once again  
10 what she told you.

11 A. She said the truck, the guy that owned the truck, they  
12 was with him. And Scott Allen was afraid that he was  
13 going to turn him in because he was escaped from prison,  
14 and that's the reason he shot and killed the guy.

15 THE COURT: All right. The objection's been  
16 made to that part of this statement that's not  
17 corroborative. So the reason I asked you three times is  
18 I want you to make sure -- you can ask me three times  
19 what you can say. I want you to tell the truth what was  
20 said to you.

21 A. Yes, sir. That's what she said.

22 THE COURT: I understand. But there's  
23 something you can't say. You understand? And I'm going  
24 to tell you what that is. You cannot say that he or they  
25 were scared that, Mr. Allen, that Mr. Gailey was going to

1           turn him in. You understand? The reason for that is  
2           this is the first time I've heard that. And this is a  
3           hearsay statement. It's being offered for corroboration.  
4           Corroboration means that what you have to say is  
5           consistent with what she's previously said. Or it may be  
6           offered to show by somebody else that it's inconsistent.  
7           You see? So at this point in time you cannot tell the  
8           jury that they were scared or he was scared that a guy  
9           names Chris Gailey was going to turn him in. Do you  
10          understand that?

11   A.    So I can't say that --

12                    THE COURT: No, sir.

13   A.    Well, when she asked me what she said, that's all I  
14          remember she said when they was talking about the truck  
15          in the car.

16                    THE COURT: I understand. I understand. But  
17          ask him this question again, and then you tell us  
18          everything that she said, except for the fact that he was  
19          scared he was going to turn him in. And tell the truth,  
20          but that, you have to leave that part out.

21   A.    Okay.

22                    THE COURT: Okay. Now ask him the question  
23          again. Because this is what we're going to tell the jury  
24          when they come back in, the truth, but without that part  
25          in it, do you understand?

1 A. Okay.

2 Q. (BY MS. ALLEN) Mr. Blackwelder, what did Ms. Smith say  
3 to you in the car?

4 A. She said that where the truck, where they got the truck,  
5 they got it from a guy they had shot and left him in the  
6 woods, that's where the truck come from.

7 Q. Who had shot him?

8 A. Ma'am?

9 Q. Who did she say shot the boy?

10 A. Scott Allen.

11 THE COURT: All right. Anybody wish to be  
12 heard any further?

13 MR. OLDHAM: No, Your Honor.

14 THE COURT: Sir, can you follow those  
15 instructions?

16 A. Yes, sir.

17 THE COURT: Bring the jury back in, please.

18 *(Jury enters the courtroom.)*

19 TIME: 10:33 a.m.

20 *(The following proceedings were held in open court*  
21 *in the presence of the jury.)*

22 THE COURT: Would you ask the question again?

23 MS. ALLEN: Yes, sir.

24 Q. (BY MS. ALLEN) Mr. Blackwelder, when you were riding  
25 back from Shallotte to Albemarle, what did Vanessa Smith

1 say?

2 A. She said where the truck had come from, a guy had been  
3 shot and killed and that's where the truck had come from.

4 Q. Did she say where that had happened?

5 A. In the woods at the Uwharries, somewhere around there.

6 Q. Did she say who had shot the boy?

7 A. Scott Allen.

8 MS. ALLEN: No further questions, Your Honor.

9 THE COURT: Any cross?

10 MR. OLDHAM: Yes, Your Honor.

11 \*\*\*\*\*

12 \*\*\*\*\*

13 **CROSS EXAMINATION of MR. HAROLD JOHN BLACKWELDER by MR.**

14 **OLDHAM:**

15 Q. (BY MR. OLDHAM) Mr. Blackwelder, am I pronouncing that  
16 correct?

17 A. Yes, sir.

18 Q. You indicated that you had gone to this residence in  
19 Shallotte that was owned by Jeff Brantley some time in  
20 July of 1999, is that correct?

21 A. Yes, sir.

22 Q. And you had gone there with Jeffrey Page, is that  
23 correct?

24 A. Yes.

25 Q. Now, you indicated that when you got there there was a

1           cookout going on, is that correct?

