

**UNDISCLOSED, the State v. Ronnie Long**  
**Episode 3 - Black & White**  
**March 26, 2018**

**[0:22] Colin Miller:** In the famous book and movie *To Kill a Mockingbird*, attorney Atticus Finch defends an African-American man named Tom Robinson, who is accused of raping a Caucasian woman named Mayella Ewell in Monroeville, Alabama in 1936. Ewell was assaulted by a left-handed person, prompting one of the most memorable courtroom scenes in film history:

**[00:40] From *To Kill a Mockingbird*, Atticus Finch:**

Tom, will you catch this please? {Throws ball} Thank you. Now then, this time, will you please catch it with your left hand?

**Tom Robinson:**

Can't, sir.

**Atticus Finch:**

Why can't you?

**Tom Robinson:**

I can't use my left hand at all. I got it caught in a cotton gin when I was 12 years old. All my muscles were tore loose.  
{crowd noises}

**[1:14] Colin Miller:** In his book *Just Mercy*, Bryan Stevenson uses Harper Lee's story as the framing device for the case of African-American exoneree Walter McMillan, who was accused of murdering a Caucasian woman he had been having an affair with in Monroeville. Stevenson writes that "[w]hat is often overlooked is that the black man falsely accused in [*To Kill a Mockingbird*] was not *successfully* defended by Atticus. Tom Robinson, the wrongly accused black defendant, is found guilty."

McMillan had the same result, despite six alibi witnesses who testified that he had been at a fish fry at the time of the murder. Stevenson writes about the impossibility of McMillan receiving a fair trial from an all-white jury in 1988, given that Alabama was one of sixteen states that still had anti-miscegenation laws prohibiting marriage between blacks and whites at the time *Loving v. Virginia* was decided in 1967 and maintained a state constitutional ban on interracial marriage until 2000.

North Carolina was also one of the sixteen states with anti-miscegenation laws at the time of Loving v. Virginia; in fact, it was the only state that submitted an *amicus* brief in support of Virginia's law. And it wasn't until 1977 that North Carolina passed a law recognizing all interracial marriages. Ronnie Long's trial started on September 27, 1976, a mere five months after the crime, and a year before North Carolina changed its anti-miscegenation law.

**[2:44] Rabia Chaudry:** Hi and welcome to Undisclosed, The State vs. Ronnie Long. This is our third in a series of four episodes about the case of Ronnie Long, who was accused of raping "Juddie" Bost in Concord, North Carolina on April 25, 1976. And my name is Rabia Chaudry, I'm an attorney and author and I'm here with my colleagues Susan Simpson and Colin Miller.

**Colin Miller:** Hi, this is Colin Miller. I'm an associate dean and professor at the University of South Carolina School of Law and I blog at Evidence Prof Blog.

**Susan Simpson:** Hi, I'm Susan Simpson. I'm an attorney in Washington D.C. and I blog at TheViewfromLL2.com. And I'm going to go ahead and apologize for this week's sound quality for me. I'm currently at Innocence Conference 2018 in Memphis, and recording from a slightly, very noisy hotel room.

**[3:24] Rabia Chaudry:** In the first two episodes, we laid out the basics of what would become the case against Ronnie Long: First, "Juddie" Bost identified him in an unusual courtroom procedure. Second, a leather jacket, black gloves, and five matchbooks were seized during a possibly non-consensual search when Ronnie went to the police station later that day under false pretenses. And, third, Concord Police Department Identification Officer Van Isenhour lifted a latent shoe print from outside the victim's house and later seized Ronnie's shoes while he was awaiting arraignment in Kannapolis. This was all of the evidence that the State had against Ronnie Long as his trial began in a courtroom that was divided along racial lines.

**[4:06] Susan Simpson:** The first issue that had to be resolved at trial was whether Juddie Bost would even be able to testify that she identified Ronnie Long when he'd appeared in court on his trespassing charge and later when she picked him out of a photo array. We laid out the basic issues with these identifications in Episode 1, but there's one thing that needs to be added:

**[4:24] Ronnie Long:**

Who, ah, could just walk out on this park commissioner's [unintelligible] ID, judge said "Did you see him in the park? "The park commissioner say "no". Well now you know who's in the park [unintelligible] is sittin in the jury box? Uh these two David Taylor and Marshall Lee, they sittin' in the jury box, and they say "We the ones saw him in the park".

