

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA : Criminal No. 75-26 CR-3
v. : Civil No. 84-41 CIV-3
JEFFREY R. MACDONALD :

AFFIDAVIT OF BRENDAN J. BATTLE - # 1

I, ^{BJS}Brendan J. Battle, being duly sworn does depose and say that:

1. I am a Special Agent of the Federal Bureau of Investigation (hereafter FBI) assigned to the Charlotte, North Carolina, Field Office.

2. On November 24, 1981, Gregory Howard Mitchell voluntarily appeared at the Charlotte Office of the FBI. Mitchell was advised by Special Agent Brendan J. Battle that the purpose of the interview was to determine his knowledge surrounding the details of the murder of the family of Jeffrey MacDonald at Fort Bragg, North Carolina, in February, 1970.

3. Mitchell is a white male born July 6, 1950, and resided at 1508 Wensley Drive, Charlotte, North Carolina, with an unlisted telephone number, (704) 553-1762 or 1763. Mitchell at the time was part owner with Ron Mills in Mills-Mitchell Electric Company, 1445 East Seventh Street, Charlotte, North Carolina, telephone (704) 332-1521 or 1522.

4. Mitchell advised that he had no photograph of himself taken during the general time frame of 1970.

5. Mitchell supplied a three-page signed statement (attached), which is reported verbatim as follows:

- 2 -

"I, Gregory Howard Mitchell, reside at 1508 Wensley Drive, Charlotte, NC. I am a white male, born July 6, 1950. I have voluntarily appeared at the Charlotte office of the FBI to be interviewed by Special Agent Brendan J. Battle about the MacDonald family murders at Fort Bragg, NC in 1970.

At that time, I was a Specialist 4th Class assigned to Headquarters, 3rd Brigade, 82nd Airborne Division at Fort Bragg. I left there shortly after the MacDonald murders for a tour in Vietnam. I was discharged six month later.

I was a heroin addict from 1968 until three months before my discharge on 02/25/71. I was fully rehabilitated at the time of my discharge and have not had any heroin since that time.

While at Fort Bragg, Fayetteville, NC, I spent some time with Helena Stoeckley for a period of eight months to a year before I left there for Vietnam. Stoeckley was a heroin addict during the whole time I knew her and got money from her father, a retired army Colonel, and sold drugs to support her habit. Stoeckley claimed to be a "cult" member and to be a witch, but I never paid any attention to that and have no knowledge of these activities.

I was at home in Fayetteville the night of the MacDonald murders. My stepfather is Vance Ledford, and my mother's name is Violet. They now live in Gibson, NC. I lived with them as well as maintaining quarters in the barracks on Fort Bragg. I learned of the murders from the media the next morning.

At approximately 4:00 p.m. that day, I saw Stoeckley in the park at Fayetteville, and she said that she 'might have been involved' but she did not know for sure and did not think that she was. I have no

- 2 -

"I, Gregory Howard Mitchell, reside at 1508 Wensley Drive, Charlotte, NC. I am a white male, born July 6, 1950. I have voluntarily appeared at the Charlotte office of the FBI to be interviewed by Special Agent Brendan J. Battle about the MacDonald family murders at Fort Bragg, NC in 1970.

At that time, I was a Specialist 4th Class assigned to Headquarters, 3rd Brigade, 82nd Airborne Division at Fort Bragg. I left there shortly after the MacDonald murders for a tour in Vietnam. I was discharged six month later.

I was a heroin addict from 1968 until three months before my discharge on 02/25/71. I was fully rehabilitated at the time of my discharge and have not had any heroin since that time.

While at Fort Bragg, Fayetteville, NC, I spent some time with Helena Stoeckley for a period of eight months to a year before I left there for Vietnam. Stoeckley was a heroin addict during the whole time I knew her and got money from her father, a retired army Colonel, and sold drugs to support her habit. Stoeckley claimed to be a "cult" member and to be a witch, but I never paid any attention to that and have no knowledge of these activities.

I was at home in Fayetteville the night of the MacDonald murders. My stepfather is Vance Ledford, and my mother's name is Violet. They now live in Gibson, NC. I lived with them as well as maintaining quarters in the barracks on Fort Bragg. I learned of the murders from the media the next morning.

At approximately 4:00 p.m. that day, I saw Stoeckley in the park at Fayetteville, and she said that she 'might have been involved' but she did not know for sure and did not think that she was. I have no

- 3 -

personal knowledge of the murders. I was never questioned at that time by CID, FBI, Fayetteville Police or any other law enforcement agency.

I was questioned about the MacDonald case in 1971 about six months after I got out of the service. This took place in Wadesboro, NC, where I was staying with my sister. The agents were with the SBI. The two agents questioned me about the MacDonald murders, and I told them the truth. I took a polygraph as to the information, and it was determined I was telling the truth and that I had no personal knowledge of the MacDonald murders.

I did not know Jeffrey MacDonald and had never heard of him until the murders of his family. I also never knew or heard of any of his family.

I do not recall the names Johnny Fowler, Allen P. Mazzerolle or Dwight Smith. I know Don Harris but not by the name Shelby Don Harris. Harris was from Tennessee, and I met him in Vietnam. Harris was not a drug addict but did use some LSD and a few ups and downs. He was at Fort Bragg at the time of the MacDonald murders. Harris knew Stoeckley. I have not seen Harris since I left Fort Bragg in 1970. I do not know where he is at this time.

I have never been interviewed by Private Investigator Gunderson, Beasley or any others in this case. I am quite sure the two agents who interviewed me at Wadesboro NC, were SBI agents and not CID agents.

