

In Superior Court

Boykin Sentenced To 15-20 Years

Addor Man Convicted Of Manslaughter In Toy Clyburn Shooting

Robert Boykin, 60, of Addor, tried in Moore superior court for second-degree murder in the fatal shooting of his neighbor Leroy (Toy) Clyburn last April 4, was found by a jury to have been guilty of manslaughter. Judge Frank M. Armstrong sentenced him to not less than 15 nor more than 20 years in prison.

The trial started Tuesday last week and concluded about noon Wednesday, the third day of the criminal term. It was long, rambling and somewhat confused. However, the main facts stood out clearly—Clyburn had paid two early-morning visits to Boykin's home, next to his own; had threatened and cursed him, gone home and then returned; and Boykin had opened the door as he approached and killed him with one blast of his shotgun when he was about 30 feet away.

Two surprise witnesses who had not appeared at the coroner's inquest, were Sara McRae, who had been in Boykin's home when the incidents took place, leaving immediately after the killing, and Keith Marks of Aberdeen, young ABC officer, who testified that he had searched Clyburn's store near there for whiskey the night before, and heard Clyburn express anger at Boykin, as he assumed his neighbor had "tipped off" the law.

The confusion arose in conflicting evidence as to whether or not Clyburn had a pistol with him, also in the efforts of Boykin and the woman to conceal the fact that she had been there all night. No motive was ever definitely established for Clyburn's anger or for Boykin's extreme fear of him, which apparently led to his imagining Clyburn had a pistol with him, when all other evidence pointed to the fact that he had none.

Other witnesses were Stanley Honour, owner of a motor court between Aberdeen and Pinebluff, an eye-witness to the entire proceeding when he drove up to get Clyburn's wife, his maid; Mrs. Clyburn, and Deputy Sheriff A. F. Dees.

Boykin said definitely Clyburn pulled out a pistol from his shirt-front as he approached. However, Honour said he was swinging his hands, and they were empty, and no gun was found on or near the body.

The case was argued at length by Defense Counsel H. F. Seawell and District Solicitor M. G. Boy-

ette, and Judge Armstrong's charge to the jury lasted more than an hour. Principals in the case were Negroes.

Third Offense

Also taking up much time, on the first day of court, was the trial of Wayne Roberts Primm of Carthage, Route 2 for a third offense of drunken driving. The case was contested vigorously by counsel J. Talbot Johnson, who also made a strong plea for mercy after the jury returned a guilty verdict. Judge Armstrong delayed sentence until Wednesday afternoon, when he sent Primm to the roads for 12 months. His license to drive will be revoked for life, according to the statute.

In another drunken driving case in which sentence was delayed till Wednesday, Otis Angus Siler was sent to the roads for four months. Defendant through counsel accepted and gave notice of appeal, on the grounds that in his charge to the jury Judge Armstrong had stated the defense contended the law enforcement officers "did not tell the truth" when in fact, said defense counsel Seawell, the contention was only that they were "mistaken." Appeal bond was set at \$125, appearance bond at \$1,000 and 45 days was allowed for perfection of the appeal.

Russell Horner and Charles Kennedy, youths of the Robbins section who were tried last January for beating a 30-year-old man, Noah Sheffield, nearly to death, were sentenced by Judge Armstrong before the close of court last week.

The interval had been allowed by Judge Armstrong to see how Sheffield got along and what would be needed in the way of additional medical treatment as a result of what appeared to be a wanton attack on the part of the teen-aged boys.

The two were sentenced to 24 months on the roads suspended on the following conditions: (1) that each pay \$10 per month to Sheffield through next December; (2) that they pay at or before the August term of court \$81.57 to settle Sheffield's bills already incurred at N. C. Memorial Hospital, Chapel Hill, also make satisfactory arrangements with the business manager of the hospital to take care of expenses for an operation Sheffield must undergo in October and pay his expenses to and from Chapel Hill; pay \$24 for ambulance service, \$4.50 to the Tar Heel Drug Store at Robbins for medicines and \$26 for C. C. Kennedy, clerk of court, in repayment of travel expense money he advanced to the injured man; (3)

both defendants to be on good behavior for five years, and not violate any of the laws of this State, violation to cause instant issuance of capias and commitment.

