

STATE OF NEW JERSEY

v.

RUBIN CARTER and JOHN ARTIS

TRANSCRIPT OF GRAND JURY

1966

NOTE: This is the secret Grand Jury testimony of Pat Valentine, who saw the killers drive away from the murder scene and who — less than an hour later — identified Rubin Carter’s car as the one she saw. To my knowledge, this testimony has never before been published in its entirety. The text is searchable and the page numbers and page breaks exactly match the original. Valentine was Pat Graham at the time of this testimony, and became Pat Valentine months later.

This testimony caused some controversy because Valentine mistakenly refers to the getaway car as a “Monaco.” Carter’s car was a Polara. If you read the testimony in its entirety, however, you will see that she clearly identifies Rubin Carter’s car as the killers’ getaway car.

According to the Prosecutor’s Office, “Mrs. Valentine explained in her testimony at the second trial that she was not knowledgeable about cars or car models and that she did not know the difference between a Monaco and a Polara. However, she had no doubt that the defendant Carter’s car was the car which fled the scene.”

— *Cal Deal*, Sept. 9, 2002

PATRICIA ANN GRAHAM, called as a witness, being duly sworn according to the law, testified as follows:

BY MR. HULL:

Q. Is it Miss or Mrs.?

A. Miss.

Q. Please keep your voice up so everyone can hear you. Where do you live at the present time?

A. 168 Lyons Street.

Q. In Paterson?

A. Yes.

Q. Where were you living on the morning of June 17th, 1966?

A. 428 East 18th.

Q. Was that above the Lafayette Grille?

A. Yes.

Q. Who was living with you at that time?

A. Myself.

Q. And you were home at around 2:30 on that particular morning, June 17th 1966?

A. Yes.

Q. What were you doing around 2:30 on that morning?

A. Sleeping on my couch. — watching television.

Q. I can't hear you.

A. I was laying on my couch watching television and I had fallen asleep.

Q. In which room?

A. Living room.

Q. Did anything unusual happen about that time?

A. Yes. I heard three loud bangs; that woke me.

Q. Where did the noises come from, if you recall?

A. The tavern.

Q. The Lafayette Grille?

A. Yes.

Q. Where were you, on which floor?

A. The second.

Q. Right over the tavern?

A. Right.

Q. What did you do after you heard these noises?

A. I got off the couch. I went and looked out the front window. I thought it was Jimmy closing the tavern.

Q. Jimmy Oliver?

A. Yes.

Q. I show you Exhibit S-8. Will you show the grand jurors which window you looked out of first?

A. This one here, right over the front of the tavern [indicating on the exhibit].

Q. That was on East 18th Street?

A. Right.

Q. What did you see when you looked out the window?

A. I looked to see if any lights were on and then I heard a woman say: Oh, no!
A woman's voice

Q. It was a woman's voice that said: Oh, no?

A. Yes.

Q. What did you do then?

A. I went into my bedroom, the window over here. On this side, the far side of the tavern.

Q. That's on the Lafayette Street side of the building?

A. Yes.

Q. Was that this window here [indicating on

the exhibit]?

A. I looked out there. I saw a white car double parked.

Q. What kind?

A. It was a 1966 Dodge Monaco.

Q. Did you observe that car at the time?

A. With that two men came running out of the tavern.

Q. Describe the men.

A. They were colored, wearing sport jackets. One was wearing a hat.

Q. When was the first time you saw these two colored men?

A. Running out of the tavern.

Q. On which side of the street did you see them, Lafayette Street or East 18th Street?

A. Lafayette.

Q. How far from the front of the building?

A. It was right in front of the part that came out from the apartment building.

Q. How far from the door of the building on the corner?

A. Right in front of this door.

Q. Is that where you first saw the two colored men?

A. That's where I saw the car and they were running to the car.

Q. To this white car?

A. Yes.

Q. What did you do after you saw the two colored men run to the car?

A. The way they ran to the car and took off, I went to see if I could see the

license plate. I looked at the license plate. It was dark blue with yellow colored lettering.

