

Reviewed
FILED IN OPEN COURT
ON 9/20/12 SE
Julie A. Richards, Clerk
US District Court
Eastern District of NC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 75-CR-26-3-F
No. 5:06-CV-23-F

FILED IN OPEN COURT
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Julie A. Richards, Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA,)
)
 v.)
)
 JEFFREY R. MacDONALD,)
 Movant)

AFFIDAVIT OF
JERRY W. LEONARD
(submitted under seal)

UNSEALED
DATE 9/24/12

JERRY W. LEONARD, after being duly sworn, deposes and says that, if ordered to testify at the hearing of *United States of America v. Jeffrey R. MacDonald*, his testimony regarding his communications with Helena Stoeckley would be as follows:

1. I am an attorney licensed to practice law in the State of North Carolina, and have been licensed to practice in North Carolina since 1971.
2. In August, 1979, I was appointed to represent Helena Stoeckley in the United States District Court for the Eastern District of North Carolina sitting in Raleigh. Ms. Stoeckley was a witness in the matter of *United States of America v. Jeffrey R. MacDonald*. At the time of my appointment, she had already testified before the jury, but had not been released from the original subpoena because there was a possibility that she would be re-called as a witness. I was told by the Court to make sure she was available until she was released from the subpoena. An attorney conference room on the seventh floor of the courthouse was made available for our use during Court hours.
3. According to my best recollection, I was appointed on Sunday, August 19th, 1979, and my representation of Ms. Stoeckley lasted until she was released from the subpoena about a week later. During that period of time, I was alone with her the better part of each day.
4. During the period of time that I represented Ms. Stoeckley, to my knowledge she had no contact whatsoever with representatives of either the prosecution or the defense.

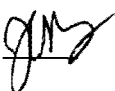
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5. When I first met Ms. Stoeckley, she appeared very distraught and very apprehensive of her boyfriend. She had a cast on her forearm/wrist and she had a black eye. When I first met her I do not think that she had slept in at least 24 hours.
6. I spent several hours in conversation with her on the first day (Sunday, August 19th). I was trying to introduce myself and get to know her as a person, and to understand what I was dealing with. Basically, the Court had placed her in my custody. I had to arrange her lodging, and I needed to be sure she would not leave Raleigh and that I could get her to each Court session. I did not talk to her in depth about her legal situation until the morning of Monday, August 20th, which was our first day together at the federal courthouse in Raleigh.
7. On that Monday morning, I explained to her my role as her attorney and made sure she realized that either side could ask her to testify again on a moment's notice. I made sure that Ms. Stoeckley clearly understood that what she told me was just between me and her, and that she should not talk about the case to anyone except me. I told her that I wanted to help her and would help her, but that I needed to know the truth, no matter what it was, in order to help her.
8. At this early stage, we discussed the federal penalty for murder. We talked about the death penalty not being in effect at the time and that the maximum penalty for these murders was three life sentences, but that there was a possibility for reduced charges even if she was part of a group that committed the murders, if she told an accurate account of the crime and identified the other people who were involved. We talked about the statute of limitations and I remember telling her I thought it was up in the air because the United States Supreme Court had not decided the issue since an earlier decision had declared the death penalty unconstitutional as implemented.
9. Ms. Stoeckley initially told me she did not remember anything about the night of the MacDonald murders because she was very high on drugs. She could remember the day before and the morning after the murders, but she claimed she had a totally blank memory about the period of time within which the murders occurred. We talked about how unlikely it seemed that she could associate that temporary loss of memory with the date of the

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crimes. She told me that almost everyone had heard almost immediately about the murders, and that she was interviewed by investigators not long after the crimes.

10. At no time did Ms. Stoeckley represent to me that specific threats had been communicated to her by either the prosecution team or the defense team.
11. That was the end of my inquiry into her involvement, as far as I was concerned. I did not push her and I dropped the subject, believing she was firm in her assertion that she just could not remember.
12. Sometime on Monday afternoon, Ms. Stoeckley asked me what I would do if she actually had been "there". I recall telling her that I would still help her, but that she had to tell me the truth. She then told me she had been scared to tell me the truth, but that the truth was "not as bad as everybody thought". Shortly thereafter she began telling me that she was, in fact, at the MacDonald residence at the time of the murders. She said she did not actually hurt anyone, nor did she anticipate that the MacDonalds would be hurt.
13. She stated that she belonged to a cult. This cult had a core group of followers and a larger group of people that came to some of the cult's larger meetings. She said the core group did rituals and believed in witches, and that she was part of the core group. I remember Ms. Stoeckley saying Mrs. MacDonald was pregnant, and she said something to the effect that the cult associated newborn babies with the devil.
14. According to what Ms. Stoeckley told me, the idea to go to the MacDonald residence came up one night when she was doing drugs with some of her friends. These friends were part of this cult's core group. At least one man in the group had an issue against Dr. MacDonald because the man felt MacDonald discriminated against hard drug users in his work at a drug treatment program—something to the effect that heroin users would be recommended for court marshal or discharge and would not receive treatment, while others got more favorable treatment. Ms. Stoeckley said this man talked them into going to Dr. MacDonald's house to confront MacDonald about this unfair treatment and, therefore, they went to his house on the night of the murders. Ms. Stoeckley said the end result was that things got out of hand and the people she was with committed the murders.

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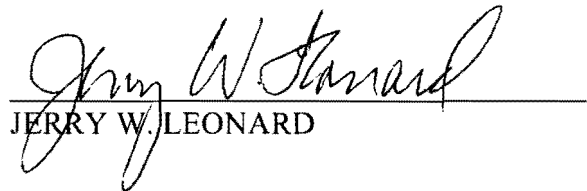


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15. Ms. Stoeckley also said that, during the violence, the MacDonalds' home phone rang and she answered the phone. She hung up quickly after one of her friends yelled at her to hang up the phone. She also said she noticed a toy rocking horse at the MacDonald home, and that the horse was broken. Ms. Stoeckley said one of the springs was not attached to the horse and she took that fact as a sign that Dr. MacDonald did not care for his children.
16. Our plan thereafter was for Ms. Stoeckley to refuse to answer any questions if re-called as a witness. We had the script written down for her to read from the stand in order to properly invoke her Fifth Amendment rights.
17. Ms. Stoeckley was not re-called as a witness. I did not hear from her again after the trial.

FURTHER AFFIANT SAYETH NOT.

SWORN TO this 20th day of September, 2012, by:


JERRY W. LEONARD

STATE of NORTH CAROLINA
COUNTY of NEW HANOVER

SWORN TO and SUBSCRIBED before me by Jerry W. Leonard, affiant, this the 20th day of September, 2012.


NOTARY PUBLIC

Seal:



My Commission Expires: 3-25-2016

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