

Pastor convicted

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Darrel E. McConnell, a third defendant originally named in the indictment, changed his plea to guilty last Wednesday, the third day of the trial.

One count of the indictment charged that Tate, Miss Cassaberry and McConnell conspired to embezzle money from the Lexington Road branch of First Union National Bank in Winston-Salem in October 1985.

The second count of the indictment charged them with embezzlement.

The indictment charged that Miss Cassaberry, a teller supervisor at the bank, deposited a \$16,000 check into Tate's account at First Union. The check was drawn on McConnell's account at Wachovia Bank and Trust Co., which testimony revealed had a balance of less than \$3.

The indictment further charged that Tate later cashed four checks totaling \$15,900 on his account. The indictment alleged that the intent of the transactions was to remove money from Tate's account before the bank discovered that the check Tate and Miss Cassaberry had deposited was no good.

While on the stand, McConnell said he had given false information to Federal Bureau of Investigation agents and to Assistant U.S. Attorney Paul A. Weinman, the prosecutor in the case. McConnell also testified that he placed the \$16,000 check in the mailbox at Miss Cassaberry's home one evening.

Weinman called McConnell a "peripheral participant" in the embezzlement plot.

"McConnell had a limited role in the plan," Weinman said in an interview after the trial. "He pleaded guilty to a misdemeanor. He will be placed on probation for one year and, if he satisfactorily completes it, he will not have a record."

Weinman said he can only speculate on the weight the jury gave McConnell's testimony in returning a guilty verdict against Tate and Miss Cassaberry. However, he said the testimony of Alice Issac, the assistant bank branch manager, may have been more crucial in building his case against the defendants.

Ms. Issac was called as a witness both for the prosecution and for the defense. She was called as a witness for the defense late in the trial.

In cross-examining Ms. Issac, Weinman raised questions about the proper procedure tellers should follow when cashing checks and about the types of identification required before a check is cashed. He also asked for her recollection of the events on Oct. 11, 1985, the day the apparent fraud occurred.

Ms. Issac was cautioned several times during her testimony by Judge Hiram H. Ward for giving evasive answers to Weinman's questions.

In his opening statement, Weinman had said he would attempt to prove that a relationship

existed between the three defendants and that they conspired to defraud First Union of \$15,900. He said he would also show that they had created a "paper trail" to throw investigators off course.

His arguments were supported by evidence that three checks, bearing Tate's signature, were made out to three persons that FBI agents were not able to identify or locate. Additionally, in statements given to the FBI and others made to the prosecutor, both Tate and Miss Cassaberry said that they did not know the three people.

"All of the defendants say they don't know the three people," Weinman told the jury. "Tate, despite the fact that he made out checks totaling more than \$10,000 to them, and Cassaberry, despite the fact that she cashed more than \$10,000 worth of checks for them."

Testimony in the trial revealed that five unnegotiated checks drawn on Tate's account were found in Miss Cassaberry's teller drawer by bank officials. In his closing statement, Weinman said the discovery pointed to "peculiar circumstances" between Miss Cassaberry and Tate.

The defense argued that Miss Cassaberry had simply used poor judgment in handling McConnell's check and in offering immediate credit to Tate's account. Throughout the trial, her attorney, Laurie H. Woltz, maintained that Miss Cassaberry's "judgment calls" did not constitute bank fraud or willful misappropriation.

Weinman countered that "the paper trail was designed to make it appear that the fraud was an innocent misjudgment on her (Miss Cassaberry's) part. For the scheme to have any chance of working, they had to have the cooperation of all three of them (the defendants). It was a clumsy attempt to cover their tracks."

In his closing remarks on Tate's behalf, defense attorney Fred G. Crumpler Jr. told the jury that Weinman bore the burden of proving, beyond a reasonable doubt, that his client aided and abetted Miss Cassaberry in embezzlement.

During the trial, bank officials testified that Tate's account was frequently overdrawn and that he had written more than 50 bad checks. But Crumpler argued that the bank had always covered the checks and allowed Tate's account to remain open. The only difference, he said, between the past checks and the checks in question was the amount.

Crumpler also attempted to discredit McConnell's testimony by noting that McConnell admitted lying on several occasions.

Pointing to Tate, Crumpler told the jury that Tate was a "victim" and not a participant.

"This man is the man who suffered the loss," he said, referring to the fact that Tate repaid the money to the bank.


Weinman, however, reminded the jury of testimony provided by a witness who gave Tate the

money to repay the bank. Dorothy Felder testified that she gave the bank the money to make good on Tate's checks and that she expected to be repaid, although no binding agreement had been drawn up between her and Tate.

