

(AR 195-10 - TB PMG 3)

PLACE Homestead Air Force Base, Florida	DATE 3 Feb 70	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME FINERAN, JESSE JOHN	SOCIAL SECURITY ACCOUNT NO.		GRADE SP4
ORGANIZATION OR ADDRESS Battery A, 2d Battalion (HERC), 52d Artillery, Everglades Natl Park, FL 33030			

**SWORN STATEMENT**

557, I, <sup>881</sup>Jesse John Fineran, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The following is a substance of my testimony at an Article 32 Investigation held at the above date and place.

I was called and sworn by the Investigating Officer and asked to identify the two defendants who were in the room. I testified that I had first met Smith at the Launcher Area at the battery around October or November of last year. Under questioning I related that we had several talks in the launcher area and that marijuana had been mentioned a few times. Once he showed me a cigarette that he said was marijuana. I could not recall the exact date, but believed it to be around the first part of November. I also stated that we had spoken in the launcher area several times after that instance of marijuana. I told the investigating officer that Smith and I were speaking about marijuana and he took me to his room and gave me a butt which I brought to LIT Lepore. He subsequently took it to LTC King and from that I met Mr. Sinuefield. I testified that LIT Lepore took me to LTC King, who introduced me to Mr. Sinuefield, and that Mr. Sinuefield asked me to purchase marijuana from Smith. I then went back to the battery and my job as a dog handler. I next saw Smith a day or so later and the subject of marijuana was again brought up. I asked him if he could come up with some more and we tried to arrange an transaction. He said that he could arrange it. He said he could deliver it on a certain date, but he didn't come through at that time. He did come through later. I notified Mr. Sinuefield who made money available to me. He noted the serial numbers on the bills. I used this money to purchase the marijuana cigarettes. I testified that I knew they were marijuana because I had seen the lab reports, although at the time I received them I only suspected them to be marijuana. I testified that I had about a years experience on the New Orleans Police Department prior to joining the Army, and that I had seen and handled marijuana several times during the 14-16 weeks I was in training in the academy there. I testified that Smith delivered several cigarettes to me, and that I had further dealings with him. Going back to clarify an earlier statement, I testified that prior to receiving the ten marijuana cigarettes, I had met Smith earlier and he had given me a cigarette. This was on the same day that we bought the ten cigarettes, and was prior to that transaction. I testified that I met Smith at the battery and we drove in to the Top Cat lounge in Florida City. Smith mentioned that the person from which he purchased was possibly there. His contact apparently wasn't. We drove for a while and came to a lounge in Homestead. I gave him the money and he went in and acquired the ten cigarettes. This occurred about the 12th of December. I personally gave these cigarettes to Mr. Sinuefield. I had more dealings with Smith later in the year when I asked him if he could get me some loose marijuana, not rolled, because the price for the rolled cigarettes was too high. He said that Eason had tried to sell him some at the Top Cat Lounge.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>EF</i>	PAGE 1 OF <u>13</u> PAGES
---------	--------------------------------------------------	---------------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

## STATEMENT (Continued)

§2 Captain Suhre, counsel for Eason objected at this point that my evidence was hearsay. The I.O. noted his objection and asked me to confine my testimony to personal knowledge.

I continued that this was just prior to Christmas, and that Smith and I had a lack of communications over the holidays, but that he promised to get me the marijuana, but he never delivered.

I later had another dealing with him relative to marijuana. I called him and asked if he could acquire an ounce of marijuana. He said yes. I was put off somewhat. He would say he had it and then did not. I called him again and he said to come down to his apartment in Florida City. I did and we went looking for his contact, which we found later in the morning. We went to an apartment house in Florida City where I waited in the car and Smith went in to the house and talked to someone else. He returned and said he could set it up later in the day. With this other person, introduced to me as Willie Griffin, we went to Perrine and Griffin purchased with my money that I had given to Smith prior to this time three bags of green vegetable substance. We returned to Griffin's apartment and rolled them into cigarettes for me. I can't remember the exact number of cigarettes. I believe they were about 21 or 22 rolled. Griffin took two cigarettes, lit one and took a couple of drags and gave it to Smith who finished the cigarette. I also observed Smith smoking what I believed to be a marijuana cigarette on another occasion when a Negro female lit one and took a couple of puffs and then gave it to Smith who finished it.

