

Hearing Next Friday

APR 8 1967

Carter's Lawyer Seeks Dismissal of Indictment

PATERSON — Superior Court Judge Samuel A. Larner yesterday partially heard a motion to suppress evidence in the "Ruben Hurricane" Carter murder trial and set next Friday for a hearing on dismissing the murder indictment against Carter and a co-defendant.

Judge Larner said he will continue to hear the motion by Raymond A. Brown of Jersey City, Carter's lawyer Monday.

Carter, 29, of 498 20th Ave., and John Artis, 21, of 5 Tyler st., both of Paterson, are charged with the June 17, 1966 slaying of three persons at the Lafayette Grill, 428 E. 18th St. Paterson.

They are tentatively scheduled to go on trial Monday, April 17. The state, represented by Assistant Prosecutor Vincent

Hull Jr., will seek the death penalty.

Seeks to Bar Shells

Brown moved to have the court bar the prosecution from introducing into evidence a spent .32-caliber pistol cartridge casing and a spent 12-gauge shotgun shell. The shells were allegedly found by police in a car Carter and Artis were in when stopped by police shortly after the shooting.

Hull protested the move calling it out of time, stating the court rules limit any such motion to within 30 days after arraignment. The pair was arraigned on Dec. 16. Brown said Carter did not tell him of this cartridge casings after reading the grand jury transcript he received on March 24.

Judge Larner approved a

move by Brown to continue behind closed doors after Mrs. Patricia Graham Valentine testified that she saw two Negro men run to a white car with out-of-state license plates after hearing what she described as a "big bang" coming from the tavern.

Second-Floor Resident

She testified that on June 17 she lived in the second floor apartment above the tavern where the shooting occurred. Two men died instantly. They were John Oliver, bartender and part owner of the bar who lived in the same building, and Fred Nauyoks of Cedar Grove.

The third victim, Mrs. Helen Tanis of Hawthorne, died several weeks later. A fourth victim, William Marins, recovered after lengthy hospitalization.

Mrs. Valentine said when she heard the noise in the tavern she heard someone shout "oh, no!" then heard another loud bang.

She said she called police. Paterson Police Sergeant Theodore Capter testified that he and his partner stopped Carter and Artis in a car at 14th Avenue and E. 28th Street, Paterson, shortly after learning of the shooting. He said they were told the license and registration check was routine.

Police Arrest Pair

But a short while later, police took the pair into custody at Broadway and E. 18th Street.

Before the hearing, Brown filed with the county clerk's office a motion which Judge Larner set down for hearing at 2 p.m. next Friday, to dismiss the indictments.

According to the papers filed, Brown states the pair testified before a Passaic County Grand Jury on June 29 and signed waivers which they did not understand and believed they were required to sign.

Judge Denies Newspaper's Aid for Suit Dismissal

PATERSON — Superior Court Judge F. Crane yesterday dismissed an accident suit against The Paterson Journal started by a Paterson father.

The father, represented by a lawyer, sought dismissal of the suit at this time because it was "in violation of the door rule."

The system, crashed into the rear of the car driven by Miss Janitz on March 26, 1966 at West Broadway and Union Avenue. The girl was injured in the mishap.

In their suit, the Janitzes claim Reo, on instructions of a Jimmy Curtis, alleging to be a Call employee, took the truck home to Bloomingdale to repair it. The accident occurred the following day.

The Call contends Reo and Curtis were not employees. Currie contends Reo didn't work for them either. The Janitzes contend Reo was an agent of The Call on business for it.

According to Judge Crane, the issue to be clarified is whether Curtis took the truck without permission of The Call and, if so, whether the Call was negligent in the vehicle in a position where it could be so taken.