Q. It wasn't a New Jersey plate?

A. No.

Q. Did you notice anything else about the rear of the car?

A. The taillights.

Q. What did you notice about the taillights?

A. They looked like they had triangles going toward the center of the car. That's how I made out the description of the car.

Q. I show you Exhibit S-7 and ask if you have ever seen that photograph before [handing the exhibit to the witness]?

A. Yes, I did. That's the car.

Q. That's the car?

A. Yes, sir.

Q. What other observations did you make?

A. Well, they took off, and then I went in my son's room. I got my raincoat. I threw that over my pajamas. I went downstairs.

Q. When you say they took off, who do you mean?

A. The two colored men got into the car.

Q. Did you actually see them get in the door?

A. Yes. One ran to the passenger side and one ran to the driver's side.

Q. They took off in which direction?

A. Toward Graham Avenue, down Lafayette.

Q. Away from the bar?

A. Yes.

Q. How far did you keep that car in your vision?

A. Until it got by the tree by the next house. Then I couldn't see it anymore.

Q. What did you do then?

A. I put my raincoat on. I walked down into the tavern.

Q. Into the tavern?

A. Yes.

Q. What did you see when you went into the tavern?

A. Well, when I walked in I saw Willie Marins.

BY MR. THEVOS:

Q. Did you know Willie before this occasion?

A. I knew all of them.

BY MR. HULL.

Q. Which side did you walk in?

A. The side door on the Lafayette side.

Q. On the Lafayette side of the tavern?

A. Yes.

Q. First one you saw was Willie Marins?

A. Yes.

Q. Where was he at that time?

A. He was standing by the pole in the center of the tavern.

Q. What was his condition at that time?

A. Well, he was leaning on the pole and there was a lot of blood all the way down to the tip of his nose and coming out of his head. I thought maybe he had gotten hit on the head with a bottle or something. Mr. Al Bello came in the front door as I came in the side door.

Q. Did you know him before this occasion?

A. From downtown.

Q. How long were you in the bar before Mr. Bello came in?

A. We both walked in the same time. We both did.

Q. You came in the side door and he came in the front door?

A. Yes.

Q. Was there anybody else in the bar at that time?

A. As far as people, no.

Q. Did you observe any bodies or people?

A. He told me to stay at the side door.

Q. Who?

A. Al Bello.

Q. Where was he when he said that to you?

A. At the front door.

Q. Where were you?

A. Side door. I was walking towards Willie.

Q. What did you do after he told you to stay at the side door?

A. I got toward Willie. As I got near Willie, I passed the pool table and I saw Hazel.

Q. Where was Hazel?

A. Lying on the floor in front of the air-conditioning.

Q. Was she on her back or on her stomach?

A. Back.

Q. What was she doing at that time?

A. She was moaning.

Q. What was she doing?

A. Just moaning. And I screamed. I turned around and I ran back out again.

Q. Which door?

A. Side door.

Q. Where you came in?

A. Yes. I went back upstairs and I called the police.

Q. What was her condition at the time?

A. She was complaining of pain and moaning.

Q. From what part of her body did you see blood?

A. Well, she was on the floor, and I didn't go near her then.

Q. Where was she when you saw her lying on the floor?

A. Right in front of the air-conditioning.

Q. That was near the front door?

A. Right.

Q. Did you see any other people in the bar at that time?

A. Bob was sitting at the bar.

Q. Is that Fred Nauyaks?

A. Right.

Q. I show you S-2, Exhibit S-2. Was he in that position when you observed him in the bar seated on the bar stool [handing a picture to the witness]?

A. Yes.

Q. Now, it was after you saw Mrs. Tanis that you went out of the tavern?

A. Yes.

Q. Where was Alfred Bello when you went outside the tavern?

A. When I turned to run, he ran behind the bar.

Q. What was the route he took to get behind the bar?

A. He came down straight from the front door and came down to the end of the bar, and the entrance to get behind the bar.

