REVIEW OF THE

WINSTON-SALEM POLICE DEPARTMENT'S

INVESTIGATION OF THE DEBORAH B. SYKES MURDER

Prepared and Released by

City Manager's Office

November 20, 1985
The purpose of this report is to provide a summary of the facts and findings relative to our review of the Winston-Salem Police Department's investigation of the Sykes murder case. The case was under full-time active investigation by the Police Department from August 10, 1984, until June 12, 1985, when Darryl Hunt was found guilty of the charges. It should be clearly understood that the intent of this review is not to question or second guess the actions and decisions that have already been reached regarding Darryl Hunt by the North Carolina Judicial System, but rather to review the activities of the Winston-Salem Police Department's investigation of this case.

On August 13, 1985, Alderman Vivian H. Burke presented a report to the City Manager that had been compiled by Reverend Leonard V. Lassiter, Jr. The report contained various allegations and concerns regarding the Police Department's investigation that had been shared with Reverend Lassiter by concerned citizens. Reverend Lassiter indicated in his cover letter to Alderman Burke that, "many of the citizens with whom I spoke gained their knowledge of the investigative techniques used by the Police Department from the testimony that was presented during the Darryl Hunt trial." The Lassiter report, which is attached and identified as Exhibit I, was used as the basis for our review of the Police Department's activities in the investigation of this case.

In conducting our review, all of the testimony presented in court, including the voir dire testimony (testimony offered not in the presence of the jury) was carefully
reviewed, as well as the Prosecution Booklet, CR No. 449-402, which contained Police reports relative to the case, reports from the Chief Medical Examiner of North Carolina, witness statements, and other materials that had been gathered by the Police Department as part of the investigation. Interviews were conducted with a fairly large number of individuals which included persons employed by the Police Department, the District Attorney's Office, the Darryl Hunt Defense Attorneys, the Forsyth County Jail staff, and private citizens. The Police Department employees interviewed included clerical and other support staff and various levels of sworn officers. Significant portions of two resource books used extensively by police departments throughout the United States were read in order to determine what should be considered normal and generally accepted investigative procedures in a rape/murder investigation. The two books used were, *Fundamentals of Criminal Investigation* by Charles O'Hara and *Criminal Investigation* by Charles Swanson, Jr.

Having gained some basic information on how rape/murder investigations should be conducted from the resource books mentioned above and from interviews with experienced police investigators, we attempted to reconstruct the procedures used by the Police Department in the Sykes case relative to the allegations and concerns contained in the Lassiter report.

The following information regarding general facts about the rape/murder and the organization of the Police Department is
provided for the purpose of establishing a general background for our review.

The body of Deborah Brotherton Sykes was discovered by the Police Department on August 10, 1984, between 1:45 p.m. and 2 p.m. on a grassy slope off West End Blvd. across the street from Crystal Towers Apartments. The diagram in Exhibit II shows the location of where the body was found. From the autopsy report, it was later determined that Ms. Sykes, who was 26 years of age, weighed 140 to 150 pounds, and was 5'10" tall, had been raped and received multiple stab wounds to the body. The autopsy report indicated that she died of a stab wound of the left anterior chest. Dr. Lew Stringer, who examined the body at the scene, indicated that the death occurred at approximately 6 a.m. and that the victim died within minutes after the fatal stab wound was inflicted. According to testimony presented during the trial by Mr. Fred Flager, Associate Managing Editor of the Winston-Salem Journal, the Police Department became involved in the case as a result of calls that he made to the department on the morning of August 10, 1984. He indicated in his testimony that he made his first call to the Police Department at approximately 10:15 a.m. and reported that an employee who was habitually punctual had not reported to work. He stated that nobody seemed to want to listen to him, and they advised him that if he thought the person was missing that this was a concern of the family. He stated that the Police Department did not respond until he called the office
of the Chief of Police, Lucius Powell. The Police Department responded by assigning Officer J. I. Daulton to investigate what was assumed to be a missing persons complaint. Detective Daulton's investigation led him to the West End Blvd. section where the body was discovered. The missing persons complaint, which became a homicide, was assigned to Officer Daulton.

Officer J. I. Daulton has been employed with the Winston-Salem Police Department since October 1, 1966, and since January 1982, he had been assigned to the Investigative Services Bureau (ISB), Special Investigations Division, Crimes Against Persons, section of the department. The primary purpose of the Investigative Services Bureau, Criminal Investigations Division (CID) is to conduct follow-up investigations of serious crimes. The organizational chart, which is attached and identified as Exhibit III, shows the 1984 organization of the ISB and indicates by name and rank those officers who were in the chain of command. Notwithstanding the fact that this case was assigned to Officer Daulton, more than 15 officers and/or police support personnel participated in the investigation of the case. Chief Masten, the Bureau Commander in 1984, indicated that Officer Daulton received a high level of supervision from the various ranks in the chain of command in his role as lead investigator. Daulton's immediate supervisor was Sergeant Furman Mason. Sergeant Mason was employed by the Police Department in November of 1962 and has served as a supervisor in the CID since 1980. Lieutenant Raker was employed by the Police Department in
October 1964, and his most recent assignment to the CID was in September 1982. Captain Cornatzer was employed by the Police Department in September 1964 and was assigned to the CID in July 1984. In August of 1984, Major Masten had completed 37 years with the Winston-Salem Police Department and had been assigned as ISB Major since July 1982.

In a case such as this, early contact is made with the District Attorney's staff to keep them apprised of developments in the case. Contact between the Police Department and the District Attorney's Office was made and maintained initially by Sergeant Mason and Lieutenant Raker. On February 8, 1985, District Attorney Donald K. Tisdale requested that an officer be assigned to the District Attorney's Office full time to "...complete the remaining investigatory matters in the case..."

This assignment was approved, and Officer Daulton was assigned to work with the District Attorney's Office from mid February 1985 through June 12, 1985, investigating the Deborah Sykes murder. A few minor unrelated assignments were given to Daulton during this period by his immediate supervisor, Sergeant Mason. Exhibit IV is a chronological listing of significant events that occurred during the Sykes investigation.

The Lassiter report is divided into six major areas of concern. Pages 6 through 20 contain an itemization of each statement and/or question from the Lassiter report with brief responses. Where there is a statement, we have attempted to add language to clarify the statement, and where there is a question, we have attempted to give a response. Pages 20
through 45 contain the summary of our facts, findings, and conclusions. Pages 46 and 47 contain a listing of the actions that will be taken as a result of our review.
I. The statements and questions from Areas I and II of the Lassiter report (depicted by underlining) and brief responses are as follows:

Johnny Gray reported the crime to police and lied about his identity giving his name as Sammy Mitchell.

The person who called the Police Public Safety Communications Division on August 10, 1984, voluntarily identified himself as Sammy Mitchell. Exhibit V is the complete transcript of that call. Mr. Gray admitted to the Police on August 22, 1984, that he had in fact made the call.

Johnny Gray later identified himself to Police using a false name.

Johnny Gray was born Johnny McConnell; however, when he contacted the Police on August 22, 1984, he identified himself as Johnny Gray, the name that was used throughout the trial.

Johnny Gray denied having any knowledge of the identity of Sammy Mitchell although Sammy was an acquaintance of Gray.

Gray testified in court that he did not know Sammy Mitchell by name prior to the Darryl Hunt trial. In a conversation in October 1985, he indicated that he did not know Darryl Hunt or Sammy Mitchell prior to this incident.
Gray first identified a person other than Darryl Hunt as the murderer.

Apparantly, the Lassiter report is referring to the Daulton/Miller/Gray interview of August 22, 1984, where it appears as if Gray identified Terry Thomas as the murderer. Gray denies having identified Terry Thomas as the individual involved in the incident.

Gray gave a questionable line-up identification.

On September 13, 1984, Gray, at the request of the Police Department, viewed a live line-up at the County Jail. The line-up consisted of six black males who held numbers 1 through 6. Gray placed the following two numbers on a slip of paper: 1-4. Officer Daulton testified in court that the numbers indicated that the number one suspect was number 4, Darryl Hunt. Gray, in a recent conversation, corroborated Officer Daulton's response.

Gray has a police record of violent crime.

On August 22, 1984, the following information regarding Johnny Gray, birth date 11/22/48, was on file in the Police Department's local records. There was no record of arrest or conviction; however, he was listed as a suspect in a larceny of under $50 on 6/17/80, and as a suspect in a motor vehicle theft on 6/18/80.

On August 22, 1984, under the name of Johnny McConnell, birth date 11/6/48, the following information was available in the local Police records system.
There was no record of arrest or conviction; however, he was listed as a suspect in the following cases: 2/24/78 - simple assault; 4/5/78 - residential break-in; 6/11/83 - strong arm robbery, Forsyth County Sheriff's Department; 8/1/83 - strong arm robbery. Under the state's information system, there was no arrest or conviction record for Johnny Gray on August 22, 1984. Under the name of Johnny McConnell, the state's system would have revealed the following on August 22, 1984: 10/29/69 - arrested in Greensboro, NC, disorderly conduct, resisting arrest; 12/17/70 - convicted in Greensboro, NC for receiving stolen goods. Served an active prison sentence; 12/3/73 - convicted in Greensboro, NC, unlawful break-in. Served an active prison sentence. Why did the Police dispatcher not use more care in extracting information from the caller on August 10, 1984?

The Police Department has guidelines governing how to handle emergency calls. The dispatchers involved in the call failed to follow standard operating procedures.

Were the Police able to verify that Gray made the August 10, 1984, call from the public telephone booth located at Northwest Blvd. and Thurmond Street?

The Police attempted to verify this information with the telephone company. They learned that the
telephone company's equipment was not designed to capture and maintain this information. The telephone company was only able to verify that the telephone was apparently usable on the day in question.

How did the Police come upon Johnny Gray as a witness?

Johnny Gray voluntarily approached the Police on August 22, 1984, relative to this case.

Did Johnny Gray receive financial support from the Police Department during the time he was under consideration as a witness?

The following is a listing of payments made to Johnny Gray by the Police Department:

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 22, 1984</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>August 24, 1984</td>
<td>$ 20.00</td>
</tr>
<tr>
<td>August 29, 1984</td>
<td>$ 70.00</td>
</tr>
<tr>
<td>January 22, 1985</td>
<td>$100.00</td>
</tr>
<tr>
<td>June 18, 1985</td>
<td>$ 30.00</td>
</tr>
<tr>
<td>June 26, 1985</td>
<td>$ 60.00</td>
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<tr>
<td>August 2, 1985</td>
<td>$ 40.00</td>
</tr>
<tr>
<td>August 19, 1985</td>
<td>$ 25.00</td>
</tr>
</tbody>
</table>

Did the Police thoroughly investigate Johnny Gray as a suspect in the rape/murder?

According to Police, Johnny Gray was investigated as a suspect in the case. The investigation included, but was not limited to, a polygraph test that was administered on August 24, 1984, that indicated that he was truthful about not being involved in the incident
except as a witness. Further, the Police received a statement from a Florida couple who were visiting in Winston-Salem at the time that substantiated statements made by Gray regarding some of his movements in and around the crime scene. According to Police, Thomas Murphy and William Hooper were shown a photograph of Gray, and they did not recognize Gray as having been involved in the incident.

Are there tapes or transcripts available that will substantiate information given to the Police by Gray? If not, why?

There is a typed transcript available of the Daulton, Miller, and Gray interview that was conducted on August 22, 1984. The tape recording was erased as it was probably reused by Police after the transcript was prepared, according to Officer Daulton.

Were the Police aware of Johnny Gray's "real name" McConnell?

Officer Daulton indicated that the Police Department learned of Johnny Gray's other identity, Johnny McConnell, through the District Attorney's Office in mid May 1985.

Were Gray's fingerprints sent to the FBI?

Yes, Gray's fingerprints were sent to the FBI after his arrest for common law robbery in March 1985. This is normal procedure; however, the Police did
not request any information about the prints. Were there outstanding warrants for Johnny Gray in Greensboro, NC?

The Greensboro Police Department reported that their records indicate that there was no outstanding warrant for Johnny Gray or Johnny McConnell in August of 1984.

II. The statements and questions raised in Area III of the Lassiter report and brief responses are as follows:

Darryl Hunt does not resemble the fresh composite drawings by witnesses.

According to Police records, Darryl Hunt is described as a black male, birth date 2/24/63, weight 153 lbs., height 5'9", complexion dark brown, hair brown, eyes black. On August 10, 1984, three composites were developed by the Police Department from information provided by Mr. William Hooper and Mr. Thomas Murphy. Mr. Hooper indicated that he saw "two colored men standing on the sidewalk", and his descriptions as listed on the composites are as follows: suspect #1, black male, early 20's, weight 150-160 lbs., slender build, height approximately 6", complexion light to medium brown, hair black, eyes brown, very white teeth. Suspect #2, black male, early 20's, weight 150 lbs., slender build, height 6'2", complexion medium brown, hair black, eyes brown. The Murphy description as listed on the composite is as follows: Black male,
late teens, early 20's, weight 140-150, slender build,
height approximately 5'10", complexion ruddy-medium
brown, hair black, eyes brown, has very short hair,
face is possibly pock-marked.

An initial suspect, Terry Thomas, does not remotely
resemble Darryl Hunt.

The following is the Police Department's description
of Terry Thomas: Black male, birth date 3/22/52,
weight 180 lbs., height 6'2", complexion dark brown,
hair black, eyes brown.

What did Johnny Gray mean when he wrote the numbers 1-4
in identifying a suspect in the live line-up?

Mr. Gray indicated that he meant the number one sus-
pect was the individual holding card number 4, Darryl
Hunt. Officer Daulton testified in court that a
similar statement was made to him by Mr. Gray on the
date of the line-up.

Questionable procedures were used by the Police in receiv-
ing identification information from Mr. Roger Weaver.

At the time Mr. Weaver identified Mr. Hunt's photo-
ograph and picked him out of the live line-up, Mr.
Hunt's picture had appeared in the local newspaper.

Why did the Police deny that Gray identified Terry Thomas
as the rapist/killer?

Captain Cornatzer and Officer Daulton offered testi-
mony in court on this question. Captain Cornatzer
indicated in his testimony that it was his information that a suspect, Terry Thomas, had been brought down to the Police Department based on an identification by Mr. Gray. Officer Daulton, under direct examination in court, was asked the question, "Based on your investigation, do you know whether Johnny Gray at any point identified Terry Thomas as the man he saw on August 10?" His response to the question was, "The only recollection I have of August 22 involving the conversation that I had with Johnny Gray, he said that Terry Thomas looks like the man he saw."

Why could the Police not verify that Thomas was in jail on August 10, 1984?

The Police were able to verify that Thomas was in jail on August 10 by reviewing jail records and talking with jailers. This task was completed by Officer Daulton between 4 p.m. and 6 p.m. on August 22.

Was Terry Thomas afforded the privilege of counsel during his interrogation by Police?

He was advised that he had the right to have an attorney present, and he signed a Constitutional Rights Statement on August 22, 1984. He was questioned by Officer Daulton from 4:01 p.m. to 4:30 p.m. according to the Constitutional Rights Statement.

Why was a composite drawing made of Terry Thomas and circulated by the Police on a wanted poster?
Captain Cornatzer directed Identification Technician Pearl to develop a composite from a photograph of Terry Thomas on 8/30/84, in that Thomas may have resembled the suspect. She was instructed to exclude the facial hair and a scar on the forehead.

Why and by whom was the tape recording among Gray and Police Officers destroyed?

According to Officer Daulton, after the recording was reduced to a typed transcript, there was no need to preserve the tape and it was apparently reused.

Why did the Police refuse to analyze clothing found by the Hunt Defense Team?

The Police Department was informed of the existence of some clothing by a letter dated May 22, 1985, from Attorney Mark Rabil that said in part "...several weeks ago, we advised District Attorney Tisdale that our investigator had discovered a shirt and a pair of pants a few blocks away from the crime scene. Both of these were analyzed by a private laboratory in Texas. The results showed that mold was present on the shirt, and that there is presently no blood on the shirt..." The letter went on to indicate that the clothes would be made available to the Police for inspection and further test. Based upon the information in Mr. Rabil's letter, the Police
determined that the clothes did not have any evidential value, and there was no need to further analyze the clothing.

To what extent did Police investigate Charles Wall as a suspect, and why was he eliminated as a suspect?

Mr. Charles Wall was interviewed by Police. It was determined that Charles Wall did not match the descriptions that had been provided by Mr. Hooper and/or Mr. Murphy. The two witnesses had seen Wall on other occasions and did not identify him as having been involved in this incident.
What evidence was used to eliminate Johnny Gray as a suspect?

Previously answered. See response on page 9.

Why did Police not reveal that Gray had written the numbers 1-4 in identifying a suspect in the line-up?

According to Officer Daulton, the response given by Gray indicating that the number one suspect was suspect #4 in the line-up was sufficient for him to believe that only one subject had been identified by Gray. Therefore, this information was not included in a Police report.

Had Daulton been instructed not to reveal the fact that Gray had written two numbers on the line-up identification card?

Officer Daulton stated that he had not been instructed to reveal nor not to reveal this information.

Is it common procedure for police officers to be "schooled" by the District Attorney's Office?

It is not common procedure for police officers to be schooled by the District Attorney's Office. However, Police Officers involved in a case, as well as other witnesses, are asked to attend pre-trial conferences that are conducted by the District Attorney's staff. The purpose of the pre-trial conference is to provide the District Attorney and his staff an opportunity to become familiar with the testimony that will be offered by the Police Officers and witnesses.
What type schooling was given to Officer Daulton by the District Attorney's Office?

Officer Daulton indicated that he was not "schooled" by the District Attorney or his staff. However, he did participate in two pre-trial conferences and he was assigned to work with the District Attorney's Office from mid February 1985 through June 12, 1985.

III. Questions and statements from Area IV of the Lassiter report and a brief response are as follows:

Why did the Police not get a detailed eye witness description from Thomas Murphy on August 10, 1984?

Identification Technician, M. I. Rumple, did get a detailed description from Mr. Murphy on August 10. The description was used to develop the Murphy composite.

Why did the Police not get written statements from the McKees and other alibi witnesses when the Police first talked with them?

When the McKees were first talked to, no one had been arrested in the case. Officer Daulton indicated that at that point, they were simply gathering information, and he did not see a need to request written statements from the witnesses. Daulton further indicated that this is his normal procedure, particularly as it relates to alibi witnesses. In February of 1985, the McKees were asked to provide written statements, and they
refused. However, they indicated to Daulton verbally that Mitchell and Hunt had been at their residence on the nights of August 9 and August 10.

Why did the Police not ask Weaver or Holt to view an in-person line-up before mid May 1985?

Officer Daulton indicated that the District Attorney's Office had asked that he not provide for a live line-up for Weaver and Holt to view until requested by his office. The request was not made until mid May 1985.

Why did it take so long for the Police to locate Margaret Crawford?

The Police indicated that they made every effort to locate Margaret Crawford as quickly as possible. The fact that Ms. Crawford uses various aliases and that it is difficult to determine her age contributed to the delay in locating her. The fact that she was out of the state also contributed to the delay.

IV. Statements and questions from Areas V and VI of the Lassiter report and brief responses are as follows:

Margaret Crawford is reported to have given a statement to Police indicating that Darryl Hunt was involved in the murder.

According to Police, two statements were given to Officer Daulton by Margaret Crawford (Brenda Morino) on September 11, 1984, in the presence of Officer
M. W. Wilkins relative to this case. The two statements are attached and identified as Exhibits VI and VII.

Ms. Crawford in court indicated that she did not give the Police such information.

According to the court transcript, Volume 1, pages 1273 and 1274, Ms. Crawford indicated that she did not make a statement to Officer Daulton regarding Sammy Mitchell and Darryl Hunt spending the night with her on August 9 or August 10, 1984. She indicated, however, that the signatures on the statements were hers.

Was Ms. Crawford afforded the opportunity of an attorney while being questioned? Were others present while she was questioned by Police?

On September 11, 1984, Ms. Crawford was being questioned as a witness, and therefore was not offered the opportunity to have an attorney present. She did not ask for an attorney on September 11, 1984, and if she had, she would have been given an opportunity to secure such services at her own expense. Two officers, Daulton and Wilkins, were present while she was questioned. On September 20, 1984, Ms. Crawford was questioned by Officer Daulton relative to her involvement in the Sykes case. She signed a Juvenile Rights Waiver, and her attorney, C. R. Long, Jr. was present during the interview.
Is it standard operating procedure for so much information in a capital criminal case to be misplaced or destroyed?

The Police Officers involved in this case indicated that while field notes that had been transferred to official Police reports may have been thrown in the trash, all of the other information that had relevancy to the case has been preserved.

Why and by whom was Gray's 8/22/84 conversation with Police destroyed?

Previously answered. See page 10.

Why were there certain deletions from the August 22 transcript?

According to Officer Daulton, the tape recorder was turned off during the time that Gray was questioned about his identity. Additionally, there are ten indications of a word or words being inaudible in the ten page transcript and at least one indication of a critical question asked and no response. Daulton testified that he had destroyed the equivalent of a 50-gallon drum of documents relative to this case.

Who made the determination that this evidence should be destroyed?

Taken directly from the court transcript are the following questions that were asked by Mr. Mark Rabil, and the answers given by Officer Daulton relative to this question.
Daulton: Field notes are put into a report, and usually the field notes are destroyed. Some people keep them.

Rabil: Did you keep all your field notes about this case?

Daulton: No, not this case.

Rabil: You didn't?

Daulton: No sir, they'd probably fill a 50-gallon garbage can.

Daulton indicated that his last answer, which was an exaggeration, was an attempt to show that a lot of paper work relative to this case was developed and evaluated. If the field notes had value, the contents would be included in an official Police report, and the field notes disposed of. Those field notes that had no value were disposed of as well.

In preparing information relative to the facts, findings, and conclusions reached as a result of our review, we have grouped our discussion of these items in five discussion categories.

Many of the concerns, questions, and statements raised throughout the Lassiter report are directly related to the credibility of Johnny Gray as a witness and the level of credibility extended to him by the Winston-Salem Police Department. The first category of the facts, findings, and conclusions section of this report will center on this topic.
Our review revealed that Johnny Gray was a key Police witness in this case. In that much concern has been raised about his true identity, the following facts are presented.

In court, Mr. Gray testified that he was born Johnny McConnell, and his name was legally changed to Gray after his mother remarried and he was adopted by his stepfather, Mr. Johnny Gray. Police records, as well as records in the Register of Deeds Office, indicate that Mr. Gray has used both names from time to time. On March 11, 1975, Mr. Gray was married to Ms. Vickie Anne Cain, using the name Johnny McConnell. The son of Vicki and Johnny is named Johnny McConnell, Jr. Local Police records indicate that Mr. Gray was using the name McConnell as recent as August 1, 1983. Our review revealed that the Police became aware of Johnny Gray's other identity, Johnny McConnell, through Assistant District Attorney Richard Lyle in mid May of 1985. At that point, the District Attorney's staff and the Police questioned Gray about the other identity and he told them of having been adopted. According to the Police, the District Attorney decided that the name Gray would be used as that was the name given by the witness and the name that he was apparently known by in the community. Additionally, Gray had a social security card issued in the name of Johnny Gray.
Regardless of his true identity, there appears to be no question about the fact that Mr. Gray made the call to the Police Department on August 10, 1984, reporting the incident. The voice on the original tape sounds like the voice of Johnny Gray. Additionally, Mr. Gray was able to relate to the Police on August 22, 1984, the basic content of the conversation between the August 10, 1984, caller and the Public Safety Communications Operators. The content of the conversation that the Police later determined was associated with the Sykes murder was not released to the general public until September 19, 1984. However, portions of the tape had been played to Sammy Mitchell and Darryl Hunt by the Police prior to August 22, 1984.

In reporting the incident on August 10, 1984, Mr. Gray used the name Sammy Mitchell. He indicated in court and in a recent conversation that he did not know a Sammy Mitchell prior to the trial. He further stated that he used the made-up name as he did not wish to get involved in the incident. Johnny Gray was given a polygraph examination in September 1984 by Charles Lynch of the Forsyth County Sheriff's Department. One result of this test indicated that Gray was deceitful with his answers regarding knowing Mitchell and Hunt prior to the August 10, 1984 call.

Johnny Gray indicated in court that he had made two attempts to contact the Police prior to his August 22, 1984, meeting with the Police after seeing the suspect, later identified as Hunt, in the downtown area. He indicated that he called the Police on or
about August 17th after he saw the suspect downtown. He said that he waited about 15 minutes and after the Police did not show up, he left. He stated that he called the Police Department on August 22 after seeing the suspect downtown at the bus stop, but before the Police arrived, he approached a downtown beat officer, Officer Archer, and "talked to him about it."

We were unable to confirm that any such calls were ever made to the Police Department on or about the dates given by Mr. Gray. Exhibit VIII is a supplemental Police report that was prepared by Officer J. D. Pitman which indicates that on August 13, 1984, three days after the murder, Mr. Johnny Gray was stopped by the Police during a routine surveillance around the crime scene and asked if he had any information relative to the murder. The report indicated that Mr. Gray, who did not have any identification in his possession, did not have any information or investigative leads that he would share with the Police. Mr. Gray was asked about this encounter in October of 1985, and he remembered being stopped, but said at that point he did not want to get involved.

With regard to payments made to Gray by the Police Department, between August 22, 1984, and August 19, 1985, Gray received a total of $355 in eight payments that ranged from $10 to $100. All of the payments, with the exception of the two payments made in August of 1985, were related to the Sykes investigation. According to Police, Gray requested money indicating that he needed shelter. The Police further indicated that the payments
to Gray were not considered unusual as they wanted to keep him available as a witness. The Police indicated that Gray was not promised any reward money, and Gray indicated that he did not offer his testimony based on any future reward payments. The fact that Officer Daulton had Gray sign a statement on June 26, 1985, that made reference to the fact that if Gray received a reward in the Sykes case, he would be obligated to reimburse the Police Department of monies received is an indication that the Police had not ruled out the possibility of a reward for Gray. This statement is attached and identified as Exhibit IX.

With regard to the question, "Who did Johnny Gray identify on September 13, 1984, when he viewed a live line-up in the County Jail?", our review revealed the following. According to Police, the normal procedures for conducting a live line-up involve the following. The witness is provided a piece of paper and is asked to ride the elevator in the County Jail to the floor where the line-up subjects are being held. The subjects in the line-up are requested to hold cards with a number indicated on each card. The witness is instructed to look at the line-up subjects through the elevator window and write the number held by the suspect on the piece of paper. Under cross-examination on June 4, 1985, by Assistant District Attorney Lyle, Officer Daulton testified that he gave the following instructions to Mr. Gray: "I told him we would ride up on the elevator, that he would look at some people standing in a straight line, they would all be holding numbers. If he saw someone that he recognized
or he saw someone he saw the morning of August 10th to remember that number, we'd go back downstairs and let him tell me the number." The above-mentioned statement was taken from Volume I, page 1085, of the court transcript.

Under cross-examination by Mark Rabil on June 6, 1985, Officer Daulton indicated that he instructed Gray "to remember the number and write it down on a piece of paper, the subject that he identified." Officer Daulton indicated that normal procedure is to provide the witness with a piece of paper so that the number selected would be recorded. Exhibit X is a copy of the piece of paper provided by Johnny Gray on 9/13/84.

Office...
as a suspect to determine the extent of his involvement in the incident. B. M. Owens, the Police Department's polygraph operator, stated the results of the August 24, 1984, polygraph indicated that Mr. Gray was truthful with regard to his involvement only as a witness to the incident. Other factors that eliminated Mr. Gray as a suspect according to Police, included the fact that a Florida couple who were visiting in Winston-Salem on August 10, 1984, were able to substantiate some of the movements that Gray said he made in and around the crime scene. According to Police, Johnny Gray's picture was shown to Mr. Murphy and Mr. Hooper in photographic line-ups, and they did not identify him as having been involved in the incident.

In a recent conversation, Mr. Murphy stated that he told the District Attorney and others, after seeing Mr. Gray in court, that he was the second man that he saw at the crime scene. The Florida couple's account of Mr. Gray's final movement at the crime scene differs from Mr. Gray's account of his final movement.

More often than not, witnesses in criminal cases do not possess all of the qualities that law enforcement agencies and District Attorneys would like for them to have. Mr. Gray was no exception to this general rule. First of all, in August of 1984, Mr. Gray was listed as having been a suspect in some Police criminal investigations. A closer inspection of the actual Police reports that listed Gray as a suspect would have indicated the extent of his suspected involvement in criminal activity. Secondly, Mr. Gray used a false name when he first reported the
incident to the Police on August 10, 1984. Thirdly, when Mr. Gray was approached by the Police on August 13, 1984, he indicated that he had no knowledge of the incident, and when Mr. Gray finally approached the Police, questions surfaced regarding his true identity, and Mr. Gray refused to allow the Police to fingerprint him. On August 22, 1984, Mr. Gray consented to a polygraph examination. Mr. B. M. Owens administered the polygraph examination to determine if Mr. Gray was truthful with regard to seeing a black male beating Ms. Sykes, and if he made the call to the Police reporting the incident. According to Mr. Owens, Mr. Gray was truthful with regard to these and other questions. The polygraph examination helped to establish Mr. Gray's credibility as a witness with regard to what he saw and what he did. The key issue at this point was the fact the Police Department had an eye witness to the incident even though there remained some unanswered questions about the background of the eye witness. 

With regard to the polygraph examination administered to Mr. Gray, Officer Daulton indicated that during his encounter with Mr. Gray on August 22, he detected the smell of alcohol on his breath and asked Mr. Gray if he had been drinking. He said Gray admitted to having two beers. Daulton further stated that Gray did not appear to be under the influence of alcohol. At 5:02 p.m., at the request of Officer Daulton, a polygraph
examination was administered to Mr. Gray. Officer Daulton did not indicate to the polygraph examiner that Mr. Gray had admitted to drinking two beers. B. M. Owens indicated that a standard pre-polygraph question is how much alcohol, beer, or wine have you consumed in the last 24 hours? Gray's answer to this question, based upon Officer Owens' records, was one beer this morning. According to Owens, Gray did not appear to be under the influence of the "one beer." Mr. Owens indicated that persons who have consumed alcohol have more difficulty in expressing guilt and, therefore, this factor diminishes the validity of the examination. 

In March of 1985, Johnny Gray had not been seen by the Police or the District Attorney's staff for almost a month according to Assistant District Attorney Richard Lyle. Lyle expressed serious concern about Gray's absence and indicated that the District Attorney's staff wanted Gray in jail. On March 12, 1985, Johnny Gray was arrested for common law robbery and placed in jail under a $50,000 bond. Gray was accused of robbing Mr. Robert Davis of $480. Mr. Davis picked Johnny Gray out of a photographic line-up; however, an eye witness, Mr. Al Kelly, indicated that the robber was a Gary Smith. Officer P. W. Battle wrote in his Police report of this arrest that J. I. Daulton and Captain G. G. Cornatzer met with Assistant
District Attorney Lyle and on "the authority of Richard Lyle" Gray was charged with the robbery. The complete Police report of this incident and arrest is attached and identified as Exhibit XI. On June 12, 1985, two days before the Hunt verdict was announced, Gray's $50,000 bond was reduced to a $5,000 unsecured bond, and he was released from jail. The robbery charge against Mr. Gray was voluntarily dismissed by the state in September of 1985. One could conclude from this information that the Police and the District Attorney's staff had serious questions about Mr. Gray's availability to be a witness in the Hunt trial, and, therefore, wanted him to be secured in jail.

The second discussion category deals with how the Police handled the dispatch of August 10, 1984.

On the morning of August 10, 1984, the Public Safety Communications room received the call about an assault that had been observed in an area near a downtown fire station. Exhibit V, which was previously referred to, is the complete text of the call. As previously reported, from an established procedural standpoint, the call was not handled correctly by the dispatchers involved. The established guidelines in the Communications Center require that an operator secure the name, address, and telephone number of the caller, and/or keep the caller on the line while the dispatch is made in case any subsequent questions arise as the Police attempt to respond to the call.
Although the caller indicated that the fire station was not near the Hyatt House, a key phrase given was Crystal Towers, and this should have narrowed the geographical area significantly in the minds of the operators. In retrospect, the dispatch was improperly coded as a code 3 dispatch. It is possible that the dispatch should have been at least a code 2 and possibly a code 1. Ongoing corrective measures have been taken by the Police Department to alleviate the occurrence of these type errors, which includes landmark and city geography familiarization and training.

The third area of discussion centers on the arrest of Terry Thomas and the following questions. Was Terry Thomas identified by Johnny Gray as being the murder suspect? If so,
did the Police deny that Thomas was a suspect? Our review revealed that Johnny Gray approached Officer Robert Archer at Fourth and Liberty Streets on August 22, 1984, and indicated to the officer that the person in the orange jacket was involved in the Sykes case. The subject in the orange jacket boarded the bus according to Officer Archer. Officer Archer indicated that the bus went east on Second Street, and that he radioed for assistance in having the bus stopped. Archer stated that he knew Johnny Gray prior to August 22, 1984, and that he told Officer Daulton at City Hall that Johnny Gray was the person that approached him downtown. The bus was stopped in the 300 block of North Main Street by Officers Jenkins and Craig at 1:49 p.m., and the subject in orange was removed from the bus, identified as Terry Thomas, and transported to the Detective Division at City Hall where he was searched.

Officer Craig indicated that Mr. Thomas was seated in the chair that is identified in the sketch facing east. Officer W. G. Miller indicated that after Johnny Gray arrived at City Hall, he walked Mr. Gray down the hall for the purpose of looking in the room at Mr. Thomas. Officer Craig indicated to me that a male he thought to be a witness walked by the door while he was standing in the room and that the male could have seen Thomas if he tried. Officer
Daulton stated to me that he arrived at City Hall at approximately 2:15 p.m. and had a brief conversation with Officer Archer. He stated that Archer did not tell him Gray's name but told him that he knew the subject. At 2:26 p.m., Officers Daulton and Miller conducted a taped interview with Mr. Johnny Gray. The transcript of that interview is attached and identified as Exhibit XIII. The taped interview ended at 2:45 p.m. During the time that Gray and Thomas were at City Hall, Assistant District Attorney Charlie Walker was called by the Police to come to City Hall. He came to City Hall, interviewed Johnny Gray, and held a discussion with Captain Cornatzer about having a warrant drawn for the arrest of Terry Thomas for the murder of Deborah Sykes.

At 4:01 p.m., Officer Daulton interviewed Terry Thomas as part of the Police Department's investigation into the murder of Deborah Sykes.

Officer Daulton had Mr. Terry Thomas sign a Constitutional Rights Statement. The Rights Statement is attached and identified as Exhibit XIV. The Rights Statement, which was witnessed by Officer W. G. Miller, indicates that the interview with Thomas ended at 4:30 p.m. Between 4 p.m. and 6 p.m., Officer Daulton indicated that he was able to confirm that Terry Thomas was in jail on the date Deborah Sykes was murdered. At approximately 6:20 p.m., Police Technical Specialist Cann, at the request of Officer W. G. Miller and with the consent of Terry Thomas, clipped hair samples from the head of Thomas. At some point during
August 22, 1984, Terry Thomas was charged with possession of marijuana and jailed.

From our review of the activities that occurred with and in the Police Department on August 22, 1984, between early afternoon and 6:20 p.m., there is no question that Terry Thomas was viewed by the Police Department as a suspect in the Deborah Sykes murder and that Terry Thomas was the same person Johnny Gray pointed out to Officer Archer at Fourth and Liberty Streets earlier in the day.

The final question that needs to be addressed in this section is, "Did the Police deny that Terry Thomas was a suspect in the murder of Deborah Sykes? For answers to this question, we need to review the testimony of Captain Cornatzer and Officer Daulton who offered testimony relative to this question. The following is an excerpt from the testimony given by Captain Cornatzer under direct examination by Attorney Rabil:

Rabil: Were you part of any investigation concerning the Sykes murder?

Cornatzer: I was the overall supervisor of the case, yes, sir.

Rabil: Do you know Mr. Gray sitting over here, do you know who he is?

Cornatzer: Yes sir.

Rabil: Were you in the Police Department the first day he came down and identified himself?
Cornatzer: Talking about somewhere around the 22nd of August?
Rabil: Somewhere in there.
Cornatzer: Yes, sir, I was.
Rabil: And you were in your office, is that right?
Cornatzer: Yes, sir.
Rabil: And you were informed, were you not, that Johnny Gray, the witness who came in, had identified someone as being a suspect in this murder?
Cornatzer: Yes, sir, that's correct.
Rabil: Who told you that?
Cornatzer: Sergeant Mason or Detective Daulton.
Rabil: Detective Daulton, who's seated back here in the maroon jacket?
Cornatzer: Yes, sir.
Rabil: He was in charge of this investigation?
Cornatzer: Yes, sir, that's correct.
Rabil: Did they bring, Detective Daulton, or some other police officers, bring a suspect in that had been identified by Mr. Gray?
Cornatzer: Yes, sir.
Rabil: Let me ask it again. Was a suspect brought down to the Police Department based on an identification by Mr. Gray?
Cornatzer: Yes, sir, that was my information.
Rabil: That was from Detective Daulton?
Cornatzer: Or Sergeant Mason. They were together.
Rabil: Did you look at the man who was identified by Mr. Gray?
Cornatzer: Just briefly. As I said, I was in my office near where they were proceeding with this.
Rabil: Was that man's name Terry Thomas?
Cornatzer: Yes, sir, it was.

Based upon the above-mentioned testimony offered by Captain Cornatzer, he did not deny that Terry Thomas was a suspect in the Sykes case.

Officer Daulton offered the following testimony under direct examination by Attorney Rabil.

