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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

United States of America,
Plaintiff,

vs.

Case No: 75-CR-26-3
5:06-CV-24-F

Jeffrey R. MacDonald,
Defendant.

SWORN STATEMENT OF VERNON KENNEDY

Pursuant to agreement, a sworn statement was taken in the above-entitled case on the 23rd day of August 2006, commencing at approximately 10:30 a.m., attended as follows:

Vernoy Kennedy

2

1 APPEARANCES:

2 John Stuart Bruce, Esquire
3 Assistant U. S. Attorney
4 Eastern District of North Carolina
5 301 New Bern Avenue, Suite 800
6 Raleigh, North Carolina 27601
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8 Brian M. Murtagh, Esquire
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10 950 Pennsylvania Avenue, N.W.
11 Washington, D.C. 20530
12 Telephone: 202/305-2565

13 Robert D. Scott
14 FBI, Columbia Division
15 Greenville RA

16 Reported by:
17 Ruth Anne Maciag, RPR
18 Depositions And..., Inc.
19 P.O. Box 10268
20 Greenville, South Carolina 29603
21 (864) 235-3518

22 The attached 13 pages of sworn statement of
23 Vernoy Kennedy in the above matter is the work
24 product of Depositions And..., Inc., and not to be
25 copied or utilized in any manner without the express
written authorization of Depositions And..., Inc.

Vernoy Kennedy

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I N D E X

WITNESS: VERNoy KENNEDY
DATE: AUGUST 23, 2006

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Vernoy Kennedy

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1 VERNOY KENNEDY, BEING FIRST DULY SWORN, TESTIFIED AS

2 FOLLOWS:

3 EXAMINATION BY MR. BRUCE:

4 Q. Okay, Mr. Kennedy, would you state your name?

5 A. My first name is Vernoy, spelled V-E-R-N-O-Y, last
6 name Kennedy.

7 Q. All right. And you're feeling all right today?

8 A. Feel fine.

9 Q. Okay. You are a former Deputy United States Marshal?

10 A. Correct.

11 Q. How long were you a Deputy Marshal?

12 A. For twenty years.

13 Q. From what year to what years?

14 A. From 1966 until 1986.

15 Q. And following your retirement -- well, first of all,
16 prior to your work with the Marshal Service, what job
17 did you have?

18 A. I worked with First Federal Savings and Loan
19 Association here in Greenville.

20 Q. And after your retirement from the Marshal Service,
21 what did you do?

22 A. For four years I worked for a private contractor who
23 handled the court security for federal court here in
24 Greenville.

25 Q. And following that, what did you do?

Vernoy Kennedy

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1 A. Following that, I worked as a Greenville County
2 Magistrate for two years.

3 Q. And then you completely retired?

4 A. And now I'm completely retired.

5 Q. What was your reason for retiring from the Marshal
6 Service in 1986?

7 A. It was mandatory retirement, my age and time in
8 service.

9 Q. During your 20 years with the Marshal Service, what
10 kind of duties did you perform?

11 A. Oh, God.

12 Q. Just in general.

13 A. Here in general, you got pages.

14 Q. Well, for instance, did you transport prisoners?

15 A. All the duties of law enforcement.

16 Q. All right.

17 A. That's as general as I can put it.

18 Q. Is one of those duties transporting federal
19 prisoners?

20 A. That's correct.

21 Q. All right. Did you do a lot of that?

22 A. Quite a bit. As a matter of fact, we handled all
23 federal prisoners, Marshal Service did.

24 Q. All right. Now, did the Marshal Service have
25 arrangements with various county jails to house their

Vernoy Kennedy

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1 prisoners?

2 A. Yes, they did. They did not have a facility of their
3 own to handle un-convicted.

4 Q. All right. Now, directing your attention to the year
5 1979, were you given the task of picking up a
6 prisoner by the name of Helena Stoeckley?

7 A. The name doesn't ring a bell, but you have filled me
8 in on some details, and I concurred that I did.

9 Q. All right. Now, at the time that you were given this
10 task, you were stationed here in Greenville at the
11 Marshal Service?

12 A. That's correct.

13 Q. And do you remember approximately how many Deputy
14 U.S. Marshals there were here at that time? Just
15 approximately, I don't need an exact number.

16 A. There were three stationed here in Greenville.
17 However, there were not always three on, on duty here
18 at all times. Because there were times when some of
19 the marshal would be assigned to other districts or
20 assigned to other duties.

21 Q. Were you the only African American Deputy U.S.
22 Marshal in Greenville at that time?

23 A. I was.

24 Q. All right. Now, how did you find out about your
25 assignment to go pick up a prisoner, a female

Vernoy Kennedy

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1 prisoner in Pickens?

2 A. I found it out through my supervisor. My supervisor
3 was advised by our Columbia headquarters that this
4 person needed to be transported.