I am willing to testify to the information I have provided.

/s/ I have read these three pages, and the information is correct to the best of my knowledge. I have given this information of my own free will. I have initialed each page and each correction."

"/s/ Gregory Howard Mitchell

"Witnessed:

"/s/ Brendan J. Battle
"SA, FBI 11/14/81"

6. On December 11, 1981, Gregory Howard Mitchell, 1508 Wensley Drive, was recontacted concerning his exact whereabouts on the night of the MacDonald murders at Fort Bragg, North Carolina, in February, 1970.

7. Mitchell stated he is positive he was at the home of his stepfather, Vance Ledford, and his mother Violet. Mitchell stated he could not normally recall such a fact but he recalls that when Helena Stoeckley told him about the MacDonald murders the next day, he knew then where he was the previous night. He stated that this is the reason the he can recall his whereabouts.

8. Mitchell's stepfather and mother presently live in Gibson, North Carolina, telephone (919) 268-4791. They would probably recall that he was at their home that night..

Further your affiant sayeth not.

Brendan J. Battle
BRENDAN J. BATTLE
Special Agent, FBI

Subscribed and sworn
to before me this 9th
day of July, 1984.

DEPUTY CLERK

Craig Smith, Jr.
NOTARY PUBLIC
my Commission Expires 4/11/88

[Handwritten signature]

11/24/81

I, Gregory Howard Mitchell, reside at 1508 Wansley Drive, Charlotte, NC. I am a white male, born July 6, 1950. I have voluntarily appeared at the Charlotte office of the F.B.I. to be interviewed by Special Agent Brendan J. Battle about the McDonald family murder at Fort Bragg, N.C. in 1970.

At that time I was a Specialist 4th Class assigned to Headquarters, 3rd Brigade, 82d Airborne Division at Fort Bragg. I left there shortly after the McDonald murder for a tour in Vietnam. I was discharged ^{about 1/1/71} six months later.

[Handwritten signature] I was a heroin addict from 1968 until ^{three months before my} ~~the time of my~~ discharge on 2/25/71. I was fully rehabilitated at the time of my discharge and have not had any heroin since that time.

While at Fort Bragg/Fayetteville, N.C. I spent some time with Helene Strechley for a period of 8 months to a year before I left there for Vietnam. Strechley was a heroin addict during the whole time I knew her and got money from her father, a retired army colonel and sold drugs to support her habit. Strechley claimed to be a "cult" member and to be a witch but I never paid any attention to that and have no knowledge of these activities.

I was at home in Fayetteville the night *[Handwritten signature]*

page 1 of 3 pages

JAM
 of the McDonald murders. My stepfather is Vance Sedford and my mother name is Violet. They now live in Gibson, N.C. I lived with them as well as maintaining quarters in the barracks on Fort Bragg. I learned of the murders from the news media the next morning.

At approximately 4 PM that day I saw Streckley in the park at Fayetteville and she said that she "might have been involved" but she did not know for sure and did not think that she was. I have no personal knowledge of the murder. I was never questioned at that time by CID, FBI, Fayetteville police or any other law enforcement agency.

I was questioned about the McDonald case in 1971 about six months after I got out of the service. This took place in Wadesboro, NC where I was staying with my sister. The agents were with the S.B.I. The two agents questioned me about the McDonald murders and I told them the truth. I took a polygraph as to the information and it was determined I was telling the truth and that I had no personal knowledge of the McDonald murder.

I did not know Jeffrey McDonald and had never heard of him until the murder of his family. I also never knew or heard of any of his family.

page 2 of 3 pages

~~HAM~~
 I do not recall the names Johnny Fowler, Allen P. Mazerolle or Dwight Smith. I know Don Harris but not by the name Shelby Don Harris. Harris was from Tennessee and I met him in Vietnam. Harris was not a drug addict but did use some LSD and a few ups and downs. He was at Fort Bragg at the time of the McDonald murder. Harris knew Stretchly. ~~but I don't know~~ ~~you will be known here.~~ I have not seen Harris since I left Fort Bragg in 1970. I do not know where he is at this time.

I have never been interviewed by Private Investigator Gunderson, Bradley or any other in this case. I am quite sure the two agents who interviewed me at Wadesboro, NC were SBI agents and not CID agents.

I am willing to testify to the information I have provided.

~~HAM~~
 I have read these three pages and the information is correct to the best of my knowledge. I have given this information of my own free will. I have initialed each page and each correction.

witnessed:

Bendon Battle
 SA, FBI 11/24/81

Gregory Howard Mitchell
~~HAM~~

Page 3 of 3 page

IN THE
United States Court of Appeals
FOR THE FOURTH CIRCUIT

RECORD NO. 85-6208

UNITED STATES OF AMERICA,

Appellee,

v.

JEFFREY R. MacDONALD,

Appellant.

JOINT APPENDIX
Volume III

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Counsel for Appellant

Counsel for Appellee

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(Continuation of Counsel Inside Cover)

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DECLARATION OF BRYANT LANE

County of Mecklenburg)
) s.s.
State of North Carolina)

I, Bryant Lane, declare:

1. In 1972 my wife and I lived in Charlotte, North Carolina and I worked at the Toledo Scale Company with a man named Greg Mitchell with whom I became friendly. My wife, Pat Mitchell, Greg and I became close friends over time.

2. In 1977 while Greg Mitchell was visiting my wife and me at our home and was in a depressed condition, I asked him what was bothering him and he stated that he could not tell me or anyone about what was bothering him, not even his wife Pat, because it was too horrible to even talk about.