Under questioning of the IO I testified as follows about my connection with Eason in regards to purchases of alleged marijuana: I ran into Eason in the IFC area while looking for Smith, who had promised to get some marijuana for me. I asked Eason where Smith was and he wanted to know what I wanted with him. I said he was going to get something for me, and the conversation finally got around to where we were both talking about marijuana, and later in the conversation Eason said he would be able to take care of me. Several days later I received a call at my residence and spoke to Eason and he asked me to come over to Smith's apartment, which I did, and we talked and he said he was going to acquire some marijuana and §§

## AFFIDAVIT

I, Jesse J. Fineran HAVE READ ~~OR HAVE HAD READ TO ME~~ THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 13. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of February, 19 70 at Homestead Air Force Base, Florida

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

CLIFFORD S. ATHEY

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

LO 1-9,1-8, Hq 47th Arty Bde, 9 Jan 70

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

§§

PAGE 2 OF 13 PAGES

§7 I asked him to pick up some for me. I gave him \$5.00 Mr. Sinquefield had given me. I was to meet him back at Smith's apartment later in the afternoon, but Eason was not able to make it back in time. I received a call on guard duty at the battery that night. Eason said he had the stuff and asked me to meet him in the morning at his house. I asked him to bring it in and he said he would have Smith bring it in. Next morning in the mess hall I received a call that there was something in SGT Jone's car for me. I got the keys to Jone's car from Specialist Tucker, the sergeant of the guard. I opened the car and unlocked the glove compartment. Inside was a matchbox which contained a green vegetable substance. I later gave this box and the material it contained to Mr. Sinquefield. I identified the box because I had previously asked him to get me a matchbox of marijuana, and when I saw the box I assumed it was for me. I then related a further instance in which I was associated with Eason in regards to marijuana. I had asked him late in December if ~~he~~<sup>§7</sup> could furnish me with an ounce of marijuana and he said yes, just over the course of the conversation. On New Years Eve I was on guard and I received a call from Eason and he told me that he would be out at the battery and would bring me the ounce I asked for. Later in the evening Eason came to the launch area outside of the gate and I went out to talk to him. He said he had the stuff. Prior to this he said it would be \$25.00 and I only had \$20.00 from Mr. Sinquefield. Outside the fence that night I gave him \$20.00 and he gave me a plastic bag with vegetable matter of the same consistency and smell as the other purchases. I told him I would give him the other five dollars later. A day or two later I gave him the rest of the money in the A Battery launch area parking lot. As far as I can recall, there was nothing further between us in regards to marijuana. I testified, in answer to the IO's questions that in each case except the first butt handed me by Smith I had given the merchandise directly to Mr. Sinquefield.

At this point Captain Pipes, counsel for the accused Private Smith questioned me substantially as follows:

First he asked about my past background, especially concerning my association with the New Orleans Police Department. I testified that I had been with the department for about a year, and that I had started out with the traffic impounding section, later attended the academy for a period of 14-16 weeks, and had then been assigned to a marked patrol car in the 6th district. My duties there consisted primarily of investigation, patrolling, apprehension, and reporting. During this time I was directly associated with approximately 10 marijuana cases. I testified that I left the force for personal reasons and joined the Army. In the Army I had been to basic training and Warrant Officer Flight School. That I was assigned as an KP and given an MP MOS, and later changed to a dog handler. I further explained that my present duties were security of the exclusion area at the battery. I stated that I felt it was any citizen's duty to try to preserve law and to ~~maintain a~~<sup>§7</sup> battery.

CPT Pipes then asked me the following:

Q. Was the subject of marijuana a common subject at the battery.  
A. I really don't know. I don't spend too much time at the battery. I would say that it was just an occasional subject. §7.

Q. Did you ever have any discussion about marijuana with anybody other than Smith and Eason?

A. Yes. Specialist McClain and I had a discussion one time.

Q. What was the tenor of that discussion?

A. We talked about use of drugs generally. He asked me about my experience with drug abuse on the New Orleans Police Department.

Q. Regarding the first time you discussed marijuana with Smith, what were the circumstances at the time?

A. It was in the morning. We had put our dogs up and were returning from the fence line. Smith was a guard in the day time which was to relieve myself and the other guard. We exchanged greetings and just started a general conversation. During the conversation he took out his wallet and took out what he said was a marijuana cigarette.