**[4:50] Susan Simpson:** So, if you couldn't hear that, the park commissioner told the judge that he didn't see Ronnie Long in the park and directed the judge to the two police officers sitting in the jury box, who told the judge that they were the ones who saw Ronnie Long. These were, of course, the same officers who'd told Juddie Bost that her assailant might be in court that day, and it wouldn't have been too hard for Bost to connect the dots and figure out from this exchange that Ronnie Long was the suspect. But the judge denied the defense counsel's motion to preclude Bost's testimony, concluding that:

*"The officers in the courtroom identification did not point out to Mrs. Bost the defendant, or suggest to her that he was a person who was suspected of being her assailant on that occasion."*

And so, Bost was able to testify about her identifications of Ronnie Long, and Doctor Lance Truman Moore, who treated her on the night of the crime followed up by testifying about how he was able to conclude that Bost was sexually assaulted.

**[5:46] Colin Miller:** Now, let's lay out all of the rest of the State's evidence against Ronnie Long. As we noted in episode one, Ronnie Long was reasonably tall, muscular, and dark skinned, with a clear accent and facial hair while Juddy Bost described her assailant as a shortish, slim, light skinned African-American man with no accent and no mention of facial hair. Or, at least, that's the description we have in the documented police interviews that we have from the case file.

When Juddy Bost took the witness stand at trial, however, she would claim that the police interviews were incomplete. Here's her testimony about identifying Ronnie Long in the courtroom on May 10, 1976:

**Colin Miller and Rabia Chaudry reading the following testimony:**

Q: On that day, did Mr. Long have any facial hair?

A: Yes.

Q: What sort of facial hair?

A: The same he had when he raped me.

Q: That being what ma'am?

A: A little tiny mustaches and sort of a spotted, unshaven beard.

On cross-examination, defense counsel had Bost read the description of the second statement she gave on the night of the assault, to Sergeant Taylor. It contained no mention of facial hair, prompting the following exchange:

**Colin Miller and Rabia Chaudry reading the following testimony:**

Q: Thank you. The description you just read contained absolutely nothing about a mustache, or hair on his face, or anything else. Is that correct?

A: That's right.

Q: And the reason you didn't tell the officers anything about that was because you were afraid you hadn't looked at his face?

A: Oh, no. Heavens no, that's just an incomplete description.

Q: Yes ma'am, that you made?

A: Well there was a description before that. That's not the only description I made.

**[7:00] Colin Miller:** Now there was indeed a description before that. Bost gave an initial description of her assailant to Sergeant Jack Parnell, who, as you might recall, said he arrived at the crime scene a mere 15-20 seconds after receiving the 911 call. After speaking with Bost, Parnell relayed what she told him to another officer who created a report. That report also did not mention facial hair. Sergeant Parnell was cross-examined about that report at trial:

**Colin Miller and Rabia Chaudry reading the following testimony:**

Q: And you didn't tell the person who made that report anything about a mustache, or a beard, did you?

A: No, sir.

Q: And that was because Mrs. Bost hadn't said anything to you about a mustache or beard?

A: What I testified to is what she stated to me on the bed.

**[7:34] Colin Miller:** Returning to Sergeant Taylor, the person who took Bost's second statement, he did testify that Bost mentioned her assailant having facial hair that night. Thereafter he was rigorously cross-examined about this testimony:

**Colin Miller and Rabia Chaudry reading the following testimony:**

Q: Isn't it a fact that it was only after Mrs. Bost saw these pictures that any discussion of the beard and mustache came into place?

A: No, sir, that's not a fact. She did not see the photograph until the lineup photograph.

Q: How many officers worked on this case to your knowledge?

A: Six detectives.

Q: The report that you referred to earlier is still contained in your work book right in front of you, isn't it?

A: Yes, sir.

Q: It doesn't show any corrections, or additions by any officers to indicate that there was an original identification including the m[u]stache and beard, does it?

A: That's correct.