3. In 1982, before Greg Mitchell entered the hospital where he died in June 1982, Greg called me by telephone and told me he wanted to speak with me about something. He said he did not want to talk on the telephone, however, as he believed his phone might be tapped. I agreed to meet with Greg and we did meet and when we met he was very pale and visibly upset.

4. I began the meeting by asking Greg what the trouble was and he told me, "it's something that happened back when I was in the service. If they find out about it I'm going to have to leave the country and live in Haiti or something." Greg did not tell me anything specific about what happened. However, shortly after our conversation he came to our house again where he spoke with my wife and told her that the reason he was trying to get some money to leave the country was because the FBI was after him. He told my wife that he was guilty of

1 a crime that happened a long time ago at Ft. Bragg and that he
2 was concerned about being prosecuted.

3 5. When I read the news story in the Charlotte
4 Observer about the Ft. Bragg murders in which Greg Mitchell's
5 name was mentioned I realized that what Greg had told my wife
6 and me was that he had taken part in the murders. I contacted
7 Dr. Jeffrey MacDonald's lawyers at that time.

8 I declare under penalty of perjury that the foregoing
9 is true and correct.

10 Executed this ~~4-14-84~~ day of April, 1984 at Charlotte,
11 North Carolina.

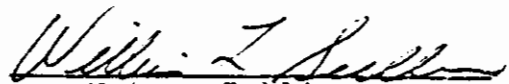
12
13 
14 BRYANT LANE

15
16 STATE OF NORTH CAROLINA
17 COUNTY OF MECKLENEURG

18 I, the undersigned Notary Public for said County and
19 state do certify that Bryant Lane personally appeared
20 before me and acknowledge the due execution of the foregoing
21 declaration.

22 WITNESS my hand and seal (notarial) this 14th day
23 of April, 1984

24
25 My Commission expires on 8-31-88

26
27 
28 Notary Public

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA : Criminal No. 75-26 CR-3
v. : Civil No. 84-41 CIV-3
JEFFREY R. MACDONALD :

GOVERNMENT'S RESPONSE TO MOTION FOR NEW TRIAL

APPENDIX VOLUME I

FILED

JUL 20 1984

J. RICHARD ... CLERK
U. S. DISTRICT COURT
E. DIST. NO. CAR.

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA : Criminal No. 75-26 CR-3
v. : Civil No. 84-41 CIV-3
JEFFREY R. MACDONALD :

AFFIDAVIT OF BRENDAN J. BATTLE - # 2

I, ^{BJS}Brendan J. Battle, being duly sworn does depose and say that:

1. I am a Special Agent of the Federal Bureau of Investigation (hereafter FBI) assigned to the Charlotte Field Office, and on May 25, 1984, Noah Bryant Lane, known as Bryant Lane, was interviewed at his home, 3317 Dexter Drive, telephone (704) 527-4852. Lane is employed at Motive Battery, 5014-F South Boulevard, telephone (704) 527-9782. Lane was advised that the purpose of the interview was concerning his relationship with Greg Mitchell and any information he may have concerning statements made to him by Mitchell concerning Mitchell's possible involvement in criminal activity while stationed at Fort Bragg, N.C., in particular his knowledge of or involvement in the murder of the family of Captain Jeffery MacDonald. Lane advised that he first met Greg Mitchell when Mitchell came to work at Toledo Scale Company in Charlotte, N.C., in approximately 1972. Lane worked with Mitchell and helped to train him in his job. He got to know him well at work, and also on a social basis. Mitchell was married to his wife, Pat, at the time that Lane met him and the Lanes and the Mitchells socialized frequently. Mitchell left Toledo Scales after working there for somewhere between two to four years.

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Mitchell left over a disagreement with his former boss, Bob Connelly. The Lanes continued to see the Mitchells on a social basis after Mitchell left work at Toledo Scales. They would see each other one or two times a week.

2. Mr. Lane advised that Greg Mitchell was a heavy drinker but that he almost always drank beer. He very seldom drank hard liquor. Mitchell was not on drugs to Lane's knowledge although he was in the Army and that he had been treated for this addiction. Mitchell did use marijuana occasionally and Lane and Mitchell smoked marijuana together on occasion. Mitchell did not have any mental problems to Lane's knowledge.

3. Mitchell told Lane about some of his experiences while he was in the Army in Vietnam. Mitchell stated that he was a Medic and also that he worked in Communications while in Vietnam. Mitchell stated that he had killed Vietcong, but Lane does not recall whether or not Mitchell stated that he killed women or children while in Vietnam. Mitchell did get emotional on occasion when he talked about Vietnam and he was usually drinking heavily at the time that he became emotional. About six months before Mitchell died, he was told by a doctor that he had to quit drinking or that he would kill himself. Mitchell stated to Lane that he would not be able to stop drinking beer. Mr. Lane did not visit Mitchell while he was in the hospital in Virginia and last saw him several weeks before he died. Mr. Lane that several years ago during the time when Mitchell was helping him work on a boat which Lane had bought,

- 3 -

Mitchell appeared to be depressed. Lane does not specifically recall asking Mitchell why he was depressed and that it was so terrible that he could not talk about it and that he could not tell his wife about it. At one time, Mitchell told Lane that there was a certain "bitch" and that if she ran her mouth it would mess things up. Lane stated that these are not Mitchell's exact words and he does not recall whether or not this statement was made at the same time that he stated that he had done something so terrible that he could not talk about it. Lane stated that the reason that he was more specific in the affidavit that he gave to a Private Investigator Shadlock (phonetic) is that the investigator was interviewing him and his wife together, and his wife gave the specific information which Lane assumed was correct. He stated that although he could not remember the exact dates and sequence that the information he is giving is correct. He stated that he would take a polygraph examination concerning any information he was ^{giving} given.

