

5-12-1967

## Trial Transcript # 12: New Jersey v. Rubin Carter and John Artis

Lewis M. Steel '63

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### Recommended Citation

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PASSAIC COUNTY COURT  
LAW DIVISION - CRIMINAL  
INDICTMENT NO. 167-66

STATE OF NEW JERSEY

- vs -

RUBIN CARTER AND  
JOHN ARTIS,

DEFENDANTS,

-----

Paterson, New Jersey  
May 12, 1967

B E F O R E:

Hon. Samuel A. Lerner, J.S.C.

A P P E A R A N C E S:

VINCENT E. HULL, JR.  
Attorney for the State

RAYMOND A. BROWN, ESQ.  
Attorney for Defendant Carter

ARNOLD A. STEIN, ESQ.  
Attorney for Defendant Artis

WAYNE J. HOUSE  
Certified Shorthand Reporter

12

1 (A role is called of the Jurors.)

2 THE COURT: Alright, Mr. Brown.

3 A L F R E D B E L L O, being previously  
4 sworn, testifies as follows:

5 CONTINUATION OF CROSS-EXAMINATION

6 BY MR. BROWN:

7 Q Mr. Bello, you told us that you and your partner  
8 had been planing a breaking and entry here in this  
9 neighborhood for some time, is that right? Is that what  
10 you said yesterday?

11 A Yes, sir.

12 Q And the breaking and entry was to be in a  
13 building on the street, is that right?

14 A Yes, sir.

15 Q How long had you been planning that breaking  
16 and entry?

17 A Just from that afternoon.

18 Q You planned it from that afternoon?

19 A Yes, sir.

20 Q Do you recall telling the police on the 14th  
21 of October, 1966 that, "Kenny stood in the car and me  
22 and Dexter got out of the car. Dexter told me about  
23 pulling a breaking and entering." Do you remember telling  
24 that to the police?

25 A Yes, sir.

1 Q Then is it a fact in your statement that you  
2 told the Police, they told you about it when you got  
3 in that neighborhood, isn't that it?

4 A Yes, sir.

5 Q So then in your statement you gave the Police  
6 on October 14th to that extent was not true. It was not  
7 a situation where he told you about it, but you actually  
8 had planned it, is that correct?

9 A For a few hours.

10 Q Now, you also testified on that stand under oath  
11 that Kenny said he was going to the bar, is that right?

12 A Yes, sir.

13 Q Left the car and got out on your side and he  
14 turned the corner, is that correct?

15 A Yes, sir.

16 Q And that corner would be Franklin and East 16th,  
17 is that correct?

18 A Where Kenny went?

19 Q Yes.

20 A No. Kenny went towards Franklin and East 18th.

21 Q Franklin and East 18th Street. Would you come  
22 down and show us that please, so I will understand.

23 THE COURT: The Jury can see where Franklin  
24 and East 18th Street is.

25 MR. BROWN: If your Honor please, at this

1 distance it is hard to read 18th and 16th.

2 THE COURT: I ask the jury, can they  
3 see where 18th and 16th Street is?

4 MR. BROWN: Just point it out and re-  
5 turn to your seat.

6 (The witness steps to the diagram.)

7 MR. BROWN: Thank you.

8 (The witness resumes to the witness  
9 stand.)

10 BY MR. BROWN:

11 Q When did you see Kenny Kellogg, if you  
12 ever did?

13 A A few days later or it could have been the next day,  
14 or a few days later.

15 Q Now, then on October 14th, you didn't tell the  
16 Police that Kenny went to the bar on October 14th, 1966?  
17 You told them Kenny stayed in the car, is that right?

18 A Well --

19 Q I am only asking you one thing. Is it a fact  
20 that you told the Police in this signed statement on  
21 October 14, 1966 that Kenny stayed in the car?

22 A Where does it say this?

23 Q "Kenny stayed in the car."

24 A I told the Police that then.

25 Q Now, when you say, "Stood in the car", I assume

1 that means stay in the car?

2 A Yes.

3 Q So, is it a fact that this is what you told  
4 the police on October 16, when you were supposedly  
5 telling them the full story, is that right?

6 A Yes.

7 Q Now, it is also a fact, is it not, that when  
8 you talked to the Police on October, and specifically  
9 I refer you to Detective Callahan, that you did not tell  
10 him about your taking money from the cash register, did you?

11 A Well, I wasn't --

12 THE COURT: In October?

13 THE WITNESS: I wasn't going to commit  
14 myself.

15 BY MR. BROWN:

16 Q In the earlier part of October, specifically  
17 around October 3rd, 4th or 5th, you spoke to certain de-  
18 tectives, didn't you?

19 A Yes.

20 Q And you told them certain additional things  
21 about June 17, is that right?

22 A Yes.

23 Q But you did not tell them that you had taken  
24 the money out of the cash register then, isn't that correct?

25 A I don't recall.

1 Q You don't recall. Well, if I show you a copy  
2 of Detective Le Conte's report --

3 THE COURT: How can that make him recall.

4 It is not his report.

5 MR. BROWN: It may refresh his recollection.

6 THE COURT: He can't refresh his rec-  
7 ollection by what someone else wrote.

8 BY MR. BROWN:

9 Q You can't recall then whether in October,  
10 around the 3rd, you did tell them the full story including  
11 your going behind the bar and taking the money, is that  
12 right? You can't recall that?

13 A I can recall that. I can recall what I told. They  
14 told me to tell the truth. At the end I told them it and  
15 I had a reason. So that is what I did.

16 Q But October 3rd, you didn't tell them the truth?

17 A I don't recall.

18 Q Well, do you also recall talking to the two officers  
19 on June 17, in the morning before the cars occupied by the  
20 Defendants were brought back and I should, specifically  
21 refer to Detectives Unger and Greenough. Do you remember  
22 talking to them before the cars bearing the Defendants  
23 were brought back? Do you recall talking to those officers?

24 A No, sir.

25 Q You don't.

1 A I probably did, but right off hand I am not sure.

2 Q You probably did. Do you recall telling them  
3 that there was a car -- there was a new white car with  
4 blue license plates? You told them that?

5 A Yes, I told them that.

6 Q And that was before the Defendants were brought  
7 back to the scene. You told them that beforehand?

8 A I told them it was a New York plate.

9 Q And you told them that before the Defendants  
10 were returned to the scene at Lafayette and 18th, correct?

11 A Yes.

12 Q And you also told them there was a  
13 description of these people before the Defendants were  
14 brought back, isn't that correct?

15 A Yes.

16 Q And the description you gave to the Police  
17 before Carter and Artis returned to the scene at Lafayette  
18 and 18th Street, was as follows: "That there were two  
19 colored men, thin built, 5'11", each," is that right?

20 A I don't recall.

21 Q Well, do you recall telling them that, "One  
22 of the fellows wore a fedors and sport jacket", before  
23 they returned?

24 A Yes, I think I told them that.

25 Q Now, as before they were returned you said one  
26 was thin built, 5'11"?



1 A I said that one was taller than the other one. I  
2 don't know what they wrote.

3 Q "The second one was also thin built, 5'11".

4 A I don't recall.

5 Q That is in the report, would you deny it?

6 THE COURT: Don't answer the question.  
7 We are not interested in what is in the  
8 report. That is wholly improper in ques-  
9 tioning the witness.