Q: And, in fact, there are quite a few reports in here from other officers, isn't that correct?

A: Yes, sir.

**[8:19] Colin Miller:** Defense counsel then asked Taylor whether any of the reports mentioned the assailant having any facial hair, and he said he didn't remember. So, defense counsel had Taylor read each of the reports, and, no, it turned out that none of them mentioned the assailant having any facial hair. In closing argument, the prosecutor would try to salvage the State's argument that Bost said her assailant had facial hair on the night of the crime by making the following argument:

**Rabia Chaudry reading the following argument:**

*"And the very next day, they brought in thirteen photographs of thirteen black males with mustaches and beards, and handed them to her and said: Mrs. Bost, see if you can pick out your assailant."*

**[8:56] Colin Miller:** Except the prosecutor was wrong, very wrong. We have the 13 photographs shown to Bost after the assault. Six of the men had no facial hair whatsoever, four had a mustache and no beard, one had a beard and no mustache, and only two had a beard and a mustache. For his part, Ronnie Long understandably thinks that this part of Bost's description of her assailant was added after the fact:

**[9:17] Ronnie Long:**

And she never mentioned anything about the assailant or the perpetrator having facial hair. Never. They take a photo of me, you understand that day I gotta come in, they took a photo of me, talkin' 'bout, "Well look, turn to the side. Look, ok, he got facial hair." Now they goin' to add that into the description.

**[11:32] Rabia Chaudry:** There was also another key aspect of Bost's story that changed to Ronnie Long's detriment at trial. As we noted last episode, black gloves were found in the Long family car when Ronnie went to the police station, and the police report indicated that Bost said her assailant "could possibly have been wearing gloves." At trial, during cross-examination, the defense showed Bost this police report and asked if it was an accurate representation of what she told the police. Her two responses was as follows:

*"It says could possibly be wearing gloves. He was wearing gloves."*

And then she said,

*“Yes, this is very fair, with the exception he was definitely wearing gloves.”*

Now, who knows whether the jury credited this clarification, but if they did, you can see its significance. If the assailant merely *might* have had gloves, the gloves found in the Long family car don't have much significance. But if the assailant was definitely wearing gloves, those gloves are another piece of corroboration for Bost's story.

**[12:34] Susan Simpson:** Next, we have the toboggan, which Bost said her assailant had been wearing on the night of the assault. Now the first question I had when I saw this, and judging from listener questions we got, I'm not the only one, was why on earth the assailant was wearing a sled on his head, so let's clarify this a bit. According to the website letterpile.com, while the word "toboggan" typically refers to a sled, "there is a Southern region of the United States that use Southern American English and they use the term toboggan as a hat." Specifically, a ski hat or ski mask. Although, I'm going to question that, because being from Georgia, I have never heard someone refer to a hat as a toboggan, so I'm going to go ahead and say it's some kind of weird Carolina thing. Anyway, as we noted last episode, Juddy Bost's police statement indicates that she said her assailant had "a dark toboggan pulled low on his head." So, hearing this, close your eyes for a second and picture how low you think the toboggan was on the assailant's head. Ronnie's mother took it to mean that the toboggan was quite low:

**Elizabeth Long:**

So she said he had on a ski mask, then she said he had on a cap and a black jacket, and it was, I don't know what, everybody she just told this. She didn't know what she was talkin' about. And in the paper she said on he had on a ski mask, whatever a ski mask is, I don't know what that is. Somebody told me it was a toboggan with holes in it to cover your face.

**[14:09] Susan Simpson:** And at trial, Bost would testify as follows about the toboggan:

"...He had a toboggan on that was pulled down over his ears.

Q: did the toboggan in any way obscure the face of that man?

A: No."

So, this question is whether Bost's police statement and testimony line up. Could the assailant have had a toboggan pulled low on his head, but with the toboggan not in any way obscuring his face? It's kinda hard to say, but we do know that the police said they recovered a toboggan from the Long family car, although it wasn't the dark toboggan described by Bost but instead a lime green toboggan with with what looked like red hairs in it.

**[14:53] Colin Miller:** The next pieces of evidence against Ronnie Long were the five matchbooks recovered from the Long family car. As we noted last episode, Lieutenant Vogler testified that the match books contained the same type of matches as the matches found at the crime scene by the banister that the police believed the assailant used to enter the victim's house.