5. Mr. Lane advised that Mitchell made one other statement to him concerning the fact that he had done something terrible. This was about two or three weeks before Mitchell died. Lane was drinking one night at the Hule Bar in Charlotte and Mitchell was there. Mitchell told Lane that he had to talk with him. Mitchell called Lane the next day and said that he could not talk on the telephone because the "cheap sons-of-bitches have my phone tapped", or words to that effect. Mitchell came to Lane's house but Lane does not think that it was the same day. He thinks that it was the next day.

- 4 -

When Mitchell arrived, he was "white as a ghost". Mitchell stated that he might have to leave the country because something happened in the service, and if the authorities found out about it that he would definitely have to leave. Mitchell did not say what this was, but stated that it was too horrible to talk about and at that time he had tears in his eyes. Lane thought that Mitchell must have been talking about something that happened in Vietnam. Mitchell borrowed \$100 from Lane and when he left, Mr. Lane recalls telling his wife that he thought Mitchell wanted to tell him something.

6. Mitchell had been talked to by the FBI several weeks earlier and he appeared different after being contacted by the FBI. Mitchell did not appear to be depressed during much of the time between 1972 and 1982. He was lively and laughed a lot and seemed to have a good time. Every once in a while when he drank a lot, he appeared to become somewhat depressed. This was even more noticeable after Mitchell had been contacted by the FBI.

7. Lane recalls that Mitchell was told to stop drinking by his doctor or he would kill himself and that this warning came before Mitchell was interviewed by the FBI.

8. Mitchell never brought up any conversation about Captain MacDonald or the killing of MacDonald's family. On one occasion, a year or two before Mitchell died, Lane's wife stated that she did not think that MacDonald killed his family and Mitchell agreed. This is the only conversation that Lane can recall having with Mitchell concerning MacDonald.

9. Lane has not read the book "Fatal Vision" and has no direct information that Mitchell was responsible for killing MacDonald's family. He has made the assumption that Mitchell was responsible for the killings because of the statements that he made to Lane and his wife.

Further your affiant sayeth not.

Brendan J. Battle

BRENDAN J. BATTLE
Special Agent, FBI

Subscribed and sworn
to before me this 9th
day of July, 1984.

DEPUTY CLERK

Craig L. Smith Jr.

NOTARY PUBLIC

My Comm. Expires 4/11/88

**United States District Court
Eastern District of North Carolina
Fayetteville Division**

DOCKET No. 75-26-CR-3

UNITED STATES OF AMERICA

vs.

JEFFREY R. MacDONALD

**AFFIDAVITS OF FRED H. BOST (#2), ROBERT L. BOYCE,
DONNA BRUCE, JOHN S. CROUCHLEY, KAREN R. DAVIDSON,
MYRNA K. GREENBERG, JOHN J. MURPHY (#2), AND BRIAN O'NEILL**

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DATED: 14 May 1991

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA v. JEFFREY R. MACDONALD)))))))	No. 75-26-CR-3 90-104-CIV-3-D
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AFFIDAVIT #2 OF JOHN J. MURPHY

I, John J. Murphy, being first duly sworn, depose and state as follows:

1. I am a paralegal with the law firm of Silverglate & Good, 89 Broad Street, Fourteenth Floor, Boston, Massachusetts, 02110, counsel for the petitioner Jeffrey R. MacDonald in the above-styled and numbered action. I make this affidavit in support of petitioner Jeffrey R. MacDonald's ("Dr. MacDonald") Petition pursuant to Title 28, United States Code, Section 2255.

2. In March 1990, I, along with paralegal Chauncey B. Wood, travelled to the home of lawyer Donna Bruce in Canyon Country, California, and reviewed all of the MacDonald case files, which she maintained. From these files, we selected twelve boxes of materials, including FOIA materials, which Ms. Bruce then shipped to the offices of Silverglate & Good in Boston, Massachusetts.

3. In September 1990, attorney Philip G. Cormier of this law firm requested that Ms. Bruce ship as well the remaining

-2-

MacDonald files to this office, which she arranged to do, and which were received by this office.

4. I, along with other members of this law firm, examined these materials. In the course of these examinations, we found, among the papers from attorney Brian O'Neill's case files, a page of Janice Glisson's lab notes (attached hereto as Exhibit 1) which had attached to it a post-it note (attached hereto as Exhibit 2). The post-it note is addressed to "Karen" from "John," whom we have determined to be Karen Davidson and John Crouchley, two persons who had been employed by O'Neill. The post-it note reads:

Karen,

Here's the reference to the wig hairs. I think the description '15"-curly' relates to other hairs on the brush and 'up to 22"' relates to the synthetic hairs. This is the only reference to it that I found from FOIA.

John

5. I, together with paralegal Douglas J. Widmann of this office, carefully examined all of the files we received from Ms. Bruce. We found the original FOIA-released pages which included the notes of Janice Glisson's first examination of the clear-handled hairbrush, which reference her findings of 22-inch possibly (indicated with a "(?)") synthetic blond hairs (Exhibit 1). ~~However, the pages of notes (attached hereto as Exhibit 3) pertaining to Janice Glisson's second examination, in which she confirmed her findings of 22-inch synthetic blond hairs, were not in any of the files we received from Ms. Bruce, nor have I seen them anywhere, except at the Army CID Records Center in~~

-3-

Baltimore, Maryland, where I first located them last year (Murphy Aff. ¶ 23).