Rabil: Isn't it true that the man Johnny Gray told you he saw that day was Terry Thomas (based upon previous questions, Rabil was referring to August 22, 1984.)
Daulton: No, sir.
Rabil: Can you explain your answer.
Daulton: Johnny Gray saw a subject on a bicycle go to the bus stop. The officers went to the bus stop and found no bicycle. They received information that a subject had got on a bus wearing those clothes with no bicycle. They then stopped the bus and arrested the subject with the orange shirt, black pants, and sneakers with no bicycle.
Rabil: So they arrested a man with an orange shirt who was not the man Johnny Gray said he saw.

Daulton: I don't know who Johnny Gray saw coming down on the bicycle. I have no idea.

Rabil: Based on your investigation, do you know whether Johnny Gray at any point identified Terry Thomas as the man he saw on August 10th?

Daulton: The only recollection I have of August 22nd involving the conversation that I had with Johnny Gray, he said that Terry Thomas looks like the man he saw.

Daulton's answers to Rabin's questions by Attorney Rabin would seem to constitute denial that Gray identified Thomas. This appears to be inconsistent with the context of the Miller/Daulton/Gray interview of August 22, 1984.

The third category for discussion is on the topic of the composite drawings. Police Identification Technicians are responsible for developing composite drawings at the request of sworn police officers. It is the I. D. Technicians responsibility to secure directly from the witness information sufficient to develop a composite using the Identi-Kit. The Identi-Kit contains a wide range of facial features, different types of eyes, lips, hair styles, etc., that can be interchanged to develop an individual composite. The I. D. Technicians
explain to the witness that the purpose of the composite is to provide a general likeness of the suspect showing basic facial features. In the Sykes case, four composites were developed by I. D. Technicians. On August 10, 1984, I. D. Technician, M. T. Rumple, interviewed Mr. William Hooper and developed composites of two suspects in that Mr. Hooper indicated that he saw two men standing in front of a white girl on West End Blvd. on the morning of August 10. The Hooper composites are identified as Exhibits XV and XVI. I. D. Technician Rumple stated that all of the pertinent questions were asked of Mr. Hooper in securing information to develop the two composites. After the composites were developed, I. D. Technician Rumple gave Mr. Hooper an opportunity to look at photographs from the IDMO file number 110.

The IDMO file contains photographs of individuals having been previously arrested by the Police. The photographs are categorized by general description, age, race, sex, etc. The composites developed by Mr. Hooper fell within the IDMO file range of 110.

According to Rumple, Mr. Hooper viewed the photographs in their file with negative results.

On August 10, 1984, I. D. Technician Rumple interviewed Thomas P. Murphy and developed the composite identified as Exhibit XVII. I. D. Technician Rumple indicated that it is normal procedure to ask pertinent questions such as height, weight, hair style, and that she feels these questions were
asked of Mr. Murphy. She further stated that Mr. Murphy was apparently satisfied that the composite met the general likeness of the suspect that he saw and that it indicated the suspects basic facial features. It was reported that Mr. Murphy was given an opportunity to view IDMO files 110 and 116 with negative results.

Exhibit XVIII is the composite developed by I. D. Technician, V. Pearl, from a photograph of Terry Thomas. Pearl, on August 30, 1984, indicated that she was instructed to prepare this composite by Officer Daulston on the authority of Captain Cornatzer. As previously indicated, Captain Cornatzer had this composite developed because he felt that Terry Thomas may have resembled the suspect. Exhibit XIX is a photograph of Terry Thomas taken on August 22, 1984.

Exhibit XX is a Police Department photograph of Darryl Eugene Hunt that was made when he was arrested on December 2, 1983. According to Sergeant Beane, supervisor of the Police Department's I. D. unit, this photograph, that is in the composite range of 110, would have been on file in the IDMO files that were viewed by Mr. Hooper and Mr. Murphy on August 10, 1984. At that time, neither Mr. Hooper or Mr. Murphy selected this photograph as being the suspect or suspects that they saw earlier in the day.

Mr. Murphy testified in court that on August 10, 1984, Mr. Hunt's hair was "rolled up in little pig tails all over his head" and at one point, he indicated that he told the Police on
August 10, 1984, about Mr. Hunt's hair style. With reference to hair, the composite developed from the Murphy interview indicated that the hair was black and very short. I. D. Technician Rumple stated that a feature as significant as hair being in pig tails would have been included in the composite as well as written out under the additional descriptions section of the poster.

For the purpose of making comparisons, we had the Police Department prepare a composite of Darryl Hunt from a Police Department photograph of Hunt that was on file. This composite is attached and identified as Exhibit XXI. It should be noted that the Identi-Kit was able to provide a form of pig tails. The three witnesses, Murphy, Hooper, and Gray, all saw the suspect at or around the crime scene on August 10, 1984, between 6:20 a.m. and 6:40 a.m. at some distance. The U. S. weather service indicated the following weather condition on August 10, 1984: cloudy, overcast, gloomy, sunrise at 6:34 eastern daylight time. With regard to the development of the composites, we believe that the Police staff acted as appropriate as could be expected with the information provided. The only unusual procedure was the development of the Terry Thomas composite from a photograph. This gives further support to our finding that the Police viewed Terry Thomas as a suspect and that on August 30, 1984, after knowing that Thomas could not have committed the crime, continued to believe that he perhaps resembled the person who did.
With regard to the statement that Darryl Hunt does not resemble Terry Thomas or the fresh composite drawings given to the Police, our review of this material revealed the following. The Identi-Kit is not purported to produce a composite that is identical to the suspect but rather one that shows a likeness of facial features. By general descriptions, the composites produced from interviews with Hooper and Murphy and Darryl Hunt's 1983 arrest photograph, are all included in the same broad IDMO file. However, given the time to closely review the three composites and a photograph of Darryl Hunt, the likeness at best is very vague. There is very little resemblance between the photographs of Terry Thomas and Darryl Hunt. Mr. Hooper emphatically indicated in a recent conversation that Hunt was not either of the two individuals he saw on August 10, 1984.

Our fourth discussion area is on the topic of pertinent information lost, misplaced or destroyed. Our review revealed the following. Much of the concern that has been raised about the destruction of pertinent information surfaced as a result of early reports that the Police would not make available the contents of the August 10, 1984, call to the Public Safety Communications Center reporting the incident and the inappropriate choice of words used by Officer Daulton in describing the volume of field notes destroyed after having been made a part of the official Police reports. Our review revealed that for the most part, pertinent information relative to this case was preserved. The most obvious exception to this was the tape of the Gray, Daulton, Miller conversation of August 22, 1984.
that this tape should have been preserved. 
the tape should have been preserved until such 
time as every effort was made to identify the word or words 
of the ten inaudibles that appeared in the typed transcript,
and until such time as Johnny Gray, Miller, and Daulton had a 
chance to read the transcript for accuracy, sign, and date it.

Johnny Gray testified in court that the typed transcript 
that he did not have an opportunity to read and sign, contained 
errors. Daulton indicated that he did not recall comparing the 
taped conversation with the typed transcript. We conclude that 
more attention should have been given to this important piece 
of evidence by the Police Officers involved.

Some of the concerns that surfaced regarding how 
the Police Department handled this case relate to the ability 
exemplified by the Police and the District Attorney's 
Office to maintain their respective and appropriate roles during 
the course of the investigation. Our final discussion area, 
therefore, is on the topic of the relationship between the 
Police Department and the District Attorney's Office in the 
investigation of this case. Alan Rackstraw, the Assistant 
District Attorney, Second Judicial District, Alburquerque, New 
Mexico, offered in the September 1985 issue of Law and Order 
some interesting comments on the subject of Investigation Vs. 
Prosecution. The following is an excerpt from that article.

"Webster's defines investigation as "a careful search; 
systematic inquiry." Prosecution is defined as: "to conduct
legal proceedings against." One is, by definition, impartial; the other, focused on one or more individuals.

Ideally, a police agency investigates a crime by gathering information from all affected persons, even those only tangentially involved, and records that information completely and accurately. They gather and process all items of physical evidence. The resulting material should then be organized in a statistically useful fashion and presented to the local prosecutor for review and initiation of criminal proceedings.

The prosecutor's efforts should be directed toward organizing the case for trial and preparing to meet any anticipated defense motions.

Thus, in an "ideal world" the accepted definition of the two functions would be followed. There would be no overlap. The police would investigate and the prosecutor would prosecute.

However, in the real world there are constraints caused by time and human nature. Sometimes, even in a case that has been exhaustively investigated, a need for more information surfaces as trial approaches. Often, the case, or a part of it, must be forwarded to the prosecutor immediately because an arrest has been made or is imminent. Legal action must be taken within a few hours to assure that the suspect will be available for a trial that will be held months away. It is at this point that the two functions, investigation and prosecution, often become inextricably mingled in a self-defeating conflict of purpose and approach.
When the prosecutor becomes involved, his participation in the investigative aspects of the case will necessarily be slanted by his perspective and function. By accepting the case for prosecution he has indicated his belief in the suspect's guilt. By default, he becomes the investigating officer on the case because, by now, the police officer initially responsible for the case, by the nature of his function, has become involved in other investigations. Since an arrest "closes" a case as far as the department is concerned there is very little incentive (or time, in all fairness) to rehash a case that seems to have been successfully completed.

It is obvious what type of information the prosecutor will request. With the crushing case loads in most offices a prosecutor is forced to focus his energies on quickly building a strong case against the suspect."

The relationship between the Police Department and the District Attorney's Office in the Sykes case appears to reflect some of the concerns expressed by Mr. Rackstraw. As early as August 22, 1984, when the Police determined that an eye witness to the incident had surfaced, the Police called upon the District Attorney's Office and the District Attorney's Office responded by sending Assistant District Attorney Walker to the Police Department. The Police allowed Walker to interview a potential witness, Johnny Gray, which at this point was clearly a function and role of the Police Department. With regard to Darryl Hunt, Officer Daulton
testified that the original reason for the first contact with Mr. Hunt and Mr. Mitchell was based on the fact that the name Sammy Mithcell had been used by the August 10 caller. Darryl Hunt was first contacted by the Police on the night of August 10, 1984, relative to the Sykes case and was questioned by Officers Patterson and Bowen. Hunt indicated to the officers that Sammy Mitchell did not make the telephone call on August 10 and that the two of them had been on the east side of town during the night. On September 12, 1984, Darryl Hunt was given a polygraph examination by Officer B. M. Owens. Owens reported that he attempted to determine from the examination Hunt's knowledge and/or involvement in the Sykes murder. The test results were inconclusive and this was reported to Mr. Tisdale on September 13. Mr. Owens indicated that in 90 percent of the cases in which the first polygraph results are inconclusive that a second test would produce results sufficient for the examiner to form an opinion. It was his professional opinion that Hunt should have been retested. However, Mr. Tisdale indicated that he did not want Hunt retested, and the scheduled retest was canceled.

On September 12, 1984, Tisdale met with Sergeant Mason, Darryl Hunt, and Daulton. According to Officer Daulton's Police report, "District Attorney Tisdale conducted an interview with Darrell (sic) Hunt at this time and advised Hunt of his options in this case..." Margaret Crawford was also present for part of this meeting in the District Attorney's Office.
With regard to Mr. Roger Weaver, the Hyatt House witness, the District Attorney's Office made what appeared to be a critical Police decision. The Police first contacted Mr. Weaver on September 18, 1984, via telephone. On September 20, 1984, Mr. Weaver was shown a photographic line-up and is reported to have identified a photograph. However, he wanted to be sure because of skin tones of the person in the photograph and he requested to view an in-person line-up. The live line-up was not arranged by the Police until May 13, 1985. In court, Officer Daulton testified that the reason for the long delay in arranging for the live line-up was "Mr. Weaver works a midnight shift, and I work primarily a day shift, and I stated to him as we got on up closer to the trial date I would let him view an in-person line-up." In response to the follow-up question "and that -- was that the only reason you didn't have him view an in-person line-up earlier than that," Officer Daulton's answer was "yes sir." Proper Police procedures would have resulted in the live line-up being arranged as soon as possible after the photographic line-up. Officer Daulton indicated that the District Attorney's Office had requested that they not provide Weaver with an opportunity to view a live line-up until requested.

The officers involved in the case indicated that the District Attorney had asked that they not put so much information in their investigative reports and that they not prepare so many reports. It is our understanding that the Police tried to
accommodate the wishes of the District Attorney's Office in this regard.

Considering the rules of discovery, perhaps the District Attorney had reasonable cause as the prosecutor to make such a request, but as investigators, the Police should have prepared as much information and as many reports as they independently deemed necessary.

Two final exhibits are presented to further highlight the relationship between the Police Department and the District Attorney's staff during the Sykes case. Exhibit XXII is a letter dated February 6, 1985, from the District Attorney to the Police Chief, and Exhibit XXIII is a letter dated February 22, 1985, from Chief Masten and Major Sweat to the District Attorney. It appeared as if, on occasion, the Police Department took directions from the District Attorney's Office, rather than independently and fully assuming their proper investigative role. However, one should not assume from the above-mentioned statement that there should not be meaningful dialogue and cooperation between the Police and the District Attorney's Office in an investigation. But simply in this case, it appeared that the Police Department relinquished too much of their investigatory role as the investigative agency to the District Attorney's Office.

Based upon our findings, the following actions will be taken:
• This report will immediately be made available to the Darryl Hunt Defense Team and the District Attorney.

• This report will be made available to the Police Chief, and he will be requested to provide a copy to the Internal Affairs staff of the Police Department for their evaluation and appropriate action relating to the possibility of misconduct on the part of individual employees.

• This report will be forwarded to the North Carolina State Bureau of Investigation with a request that they evaluate the content and provide advice and recommendations with regard to any future actions that should be taken.

• The management of the Police Department will undertake the following administrative and/or operational reviews:
  - Review and evaluate the present methods used in investigative case management and to the extent necessary, employ outside consultants to assist in this evaluation and the development of appropriate case management procedures, including appropriate relationships with the District Attorney's staff and other outside agencies.
  - Review the role of the Police Investigator in conducting photographic and in-person line-ups and consider having an independent unit, e.g.,
Police I. D. section, assume the primary responsibility for these functions.

- Develop uniform written policies with regard to interviewing witnesses, taking witnesses' statements, and the verification and preservation of the statements, as well as the development of guidelines on the use, verification and preservation of taped interviews.

- The Career Development Center staff will be directed to continue providing and evaluating entry and in-service training for Public Safety Communications Operators.

- The Career Development Center staff will be directed to conduct an in-depth training needs analysis of Police employees in the areas of interview and interrogation of witnesses, how to offer testimony in court, and witness identification procedures, and strengthen or modify current training as needed.

- The Personnel staff will be directed to study the need to develop a new position classification for Investigative Services personnel with appropriate pay range, training, and experience requirements.

In conducting our review, we made every effort to be as thorough, impartial and as fair as possible to all parties concerned, and our conclusions were based upon our honest evaluation of the facts and findings.
MEMORANDUM

TO: Bryce A. Stuart, City Manager
FROM: Alderman Vivian H. Burke
DATE: August 13, 1985
SUBJECT: Investigation of Police Activities

As you are aware, concerns have been raised by citizens in our community relative to alleged/improper acts of omission or commission by the Winston-Salem Police Department in the investigation of the Deborah B. Sykes murder case.

A few weeks ago, I called for these allegations to be investigated, and I realized that in order for an investigation to be conducted, the issues and concerns of the citizens needed to be identified. As a first step in this process, I asked Rev. Leonard Lassiter to assist by coordinating the collection and compiling of the allegations. Rev. Lassiter has completed this task, and the results are contained in the attached report. I believe that a thorough investigation of these concerns and questions is what our community wants and that such an investigation will be beneficial to the Police Department and the community at large.

If I can be of further assistance to you in this process, please feel free to call upon me.

Vivian H. Burke

Attachment
August 12, 1985

Mrs. Vivian Burke, Alderman;
Public Safety Chairman for
the City of Winston-Salem
Winston-Salem, N.C.

Regarding: Community questions and response to police actions in the Deborah Sykes murder investigation and Daryl Hunt arrest.

Dear Alderman Burke:

As you requested, I have been in contact with a number of citizens who have expressed concerns relative to the actions of the Winston-Salem Police Department in the Deborah B. Sykes murder investigation. Many of the citizens with whom I spoke gained their knowledge of the investigative techniques used by the Police Department from the testimony that was presented during the Darryl Hunt trial.

I have compiled the concerns presented to me in the attached report for your review and appropriate action.

If I can be of further assistance in this matter, please do not hesitate to advise.

Most respectfully,

Leonard V. Lassiter, Jr.

"WHERE MINISTRY IS EVERYBODY'S BUSINESS"
CONCERNS

Reasons for Concerns

Police investigation and identification are undeniable and critical links in the criminal justice system. The attitude of the police department toward a suspect has a direct effect upon the disposition that the District Attorney's Office will ultimately take. While it is true that the Office of the District Attorney makes the final decision on the merits of prosecuting a case, it is indisputable that whatever case there is to be prosecuted will be of a person currently under police investigation or custody.

Police testimony is often considered among the most credible testimony in any criminal case. This becomes a fact when the police department develops a reputation of using fair, sound, proper, and thorough methods of investigation and identification. If ever those procedures have reason to be questioned by an alert and/or aware citizenry, then the strength of this critical link is weakened. If ever the goal of an investigation takes prominence over the integrity of the means and methods, then the actual accomplishment of justice for everyone is threatened. If ever the arresting of a suspect becomes of greater importance than the arresting of the right suspect, then the safety and well being of the entire community is threatened.

There is great concern by many in the Winston-Salem Community that the previously described attitudes may have been factors in the arrest of Darryl Hunt for the rape/murder of Deborah Sykes. Let it be understood that it is agreed that the beating-sodomization-rape-murder of Deborah B. Sykes was a brutal, vicious, heinous crime that demanded and demands an immediate response. But questions continue to arise concerning the adequacy and propriety of the police investigation that led to the Hunt arrest. Many citizens of Winston-Salem are concerned that a rapist/murderer may still be at large - indeed a threat to the entire community. Many citizens of Winston-Salem have questions, even fears, about the adequacy, propriety, and thoroughness of the police investigation. If there are serious, sincere, and continuing concerns by Winston-Salem citizens about the Winston-Salem Police Department, then the integrity of the Winston-Salem Police Department suffers, and the citizens suffer, and the criminal justice system suffers.

It is therefore of the greatest importance to have any legitimate concerns and fears by the citizens of Winston-Salem adequately addressed, responded to, and answered.
It is felt that such an adequate response must come through an investigation of police conduct and procedure with regard to the Deborah Sykes rape/murder and the Darryl Hunt arrest.

Because the scope and the complexity of the Deborah Sykes case appear to be so great, it is felt that an objective agency, skilled in police investigation, might be called upon to conduct and/or assist and guide whatever person, task force, or agency is established to examine the conduct of the case.

While it is certain that all of the facts and irregularities about the case are not known, it is felt that legitimate concern exists, and serious questions arise in at least six major areas relating to the Darryl Hunt arrest.