Q. Was the sun up?

A. Yes.

Q. How long had you had a speaking acquaintance with Smith?

A. Several weeks to a month. We had spoken several times in the launcher area.

Q. But this was the first time you spoke about marijuana?

A. Yes sir.

Q. Had you heard anything about Smith prior to speaking with him on this particular day? Did he have a reputation of which you were aware?

A. Not that I can recall.

Q. Prior to the time he showed you what was in his wallet, neither of you said anything about marijuana?

A. I would say that it was spoken of, but no specific instance that I can remember, but it was prior to my being involved.

Q. Who first brought it up?

A. Smith did, sir.

Q. At the time he pulled out his wallet, what did he show you?

A. It looked like a cigarette rolled fairly slender, twisted on the ends, and flat from being in his wallet.

Q. Did he say what was inside the paper?

A. No.

Q. What happened then?

A. I went home.

CPT Pipes then asked me to relate again the circumstances that took place when I was given a marijuana cigarette in Smith's room. I said that it was early in December. I was talking to Smith in the launcher area about 7 in the morning after working all night. Smith was on manning in the tower, about eight feet high. I said good morning and he mentioned that he had been to town or had gone out, something to this effect. It is pretty normal talk out at the battery. He mentioned that he had gone to town and had a bag of marijuana, which he had rolled some and had sold some in the area. I just followed along with the conversation and tried to encourage him to talk. He told about the marijuana he had sold at the site and I asked him if he had anymore and he said he might have some in his room. We then separated and went into the IFC area. I had a breakfast and then we had a training film which I attended. I am not sure whether Smith went or not.

STATEMENT OF JESSE JOHN FINERAN TAKEN AT HOMESTEAD AFB, FLORIDA  
DATED 3 FEBRUARY 1970 Continued

// I saw Smith again in the hall after the film and asked him again about the cigarette in his room. We went down to his room and he went to a locker and took out a service cap with his name on the band and extracted a stub of a cigarette. It was a rolled piece of paper with vegetable matter inside that was burned and rolled again. He handed me the cigarette, I did not give him any money for it, and he didn't ask for any. In response to CPT Pipes question I said that he did not say he was giving it to me.

PIPES. Did you say anything in response?

A. I thanked him and told him if he came up with any more to let me know.

Q. Prior to this time, other than in your duty with the police department, had you ever possessed marijuana on your own?

A. No

Q. What possessed you to take the marijuana this time?

A. A very good question sir.

Q. Can you give me a very good answer?

A. I just didn't think it was right and I wanted to do something about it.

Q. At the time you took it, did you intend to take it in?

A. Yes.

Q. At the time you asked Smith to contact you when he got some more did you intend to take that in, too?

A. Yes

Q. To whom did you intend to take it?

A. The battery commander.

Q. Did you know him personally at this time?

A. Yes. My wife and his wife are friends and we had been out socially a few times.

Q. You had discussed drugs with him at this time? What was the tenor of your discussion with him?

A. We had gotten on to the subject of drug abuse.

Q. I take it your were against the use of drugs?

A. Yes

Q. You communicated that to 1LT Lepore?

A. Yes.

Q. Did you talk about the drug problem here in Homestead?

A. Yes

Q. Did you take the marijuana you subsequently found to him because of an agreement you had with him to bring all you found to him?