6. In the course of my investigation and review of the MacDonald case files, I have found and examined the following additional materials which document facts outlined in the "Analysis of Case Evidence" Addendum attached to the brief:

a) The detailed lab notes of CID technician Dillard Browning indicating that he microscopically examined CID exhibit D-229 (FBI Q-96) on two occasions six months apart -- March 5, 1970 and September 8, 1970; these notes never once indicate that any hair and pajama threads were entwined. These notes, obtained only post-trial through FOIA, refer simply to hairs and pajama threads without describing any of them as entwined around one another. (attached hereto as Exhibit 5)

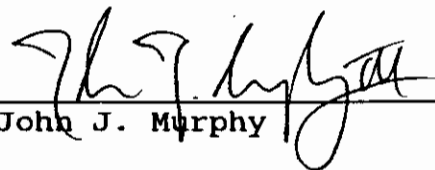
b) FOIA releases obtained from the Army Records Center in 1990 show that the hallway floor -- despite heavy traffic by the Military Police and CID investigators, medics wheeling out victims, and observers -- was not processed until four days after the crimes, and was, in fact, among the last areas of the crime scene to be processed. (attached hereto as Exhibit 6)

c) FOIA-released materials not available to the defense at trial, show that an FBI agent who was assigned to the MacDonald investigation determined that Dr. MacDonald, an emergency physician, came into contact with no less than

five patients who had Type O blood on the day before the murders. The agent noted that one of these patients had a puncture wound and had "O Positive blood . . . which blood could have possibly splattered on Dr. MacDonald's glasses." (attached hereto as Exhibit 7)

d) Sworn statements by Bryant Lane, Norma Lane, and Sam Lee, all of whom provided information concerning inculpatory statements made by Greg Mitchell regarding his involvement in the murders of the MacDonald family. (attached hereto as Exhibits 8, 9, 10) These statements were obtained by authors Jerry Potter and Fred Bost in 1988.

e) The "Polygraph Examination Report" of a polygraph test performed on Helena Stoeckley on April 24, 1971, by CID Polygrapher Robert A. Brisentine, Jr., which was received in post-trial FOIA releases, and during which Helena Stoeckley made inculpatory statements. (attached hereto as Exhibit 11)


John J. Murphy

Signed and sworn to before me this 13th day of May, 1991.


Notary Public

My commission expires June 18, 1993.

EXHIBIT 8

DECLARATION OF BRYANT LANE

County of York >

State of South Carolina >

I, Bryant Lane, declare:

1. I am a resident of Fort Mill, South Carolina, where I live with my wife, Norma Lane.

2. In 1972 I met Greg Mitchell when he became employed with me at the Toledo Scale Company. I helped train him for this job. I became good friends with Greg and his wife, Pat. I worked with Greg for two and a half years, then we remained friends afterward. He was a troubled, unhappy person. I knew him well for about ten years.

3. One night several years after I met him, soon after he had quit Toledo Scales, Greg was depressed and drinking. That night he broke down in tears and said that he had killed the MacDonald family. Greg said, "I personally know MacDonald is innocent, because I was the one that killed the MacDonald family." I didn't want to believe it, so I completely washed it out of my mind. I promised him that I would never tell anyone what he had said. I did mention to my wife once that Greg had done a terrible thing, but I didn't tell her what it was. I saw that Greg was clearly trying to get his life together and I still didn't want to believe what he had told me.

4. I called Greg one night and Greg said he was being harrassed by the FBI. I asked him if things were getting any better and if I could help. He said no. He said to be careful because he thought they had his phone bugged. I considered Greg to be an electronics expert himself. I said, "Greg, you're not really worried about it, are you?" And he said, yes, he was quite worried about it.

5. Another time he was helping me work on my boat one Saturday, and my wife said to him if you're not guilty you shouldn't have anything to worry about. Tears welled up in his eyes and he said, "Well that's it, I did do it, I am guilty."

6. Greg told me that he had talked about the crimes to a chaplain in the service.

7. When Greg told me that he was involved in the killings he talked like there were other people with him in the murders.

8. Greg also told me one time that there was "a bitch out there which if she didn't keep her mouth shut she could get a lot of us in trouble." I believe now that he was talking about Helena Stoeckley.

9. One night, in the mid 1970's, while visiting Greg Mitchell in his home, I met a tall, well dressed black man that Greg addressed as "Smitty."

10. I recall that Greg grew a beard sometime in the mid 1970's. It was reddish blond in color.

11. He was still bearded a few months before he died when he told my wife and me that the FBI was harrassing him. He told us he was guilty of a crime he'd committed at Fort Bragg years ago, and that he might have to go away to Haiti or somewhere to live.

12. The Sunday night that my wife, Norma, finished reading FATAL VISION, she called the FBI and left word about what Greg had said to us. After a week the FBI still hadn't called us back. I called them back and talked with Mr. Newhart, an FBI agent. He told me, "We're working on it. Things like this take time." I waited two or three more weeks and didn't hear anything. I called back again and the person who answered got a little bit nasty and said, "Look, we're working on it and as soon as we hear something we will get in touch with you." I even mentioned Greg Mitchell's name and all he would say was, "We're working on it."