2   A.    Yes, sir.

3   Q.    How many people would you say were, approximately?

4   A.    Approximately five or six or so. I really didn't count.

5   Q.    Can you tell us who was there at the cookout?

6   A.    Yeah. That Bobby, and Jeff, his wife, and a couple of  
7           their neighbors, a few of their neighbors, and Jeff Page.

8   Q.    Did you know the neighbors?

9   A.    No. It was the first time I'd met them.

10  Q.    Okay. And what time did you arrive there?

11  A.    It was -- It was probably 10:00 or 11:00 that morning.

12  Q.    Okay. And you say at some point you saw Vanessa Smith  
13           and Scott Allen there, is that correct?

14  A.    Yeah, she got there after I'd got there.

15  Q.    She arrived later?

16  A.    Yeah.

17  Q.    Where were you when she arrived?

18  A.    I was inside the house.

19  Q.    So you did not see her when she got there to the  
20           residence?

21  A.    No.

22  Q.    You did not see Mr. Allen when he got there to the  
23           residence?

24  A.    No.

25  Q.    Who were you in the house with?



- 1 A. That Bobby guy and Jeff Brantley, and I think his wife  
2 was in there and son.
- 3 Q. Was that Bobby Peralta?
- 4 A. Yeah, Bobby Peralta.
- 5 Q. Did you know him?
- 6 A. Not real good. I've knowed him from being around  
7 Albemarle and all.
- 8 Q. And you knew Jeff Brantley from being around Albemarle?
- 9 A. Yeah.
- 10 Q. You knew him as Spider?
- 11 A. Yes, sir.
- 12 Q. Okay. And did you know his wife?
- 13 A. Yes, sir. Just as being Spider's wife. I mean I didn't  
14 know her other than that.
- 15 Q. And you knew Vanessa from Albemarle, did you not?
- 16 A. Yes.
- 17 Q. Now, you said you knew her because she used to date a  
18 friend of yours?
- 19 A. Yeah.
- 20 Q. Who was that?
- 21 MS. ALLEN: Objection, Your Honor.
- 22 A. Jamie Brewer.
- 23 THE COURT: Overruled.
- 24 Q. (BY MR. OLDHAM) I'm sorry, Mr. Blackwelder.
- 25 A. Jamie Brewer.

1 Q. Jamie Brewer. Was he there?

2 A. No.

3 Q. Okay. How long had you known Vanessa Smith?

4 A. Probably a year. She lived with me and a buddy of mine  
5 in Pineville when I lived up there. That's how I met her  
6 is through them.

7 Q. So she actually stayed with you and a buddy at the  
8 residence that y'all occupied in Pineville?

9 A. Yeah, about a week.

10 Q. I'm sorry?

11 A. For about a week until she could find her a place to  
12 live.

13 Q. Just about a week a year earlier?

14 A. No, it was about a year before this had happened. That's  
15 how I knowed her.

16 Q. Was that the first time you met her?

17 A. Yeah, when she -- I lived in Charlotte.

18 Q. Is Pineville near Charlotte?

19 A. Yeah.

20 Q. Okay. And you did not know her before you lived in  
21 Charlotte?

22 A. No, sir.

23 Q. Now you did not know Mr. Allen at all, did you?

24 A. No.

25 Q. Okay. Now on this occasion there was a cookout going on,

1 is that correct?