10 MR. BROWN: Your Honor, it is laying  
11 a foundation.

12 THE COURT: You can lay a foundation by  
13 asking whether he spoke to him. Then you can  
14 ask the officers. You cannot refer to the report.

15 MR. BROWN: You also told me unless I am  
16 specific that then--

17 THE COURT: Very well. I have ruled  
18 on it. You are not to refer to the report  
19 of someone else by asking this witness.

20 BY MR. BROWN:

21 Q Do you recall telling these officers that  
22 you went to the bar to get a pack of cigarettes and as  
23 you were going to enter the tavern that two men  
24 came out, ran out with a shotgun and  
25 pistol?

1 A Yes.

2 Q And do you remember telling them that they  
3 chased you down the street and that you ran in an alley  
4 way and lost them?

5 A Yes.

6 Q And you testified here under oath that you  
7 never saw these men get in their car?

8 THE PROSECUTOR: Objection.

9 BY MR. BROWN:

10 Q On Lafayette Street, is that right?

11 THE COURT: Objection means nothing,  
12 Mr. Hull. Is there anything else you want  
13 to say?

14 THE PROSECUTOR: I will withdraw the  
15 objection, your Honor.

16 THE COURT: Answer the question.

17 BY MR. BROWN:

18 Q The fact is that you have testified that you  
19 were running down the street and you did not see them  
20 actually get into a car, isn't that correct?

21 A Yes.

22 Q Did you tell the Police Officers that you saw  
23 them get in a car and go west on Lafayette Street?

24 A I didn't tell the Police Officers very much because  
25 I was concealing my own crime.

1 Q I am asking you?

2 A I don't recollect anything that I may have said at  
3 the time.

4 MR. BROWN: I ask that all that be stricken.  
5 I am asking specific questions.

6 THE COURT: The answer will stand.

7 BY MR. BROWN:

8 Q So, did you or did you not tell them that you  
9 saw these men get in a car? Which is it?

10 A I don't recall.

11 Q You don't recall that. Could you tell me this,  
12 sir, if you will. How many shots in all do you recall  
13 having heard?

14 A Between 4 and 6.

15 Q Between 4 and 6?

16 A 4, 5 or 6.

17 Q Did you ever report the officers that you heard more  
18 than 4 shots?

19 THE PROSECUTOR: Objection. Which Officers?

20 THE COURT: Yes, I think you ought to make  
21 that clear.

22 BY MR. BROWN:

23 Q Alright, your Honor. Did you ever on October 14,  
24 1966 report to Officers Le Conte, Mohl or Lt. De Simone that  
25 there were more than 4 shots? A No, sir.

1 Q In fact you told them you heard two shots and  
2 then kept coming on towards the tavern and heard two more,  
3 is that correct?

4 A Yes, sir.

5 Q And so then you never told anybody that there  
6 were more than 4 shots, is that correct?

7 A Yes, sir.

8 Q Now, this is the first time that you remember  
9 making a statement, is that correct?

10 A Making what statement? That I heard more than 4?

11 Q That there were more than 4? Yes?

12 A I know I heard 4, definitely.

13 Q You know you heard 4?

14 A Definitely.

15 Q Now, have you tried to stretch it to 6 because  
16 of a conference you had with the Prosecutor last night  
17 or yesterday?

18 A I didn't have a conference last night.

19 Q You didn't see him?

20 A I didn't talk to him last night.

21 Q You didn't talk to anybody on the Prosecutor's  
22 Staff last night?

23 A No one about this trial.

24 Q You talked to someone on the Prosecutor's staff  
25 last night didn't you? A Yes, sir.

1 Q And didn't you discuss this trial at all?

2 A No, sir.

3 Q Well, did you discuss what reward you were  
4 to get, say in terms of deferring a parole?

5 A I was never promised anything from the Prosecutor's  
6 Office.

7 Q Were you promised anything from anyone else in  
8 the form of a reward?

9 A No, sir.

10 Q You are aware, of course, that there is a reward  
11 offered by the Tavern Owners Association, aren't you?

12 A I am not aware of anything.

13 Q You are not aware of that reward?

14 A It is possible, but nobody said anything to me about it.

15 Q You are not aware of the fact that the  
16 Municipality offered a reward for information? You are  
17 not aware of that?

18 A Not that I recall.

19 Q You are not aware that the Mayor of this city  
20 declared that on the very day of the offense in the news-  
21 papers of the city?

22 A This could be hearsay, I don't recall.

23 Q You don't recall.

24 A And no one from the Prosecutor's office promised me  
25 anything except protection.

1 Q When is your parole up, sir?

2 A I don't know.

3 Q May I inform you that the maximum date--

4 THE COURT: Don't inform him of anything.

5 Ask questions, Mr. Brown.

6 BY MR. BROWN:

7 Q Do you know when you were released from the  
8 Reformatory at Bordentown? Do you know that?

9 A Do I know when I was released?

10 Q Yes, sir.

11 A Yes, I do.

12 Q Were you instructed as to when your maximum  
13 sentence expired?

14 A I believe it is '67.

15 Q Would May, 1969 refresh your recollection?

16 A '69 I don't recall.

17 Q You don't recall?

18 A I am not very good on dates.

19 Q Let me ask you if it isn't a fact that you got  
20 a copy of this record when you left the Reformatory?

21 A Probably so.

22 Q Well, does this refresh your recollection with  
23 this official notice that your maximum sentence expires  
24 March 3, 1969? Does that refresh your recollection?

25 A Yes.

1 Q Now, I ask you, now that your memory is re-  
2 freshed, what is the maximum date of the expiration  
3 of your sentence?

4 A What is the date?

5 Q Of the expiration of your sentence?

6 A May 3, 1967.

7 Q Did you read what I just said?

8 THE COURT: 1969.

9 THE WITNESS: 1969. I didn't even notice.

10 BY MR. BROWN:

11 Q I understand that.

12 A That doesn't mean anything to me because my parole  
13 officer told me I could be released before 1969.

14 THE COURT: Do you want that?

15 MR. BROWN: Yes.

16 BY MR. BROWN:

17 Q You say your parole officer told you that?

18 A Yes, sir.

19 Q Are you aware that your parole officer has in-  
20 quired to find out why your parole has not been--

21 THE COURT: We are not interested in  
22 going to that. We are going into entirely  
23 collateral matters.

24 MR. BROWN: He has opened the door.

25 THE COURT: The Court will stop ~~it~~ now.

1 BY MR. BROWN:

2 Q Well, your parole has not been revoked in spite  
3 of the fact that you confessed to an attempted breaking  
4 and entry and to larceny, is that right?

5 A I don't know if it has or hasn't.

6 Q Well, you are at large? You are pursuing your  
7 landscaping, aren't you?

8 A I wouldn't say that.

9 Q Well, aren't you conducting your business at  
10 landscaping as you testified yesterday?

11 A I don't recall.

12 Q Well don't you know what your doing these  
13 days? Are you walking? Are you outside in the street?

14 A It seems to me you are getting me confused.

15 THE COURT: The question is, are you  
16 working? Are you free to do whatever you see  
17 fit now?

18 THE WITNESS: Sometimes, and sometimes I  
19 am not. Sometimes I am in protective custody  
20 and sometimes I am just watched at the house.