Finally, as we noted in the first episode, Concord Police Department Identification Officer Van Isenhour said he lifted a shoe print from the flat part of that banister and, as we noted in episode two, Van Isenhour got Ronnie to give him his shoes while he awaited arraignment. Ink impressions were made of Ronnie's shoes and later marked as State's Exhibits 15A and 15B. The lifted shoe print was later marked as State's Exhibit 13. The evidence was then shown to Dennis Mooney, a shoe print expert with the North Carolina State Bureau of Investigations.

Mooney testified at trial that he compared the shoe prints using "caliburst biters, oblique lighting, and a visual examination." From this comparison, he was able to testify as follows:

*"It is my opinion, after examination, that State's Exhibit Number Thirteen could have been made by State's Exhibits Fifteen-A or Fifteen-B."*

Now, it's important to note that Mooney then specifically said that he couldn't testify that the shoe print definitely came from Ronnie Long's shoes and testified that he was able to make such a positive identification in other cases.

And that's it. Van Isenhour would testify that this was all of the physical evidence collected and tested in Ronnie Long's case. Now at this point, you might be wondering how there could be so little evidence in a rape and burglary case, and you wouldn't be alone:

**[16:26] Ronnie Long**

I'm tellin' my lawyer that they took hair from me. They took hair from me! Why come they ain't saying nothin' bout that? Why come they ain't bringing this up? My lawyer look at me and tell me, say, don't let, be patient, don't let the jury... don't get excited, just remain calm, don't let the jury see you get excited.

**[16:56] Colin Miller:** But the State would maintain that this was all of the evidence they had, and, while maybe it wasn't a mountain of circumstantial evidence, it was at least a hill, and it all pointed in the direction of Ronnie Long possibly being the perpetrator.

**[18:55] Rabia Chaudry:** To rebut the prosecution's case, the defense presented an alibi defense. Before getting to that defense, let's re-orient ourselves to the crime timeline. Juddy Bost said she looked at the clock in her bedroom when packing and saw it was 9:30 P.M. She then made some food in the kitchen for about 10 minutes, which takes us to 9:40 P.M. Bost then went to the den, where she was assaulted for about another 10 minutes, meaning that the assault went from about 9:40 to 9:50 P.M. After the assault, Bost ran to her neighbor's house, leading to a 911 call and Sergeant Jack Parnell arriving about half a minute later at 9:57 P.M. It's not exact timing, but it seems pretty safe to assume from the time of Sergeant Parnell's arrival that the assault occurred between about 9:40 and 9:50 P.M., possibly a few minutes earlier.

Let's now turn to Ronnie Long's timeline. Ronnie's friend Walter Lee Steele testified that Ronnie and their friend Mae Mitchell arrived at his house at 3:00 P.M. in Mae's car and drove around for the next couple of hours. After this, Ronnie came home to see whether he could use the family car. But Ronnie's father Ike had used the car to drop off his wife Elizabeth at the Beulah Baptist Church and was still using the car at that point. Ronnie's mother still remembers these events today:

**[20:07] Elizabeth Long**

My husband had took the car, and he was sittin' up on the corner talkin' with Burt Miller, and he never did come so Ronnie had some friends come and pick him up. And they went over there on [*unintelligible*] to a class meeting..

**[20:21] Rabia Chaudry:** So, after riding around with Mitchell and Steele from about 3-5 P.M., Ronnie headed home to see if he could use the family car. His mom estimated that this was about 5:30 P.M. and Ronnie's mom told him that his father still had the car, so some friend took him to a class meeting at Paulette Steele's house, which was down the block and which witnesses say started between 5:00 and 5:30 P.M. One of those witnesses was Ronnie's friend, Terrance Stocks:

**[20:46] Terrance Stocks:**

We, we had a class meeting that day, that was a Sunday. Yeah, we had a class meeting that day, I can't remember, that wasn't at Paulette's house, that was, I'm thinkin' that was at... either Paulette or Gracie Baldmire's house, one of their houses, right?

**Colin Miller:**

Yep.