A. No sir. I happened to come across this. I felt that it was my duty.

Q. Did Lieutenant Lepore ask you to bring it to him?

A. No sir.

Q. Is it common for an enlisted man to be socially acquainted with his battery commander?

A. Not usually.

Q. How do you account for your social acquaintance?

A. Common friends and common interests. Also, our wives were friends.

Q. When you talked to Smith in his room, only the two of you there?

A. Yes.

Q. Relate to me the conversation with LT Lepore in his office. What did you say to him?  
A. I told him what I did and turned it over to him.  
Q. What did he say?  
A. That he would contact LTC King and to go about my duties.  
Q. Did you get any other instructions?  
A. No.  
Q. Did you then meet with <sup>did</sup> Colonel King?  
A. Yes.  
Q. What did he say?  
A. He asked me several questions about where did I get it and how did I acquire it and we spoke just briefly and then Mr. Sinuefield came in.  
Q. Was this in the morning or the afternoon?  
A. Afternoon.  
Q. The same day that you took the cigarette to LT. Lepore?  
A. No sir. I believe it was the following day.  
Q. Describe your conversation with Mr. Sinuefield?  
A. I spoke to Mr. Sinuefield. He explained <sup>the</sup> the problems of drug abuse in the area.  
Q. How was he identified to you?  
A. Mr. Sinuefield, the CID agent.  
Q. Did he talk about the drug problem nationally or in this area?  
A. He pretty much spoke of problems in the Army missile sites. Later he asked me if I would be willing to work for him and try to purchase more marijuana from military personnel in the battery area.  
Q. Specifically Private Smith?  
A. At the time. But he said if I came into contact with others to let him know.  
Q. But at this point he wanted you to buy some from Smith?  
A. Yes.  
Q. Did he give you any money?  
A. No sir. He said that I was only to set up a transaction and I was to contact him if I needed any money or advice to contact him and he would meet me and give whatever was necessary.  
Q. Did you have occasion to contact Smith later that day or later on?  
A. We were both on duty at night. We talked inside by the TV room and then we went out and sat in the car and talked for a while.  
Q. What about?  
A. The availability of marijuana.  
Q. What did you say?  
A. I asked him if he had any more or if he could get some.  
Q. Did you indicate that you were willing to pay?  
A. Yes.  
Q. You had occasion to go to town with Smith in whose car?  
A. My car.  
Q. Just the two of you?  
A. Yes.  
Q. Where did you go?  
A. We went to Florida City first. First went to the battery area. I had set up a transaction with Smith so I was supposed to meet him at noon and I went there and Smith had told ~~me~~ that he was not able to acquire any marijuana, that I should come back later on. At that time he gave me one handrolled cigarette. <sup>2</sup>

Q. What did he say?

A. Come back when I get off guard and that he could acquire some marijuana.

Q. Did he indicate where?

A. No.

Q. Was he still on restriction at the time?

A. I believe that he was still on restriction.

Q. What did you say to that?

A. OK. I'll see you later in the evening. He said call him first, which I did.

Q. Did he say where to call?

A. The admin area. He said to come out later and he would be able to leave shortly. He had a little detail to do. He finished and got into my car and we drove into Florida City. We stopped first at the Top Cat Lounge on Redland<sup>162</sup> Road. Smith got out of the car and I waited in the car. He said he would be right back. He said that Willie is not here, referring to a subject or person unknown to me at this time. Then we drove to a residence in Florida City right off Lucy Street. He went in there and I waited in the car. He returned and the time lapse there was anywhere from forty minutes to an hour.

Q. You waited in the car for almost an hour?

A. Yes.

Q. What did you do?

A. Listened to the radio.<sup>167</sup> Smith returned with a Negro male approximately 16 years old who was introduced to me as Douglas. The three of us then went to an apartment on the other side of the street where I understand Smith resides. He said he lived there in this apartment. We all went inside where he tried to make a phone call. I believe he was trying to call his wife in California. From there we rode around and Smith tried to locate his contact. Then we went to a place that I understand is called the Greenhouse or Temples. We parked in the parking lot adjacent and Smith and Douglas went inside to the bar. I sat in the car. Earlier in the evening I had given him \$10.00 which was to purchase marijuana for me. Smith returned a bit later and Douglas 10 - 15 minutes later. Douglas sat in the back seat and Smith in the front of my car, a Volkswagen. Smith handed me ten hand-rolled cigarettes which were similar to the ones I had gotten from him before. From there I took Smith to the battery at his request and Douglas accompanied me. I dropped Smith off at the battery and then took Douglas back to where we had picked him up.

Q. You described a third occasion on which you ostensibly received marijuana. Would you tell us about it?

A. I had contacted Smith by phone and asked him if he could come up with an ounce of marijuana and he said that he would let me know. I talked with him later and he said that he was not able to deliver it yet, to come by his apartment after work.

Q. Do you remember what date this was?

A. Early in January.

Q. Over how long of a period had you asked him to get the marijuana and he was not able.

A. Several days.

Q. How many times did you phone him?

A. About three times.

Q. Did you call him at the battery?

A. Yes. He was working in the mess hall. He told me to meet him at his apartment that he should have something for me. So I went by his apartment but he wasn't there.