Q. Did you have any conversation with Bello before you left the tavern at that time?

A. No, I just screamed and ran when I saw Hazel.

Q. Now, with reference to this diagram, this is the bar. This is the front door on East 18th Street, and the door that you came in was here. Where was Bello with reference to the bar when you ran, or before you left the tavern?

A. Well, I was going to Willie here. So I walked over here, over to here, and I saw Hazel, and I screamed. As I turned around Al was running this way from behind the bar.

Q. He had just gotten to the back of it?

Or was he in fact behind the bar?

A Then I left and ran upstairs.

Q You didn't see what he did behind the bar?

A No.

Q You went upstairs to your apartment?

A Yes.

Q What did you do there?

A I called the police.

Q And for how long a period of time did you remain in your apartment?

A After I got done talking to the police, they said that they would come. I went back downstairs and I went to Hazel to see if there was anything I could do for her.

Q How much time elapsed between the time you left the tavern and went upstairs and came back to the tavern?

A I don't know. I don't know. A couple of minutes.

Q Which door did you come in the second time?

A I always took the same door.

Q The side door on Lafayette Street?

A When I come out of my apartment building I come out on Lafayette and I went in the tavern.

Q Did you make any observations before you came back into the tavern the second time?

A When I came back downstairs to go to Hazel, Al was

running down the street towards East 18th Street again.

Q With reference again to S-8, which is the door that leads up to your apartment?

A This one [indicating on the photo].

Q. This door here closer to the side door that goes into the tavern?

A. The tavern.

Q Where were you when you saw Bello?

A Coming out and going around, right in here, going down; running down this way.

Q Down Lafayette Street?

A Down Lafayette Street towards the tavern here.

Q Did you see what he did?

A No. I just went to Hazel.

Q You went into the tavern through the side door?

A Yes, and I went to Hazel. She asked me to call her boyfriend. She gave me his number. I didn't observe anything else. I just turned and ran back up stairs to call Bob.

Q Was she still in the position, that position, when you left the tavern the first time?

A Yes.

Q What did you do after she asked you to call Bob?

A I went back upstairs and I called Bob. I told him that Hazel wanted him, that she had been shot, and if he would come down. He says: Pat, go back

downstairs and stay with her. He says: Tell her I'll be right there, as soon as I get the car and get down there. I'll be there with her. I said: All right. I hung up the phone. I took my pajamas off and I put slacks and a blouse on.

I went downstairs. When I got downstairs the police were there.

Q You're sure you turned and you went upstairs?

A Yes.

Q The second time, after you saw Bello run up East 18th Street towards the tavern, did you see him after that, before you went to make the telephone call to Bob?

A I don't remember.

Q When you came, thereafter what happened? The police were there?

A The police were there.

Q Where did you go?

A I went to go into the tavern to go by Hazel to tell her Bob was coming. The officer stopped me. He says I can't go in. I says: I got to talk with the woman on the floor.

He says: Who are you?

I said: I'm the woman that called. So he says all right. He let me go talk to her and I told her that Bob was coming. The ambulance came and they took

her and Willie.

Q. What did you do after that?

A. Well, when I got done talking to Hazel, I went to the end of the bar where she originally had been sitting. I looked behind the bar. That's when I saw Jimmy.

Q. Where was he at that time?

A. He was laying down on the other end of the bar on the floor.

Q. I show you this photograph Exhibit S-3 and ask you if that truly indicates where the bartender was when you first observed him [handing an exhibit to the witness]?

A. Yes.

Q. He was laying there on the floor?

A. Yes.

Q. And is that as he was from where you were standing?

A. Yes.

Q. Mr. Nauyaks was also in this position?

A. Yes.

Q. What did you do after that?

A. The officers made me go and sit by the chair.

Q. In the tavern?

A. Yes.

Q. What happened after that?

A. They were just — the officers were just talking back and forth, and the detectives, and I heard — I didn't

know that any of them were dead yet. I heard one detective say to another one well, take two away, the two dead.