**Area I.**

If Johnny Gray, who

1. reported the crime to the police and lied to the police about his identity, giving his name as Sammy Mitchell;
2. and later identified himself to the police under a false name;
3. and later denied that he had any knowledge of who Sammy Mitchell is, though Sammy Mitchell turns out to be Darryl Hunt's best friend and an acquaintance of Johnny Gray, and continues to deny that he has knowledge of who Sammy Mitchell was;
4. and identified a person other than Darryl Hunt as the murderer, a person who bore no physical resemblance to Darryl Hunt;
5. and gave a questionable line-up identification and is reported to have been confused about which person in the line-up actually committed the crime;
6. and reportedly has a police record, with a history of violent crime; then why did the police give so much credibility to Johnny Gray's information in the ongoing investigation? Because of the previously outlined and other factors, the following questions arise.

**QUESTIONS:**

1. Why did the police dispatcher not use more care in extracting information about a serious crime that was being reported?
2. Were the police able to verify that Johnny Gray actually made the call reporting the sighting of Sykes body from the phone booth at Thurmond and N.W. Blvd.?
3. How did the police finally come upon Johnny Gray as a witness?
4. Did Johnny Gray receive any financial support from the Winston-Salem Police Department during the time that he was under consideration as a witness in the Sykes case?

Area II.

Since Johnny Gray was so critical in locating the body of Deborah Sykes, and then initially lied about his identity, and then was later untruthful to the police about his name, and then identified more than one person as the murderer, did the police then thoroughly investigate Johnny Gray as a suspect of the rape/murder? Given the contradictions that have surfaced, are there tapes or transcripts available that will clarify and substantiate the information given by him to the police? If not, then why not?

Additionally, were the police not aware of Gray's real name - McConnell? It has been reported that his fingerprints were sent to the FBI, and that Johnny McConnell does have a record in Guilford County; and that there are possibly outstanding warrants for him in Greensboro, making it possible through the Pins System for the Winston-Salem Police to determine Gray's true identity and criminal record.

Area III.

What part did police personnel play in witnesses' identification of Darryl Hunt as the rape/murder suspect since:

1. Darryl Hunt does not resemble the fresh composite drawings given by the witnesses.

2. An initial suspect, Terry Thomas, does not remotely resemble Darryl Hunt in physical appearance or stature.

3. There are questions as to what Johnny Gray meant when he wrote the numbers 1 and 4 in identifying a suspect from the police line-up.

4. There are questions about the procedures used in receiving the identification of Hunt as the murderer from Roger Weaver of the Hyatt Hotel.

5. Since the police are reported to have picked up Terry Thomas as the initial suspect based on information given to them by Johnny Gray, then why did the police deny that Gray identified Terry Thomas as the rapist/killer?

Many questions arise as to whether or not proper police techniques were used in identifying suspects, and in soliciting and receiving information from perspective witnesses, and in subsequent line-up identification procedures.

QUESTIONS:

1. Terry Thomas states that police told him that he had been identified as the killer and told him that he might as well go ahead and confess. Thomas
also states that during this five to six hour interrogation, the police told him that they could not verify that he had been in jail during the time of the murder, even though the jail computer could verify, the Clerk of Court could verify, and jail personnel could verify that Terry Thomas was indeed in jail during the time of the murder. Why was something so easy to check not checked out at the time the information was given by Thomas? Was Thomas during this interrogation on a capital crime afforded the privilege of counsel? Thomas also verifies that his arrest and detention occurred on the same day that Gray told the police “that the man in the orange shirt” was the suspect. Since Thomas was the man in the orange shirt, and if Thomas was not identified, then why was a composite drawing of Thomas made and circulated on a Wanted Poster for a suspect in the Sykes case?

2. Why and by whom was the tape recording of the police conversation with Gray (8/22/84) destroyed?

3. Why did police refuse to look at, to inspect, or to analyze the clothing found by the Hunt defense team near the scene of the crime?

4. To what extent did the police investigate Charles Edward (“Too Tall”) Wall, and why was he eliminated as a suspect or as a key witness?

5. What evidence or witnesses did police have to eliminate Johnny Gray as a suspect?

6. Why did the police not reveal that Gray had written the numbers “1-4” after viewing the in-person line-up at the jail?

7. Several television and newspaper reporters overheard Assistant District Attorney Richard Lyle make the following statement to Detective Daulton during a court recess: “You blew it. We been schooling you for months and you blew the whole damn thing in front of everybody!” This statement was apparently made after it was revealed on cross-examination of Det. Daulton that Gray had written “1-4” after the line-up. Had Det. Daulton been instructed not to reveal this information? Is it common procedure for detectives to be “schooled for months” by the District Attorney’s Office? Exactly what kind of “schooling” was given to Det. Daulton by the District Attorney’s office concerning the Sykes case?

The above mentioned questions leave the Winston-Salem Police Department open to questions concerning an attempted “cover-up” of their handling of Terry Thomas as a suspect, of Gray’s identification of Thomas as a suspect, and of the possibility that Gray had identified still another person as a suspect in the rape/murder. These questions also beg an answer as to whether or not the Winston-Salem Police Department was looking for a specific suspect, or for just any suspect that they could make fit the crime.
AREA IV.

There are additional questions about just why the Winston-Salem Police Department was so slow or so delayed in soliciting and/or receiving information about Darryl Hunt's possible involvement in the rape/murder of Deborah Sykes. Such questions include the following.

QUESTIONS:

1. Why did the Police Department, through its August 10, 1984 conversation with Thomas Murphy, not get a fresh, detailed, eyewitness description of the suspect in the Sykes murder case?

2. Why did the police not get written statements from the McKees or other alibi witnesses involved in the case before August, 1984, when the police first talked to them?

3. Why did the police not ask Roger Weaver to view an in-person line-up with Hunt present before mid-May, 1985? The same question applies to Danny Holt, who with Weaver were Hyatt House witnesses.

4. Why did it take so long for the Winston-Salem Police to locate Margaret Crawford, and then only with the help of the Winston-Salem Chronicle?

AREA V.

Margaret Crawford is reported to have given a statement to the police indicating that Darryl Hunt was involved in the murder of Deborah Sykes. Ms. Crawford later, in court, under oath, denied giving any such information. Margaret Crawford is marginally literate, and is reported to be a frequent drug user. There are therefore, serious questions about Ms. Crawford's ability to understand what she was signing for the police. Who was present when Ms. Crawford made her statement to the police? Was she afforded the opportunity of counsel?

AREA VI.

Given the fact that this is a capital criminal offense that the Winston-Salem Police department is dealing with, it is particularly disturbing that so much information pertinent to the case is or has been lost, misplaced, or destroyed. Is this standard operating procedure for the Winston-Salem Police Department, or is it particular and peculiar to this case? If either is the case, the question is why? The following are known specifics.
QUESTIONS:

1. Why and by whom was Gray's 8/22/84 conversation with the police destroyed?

2. Why were there certain deletions from the transcript of the above mentioned conversation?

3. Detective Daulton testified in court that he had destroyed the equivalent of a "50 gallon drum" of documents pertaining to the Sykes case. Why was this done? Who made the determination that this evidence should be destroyed?

   While the concerns and questions outline a tremendous amount of information pertaining to the Deborah Sykes murder investigation and the subsequent Darryl Hunt arrest, it should in no way be inferred that concerned citizens are aware of all of the facts or factors involved in the investigation. It will take a competent agency or organization in the area of investigation procedure and conduct to adequately analyze the propriety of the actions of the Winston-Salem Police Department.

   Additionally, hard questions about the integrity of the rape/murder investigation, and about the Darryl Hunt arrest must be addressed.

   They are serious questions. They are sincere questions. They are legitimate questions. They are questions that demand a response to a concerned citizenry.

We recognize as we make our request for this investigation that Mr. Hunt has been afforded the opportunity to have his individual criminal case reviewed by the first step available to him in the judicial system, and that it is not our expectation that the results of this investigation would impact on the decision already reached by the first step in the judicial system. Our request for this investigation is separate and apart from the judicial process and bears directly on the role of the Winston-Salem Police Department as it relates to the procedures, techniques, and practices used in the investigation that resulted in Mr. Hunt being charged with the crime. At a minimum, if this investigation reveals improper actions on the part of the Police Department, we would expect that appropriate remedies and reforms be immediately implemented to correct any and all deficiencies found.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tr>
<td>August 10, 1984</td>
<td>Date of the crime</td>
</tr>
<tr>
<td>August 10, 1984</td>
<td>Police Department's first contact with Darryl Hunt relative to this case</td>
</tr>
<tr>
<td>August 13, 1984</td>
<td>Police Department's first contact with Johnny Gray relative to this case</td>
</tr>
<tr>
<td>August 22, 1984</td>
<td>Johnny Gray contacts the Police; Terry Thomas arrested</td>
</tr>
<tr>
<td>September 6, 1984</td>
<td>Margaret Crawford confirmed as runaway minor, Brenda Morino</td>
</tr>
<tr>
<td>September 8, 1984</td>
<td>Darryl Hunt and Sammy Mitchell arrested for disorderly conduct</td>
</tr>
<tr>
<td>September 11, 1984</td>
<td>Margaret Crawford/Brenda Morino arrested</td>
</tr>
<tr>
<td>September 11, 1984</td>
<td>Darryl Hunt arrested; charged with taking indecent liberties with a minor</td>
</tr>
<tr>
<td>September 12, 1984</td>
<td>Joe Masten named Acting Police Chief</td>
</tr>
<tr>
<td>September 14, 1984</td>
<td>Darryl Hunt charged with the murder of Deborah B. Sykes</td>
</tr>
<tr>
<td>November 21, 1984</td>
<td>Captain E. L. Moreau named Acting ISB Major</td>
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<tr>
<td>January 10, 1985</td>
<td>Major G. L. Sweat named ISB Major</td>
</tr>
<tr>
<td>March 12, 1985</td>
<td>Johnny Gray arrested; charged with common law robbery</td>
</tr>
<tr>
<td>May 28, 1985</td>
<td>Start of the Hunt trial</td>
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<tr>
<td>June 12, 1985</td>
<td>Johnny Gray released from jail</td>
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<tr>
<td>June 14, 1985</td>
<td>Hunt verdict</td>
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</table>
Pegram: This recording made from the 8-10-84 tape, Communications Tape, 8-10-84. The recording begins at 6:53:10:

EXHIBIT V

TRANSCRIPT OF AUGUST 10, 1984 CAL.

Cope: Police Department, Cope.

Mitchell: My name is Sammie Mitchell.

Cope: Yes sir.

Mitchell: And, I'm calling. I just want to report an incident I just saw.

Cope: Okay, where was it.

Mitchell: Okay, I just seen a lady which some guy was jumping on her down here, you know, where the Fire Station is downtown.

Cope: There's several.

(Identified Female Operator): Are you talking about Engine 1 that's near the Hyatt House.

Mitchell: No ma'am, down in there, Crystal Towers way.

(Female Operator): On Claremont and 40, near 40?

Mitchell: Yea, I guess that is 40. I seen some dude jumping on a lady, I just thought I would call the Police Department.

(Female Operator): Okay, is it in front of the Station?

Mitchell: No, it's in that field right there, it's right there...

(Female Operator): Right there at Davis Garage?

Mitchell: Across the field right in front of that Fire Station is a big field there, and they was out there fighting pretty bad, so I think somebody ought to go see because she was hollering pretty hard.

(Female Operator): Okay.

Mitchell: Okay, thank you.

On August 10, Mr. Darrel and Sammy were at the Motel 6 and Darrel went and Sammy watched over the room at about 6:00 AM and that they were both wearing black pants and black T-shirts and Darrel told me he was going to call a cop. The next time I saw Darrel was about 9:30 AM and he was nervous when he came back to the Motel room and he said "He needed a drink." Darrel had mud on his pant knee.

Signed Brenda Renee Morino

Date 09/11/84 Time 18:15

Witness M.W. Wilkins
EXHIBIT VII
BRENDA MORINO (MARGARET CRAWFORD)
STATEMENT

of: Brenda Renee Morino

res: 1312 E. 19th St. Apt. B

date: 09-11-84 Time 1730

Taken By: Det. J. T. Doonan

Location: CID office

About two weeks ago, me and Darrell were at Motel 6,
and Darrell was saying some stuff about the white lady that
was killed downtown and Darrell said that "Jimmy did it."

When we were watching the crimestopper on the news on
the television and I said to Darrell "I wish I knew who
killed that lady because I could use the money, and Darrell
said that "Jimmy did it" and "He fucked her too."

Signed: Brenda Renee Morino

Date 09-11-84 Time 1730

Witness: M.W. Wilkins

Date __________________________ Time __________________________
Supplement Report 28

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<td>ON 08-11-84, I CHECKED THE BELOW INDIVIDUALS ON WEST END BLVD. NO INFORMATION WAS OBTAINED</td>
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<tr>
<td>1. DAVID E. BRADLEY MW 0425 HRS WEST END BLVD. CADILLAC LEP-226</td>
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<tr>
<td>2. NCDL # 168687 CHEVROLET LEX-193 HANES EMPLOYEE</td>
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<td>3. MAURICE C. HAIRSTON MB FORD MUSTANG EKX-285</td>
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ON 08-13-84, I CHECKED THE BELOW LISTED INDIVIDUALS. NO NEW INFORMATION WAS OBTAINED (A HEAVY RAIN WAS FALLING ON THIS DATE)

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<td>1. NCDX # 4694244 N.C. MOL-76 CHEVROLET</td>
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<td>2. NCDX # 3817974 NC SHR-085 FORD MUSTANG</td>
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<td>3. MICHAEL K. CUTLIPP JOURNAL EMPLOYEE</td>
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<td>4. AXR-587 MERCEDES MXV</td>
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<td>5. CALVIN SUGGS FORD N.C. MOL-46 NCDL # 673854</td>
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<td>6. NCDX # 9888231 NC AHG-99</td>
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J.D. PITMAN 810-1127
7. NCDL # Z486497 FORD, N.C. EKZ-6Z5 M/W

8. BRUCE LEON JOHNSON M/W CAL LIC # C-2455846,ernal Employee

9. JOHNNY GRAY M/B 108 N. OWEITH AVE. (NO ID ON PERSON)

ALL PERSONS CHECKED DID NOT HAVE ANY INFORMATION OR INVESTIGATIVE LEADS

SIGNED

[Signature]

$7.21

REV 1

[Signature]

REPORTING OFFICER   CODE NO.   STATUS (CHECK ONE)   OPEN   UNFOUNDED   INACTIVE   REFERRED TO
J L CAVULTON 810-292   
J D PETTMAN 610-177   

SECOND OFFICER   CODE NO.   SUPERVISOR ENSIGNING   CODE NO.   REVIEWER   CODE NO.
J D PETTMAN 610-177   

DATE OF THIS REPORT 08-13-84
I understand that by receiving money from the Police Department and that by this I am obligated to reimburse them in the event that I should receive any reward in the Deborah Sykes Case.

Signed by me this date June 26, 1985.

[Signature]

Witness: J. D. Daulton
WSPD
EXHIBIT X
IDENTIFICATION NUMBERS WRITTEN BY GRAY

Received from Dr. Gray 1310 hrs.
9-13-84

4
Complainant stated the two above listed suspects along
with Al Morrison, Kelly, BM-doB-01-03-50, age 49 09
Shelbrook Dr. came by his house to have a drink after
having a few drinks, the accused later identified by Al
Kelly as Tony Smith, grabbed the complainant, pushed
him down and took his billfold containing $4 00
and his personal papers. Al Kelly stated he got
seared at what was happening and saw after
taking the complainant's billfold the two above
listed suspects also run. The subject knows
as Tony Smith was described as a tall thin, light skinned black male wearing dark clothing. The white female who was in company with him was described as small, tan hair wearing a brown coat and blue jeans. Was unable to obtain a name for the white female.

Checked the vicinity and was unable to locate either up these subjects.

AlKelly stated he had met these two subjects at recreation facilities on 4th St. and they had left there and went to the complainant's house for a drink.

Checked T, D. and found only one Tony Smith listed. Picture of this subject was taken and shown to the complainant who stated this was not the man who robbed him. Unable to obtain further data.

Investigation being continued.
Received information this date that the black male and white female involved in this
rashbery were Johnny Gray and his girlfriend
Breanda (last name unknown). I was unable to locate
these subjects this date. I was also informed
that Johnny Gray was a witness to theoh's
murder. Request that this case be referred
to TSIB for further investigation.

(Mayo, detached) (judgy Gay) - Call this

[Initials and signature]
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| TOTAL VALUE STOLEN |       |

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<td>REVIEWER CODE NO.</td>
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<tr>
<td>DATE OF THIS REPORT:</td>
<td>02-05-85</td>
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On 02-28-85 the writer talked to the complainant, Robert Davis. Mr. Davis stated on 02-05-85 at approximately 9:00 p.m. Al Kelly and an unknown black male and an unknown white female came to his house at 740 Patterson Avenue, Apartment 3.

Mr. Davis stated they were all drinking when the unknown black male knocked him to the floor and took his wallet with $480.00 in it. He described the black male as approximately 27 years old, 5'5" tall, 150 lbs., wearing a brown jacket, blue jeans.

Mr. Davis stated he would be able to identify the black male again if he saw him.

Mr. Davis stated the white female was approximately 24 years old, and had bad eyes, and long blonde hair.

Officer D. B. Parker received information that Johnny Gray was the black male who robbed Robert Davis.

Detective J. I. Daulton and Captain G. G. Cornatzer met with Assistant District Attorney Richard Iyle. Authority of Richard Iyle, he stated to charge Johnny Gray with common law robbery. Detective Daulton advised the writer of the meeting with Richard Iyle and told the writer to draw a warrant on Johnny Gray for common law robbery, 85CR10818.

On 03-08-85 the writer went to 740 Patterson Avenue, Apartment 3, and talked to Robert Davis. The writer showed Robert Davis a photographic lineup of six black males, all having the same general characteristics in the following order:

1) Rodney Hamilton Dunn
2) Alphonso Thomas Gilmore
3) Ray Henry Hairstraun
Supplement Report

Name: Davis, Robert Latham
Address: 740 Patterson Avenue, Apartment 3

Offense: Common Law Robbery
Date: 02-05-85

Items:

27

4) Johnny Gray
5) Scott Maurice Hines
6) James Allen Edrington

Robert Davis positively identified Picture #4, Johnny Gray, as the black male who
robbed him on 02-05-85.

The writer placed the warrant into Records Division to be processed.

The writer requests this case be closed INACTIVE pending warrant service.

Reporting Officer: W. Lottle
Second Officer: 030-5197

Date of this report: 03-11-85/dsb
DAVIS, ROBERT LATHAM
740 Patterson Ave Apt 3

ROBBERY
2-5-85

ITEM NO. 31

REQUEST THIS CASE BE CLOSED CLEARED BY ARREST.

On Feb. 12, 1985, Jimmy Gray was arrested for Common Law Robbery. He was fingerprinted at the Stokes County Jail and trial date set for April 2, 1985. He was confined to the Stokes County Jail to await trial.

REQUEST THIS CASE BE CLOSED CLEARED BY ARREST.
Daulton: This is a taped interview. Those present are Detective Miller, Detective Daulton, and an unknown black subject who is going to relate information pertaining to the murder of Deborah Brotherton Sykes. Today's date is August 22nd, 1984. The correct time is 1426 hours. The interview is as follows:

Daulton: Okay, if you would, tell me please what you observed on Friday morning, August 10th, 1984.