21 BY MR. BROWN:

22 Q You told this jury that you were working as a  
23 landscaper?

24 A And I just said sometimes working and sometimes I am  
25 not working.



1 Q You are not in Bordentown Reformatory? You are  
2 not in any institution, are you?

3 A Not to my knowledge.

4 Q Then you are at large, as far as any institution  
5 return and violation of parole, aren't you?

6 A Yes, sir.

7 Q So that nothing has been done, although everybody  
8 knows about your thievery and about your violation of parole,  
9 isn't that correct?

10 THE COURT: Don't answer that. This is  
11 argument for you to make.

12 MR. BROWN: I will withdraw it.

13 BY MR. BROWN:

14 Q Has anything been done with reference to revocation  
15 of your parole?

16 THE COURT: He has answered it twice al-  
17 ready, no. Next question.

18 MR. BROWN: Well, if your Honor please,  
19 he hasn't--

20 THE COURT: I am not interested in repetition  
21 in this Courtroom, Mr. Brown. You have asked  
22 the question.

23 We will progress somewheres to the next  
24 question.

25 MR. BROWN: Your Honor, the only problem

1 is that the record is not clear.

2 THE COURT: I feel it is, Therefore,

3 I have ruled.

4 BY MR. BROWN:

5 Q Were you asked to appear before the Grand Jury  
6 to testify concerning this matter, sir?

7 A I don't recall.

8 Q You don't recall?

9 A It is not to my knowledge as of yet.

10 Q You did not know that you were asked to waive  
11 immunity and appear before a Grand Jury in October to  
12 testify as to the matter?

13 A Which matter? The parole matter or the matter of  
14 this case?

15 Q The matter of this case?

16 A Yes, I know that.

17 Q You were asked to testify before the Grand Jury  
18 as to this matter, is that right?

19 A Yes, sir.

20 Q And you were asked to waive your immunity so  
21 that you could come in and testify, is that right?

22 A Yes.

23 Q And you refused to do that, didn't you?

24 A Yes, sir, Mr. Brown.

25 THE COURT: The jury is instructed that

1 no on is required to waive a Constitutional  
2 privilege of immunity and that is not to be  
3 considered by you in any manner in this case.

4 MR. BROWN: If your Honor please, this  
5 does relate to a very vital area of this case.

6 THE COURT: I understand your position,  
7 Mr. Brown. I have instructed the jury and that  
8 will stand as the Law of the case.

9 BY MR. BROWN:

10 Q Now, since you have been here testifying, Mr.  
11 Bello, you have been unable to remember your address.  
12 You have been unable to remember conversations with Police  
13 Officers. Would you tell me when it was that you first  
14 remembered what these people looked like other than the  
15 descriptions that you gave to Officers Greenough and Unger of  
16 5'11"?

17 THE PROSECUTOR: Objection.

18 THE COURT: He did not say he gave a description  
19 of 5'11". You said it. Rephrase your question.

20 BY MR. BROWN:

21 Q Is it a fact that you now recall that you gave  
22 a description to these officers of 5'11", or do you say  
23 that if they made such notations they were in error and  
24 put what was wrong?

25 THE PROSECUTOR: Objection. This has been

1 covered over and over.

2 THE COURT: Objection sustained.

3 MR. BROWN: It hasn't been heard over  
4 and over your Honor.

5 THE COURT: The objection is sustained.

6 BY MR. BROWN:

7 Q Now, is it a fact that you actually told the  
8 Police that at the time you say you were standing on the  
9 corner of Lafayette and 16th, that you were walking from  
10 the corner to corner, Mr. Bello? Do you recall that?

11 THE COURT: Which police are we talking  
12 about now?

13 MR. BROWN: I concede your Honor that  
14 there are several police.

15 THE COURT: Thank you. Now, let us limit  
16 it. Which police are you talking about?

17 MR. BROWN: I am talking now about the  
18 statements given in October of 1966.

19 THE COURT: Do you remember the question?

20 BY MR. BROWN:

21 Q Do you remember the question?

22 A The question?

23 MR. BROWN: I will withdraw it, your Honor.

24 THE COURT: Alright.

25 BY MR. BROWN:

**Bello-cross**

1 Q Do you recall at any time giving either Officers  
2 Mohl, DeSimone, Le Conte, Lawless, Unger or Callahan,  
3 statements to the effect that you were going from corner  
4 to corner while serving as a lookout for Police cars?

5 THE PROSECUTOR: Objection. When, your  
6 Honor?

7 THE COURT: Objection overruled. Did you  
8 tell any of them that?

9 THE WITNESS: Not that I recall.

10 BY MR. BROWN:

11 Q You do not recall, is that right? You do not  
12 recall telling the police, do you, that you ran into the  
13 alley that you described and hid?

14 A I remember that.

15 Q The alley being the fish store alley at the time  
16 you said a car shot by you?

17 A Yes, sir.

18 Q Now, that is the truth, that in fact you were  
19 hiding in the alley when the car went by?

20 A Is it a fact?

21 Q Is it a fact?

22 THE COURT: Did it actually happen?

23 THE WITNESS: On one of the statements I  
24 may have said that, but that wasn't the truth.  
25 At the beginning I didn't tell the truth. I

1                   didn't tell it to the end.

2           BY MR. BROWN:

3           Q     You didn't tell the truth until the end, is that  
4           right?

5           A     Yes, sir.

6           Q     Then is it the truth that as you walked down  
7           and you got closer to the bar you got to the end of the  
8           building instead of halfway down the building as you said  
9           you were when you saw two men? Is it true?

10          A     No, sir.

11          Q     That is not true?

12          A     No, sir.

13          Q     Now, is it also the truth that this young lady  
14          came in while you were inside the bar, to it, Mrs. Graham,  
15          and that she ran out screaming and that you went behind  
16          the bar?

17          A     Is that the truth?

18          Q     Yes?

19          A     Yes, Mr. Brown.

20          Q     And when you were walking behind the bar you  
21          weren't able to see Mr. Oliver lying on the floor as you  
22          started to walk around that bar, were you?

23          A     Was I able to see him lying on the floor?

24          Q     That is correct. That is the question I just  
25          put to you.

1 THE COURT: Before he got behind the  
2 bar?

3 BY MR. BROWN:

4 Q As you were walking along the bar after the  
5 young lady screamed you were not able to see this man  
6 Oliver lying on the floor behind the bar, were you?

7 A No, not unless I walked around. When I did walk  
8 around it.

9 Q Prior to your reaching the end as you walked  
10 down the bar to turn in, you didn't know Oliver was be-  
11 hind that bar, did you?

12 A No, sir. I guess I didn't see him there.

13 Q What you saw was the open cash register. That  
14 is what you saw and that you could see? That is why you  
15 were going behind that bar, is that right?

16 A I was going behind that bar to actually make a tele-  
17 phone call.

18 Q Even though you had two quarters in your pocket?

19 A I didn't really-- I didn't realize that. Well, to me  
20 it wasn't-- I don't know. I don't know exactly what it  
21 was at the time. But I thought more of a dime than a  
22 quarter.

23 Q You were going for cigarettes. You knew what  
24 change you had?

25 A I could have gotten off the bartender.

1 Q You could have? There was no bartender to be  
2 seen, Mister?

3 A Not after they were slain, I guess not.

4 Q Well, you seemed to know all about that. When  
5 did you do that?

6 THE COURT: Do what?

7 BY MR. BROWN:

8 Q Slay the bartender?

9 THE COURT: What?

10 MR. BROWN: When did he slay the bartender?  
11 That is addressed to him?

12 THE PROSECUTOR: Objection.

13 THE COURT: Answer that.

14 THE WITNESS: It is not to my knowledge.

15 MR. BROWN: No further questions, your  
16 Honor.

17 Not to his knowledge.

18 THE COURT: The jury will disregard the  
19 question, "When did you slay the bartender?"  
20 There is nothing to support it thusfar in my  
21 opinion.