Q. Now, did you have any other conversation with the officers about the car that you saw from the tavern?

A. Yes. Officer Greenough took me upstairs in the apartment because I was crying. He was talking to me up there. After I drew a picture of the taillights of the car that I had seen pull away.

Q. Similar taillights which appear in this picture [handing a picture to the witness]?

A. Yes.

Q. After you showed Officer Greenough a description of the taillights, what happened?

A. He went downstairs. I called my son's father to come home from work, and then Officer Greenough came back upstairs and we went downstairs together.

Q. Where did you go?

A. I stood in front of the tavern. Then they drove the car back.

Q. What kind of car?

A. The same car that pulled away.

Q. This car that appears in S-7?

A. Right.

Q. Did you have any conversations with anyone concerning that car?

A. Officer Greenough says to me: Act like a spectator; don't get nervous or

anything.

He says: Walk around and see if that's the taillights that you saw from the window.

So I did, and that was the taillights that I had seen, And I started crying. He came to me again. He took me back in the tavern.

Q. In addition to the taillights, was that in fact the car that you had seen pull away from the tavern?

A. Yes.

Q. This particular car, when you first observed it, how far was it from the curb?

A. It was double parked. There was space for him to pull into the curb. But he was right out in the middle of the street.

Q. You didn't see that car at all until after you heard these noises which awoke you?

A. When the noise awoke me, I went to the front window. When I heard the woman's voice say: Oh, no, then I went to the side window. That's when I saw the car sitting there.

Q. Is that when you first saw the two men?

A. Right.

Q. They both got into the car, one to the passenger's side and one to the driver's side?

A. Yes.

Q. Both got in front of the car?

A. Yes.

Q. Both of these men were colored?

A. Yes.

Q. Can you describe them any other way?

A. Just that they weren't dressed sloppy. They were well dressed. They had sport jackets. One had a hat on.

Q. Did you see any guns or weapons?

A. No.

MR. HULL: I don't have anything further.

BY MR. THEVOS:

Q. Did you hear whether the motor was running in that car that was parked?

A. No.

Q. You wouldn't know?

A. No.

Q. You didn't observe any exhaust fumes coming out of the car?

A. No.

Q. When you went the first time and you went to the tavern, did you observe the position where Mrs. Tanis was, Hazel Tanis was?

A. She was right in front of the air-conditioner.

Q. When you went down the second time was she in the same position?

A. Yes.

Q. The second time?

A. Yes.

Q. She had not been moved?

A. She had not been moved, until the ambulance came.

Q. Now, when you came down the first time did you see anything else on the floor of the tavern?

A. No, I didn't. There was a broken bottle that I had seen on the floor after I had come down the last time when the police officers were there. Because two times — the first time I came down, I was in my bare feet and in my pajamas. After, I changed my clothes and I put my slacks on and a blouse on and my shoes on. Then I stepped on the glass.

Q. Could you tell us where you stepped on that glass? Give us that chart.

A. Hazel was lying here, after I got done talking to her.

Q. Right by the air-conditioner, right?

A. After I got done talking to her on the floor, going towards Bob, the police officer stopped me. He made me come over and sit in the chair. As he walked me back I stepped on the glass right here.

Q. Right before the pool table?

A. Yes.

Q. When you came down the first time you observed, the first one you observed when you came in the door was who?

A. Willie.

Q. Willie was holding onto the column?

A. Yes.

Q. What was the next thing that you observed?

A. When I walked to him, then I observed Hazel. I screamed. I ran back out again.

Q. When did you see Bob?

A. I saw Bob as I was going to Willie.

Q. In what position was he in, would you describe that to the jury?

A. Just sitting on the chair. His leg was still laying on the chair. His head was laying on the bar.

Q. You didn't observe Jim at that time?

A. I didn't see Jim until I went down towards here [indicating on the chart].

Q. Did you observe anything else in this area?

A. No.

Q. Did you see any money?

A. No.

Q. Any bills scattered around?

A. No. Just when I went down to the end of the bar then I saw the money.

Q. The first time?

A. No. When I went down here, I just looked at Jimmy.

Q. What time? What occasion would that be, the first, second or third time that you went down?

A. After they had taken Hazel out.

Q. That was the third time that you had been down?

A. The last time I was down.

Q. That is when you saw the money for the first time?

A. No. When I looked down there I just saw Jimmy. They made me come away. Before I left, I walked down here and I went to look at Jimmy. That's when I saw the money.

Q. How much money did you see, do you remember? Was it a lot of bills?

A. There was a ten laying on Jim's back and there was fives scattered on the floor.

Q. There was no money in this area above the bar?

A. No.

Q. I show you Exhibit S-3 in evidence and ask you if this is what you saw [handing the picture to the witness]?

A. Yes.

Q. You were down at this end?

A. Yes.

Q. You saw these bills.

A. It looked like them.

Q. Did you observe the cash register?

A. No, I didn't.

A GRAND JUROR: You said when you came down the third time you had shoes on and you walked over here and stepped on some broken glass?

THE WITNESS: Yes.

A GRAND JUROR: Had you walked through these previously?

THE WITNESS: No.

A GRAND JUROR: That does not mean the glass wasn't there when you first went in there.

THE WITNESS: No.

BY MR. THEVOS:

Q. When you looked out the window on Lafayette Street and you observed the car, is that the time you saw the two men running?

A. Yes.

Q. From the window?

A. Yes.

Q. What was the distance from the window that you were looking out of? Will you tell us which window you were looking out of?

A. This one here. The car was parked here [indicating on the picture].

Q. The car was parked there.

A. Out here, outside the door.

Q. Outside the side door of the tavern?

A. No, of my apartment. Because they ran at an angle to get to the car.

Q. You say there were other cars parked along the curb?

A. Bob's car was parked here.

Q. How do you know that?

A. I know

Bob's car.

Q. Was there any car in front of it?

A. There was a Corvair parked up here, over there.

Q. This had been out at the other end of the property?

A. It belonged to the girl on the first floor.

Q. You're positive now?

A. Yes.

Q. Was there any car in between Bob's car and the girl's on the first floor, which was parked at this end?

A. I think she was parked about here.

Q. That's before the end of the property?

A. Yes.

Q. Which would indicate there was room for two more cars to be parked?

A. Yes.

Q. The white car, you say, could have parked there?

A. Yes.

Q. But instead of that it was double parked?

A. In the middle of the street.

Q. When you saw the car were the lights on, the taillights on?

A. The taillights?

Q. They were lit?

A. They were lit.

Q. You're positive about that?

A. Yes.

Q. You don't know whether the motor was

running?

A. No.

Q. You don't know whether there was any person in the car at the time when you looked out?

A. No.

Q. Now, you say that you observed these two men when they passed your window?

A. Right.

Q. Your window faces, what is that, south?

A. It faces away from the front.

Q. Next to the bar?

A. Yes.

Q. When you first saw them?

A. I was at this window and they were running like from here. Whether they came out of the side door or not I don't know.

Q. Did they run out into the street?

A. Yes.

Q. You saw one do what?

A. Get into the passenger's side.

Q. Could you tell us whether one was shorter or taller?

A. No.

Q. One got in the passenger's side. Did you see him open the door or was the door open?

A. No. He had to open the door.

Q. He had to open the door?

A. Right.

Q. What did the other man do?

A. He opened the door and jumped in.

Q. Do you remember whether it was a two door or four door?

A. I don't remember.

Q. Did the car shoot right out?

A. Yes, sir.

Q. You're positive? Did you see this man carrying anything as they ran towards and into the car?

A. I don't remember. Yes. I saw the way they were running and got in the car and the way they were taking off. My main interest was to get the license plate number.

