

1 THE COURT: All right, you may proceed.

2 MR. CRUMPLER: Thank you. Your Honor, prior
3 to proceeding could we have about 10 minutes with the
4 defendant?

5 THE COURT: All right. Court will be in
6 recess for 10 minutes, Bailiff.

7 (A recess was taken.)

8 (Defendant and Mr. Zimmerman absent.)

9 MR. CRUMPLER: Your Honor, before the
10 witnesses whom we have subpoenaed--they are having to be
11 brought across the street--they were inmates. Uh, they
12 are trying to do this at the Court's convenience. The
13 first one should be here any time now.

14 THE COURT: Yes, sir. As I understand it,
15 your first witness is in custody and is being transported
16 right now.

17 MR. CRUMPLER: And they understand your
18 schedule and they are trying to work it out with Your
19 Honor.

20 THE COURT: All right, thank you. Mr.
21 Crumpler, why don't you go get Mr. Zimmerman and your
22 client and have them brought into the courtroom, please.
23 (All parties present.)

24 MICHAEL HOLLMAN, being first duly sworn, testified as
25 follows during DIRECT EXAMINATION by MR. FRED CRUMPLER:

1 Q. Mr. Hollman, can you hear me?

2 A. Yes, sir.

3 MR. ZIMMERMAN: Speak up.

4 THE COURT: If you will, speak right into
5 that microphone so the attorneys and everyone can hear
6 you. You're just going to have to lean forward. Thank
7 you.

8 Q. Can you hear me now?

9 A. Yes, sir.

10 Q. Mr. Hollman, my name is Fred Crumpler. I'm one of
11 the attorneys who represent the defendant next to me, Mr.
12 Ted Kimble. Now first, have you ever seen me before?
13 (No audible response.)

14 Q. Have you ever had a spoken word with me before?

15 THE COURT: What you need to do is answer so
16 the court reporter can take down your answers.

17 A. No, sir.

18 Q. Your answer is no, you've never seen me or never
19 had a spoken word with me?

20 A. Yeah.

21 Q. Now, do you know the defendant, Ted Kimble?

22 A. No.

23 Q. Have you served in the Southern Correctional
24 Institute where he was also serving?

25 A. Yeah.

1 Q. You knew who he was, though, did you not?

2 A. No.

3 Q. Did you know William Stewart?

4 A. Yeah.

5 Q. Tell us how you knew William Stewart.

6 A. I knew him from at work.

7 Q. Knew him from what?

8 A. We're from the same home front. We're from
9 Winston-Salem.

10 Q. Was he serving -- was he an inmate there at the
11 same time you were an inmate at the Southern Correctional
12 Institute?

13 A. Yeah.

14 Q. Did you ever see Mr. Stewart in the presence of
15 Ted Kimble?

16 A. Yes, sir.

17 Q. Describe to the Court what you observed, about how
18 often you saw them together and what you observed.

19 A. Well, me and my home boys from Winston-Salem, we
20 used to walk on the yard. And, uh, we see Stewart and
21 Mr. Kimble walk together. And so I thought, I thought he
22 was messing with Ted because basically any time you see a
23 white inmate and a black inmate walking together, they
24 doing something funny. So, I thought he was messing with
25 him. So, I asked the dude, I was like, I kept asking

1 him, we kept messing with Stewart saying--well, we call
2 him Squirrel--kept asking Squirrel what you messing, uh,
3 you doing something with Ted? He kept saying no. He
4 trying to play the cracker out of some money. That's all
5 he kept saying.

6 Q. He said what?

7 A. He trying to play the cracker out of some money.
8 That's all he kept saying, I'm trying to play the cracker
9 out of his money. That's all he kept saying.

10 Q. Now, this, you're saying that Stewart told you
11 that what he was doing with Ted Kimble was trying to get
12 the cracker out of some of his money?

13 A. Yeah. He just kept saying I'm playing the cracker
14 out of his money. We kept saying he was -- we thought he
15 was committing homosexual acts with him.

16 Q. Uh-huh.

17 A. And he was like, no, I'm trying to play the
18 cracker out of his money. That's what he kept saying.

19 Q. How many times did he tell -- did you have such a
20 conversation with him, and how many times did he tell you
21 that?

22 A. Well, basically whenever we seen them together on
23 the yard. It was about -- I just got over there in
24 October, and it was about from about October to November.
25 Somewhere around there. From about October to November.

1 Q. Would you say that's about a month?

2 A. Yes, sir.

3 Q. This going on?

4 A. Yes, sir.

5 Q. What became of Stewart? Do you know what happened
6 to him later?

7 A. Yeah. He went home.

8 Q. Did he make any statement to you before he went
9 home about what was going on?

10 A. No. No, sir. He didn't say nothing about that.

11 MR. CRUMPLER: We have no further questions,
12 Your Honor.

13 THE COURT: Cross-examine.

14 **CROSS EXAMINATION by MR. RICHARD PANOSH:**

15 Q. You said you thought they were committing
16 homosexual acts. Who are you talking about?

17 A. Uh, Kimble and Stewart.

18 Q. Stewart a homosexual?

19 A. No. No.

20 Q. Why did you draw that conclusion?

21 A. Because basically when you see a white inmate and
22 a black inmate walking together in the yard, they doing
23 something. So, I figured they was doing something.

24 So---

25 Q. So, these are all your suspicions?

1 A. Huh?

2 Q. These are all your suspicions?

3 A. Uh, yeah. And he was my homeboy, so I would be
4 asking him. I was wanting to know if he was dealing with
5 the homosexuality, because if he was, I was going to put
6 him out there. I was going to tell everybody when I got
7 out that he was a homosexual in the prison. So, I wanted
8 to know if he was a homosexual, committing homosexual
9 acts. So, I asked him was you having homosexual acts
10 with that man. He was like no, I'm trying to play the
11 cracker out of his money. That exactly what he kept
12 saying.

13 MR. PANOSH: No further questions.

14 MR. CRUMPLER: I have no other questions,
15 Your Honor.

16 THE COURT: All right, thank you.

17 (Witness stood aside.)

18 MR. ZIMMERMAN: Come around Homer Webster
19 Moore, please. Go up please. Put your left hand on the
20 Bible up there, please, sir.

21 THE COURT: While he's coming around, sir,
22 the name of that last witness for the record was?

23 MR. CRUMPLER: Hollman. Just a moment.
24 Michael Hollman, H-O-L-L-M-A-N.

25 THE COURT: Thank you.