22 MR. BROWN: If your Honor please, there  
23 is a great deal to support it. The question  
24 was not objected to and I ask your Honor to  
25 respectfully review your rules and let it  
26 stand for whatever weight it may have.



1 THE COURT: I have instructed the jury  
2 as I see it. I think it should be stricken  
3 in due justice to all parties.

4 MR. BROWN: Perhaps your Honor may re-  
5 consider it at a later time.

6 Your Honor, here is this man who was in  
7 there--

8 THE COURT: Please don't argue that  
9 question now.

10 CROSS-EXAMINATION

11 BY MR. STEIN:

12 Q Mr. Bello, when you first came down Lafayette  
13 Street towards the tavern you heard two sounds. You knew  
14 at that time there were two shots, sir?

15 A Did I know it from the first two sounds?

16 Q You knew there were two shots? Didn't you?

17 A Yes.

18 Q And when you proceeded down Lafayette Street it  
19 was toward the tavern, right?

20 A Yes.

21 Q Then you heard two more shots?

22 A Yes, sir.

23 Q And you continued to proceed, did you not, sir?

24 A Yes, sir.

25 Q Now, as you proceeded towards the tavern, having  
26 heard what you approximate as probably 4 shots, right?

1 A Yes, sir.

2 Q You saw two men come around the corner, is  
3 that correct?

4 A When I was right in the area of the tavern, yes.

5 Q Pretty close?

6 A Yes.

7 Q About 12 feet you said?

8 A About the last-- at the last point. Yes, or somewhere  
9 in that area.

10 Q There was one point made when you were 9 to 12  
11 feet away from those two men who had just come around the  
12 corner?

13 A Yes.

14 Q And you saw a shotgun in one man's hand, is that  
15 right?

A Yes, sir.

16 Q But you can't tell what kind of a shotgun, is  
17 that right?

18 A Definitely not.

19 Q You don't know if it was a one barrel or two  
20 barrels?

21 A I definitely know one man had a shotgun and I definitely  
22 know one man had a pistol.

23 THE COURT: Just answer the question.

24 Do you know whether it was one barrel or two

25 barrels?

1 THE WITNESS: No, sir.

2 BY MR. STEIN:

3 Q And you don't know what size the pistol was  
4 do you, sir?

5 A Not exactly.

6 Q Well?

7 A No, sir.

8 Q Can you describe this weapon at all, sir?

9 A Not in detail.

10 Q Can you describe it at all?

11 A Not in detail.

12 Q I am not asking you for a detail description.  
13 I want you to tell me whatever you can recollect at all  
14 about this weapon?

15 A It was a pistol. That is all I could recollect. It  
16 was a pistol.

17 Q And could you tell us what kind of a pistol it was,  
18 as to the shape or the type of the pistol that it was?

19 A No, sir.

20 Q It could have been an automatic, could it not,  
21 Mr. Bello?

22 A All I could tell you, sir, is that it was a pistol  
23 and I don't know it. I can't go into detail.

24 Q You don't know if it was an automatic?  
25 Now, do you know what an automatic pistol is?

1 A I believe so.

2 Q But you don't know if this was an automatic,  
3 do you? A No, sir.

4 Q And you don't know if it was a revolver either,  
5 do you? A No, sir.

6 Q And you certainly know, if I were to place an  
7 automatic and revolver side by side, let us say on that  
8 easel over there, you would be able to walk over and say  
9 that is an automatic and that is a revolver, isn't that  
10 right, sir? A Definitely.

11 Q But you didn't know in this case which?

12 THE COURT: He said he did not.

13 BY MR. STEIN:

14 Q Now, you described one man as rather, specifi-  
15 cally as to the clothes that he wore, with reference to  
16 a vest, jacket and so forth, is that right? A Yes.

17 Q That man was holding which weapon, according  
18 to your recollection? A Shotgun.

19 Q And the other man was dressed how, sir, the  
20 man whom you say was holding some kind of pistol?

21 A Darker clothes, brown or blue. I don't actually  
22 notice clothes too well.

23 Q Well? A The color I mean.

24 Q Well, on Friday, October 14, when you gave the  
25 statements, did you give some description as to what the

Bello-cross

1 clothes were that this man was wearing?

2 THE COURT: Will you show him what you  
3 are referring to?

4 BY MR. STEIN:

5 Q Let me show you on Page 2. This, of course,  
6 you are familiar with, are you not, of this statement?  
7 This is your statement, isn't it?

8 A I just told my story.

9 THE COURT: Just answer the question.

10 THE WITNESS: Yes.

11 BY MR. STEIN:

12 Q That is your signature? A Yes, sir.

13 Q Do we have to go and see if you can identify  
14 each issue?

15 THE COURT: Don't argue with him. He  
16 said yes.

17 BY MR. STEIN:

18 Q Page 2, sir. "The other one was a little taller  
19 and he was wearing dark clothes, brown or black or some-  
20 thing like that." A Yes.

21 Q Is that what you said on October 14, 1966?

22 A Yes, sir.

23 THE COURT: And now he said brown or blue.

24 THE WITNESS: Brown, black or blue.

25 BY MR. STEIN:

26 Q Because what you remembered on October 14, 1966.

1 was that it was brown or black, or something like that,  
2 is that right?

A That is correct.

3 Q Were you able to make any other observations  
4 as to the type of clothes that this man with this pistol  
5 was wearing?

A Sir?

6 Q Were you able to make any observations as to  
7 the type of clothes that this man with the pistol was  
8 wearing? Could you describe the type of garments that  
9 he wore?

10 A I can't go into detail.

11 Q Let me ask this. Can you describe anything  
12 about the characteristics of these clothes that you  
13 recall other than the color?

14 A Just the color.

15 Q You can't recall whether for instance the man  
16 was wearing a jacket or a shirt, can you?

A No, sir.

17 Q And you can't recall that the man had a tie  
18 on, could you?

A No, sir.

19 Q And you can't recall for instance if this second  
20 man who you say was carrying some kind of a pistol was  
21 wearing a hat of any kind, can you?  
22 I believe he had a hat. I'm not sure. I'm not positive, so  
23 I'm not going to say.

A I be-

24 Q But you can with particularity describe the clothes  
25 of the man whom you say was carrying a shotgun, in much  
26 greater detail than you can the clothes of the

1 man who you say was carrying a pistol, is that right?

2 THE PROSECUTOR: I object. The witness  
3 has testified as to what he saw.

4 THE COURT: No, it is a proper question.  
5 The objection is overruled.

6 Do you recall the question?

7 THE WITNESS: Will you repeat it?

8 BY MR. STEIN:

9 Q Yes, you can give such more specific details  
10 about the clothes of the man who was carrying the shotgun  
11 as you said, then you can about the man whom you say was  
12 carrying some kind of a pistol, can't you?