Q. You observed the blue background, did you?

A. It was a dark background with yellow or gold lettering.

Q. You didn't get any of the numbers?

A. No.

Q. The digits on the license plates?

A. No.

Q. After you came downstairs in your pajamas and you went into the bar, you didn't, did you, observe glass at that time?

A. No.

Q. You didn't see Jimmy Oliver at that time?

A. No.

Q. And when was the first time that you saw Bello?

A. When I first walked into the tavern.

Q. He came in behind you?

A. No.

He came in the front door. I came in the side door.

Q. You're positive that he was coming in?

A. We both walked in together.

Q. That was the first time you observed him?

A. Yes.

Q. When you observed Bello at that time, as you came in, you're positive that Hazel Tanis was lying in front of the air-conditioner?

A. Yes.

Q. You're also positive that Marins was standing by the column?

A. Yes.

Q. And you're also positive that Nauyaks was lying with his head on the bar? And you're also positive that Jimmy Oliver at that time was not visible to you?

A. Yes.

Q. And you're also positive that Hazel Tanis was murmuring and she was moaning?

A. She was moaning.

Q. Did you observe what she was wearing at that time?

A. Just on her uniform. She had a black uniform on. It looked like a rust color.

Q. You don't know whether it was blood or not?

A. No.

Q. Did Bello say anything to you?

A. He said: Stay by the door.

Q. Anything else?

A. No.

Q. Did you observe whether he had anything in his hand?

A. No.

Q. Did he give you any explanation as to what he was doing there?

A. Oh, later, when we were talking.

Q. When was this?

A. Down at the detective bureau. He said that he was coming for a pack of cigarettes.

Q. He told you that?

A. Yes.

Q. He told you he was alone?

A. He said somebody was waiting out in the car for him.

Q. Did he tell you what kind of car or which car?

A. No.

Q. What else did Bello do?

A. Nothing.

Q. You said he went behind the bar?

A. He went behind the bar as I was going out to call the police.

Q. You didn't know, you don't know what he did there?

A. I surmised it was to get a dime to call the police. I don't know.

Q. Did he tell you that?

A. No.

Q. Down at the police station did he say anything else to you about why he went behind the bar?

- A. No.
- Q. And then he left?
- A. Yes.
- Q. Did he leave?
- A. When?
- Q. After Bello had gone behind the bar?
- A. I don't know. I was upstairs.
- Q. When you came downstairs after calling the police he was running down the street towards the tavern there?
- A. Like on the side of my building.
- Q. He was coming back?
- A. Yes.
- Q. Where did he go?
- A. In the tavern, I guess.
- Q. Did you see him?
- A. I went to Hazel.
- Q. Did you see Bello after that?
- A. No.
- Q. You don't know where he went?
- A. I saw him later walking down by the tavern outside.
- Q. Are you positive he was running towards the tavern?
- A. Towards the tavern.
- Q. Not away from it?
- A. Yes.
- Q. You're positive the second time?
- A. Yes.
- Q. Did you observe anybody else with him?
- A. No.
- Q. Do you know who was with him?

A. No.

Q. Do you know of your own knowledge whether Bello ever attended, or ever visited this tavern prior to this occasion?

A. I have never seen him.

Q. You have never seen him in this tavern?

A. No.

Q. When have you seen him, downtown?

A. When I was downtown I stopped in the M & R. There the people saw him and knew him. That's how I knew him.

Q. Did you know his associate and boyfriend Bradley or Kellogg?

A. No. He had told the detectives that he came to my house. I told him the only contact I have with him is the fact that I have seen him downtown. For him to be saying he was coming to my house, he didn't even know I lived there, or where I lived. He has never been in my house.