Unknown: Okay, I got off the bus downtown at six-fifteen and I walked, going to a friend of mine house to take some clothes to the laundry because he works at a laundry. And by me going taking a shortcut through behind Crystal Towers, I heard a lady scream two or three times, the first time and I was looking 'cause I didn't see nobody. And by her hollering two more times that caused me to be caution and I had the only way for me to see somebody I had to take a look over the bushes right there, and I looked and I seen a man down on top of a woman, beating a lady. Black man beating a white lady.

Daulton: Okay, where did you get off the bus at?

Unknown: Downtown.

Daulton: Downtown bus stop?

Unknown: Un-huh.

Miller: The old courthouse?

Unknown: Uh-huh. -

Miller: Where were you going?

Unknown: Going to my friend of mine to take some clothes to the laundry because he cleans clothes, works at a laundry.

Miller: Where is he?

Unknown: He staying on right there on Thurmond Avenue. And by me seeing that and it worried me so bad, and it worried me so bad as I got down the street I knew that some man had hurt, was beating a woman real bad, and it worried me so bad so I decided I would call the police, and I did call the police and I made the report.

Daulton: Okay, where did you call the police from?

Unknown: From down at the Black Velvet Lounge at the telephone booth.

Daulton: Okay, and what did you tell the operator when you called?

Unknown: I said that I wanted to report a accident. I said I seen a man beating a woman, I think somebody should go up there and check on it 'cause I feel like he had hurt her pretty bad. And they asked me where it was and I tried to give them a description, you know, the place where it was and everything.

Daulton: Where did you tell them it was?
Unknown: I told them I said it was behind Crystal Towers by the fire station in the field. And they said they would check on it, so I just hung up the phone. I did do that, and I did recognize the man, and now if we have to come to a court of law to say that, I will to it because I know this is the man that I saw.

Miller: Do you know the name of the street you were walking down?

Unknown: No, I do not. I don't even know the name of the street back in there, I just know a shortcut.

Miller: You would know it, you could point it out to us?

Unknown: Yes, yes, I can.

Miller: Did you see a black man walking up in there?

Unknown: No, I didn't.

Miller: Before you heard the screams?

Unknown: No, I didn't. Nobody walking.

Miller: You heard screams first...

Unknown: I heard screams first, right. And I had to look because I couldn't, I looked around, I didn't see nobody and something just say, told me say, look over on the other side of them bushes right there, and I looked, and I seen the man, and he was beating a woman, hitting the woman there, seemed like to n. he was hitting her in the head to me, with his fist, you know. And by me seeing that, it scared me real bad, and I just kept on pushing, but the further I get the more my conscious is bothering me so I had to call.

Daulton: Could you tell what the woman had on?

Unknown: Yes, I could. She, from what I could see and what she done, she jumped up. He ran, ran across the field like he was going toward the fire station, that road by the fire station, right, then I could tell that he had on dark pair of pants, and at that time a dingy T-shirt, right. And I could tell by when I first looked over the bushes, I looked at him like this in the face, but he didn't see me. I'm quite sure he didn't see me, but I seen him.

Daulton: What did the woman have on?

Unknown: The woman didn't have on nothing waist down, had on something like a little light shirt, maybe a blouse, light-looking blouse, top ways up. I seen her look up one time like this and kill over, whatever you want to say, and dropped her head down, and she flipped over. She turned over on her back.
Miller: Where were they at this time?
Unknown: They was right, they was about far from her to the wall, against the wall, at the . . .
Miller: Pillars . . .
Unknown: Pillars, there, they were two-three feet from the pillars, right there at the end, little path that goes right through there.
Miller: On the street side or . . . When you first saw them, were they on the street side?
Unknown: No, they wasn't.
Miller: Behind . . .
Unknown: They was behind, uh-huh, 'cause that's the reason I didn't see them when I turned around, you know . . .
Miller: Did you walk across the street?
Unknown: No, I did not. I walked off the street to look over the fence, to see, if I see anybody.
Miller: Oh, you looked across the fence?
Unknown: Looked across the fence.
Miller: That's how you saw them?
Unknown: That's how I saw them.
Miller: Okay. What were they doing when you first saw them?
Unknown: He was, I seen this man on top of this lady, and he was beating her down there on top of the head, you know, (inaudible) she was on her back, and he was getting her down, like this with his, looked like to me with his fist. I couldn't say that I seen him stab her, but he definitely was hitting her.
Miller: Did you see any kind of weapon?
Unknown: No, I didn't. By that early in the morning, the sun wasn't up good.
Daulton: Did you see any blood?
Unknown: No, I didn't. I just seen him do that, and I seen him jump up and ran, and I seen her flip over, fall over, like that.
Daulton: All right, when he was beating her, where was she at?
Unknown: She was laying about two feet from that pillar that.

Daulton: I mean how was she? Was she on her knees, on her back?

Unknown: She was on her back, definitely on her back. On her back, and she was hollering real loud.

Miller: Was she saying anything?

Unknown: No, no, all I heard, she hollered five times, but I know she did. She hollered five times. The first time she hollered I didn't pay it no attention. Second time she hollered I still didn't pay it no attention. But the third time, it seemed like she was hollering, she never did say the word help now, she was screaming out real loud. And that's what made me, by not seeing nobody, you know, when I was looking around, so that made me, it had to be on that side of the fence or something, you know what I'm saying? (Inaudible) and I seen that. I seen him on top of her with his knees down on top of her like that, and he was hitting her down, on top of the head, to me, from where it looked to me, and he just jumped up, and he took off. He looked around like that one time and towards, I don't know if he heard me or what 'cause I didn't say anything, and I looked at him in the face, and by him, maybe he didn't see me because me, by me being at the bushes right there, you know what I'm saying? And he took off running, and I never will forget that face, and I know he's the man that did it.

Daulton: And that's the same subject we have in there in the interview room?

Miller: You say she didn't have anything on from the waist down?

Unknown: She didn't have nothing on from the waist down. Only thing she had on was something like maybe the blouse, a light-colored blouse.

Miller: Did you see where her clothes were?

Unknown: No, I didn't. I did not.

Miller: Shoes? Did she have shoes on?

Unknown: Nothing, no.

Miller: Pocketbook or anything?

Unknown: No, I didn't see nothing like that.

Miller: Which way did he run?

Unknown: He ran straight across the street by the fire station, right across Cherry Street. There's a road that goes right by fire station right there, that little road that goes up through there.

Miller: Oh, that goes, the driveway . . .
Unknown: Like you going to . . .

Miller: W. G. White, up through there?

Unknown: W. G. White, right.

Miller: Just a driveway, not a street.

Unknown: Yes, that's where he went, right up through there.

Daulton: Big hill?

Unknown: Right.

Miller: You didn't see him after that?

Unknown: I didn't see him no more until yesterday and I talked to some friends about it. They talked to ya'll, then I seen him again today, and you know I wanted to make sure somebody get him.

Daulton: When the subject got up to run, did you see him adjust his pants or anything?

Unknown: Yes, he did.

Daulton: Did he have his pants down?

Unknown: No, he didn't have his pants down but when he was running across the street, he was definitely doing this here and running, you know, pulling up his pants, you know, before . . .

Miller: Like he was zipping them up or anything?

Unknown: Like he was trying to button them running, you know (inaudible).

Miller: Did she have any underclothes on?

Unknown: No, she didn't.

Miller: Panties or . . .

Unknown: 'Cause I seen her from the back side 'cause she was on her knees.

Miller: See any blood?

Unknown: No, I didn't.

Miller: She was on her knees?

Unknown: She was on her knees face down.

Miller: Face down?
Unknown: When I, when he took off running, she was on her knees then she looked up at him one time running across the street, give me a second look at him, running, you understand? I seen her flip over and I just went on (inaudible). I got down to the place there to the closest telephone I could, and I made the call to try to get some help.

Miller: The first time you saw her she was on her knees?

Unknown: First time I saw her she was on her back.

Daulton: Okay, go slow through that. She was on her back . . .

Unknown: She was on her back and he was on top of her.

Daulton: Do you think he was having intercourse with her?

Unknown: No, he wasn't, from the way he was sitting, I don't think he was having intercourse at the time, but he was beating her, you understand what I'm saying?

Daulton: And then?

Unknown: And then he jumped up. He looked back one time that way, looked like he was looking toward me maybe. But I'm quite sure he didn't see me. If he did, he would have maybe ran (inaudible). Kept on pushing today or yesterday when he saw me. But I won't forget his face. I wasn't no more than twenty yards from him. Maybe thirty yards from him, and I seen his face, you know, I won't forget his face, and I'm notlying to ya'll. And this is the man that killed that lady. I didn't know this lady was dead. I just thought maybe somebody just beating a lady, you know what I'm saying, and then later on that evening I found out, heard that she, the lady had got killed behind that place there.

Daulton: Okay, let's go slow through this.

Unknown: Okay.

Daulton: She's on her back, and he's on top of her beating her around her face and head.

Unknown: Right.

Daulton: Okay, and then he jumps up . . .

Unknown: And looks back.

Daulton: And looks back.

Unknown: He looks back first.

Daulton: He looks back . . .
Statement
Unknown
Page Seven

Unknown: Un-huh. Then he jumps up.
Daulton: Then he jumps up.
Unknown: Un-huh.
Daulton: And then he takes off running.
Unknown: Takes off running.
Daulton: All right, what does she do?
Unknown: She just laid there until about maybe ten seconds, by me looking at him, running across that street and everything, I seen his face, she turned over on her stomach and she was on her knees. She looked up one time at that guy running across the street, and she just flipped over. And it scared me real bad.
Miller: And you say you saw blood?
Unknown: I didn't see blood.
Miller: You did or did not?
Unknown: I did not see blood. At that time I felt like he was just beating her right, and I didn't see two people, I seen one.
Miller: And you never saw them on the other side of the fence?
Unknown: No, I did not.
Miller: Did you see any other black males around or anybody else around?
Unknown: No, I did not. No, I did not. I did not.
Miller: Was there anybody else that would have been witness to it?
Unknown: No. At that time, no.
Miller: Was there any cars going by?
Unknown: No, I did not. 'Cause at that time I got off that bus downtown, it was quarter after six that morning, and by me not having transfer money, I was just going to walk through there and take my clothes over to my friend's house where he can get them cleaned 'cause he gets them cleaned for me every week right. And, excuse me, and when I went through there, I don't usually go through that way.
Daulton: Did you leave any clothes up there?
Unknown: Where, at my friend's house?
Daulton: No, at the scene of the crime.
Unknown: No, no, no, no, no.
Daulton: Do you know whether or not the suspect left anything?
Unknown: No, I can't say that he did.
Miller: Was he carrying anything in his hands when he left?
Unknown: Nothing, nothing.
Miller: When he ran?
Unknown: Nothing at all. I didn't see nothing in his hands, nothing like that, just seen what he done, and I seen him get up, took off running. I recognized the man and I'll put my life on the line that this man is here today.
Miller: Was he wearing a hat?
Unknown: No hat.
Miller: What was his hairstyle like?
Unknown: Just like it is right now.
Miller: Well . . .
Unknown: Short hair, nappy, hair look like it was running down his neck a little bit. He had on dark pants, maybe black pants, and had a dingy T-shirt on.
Miller: About how tall was he?
Unknown: About six-two, six-three maybe.
Miller: How much would he weigh?
Unknown: I'd say he weigh about anywhere from a hundred-seventy to seventy-five pounds to me. Anywhere in that area.
Daulton: What did he have on today?
Unknown: He had on black pants and an orange shirt. He had that on yesterday.
Miller: Where did you see him yesterday?
Unknown: Down at the poolroom.
Daulton: Then the first time you saw him on August 10th and yesterday . . .
Unknown: Yesterday was the first time I seen him.

Daulton: Yesterday was the first time you've seen him since August 10th?

Unknown: Yes, right.

Miller: Did you see any blood on him?

Unknown: No, I didn't.

Miller: Were his clothes torn?

Unknown: His back turned to me all the time, you understand what I'm saying?

Miller: Could you tell if his clothes were torn or anything?

Unknown: I couldn't tell that. I just seen him when he, when he jumped up and turned around, he turned his face around and looked back like that, maybe he was looking to see if anybody seen him anything. He jumped up and took off running. I seen him running across the street, he was (inaudible) When I last I seen him, he was running up that little road by the fire station.

Miller: When you first saw him, do you know if he had his penis out of his pants or anything?

Unknown: I can't, no, I don't feel, I can't say that he had. All I know he was on top of her. He was sitting up on top of her, like he was sitting up on a stump or something like that. He was just hitting her, you know, beating her.

Miller: Was his pants up?

Unknown: In a way, I guess I'll have to say they was up, yeah, I'd have to say that, but, they may have been loose, but definitely when he got up and started to run across the street, he definitely was trying to fasten his clothes up. There ain't no question about that.

Miller: You think the reason he ran was because he saw you?

Unknown: He maybe saw me, he maybe heard me come through there. She may have saw me and she may have heard me come through, you understand what I'm saying? I can't say, but I want to thank the Lord that I was able to see that and be man enough to come and tell ya'll this. You understand what I'm saying? A lot of pople, I didn't want to be involved in this. I don't like to be involved in things. But some times you have to be involved, right. And my conscious bothered me so bad that I had to call. And I did call. I'm the first person that called. And if you check the records, I called around about twenty-five minutes to seven, no later than twenty minutes to seven. 'Cause I got off that bus at quarter after six.
Miller: Where did you go after you called the police?

Unknown: I went to my friend's house (inaudible) Picked up some clothes that I pick up every week, right, and I just caught the bus and went on back town down, and after I got back, I stayed around the pool for a while, you know, and the first person I talked to was a friend of mine, Al. And I said, Al, I said I seen a man beating a white woman, a black man beating a white woman (inaudible) and I called the police. He said you're supposed to call the police, you know, 'cause he might have hurt that gal 'cause I felt at that time he might have been, to me, it looked like some lady from the (inaudible) that I might know, you know.

Daulton: Well, did Al tell you anything about him being in that area that morning?

Unknown: No, he wasn't in that area 'cause I didn't see him until about ten o'clock that morning.

Daulton: You didn't see him until about ten o'clock that morning?

Unknown: (Inaudible).

Miller: You say you'd be willing to go to court and testify to what you saw, testify that this is the man that you saw that morning?

Unknown: On the word of my mom and dad, on myself as being a man . . .

Miller: Oh . . .

Unknown: Yes, I would.

Miller: No, we're not doubting your word but you would do that?

Unknown: Yes, I would. Yes, I would. If I had to do that, yes, I would.

Daulton: Well, you know you'll be our witness 'cause we don't have an eye witness to the actual crime itself.

Unknown: You got one now. I just don't like to get myself involved . . .

Daulton: You would be willing to go to court?

Unknown: Yes, I would.

Daulton: No problems?

Unknown: No problems.

Daulton: This concludes this portion of the interview. The time is 1447. The date is 08-22-84. Those present: Detective W. G. Miller, Detective J. I. Daulton, and a black male by the name of Johnny Gray.
EXHIBIT XIV

RIGHTS WAIVER/ TERRY THOMAS

WINSTON-SALEM POLICE
CONSTITUTIONAL R
(Adult)

The Winston-Salem Police Department is conducting an investigation.

MURDER OF DEBORAH SKYER

(Description of Investigation)

Before I ask you any questions, I want to tell you what your rights are.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in court.
3. You have the right to talk with a lawyer and to have a lawyer with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before you answer any questions.

1. Do you understand your rights? Answer  YES

2. Do you want to talk to a lawyer and have him present during questioning? Answer  NO

3. Do you wish to answer questions? Answer  YES

Rights and Waiver given to  TERRY EUGENE THOMAS       Date 08-22-84
Rights and Waiver given by  DET. J.T. DAVISON       Date 08-22-84

Place CID OFFICE

Time interview began  1601   hours     Time interview ended  1630   hours

I understand what my rights are. I have read the above or the above was read to me and I freely, voluntarily, and understandingly, without promise or hope of reward and without force or pressure, want to make a statement to Officer  DAVISON

SIGNED TERRY THOMAS

Witness: W.C. MILLER

Revised 1/1/80
INVESTIGATION OF HOMICIDE

The victim who was on her way to work at the Journal & Sentinel was accosted by two Black Males and taken to the field in the 00 blk. of West End Bv. where the homicide occurred.
**WINSTON-SALEM POLICE DEPARTMENT**
101 N. MAIN STREET, WINSTON-SALEM, NORTH CAROLINA 27102

**CHIEF OF POLICE (919) 727 2581 • DETECTIVES (919) 727 2451 • RECORDS SECTION (919) 727 2921**

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*Wore dark pants and light shirt*

**DATE OF DEATH**
8-10-84

**Suspect #2 of 2**

**HOMICIDE**

**TIME OCCURRED**  0615-0645

**LOCATION OCCURRED**  00 blk West End Bv.

**DESCRIPTION OF OFFENDER:**

The victim who was on her way to work at the Journal & Sentinel was accosted by two Black Males and taken to the field in the 00 blk of West End Bv. where the homicide occurred.

**INVESTIGATING OFFICER**

J. I. Daulton 810-892

**PREPARED BY**

M. T. Rumple 730-4078
EXHIBIT XVIII
TERRY THOMAS COMPOSITE

WINSTON-SALEM POLICE DEPARTMENT
101 N. MAIN STREET, WINSTON-SALEM, NORTH CAROLINA 27102

CHIEF OF POLICE (319) 727-2581 • DETECTIVES (319) 727-2451 • RECORDS SECTION (319) 727-2921

NAME: Unknown
ALIASES: Unknown
LAST KNOWN ADDRESS: Unknown

RACE: Black
SEX: Male
DOB & AGE: early to mid 20's
HEIGHT: 6' to 6'3"
WEIGHT: 160 - 170 lbs
BUILD: Medium
EYES: Brown
COMPLEXION: Medium brown

ADDITIONAL DESCRIPTION:
- wore brown checked shirt, light trousers,
- clean shaven

WEIGHT CLASSIFICATION:
- Unknown
HEIGHT CLASSIFICATION:
- Unknown

WANTED FOR:
HOMICIDE

DATE OCCURRED:
8-10-84
TIME OCCURRED:
0615 - 0645 hrs
LOCATION OCCURRED:
00 West End Blvd.

DESCRIPTION OF OFFENSE:
The victim who was on her way to work at the Journal & Sentinel was accosted by two black males and taken to the field in the 00 blk. of West End Blvd. where the homicide occurred.

DEPARTMENT CODE:
F2, N10 up 1, E67 up 1, H133 up 2, A7 up 2, C10, A1, L24

INVESTIGATING OFFICER:
J.L. Daulton 810-892
PREPARED BY:
Vicki Pearl 730-4973
EXHIBIT XX

DARRYL HUNT PHOTOGRAPH
Chief J. E. Masten
Winston-Salem Police Department
Post Office Box 3114
Winston-Salem, North Carolina 27102

Dear Chief Masten:

On October 19, 1984, I wrote your department expressing my concerns regarding the pending investigation of the Deborah Sykes murder case. As you are aware, the media has covered your investigation extensively. In my opinion, too much information is being released. I realize that at times law enforcement must give certain information in a criminal investigation but in this particular matter too much has been furnished, even to the point of trying the case in the media. I believe lawyers for the defense have, potentially, acted unethically or at least improperly in releasing the information.