13 A Well, sir, you are right. But I am not a movie camera,  
14 you know.

15 MR. BROWN: Pardon?

16 THE COURT: He said, "You are right."

17 MR. BROWN: May I ask that the last portion  
18 of the answer be read?

19 THE COURT: Will you please read it.

20 MR. STEIN: I ask that it be stricken.

21 THE COURT: Did you hear it?

22 MR. STEIN: I heard it.

23 MR. BROWN: I didn't hear it.

24 THE COURT: I don't think you heard it.

25 (The requested answer is read by the Court

26 Reporter.)

1 MR. BROWN: I want that to remain.

2 THE COURT: It will remain.

3 Alright, now you are consistent, Gentlemen.

4 The two of you will have to get together.

5 MR. BROWN: We are always consistent, your  
6 Honor. Maybe wrong, but always consistent.

7 THE COURT: Proceed, Mr. Stein.

8 BY MR. STEIN:

9 Q Now, you came back to police Headquarters, did  
10 you not, sir, in a car?

11 A In a car that morning.

12 Q And when you came back there had you an op-  
13 portunity at that time to see Mr. Carter and Mr. Artis?

14 A Yes, sir.

15 MR. STEIN: I have no further questions.

16 THE COURT: Anything further?

17 THE PROSECUTOR: Yes, your Honor.

18 REDIRECT EXAMINATION

19 BY THE PROSECUTOR:

20 Q Mr. Bello, I show you S-40 for identification.

21 Is that your signature? A Yes, sir.

22 Q This, is a statement I believe you gave to the  
23 police on June 17, 1966? A Yes, sir.

24 Q Now, on that particular date on June 17, 1966  
25 were you asked this question?



1 MR. BROWN: I object. There has to be  
2 a certain preliminary procedure before he can  
3 do this.

4 THE COURT: You asked questions based on  
5 the statements. If it is on the same subject  
6 matter he is certainly entitled to go into it.  
7 We don't know until we hear the question.

8 MR. BROWN: That is the problem. That is  
9 the problem and I would like to be heard out  
10 of the presence of the jury.

11 THE COURT: You want to be heard?

12 MR. BROWN: In an offer of proof.

13 MR. STEIN: May I request that Mr. Bello  
14 be excused too?

15 THE COURT: Well, there is no big problem.  
16 Do you have any objection to that?

17 THE PROSECUTOR: I have no objection.

18 THE COURT: The jury will be excused for a few  
19 minutes.

20 (The jury is excused from the Courtroom.)

21 (Alfred Bello is excused from the Courtroom.)

22 (A motion is made by the Prosecutor to read  
23 certain portions of the June, 1966 statement and  
24 is granted by the Court.)

25 (The jury is returned to the Courtroom.)

1 (Alfred Bello, being previously sworn  
2 resumes the witness stand.)

3 THE COURT: Alright.

4 THE PROSECUTOR: Thank you, your Honor.

5 CONTINUATION OF REDIRECT EXAMINATION

6 BY THE PROSECUTOR:

7 Q Now, Mr. Bello, with respect to S-40 for iden-  
8 tification, on June 17, 1966 were you asked this question:

9 "Tonight in the city of Paterson you were a wit-  
10 ness to a shooting. Will you tell me in your own words  
11 all that you can recall about the events that lead to this?"

12 Were you asked that?

A Yes, sir.

13 Q And did you give this answer, "Yes, a friend  
14 of mine named Kenny let me get out of his car, a block  
15 away from this tavern. I was going to the tavern to  
16 get cigarettes. I told him to go around the block. As  
17 I was walking up the street towards the bar, I heard two  
18 gun shots, so then I stopped, I didn't think that this  
19 tavern had a band, I heard two more gun shots. I had one  
20 cigarette left, and I lit the cigarette, and waited a  
21 minute. Nobody came out of the bar, so, I started walking  
22 down towards the bar. Then two colored guys, came out of  
23 the front door, one was about as tall as me, the other was  
24 a little taller than the first man. The short one had on  
25 a light colored jacket, and he was carrying a pump shotgun.

1 The tall one, his clothes were dark in color and he was  
2 wearing a hat. We both saw each other at the same time,  
3 and I turned around and ran. I didn't turn back or stop  
4 to look, but I think they chased me the full block, I  
5 ran about 5 or 6 houses up and I turned into the alley  
6 way. I stopped. I waited a minute or two, nobody came,  
7 and then I heard a car pulling away real fast, with a  
8 squeaking of the wheels. I ran out to the front of the  
9 house, and a white car came shooting by me. The two  
10 colored guys were in it. Well the clearest thing that  
11 I saw was the back of the car, it had, it was a brand new  
12 car, it had these two tail lights, and they tapered out  
13 towards the outside of the car. I didn't see the plate  
14 number. I ran back to the bar, went in the side door.  
15 There was one man laying over the bar, and another one  
16 just sitting there."

17 That ends page one.

18 THE COURT: Alright. The jury will under-  
19 stand that this statement that has been read  
20 seems to be cut off. The Court has not per-  
21 mitted anything further to be utilized in  
22 this statement. That is why it sounds that way.  
23 In addition, I wish to instruct the jury that  
24 the use of this statement, both by the defense  
25 and by the State, involves the problem of credi-

1 bility of the witness. The statement itself  
2 is not to be used by you as substitutive evidence  
3 of what it contains.

4 In other words, you are not to consider  
5 that as the evidence in the case. It is only  
6 used for the purpose of the credibility of  
7 the witness, whether it be to attack or to  
8 support him.

9 BY THE PROSECUTOR:

10 Q Mr. Bello, as far as I read down at the end of  
11 the page one, was that the answer given on June 17, 1966?

12 A Yes, sir.

13 Q Now, I show you S-41 for identification. Is that  
14 your signature on the bottom of page five? A Yes, sir.

15 Q With respect to page one of that statement, on  
16 October 14, 1966 were you asked this question?

17 THE COURT: Are you going into it? I'd  
18 like to advise the jury.

19 THE PROSECUTOR: Yes, Sir.

20 THE COURT: Now, Ladies and Gentlemen, the  
21 State now intends, now as I understand it, to  
22 make reference to another statement given by this  
23 witness on October of 1966. Again, the purpose  
24 of this statement is not to establish the facts  
25 contained in this statement. That is not evidence.

1           Such a statement cannot be used for that purpose.  
2           In this case this witness was attacked on cross-  
3           examination by virtue of the statement which you  
4           heard referred to of June 17, 1966. Now, the  
5           State is permitted to utilize another statement,  
6           not for the purpose of proving the truth of what  
7           is contained in it, but for the purpose of showing  
8           that the witness made another statement which may  
9           be or may not be as you find it, consistent with  
10          what he testified to in Court.

11                    If in other words, this statement also is only  
12                    to be considered by you in the matter of  
13                    considering and judging the credibility of the  
14                    witness, and not as substantive evidence of its  
15                    contents.

16                    THE PROSECUTOR: Thank you, your Honor.

17 BY THE PROSECUTOR:

18           Q     Mr. Bello, were you asked this question?

19                    "Q     I am going to ask you some questions in  
20                    regard to your activities during the early morning hours of  
21                    June 17, 1966. Do you agree to tell me truthfully of your  
22                    activities at that time?" Were you asked that question?

23           A     Yes, sir.

24                    MR. BROWN: Now, your Honor, that is not  
25                    proper, That was not ever been gotten into in

1           this case. I understood you limiting him to  
2           read that portion which related to whatever  
3           examination there was. There was no such  
4           question asked.