2 A. Yes.

3 Q. Were y'all eating there?

4 A. Yes, we was -- I was.

5 Q. What were you -- What were you eating?

6 A. I was eating shrimp.

7 Q. Okay. And what else was being served there?

8 A. I don't really know.

9 Q. Any hamburgers, hot dogs?

10 A. May have been. I didn't eat none.

11 Q. Okay. And did you ever have anything to drink there  
12 yourself, alcohol?

13 A. Yeah.

14 Q. What were you drinking?

15 A. Beer.

16 Q. Now, could you tell us how much you'd had to drink that  
17 day?

18 A. Not much because I hadn't been there long.

19 Q. Okay. How long did you stay there that day?

20 A. I stayed there, I spent the night there.

21 Q. Okay. And you stayed there the next day until you left  
22 Sunday evening, is that your testimony?

23 A. Yeah, till the next morning.

24 Q. Okay. Now, what did you consume in the nature of  
25 alcoholic beverages on Saturday?

1 A. I don't know, maybe ten, twelve.

2 Q. Ten or twelve beers?

3 A. Yes, sir.

4 Q. Would that be regular sized beers or --

5 A. Yes, sir, regular sized beers.

6 Q. Was everybody drinking?

7 A. Most everybody.

8 Q. Did you see anybody that wasn't?

9 A. I don't think the neighbors was drinking.

10 Q. Okay. That's the neighbors of Spider's, is that correct,

11 Jeff Brantley?

12 A. Yes.

13 Q. You didn't see them drinking?

14 A. I didn't see them drinking.

15 Q. Did you see Vanessa drink anything?

16 A. No. I don't think I see Vanessa drink nothing.

17 Q. Did you ever see Mr. Brantley give Vanessa anything in

18 the form of pills or anything?

19 A. No, I didn't see that.

20 Q. You didn't see that?

21 A. No.

22 Q. You never saw her take anything?

23 A. No, sir.

24 Q. Did you ever see her use any type of drugs while she was

25 there?

- 1 A. Not while she was there.
- 2 Q. Okay. Did she talk normal?
- 3 A. Yeah. She didn't talk much. When she spoke she talked  
4 normal.
- 5 Q. Did she seem alert to you?
- 6 A. Sir?
- 7 Q. She seemed alert to you?
- 8 A. Yes.
- 9 Q. Aware of what was going on?
- 10 A. Well, when I seen her. She stayed in the bedroom most of  
11 the time.
- 12 Q. Okay. Did she come out of the bedroom to eat that day?
- 13 A. Yes, she come out to eat.
- 14 Q. Did she socialize with the rest of you?
- 15 A. Not much.
- 16 Q. How long did she stay outside the bedroom when she came  
17 out to eat?
- 18 A. Long enough to eat.
- 19 Q. Okay. And you say at some point there you saw this truck  
20 there that day, is that correct?
- 21 A. Yes.
- 22 Q. And that is the reason for you and the fellow named Bob  
23 and Jeff Brantley and Jeff Page to return to Stanly  
24 County, is that correct?
- 25 A. Yeah.

- 1 Q. Now, when y'all came back the next day or went back to  
2 Stanly County the next day, was that Sunday?
- 3 A. Yes.
- 4 Q. Okay. And you were riding in the truck with Bob, is that  
5 correct?
- 6 A. That's correct.
- 7 Q. The other two individuals were following you in the white  
8 -- is it a Honda?
- 9 A. No, we was following the Honda.
- 10 Q. You were following it?
- 11 A. Yeah.
- 12 Q. Okay. What time did y'all leave?
- 13 A. I don't -- I don't remember.
- 14 Q. Did y'all have anything to drink on the way back up to  
15 Stanly County?
- 16 A. I didn't. Robert, isn't that his name? I call him  
17 Bobby.
- 18 Q. Bobby?
- 19 A. He was drinking because he felt bad from the night  
20 before.
- 21 Q. Did he have a hangover?
- 22 A. Yeah.
- 23 Q. Okay. What was he drinking?
- 24 A. Beer.
- 25 Q. Where did y'all get the beer you were drinking?

- 1 A. We stopped over at a convenience store and got him two.
- 2 Q. Was that there at Shallotte?
- 3 A. Yeah. I believe. I ain't sure.
- 4 Q. Anybody else --
- 5 A. He could have had -- I think he had one before we even
- 6 left.
- 7 Q. You think he had one before he left?
- 8 A. Yeah, because he was drinking as soon as he got up under
- 9 the wheel.
- 10 Q. Okay. So he was driving and drinking on this occasion?
- 11 A. Yeah.
- 12 Q. And you were not drinking?
- 13 A. No.
- 14 Q. Okay. Did you feel bad from the day before when you had
- 15 had ten?
- 16 A. Not as bad as he did.
- 17 Q. Not as bad as he did?
- 18 A. No.
- 19 Q. Okay. How about the other two individuals, did they get
- 20 anything to drink when they were in the other vehicle
- 21 ahead of y'all?
- 22 A. No.
- 23 Q. They did not?
- 24 A. No.
- 25 Q. And y'all came back up to Stanly County for the purpose