Nevertheless, as to those matters that I expressed concerns about (and that required additional investigation) I have not received any updated reports, nor one single word from the investigating officers. As far as I can tell there has been no further investigation, and it is abundantly clear to me there is a person (or persons) at large who are responsible for the crime in question. That fact concerns me greatly! It concerns me just as well that those matters which needed to be cleared up as to Darrell Hunt have not been. I have repeatedly tried to get information concerning this case and, as yet, I have not heard from any officers. In fact, one of my assistants left messages for one of the investigating officers to come to our office or to call our office on three different occasions during the last three days. We did not receive any response whatsoever until 10:30 a.m. today.

Please have the investigating officer in the case contact Johnny Gray, Margaret Crawford, Mr. Murphy, Mr. Hooper and the witnesses from the Hyatt House to schedule appointments with me as soon as possible.

I believe that our interests are consistent in this matter and that we would like a solid case against whomever is charged. Contrary to what has been expressed
Chief J. E. Masten

February 6, 1985

publicly, we do not have a solid prosecution of any kind. I look forward to meeting with you or anyone else concerning this investigation.

Yours truly,

Donald K. Tisdale
District Attorney

c:

Captain G. G. Cornatzer
Major G. Sweat
City of Winn

POLICE DEPARTMENT

22 February 1985

Mr. Donald K. Tisdale
Office of the District Attorney
Twenty-first Prosecutorial District
P. O. Box 1245
Winston-Salem, NC 27102

Dear Don:

I am encouraged by our last two meetings in that we have established the direction and manner we should take as we prepare for the upcoming trial. I want you to know that you have my support and any cooperation you need from our investigative division will be provided in reference to this case or any other case.

As you so very well stated in your letter of February 14, 1985, we all have the same goals—first, to see that justice is done; second, to obtain a guilty verdict.

Beginning Monday, February 25, 1985, Detective Daulton will be making regular checks by the temporary command post that you have set up for this case. Tentatively, I plan to have Detective Daulton fall in as usual in our division so that he will be present for our investigative exchange meetings each morning. I also want to invite you to sit in on any of these meetings when you have the time. You are certainly welcome to attend. They usually commence each morning shortly after eight o'clock and only last for approximately fifteen minutes. Your presence at these meetings from time to time would be instrumental I think in helping you understand the workload and demands that we have here in the Criminal Investigations Division.

Just in our last two meetings I can better see the workload and different pressures which you and your assistants are placed under from your standpoint.

After our investigative meeting each morning I will have Detective Daulton update his immediate supervisor as to the direction of his activities for that day and then he will contact you or Richard Lyle, if that is who you want him to contact in reference to this case. I will expect Detective Daulton to keep his supervisor informed as to his activities after meeting with you and your staff. We will give him assistance and/or further direction if needed.
I think it imperative that we and members of your staff continue to meet so that all involved are fully aware of the progress being made.

In reference to the private investigator hired by Deborah Sykes' mother, I think we have to be extremely careful in that any information we exchange must not be jeopardized by having other people interview or interrogate witnesses and possibly put ideas in their head or confuse them as to issues or statements which they have already made to us. As you are well aware, several of these witnesses are already frightened, and to be put under the pressure of additional interviews by private investigators may only serve to alienate them further.

I am requesting that you assist me by imparting to Mr. Hemmings our desire that he not interview any of the witnesses that we have contacted due to the above mentioned concerns. I prefer that Detective Daulton and/or a member of your staff conduct any future witness interviews in this case. I will impart this concern to Mr. Hemmings.

I look forward to meeting with you again on February 26, 1985, and again let me express my appreciation for your assistance and that of your staff.

Sincerely,

J. E. MASTEN
Chief of Police

G. L. Sweat, Major
Investigative Services Bureau
MEMORANDUM

TO: Mayor Wayne A. Corpening and Members of the Board of Aldermen
FROM: Bryce A. Stuart, City Manager
DATE: November 26, 1985
SUBJECT: Additional Information/Sykes Investigation

Alderman Newell and Alderman Wood requested that we provide the following additional information regarding the Sykes investigation:

- Transcript of the August 10, 1984 conversation between Mr. Fred Flagler of the Sentinel and the Police Communications Operators. This information is attached and identified as Exhibit I. It was also requested that we provide the time that Mr. Flagler called the Chief's office on August 10, 1984. As best we can determine from Mr. Flagler's testimony, his first call to the Police was at 10:15 a.m.; he placed a call "a few minutes later"; and about 15 or 20 minutes later, he called the Chief's office. The Chief was not available but did return his call a few minutes later. According to the transcript, the first call to the Police by Mr. Flagler was made at 11:12 a.m.

- Transcript of the interview between Brian Watts and the Police. This transcript is attached and identified as Exhibit II. Mr. Watts is the young man that discovered Ms. Sykes' body.

- Who was the newspaper reporter that Mr. Watts stopped regarding his discovery of the body? Paul Haskins.

- Letter from the District Attorney to Major Masten dated October 19, 1984. This letter is attached and identified as Exhibit III. Additionally, we have included as Exhibit IV, Captain Cornatzer's response to Major Masten regarding the District Attorney's letter.
- 2 -

- Letter of February 14, 1985, to Captain Cornatzer from the District Attorney. This information is attached and identified as Exhibit V.

- When did Thomas Murphy and Johnny Gray identify Darryl Hunt from a live line-up?

  Murphy - September 12, 1984
  Gray    - September 13, 1984

- On what evidence did the Police Department base the arrest of Darryl Hunt on September 14, 1984? The information used by the Police to establish probable cause to charge Darryl Hunt with the crime is attached and identified as Exhibit VI.

- Information regarding training for Investigators. This information is attached and identified as Exhibit VII.

- Information regarding qualifications and selection procedures for Investigators. This information is attached and identified as Exhibit VIII.

- Did the Police conduct any follow-up with Johnny Gray's friend (Mack Branson) whom he indicated he was going to visit on August 10, 1984? A Police report of this follow-up is attached and identified as Exhibit IX.

Should you have questions regarding this information, please feel free to call me.

[Bryce A. Stuart]

rmb

Attachments (9)
Starting Time: 11:12 a.m.  ce: 8-10-84

Johnston: Police Department, Johnston

Flagler: Mr. Johnston, My name is Fred Flagler, I'm managing editor of the Sentinel. We have a young lady who came to work for us a few weeks ago, we think a responsible person, she comes to work fairly early for us, around 6:00 a.m. We were concerned - she had been commuting in here from Mooresville. She did not show this morning, and we were thinking maybe, well, she has been in a car accident.


Flagler: and sir, in checking around, you know, we were trying to say, well, did she have a car accident or, we haven't, she hasn't called, and that's not like her. We find her car--

Johnston: Hold on a minute - Inaudible radio traffic with Fire Department.

Johnston: Go ahead.

Flagler: We find her car on 6th Street, and it's got a Georgia license, she has been working (Inaudible) before. But anyway,(inaudible)

Johnston: Hold on a minute, let me catch another phone. I gotta catch a fire call.

Flagler: Let me have somebody I can talk to.

Johnston: George?

Reavis: Reavis, may I help you.

Flagler: My name is Fred Flagler, I am managing editor of the Sentinel paper.

Reavis: Um-hum

Flagler: We've got what looks like a bad situation here, and I need some police help, I think. We've got a young woman who apparently came to work this morning but she never got here. Her car is out here on the street. She normally gets here about 6:00 a.m. The car has a Georgia license, and she would have come up here and entered our building at around 6:00 a.m.; She has been commuting, hadn't been with us too long, but she's a type of responsible person that we think would have called had she, you know, had car trouble or had she been interrupted in some way. Now, what should I do.
Reavis: Where does she live?

Flagler: Sir, she just came to work for us about 2 or 3 weeks ago, and had been commuting in here in the mornings from Mooresville, until she-- she hadn't really found some housing here. But her car is on the street, on 6th Street.

Reavis: Does she live with somebody from Mooresville, does she live by herself, or what?

Flagler: Her husband came with her, and I understand that she has been living with her in-laws in Mooresville. But I don't see what that's got to do with it at the moment, because her car is here.

Reavis: Well, what you need to do is check back with her people and see if they have heard from her.

Flagler: Um-hum.

Reavis: Her husband and what have you, and see if they have heard from her. Then we will move forward from there.

Flagler: Okay, well now, that doesn't make any logic to me because--

Reavis: Well, where she may not, she may or may not call you, she would be much more likely to notify her family if she was injured or--

Flagler: Okay, is there anyway that you check to see if there has been any sort of an emergency, whether anybody has been attacked, or in the hospital or anything like that reported. Her name is Debbie Sykes (spelled out), and

Reavis: Hold on. Phone dialed by Reavis.

Martin: Police Records, Martin.

Reavis: Hello there, checking on a Debbie Sykes to see if she has had any dealings with the Police last night.

Martin: Who is this?

Reavis: Reavis

Martin: Who?

Reavis: Reavis

Reavis: You knew who this is. I'm going to come up there and smack you up the side of the head with my pencil.

Martin: I don't know your voice. Your voice has changed, your voice changes sometimes.

Reavis: Oh, it does?

Martin: Yeah
Reavis: It gets like that when I'm talking to stupid people.

Martin: Well you are not talking to me now. Who are you talking to?

Reavis: I'm talking to Fred Flagler, at the paper down there. What was that woman's name?

Martin: Debbie

Reavis: Debbie?

Martin: Debbie?

Reavis: Um-hum

Martin: Inaudible - Debbie Sykes? What about Deborah?

Reavis: Deborah? Might be.

Martin: No record (spelled) Sykes, I'm spelling it.

Reavis: Hold on a minute. Let me make sure that's right. Are you sure you spell her last name (spelled) Sykes?

Flagler: Yeah. and if it seems like anything is in the file, bring it up here. (Someone said yeah, yes sir, could not determine who.)

Reavis: Hold on. Yeah, that's right, (spelled) Sykes.

Martin: Alright, nothing. We don't have a record on her.

Reavis: Okay, thank you.

Martin: Bye.

Reavis: She's not been--come through our Department using that name.

Flagler: Okay. Alright.

Reavis: The thing you need to do is get back in touch with her family and see if they have had any word from her or have any idea where she might be or anything like that, and then go from there.

Flagler: Well, okay, I'm kind of reluctant to call her family. Uh, and worry them unnecessarily if I don't--but I just don't know. We do know that it is her car, and she would normally be to work around 6:00 a.m. this morning. She didn't call anybody here, and that is just sort of unusual. She's a pretty high type person.

Reavis: Um-hum.

Flagler: But we may have to do that, you know call and see if by chance her husband or her in-laws have heard from her.
Flagler: But I'll ask the Personnel Department for a copy of her file so we can have her picture, and any information we have about her that we can give to you on the thing.

Reavis: Okay. Her people up there in Mooresville may want to report her missing. That's where she last seen them.

Flagler: Okay, thank you.

Reavis: Yes sir.

Ending Time: 1117 Hours

Date: 8-10-84
INTERVIEW - Brian Keith Watts, B/M, dob 08-08-59
1616 Attucks Street

CONDUCTED BY - Det. K. H. Blevins

PLACE OF INTERVIEW - C.I.D. Interview Room

DATE - 06-10-84

TIME - 1455 hours

Blevins: Mr. Watts, we've been talking for the last few minutes. You told me that you worked for the Adele Knitting Company at Chatham Road. Mr. Watts you told me that you work a split shift from 0900 to 1200 hours and then from 1500 to approximately 2000 hours. Mr. Watts, you've also told me you work part time for the PWI Computer Accessories Business, located in the same building as Adele Knits, and that you work this from one to two hours a day between 1300 and 1500 hours. Mr. Watts, if you will, please, start from where you left work at 1200 hours today and what you did.

Watts: Well, I punched out at 12:06 and, well, I walked upstairs to the warehouse and I got a ride with the supervisor upstairs downtown. He dropped me off downtown. I walked to the bus stop. I caught the bus. I had to go to Reynolds Health Clinic to get a TB skin test at 1:00. I left from over there. I don't know exactly what time it was, but I walked back downtown. I went in Woolworths and, well, I bought a toy for my girlfriend's son and I left there and I went to Krispy Creme Doughnuts and I bought two hot dogs and some ice cream. From there, I was walking back to work and I was going down, I don't know which street, but, I was going down, well, the street behind Crystal Towers.

Blevins: I believe that's West End Boulevard, behind Crystal Towers.

Watts: I was going down West End Boulevard and I was trying to find a spot to sit and eat my lunch by myself. I didn't want to sit over there behind Crystal Towers where all the winos was and I was going back there was going stand up and eat my lunch and eat my ice cream on the way back to work. When I started behind there, I saw a pocketbook and some shoes and a sweater. I thought it might have been people behind there trying to be by themselves. I slowly walked on towards the back to see if I heard anybody and when I got around to the back, I noticed a body over there laying in the grass. So, I slowly walked over towards the body to see if I seen any signs of life or breathing or anything. Well, she looked stiff and I — so I turned and was making my way back toward Crystal Towers to call the police and I saw this guy walking around looking like he was looking, so I asked him if he worked in Crystal Towers and he said no, he was a reporter. He said that they was looking for somebody. I told him that I had spotted a body over there behind the wall over there and he went back and called a detective, which was down the street and told him to come up there and he came up there and he wanted me to show him where the body was. I told the reporter and another guy to stay back and while I walked around there and showed them where I had spotted the body at. He radioed in for some assistance and another plain clothes detective also came back there and they talked a few, and then, well, we walked back around. That's when we had another officer take me to be fingerprinted 'cause that I touched the pocketbook, 'cause the stuff was laying on the ground and, like I say, I thought somebody was back there, so I put the
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Watts, continued: stuff back in the pocketbook and that's why they told me they wanted me to come down for my fingerprints, 'caused I had touched the pocketbook.

Blevins: OK, the area we have been talking about is the area across the street from the back of Crystal Towers. Is that right?

Watts: Right.

Blevins: There's a wooden wall made out of like logs sticking up out of - like telephone poles -

Watts: Yea.

Blevins: - sticking up out of the ground and with some bushes around it. The area where you found the body, it was in behind the wall. Is that correct?

Watts: Yes.

Blevins: You said you were looking for a place where you could be alone to eat your lunch. Is that right?

Watts: Yes.

Blevins: OK, OK. When you walked around behind that wall, you saw a pocketbook and some shoes and a sweater?

Watts: Yes.

Blevins: OK, when did you touch the pocketbook? At that time?

Watts: Yea - well, I seen the stuff on - well, a wallet and eyeglasses, well, shades and eyeglass case, I seen them laying on the ground. The pocketbook was open. I said, well, there's two people back there, you know, then, maybe she don't know that she had dropped the stuff out of her pocketbook, so I was putting it back in. And, I put it back in. That's when I touched the pocketbook, I put the stuff back in, before I had walked around there. After that, that's when I walked around there.

Blevins: OK, be as specific as you could please. OK, you saw the shoes there on the ground?

Watts: Yea.

Blevins: And, you saw the pocketbook on the ground?

Watts: Yea.

Blevins: Exactly what was outside of the pocketbook?

Watts: Uh - it looked like she had two purses, but, well, one was in the pocketbook and one was laying out.

Blevins: Two purses, you mean two wallets?
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Watts: Yes.

Blevins: Or billfolds -

Watts: Yea, yea. And, a set of keys and, well, really that was it. - Uh - eyeglass case - A eyeglass case was laying outside the pocketbook.

Blevins: How -

Watts: Well, it was laying to the side, like it might have just fell out, or something like that.

Blevins: The items were just sort of laying to the side of the pocketbook?

Watts: Yea.

Blevins: How far - how close were they to the pocketbook would you say? How many inches or feet?

Watts: Well, it was laying like they slid out. They was right together. They was right together.

Blevins: Then there were two wallets or billfolds?

Watts: Yea, one was inside the pocketbook and the other one was slid halfway out and it was still - everything that was out of the pocketbook was touching the pocketbook in some kind of way.

Blevins: So, would you say it looked more like the pocketbook had just fallen and the items had fell out of it, rather than somebody taking them out and going through them?

Watts: Yea, yes.

Blevins: It looked like -

Watts: Well, well it could have been that it might have been thrown down or maybe even rambled with, but where they was - well, the one that I picked up was open and the one inside the pocketbook was already flapped open.

Blevins: Which did you handle, the wallet that was outside the pocketbook?

Watts: Well, I touched both of them. Well, when I was - the one outside the pocketbook, I put it in and I just moved the other one around and put the eyeglass case in and the keys.

Blevins: OK. Did you handle the eyeglass case, too.

Watts: Yea, well I put everything that was outside, I just stuck it back in.

Blevins: Back inside?

Watts: Yea, and laid it up against a pole.
Blevins: The poles that hold the wall?
Watts: Yea.
Blevins: Did you handle the keychain.
Watts: Well, yea, I just grabbed them and dropped them in the pocketbook.
Blevins: Was there anything else out of the pocketbook?
Watts: No. Well, I think that was it.
Blevins: Did you take any of the items?
Watts: Well, just some change, some change. It was on the ground.
Blevins: The change was on the ground?
Watts: Yea.
Blevins: How much change was it?
Watts: I don't know, it was a bunch of change. I'd say about fifty cents.
Blevins: Was there any money in the wallets?
Watts: I didn't go through the wallets.
Blevins: You didn't look inside the wallets or any - you didn't look inside the wallets?
Watts: The big one that was on the inside, that was a bank book of some kind. I just left it open and stuck it back in the pocketbook.
Blevins: Did you take anything else from the pocketbook or the ground around the pocketbook?
Watts: No.
Blevins: OK, after you looked at the pocketbook, and put the items back inside, what did you do then?
Watts: Well, I slowly walked around, was walking towards the back of the wall, 'cause, well, you still couldn't see all the way behind the wall, so I was slowly walking back in case there was somebody back there then I wouldn't disturb them. I was just gonna walk on back around and go on, you know, the street way.
Blevins: OK, you thought there might have been two people making love behind the wall?
Watts: Yea.
Blevins: OK, OK. When you walked around the wall, what did you see?
Watts: Well, when I walked around the wall, I didn't see anything at first. And well, I could see the body laying over there, but she wouldn't moving.
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Watts, continued: And I slowly walked towards the body.

Blevins: OK, you slowly walked towards the body?

Watts: Yea.

Blevins: OK, what did you do when you got to the body?

Watts: I looked to see if I could see her breathing. And, I couldn't. Well, I didn't know whether she was breathing or not. I couldn't tell. I just looked and I couldn't see no signs of her and well then I noticed the bottom of her feet looked dry and hard and white looking, so that's when I turned and was headed back towards Crystal Towers.

Blevins: Did you touch the body?

Watts: No. I don't touch no dead body and I don't want to.

Blevins: OK, you say you never touched the body?

Watts: No.

Blevins: How close did you get to the body, Brian?

Watts: I guess I was about three feet away.

