

1 A Almost everyday.

2 Q Visit James Henderson?

3 A I have; on occasion I have.

4 (MR. CROSS REQUESTS RIGHT TO RECALL WITNESS)

6 THE COURT: Very well.

7 (Mr. Schwartzback requests calling of next witness)

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

10 DIRECT EXAMINATION

11 MR. SCHWARTZBACH:

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

13 A Johnny Henry Lee.

14 Q How old are you, Mr. Lee?

15 A Be 30 in June.

16 Q Are you married or single?

17 A Married.

18 Q Any children?

19 A Two.

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

21 A Yes, I do.

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

23 A 40 Charlotte; Foster Hotel.

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

25

1 11:30 P.M. to 12:00 midnight. Do you recall that time, sir?

2 A Yes.

3 Q Did anything unusual occur at that time, sir?

4 A Yes. It was--it was hot that night. I was working on the
5 desk, and I come on the outside, you know, and I see these
6 two officers walking down the street pass Foster's; and they
7 was plain, you know; and they were going towards Woodward.

8 Q That is on the north side of Charlotte?

9 A Yes.

10 Q They were walking toward Woodward. Please continue.

11 A Right; And one of them had a sack in his hand.

12 MR. CROSS: Had a what, sir?

13 WITNESS:

14 A Sack.

15 MR. COCKRELL: S-A-C-K; paper sack.

16 WITNESS:

17 A Containing something. Anyway, they went all the way down
18 to Woodward.

19 Q Did you see those men again that evening?

20 A Yes.

21 Q Where were they again?

22 A Then they were coming back.

23 Q Both on the same side of the street?

24 A Split.

25 Q They were split up? One on the north side, and one on the

1 south side?

2 A Right.

3 Q And they were walking back toward Park?

4 A Right.

5 Q What did you see happen then, sir?

6 A One was on the other side of the street; that's the south
7 side of Foster's. He was walking along in there by the garage
8 there and he was stopped by three men who was coming the other
9 way.

10 Q By "stopped", do you mean physically stopped or just stopped
11 in conversation?

12 A Yes, just stopped in conversation.

13 Q Fine. What happened then, sir?

14 A And they stood there about two to three seconds, and the
15 officer left; went on down the street; and--(Interpose)

16 Q Did they come in contact with him again?

17 A Well, three guys, they turned around and went down behind
18 him, and he was stopped again down there.

19 Q Fine. By "stopped", you mean conversation?

20 A Conversation.

21 Q What did you see happen then, sir?

22 A Well they stood there for a minute or so, and he stepped
23 back and through his stepping back, he was drawing, and
24 started firing.

25 Q He drew a gun and started firing?

A Right.

Q Fine, sir. When you saw these three negro males walking west--east on Charlotte in the direction of that white officer, did you see a weapon in the hands of any of those three men?

A No, I didn't.

Q When those three men walked back toward that white officer, did you see a weapon in the hands of any of those three men?

A No.

MR. CROSS: Your Honor --

WITNESS:

A No.

MR. CROSS: (Object to characterization of "officer", etc.)

(COURTS RULING)

MR. SCHWARTZBACH:

Q When that officer backed up and pulled a gun and started firing, did you see a weapon in the hands of any of those three men?

A No, I didnt.

Q At the time that that officer backed up and started firing, were these men running away, or were they standing still?

A The one that I could see more, after the first shot was fired--
(Interpose)

Q At the time the shot was fired, were they standing still or

1 running?

2 A They was standing still.

3 Q Fine. And did you see what those men did after the shooting
4 started?

5 A Well, the tall one, he ran between the officer and the other
6 two.

7 Q Fine. And he ran in which direction?

8 A Well, it's an empty lot there, and he kind of made--as like
9 he was going in there, then he cut across and ran over to
0 the store over there.

1 Q Is that again, Leadbetter's (phonetic) store, on the north-
2 west corner of Charlotte and Park?

3 A Right.

4 Q Did you see what the other two men did?

5 A Well they stood there for a second, then they started --
6 turned around and started running down the alley.

7 Q There is an alley next to Malcom's Transmission?

8 A Right.

9 Q And they ran south, is that correct?

0 A Right.

1 Q Did you ever go to the mouth of the alley after the shooting
2 stopped?

3 A Yes.

4 Q Did you look down that alley?

5 A Yes.

Q Did you see those men?

A No, I didn't.

Q After you saw those two men run down that alley, did you ever see them again, alive?

A No, I didn't.

Q No, you didn't. Thank you, sir. No further questions.
Your witness.

CROSS EXAMINATION

BY MR. CROSS:

Q Mr. Lee?

A Yes.

Q Do you live in the area now?

A No, I don't.

Q Did you live in that area then?

A Yes, I did.

Q How long ago was it that you moved?

A Well, that was quite a while ago. That was about--Um--about four months after this happened.

Q And this was July, 1971?

A Um Hum. (Nodding affirmatively)

Q That means you would have moved sometime around November of 1971?

A Yes; somewhere around there.

Q Did you have any particular reason why you moved?

A Well, my cousin, she owned a building; a house; and she