13. My wife and I contacted MacDonald's lawyer in California and soon Ray Shedlick, MacDonald's private investigator, came and interviewed us and took our sworn statements. I told Mr. Shedlick only what Greg had told my wife. I did not at that time feel comfortable about telling strangers the whole story. It was fairly soon after Greg's death and we still knew his wife and I just didn't feel like telling it all. I was still trying to put it out of my mind at this time.

14. Only after making statements to Mr. Shedlick and after our names became publicly connected with the case did the FBI contact us. This was in 1984. I had just come in from work when Brandon Battle, an FBI agent from Charlotte, came to question me. It was about 5:30 p.m. Agent Battle asked my wife to go into the bedroom, which she did. I had just opened a beer. I asked agent Battle if he minded if I had this beer. He said sarcastically that he didn't mind as long as I could keep my mind on what I was doing. I said, "Well, I don't think one beer's going to affect me." My blood was boiling, but I kept my cool. I tried to relax and stay as quiet as I could throughout his sarcastic questions. He challenged my statement that I had talked with an FBI agent. He asked, "Who did you talk to?" I told him I couldn't remember the name. He named some names and I said "no" after each name. He stopped and said, "Can't you remember any better than that?" I then told him I had the agent's name written down and could find it if it was necessary. So he named some more names, five or six, and I said, yes, that's the one. And he said, "Well, you didn't talk with Newhart." I said, "I most certainly did. I spoke with him two different times." Battle acted like it was news to him, that he didn't know a thing about it.

15. I told agent Battle that Greg Mitchell had told us that he had been involved in a crime at Fort Bragg. I felt badly about earlier not telling Mr. Shedlick everything I

knew, that Greg had actually told me that he had killed the MacDonald family, but agent Battle was being so sarcastic and judgmental that I also didn't tell him. I verified that my wife was telling the truth when she said Greg told her that he was guilty of a crime on Fort Bragg when he was in the Army. With agent Battle, I only went so far as to say that Greg had insinuated that he was involved in the MacDonald murders.

16. After Greg died, Pat Mitchell, Greg's former wife, called me about Greg. She said Greg never did tell her outright that he was involved in it, but she said he told her enough about things that she put it all together. Pat told me she believed Greg might have had a part in it. She told me she was married again and pregnant and that she was afraid -if -she didn't tell what she knows that God might punish her. She asked me if I thought that Greg was in hell.

17. I later told my wife that Greg had told me that the crime he was speaking of was the murders of the MacDonald family and that I felt bad that I had not told it. She and I talked about it and decided that we wouldn't tell it because people might think I made it up, and I really feel bad that I didn't tell Mr. Shedlick this. But, as God is my witness, Greg said it--that he killed the MacDonald family. I feel as though I'm betraying Greg by telling it

because he was a friend and he confided in me and I promised him I wouldn't tell it. But I also feel that I have to tell it now even though I held it back earlier. I couldn't live with myself if I didn't come forth now.

18. I told the FBI agent when he was trying to make me look like a fool that I'd take a lie detector test or truth serum. I said I'd take it in front of a group of people in a courtroom so everybody would know I was telling the truth. And the FBI agent said it wouldn't be necessary.

18. Greg Mitchell's actions and demeanor when he told me about the killings, and later his great concern that the FBI might be onto him, leave me feeling certain that he was telling me the truth about killing the MacDonald family.

20. I'll be happy to take a polygraph examination on anything I have said here.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15 day of July, 88 at Tega Cay, North Carolina.



BRYANT LANE

STATE OF SOUTH CAROLINA

COUNTY OF YORK

I, the undersigned Notary Public for said County and State do certify that Bryant Lane personally appeared before me and acknowledge the due execution of the foregoing declaration.

WITNESS my hand and notarial seal this 15 day of July, 88.

May B Gibson
Notary Public

My Commission expires Notary Public, South Carolina State at Large
My Commission Expires Oct. 7, 1994

AFFIDAVIT OF BRYANT LANE

I, Bryant Lane, of 3127 Torrence Branch Drive, Fort Mills, South Carolina, state the following:

1. I have been employed for over fifteen years at Yellow Freights as a driver. I am 62 years old.

2. I met and became a good friend of Gregory H. Mitchell when my wife, Norma, and I befriended Greg and his wife, Patricia. Greg also frequented the Hule^{nbl} Bar in Charlotte, North Carolina, where I was also a regular patron. I gave Greg Mitchell a Pekinese dog named Claudine. Greg changed the dog's name and it eventually had a puppy.

3. I knew Donald Buffkin because I frequented the Hule^{nbl} Bar in Charlotte, North Carolina during the same time period Mr. Buffkin did (early 1980's).

4. I knew Brian Dineen at that time as well, but I have not heard from him in years and do not know where he is or if he is alive.

5. I knew Don Mills, Gregory Mitchell's partner at M&M Electric. Don Mills died of cancer over ten years ago at about age 50, in the Charlotte area. Don Mills told me that Gregory Mitchell had confessed to his involvement in the MacDonald murders on many occasions. Don Mills told me that he [Mills] didn't see any reason to "drag all that up now".

6. I recall Don Mills being interviewed by Ted Landreth for a BBC documentary on the MacDonald case. Don Mills told me he should have said more to Mr. Landreth about Gregory Mitchell, but that Mills felt "faithful to Greg", ^{DBI} *That was a statement that I made*

7. During the period 1980-81, Gregory Mitchell stated to me that he "personally knew MacDonald is innocent, because I was the one that killed the MacDonald family." I did not tell

anyone at the time because Mitchell asked me to keep this a secret so that he could try to get his life together. I promised not to say anything. Later, I became troubled about what Greg had told me and came forward.