Blevins: Did you see any blood or any other kind of marks on the body?

Watts: Up by the chest it looked like a big old dry blood stain and on across her neck, like it might have been dry blood. I couldn't see no kind of marks or punctures or shots, you know, no kind of holes or nothing. It seemed to be a blood spot.

Blevins: OK, you say you didn't see any holes in the chest, you just - you saw it - but you did see an area covered with blood -

Watts: Yes -

Blevins: - what looked like blood on her chest?

Watts: Yes.

Blevins: How was the body clothed? Were all the clothes on it or some of them off?

Watts: No, well she only had on, looked like it might have been some kind of a tube top and some panties that looked like all the seat was torn out of them.

Blevins: It looked like the seat was torn out of the panties?

Watts: Yes. Her behind was out.

Blevins: Say her back side, her behind was out of the panties?
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Watts: Yea.

Blevins: Did you notice any other clothing laying around the body?

Watts: No, not when I saw the body.

Blevins: After you saw that, you said you walked back to the road?

Watts: Yea, yea.

Blevins: That's when you stopped the reporter?

Watts: Yea, well, I hopped on the wall. I was headed to Crystal Towers. Well, I saw him looking like he was looking for something, so I asked him did he work there. I was going to ask him was an officer around or to use the telephone, you know, help me use the telephone or something like that.

Blevins: OK, you were trying to find somebody to report the finding of the body to?

Watts: Yea, yea. It really scared me and I didn't know what to do. I was starting to run straight on to work and then call, but I said no, I'll go up to Crystal Towers and see if I can't call and get somebody.

Blevins: OK. Can you think of anything else about when you walked around the wall? Can you think of anything else you saw? Were there any other persons in the area, any other people?

Watts: Well, like I say, you know, you got benches and stuff behind Crystal Towers and I noticed winos hanging out up there. There was some up there then, that's why I was going around to the back to try to get somewhere by myself. Well, some winos.

Blevins: They try to bum food from you?

Watts: Well, I didn't want to entice them or tempt them in no kind of way. You know, I didn't know where they might be hungry or not so I didn't want to tempt them or entice them.

Blevins: I understand. OK. Where did you spend the night last night?

Watts: Home.

Blevins: Home, 1616 Attucks Street?

Watts: Right, right.

Blevins: Who do you live there with?

Watts: I live there by myself. My girlfriend stays with me occasionally.

Blevins: OK, what is your girlfriend's name?
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Watts:  Larnettra Noel.

Blevins:  How do you spell Larnettra?

Watts:  Larnettra.

Blevins:  Noel - N-O-E-L?

Watts:  Right.

Blevins:  Where does she live at?

Watts:  On 24th Street.  1225 I think.

Blevins:  She lives at 1225 E. 24th Street. Does she have a telephone?

Watts:  No.

Blevins:  And, you said that you spent the night last night at your house on Attucks Street?

Watts:  Right.

Blevins:  OK, what time did you get up this morning?

Watts:  8:00.

Blevins:  OK. Did you go anywhere else between the time you got up and the time you went to work?

Watts:  No, I was rushing then.

Blevins:  Rushing then, what time did you get to work this morning?

Watts:  I punched in at 6 minutes after 9.

Blevins:  The woman that you saw laying there behind the wall, had you ever seen her before?

Watts:  I didn't see her face - (inaudible)

Blevins:  Do you have any idea who she was?

Watts:  No.

Blevins:  Can you think of anything else?

Watts:  No.

Blevins:  That's the end of the statement. The time now is 1521 hours. Thank you Mr. Watts.
Major Joseph E. Masten
Acting Chief
Winston-Salem Police Department
Winston-Salem, NC

Dear Major:

It is very awkward for me to deal with the problem which I am about to address because of the peculiar situation that your department is laboring under as to a chief in command. I do not know what real authority the acting chief might possess, but I would presume that the acting chief would be vested with full authority. I do realize that you are rightfully in contention for the permanent chief’s job and you have earned that right and respect.

There is not normally much gained from public controversy or public criticism, and that is especially so when there has been an effort made out of public view to rectify the situation. Through the years I have found myself in awkward situations when at times I would criticize police action, and I have found that very little is gained either for the police or myself by attacking an institution that will be here long after both you and I.

The issue which I am about to address is the Sykes murder case, and it is, of course, a sensitive, very public and significant matter. There has been an aura of race in the case as well as the indication of ineptness. Historically, I have had a running controversy with whomever has acted as chief over homicide investigations. I fully realize that it is not in my province to allocate manpower nor to dictate procedure or policy to another department. However, it does fall my duty by Statute to advise police and law enforcement. I have taken that responsibility seriously and in the past, the police department and other law enforcement agencies have accepted that intention on my part.

Dating back to the reign of Tom Surratt, there was an unsolved murder case of James Shouse. There were even allegations made that I was a co-conspirator in that matter. The police department, along with the SBI,
2) Secondly, the police were dispatched to the wrong location. Mr. Stewart can exonerate anyone he wishes by press releases, but the truth of the matter is that the car was sent to the wrong location, whether that is human error or bad procedure.

3) If either by procedure or human instinct the car was sent to the right location, the police would have been two minutes behind the killers instead of five or six hours. Knowing what I know about the case, which for the most part I have gathered from the newspapers because I did not receive a police report until the day before yesterday, the killers were lurking in the downtown area after the killing.

4) When the person who called in the incident finally came forward and through some procedure identified a citizen, the officers here were either ready to or had already formulated a warrant to be served on that individual based solely on one uncorroborated eyewitness. The practice of hinging your case on one eyewitness has been admonished against since time immemorial. Not only has my office preached the hazards of this, but also your own department has been properly stung and fallen libel to lawsuits because of the same. We learned from the case involving David Darr's son that you do not rely on a single eyewitness, especially where that witness suffers from guilt from not doing something about a crime. That was a case in which a bank teller identified young Darr, presumably because she had failed to put film in the camera at the bank. Only because of the astute police work of T. W. Dahlen was this discovered, but it was after young Darr had languished in jail for a lengthy period of time. However, the city richly compensated young Darr.

5) The only reason that this citizen referred to above was not formally charged was that he voiced that he was in jail at the time of the crime. If he had not been so fortunate to have been incarcerated, he would have been charged and we would be trying him. The police investigation would have been shut down.

6) The standard response to the above is that the investigation never ends. You know as well as I know that it does end. There is a clamor for an arrest and then it is dropped in my lap.

7) Officer J. I. Daulton has worked this case from the inception. It is not his fault that he was assigned primary inspector, but I doubt very seriously that he would qualify as the expert that I have been seeking. He has worked diligently and I commend him for that, but because of his lack of exposure he does not possess as of yet those needed qualities. When the man's identification was made and an arrest was imminent, other officers gathered for the kill, but when that sure thing failed, Officer Daulton was left alone again.
13) Mr. Hunt was arrested because the police had already publicized through search warrant and otherwise that there were eyewitnesses who had picked out Hunt.

14) That from day one this case has been tried in the newspaper. Every bit of information was gathered from the police department. What I knew about the case I found out from the newspaper and from the news media. Not until the day before yesterday did I receive a report of any sort. As you know, the media is a beacon for freedom, but when misused it takes that very freedom that we have to have; that is, that Hunt has been tried in the newspaper because someone permitted it to be done. It is no excuse that we can point to an eager reporter. To point out the dangers of talking to the media I might tell you the only contact I have made with the media in this case. Ms. Sheboy called me at home and asked that I verify four things. I proceeded to "blow her out" and tell her what I have just stated to you. Turning on the news thirty minutes later I found where a spokesman for the District Attorney's Office had just verified four items. That is how the media will work when they are placed under time restraints and deadlines. And so, why should we expect it to be reported correctly when we openly talk to them? Because of that misconduct of continual press releases in this case I practically doubt that this case, if it is ever tried, can be tried in this county.

15) Yesterday I had the unpleasant task of talking to the family of Deborah Sykes, only to find that they were optimistic about the case and wondering why I was continuing the probable cause hearing. They had been informed by the police that there was sperm found, that hair samples were found, that there was significant blood evidence, and that the eyewitnesses were ideal. I did not find it appealing to lie to them and my most encouraging word to them was that we were in trouble.

16) Once the police came to me, I did give them advice as to a series of things to do centering around possible lineups, and other avenues. These things have not been done and in some part, it is too late to do some of them.

17) When once apprised of the totality of the case, I have preached that the focal point of the whole case is Johnny Gray, the first eyewitness who became a caller. Your investigators have been all too ready to believe Mr. Gray, and there are certain things about Mr. Gray that are believable. Mr. Gray was there, he did call in and he did give Sammy Mitchell's name. The investigators stopped at that. It is imperative that we turn Mr. Gray and have him tell the truth. It is as preposterous that Mr. Gray could pull Sammy Mitchell's name out of thin air without knowing him as Darrell Hunt could name the next police chief. I have found out through my own that one of the narcotics officers is working under cover and knows Johnny Gray. Not taking into account the chain of command that you live with, but hoping to rectify that at this time, I called the narcotics office and asked that that officer be able to work with me on this matter and I was, of course, informed that that is not the chain of command. I apologize for that slip; however, you must understand that I am consumed with breaking this case.
**Winston-Salem Police Department**

**General Memorandum**

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<td>From: Captain G. G. Cornatzer</td>
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Attached to this memorandum are responses to Points #3, #4, #5, #6, #7, #8, #9, #10, #12, and #13, of a letter mailed to you from District Attorney Tisdale on 19 October 1984.

I did not address all of the points in Mr. Tisdale's letter because either it would not be appropriate for me to comment or because he alluded to theories or suppositions with little or no basis.

I did, however, comment on points that directly involved the Criminal Investigations Division and its investigation of the Sykes homicide case.

In going over the investigation of the Sykes case, I have found some weaknesses in report writing and documentation, but I have found no lack of communication with and involvement of the district attorney's office.

Defects found in report writing and documentation are being corrected at this time.

\[\text{G. G. Cornatzer, Captain}\]
\[\text{Criminal Investigations Division}\]

dsb

Attachment
Point #3

"... knowing what I know about the case, which for the most part I have gathered from the newspapers because I did not receive a police report until the day before yesterday . . . ."

Response

Mr. Tisdale alleges that he did not get a police report until 17 October 1984.

The reality of the matter is that the Criminal Investigations Division has been in almost constant contact with the district attorney's office since 22 August 1984.

The Sykes homicide took place on 10 August 1984, and from that date until 22 August 1984, the Criminal Investigations Division was processing hundreds of leads that really didn't amount to anything. Most certainly we could have reported to the district attorney each lead and the circumstances surrounding it, but we didn't. We simply checked the leads and the related suspects, documented our work, and went on to new leads.

Put another way, there was nothing to report to the district attorney's office during the period from 10 August 1984 to 22 August 1984. Possibly we could have given a preliminary report to the district attorney's office on 10 August 1984, shortly after the incident, but I know of no rule or regulation requiring such a report.

From 22 August 1984, when we developed a suspect, the Criminal Investigations Division has been in almost constant touch with the district attorney's office. Almost no investigative moves have been made without the advice and consent of the district attorney's office. Listed below, chronologically, are the contacts with the district attorney's office:

1) 22 August 1984, 1600 hours - C. C. Walker of the district attorney's office came to the Criminal Investigations Division offices when a suspect, Terry Eugene Thomas, was developed by a witness, Johnny Gray.

2) 12 September 1984, 1415 hours - Mr. Tisdale interviewed Hunt in the district attorney's office. Mr. Tisdale advised Hunt of his rights under the Miranda Rule and instructed detectives to place Hunt in a lineup. Hunt was placed in a lineup and identified by Thomas Murphy. The district attorney was advised of the results.

3) 13 September 1984, 1245 hours - The district attorney was contacted and advised detectives to let Johnny Gray view a lineup with Hunt in it.

4) 14 September 1984, hours - The district attorney talked to Brenda Moreno and had her talk to Hunt. The district attorney then talked to Hunt. The district attorney advised to draw a warrant for homicide for Hunt.

5) During the period between 12 September 1984 and 14 September 1984, the district attorney also interviewed Thomas Murphy and Johnny Gray. These interviews were arranged the Criminal Investigations Division detectives.
6) The district attorney's staff was contacted and helped draw the search warrants of Sammy Mitchell's house and the person of Darrell Hunt.

Points #4 and 5

"When the person who called in the incident finally came forward and through some procedure identified a citizen, the officers here were either ready to or had already formulated a warrant to be served on that individual based solely on one uncorroborated eyewitness."

Response

On 22 August 1984, a witness to the Sykes homicide contacted uniformed officers, told them he was a witness to the murder, and pointed out a man who the witness said had killed the Sykes lady. Uniformed officers and detectives responded and took a suspect, Terry Eugene Thomas, into custody.

Uniformed officers arrested subject Thomas for possession of marijuana, transported both Thomas and the witness Gray to the Criminal Investigations Division offices. After verifying that Gray was a witness to the crime (using information that only Gray could have known and confirmed by radio tapes), the district attorney's office was contacted and Assistant District Attorney C. C. Walker came to the Criminal Investigations Division offices. Mr. Walker talked to the witness, Gray, and advised to draw a warrant for the suspect, Thomas. Thomas had not been interviewed at that time. Before drawing a murder warrant, detectives advised Thomas of his Miranda rights and questioned him regarding the murder. Thomas gave an alibi (he was in jail at the time of the homicide). Thomas' alibi was confirmed and no murder warrant was drawn.

Points #6 and 7

"... when that same thing failed, Officer Daulton was left alone again."

Response

Detective Daulton has never been alone in this case. Supervisors and other detectives have been involved from the very beginning.

Point #8

"When the eyewitness Murphy came forward and identified Darrell Hunt from photos, this office was finally consulted and we warned once again the hazards of an eyewitness, and as well the hazards of an eyewitness who felt guilt because he did not stop and help Deborah Sykes. I asked at that time for them to go to his employment and to look at his background. This was not done and it was only done by myself after Hunt had been arrested, and only to find that Mr. Murphy was: 1) an ex-Klan member, and 2) was typified by his employer as probably not being able to withstand cross-examination in court."
Response

Note that the above mentioned contact with the district attorney was on 12 September 1984 long before the date of 17 October 1984, that he alleges was the first report to his office (see Point #3). We all know the "hazards of an eyewitness," but a judge and jury will have to decide the competency of a witness. The police (and the district attorney) cannot simply disregard what an eyewitness has to say. The character of the witness (ex-Klan member) and whether or not he will be able to "withstand cross-examination in court" are for the courtroom and not the district attorney's office.

As to going to Mr. Murphy's place of employment, our detectives did go to the place of where he worked and did look into his background. Again, the findings on a witness' competency and his character are for court.

Point #9

"When Hunt was brought to my office for questioning, he denied any involvement, and he was told that he would be placed in a lineup. The officers left my office, proceeded to put Mr. Hunt in a lineup without advising him of his constitutional right to have counsel present. This is rudimentary and unbelievable."

Response

The district attorney told detectives to put Hunt in a lineup and he (Mr. Tisdale) advised Hunt of his rights.

Point #10

"Prior to talking to Hunt the first time, I was advised by the police that they wanted hair and blood samples from the defendant and inquiry was made as how to secure same. The police were informed in my presence not to execute a search warrant, but just to go to the jail and secure those physical items, that a search warrant was not necessary. Preceding the second conversation with Hunt, I was informed by the detectives that they had a search warrant for the residence and one Sammy Lee Mitchell with whom Hunt was presumably living. Upon reviewing the search warrant, it was, to be generous, poorly drawn. I expressed to the officers at that time that I did not feel they would find anything, but if they did that it would not be admissible under that search warrant."

Response

I do not know any way to get blood and hair samples without a court order, incarcerated or not, legally. The search warrant application for Sammy Mitchell's house was composed by the police legal advisor and the Criminal Investigations Division detectives and carried to the district attorney's office where it was rewritten by Assistant District Attorney C. C. Walker before it was presented to the clerk of court.
Point #12

"The search warrant was issued for the residence and lo and behold certain items were found. These items of clothing were taken by the officers to the jail where Mr. Hunt was confronted and asked if they were his clothes and asked which were his and at which time Mr. Hunt was told that they would be sent off for blood samples, and at which time Mr. Hunt stated that they would indeed find blood on the clothes. None of these statements were preceded by an advising of his rights and none will be admissible in court, significant so they be. It is not enough to say that I simply do not understand."

Response

The facts are on 14 September 1984, Mr. Hunt was in jail on another charge when he was arrested and brought to City Hall for booking procedures. Before being booked, Mr. Hunt was advised of his rights under the Miranda Decision, and at that time waived his rights. During the booking procedures, detectives came back from the search of Sammy Mitchell's house and confronted Hunt with two shirts and two pairs of pants. Mr. Hunt told the officers which items were his and which were Sammy Mitchell's.

Point #13

"Mr. Hunt was arrested because the police had already publicized through search warrant and otherwise that there were eyewitnesses who had picked out Hunt."

Response

Mr. Hunt was arrested after the district attorney interviewed witnesses, reviewed police reports, talked to the suspect and police detectives.

dab
Captain G. G. Cornatzer  
Winston-Salem Police Department  
Post Office Box 3114  
Winston-Salem, North Carolina  

Dear Captain Cornatzer:  

Our meeting, February 12, 1985, was very productive. Captain Cornatzer and Major Sweat, I appreciate your willingness to meet with me. It is my understanding the investigation discussed will continue. We have the same goals; 1) To see that justice is done, 2) To obtain a guilty verdict. As agreed, we must work in concert when new information is discovered.  

It has come to my attention that Deborah Sykes' mother has hired a private investigator. I know him personally. I don't think he would interfere with the investigation. To me, it is obvious the investigation requires full cooperation between all interested parties. However, as it should be, your office is in charge.  

Again, our office looks forward to working with you.  

Respectfully,  

Donald K. Tisdale  
District Attorney  

cc: Major George Sweat  
Chief J. E. Masten
FIRST DEGREE MURDER OF DEBORAH SYKES

This Prosecution Summary was compiled by Captain G. G. Cornatzer approximately 24 September 1984, from a Prosecution Report which had previously been prepared by Officer J. I. Daulton. The Prosecution Report was sent to the office of District Attorney Donald Tisdale. The page numbers listed on the left hand column of this Prosecution Summary are referring to corresponding pages in the Prosecution Report prepared by Officer Daulton.

When the exception of Items "K" and "L," on Page 3, (evidence from Danny Holt and Roger Weaver of the Hyatt House) all of the evidence outlined in this Prosecution Summary was available on the date Darrell Hunt was charged with the murder of Deborah Sykes (14 September 1984).
First Degree Murder of Deborah Sykes

I. Elements

A person is guilty of this offense if:

A. He kills

B. Another living human being

C. With malice

D. And while committing rape or sex offense

II. Proof

A. Killing of another living human being

1. Drs. M. J. Shkrum and R. L. Thompson of the North Carolina Medical Examiner's Office will testify that victim died of multiple stab wounds to the head, chest, back, and both arms.

B. With malice (must be done intentionally and without just cause, excuse, or justification)

1. Drs. Shkrum and Thompson will testify that there were sixteen (16) different stab and/or incised wounds inflicted on the victim's front and back areas along with numerous bruises and other marks.