Weinman told the jury, "Tate is out of nothing. Dorothy Felder repaid the loan and says she expects to be repaid. And it's over a year later and she hasn't gotten one nickel."

Sentencing was delayed pending the preparation of presentencing reports. Weinman said he expects the sentencing trial to be held in approximately three weeks.

Tate founded New Faith Chapel Holiness Church in Winston-Salem six years ago. The church serves as the headquarters for a church organization that also has churches in New York and Alabama.



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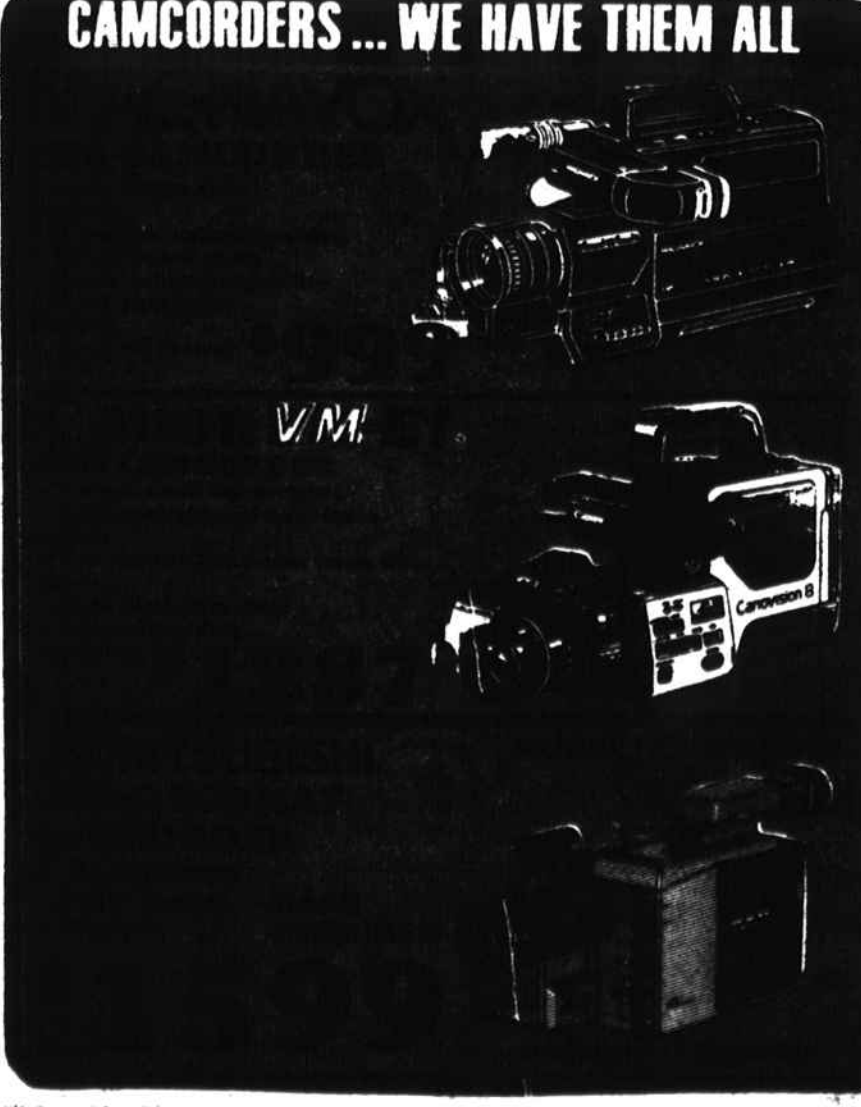
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AG program

From Page A14

The lack of blacks in the program has concerned the NAACP. Both Walter Marshall, NAACP president, and Bessie Allen, chairman of the NAACP Education Committee, have criticized the entire program.

"There are almost 800 gifted students identified in this county, and less than 50 of these are black," Marshall told the school board in June. "And we detest that."

"Nobody can tell me that this program (AG) has not benefited from some type of racial prejudice. There cannot be this big a difference between white talent and black."

Mrs. Allen told the board at that time that she opposes the AG concept in general.

In other action Monday, the board voted 6-3 to recommend to state legislators that legislation be

introduced in the General Assembly that would allow school boards to levy their own taxes.

The motion was introduced by board member Gerald N. Hewitt.

The board will meet with legislators from the county on Jan. 26.

Hewitt said that if the school board had this power, it would give the board more prestige in the eyes of the public.

"I think it's time that North Carolina make the school board responsible for the local operation of the schools," he said.

School board members Beaufort O. Bailey, Nancy L. Wooten and Mary P. "Candy" Wood opposed the motion.

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