8. Approximately six months before Greg Mitchell's death in 1982, he told me that in February, ^{NBS ①} 1970, he was addicted to heroin and that "MacDonald could have helped him". Mitchell thought MacDonald knew an intermediary who could supply Mitchell with methadone, in order to kick hard drugs. Mitchell stated to me that he and his friends went to the MacDonald home on ^{BY} February 17, 1970 to "teach him a lesson" and intended to "whup 'em". Mitchell told me he was high on at least four drugs: (Mescaline, angel dust, PCP and one other) and said that "things got bad" and that "you don't realize what you're doing" when you are so high on drugs. ^{NBS ③} Mitchell told me that Jeff MacDonald being alive was simply "lucky" because the group "didn't know what they were doing" and "didn't mean to kill anyone".

9. Gregory Mitchell told me that he had tried to turn himself in on numerous occasions, and had confessed to a professor at a school he was attending, and a Fayetteville private investigator. I cannot recall the names of the professor or the investigator.

10. Gregory Mitchell stated to me that he killed Jeffrey MacDonald's family. His words were "We killed them". Mitchell became aware that he had killed the family, and Jeffrey MacDonald was found alive, after the murders were committed. I am not certain of the date of these final admissions, but believe it was about two weeks before his death. I do know that Gregory Mitchell was aware that he was dying at the time he made the above statements. ^{④ NBS ②} I told Greg that the doctor thought he might be able to stay alive for at least six more months if he

would stop drinking. He stated to me that he could not quit drinking because of his guilt over the murders he had committed.

11. I have been contacted by the FBI and questioned by them previously. I offered to take any test they had to show that I am telling the truth about Gregory Mitchell's confessions, but they weren't interested in these statements. I was interviewed in by FBI Special Agent Brandon Battle on May 25, 1984.

12. I have given previous signed statements to the defense, via investigator Raymond Shedlick, dating back to the mid-1980's.

13. I am convinced that Gregory Mitchell's statements to me were truthful. I have heard of men going to their graves without confessing to something they did, but I never heard of one making a point of confessing that they did something they actually didn't do.

Bryant Lane
Bryant Lane

Signed and sworn to before me this 1 day of Mar, 2005.

Norma Castella

Notary Public

My commission expires 8-25-10.

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STATEMENT BY ACCUSED OR SUSPECT PERSON		For use of this form, see AR 195-10; the proponent agency is Office of The Provost Marshal General.	
PLACE Wadesboro, North Carolina	DATE 25 May 71	TIME 1335	FILE NUMBER 71-CID011-0001
LAST NAME, FIRST NAME, MIDDLE NAME MITCHELL, Gregory Howard		SOCIAL SECURITY ACCOUNT NO. 237-86-2215	GRADE Civilian
ORGANIZATION OR ADDRESS PO Box 721, Wadesboro, North Carolina			

PART I - WAIVER CERTIFICATE

I HAVE BEEN INFORMED BY William F Ivory
OF US Army CID
THAT HE WANTS TO QUESTION ME ABOUT Murder of MacDonald Family, 17 Feb 70
OF WHICH I AM ACCUSED OR SUSPECTED. HE HAS ALSO INFORMED ME OF MY RIGHTS.
I UNDERSTAND THAT I HAVE THE RIGHT TO REMAIN SILENT AND THAT ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME IN A CRIMINAL TRIAL.
I UNDERSTAND THAT I HAVE THE RIGHT TO CONSULT WITH COUNSEL AND TO HAVE COUNSEL PRESENT WITH ME DURING QUESTIONING. I MAY RETAIN COUNSEL AT MY OWN EXPENSE OR COUNSEL WILL BE APPOINTED FOR ME AT NO EXPENSE TO ME. IF I AM SUBJECT TO THE UNIFORM CODE OF MILITARY JUSTICE, APPOINTED COUNSEL MAY BE MILITARY COUNSEL OF MY OWN CHOICE IF HE IS REASONABLY AVAILABLE.
I UNDERSTAND THAT EVEN IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT HAVING COUNSEL PRESENT, I MAY STOP ANSWERING QUESTION AT ANY TIME. ALSO, I MAY REQUEST COUNSEL AT ANY TIME DURING QUESTIONING.
I ~~(DO)~~ (DO NOT) WANT COUNSEL.
I (DO) ~~(DO NOT)~~ WANT TO MAKE A STATEMENT AND ANSWER QUESTIONS.

Gregory H Mitchell
(Signature of Person To Be Questioned)

INTERROGATOR: *William F Ivory* (Signature)
WITNESS: *David B Reed III* (Signature)
William F Ivory David B REED III,
Det B, 3d MP Gp (CI) USACIDA
(Typed Name and Organization) (Typed Name and Organization)

PART II - SWORN STATEMENT

Gregory H MITCHELL WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.
QUESTION: Do you remember the date of the MACDONALD murders on Ft Bragg, NC?
ANSWER: No.
QUESTION: Where were you on the night of 16 to 17 Feb 1970?
ANSWER: I dont know, that is a long time back
Q: Where were you living at that time?
A: At 1906 Wendover Dr, in Evergreen Estates in Fayetteville, NC.
Q: With whom were you living at that time?
A: With my parents. A friend would also stay with me. His name is Don HARRIS. Earlier I had been living with him in a trailer near Murchison Rd with a guy named Rick TAYLOR.
With whom were you associating about that time?
A: Helena STOECKLEY, Kathy SMITH, Charlie BROWN, and JC CONKLIN. Helena was my girl friend. I know that Helena was not with me on the night of the murders of the MACDONALD family
Q: How do you know that she was not with you on that night?
A: I remember talking to her about it the next day or shortly after it happened.

