

1 THE COURT. For what reason, Mr.  
2 Cross. I mean, let's assume that it's two o'clock in the  
3 afternoon and he starts to testify. What would prompt me  
4 to give you an adjournment at that juncture?

5 MR. CROSS: Well, again, Your Honor,  
6 while I believe this gentleman's name is on the list of  
7 witnesses submitted to us yesterday, that list is--

8 MR. SCHWARTZBACK: Excuse --

9 THE COURT: I know it's long, because  
10 you requested all those names.

11 MR. CROSS : I agree, Your Honor.

12 (DISCUSSION)

13 (MR. SCHWARTZBACH INDICATING OTHER  
14 WITNESSES AVAILABLE FOR DIRECT EXAMI-  
15 NATION IF MR. CROSS WISHES TO EXAMINE  
16 AT A LATER TIME)

15 (DISCUSSION)

16 (MR. CROSS RESERVES RIGHT TO RECALL  
17 WITNESS HIX)

18 (DISCUSSION)

19 JOSEPH LEROY WORMLEY WAS CALLED AS A WITNESS, AND  
20 DULY SWORN; TESTIFIED ON HIS OATH AS FOLLOWS:

21 EXAMINATION

22 BY MR. SCHWARTZBACH:

23 Q Would you state your name, please?

24 A Joseph Leroy Wormley.

25 Q How old are you, sir?

A Twenty-four.

1 Q Are you married or single, sir?

2 A Divorced.

3 Q Are you employed?

4 A Yes.

5 Q What is the nature of your employment?

6 A Interior decorator.

7 Q Sir, I direct your attention to the evening of July 5th,  
8 1971. Do you recall, sir, where you lived on that date?

9 A Forty Charlotte.

10 Q Forty Charlotte in the City of Detroit?

11 A Yes, it is.

12 Q Now, I direct your attention, sir, specifically to the  
13 hours of 11:30 P.M. to 12:00 midnight on July 5th, 1971, do  
14 you recall that time, sir?

15 A Yes, I do.

16 Q Sir, did anything unusual happen at that time on Charlotte  
17 on that date?

18 A Well, an officer shot a guy on Charlotte.

19 Q Okay. Can you tell us what you saw, sir?

20 A Well, it was three negro males on the south side of Charlotte,  
21 and it was a white officer walking west on Charlotte, and  
22 they was coming right to each other, and one of the negro  
23 males asked the officer for a quarter on a drink; he said he  
24 had nothing for a nigger; and one of the guys asked him, he  
25 said, you don't have to say it like that; and the officer

sort of walked away from him, where they ended up near the alley.

Q The mouth of the alley, next to Malcom's Transmission?

A Yes.

Q Fine. What happened then, sir?

A The officer sort of backed off the guys and pulled his pistol out and started firing.

Q Where were you when you observed this, sir?

A Two doors going west on Charlotte; next to 40 Charlotte.

Q Fine. When you saw those three negro males, sir, walking on the south side of Charlotte, at anytime did you see a weapon in the hands of any of them?

A No, I didn't.

Q As they walked back to this white officer who you referred to, did any of those three men have a weapon in their hands?

A No, they didn't.

Q At the time that that officer backed away, sir and began shooting, did any of those three men that you saw have a weapon in their hands?

A No, they didn't.

Q And then when the officer started shooting, were those men running away, or were they standing still?

A Standing still.

Q You have referred to that white male as an officer, correct?

A Right.

Q How did you know that he was an officer, sir?

A Previous to the incident, about 20 minutes, or, as a matter of fact, I was on Woodward Avenue, and I seen a sissy.

The sissy's name was Barbara. That is what they call her anyway.

Q By "sissy", you mean a homosexual?

A Right.

Q And?

A And the officer hit on the sissy on Woodward, and the sissy walked up to me and told me that the officers had a lot of nerve trying to hit on her, because she knew that they were police officers because she had had a previous incident with them.

Q By those officers, you are referring to one of the officers that began shooting?

A Right.

Q That homosexual you refer to as "Barbara", sir, do you know this person's real name?

A Yes, I do.

Q What is that person's real name?

A James Henderson.

Q James Henderson.

A Yes, it is.

Q Fine. Do you know whether James Henderson is alive or dead today?

1 A He is dead.

2 MR. SCHWARTZBACH: Thank you. No  
3 further questions, Your Honor.

4 MR. SCHWARTZBACH; We are prepared to  
5 call our next witness if Mr. Cross wants to call the wit-  
6 ness back for cross later?

7 (MR. CROSS REQUESTS HEARSAY BE STRICKEN)

8 (ARGUMENT)

9 (COURT'S RULING)

10 CROSS EXAMINATION

11 BY MR. CROSS:

12 Q You are acquainted with a person, or were acquainted with  
13 a person named Barbara?

14 A Well that is what they called it: Barbara. It was actually  
15 a male. His name was James Henderson.

16 Q Barbara was the sissy name?

17 A Yes, homosexual name; right.

18 Q How well did you know James Henderson?

19 A Well, I had been knowing him ever since I had been in the  
20 area.

21 Q How long had you been in that area?

22 A Since September of '70; August of '70.

23 Q Had you ever been to the Neal Hotel?

24 A No.

25 Q Had you ever been in the Mayfair Apartments?

1 A Almost everyday.

2 Q Visit James Henderson?

3 A I have; on occasion I have.

(MR. CROSS REQUESTS RIGHT TO RECALL WITNESS)

THE COURT: Very well.

(Mr. Schwartzback requests calling of next witness)

(JOHN LEE WAS CALLED AS A WITNESS, AND DULY SWORN)

DIRECT EXAMINATION

MR. SCHWARTZBACH:

11 Q Witness, would you state your name, please?

12 A Johnny Henry Lee.

13 Q How old are you, Mr. Lee?

14 A Be 30 in June.

15 Q Are you married or single?

16 A Married.

17 Q Any children?

18 A Two.

19 Q Do you recall, sir, the date of July 5th, 1971?

20 A Yes, I do.

21 Q Where did you live on that date, sir?

22 A 40 Charlotte; Foster Hotel.

23 Q 40 Charlotte; Foster Hotel. Direct your attention, sir,  
24 specifically to the evening of July 5th, 1971; the hours of  
25