According to Stocks, there were about 30 people at this meeting, and a handful of them testified to seeing Ronnie at the meeting, including Paulette Steele and Kenneth Byers. It's important to note that everyone at the meeting was African-American. Here's Ronnie Long's high school classmate and friend Christin Reische, who is now an attorney:

**[21:29] Colin Miller:**

Were you there for either the reunion party or the party that night?

**Christin Reische:**

No, I was not, um (laughing), and this is gonna sound...it's only black people who were invited to it (laughing), so that's why I said it was not really, truly a *school* reunion thing, it was more just, uh, the people from the Logan Community. And one of the things to understand about Concord -- are you familiar with it at all? The town?

**Colin Miller:**

I mean, somewhat. I haven't ever been there but I've been sort of in and around Charlotte, so I guess it's not too far away. But, yeah if you could give some insight into, I guess -- what was it like back in 1976, to start?

**Christin Reische:**

Ok. Well, when I was growing up -- I was born in 1955, and in 1976 it was still, uh, even though we had integration and schools were slowly integrated, the communities themselves, and where people lived, was still totally segregated. We had several different areas of Concord. One was called Shankletown, and that was on the west side of town, and it was largely populated -- in fact, it was probably entirely populated by the black population. Um, on the east side of town, you had the Logan community, and it was also called Black Bottom, and at that time, that wasn't derogatory, it was just that Black Bottom is what you called

it, or Logan, Um, the Logan community is where Ronnie lived, uh, and where all of these other individuals who are, you know who testified for Ronnie, that's where they lived. Now Ken Byers had already moved, and Terrance had already moved to Charlotte, I believe at that time, if I remember, Cause I was at Concord, off and on, well I was still living in Concord basically at that time, in 1976. But the communities were still segregated and when people had parties it was largely a black party or a white party. You didn't have a lot of mingling, except, as I was saying, and that was the important part of Concord, if you played any kind of athletics you were more integrated in your community of friends.

**[23:40] Rabia Chaudry:** The racial dynamics in Concord found there way into the courtroom, as they did in the Walter McMillan case in Monroeville. As we've noted, the courtroom was divided on racial lines, and all of the witnesses who testified for the State were white, while all of the witnesses who testified for Ronnie Long were black. Of course, we can only guess what effect these racial dynamics had on the all-white jury.

What we do know is this: that the witnesses at the class meeting described Ronnie Long as wearing different clothes than what Juddie Bost said her assailant had on that day. As you might recall, Bost said her assailant was wearing dark jeans. But Terrance Stocks testified that he remembered Ronnie wearing tan pants and said he remembered this fact because someone made a crack about all of the boys in Long's family wearing khakis. When Colin spoke to Terrance, he still recalled the pants:

**[24:31] Colin Miller:**

And looking at your testimony, it seemed that you remember that Ronnie was wearing tan pants that day?

**Terrance Stocks:**

Uh, yeah. Yeah, as far as I can remember. I'm not sure that was the same day we took pictures, but uh, we took some pictures, uh, during the time, uh, back then. And that those were shown to use by, uh, a news reporter, from uh, channel 36, by the name of, uh, I think Stuart somebody.

**[25:07] Susan Simpson:** Terrance is referring to Stuart Watson of Channel 36 in Charlotte, who did a story on Ronnie Long, and we're still trying to track down those photos. What's easier to determine, though, is the person who made the crack about the tan pants. It was their mutual friend Kenneth Byers, who testified that he tapped his cousin's shoulder at the class meeting and told him that Ronnie Long must have gotten the pants three for a dollar because everyone in the family had a pair, which led to

everyone around them laughing. Byers also testified that Ronnie was wearing a light colored shirt and that he couldn't ever remember seeing Ronnie wearing jeans.

In addition, Byers added some important context about the likelihood that an assailant other than Ronnie Long could have been wearing a leather jacket like the one described by Juddie Bost. According to Byers, most African-American men their age wore a jacket like that:

**Susan Simpson (quoting Kenneth Byers):**

*“Cause a movie came out, like when Shaft first came out, and all the black dudes, you know, everybody was, it was a fad, everybody was wearing, you know, black leather jackets, and they just never quit, you know, since then. It's been a thing among black people.”*

Finally, as we noted last episode, several witnesses from the class meeting testified that Ronnie Long was wearing the chauffeur's hat that he typically wore and that they'd never seen him with the toboggan like the police say they recovered from the Long family car.

