

Court Refuses to Bail Carter, Artis in Murder

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Judge to Hear Dismissal Appeal Today; Further Delays Likely

PATERSON — Superior Court Judge Samuel A. Lerner yesterday denied a bail application for Ruben (Hurricane) Carter and his sparring partner, John Artis, scheduled to go on trial next week for murder.

Tomorrow at 2 p.m. Judge Lerner is to hear an application by the pair's attorney, Raymond A. Brown of Jersey City, to dismiss the indictments.

Carter, 29, of 498 20th Ave., and Artis, 21, of 5 Tyler St., Paterson, are charged with killing three persons at the Lafayette Grill, 428 E. 18th St., in a shooting spree early last June 17.

Three Victims

Killed instantly were John Oliver, bartender and part owner of the tavern and Fred Nauyoks of Cedar Grove. Mrs. Hazel Tanis of Hawthorne, died sever- of Paterson, recovered from his wounds.

Last week Brown filed a motion to dismiss the indictments. In his motion Brown alleged Carter and Artis were called to testify before a Passaic County Grand Jury last June 29 and signed waivers of immunity which they did not understand

and believed were required to sign.

They were arrested in October and indicated by another grand jury in December.

Judge Lerner on March 10 partially heard Brown's motion to release the pair on bail. Much of the pre-trial hearings were held in private so pre-trial publicity would not affect the defendant's chances for a fair trial.

No Death Penalty

The state, represented by Assistant Prosecutor Vincent J. Hill Jr., will seek a first degree conviction without a recommendation which carries the mandatory death penalty.

Monday Judge Lerner denied a motion by Brown to suppress as evidence a .42 caliber pistol bullet and a 12 gauge shotgun shell which the state contends were found in the car Carter and Artis were found riding in on June 17.

Originally the trial was scheduled for April 3. However, it is now scheduled for next Monday. Judge Lerner said, "It looks as if the case will proceed to trial Monday unless something occurs with regard to another motion pending Friday." He was referring to the motion to dismiss the indictments.

If the motion is denied, speculation is Brown may appeal to the State Supreme Court, further delaying the trial several more weeks.