

MEMO TO FILE

RE: CARL GERBAUR

DATE: APRIL 15, 1997

On April 14, 1997 I drove to Yanceyville Jail in Caswell County and visited Carl Gerbaur in jail. Our meeting began at 4 p.m. Mr. Gerbaur appears to be 19 to 20 years of age. He is a slender, good looking, white male with blond hair cut in an unusual fashion. He was very receptive to meeting with me but he obviously preferred to talk about his own case rather than the facts known to him about Benjie Hudson.

Mr. Gerbaur explained to me he had just had a bitter argument with his court appointed attorney, a woman with a good reputation in that county, who had told him that he was very likely facing a long prison sentence.

Mr. Gerbaur explained to me that his girl friend was in the Yanceyville Jail also under the same or similar charges and both have court appointed attorneys. He is unable to communicate with his girl friend.

The facts of their cases are that two juveniles knew that an older man named Blackstock (??) had guns in his house and they had stolen guns from him a day or two before. The juveniles asked Carl and his girl friend to drive them to the target residence to get the guns. They waited outside and the juveniles returned with six or seven rifles and shotguns. All four drove to Greensboro and stayed at the house of Gerbaur's mother Sandy. The next day the juveniles returned to Caswell County and apparently were apprehended or voluntarily confessed their involvement in the burglary. Individuals in Greensboro came to Gerbaur's house at his request and picked up the guns. One gun was left because Carl had promised it to somebody else. When the police arrived at Gerbaur's house, they asked for consent to search and found the guns clearly taken in the burglary. Carl confessed and both he and his girl friend are in the Yanceyville Jail as a result.

I told Mr. Gerbaur that it appeared to me that they had a very strong case and there did not seem to be any glaring constitutional defense. Accordingly it did not appear he would be successful in a jury trial. Mr. Gerbaur mentioned the Impact

Program and I told him he should talk to his court appointed lawyer about that. I told him if he could get his charge reduced to felony B&E and get in the Impact Program, then be put on probation, this would be an outstanding result. Mr. Gerbaur then indicated that although he wanted me to promise to help him in Caswell County that nevertheless he would share some of the information he had.

He told me that for a period of time including 1995, he and Benjie Hudson were best friends. He said Benjie Hudson was heavily into drugs and that he could recall an occasion when Benjie called him between 6 and 7 p.m. and told him that a house was on fire and a woman's dead body was inside. Carl indicated when he saw the incident on TV he realized Benjie could not have had that information at the time unless he was directly involved. Weeks later he and Benjie were tripping on acid when Benjie became hysterical. He said while he was having sex with a woman he shot her in the head and then left her body to burn in a house fire. Carl indicated his sister Brandy was not present at the acid trip. This is contrary to what Sandy told me over the telephone. When I asked Carl it was unclear to him whether Benjie told him about the fire and the woman's body over the telephone or in person. Carl indicated that he had told this story to the Guilford County Sheriff's Department, who he thought might have been Detective Church.

When I asked Carl if he would permit me to tape record our conversation he angrily refused and at first told me he would give me no information without help from me on his cases. Our meeting lasted one and one-half hours.

COURT DATE: 05/16/97

TIME: 09:30 AM

COURTROOM NUMBER: GB4C

NO. FILE NUMBER DEFENDANT NAME

CONT

072 96 CRS 080561 FRAZIER,KELVIN,BOYD APT.: HENDERSON,DOUG ADA: HM 1
BD: 042197
(F)POSSESS HEROIN
CLS:I P: L: PLEA: VER: KOONCE,R,D PD M6407
JUDGMENT:

073 97 CRS 023345 FRAZIER,KELVIN,BOYD
AKA: FRAZIER,KERVIN,BOYD
(F)HABITUAL FELON
CLS:C P: L: PLEA: VER: SELLERS,J PD M218680
JUDGMENT:

074 96 CRS 067999 GAINES,ANTHONY P.D.: ROYALL,SHERRI,L ADA: HM 3
TB: 120996
(F)COMMON LAW ROBBERY
CLS:G P: L: PLEA: VER: RICHEY,G,M PD M218680
JUDGMENT:

075 97 CRS 040754 GAYDON,ERIK,LEE ATTY: MADDOX,TOM 1
TB: 042197
(F)FELONY LARCENY
CLS:H P: L: PLEA: VER: JACKSON,D,A SFF 61112015
JUDGMENT:

076 97 CRS 023034 GEBAUER,CARL,ALLEN ATTY: OCONNELL,K ADA: CH 2
TB: 042197 BOND: \$200 CASH
(F)BREAKING AND OR ENTERING (F)
CLS:H P: L: PLEA: VER: LOY,M,N PD M269153
JUDGMENT:

(F)LARCENY AFTER BREAK/ENTER
CLS:H P: L: PLEA: VER: JUDGMENT:

(F)POSSESSION OF STOLEN GOODS (F)
CLS:H P: L: PLEA: VER: JUDGMENT:

COURT DATE: 05/16/97

TIME: 09:30 AM

COURTROOM NUMBER: GB4C

NO. FILE NUMBER DEFENDANT NAME

CONT

077 95 CRS 039173 GOSSETT,RONNIE,LEE P.D.: LIND,FREDERICK,G ADA: BW 2
TB: 071795 BOND: \$200 SECURED
(F)FORGERY OF INSTRUMENT
CLS:I P: L: PLEA: VER: STARRETT,JUAN PD M255041
JUDGMENT:

(F)UTTERING FORGED INSTRUMENT
CLS:I P: L: PLEA: VER: JUDGMENT:

078 96 CRS 077722 GRADY,CHADRICK,DWIGHT P.D.: LIND,FREDERICK,G ADA: BW 1
TB: 010697
(F)FELONY POSSESSION OF COCAINE
CLS:I P: L: PLEA: VER: KIMMEL,J,P PD M255041
JUDGMENT:

079 96 CRS 062150 GRIFFIN,JEREMY,WAYNE ATTY: WECKWORTH,ROBERT ADA: BW 1
TB: 010697 BOND: WRITTEN PROMISE TO APPEAR
(F)LARCENY FROM THE PERSON
CLS:H P: L: PLEA: VER: JONES,S,R PD M189495
JUDGMENT:

080 96 CRS 071075 HENRY,JASON ATTY: ADA: RE
AP: 046497
(F)COMMUNICATING THREATS
CLS:I P: L: PLEA: VER: WOODALL,DONNA,FULP PD M269153
JUDGMENT:

081 96 CRS 083239 HENSON,JEREMY,CLINT ATTY: SCHLOSSER,MIKE,L ADA: DL 2
TB: 042197
(F)POSSESSION OF LSD
CLS:I P: L: PLEA: VER: MOREAU,T,L PD M279154
JUDGMENT: