

# Defense Opens Its Case In Carter-Artis Trial

MAY 22 1967

**PATERSON** — The first degree murder trial of Rubin (Hurricane) Carter and John Artis moved into its 27th day today with Carter's attorney, Raymond A. Brown of Jersey City, opening for the defense.

The state seeks a first-degree conviction of the pair accused of shooting four people last June 17 at the Lafayette Grill, 428 East 18th St., Paterson, ended the state's case.

Shortly after 5 p.m. Friday, Assistant Prosecutor Vincent E. Hull succeeded in having Superior Court Judge Samuel A. Lerner admit into evidence oral statements taken by County Detective Lieutenant Vincent De Simone from the pair some eight hours after the fatal shootings.

The statements conflicted greatly as to the movements of Carter, 30, of 498 20th Ave., Paterson, ranking middleweight boxer, and Artis, 22, of 5 Tyler St., a former high school track star.

## Major Discrepancy

Major discrepancy in their statements as given to De Simone was their movements between 11 p.m. on June 16 and 3 a.m. on June 17.

The shooting, in which James Oliver, 52, of Paterson, and Fred Nauyoks, 60, of Cedar Grove died instantly, occurred about 2:30 a.m.

According to De Simone's testimony, Artis said the pair went to the La Petite Club, a tavern on Bridge Street, Paterson, about 10 p.m., remained there until 11:30 p.m. when they went to the Nite Spot, a tavern

at E. 18th and Governor Streets, where they remained until 3 a.m. when the bar closed.

De Simone said Carter told him he arrived at the Nite Spot about 10:45 p.m., where he spoke to several friends, including Artis. Shortly afterwards, with Artis in his car and his friends in another vehicle, they went to Richie's Hideaway on West Broadway, Paterson, where he, Carter, went in alone. He was subsequently stopped by police, first on Bridge Street, then taken into custody at Broadway and E. 18th Street.

The second discrepancy in the statements was where the pair

was stopped by police. Artis, in his statement to De Simone said, he was stopped at Godwin and Carroll Streets.

Both Brown and Arnold M. Stein of Denville, representing Artis, have indicated they expect the defense to take five to seven days.

While they were unsuccessful in barring introduction of the statements into evidence, they did succeed in having Judge Lerner refuse to allow a composite sketch of one of the two men who did the shooting allowed into evidence.

Hull sought to have the sketch, prepared by Clifton Detective Edward Snack, admitted on strength of the argument that it was based on a "dying declaration" of Mrs. Hazel Tanis, 51, of 176 Lafayette Ave., Hawthorne, one of the three victims.

Judge Lerner ruled the woman was not told she was dying by her physician, and since she died on July 14, three days after giving her statement, could not have made what would be legally termed a "dying declaration."