

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 75-CR-26-3  
No. 5:06-CV-24-F

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JEFFREY R. MacDONALD, )  
 )  
 Applicant/Defendant. )

**MOTION TO SUPPLEMENT  
APPLICANT'S STATEMENT  
OF ITEMIZED MATERIAL  
EVIDENCE**

Now comes the Applicant/Defendant, Jeffrey R. MacDonald, by and through his attorneys, and moves to supplement applicant's statement of itemized material evidence in support of his motion under 28 U.S.C. Section 2255 to vacate his sentence. In support of this motion, the Applicant/Defendant submits the following:

1. Applicant's wife, Kathryn MacDonald, maintains a website that contains information regarding this case.
2. On March 21, 2007, Helena Stoeckley's brother, Gene Stoeckley, contacted the website and indicated that he had information relating to Dr. MacDonald's innocence.
3. On March 29, 2007, Kathryn MacDonald responded to Gene Stoeckley, inquiring as to the nature of the information he might have.
4. On March 30, 2007, Gene Stoeckley initially responded that he was reluctant to come forward because of the potential negative effect on his family but was willing to speak with Kathryn MacDonald or Dr. Jeffrey MacDonald in person. A telephone conversation thereafter ensued during which Gene Stoeckley informed Kathryn MacDonald that Helena Stoeckley had confessed to the MacDonald murders on two occasions to their mother, Helena Stoeckley (senior). Gene Stoeckley also reiterated his concerns about the public scrutiny that his family would endure should this information be revealed, but agreed, nonetheless, to introduce Kathryn MacDonald to his mother.

5. On March 31, 2007, Gene Stoeckley and Kathryn MacDonald traveled to Fayetteville, North Carolina to visit Helena Stoeckley (senior), the mother of the deceased Helena Stoeckley, at the mother's residence in the Haymount Rehabilitation and Nursing Center.
6. Mrs. Stoeckley (senior), voluntarily, and without prompting, proceeded to describe two separate incidents in detail during which her daughter, Helena Stoeckley, confessed to her that she was in the MacDonald house the night of the murders, and provided details of the incident.
7. Mrs. Stoeckley (senior), moreover, indicated that her daughter had said that she was afraid to tell the truth at the trial because she was afraid of the prosecutor.
8. After hearing Mrs. Stoeckley (senior) divulge these confessions made by her daughter, Kathryn MacDonald inquired as to whether Mrs. Stoeckley would sign an affidavit. Mrs. Stoeckley (senior) agreed to do so, and also agreed to meet with the applicant's counsel, Hart Miles, Esq., for the purpose of producing an affidavit.
9. Mr. Miles and Laura Redd, his paralegal (who is also a notary public), traveled to Fayetteville that night to meet with Mrs. Stoeckley, Gene Stoeckley, and Kathryn MacDonald.
10. Once Mr. Miles and Mrs. Redd arrived, they were introduced to Mrs. Stoeckley (senior) who indicated that she was willing to sign an affidavit as to the confessions of her daughter.
11. An affidavit was drafted in the Haymount Rehabilitation and Nursing Center and printed out there on one of the facility's printers.
12. Gene Stoeckley reviewed the affidavit with his mother (who is legally blind) for accuracy by reading it to her. She requested a few changes be made to the original draft and those changes were made. She then, in front of Gene Stoeckley, Kathryn MacDonald, Laura Redd, Hart Miles, and a nurse technician Grady Peterson, signed the affidavit.
13. The statements repeatedly made by Helena Stoeckley to her mother that are included in the affidavit (attached hereto) corroborate the sworn statement of former U.S. Marshal Jim Britt (see, Applicant's previously filed Exhibit #1) in many critical respects, and add

additional profound proof of the innocence of Jeffrey MacDonald. For example, Helena Stoeckley's explanation to her mother that she did not tell the truth at trial because she was afraid of the prosecutor, is corroborative of and consistent with the sworn testimony of Jim Britt that during the Jeffrey MacDonald trial, Assistant U.S. Attorney Jim Blackburn told Helena Stoeckley, "If you testify before the jury as to what you have told me or said to me in this office, I will indict you for murder." And Helena Stoeckley's confessions to her own mother that she was present in the MacDonald home the night of the murders, are strong corroboration of Mr. Britt's affidavit that Helena Stoeckley stated in his presence (both in a car and in the interview with Jim Blackburn) that she was in the MacDonald house on the night of the murders.

14. As well as corroborating former U.S. Marshal Jim Britt's sworn statement, Helena Stoeckley's admission to her mother that she was afraid to tell the truth at the trial because she was afraid of the prosecutor, also corroborates Wendy Rouder's sworn statement (Petitioner's Exhibit #5) that Helena Stoeckley told Rouder during the trial that she could not testify in court that she was in the MacDonald home the night of the murders because she was afraid of "those damn prosecutors sitting there...[they'll] fry me."<sup>1</sup>
15. These confessions made by Helena Stoeckley to her own mother are, indeed, profoundly reliable. They were made in the context of a close mother-daughter relationship and the

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<sup>1</sup> What emerges with clarity, is that Helena Stoeckley's repeated expressions of fear of the prosecutor—fully explained and corroborated by Jim Britt's observations of the malfeasance of the prosecutor—the threatening of Helena Stoeckley—have all been made even more credible by the most unexpected source, by that same prosecutor's very own subsequent conduct. A federal prosecutor who in 1979 was willing to threaten a witness, and to intimidate her into lying, and was willing to lie to the court about it, all in order to "win" at trial, if in fact he did commit such acts, was a lawyer without moral compass or grounding. Who would believe a drug addict such as Helena Stoeckley when she intimated such to Wendy Rouder? But James Blackburn, the federal prosecutor, got caught, became unmasked, and was shown to be just such a man—a man without moral compass or moral grounding—when he lied to and stole from his law partners, when he forged the signature of a federal judge on court documents, and when he obstructed justice all for his own interests, all leading to his guilty plea, sentencing, and disbarment. In so doing James Blackburn, himself, has demonstrated that he was the flawed man and flawed prosecutor who intimidated Helena Stoeckley and did so in front of Jim Britt.

second confession was made from a daughter to her mother when the daughter, Helena Stoeckley, was sick and dying, shortly before her death in 1983.

WHEREFORE, the applicant/defendant respectfully requests that this motion be granted, such that Jeffrey MacDonald's statement of itemized material evidence be supplemented with the attached affidavit, so that this Court can consider the attached affidavit as part of its evaluation of the evidence as a whole, and as a further profound addition to the body of proof of Jeffrey MacDonald's actual innocence, a body of proof that has become overwhelming.

This the 16<sup>h</sup> day of April, 2007.

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of Jeffrey MacDonald's Motion to Supplement Petitioner's Statement of Itemized Material Evidence was hand-delivered to the United States Attorney for the Eastern District of North Carolina at the following address:

Honorable Frank D. Whitney  
United States Attorney  
310 New Bern Ave., Suite 800  
Raleigh, N.C. 27601

And mailed to the U.S. Justice Department counsel of record at the following address:

Brian Murtaugh, Esq.  
U.S. Department of Justice  
Domestic Security Section, Room 6746  
Criminal Division  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

This the \_\_\_\_\_ day of April, 2006.

\_\_\_\_\_  
J. Hart Miles, Jr., Esq.