5           THE COURT: Alright. The objection is overruled.

6           BY THE PROSECUTOR:

7           Q     Did you give this answer, "Yes,"           A     Yes, sir.

8           Q     WERe you then asked, Will you tell me in your  
9           own words where you were and with whom during the early  
10          morning hours of June 17, 1966?" Were you asked that  
11          question?   A     Yes.

12          Q           And did you give this answer, "On June 17, I  
13          was driving around with Dexter Bradley and Kenny Kellogg.  
14          Kenny Kellogg was driving the car and we rode around the  
15          area of Lafayette Street and E. 18th Street. Then we  
16          parked the car about the middle of the block on Franklin  
17          Street between E. 18th and E. 16th Street. Kenny stood  
18          in the car and me and Dexter got out of the car. We  
19          walked up to the corner of E. 16th and Lafayette Street.  
20          Dexter told me about pulling a Breaking and Entering. So  
21          we walked over to the building and checked it out. Bradley  
22          said he would go into the building, and if I would stand  
23          on the corner of E. 16th Street and Lafayette and watch  
24          for any cars. While I was standing on the corner, I  
25          walked across the street and got a soda, drank the soda,

1 and I walked back on the other corner. I was facing  
2 toward Franklin Street, and as I turned around I saw a  
3 white car. It was either coming down E. 16th Street or  
4 Lafayette Street and it went down E. 16th Street toward  
5 Franklin Street. I noticed that there were some colored  
6 people in the car. Then I walked down toward Franklin  
7 Street. Dexter Bradley asked me who was in the car."

8 MR. BROWN: Now, your Honor, he is going  
9 into statements by Bradley and others which were  
10 never touched by the Defense.

11 THE COURT: Well, eliminate the portion  
12 that deals with any conversation of Mr. Bradley.

13 MR. BROWN: And there are many others.

14 THE COURT: We will get to it as we reach  
15 it.

16 Alright, Proceed Mr. Hull.

17 BY MR. HULL:

18 Q "I went down to Franklin Street and looked at some  
19 trucks that were down there, walked back up to the corner of  
20 16th and Lafayette Streets. As I was standing on the corner  
21 of Lafayette and 16th a white car was coming around the corner  
22 of Lafayette Street and turned right into E. 16th Street,  
23 heading toward Franklin Street. They went around the corner  
24 about 5 miles an hour and I could look into the car. I  
25 noticed there was something between the passenger's legs, it

1 looked like a rifle or a shotgun, and I also noticed a figure  
2 in the back seat, but I don't know if it was a man or a  
3 woman. And the car went down toward Franklin. Then I started  
4 to get a little impatient and I asked Dexter Bradley what was  
5 taking him so long."

6 After a conversation. "So, I walked back up to the corner.  
7 I waited about 5 minutes. Then I walked down to Dexter and I  
8 told him"--"I started to walk down Lafayette Street towards  
9 the Lafayette Grill when I heard what sounded to me like two  
10 shots. So I stopped a minute and I had one cigarette so I  
11 took it out and lit it up. Then I heard two more shots. I  
12 thought they were shots because I didn't think the Lafayette  
13 Bar had any entertainment there. So I kept walking towards  
14 the bar to see what it was. As I was coming closer to the bar  
15 I noticed there was a white car parked about 3 feet from  
16 the curb, facing 16th Street. I noticed it was the same  
17 car that I had seen earlier. I got to the end of the  
18 building, and two men came walking around the corner. One  
19 was short wearing a white jacket, black pants, his jacket  
20 was open and he had a goatee, he was also wearing a vest.  
21 And he was swinging a shotgun or a rifle. The other one  
22 was a little taller and he was wearing dark clothes, brown  
23 or black or something like that, and he had a pistol in  
24 his hand. And they were talking loud and laughing. At first,  
25 I thought they were colored detectives. I took a few more  
26 steps and realized they weren't colored detectives. I



1 thought I seen them somewhere before. And I turned  
2 around and ran up Lafayette Street toward E 16th Street.  
3 I turned into an alleyway up the street aways. I ran  
4 down to the end of the alleyway and I heard a car pulling  
5 away. So I ran to the front of the alleyway and the car  
6 had slowed down momentarily and stepped on the break and  
7 I noticed the back lights of the car lit up. There was  
8 a couple of colored guys in the car. I went back down  
9 to the bar. And I looked in the doorway. Then I went  
10 inside, in the door on the Lafayette Street side. I  
11 noticed there was a man laying over the bar with his head  
12 down on the bar. There was another man sitting at the bar.  
13 He looked like he was in shock or something. There was a  
14 woman laying on the floor by the front door of the bar. I  
15 walked over by the woman and as I stopped there I could see  
16 the man who had been sitting at the bar wandering toward  
17 the back of the bar. The woman was shot in the stomach.  
18 At that time a girl came to the Lafayette Street side door.  
19 I told her to stay by the door and wait outside. But she  
20 walked in the bar and screamed, and ran out the side door.  
21 I got up and walked around to the back of the bar. There  
22 was a man laying on the floor. He looked like he was dead.  
23 So I figured I'd better call the police. I walked over to  
24 the cash register and the cash register was open. There  
25 was money thrown around on the floor. So I was taking a

1 dime out of the cash register and there was other bills  
2 in the cash register, and I took some money from the cash  
3 register. I went back around the bar and out the side door,  
4 I met Dexter Bradley on Lafayette Street, and he asked me  
5 what happened at the bar."

6 THE COURT: Alright.

7 BY THE PROSECUTOR:

8 Q "I gave him the money that I had took from the  
9 bar, I went back down to the bar and I got on the telephone  
10 and I dialed operator. I went to the front door and I  
11 looked out the front door for a street post sign, but I  
12 didn't see one. So I went back and I said--"

13 "The girl from upstairs came down and about 4 or 5  
14 minutes later the police car got there. The patrolman in  
15 the car asked me--"There was a question and then he told  
16 the policeman something. "Then about 10 or 15 minutes  
17 later the police brought the car back, and the two men  
18 that were at the car with the police were the same two  
19 men I seen coming out of the bar."

20 Did you give that answer? A Yes, sir.

21 MR. BROWN: Now, if your Honor, please,  
22 is that the end of it, Mr. Hull?

23 THE PROSECUTOR: I am going now to page  
24 5, Mr. Brown.

25 MR. BROWN: Page 5.

1 Well, the rest is colloquy, your Honor,  
2 which was never touched in this case.

3 THE COURT: What are you referring to  
4 on Page 5?

5 THE PROSECUTOR: I am starting with the  
6 first question, your Honor.

7 MR. BROWN: I did not refer to any state-  
8 ment of this. This is all colloquy.

9 THE COURT: Yes, that will have to be  
10 asked by direct questioning rather than through  
11 the statements.

12 THE PROSECUTOR: Very well, your Honor.

13 BY THE PROSECUTOR:

14 Q Mr. Bello, you gave a statement to the police  
15 on June 17, 1966, is that correct? A Yes, sir.

16 Q At the time on June 17, 1966 as you had testified  
17 here, you did not identify for the police, either the Defendant  
18 Rubin Carter or John Artis, the men you saw on Lafayette  
19 Street, is that right? A Yes, sir.

20 Q Why did you not identify Mr. Carter and Mr. Artis  
21 at the time?

22 MR. BROWN: I object to it, your Honor.

23 THE COURT: Yes, your objection is noted.

24 We, of course, covered that problem.

25 Answer the question.

1           THE WITNESS: Because I recognized the  
2 fact that I was down in the area and I was  
3 on a conspiracy to break and enter, in helping  
4 to break and enter. And later on as I walked  
5 up the street I got involved in a murder. And  
6 I also realize that I had recognized the two men  
7 who came around the corner and I realized that  
8 if I had recognized them they had recognized  
9 myself.

10           MR. BROWN: I object to that and ask that  
11 be stricken, your Honor. This man is not a  
12 mind reader.

13           THE COURT: The objection is overruled. You  
14 will continue, Mr. Bello.

15           THE WITNESS: Knowing that I am a parolee  
16 and this was a violation and I didn't want the  
17 repercussion to fall on my family and I feared.  
18 I was approached on three different occasions.

19           MR. STEIN: I object to that, your Honor.

20           THE COURT: That will be stricken.

21           Alright, the jury will disregard the last  
22 remarks.

23           The jury will disregard the remark of being  
24 approached on several occasions.

25           Alright, continue.

1           THE WITNESS: I realized that if I ever  
2 would take the fall for my crime and go back  
3 to a Reformatory and be incarcerated that this  
4 man has friends in the institutions.

5           MR. BROWN: Your Honor, I ask for a mistrial.  
6 This is precisely the reason that I ask this to  
7 be an offer of proof.

8           I ask for a mistrial at this time.

9           THE COURT: Your motion is denied.

10          The jury will disregard the remarks made  
11 last by the witness with regard to the institutions  
12 or friends. That is not involved in this case.  
13 That is not evidence and it is not to be con-  
14 sidered by the jury in any regard in this case.

15          MR. BROWN: Your Honor, I respectfully ask  
16 to have an offer of proof.

17          THE COURT: You have asked for it and I have  
18 ruled, sir.

19          Continue, Mr. Bello. Anything else?

20          THE WITNESS: Yes. I realize that I com-  
21 mitted a crime. There is a seriouser one com-  
22 mitted and I should just tell my crime.

23          MR. BROWN: Are we to listen to this man's  
24 speculations?

25          THE COURT: Proceed.

1 THE WITNESS: I don't have anything else  
2 to say.

3 THE COURT: Alright.

4 BY THE PROSECUTOR:

5 Q Mr. Bello, you gave this statement on October 14,  
6 1966, is that correct? A Yes.

7 Q You testified in Court yesterday, is that right?  
8 A Yes.

9 THE COURT: And today.

10 BY THE PROSECUTOR:

11 Q And today. And you identified both of the Defen-  
12 dents, Rubin Carter and John Artis.

13 MR. BROWN: I object. This is a leading  
14 question.

15 THE COURT: Objection sustained. The jury  
16 knows what he said and there was no purpose in  
17 repeating it.

18 THE PROSECUTOR: I have nothing further, Sir.

19 THE COURT: Alright, Mr. Brown, do you have  
20 anything further?

21 MR. BROWN: Yes, I have, your Honor.

22 THE COURT: Alright.

23 RE-CROSS-EXAMINATION

24 BY MR. BROWN:

25 Q Mr. Hull has just read you a statement that is

1 called S-41 for identification. The date referred to is  
2 October 14, 1966 and that is a statement which you say is  
3 true, is that right? A Yes, sir.

4 Q But in that statement, Mr. Bello, you state, as  
5 Mr. Hull read it that, "Kenny Kellogg was driving the car  
6 and we rode around the area of Lafayette Street and East  
7 18th Street. Then we parked the car about the middle of the  
8 block and Kenny stood in the car." You admit that as  
9 a lie, right? And that is in this truthful statement you  
10 gave. That is wrong, isn't it? It is not the truth?

11 THE COURT: Answer that.

12 THE WITNESS: Would you mind repeating it?

13 BY MR. BROWN:

14 Q Sure. You say in here that, "Kenny stood in the  
15 car and me and Dexter got out of the car." That is not  
16 true, is it? A To the best of my  
17 knowledge.

18 Q Then you say that, "Dexter told me about pulling  
19 a Breaking and Entering." You say that is not so. You  
20 had planned it previously, right? A No, sir.

21 He had told me about it and we talked about it.

22 Q This here statement indicates that he told you  
23 about it at this time when you got out of the car, is that  
24 right?

25 THE COURT: Well, it doesn't say that.





1 MR. BROWN: Yes, sir. That is the burden  
2 of my question, your Honor.

3 THE COURT: Alright. Can you answer that?

4 THE WITNESS: On the 18th?

5 BY MR. BROWN:

6 Q That is right, as opposed to the 17th?

7 A In that general area. I don't recall.

8 THE COURT: Did you give another written  
9 statement besides June 17th?

10 THE WITNESS: It might have been on the  
11 morning of June 17th or 18th.

12 THE COURT: The question is this--

13 THE WITNESS: I don't recall.

14 THE COURT: Will you please wait until  
15 you hear the question. In addition to the  
16 statement of June 17th which has already been  
17 shown you, did you give any other written  
18 statement the next day or two days later?

19 THE WITNESS: I might have. I don't recall  
20 exactly. I don't recollect.

21 BY MR. BROWN:

22 Q Well, you gave one on the 17th and on the 18th  
23 then as far as you can remember?

24 THE COURT: He says he doesn't remember, sir.  
25 Don't put words in his mouth, Mr. Brown. He didn't

1 say that.

2 MR. BROWN: I understood him to say he  
3 probably did.

4 THE COURT: He doesn't know. He may have.

5 BY MR. BROWN:

6 Q Now, when you ran away from these men and ran  
7 down to the end of the alley, is it correct that you  
8 ran down to the end of the alley, indicating on this  
9 diagram the alley next to the fish store? Is that where  
10 you ran, according to the statement? You ran to the  
11 end of the alley, is that correct? A To the  
12 best of my knowledge.

13 Q And how long did you stay down at the end?

14 A I just turned right around and came back out.

15 Q You turned right around and came back out, is  
16 that right? A To the best of my  
17 knowledge.

18 Q Now, you have stated that one man was a little  
19 taller and was wearing dark clothes. That is the issue  
20 that Mr. Stein covered this morning, is that right?

21 A Yes, sir.

22 Q You now indicate that you are not sure about  
23 that, is that right? Well, you said you thought it  
24 was blue? Is that correct?

25 A Blue, black or brown. Dark.

1 Q I want you to show me where you had included  
2 the blue which you said this morning is the color that  
3 you really referred to? Do you include blue anywhere  
4 in there? A No, sir.

5 Q Now, in addition to that, you say that one of  
6 the reasons you turned around was that you knew you were  
7 recognized by the other men, is that right? A Yes, sir.

8 Q Did you have any means of reading their minds,  
9 since you state that you now know that they never followed  
10 you? You ran in your own course for your own reason?

11 THE COURT: Well, this sounds like a state-  
12 ment to me.

13 Will you please ask a question.

14 MR. BROWN: It is a rhetorical question.

15 THE COURT: We do not want rhetorical  
16 questions.

17 MR. BROWN: I withdraw it.

18 BY MR. BROWN:

19 Q Isn't it a fact that you fled and now it meant  
20 that nobody followed you at all? A Yes, Yes, sir.

21 Q Isn't it a fact that all those reasons you  
22 gave to Mr. Hull came out of your own mind? This was your  
23 immediate conclusion, yourself? A Yes, sir.