STATEMENT OF JESSE JOHN FINERAN TAKEN AT HOMESTEAD AFB, FLORIDA  
DATED 3 FEBRUARY 1970 Continued

At 7

Q. What time of day was that?

A. Approximately eight to eight-thirty in the morning. From there I went to my home and called his apartment. He was there and told me to come over. I went back and he had a black '55 or '56 Chevy which he was driving and he told me to ride with him. I got into the car and we drove over to an apartment building in Homestead. He went into the building and returned with a Negro female. We three left in the auto and arrived at another apartment building in Florida City where Smith and the female got out of the car and went into an apartment and returned in approximately 10 - 15 minutes. From there we drove back to Smith's apartment. In route to Smith's apartment, the girl pulled a hand-rolled cigarette out and asked Smith if she should light it now and he said no. We went over to Smith's apartment and he told me that Willie would have the stuff about three o'clock or so. So while we were sitting in the apartment the girl asked Smith if she could light it. She took a draw and handed the cigarette to Smith who smoked the rest of it.

Q. Did you smoke any of it?

A. No

Q. Did you handle it?

A. No sir, not this particular cigarette

Q. How far away were you from the cigarette?

A. When she left it on the table I was close to it several times walking back and forth. When she lit it I was approximately 5 - 6 feet away.

Q. What happened then?

A. After this Smith asked me to take him out to the base which I did and I brought him back to the girl's apartment. She took the Chevy to her place while we went out to the base.

Q. Where did you go from there?

A. I went to a doctors appointment for a flight physical. It was at Dr. Crosses' office, a civilian doctor. Then I went to Smith's apartment but was told that Willie wasn't back yet, to come back later. I then went to see my wife who works at Young's Travel in Homestead.

Q. What time did you leave your wife to go back?

A. It was around 1600.

Q. What happened then?

A. I went to the apartment where Smith was. I picked up Smith and we drove back to the apartment in Florida City, just Smith and myself. Smith went in and came back with a Negro male and introduced him as Willie. I was told to drive to Perrine in my car. I did and was told to stop in front of a small building where Willie got out.

Q. Smith and you remained in the car?

A. Yes. He got out and came back directly. Then I drove back to Smith's apartment. Smith was in the back seat, Willie in the front. Then I was told to stop at a grocery store where Smith and Willie got out and purchased some cigarette papers. I remained in the car. From there I drove back to Willie's apartment and was invited in. At this time Willie took out from his pocket three brown envelopes which he opened and put into three separate piles on the kitchen table. Then he began to roll the contents into cigarettes. I rolled also

Q. Smith did not roll?

A. No sir. 88



Q. Then what happened?

A. Then I was given a piece of waxed paper to place the cigarettes in and Griffin (the female had earlier referred to him as Willie Griffin) picked up a cigarette and smoked it, gave it to Smith who smoked it and offered it to me. I said no, that I had to go to work. Then I left.

Q. You turned these into Mr. Sinuefield?

A. Yes

Q. Were you keeping notes about what was going on?

A. I took notes from the time I was instructed by Mr. Sinuefield to do so.

Q. When did you keep these notes?

A. Upon leaving or furnishing a converstaion I would write the essentials down on a piece of scrap paper and transfer it to my note book later.

Q. Had the notebook been given to you by Mr. Sinuefield?

A. No, I bought it.

Q. Do you have the notebook now?

A. I gave it and the scraps of paper to Mr. Sinuefield.

Captain Pipes indicated that he had no further questions of me at this time.

Captain Suhre, counsel for Specialist Eason then questioned me.

He asked me to again relate the circumstances of my first meeting with Eason when marijuana was discussed. I again related that I was looking for Smith who had something for me.

Q. How long did the converstaion last?

A. About five minutes

Q. Was the word "marijuana" ever used?

A. Not "marijuana", "grass".

Q. Did you talk about anything else in that five minutes, or only about the thing Smith was supposed to get you?

A. That was about the sum of the conversation.

Q. Were the words "reefer" or "joint" ever used.

A. To my recollection, I can't even remember "grass" being used right now.

Q. Do you drink?

A. Yes

Q. Do your friends drink?

A. Yes

Q. Would it be illegal for you to possess alcohol on the battery site while on duty?

A. Yes

Q. What day was that, approximately?

A. Around the 18th to the 21st of December.

Q. If you work in the launch area and Eason works in LPO, how did you come to meet him there?

A. I was off duty.

Q. When did you next talk to Eason?

A. It was later on, but still in December.

Q. How did you come to have this conversation?

A. I received a phone call from SGT Jones and he said someone wanted to talk to me. A person then came on the phone who identified himself as Eason.