"It is the intent of this judgment," noted Judge Armstrong "that both defendants shall be liable for all, and that neither may pay half and claim he has complied with the terms of the judgment, if the other fails to pay in whole or in part."

The assault was one of the most brutal in the history of a section noted for its feuds and fights. It apparently climaxed a long period of teasing and horseplay on the part of the younger men toward their more slightly-built and somewhat defenseless victim. In the assault, in which he allegedly was struck with a wooden stick and also an iron bar, a portion of his skull was crushed, necessitating delicate surgery.

Pale and resentful, Sheffield testified last January that "they were always picking on me." Though still very weak, and speaking in a low voice, he could not be shaken on cross-examination in his insistence that "they weren't playing."

Long Road Term

In another case tried last week, Willie Robinson, Pinehurst Negro, was sentenced to not less than 24 nor more than 36 months on the roads on conviction by a jury of breaking and entering and assault on a female. The female was an 11-year-old Negro girl, Pina Lee McCrimmon, who testified that she was in bed with five of her brothers and sisters when she awoke to find Willie also in the bed hugging her close and telling her to "Hush, hush." Pina Lee didn't hush but called her mother, who was asleep in the same room in another bed with two more children. Mary McCrimmon, the mother, testified that she had 12 children in all.

Willie had been there earlier in the evening, she said, and she had run him off and fastened the latch on the door, but he returned, broke the latch and came in. She ran him off again. Two neighbors, Elbert Williams and Pearly Craven, took the stand to say they saw Willie going down the street from her house, apparently drunk, and trying to break into other houses along the way.

Willie tried some McCarthy tactics in asking questions filled with implications which he failed to follow up, such as, to Mary, "Isn't it true you asked me to get some liquor, and we'd have a drink? Isn't it true you drank liquor with me? Isn't it true you went to bed with me?" To these questions, Mary returned a "No!" filled with conviction.

Padlock Removed

Annie Marks, Aberdeen Negro, pled guilty to unlawful possession of whiskey and received a sentence of eight months in the Women's division of Central Prison, Raleigh, suspended on payment of costs and good behavior conditions involving violation of no State laws, especially the liquor laws.

At the same time Judge Armstrong gave Sheriff C. J. McDonald orders to remove the padlock from the Cassanova Club, night spot at Aberdeen operated by Annie and her husband, John Henry Marks, on conclusion of the 12-month period for which the place had been ordered closed. Defendant Annie was told to "go hence and operate the aforementioned place in a legal and peaceful way, and according to law, after first paying all costs of this action."

Bogan Acquitted

Fred Bogan, Southern Pines Negro, defendant in a larceny trial, was acquitted of the theft of some \$65 from the person of Champ Sellars, West Southern Pines merchant, while he was asleep. Sellars said two pocketbooks disappeared from his pocket, and a 14-year-old boy testified he saw Bogan remove one of them, while another witness said he saw Bogan throw one of them away at the back of Sellars' place. However, the money in it was of different denominations from that Sellars said he lost. Also, the second pocketbook, found 100 yards away the next day, after Bogan had been placed in jail, was dry, though there had been a rain.

Defendant Bogan took the stand to state that he had not, despite the eye-witness testimony of a 14-year-old boy, taken the money nor did he know where it went. Another witness' story, that he had been seen throwing away one of the two pocketbooks which were taken, he also characterized as fiction. However, his appearance on the stand gave the Solicitor opportunity to read his record, which included terms served for breaking and entering and a multitude of other offenses in Massachusetts, Oklahoma and numerous other places, which did his case no good. He admitted he was released from prison only last January.

Some money had disappeared. (Continued on Page 12)

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