Now, getting back to the timeline, several witnesses testified that the class meeting started between 5:00 and 5:30 P.M. and ran until 6:00 or 6:30 P.M., at which point Ronnie and some other classmates made a beer run to a place called Herlockers and then returned to Paulette Steele's place. All of the witnesses then agree that everyone hung out at Paulette Steele's house until 8:00 P.M. Ronnie's classmate, Walter Steele, testified that he left with Ronnie and another classmate named Emanuel, and drove around for about half an hour, with Ronnie being dropped at home at about 8:30 P.M. Ronnie's mother Elizabeth still has a good recollection of what happened next:

**[27:00] Elizabeth Long:**

And they brought him back here, and he got out, he was here looking at some story, we were...and uh, it's been so long, but, he was looking at some story, I was washing dishes, he just called me down there to see it and, the phone called -- his girlfriend called. She was sick and he was talking to his son, he was two years old, and he was talking to him. That's where he was, upstairs talking to him. And uh, that Sunday, the same Sunday, he believes about, you ask him about, when my husband came back it was, I think it was 9:30 or 10:30, and he left here, got in the car, and he went to, uh, somethin' kind of somethin' they was havin' in Charlotte.

**[29:30] Colin Miller:** So, breaking that all down, Ronnie arrives home at 8:30 P.M., reads some stories for about half an hour, and then talks on the phone with his son, the mother of his son, and Elizabeth, his mother, with Ronnie on the phone upstairs and Elizabeth on the phone in the kitchen. Ronnie then leaves when his father arrives home with the family car at about 9:30 or 10:30 P.M. And if you're wondering why Ronnie's mother is confused about Ronnie's departure time, the answer is may be the most frustrating thing about this case. Daylight savings was at 2:00 A.M. on April 25, 1976, and the prosecutor got Ronnie's mother to admit that they might not have turned their clocks forward, meaning they might have been an hour off on the time. And this is significant because the Long residence was 1.1 miles away from the Bost residence, so if Ronnie Long left at 9:30 P.M., that would have given him just enough time to get to Bost's house and scale the banister in time for the assault that Bost said started at 9:40 P.M.

In addition to getting Ronnie's mother to question the time of the call, the prosecutor also got the mother of Ronnie's son to wonder if she was off by an hour.

But, although the issue wasn't raised at trial, we've determined that they weren't off on the time, at least according to Janice Marie Spears, the mother of Ronnie's child. At trial, Spears vividly remembered the night of April 25th. She had been sick and fighting with Ronnie about a concert she had attended without him at the Charlotte Coliseum. That night, when Ronnie called, she had just finished watching a TV show:

**Excerpt from Six Million Dollar Man:**

*"Steve Austin. Astronaut. A man barely alive. Gentlemen, we can rebuild him. We have the technology. We have the capability to make the world's first bionic man"*

So, Janice Spears testifies that Ronnie Long called soon after the end of the *Six Million Dollar Man*, and we were able to find the old TV listings from that night. They show that a rerun of the *Six Million Dollar Man* episode "Divided Loyalty" ran from 8:00-9:00 P.M. So, when Spears testified that Ronnie called at 9:00 P.M. right after this show ended, she would have been right. And Spears said the call lasted about 45 minutes, until 9:45 or 9:50 P.M. Now, again, Juddie Bost testified that she was assaulted from 9:40-9:50 P.M., with the first officer arriving on the scene at 9:57 P.M. So if Spears and Ronnie's mother are right, Ronnie was upstairs, on the phone, at the exact same time as the assault.

**[31:49] Colin Miller:** Now, according to Ronnie's mother, after the phone call, she could hear Ronnie listening to music in his bedroom and she remembers the grandfather clock chiming at 10:00 P.M. She then estimated that about 25-30 minutes passed before Ronnie's father arrived home with the Long family car between 10:25 and 10:30 P.M., which is the same time that Ronnie's father testified that he arrived home.