Q. What was the general tenor of that conversation?

STATEMENT OF JESSE JOHN FINERAN TAKEN AT HOMESTEAD AFB, FLORIDA  
DATED 3 FEBRUARY 1970 Continued

f 1 A. He wanted me to meet him at Smith's apartment.  
Q. About what time did you receive the call?  
A. Late morning, about 10 to 11.  
Q. What time were you to meet Eason at Smith's apartment?  
A. I was told to come over at the time. I did go over then.  
Q. Did you go inside?  
A. I just got out of the car. Eason and Smith were standing in front of the apartment. I spoke to both of them and then Eason and I walked to his car. He told me that he was going to purchase some marijuana and that I could have some if I wanted. I gave him \$5.00. This occurred about 15 - 20 minutes after the phone call.  
Q. Then what did you do?  
A. I was told to meet him back there at approximately 3:00 o'clock.  
Q. And he would give you the alleged marijuana?  
A. Yes. I went back later and Smith and Jones were there. They said that Eason had not come back. From there I returned to my residence and then went to work.  
Q. Later at work you received a call?  
A. Yes, from Eason. This was about nine that evening. He was calling from a party and he said that he had the marijuana. He said if I could meet him in the morning that he would give it to me. I asked him if he was coming in to work and he said no and that he would get Smith to bring it in.  
Q. He said Smith?  
A. Yes.  
Q. Are you sure?  
A. Yes.  
Q. You said you had a call from SGT Jones, and that there was something in his car that Eason had left for you?  
A. Yes.  
Q. He didn't say what  
A. No sir. I was in the mess hall at the time.  
Q. Going back to the time you went to LT Lepore about alleged marijuana traffic, and from the time you talked to Mr. Sinuefield, had you talked to Eason Prior to meeting Mr. Sinuefield and deciding that you would work with him?  
A. No sir.  
Q. So you had no reason to suspect that Eason was trafficking in drugs, is that right?  
A. Other than from rumors, sir.  
Q. What rumors?  
A. A statement that Smith had said.  
Q. But the rumors weren't from anyone else?  
A. No sir.  
Q. When Jones called you in the morning did he say what was left?  
A. No, only that Eason had left something in the car.  
Q. The five dollars you gave to Eason for the marijuana that was supposedly left in the glove box -- where did you get the money from?  
A. Mr. Sinuefield.  
Q. Did you get it that morning?  
A. No, prior to this.  
Q. Did you get the money before going to Smith's apartment that morning?  
A. No, prior to that time. (f)

Q. You noted the serial numbers on the bills?  
A. Mr. Siquefield did.  
Q. Was the money marked in any way?  
A. Only the serial numbers as far as I know, sir.  
Q. After the incident in late December when you picked up the box from Jone's car, when was the next time you had a discussion with Eason about marijuana?  
A. A couple of days later sir.  
Q. Where and when was this?  
A. It was a phone call to Eason at work.  
Q. Where were you?  
A. At my residence.  
Q. What was the gist of that conversation?  
A. I asked Eason if he were able to supply me with an ounce of marijuana.  
Q. Did you say for what purpose?  
A. I'm not sure if I did at this time.  
Q. This was prior to the 31st?  
A. Yes.  
Q. What was Eason's response?  
A. He said he would take care of it and let me know later.  
Q. Did you contact him any more about this?  
A. No, I was contacted by him on the 31st. It was somewhere in the neighborhood of seven to seven-thirty that evening. I was walking the fence when they notified me of a call, and I returned the call from one of the towers.  
Q. Where did you place the call to?  
A. I was only given a number.  
Q. How long after you were told you had had a call did you return it?  
A. Only a few minutes.  
Q. Did Eason answer the phone himself?  
A. I don't remember.  
Q. What was the general content of the conversation?  
A. I was told that he had the ounce and that he would be out at the battery later on in the evening.  
Q. Did he come out?  
A. Yes. I'm not sure when, but it was an hour or two after the phone call.  
Q. Where did you meet him, if you met him?  
A. He came to the front gate, to the entrance to the launcher area.  
Q. Could he come inside?  
A. No, he was outside on the road.  
Q. Where were you at this time?  
A. I was inside on duty. I saw a car drive up and waited for him to get out before I was sure it was Eason.  
Q. Then what did you do?  
A. I tied up my dog and went outside the gate.  
Q. Was anyone else around the gate at this time?  
A. There were some people inside the area walking around the parking lot, but I don't remember any of them specifically.  
Q. What happened then?  
A. We walked to the side of the road away from the car about 25 - 30 feet. He removed from his shirt a plastic bag.