- 1 of getting some money, is that correct?
- 2 A. That's correct.
- 3 Q. Now, you said Mr. Howard, he's passed away, has he not?
- 4 A. Yes.
- 5 Q. How old a fellow was he?
- 6 A. I'd say he was forty, close to forty.
- 7 Q. Did you know him?
- 8 A. Yes, sir.
- 9 Q. How long had you known him?
- 10 A. Probably ten or eleven years.
- 11 Q. He was also from Stanly County?
- 12 A. Yes, sir.
- 13 Q. Okay. Now when y'all left there, did y'all stop and buy
- 14 a case of beer?
- 15 A. Yes. Jeff Page bought a case of beer for everybody.
- 16 Q. Okay. And did all of y'all consume that case of beer on
- 17 the way back down to Shallotte?
- 18 A. I had a couple.
- 19 Q. And who else had some?
- 20 A. Brantley and Robert.
- 21 Q. Was there anything left when you got back to Shallotte of
- 22 the case of beer?
- 23 A. I don't remember.
- 24 Q. You don't remember anybody taking any inside, do you?
- 25 A. I didn't take none inside, I mean --



1 Q. You didn't take any inside?

2 A. No.

3 Q. Did you see any of the others take anything inside?

4 A. I don't remember.

5 Q. Okay. The next day you say you left with the fellow  
6 you'd gone down there with, is that correct?

7 A. Yes.

8 Q. Who was that?

9 A. Jeff Page.

10 Q. And y'all are good friends, is that correct?

11 A. Yes.

12 Q. How long have y'all known each other?

13 A. Probably fifteen years or so.

14 Q. Did y'all live near each other?

15 A. We lived in the same town.

16 Q. What town is that?

17 A. Albemarle.

18 Q. Okay. How close did you live to each other?

19 A. I don't know. Probably three or four miles.

20 Q. Would you describe yourselves as good friends?

21 A. Yeah.

22 Q. Did y'all see each other a lot?

23 A. Well, not much now, being as we've got older and all. We  
24 don't hang around together like we used to.

25 Q. Did y'all used to run together?

1 A. Yeah.

2 Q. Okay. And when you came back on Monday you said Vanessa  
3 Smith rode with you, is that correct?

4 A. Correct.

5 Q. Okay. Did she seem alert on that occasion when she rode  
6 back up there with you?

7 A. Yes, she was alert then.

8 Q. She was alert then?

9 A. Yeah, she didn't act all nervous or --

10 Q. Did you ever see Jeff Brantley give her anything after  
11 you returned from Shallotte that day?

12 A. No, sir.

13 Q. Did you ever see her take anything, either Sunday or  
14 Monday?

15 A. No.

16 Q. Do you remember where you took her when you got back to  
17 Albemarle?

18 A. Yeah, Jeff Page's residence.

19 Q. Jeff Page's residence. And did y'all stay there at Jeff  
20 Page's residence?

21 A. No. Somebody come and picked her up.

22 Q. Do you know who that was?

23 A. Lilly Efird.

24 Q. Lilly Efird came and picked her up there at Mr. Page's  
25 residence. When was that?

1 A. That was as soon as we got there, not long after we got  
2 there.

3 Q. Okay. Did Mr. Page give her anything to take after he  
4 got back to the residence?

5 A. No, sir.

6 Q. Did you see her take anything after you got back to Mr.  
7 Page's residence?

8 A. No, sir.

9 Q. Have you talked to anybody about these events before  
10 today?

11 A. No, sir.

12 Q. You haven't talked to anybody?

13 A. Well, family. I ain't just went out talking about it.

14 Q. There was a policeman talked to you, didn't he?

15 A. A detective.

16 Q. Yeah.

17 A. Yeah, he come and got me and drove me to Montgomery  
18 County and talked to me about it.

19 Q. Did you talk to the District Attorneys before today about  
20 this incident?

21 A. Yes, I talked to her about coming to court, when to come  
22 to court, but --

23 Q. Did you talk about the case to the District Attorney?

24 A. My statement that I give to the detectives.

25 Q. Did you talk to Mr. Page about this case any in the past

1           when y'all were together?