**[32:08] Rabia Chaudry:** This syncs up with the testimony of another classmate, Ruthene Howie Stokes, who was also at the class meeting earlier that day. Terrance Stocks and Kenneth Byars had a place in Charlotte and several classmates had agreed to meet up at their place for a party later that night. Stokes was a student at Barber Scotia College, which is 0.9 miles from the Long residence. According to Stokes, Ronnie Long drove up to the college between 10:25 and 10:30 P.M. and asked if she wanted to go to the party. If you're wondering how Stokes remembered the time so well, the reason she gave at trial was similar to the reason that Asia McClain gave in the Adnan Syed appeal. Here is the exchange at trial:

**[32:49] Colin and Rabia reading the following testimony:**

Q: Why do you recall the time?

A: Because he...later that day, about...when I got out of the class meeting, I was let out at Scotia, and I told him that I was waiting on my boyfriend and that we would ride to the party with him, so I remembered the time because I was mad with my boyfriend, I had been waiting about two hours for him to come down, and I had gotten upset, so that's why I knew what time it was 'cause I looked at the clock, and the lady at the dorm was getting ready to lock up the lounge.

**[33:14] Rabia Chaudry:** Because Ronnie was in a car, Ruthene couldn't see the lower part of his body, but she was able to say that he was wearing the same chauffeur's hat that he was wearing at the class meeting earlier that day. She also said that he was wearing "a light colored shirt with some kind of prints in it over top of his jacket" and that he was acting completely normal. You might recall that Bost testified that everything her assailant was wearing was dark.

So, timing-wise, if we're to believe the State's case, we have to believe that (1) Elizabeth Long and Janice Spears were lying or mistaken about the timing of the call with Ronnie; (2) Ronnie changed his clothes to clothes such as a toboggan and jeans that no one had ever seen him wearing that day; (3) he committed the assault between 9:40 and 9:50 P.M.; (4) he arrived home for a quick change back into his class meeting

clothes; and (5) he got over to Barber Scotia College by 10:25-10:30 P.M. and was acting completely normal. And it seems like Stokes's time estimate was pretty good because she testified that her boyfriend arrived at 10:40 P.M. a few minutes after Ronnie left, and, if she was waiting for two hours for him to arrive, it's a pretty safe bet that she made a note of the time.

Colin was able to talk to Stokes, and she has a memory of seeing Ronnie that night as he was heading to the party in Charlotte. Her recollection now, though, is that he came to her house, which was only a few blocks from Barber Scotia College:

**[34:33] Ruthene Stokes:**

We went to a party and what we were celebrating... I can't remember that part, you have to understand I been in Concord.

**Colin Miller:**

Yeah, I understand it's been...

**Ruthene Stokes:**

But, I DO remember is Ronnie came to my house that night. I do remember the college because I live so close to the college, so they, everybody that was-- and Ronnie came and he rung the doorbell, and he was standing on the front porch, and I said, OK, "I'll be right out," and I went back in the- I had a daughter at that time, and I came back out and we walked to the college, and I can't see in that little short length of time how they said he ran through the alley, he walked, got up on the woman's roof, right there, and he came back and was standing on my front porch, he would have had to do that in 2 minutes. Because I wasn't in the house that long.

**[35:37] Susan Simpson:** So, we should note that there's some discrepancy between the Stokes trial testimony and what she told Colin, but, we should note that her place was close to the college and Colin was asking her to recall something from 42 years ago.

Continuing along with the timeline for the day, another defense witness was Doris Nesbitt, who lived in Charlotte. She testified that Ronnie arrived at her house at about 11:00 or 11:05 P.M., which would sync with Stokes' testimony. According to Google Maps, a drive from Barber Scotia College to Nesbitt's place would take between 26 and 35 minutes on a Sunday night, which fits with Ronnie seeing Stokes until about 10:35 P.M.

Nesbitt testified that they stayed at her place until about 11:30 before heading over to the party, arriving at about 11:45 P.M. As we noted before, that party was the place being rented by Terrance Stocks and Kenneth Byers. Byers testified that Ronnie and Nesbitt arrived at the party between 11 and 12 that evening. He said that when Ronnie arrived, he approached him, shook his hand, and asked if he wanted a beer. Byers testified that Ronnie had no scratches, bruising, or bleeding and that he was wearing the same clothes as earlier in the day: tan pants and a light colored shirt.