2. William Hooper will testify that at approximately 0620 hours, 10 August 1984, two (2) black males were seen with the victim on West End Boulevard near where the victim was later found dead. One black male "shook his fist" in the face of the victim, and one black male kissed the victim. The witness can identify the victim but not her assailant.

3. Thomas Murphy will testify that suspect was holding victim with his right arm around the victim's neck. Time about 0630 hours, 10 August 1984. Murphy can, and did, identify defendant as the person holding the victim.

4. Ralph Bannor Nash can testify that he saw a black subject throw a white subject to the ground at approximately 0630 hours, 10 August 1984. The black subject then laid on the white subject and held the subject's hands to the ground. The location of the incident was where the victim was found. He could not identify the suspect or victim.

5. Bobby Ray Upchurch will testify the same as Nash.

6. Johnny Gray saw suspect on victim, beating the victim with his hands at the location where the victim was found, time about 0645 hours. Gray can and did identify the defendant
C. While committing rape or sex offense

1. Drs. Shkrun and Thompson will testify to abrasions in both the vagina and anus, the presence of sperm in both the vagina and anus, and this was consistent with sexual assault.

2. Johnny Gray will testify that suspect was "trying to fasten his clothes up" when he got off of the victim and ran away. Gray will testify that the victim did not have any clothes on from the waist down.

3. Officer J. I. Daulton can testify that the victim's underwear was cut or torn.

4. Drs. Shkrun and Thompson will testify that the victim's bra clasp was partly broken, her panties were "torn", blood-stained, and "pulled up to the lower abdominal area."

III. Circumstantial Evidence

A. Cab driver James Johnson picked up Hunt at 14th Street and Dunleith Avenue at 0400 hours, 10 August 1984, and took him to Motel 6. The driver will identify Hunt.

B. Brenda Moreno will testify that Darrell Hunt and Sammy Mitchell left Motel 6 on 10 August 1984 at approximately 0600 hours. The next time she saw Hunt was at 0930 hours.

C. Deborah McCants will testify that she saw three black males at Fifth and Trade Streets on 10 August 1984 at approximately 0545 hours. One of the black males was Sammy Mitchell. Ms. McCants did not know the other two black males. Ms. McCants can testify that Sammy Mitchell's mother, Marie Mitchell, threatened Ms. McCants in a reference to this information.

D. David Watson parked his car in the 000 block of West End Boulevard at approximately 0600 hours. He did not see the victim's car at that time.

E. Bill Creer stated the victim's car was not in its usual place at approximately 0600 hours, 10 August 1984.

F. Linda Rucker was awakened by a scream at approximately 0615 hours. She lives near the crime scene.

G. Radio operator and tuned radio tapes will confirm that Johnny Gray (using the assumed name of Sammy Mitchell?) called the Police Department and reported an assault in progress at 0653 hours at the location where the victim was found.
H. Officer J. I. Daulton will testify that it took Johnny Gray ______ minutes to walk from the scene of the crime to Underwood and Northwest Boulevard (phone used in the call to the Police Department located there).

95-96) I. Elsie Overby who lives in Crystal Towers heard someone screaming "just before 0700 hours."

108) J. Marvin Overby was staying with his mother on the morning of the homicide. At approximately 0700 hours he heard screams, looked out the window, saw a black male walk west on Spruce Street near West End Boulevard. He stated the black male would look over his shoulder each time he heard screams. He stated the man walked on west, out of view, and the screaming stopped. He stated the man reappeared, walked east, and then behind Crystal Towers and headed in the general direction of the area where the screams came from.

K. Danny Holt, security guard with Hyatt House, asked Hunt to leave the hotel at about 0700 hours.

L. Roger Weaver, desk clerk at the Hyatt House, will testify that Hunt was in the bathroom of the Hyatt House. After Hunt left, Mr. Weaver found pink-colored water spots on the wash basin and paper towels with what appeared to be blood on them in the bathroom. Time was approximately 0700 hours.

M. Officer J. I. Daulton will testify that it took ______ minutes to walk from the scene of the crime to the restroom of the Hyatt House.

N. John Luther parked his car in the 000 block of West End Boulevard and saw the victim's car. He did not hear or see anything unusual. Time was approximately 0730 hours, 10 August 1984.

O. On 8 September 1984, Dennis Speaks accused the defendant and Sammy Mitchell of killing the victim. Neither denied the allegation.
IV. Direct Evidence

Pg. 161) A. Thomas Murphy viewed a lineup and positively identified Darrell Hunt as the subject with his arm around the deceased's head on 10 August 1984.

Pg. 162) B. Johnny Gray viewed a lineup and positively identified Darrell Hunt as the subject he saw on top of the victim on the morning of 10 August 1984.
WS PD
CRIMINAL INVESTIGATIONS DIVISION
ORIENTATION TRAINING GUIDE
C.I.D. ORIENTATION
TRAINING

I. I.S.B. ORIENTATION (2 days)

A. Report to Administrative Section

1. Equipment Issuance and Desk Assignment
2. Tour of Facilities
3. Polygraph Suite
   a) Location
   b) Procedure
4. Information Sources
   a) Computers
   b) MID
   c) Records
   d) Reference Books - Annuals, Directories
5. Issuance of Newly Assigned Checklist
6. Issuance of Work Schedule

B. Report to Training Coordinator

1. Reading Assignments Schedule
2. Squad Rotation Training Assignments
3. Training Program Explanation

C. Secretary of Permanent Assignment - Guidance
   (Telephones, 2 In-Out Boards)

II. C.I.D. TRAINING ROTATION (12 days)

Assign a rotation schedule to the 3 squads other than permanent assignment, 4 days per squad, 12 days total.

A. Assign to Coach

1. Checklist Completion
2. Case Observation
3. Appropriate Tours
4. Case Assignment - if possible, a minor case assigned to help facilitate orientation

III. PERMANENT ASSIGNMENT

A. First Two Weeks Assign a Coach

2. Completion of Checklist
3. Secretary
   a) Recording - RW Pointers
   b) Form Locations
   c) Telephones, In-Out Boards, etc.
B. Permanent Supervisor shall insure the following is completed as soon as practical:

1. Attend Autopsy
2. Trip to S.B.I. Labs
3. Observe a Polygraph
4. Complete Training Requirements
5. Assign any additional reading/training deemed appropriate

IV. NEWLY ASSIGNED DETECTIVE SHALL CRITIQUE ORIENTATION PROGRAM AND OFFER SUGGESTIONS FOR:

A. Additions or Deletions from Training

B. Suggestions shall be submitted in writing to Training Coordinator
C.I.D.
REQUIRED READING

Part I - To be completed by ____________________________.

A. Managing Criminal Investigations
   1. Chapter I - The Investigative Roles of Patrol, pages 1 - 36.
   2. Chapter II - Case Screening - pages 37 - 51.
   3. The Gentle Art of Interviewing and Interrogation

Part II - To be completed by ____________________________.

A. Training Keys
   2. Interview/Interrogation - Training Keys #64, 77, 39, 51, 210, 224, 233, 237, 240.
   3. Investigations - Training Keys #3, 37, 50, 75, 84, 147, 150, 156, 168, 188, 192, 193, 206, 207, 219, 228.

B. Fundamentals of Criminal Investigation
   1. Chapter 13 - Tracing and Sources of Information, pages 163 - 182.

C. Article - Interrogation After Assertion of Rights

D. Financial Investigators Information Guide

E. Article - Police Reports: Writing Them Right

Part III - To be completed by ____________________________.

A. Guide to Crime Lab SBI

B. Search Warrants in North Carolina - Available CDC

C. Evidence for Law Enforcement Officer, by Stuckey - Available through Lieutenant Raker
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<td>13. Search Warrants</td>
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<td>14. Non-Testimonial ID Procedures</td>
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<td>15. Section Case Logs</td>
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<td>16. Vice &amp; Narcotics Tour</td>
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<td>17. Management Information Division</td>
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<td>18. Developing Informants</td>
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<td>19. Crime Scene Search</td>
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GENERAL ORDER NUMBER L.17 EFFECTIVE DATE 5/26/84 PAGES 4

TITLE: Selection Procedure for Assignment to Specialized Units

INDEX AS: DISTRIBUTION:
-Transfers All Police Personnel
-Selection Procedure for Police Bureaus, Divisions, Investigation Units Sections & Units
-Specialized Unit Assignments

Purpose: To establish a procedure for assigning personnel to specialized units.

This general order consists of the following numbered sections:

I. Definitions
II. Transfers
III. Selection Procedure for Investigation Units
IV. Request for Assignment to Other Specialized Units

I. DEFINITIONS

A. Transfer - Transfer of personnel between Units, Divisions or Bureaus to meet operational needs of the department.

B. Temporary Assignment - Re-assignment of personnel for a specified time.

C. Specialized Units - Units, Sections or Divisions where specialized training and qualifications are necessary in order to perform the duties of that unit, Section or Division.

II. TRANSFERS

A. Transfers and Temporary Assignments will be made by the Chief of Police to meet operational needs.

B. Re-assignment of personnel within Divisions or Bureaus will be made by Division or Bureau Commander to meet operational needs.

III. SELECTION PROCEDURE FOR INVESTIGATION UNITS

A. Eligibility

1. Any police officer, public safety officer, or corporal who has completed four years of current,
k. the ability to secure and control crime scenes coupled with thorough familiarity with the collection and handling of evidence.

2. The Executive Team will develop a list of those considered to be best prepared to be Investigators and will submit the list to the commanders of the units from which eligible officers have been recommended. The unit commanders will ascertain whether those considered best prepared are willing to continue in the selection process.

3. Those continuing in the selection process will personally appear before an assessment panel determined by the Chief of Police.

a. Each candidate will be presented problem solving situations related to investigative techniques and criminal problems.

b. The assessment panel will evaluate each candidate and submit the results to the Chief of Police or his designee.

4. Final selection will be determined by the Chief of Police.

IV. REQUEST FOR ASSIGNMENT TO OTHER SPECIALIZED UNITS

A. The Chief of Police will notify personnel of vacancies in specialized units and any special qualifications for the unit. Personnel will have ten days to apply for transfer or assignment to the specialized unit. The application for re-assignment to that specialized unit will remain valid until the position has been filled.

B. Personnel requesting assignment to specialized units shall submit memorandum, via the chain of command to their Division or Unit Commander, with distribution to their Bureau Commander and the Unit/Section/Division Commander with the vacancy. Memoranda will include the following:

1. reasons for wanting the assignment; and

2. qualifications for assignment including prior training and assignments in the department; and

3. an updated training record from the City Personnel Office.
Directions: The most favorable characteristics to look for in a candidate for investigator are listed as "attributes." The interviewer should formulate questions that will provide a response for each attribute. The rater should then circle the numerical value he or she feels nearest measures the candidate's potential in each attribute.

<table>
<thead>
<tr>
<th>Attribute</th>
<th>Low</th>
<th>Average</th>
<th>High</th>
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<tbody>
<tr>
<td>1. Initiative: Actively influencing events</td>
<td>1</td>
<td>2</td>
<td>3</td>
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<td>rather than passively accepting; self-</td>
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<td>starting.</td>
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<td>2. Problem Analysis: Effectiveness in seeking</td>
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<td>out pertinent data and in determining the</td>
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<td>source of the problem.</td>
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<td>3. Planning and Organization: Effectiveness</td>
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<td>in planning and organizing own activities</td>
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<td>and those of a group.</td>
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<td>4. Judgment: Ability to reach logical</td>
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<tr>
<td>conclusions based on evidence at hand.</td>
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<td>5. Use of Information Sources: Knowledge</td>
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<td>concerning the availability and use of</td>
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<td>official and unofficial sources of</td>
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<td>information.</td>
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<tr>
<td>6. Interview and Interrogation: A knowledge</td>
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<td>of applicable laws and methods for</td>
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<td>obtaining information through interviews and</td>
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<td>interrogations.</td>
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<tr>
<td>7. Impact: Ability to create a good first</td>
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<tr>
<td>impression, to command attention and</td>
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<tr>
<td>respect, to show an air of confidence.</td>
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Rater's Comments:
PROBLEM #1

You are an investigator assigned to the Criminal Investigations Division. On Monday morning your supervisor hands you a rape case that has the following information in the narrative:

"The complainant stated that she was raped somewhere on 18th Street, shortly after she left a drink house.

The complainant was transported to Forsyth Memorial Hospital by an unknown black male, who found her wandering, almost nude, near the intersection of 14th Street and Jackson Avenue."

The officer who conducted the preliminary investigation tried to get more information from the complainant. However, because of injuries and the effects of alcohol she had consumed, the complainant could not be questioned successfully.

The complainant was treated by a doctor at the hospital (the doctor's name is not legible on the report). She was treated for severe injuries to her head, arms and back. She was admitted to the hospital for further treatment. The complainant has not been identified.

What will you do?
PROBLEM #1

Response

1. Will he prioritize what needs to be done or will he start talking and
list some activities he hopes to accomplish?

2. Will he ask for more information which can be gathered from Departmental
sources?
   a. Police reports such as fights, disturbances, assaults and accidents
      that may have occurred near where the complainant was picked up.
   b. Missing person reports.
   c. Vice reports on drink houses in area where complainant was picked
      up.
   d. R & I personnel - reports, rape kit, other physical evidence
      recovered from complainant.

3. Check hospital records and determine who treated complainant - rape
   kit, physical evidence recovered?

4. Talk to doctors who treated complainant. Rape kit, physical evidence,
   blood tests, etc.?

5. Interview complainant - try to determine name, address, etc. -
   Try to determine what happened, when it happened, where it
   happened, why it happened and how it happened.
   Did he consider having female officer assist in the interview?

6. Was written statement taken from complainant? Why/Why not?

7. Canvass the area for additional witnesses if complainant maintains
   the rape story.

8. Does officer address crime scene?

9. Does officer address note taking, report writing?
PROBLEM #2

You are an investigator assigned to the Criminal Investigation Division. Your supervisor hands you a letter which reads as follows:

"Dear Sir:

The purpose of this letter is to request your assistance in locating several people who are believed to live, or have lived, in your area.

The details of this Department's investigation are lengthy, consequently, I will not mention them here. However, it is important that we contact the following persons. Please forward any information you obtain on these people:

(1) C. A. Barton, Jr., M/W, approximately 32 years of age;
(2) Debbie Jean Barton, F/W, approximately 26 years of age;
(3) Frances Brown Barton, F/W, approximately 50 years of age.

In advance, I thank you for your assistance and cooperation.

Sincerely,

Ed Lewis, Chief
Cleveland, Ohio, Police Department
Cleveland, Ohio"

What would you do?
PROBLEM #2

Response

The following are suggested solutions, or responses to this problem:

1. Use the Department’s Record’s Division to determine if any of the
   names are recorded there as victims, complainants or wanted.
2. Use the Police Information System for driver’s license and automobile
   registration data.
3. City Directory.
5. Use Register of Deeds Office for marriage license, death certificate,
   property ownership data.
6. Water Department.
8. City/County Tax listings.
9. Ask other investigators.
PROBLEM #3

You are an investigator assigned to the Special Investigations Division. This is a new assignment for you. Newly assigned investigators are routinely assigned to take incoming telephone calls for the Division. You answer the phone and talk to a person who tells you that he knows of at least ten locations where drugs are sold. He also tells you that he can help you make arrests in all ten places.

The caller agrees to meet you and do whatever is necessary. You get his name, date of birth, address, and place of employment. You arrange to meet the caller the next morning at a shopping center.

Explain what you would do prior to meeting the caller. What information will you try to obtain from the caller when you meet?

How could you use the caller to search one of the locations where he says drugs are being sold?
PROBLEM #3

Response

In every search warrant application, some basis must be alleged in the search warrant affidavit for believing the information received is probably truthful. More frequently this is called the "credibility/reliability" requirement and this standard is often satisfied by using informers whose past information has proven accurate and led to arrests and convictions in court. This type of informer is referred to as the "proven informer."

However, the "first-time informer" is a source of information who has never provided information before. This informer simply cannot be made "credible/reliable" by reference to his or her past information being proven accurate by arrests, convictions, etc. Obviously, past information that has proven accurate is not the only reason why someone may be considered probably truthful. We look to many indicators of probable truthfulness. Remember that probable truthfulness is the real test in applying for a search warrant. Nobody is guaranteed a truthful source no matter how often that person has proven truthful in the past.

Some of the desired responses are listed below. However, the responses by the candidates should not be limited to those listed.

#1 - The candidate should express a desire to acquire a new informant, due to his newly assigned position in SID.

#2 - The candidate should express a desire to meet with this individual and evaluate his potential for becoming an informer.

#3 - The candidate should make every attempt to corroborate all information given to him by the individual, such as criminal history check, Department of Motor Vehicle check, employee check.

#4 - The candidate should look for motives as to why the individual desires to become a confidential informant, thus providing the candidate with information of how to direct the informant.

#5 - The candidate should not hesitate to seek assistance from other officers or supervisors in the Special Investigations Division who have a good "track record" on what to do with the first-time informant.

#6 - It is also possible that he might ask for a back-up unit on the initial meeting with this individual.

#7 - In an attempt to use this individual as an informant, the candidate should seek information from this individual that can be verified in order to substantiate his reliability and probable truthfulness.
#8 - The candidate should make an effort to send this individual into a location for the purpose of purchasing a controlled substance while under the investigator's observation.

#9 - A multitude of other options are available to the candidate, as long as they are positive and legally sanctioned, these would be acceptable responses.
PROBLEM #4

You are assigned to the Criminal Investigations Division and you are working the evening shift. At 1500 hours you are told to "stand by" in the C.I.D. offices. Two "armed robbery" suspects are being transported to your Division.

When the suspects arrive, the uniform officer who has them in custody advises you that one of the suspects has been positively identified in an armed robbery which occurred about 30 minutes before the suspects were picked up. When "picked up" he was in the company of the second suspect. The second suspect had bullets in his pocket that fit the pistol that was used in the armed robbery. Additionally, you learn that the "modus operandi" used in the armed robbery was very similar to those used in several other armed robberies during the past month.

Explain how you would handle the interrogation of the two suspects.
PROBLEM #4
Response

The officer should explain that he/she would obtain all the information possible in order to be prepared for any interviews or interrogations. He/She could develop a series of questions to be answered during interviews or interrogations. Any suspects should be advised of their "rights" before being interrogated. A waiver form should be completed before interrogation.

The importance of having a second witness to any interrogation is important.

Which suspect should be interviewed first, and why, are important points.

Anything that indicates that the officer being assessed has knowledge of interrogation techniques.
On 08-10-84, I was at my apartment and was getting ready to go to work and Johnny Gray came by and picked up some clothes and then we went down to Thurmond Street and caught the bus and went to the old courthouse. We then went to "Grandma's Kitchen" and we got some coffee. Johnny Gray came to my house about 7:00 - 7:15 AM and we caught the bus about 7:35 AM. I came onto work and Johnny Gray went somewhere but I don't know where. Johnny Gray did not talk about anything he had seen or done on that Friday morning.