2   A.   They just talked about when they give him his statement,  
3       give him my statement, that's it.

4   Q.   Y'all talked during that period of time though, didn't  
5       you?

6   A.   About our statement.

7   Q.   Okay. That's all the questions I have.

8                   THE COURT: Any redirect?

9                   MS. ALLEN: Yes, Your Honor. Just briefly.  
10       I'm showing defense counsel some exhibits at this time.  
11       May I approach?

12                   THE COURT: Yes, ma'am.

13 \*\*\*\*\*

14 \*\*\*\*\*

15           **REDIRECT EXAMINATION of MR. HAROLD JOHN BLACKWELDER by**

16 **MS. ALLEN:**

17   Q.   (BY MS. ALLEN) Mr. Blackwelder, I'm showing you what I  
18       have marked as **STATE'S EXHIBIT NUMBER FIFTY-NINE (59)**.

19       Can you identify that photograph, sir?

20   A.   That's the truck I rode back in.

21   Q.   Is that the truck that Jeff Page bought?

22   A.   That's the truck Jeff Page bought.

23   Q.   Thank you.

24                   MR. OLDHAM: Could I see that?

25                   *(Exhibit is handed to Mr. Oldham by Ms. Allen.)*

1 MS. ALLEN: No further questions, Your Honor.

2 \*\*\*\*\*

3 \*\*\*\*\*

4 **RE CROSS EXAMINATION of MR. BLACKWELDER by MR. OLDHAM:**

5 Q. (BY MR. OLDHAM) Mr. Blackwelder, the truck that you just  
6 identified, is that the truck you say you drove back to  
7 Stanly County on Sunday morning?

8 A. That looks like the truck I rode back in.

9 Q. What time did you leave?

10 A. I ain't sure. It could have been 10:00. I mean it's  
11 been so long ago.

12 Q. Did you ever see that truck leave the yard at any time  
13 Sunday morning when you left?

14 A. I don't remember.

15 Q. You never saw Mr. Allen drive the truck anywhere on  
16 Sunday because y'all left with it, didn't you?

17 A. Yeah, when he decided to buy it we left in it to come to  
18 Albemarle.

19 Q. You never saw him or Ms. Smith in the truck on Sunday  
20 then, did you, because y'all were driving back to Stanly  
21 County?

22 A. Right.

23 MR. OLDHAM: Nothing further.

24 MS. ALLEN: Nothing further, Your Honor. Thank  
25 you.

1 THE COURT: You may step down, sir. Thank you.

2 MS. ALLEN: Your Honor, I would ask if Mr.  
3 Blackwelder could be released at this time.

4 THE COURT: Any objections?

5 MR. OLDHAM: No objections, Your Honor.

6 THE COURT: Sir, you're free to go. Thank you.

7 *(Witness is excused from the witness stand.)*

8 MS. ALLEN: Thank you. State will call Jeffrey  
9 Lynn Page.

10 THE COURT: Good morning, Mr. Page. If you  
11 would come on through that swinging door there, and if  
12 you will come on up here to the witness stand, and come  
13 around behind Ms. Kirkland. Once you get in the witness  
14 stand, and watch your step as you come up that incline,  
15 place your left hand on the Bible, raise your right hand,  
16 look at the jury, and listen to the clerk.

17 THE CLERK: You do swear that the evidence you  
18 shall give to the Court and this jury in this case now  
19 being tried shall be the truth, the whole truth, and  
20 nothing but the truth, so help you, God?

21 MR. PAGE: I do.

22 THE COURT: Thank you, sir. You may have a  
23 seat.

24 \*\*\*\*\*

25 \*\*\*\*\*