Terrance Stocks, meanwhile, remembered Ronnie Long arriving at the party with Doris Nesbitt some time after 11. Stocks testified that there was nothing unusual about Ronnie's face and that he didn't see any cuts, or scratches, or bruises. Here's what he told Colin when he talked to him recently:

**[37:07] Colin Miller:**

Do you remember Ronnie coming to that party?

**Terrance Stocks:**

Yes I did. Then, this girl by the name of Doris Nesbitt, Doris uh, they came into the apartment, it was after 10 or so, because uh, the uh, the news or something was on during that time, so it was later, later that Sunday night.

**Colin Miller:**

And do you remember when Ronnie arrived at that party whether there seemed to be anything out of the ordinary with him?

**Terrance Stocks:**

No, uh-uh. No. But, just like I said, we invited people over, most of the time, it was just a couples thing, and uh you know a few guys were there, but uh, he came in with a young lady.

**[37:50] Susan Simpson:** Finally, Doris Nesbitt testified that, at about 2:30 A.M., Ronnie and she left the party and went back to her house and had sexual relations. She made no mention of Ronnie having any cuts or bruises, or anything like that.

Ronnie Long didn't testify at trial, but he relayed this same timeline of events to Colin over the phone. The audio quality of the call wasn't great, but his version of the story was clear: class meeting, arriving home, talking with Janice Spears and his son on the

phone, his father coming home with the car, driving over to Barber Scotia, picking up Doris Nesbitt, heading to the party, and then going home with Nesbitt.

In terms of alibis, this is a pretty strong one, but the jury didn't buy it. They found him guilty of rape and burglary, which led to a mandatory life sentence for both. Once the verdict was announced, chaos ensued. Here's Kayla Ayres reporting for Fox 46 in Charlotte:

**[38:53] Kayla Ayres:**

*Violence broke out in Concord when an all white jury convicted Long largely on the victim's eyewitness ID.*

**Susan Simpson:** And here's reporting from Stuart Watson:

**Stuart Watson:**

*The case divided Concord along racial lines. After the verdict, white police beat black protesters with billy clubs and maced them in the courthouse. Protesters threw rocks and set fires.*

**[39:16] Colin Miller:** Ronnie's mother still has a recollection of the violence after the verdict and her daughter being pepper sprayed:

**Elizabeth Long:**

They sprayed her and she couldn't see. I was down in the elevator- they wouldn't let us go down in the elevator like they should have, but kept a whole lot of us up there in the hall. I think my daughter went down the steps. And it was terrible.

**[39:51] Colin Miller:** Back in 1976, the people on Ronnie Long's side of the courtroom knew that he was innocent and that their son, the brother, their friend was being sent to prison for a crime he didn't commit. But there's something else they didn't and couldn't know back then: There was physical evidence taken from the crime scene and tested. A lot of it. And none of it pointed in Ronnie Long's direction. "Schrodinger's Cat," next time...on Undisclosed.

**[40:21] Rabia Chaudry:** Thanks so much to all of you for tuning in this week, and we have a whole host of other people to thank for making this season possible, as they do every season. First of all, thank you to our sponsors for helping to bring us back week after week. Thank you Baluki, for designing our logo. Thank you Christie, for maintaining our website. Thanks so much Mital Telhan, our amazing executive director.

A big thanks to Mr. Henry LaVoie, for helping with research for this series. And if that name sounds familiar, it should be! Because he's the son of our awesome audio producer Rebecca LaVoie, who is not just our audio producer but also the host and producer of the fantastic podcast Crime Writers On, which I don't miss, any week. Don't forget to follow us on social media, our Twitter handle and Facebook is @undisclosedpod. And if you have questions for the addendum, don't forget to get Mr. Jon Cryer's attention, and our producers attention, by tagging them with #UDAddendum. Thanks so much. Until next week...

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**Transcript compiled by @britabee, @slowdawning, @TheWindAndRain, and  
@bluerobin35**