

Conflicting Statements Conclude State's Case

MAY 20 1957

PATERSON — Succeeding in getting conflicting statements into evidence, the prosecution ended its case in the first degree murder trial of Rubin (Hurricane) Carter and John Artis yesterday.

The trial resumes Monday with Raymond A. Brown of Jersey City, Carter's attorney, expected to open for the defense.

Yesterday after a legal battle that lasted almost all day, Superior Court Judge Samuel A. Lerner ruled he would allow the damaging statements into evidence, but after he denied a move by the state to have a composite drawing of one of the two men admitted as evidence.

Carter, 30, of 498 20th Ave., ranking middleweight boxer, and Artis, 22, of 5 Tyler St., a former Paterson High School track star, are accused of killing three people last June 17 at the Lafayette Grill, 428 E. 18th St., Paterson.

The state, represented by Assistant Prosecutor Vincent E. Hull Jr., is seeking the death penalty.

After the hearing without the

jury as to whether oral statements given to County Detective Lieutenant Vincent De Simone by the pair, the jury was returned to the courtroom.

De Simone testified he spoke to Artis first, about 9:50 a.m. on June 17, some seven hours after the killings. He said after he advised Artis of his rights the tall, slender youth told him "I didn't do anything, I don't need an attorney."

The tall heavy-set detective said Artis freely told him of his actions on the night of June 16 and early morning June 17.

De Simone, referring to a typewritten statement he made from his notes, said Artis retraced his actions which led him to the home of his girlfriend, Gwendolyn High, 248 Autumn St., Passaic, which he left about 9 or 9:15 p.m. While he was waiting for a bus, he said three girls he did not know, but who he said knew him, gave him a ride to Bridge and River Streets, Paterson.

Standing on the corner, talking to friends, he said, he saw Carter, about 10 p.m., come around a corner. Both entered

the Club La Pettite, he said, where Carter spoke to someone he did not know. He said they left about 11:30 p.m. and went to the Nite Spot, E. 18th and Montgomery Streets, until 3 a.m. when the bar closed.

Went to Diner

Artis said, De Simone testified, Carter never left the bar, until after it closed when they went to Graddy's, a diner on Montgomery Street, near Paterson Street, where they ate. After eating Artis told him they were going to a friend's home when they were stopped at Godwin and Carroll Streets and taken into custody.

According to De Simone, Artis said he never saw a shotgun in Carter's car and was sure they were stopped at Godwin and Carroll Streets.

De Simone said about 10:50 a.m. or thereabouts on June 17 he spoke to Carter who said he went to the Nite Spot about 10 p.m. where he talked to several people, then left alone to go to the La Pettite Bar, on Bridge Street, where he spoke to the owner, then went alone back to

the Nite Spot where he met several friends.

After a conversation, he said, he and Artis got into his car and went with their friends in another car to Richie's Hideaway on West Broadway, De Simone continued Carter told him about midnight he was alone in the bar while his friends were outside he said he was dancing.

De Simone testified Carter told him he left with Artis and police stopped him on Bridge Street, said they were searching for two white cars, then let him go and he was taken into custody on Broadway and E. 18th Street.

Police Testimony

Previously during the trial police testified they first stopped Artis and Carter at 14th Avenue and E. 18th Street, and took them into custody at Broadway and E. 18th Street.

Earlier in the day, without the jury present, Judge Lerner upheld a move by Artis' attorney, Arnold M. Stein, to reject a state proposal to place a composite drawing prepared by Clifton Detective Edward Snack into evidence.

Judge Lerner ruled the statements of Mrs. Hazel Tanis, 51, 176 Lafayette Ave., Hawthorne, one of the victims who lived briefly after the shooting, could not be considered "lying declarations," because she was not told by her physician she was dying.

Although De Simone said Mrs. Tanis told him she knew she wouldn't make it, while he was there with her son, former Passaic County Court Attorney Lawrence Burns of Del Ray Beach, Fla., standing next to her, Judge Lerner ruled since the woman was not told by her physician she was dying and the state failed to prove she knew of condition, he could not allow sketch into evidence. Mrs. Tanis died on July 14.

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