EXHIBIT X3	INITIALS OF PERSON MAKING STATEMENT <i>GHM</i>	PAGE 1 OF _____ PAGES
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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 INITIALED AS ABOVE, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONTINUED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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77-CID011-00015

QUESTION: Where were you that night?
ANSWER: I dont know. I was usally home in bed by 9:00 PM at my folke place. I had to be at work early.
Q: Where were you working at that time?
A: At HHC, 3d Brigade, 82d Abn Div. at Ft Bragg, NC.
Q: When you talked to Helena about the murders, what did she say?
A: She was scared to death about being questioned about it. I think she told me that she was with Kathy SMITH that night.
Q: Had she already been questioned by the Police about it when she told you this?
A: I dont think so. I think she said that a policeman named BEASLEY told her that she was going to be questioned and fingerprinted.
Q: Did Helena ever tell you that she was or was not involved in the MACDONALD murders?
A: She told me that she was not.
Q: Were you involved in any way in the MACDONALD murders?
A: No, I was not.
Q: Do you know who was involved in these murders?
A: I think MACDONALD did it him self. Its my opinion from what I have read.
Q: Were you ever aquainted with CPT MACDONALD?
A: No.
Q: Where was Helena living at the time of the murders?
A: She was either living with her parents, or in an apartment on Clark St with Kathy SMITH.
Q: Who else was living in the apartment?
A: A girl named Dianne. I dont know what her last name is.
Q: Did Helena tell you where she was on the night of the MACDONALD murders?
A: She said that she was around the town. I think she said that she was with Kathy SMITH. Helena did tell me that she did not have anything to do with the murders.
Q: Do you remember a night when Dianne was painting the bathroom in the Clark St Apartment?
A: I remember they painted the apartment on different days. I dont remember what rooms were being painted at a certain time.
Q: Do you know Bruce FOWLER?
A: I remember he was going with Kathy SMITH. I remember that he had a 1969 navy blue fastback Mustang.
Q: Did you ever drive or ride in this car?
A: No.
Q: Did helena ever drive it that you know of?
A: I dont know. Its possible. She used to drive my 1964 yellow Plymouth but only when I was with her.
Q: Do you know a man named POSEY, who lived next to the Clark St House where Helena lived?
A: I think I remember him, Im not sure. Isnt he the one who testified that Helena knew something about the case?

EXHIBIT X3

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QUESTION: If I told you that Helena said that she was with you on the night of the murders, what would you say?

ANSWER: Im almost positive that she wasnt. I think Don HARRIS and I were together at my house. If I was with her it would have been at either the Village Shoppe, or the Dunkin Donuts Shop in Fayetteville.

Q: Was Helena using Drugs at that time?

A: Yes. She was suing LSD, Mescaline, and marijuana. She wasnt using ~~heroin~~ heroin at that time. She started on that later in that year.

Q: Were you using drugs at that time?

A: Yes. I was using heroin.

Q: What doctors did you know at Ft Bragg, NC?

A: I knew Dr CREWS, and a Dr MILLER.

Q: Did Kathy Smith ever tell you if she was or was not involved in the MACDONALD murders?

A: She never said one way or the other.

Q: Do you think Helena was involved in the murders?

A: No I dont.

Q: What negroes did you know when you were with Helena at Clark St?

A: I remember a negro named REGGIE, but I dont know any negro who was at the Clark St Apartment.

Q: Do you know a negro named SMITTY?

A: Yes. He is about 6ft 3in or so, slender build. He works with Pat REESE.

Q: Do you know anyone from the Fayetteville area who owned a blue Mustang with Illinois license plates?

A: No. I dont remember what kind of tags Bruce FOWLER had on his car. I think they were from New York.

Q: Do you know Bruce FOWLERS wife?

A: I didnt know he was married.

Q: Do you know a girl named ELAINE, or TINKERBELL?

A: Yes. I knew her from the village shoppe. I think she worked there. I didnt know her well. She smoked marijuana with us a few times. She was about 15 years old. She was still in school. I dont know her last name.

Q: Do you know a man named Neil BRASWELL?

A: I know a man named Neil who lived with John FORREST in the Clark St house where Kathy lived. I dont know his last name.

Q: Do you know a Larry COOK?

A: Yes. He was a heroin addict I met him at Operation Awareness on Ft Bragg, NC.

Q: Is there anything else you can add at this time?

A: No except that I didnt have anything to do with it. *[Signature]*
../../../../../../../../../../../../../../../../..End of Statement/../../../../../../../../../../../..

EXHIBIT X3

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STATEMENT OF GREGORY HOWARD MITCHELL, TAKEN ... WADESBORO, NC, DTD 25 May 71. CONTINUED as last page.

NO STATEMENT MATTER CONTAINED IN THIS BLOCK

AFFIDAVIT

I, Gregory H MITCHELL HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. 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.

Gregory H. Mitchell
(Signature of Person Making Statement)

WITNESSES:

David B. Reed III

David B REED III

USACDDA

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of May, 19 71

at Wadesboro, NC

William F Ivory

(Signature of Person Administering Oath)

William F Ivory, Crim Inves

(Typed Name of Person Administering Oath)

Art 136 (b) (4), MCM 1969

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

GHM

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