Q. Did you ask him about that when you were at the detective bureau?

A. I didn't see him again.

Q. In other words you found this information out after you had a conversation with him at the detective bureau?

A. No.

Q. Have you talked to him since?

A. I didn't see him.

Q. Did you know whether Bello knew Oliver?

A. No.

Q. Do you know whether he knew Marins?

A. No.

Q. Do you know whether he knew Mrs. Tanis?

A. No. I don't know if he knew anybody.

Q. But he indicated to you and the police that he was coming into the tavern to buy a pack of cigarettes?

A. Yes.

Q. Not to visit you?

A. The first time that he had said he was coming to buy a pack of cigarettes is when he was talking to me in the tavern. That same morning when the policeman had me sit in the chair by the table, by the cigarette machine, and he said to me: All I was doing was coming in here for a pack of cigarettes. And then when I let on to him that I knew him, he asked: Where do I know you from? Like he didn't remember me. And this Bello told the detectives.

Q. If he came to buy a pack of cigarettes that means he had change on his person?

A. I didn't see him with it.

Q. But he went behind the bar. He told you to get ten cents to call the police?

A. He didn't tell me. That's what I surmised he was going to do.

Q. Did he appear excited when you first saw

him as you came into the tavern?

A. No more excited than I was.

Q. When was the first time you knew that there was a car waiting for him?

A. Waiting for him?

Q. For Bello.

A. He said his buddy had stopped so he could get cigarettes.

MR.THEVOS: Any questions?

A GRAND JUROR: I have a question.

You said you looked out the window and saw two colored men run into the car.
One

got in the passenger side and one in the driver's side. One of these men had to run
around.

THE WITNESS: Yes.

A GRAND JUROR: Which man got into the side?

THE WITNESS: The man with the hat got in on the passenger's side.

A GRAND JUROR: The one wearing a hat. You didn't notice anything in their
hands?

THE WITNESS: No.

A GRAND JUROR: And the distance from your window — was the window open?

THE WITNESS: I think so.

A GRAND JUROR: It was down?

THE WITNESS: I guess it was up. To be honest I don't know.

A GRAND JUROR: Well, you saw that they were colored?

THE WITNESS: Yes.

A GRAND JUROR: Was the street well lit?

THE WITNESS: Yes. The street light, street lights are all around that corner.

A GRAND JUROR: Did you see their faces?

THE WITNESS: No. They were running with their backs towards me. That's how I know they had sport jackets on. Because when they were running the jackets were flying.

A GRAND JUROR: You know they were definitely colored?

THE WITNESS: I saw the back of their necks. I saw the one hand of the man that got into the passenger's side of the car.

A GRAND JUROR: You saw the color of his skin?

THE WITNESS: Yes.

A GRAND JUROR: How about the other man who wore the hat?

THE WITNESS: He was also colored.

A GRAND JUROR: I see. You're positive of that?

THE WITNESS: Yes.

A GRAND JUROR: This was a light colored hat? Or was it a business hat? It wasn't a cap but it was a hat?

THE WITNESS: It was — how can I explain it. Like those up there. It was like a straight hat. It looked like a Fedora.

A GRAND JUROR: When they were running did you notice whether their arms were swinging freely?

THE WITNESS: The one was.

A GRAND JUROR: Were their elbows held close to the side?

THE WITNESS: The one arm, as I saw it come up to open the car door, that's when I saw it was a colored hand.

A GRAND JUROR: You're not sure that they could have been carrying something

in front of them that you could not see?

THE WITNESS: I could not see.

THE FOREMAN: Any further questions?

BY MR. THEVOS:

Q. Did you observe anybody else besides the colored men running to the car?

A. No.

Q. Did you see Bello at that time?

A. No.

Q. Going toward the bar?

A. No.

MR. THEVOS: All right.

A GRAND JUROR: Is there a telephone booth in the tavern?

THE WITNESS: Yes.

A GRAND JUROR: He made the telephone call from the tavern?

THE WITNESS: I don't know.

A GRAND JUROR: You don't know?

THE WITNESS: No.

THE FOREMAN: Any further questions?

The witness is excused.

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