5 Q. All right. Now, were you aware at the time that the
6 murder trial of Jeffrey MacDonald was going on in
7 federal court in North Carolina?

8 A. I was aware, because this was an ongoing news
9 priority at that time.

10 Q. All right.

11 A. But during the Marshal Service, one crime did not
12 exceed the other, I mean everything was treated
13 alike.

14 Q. I understand.

15 Did you know when you were given the assignment
16 that the prisoner that you were going to pick up was
17 wanted as a material witness in the MacDonald case?

18 A. I might have been notified upon given the assignment
19 that, who she was.

20 Q. All right. But you knew it was a female, obviously?

21 A. I knew it was a female.

22 Q. And because it was a female prisoner, what was the
23 procedure?

24 A. Well, because it was a female, that meant that I had
25 to get a female guard. We always used a female guard

Vernoy Kennedy

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1 with a female prisoner.

2 Q. All right. And you and the female went to Pickens
3 County and picked up the prisoner?

4 A. Yes.

5 (Exhibit 1 marked for identification,
6 Kennedy statement, 8/23/06.)

7 CONTINUED EXAMINATION BY MR. BRUCE:

8 Q. All right. I want to show you, we looked at this
9 before we got started, but let me show it to you
10 again. I've marked it as Exhibit 1 for today,
11 8/23/06.

12 And it's a xerox copy, is it not, or a
13 photocopy?

14 A. Yes.

15 Q. The bottom part on the Exhibit 1 is a Commitment
16 form, and it's dated 8/14/79, and it's signed by
17 Thomas Donahue, Special Agent, FBI. Do you know him,
18 or did you know him?

19 A. Yes, I know him.

20 Q. The top one says Release, and it's dated 8, or August
21 15th, 1979. And it says that this prisoner, Helena
22 Stoeckley, is being taken into custody for transfer
23 to Raleigh, N.C.; do you see that?

24 A. Yes.

25 Q. All right. Now, at the bottom it says, it has a

Vernoy Kennedy

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1 signature line?

2 A. Um-hmm.

3 Q. Do you see that?

4 A. Yes.

5 Q. Is that your signature?

6 A. Yes, it is.

7 Q. All right. And for the record, it appears to say
8 Vernoy Kennedy.

9 A. D-U-S-M.

10 Q. D-U-S-M.

11 A. Deputy U.S. Marshal.

12 Q. All right. Okay. So this would document that you
13 picked up Helena Stoeckley at the Pickens County jail
14 on August 15, 1979; is that right?

15 A. Um-hmm.

16 Q. Okay. Now you and the female guard picked her up and
17 transported her where?

18 A. We transported her to an intersection, I believe it
19 was a service station, at the intersection of
20 Interstate 85 and Interstate 75, I mean Interstate 85
21 and 77.

22 Q. I-85 and I-77?

23 A. Right.

24 Q. And that's in Charlotte?

25 A. Yes.

Vernoy Kennedy

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1 Q. All right. Now let me, I got a little ahead of
2 myself.

3 I meant to ask you, in Pickens County, when you
4 picked her up at the detention facility, do you
5 remember anybody in particular you dealt with?

6 A. No.

7 Q. Okay. But you signed the required form, and took
8 charge of the prisoner; is that right?

9 A. Yes.

10 Q. And this is fairly routine, picking up federal
11 prisoners at county jails?

12 A. Very routine.

13 Q. All right. And at the time -- by the way, how long a
14 trip is it from Greenville over to Pickens?

15 A. Well, I don't remember exactly how many miles. You
16 just average the speed limit and figure it out from
17 there.

18 Q. Takes about how long? Or did in those days? I don't
19 know, maybe it would take longer today.

20 A. Let's see. Two-and-a-half to three hours.

21 Q. That long? To get to Pickens?

22 A. I don't know the mileage. It was whatever, whatever
23 speed limit and whatever.

24 Q. You're talking about the whole trip?

25 A. Yeah.

Vernoy Kennedy

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1 Q. You're talking about the whole trip.

2 I'm just talking about from Greenville over to
3 Pickens.

4 A. Oh, that's 30 minutes.

5 Q. Okay. All right. I understand now.

6 All right. So, and was there a reason in
7 particular, as far as you know, why Helena Stoeckley
8 was housed in Pickens County?

9 A. No. I had no knowledge of the case whatsoever, nor
10 who she was.

11 Q. All right. And in 1979, were you using the
12 Greenville County jail for federal prisoners?

13 A. No, were not.

14 Q. So you had to use other jails in the area, other than
15 Greenville?

16 A. That's correct. A jail that was approved.

17 There came a time when even the Pickens County
18 was not approved. And we had to go way to Columbia
19 to commit them.

20 Q. All right.

21 A. It was just more or less depending upon who had the
22 contract at that time, whether the contract was valid
23 or not.

24 Q. All right. Okay, so you took Ms. Stoeckley to the
25 I-77/I-85 intersection; is that right?

Vernoy Kennedy

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- 1 A. Yes.
- 2 Q. And then there was a prearranged spot to meet; is
3 that correct?
- 4 A. Yes, it was.
- 5 Q. And who had arranged that?
- 6 A. That was arranged through the Columbia office. And
7 he had, he told the supervisor here in Greenville,
8 who instructed me, where the meeting place was to be.
- 9 Q. And was the meeting place some sort of particular
10 establishment at that intersection?
- 11 A. No, it was not.
- 12 Q. Well --
- 13 A. It was just a common place that we both knew.
- 14 Q. All right. Obviously you had to exit off the
15 interstate to meet, right?
- 16 A. Yes, yes.
- 17 Q. Okay. And so what happened when you met at the
18 prearranged spot?
- 19 A. Well, when we met at the prearranged spot, I
20 delivered the prisoner to the marshals there; he gave
21 me a receipt for the prisoner, and I returned to
22 Greenville.
- 23 Q. Okay. And the marshal that, or deputy marshal that
24 you met was someone from the Marshal Service in the
25 Eastern District of North Carolina?

Vernoy Kennedy

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1 A. That's correct.

2 Q. All right. And can you be certain as to who it was?

3 A. I can't be certain, because I have met with or worked
4 with several different officers of the North Carolina
5 district, and I can't say exactly who it was at that
6 time.

7 Q. All right. So following the turn-over of
8 Ms. Stoeckley to the deputy marshal from the Eastern
9 District, you returned to Greenville?

10 A. Yes.

11 Q. During your transportation of Ms. Stoeckley, did she
12 say anything about the case that she was going to be
13 a witness in?

14 A. No.

15 And it was a strict regulation of the Marshal
16 Service not to discuss their case with the marshals
17 or anyone else in the marshal's presence.

18 In other words, if we had a guard who was not
19 employed by the Marshal Service, it was the marshal's
20 duty to instruct that person not to discuss their
21 case with the inmate.

22 Q. Okay. So you made it a policy not to discuss the
23 case with the prisoner that you were transporting?

24 A. I made it a policy; and as far as I'm concerned, it
25 was a regulation.

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1 Q. All right. Do you recall if Ms. Stoeckley was
2 talkative or silent or, during the trip?

3 A. She was not exactly silent. But she just talked, and
4 of course what she was talking about was of no
5 interest to me, so I can't give you any verbalism of
6 any of that.

7 Q. Okay. And she didn't give you any trouble --

8 A. No trouble.

9 Q. -- resistance, or anything like that.

10 Okay.

11 MR. BRUCE: Okay, I think that's about it,

12 Mr. Kennedy. Anything you want to add?

13 THE WITNESS: No.

14 MR. BRUCE: Thank you very much.

15 (The sworn statement of Vernoy Kennedy
16 ceased at 10:40 a.m. this same date.)

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Vernoy Kennedy

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
3 WESTERN DIVISION
4

5 United States of America,
6 Plaintiff,

7 vs.

Case No: 75-CR-26-3
5:06-CV-24-F

8 Jeffrey R. MacDonald,
9 Defendant.
10

11 This is to certify that the foregoing sworn statement
12 of Vernoy Kennedy was taken by the within court reporter, a
13 Notary Public for the State of South Carolina, duly
14 commissioned and qualified as such, on the 23rd day of
15 August 2006, at 105 North Spring Street, Greenville, South
16 Carolina.

17 That said court reporter is not a relative or
18 employee of any of the parties or the attorneys, and
19 further, is not of counsel or attorney for any of the
20 parties to said action, and is not in any manner interested
21 in the cause, financial or otherwise.

22 That the deponent was duly placed under oath and
23 admonished to speak the whole truth. That the oral
24 deposition was duly taken and transcribed as to the
25 questions propounded and the answers given, that the

Vernoy Kennedy

16

1 foregoing 15 pages are a true, accurate, and correct record
2 of the testimony given by the deponent.

3 That all offered exhibits, stipulations and
4 objections, if any, involved in this cause are duly attached
5 or included herein or retained by the parties.

6 In witness whereof, I have set my hand and official
7 seal. Date: 9/8/06.

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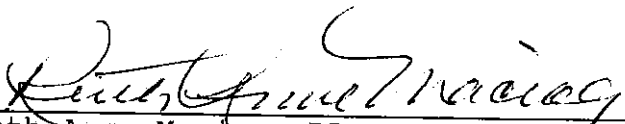
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Ruth Anne Maciag, RPR
Notary Public for South Carolina.
My commission expires 7/7/2008