Q. What kind of shirt was he wearing?  
A. I can't remember.  
Q. What happened then?  
A. He told me to check it. I felt it and smelled it and put it into my shirt and gave him \$20.00.  
Q. I assume this money was given to you by Mr. Sinuefield?  
A. Yes.  
Q. When?  
A. I'm not sure, a day or two prior to this time.  
Q. Did he give you the money before you called Eason two or three days previous or did you go to Mr. Sinuefield and ask for the money when he said he could get an ounce?  
A. I don't remember.  
Q. But you got the money prior to this night?  
A. Yes.  
Q. Again the serial numbers were recorded?  
A. Yes.  
Q. Did you ever see the serial numbered money again?  
A. No. Eason told me that it would be \$25.00 and I told him that he would get the rest the next time I saw him. He said fine, that would be OK.  
Q. Did you eventually give him the \$5.00?  
Yes, the next day that he came to work. I'm not sure if that was the following day or not. I saw him in the parking lot ~~as~~ I was getting off duty and gave it to him.  
Q. Was Eason alone at the time?  
A. When I gave him the money he was alone.  
Q. Was anyone with Eason at the time?  
A. I don't remember.  
Q. Did you have any further contact with him pertaining to any further transactions of marijuana?  
A. Nothing. Just casually seeing the individual.  
Q. When did you first meet Eason?  
A. I had seen him in the battery area some time prior to meeting him in the hall. I can't remember a previous discussion with him before talking in the hall.  
Q. Did you at any time write down ~~any~~ verbatim parts of the conversation you had with Eason?  
A. My notes weren't that specific.

CPT Suhre then asked me to explain briefly about the area I worked in New Orleans as a policeman. I described somewhat the 6th district. Under questioning I said that the area was predominately Negro with several ghetto-type areas.

Q. Did your experience in this area in any way affect your thinking about criminal tendencies in the Negroes?  
A. No sir.  
Q. Are you prejudiced towards Negroes?  
A. No sir.

I was then asked concerning my hobbies and friends that I associate with during my off-duty time. CPT Suhre also asked if I could recall anyone else who worked with me on New Years Eve, and I could not. I testified that nothing notable happened that night, other than events described. *ff?*

12. I was then asked to describe the matchbox which I obtained from Jone's car.

A. It was a regular what used to be a penny matchbox, it slid out and had abrasives on both sides.

Q. Any markings that you can remember?

A. No.

Q. Nothing special about the matchbox?

A. No.

Q. Did you examine the contents of the box?

A. I opened the box, yes.

Q. How full was it?

A. It was full, but not packed.

Q. Was anyone within earshot of you and Eason the night he gave you the ~~bag~~ <sup>bag</sup>?

A. I don't know of anyone sir, not that I know of.

Q. Were you in front of or behind the car or to the side or what?

A. I'm ~~not~~ <sup>not</sup> sure.

Captain Suhre then indicated that he had no further questions for me and the IO dismissed me with instructions to talk to no one about this hearing and to remain available for recall at a later time.

I was recalled to the investigation later in the afternoon and asked if the presence of my notes would help me to give more complete answers with less hesitency. I said that I believed it would and they asked me if I would be willing to testify the next morning with my notes. I said that I would be agreeable, after which I was dismissed again.

The next morning I was called and reminded that I was still under oath. The Counsel for Specialist Eason and Private Smith asked if I had my notes and I said that it didn't appear that it would change my testimony significantly, so I decided against bringing them in this morning. I stated that this was my decision and that I had not talked to Mr. Siquefield or anyone else concerning it.

Captain Pipes and Captain Suhre then petitioned the IO to make the notes available to them.

CPT Suhre asked me how I found out that I was not compelled to bring my notes to the investigation and I said I wasn't sure, but wanted to find out.

I was again dismissed. 887.