24 Q So that whatever you told the jury about your  
25 reasons came out of your own thinking and didn't come from

1 anybody else, isn't that correct? A Yes, Mr. Brown.

2 Q And therefore what you imagine and what you thought  
3 prompted you to give this statement on June 17th was because  
4 of what you were thinking, is that correct? A Yes,  
5 Mr. Brown.

6 Q And you now concede that the question of June 17th  
7 is quite different from your questions and answers on  
8 October 14th, 1966?

9 A For the reason that I stated before.

10 THE COURT: Now, just say it is different,  
11 isn't it?

12 THE WITNESS: Yes, it is different.

13 BY MR. BROWN:

14 Q And that in turn is different from the testimony  
15 you have given here for the last two days?

16 THE COURT: What in turn?

17 BY MR. BROWN:

18 Q The testimony you gave here for the last two  
19 days is different from June 17? A Yes, but--

20 Q And it is different from the October 14th state-  
21 ment too, isn't it?

22 THE COURT: Well, there are two general  
23 statements, Mr. Brown. You have covered the  
24 specifics and the jury has heard it.

25 BY MR. BROWN:

26 Q Now, Mr. Bello, with respect to any information

1 you gave the police, including the other statements, and  
2 interrogated you on this morning, the oral statements that  
3 allegedly were given to other police officers, all of them,  
4 each is different from the other, is that not true, the  
5 statement of October 17, the statement you gave to the  
6 police? All of these differ, do they not?

7 THE PROSECUTOR: Objection.

8 THE COURT: Objection sustained. It is  
9 too broad a question.

10 BY MR. BROWN:

11 Q On October 3rd, you concede that you told the  
12 Officers who spoke to you a part of your new story but  
13 left out the business of rifling the safe, is that right?

14 A I don't recall. I don't recollect.

15 Q You don't recollect. Well, do you recollect that  
16 in the statement of October you told something about the  
17 safe that you had not told in the June 17th statement, isn't  
18 that correct?

19 THE PROSECUTOR: Objection.

20 THE COURT: Why?

21 THE PROSECUTOR: Something about a safe.

22 THE COURT: You mean the register?

23 BY MR. BROWN:

24 Q The register. Did you say something about the  
25 register in October that you hadn't said in June? A Yes.

1 Q And you said something about the identity of  
2 the men in October that you hadn't said in June? A Yes.

3 Q And all of this you say was to protect you from  
4 going back to the Reformatory for a violation of your parole,  
5 is that right? A Yes, Mr. Brown.

6 Q Well, you haven't gone back yet, have you?

7 THE COURT: You have already covered that.

8 BY MR. BROWN:

9 Q So, you have achieved really what you set out to  
10 do?

11 THE PROSECUTOR: Objection.

12 THE COURT: Don't answer.

13 BY MR. BROWN:

14 Q Well, none of your fears have been realized, have  
15 they, sir?

16 THE PROSECUTOR: Objection.

17 THE COURT: Objection sustained.

18 BY THE PROSECUTOR:

19 Q Have you received any favors from anybody for  
20 these statements? A Not to my knowledge.

21 Q Well, you are still on the streets, aren't you?

22 THE COURT: Haven't we covered that.

23 MR. BROWN: I am going into the next  
24 question.

25 THE COURT: We covered it completely.

1 MR. BROWN: Not the next question.

2 THE COURT: Will you please wait until  
3 I finish. Your present question is improper.  
4 You have covered it completely on your cross-  
5 examination. This should be limited to the  
6 statements and on the subsequent testimony.

7 BY MR. BROWN:

8 Q Well, as a result of the statement which you  
9 gave which alters the others to that of October 14, you  
10 expected you might have to return to the prison, isn't  
11 that right? A Would you mind re-  
12 peating that, sir?

13 Q Why certainly. In return for the statement which  
14 you gave in October, October 14, 1966, it is your expect-  
15 tation that you will not have to go back to the Reformatory,  
16 isn't that correct? A No, sir.

17 Q You expect to go back?

18 A I expect to be incarcerated somewhere.

19 Q For these crimes?

20 A For these crimes that I have committed.

21 Q The crime that you committed on June 17th, you  
22 expect to go to jail for, is that correct?

23 THE COURT: He said it already.

24 BY MR. BROWN:

25 Q Well, you haven't even been charged, Mister, have

1 ARTHUR DEXTER BRADLEY, being first  
2 duly sworn testifies as follows:

3 DIRECT EXAMINATION

4 BY THE PROSECUTOR:

5 Q Mr. Bradley, where do you live?

6 A 22 Bell Avenue, Paterson.

7 Q Please keep your voice up.

8 MR. BROWN: 22 what Avenue?

9 THE COURT: Bell. Bell Avenue is the  
10 expression.

11 BY THE PROSECUTOR:

12 Q You are not working at the present time?

13 A No.

14 Q Mr. Bradley, have you ever been convicted of  
15 a crime. A Yes, sir.

16 Q On or about May the 26th of 1962, were you  
17 convicted of larceny in the Paterson Municipal Court and  
18 given a sentence in the Passaic County jail of 61 days?

19 A Yes.

20 Q On or about December 7th of 1962 were you  
21 convicted of larceny of a motor vehicle in the Passaic  
22 County Court and given a sentence of two years probation?

23 A Yes.

24 Q On or about September the 13th of 1964, were  
25 you convicted of breaking and entry with intent to



1 steal and larceny in the Passaic County Court, and  
2 sentenced to Bordentown for an indefinite term?

3 A Yes.

4 Q On or about March the 12th of 1965, were you  
5 convicted of breaking and entering with intent to steal  
6 and larceny in the Bergen County Court and sentenced to  
7 an indeterminate term in Bordentown to run concurrent  
8 with your conviction in the Passaic County Court?

9 A Yes.

10 Q And also on March the 12th of 1965, were you  
11 convicted in the Bergen County Court of breaking and  
12 entering with intent to steal and larceny and sentenced  
13 to Bordentown for an indeterminate term which sentence  
14 was to run concurrently with your conviction in the  
15 Passaic County Court?

A Yes.

16 Q Mr. Bradley, where are you at the present time?

17 A Morris County jail.

18 Q Morris County jail. Please keep your voice up.  
19 Mr. Bradley, where were you on June the 17th of 1966,  
20 approximately between 2 and 2:30 in the morning?

21 A In the vicinity of the Lafayette Grill in Paterson.

22 Q You will have to keep your voice up.

23 THE COURT: Will you try to speak out?

24 Maybe you ought to bring the chair up a little  
25 too.

1 BY THE PROSECUTOR:

2 Q How did you get to the vicinity of the Lafayette  
3 Grill? A In the car.

4 Q In whose car? A Kenny Kellogg's.

5 Q And where did you go in the car?

6 A When we arrived in that vicinity?

7 Q Yes. A We parked on Franklin  
8 Street.

9 Q In Paterson? A Yes.

10 Q Now, Mr. Bradley, would you please step down  
11 to this diagram which is S-3 in evidence.

12 (The witness steps down to the diagram.)

13 BY THE PROSECUTOR:

14 Q This is East 18th Street; Lafayette Street; East  
15 16th Street and Franklin Street. Can you point out for us  
16 on this diagram approximately where you stopped in the car  
17 on Franklin Street? A We parked  
18 right here.

19 THE COURT: Number one, Mr. Bradley, would  
20 you turn to your right so the jury can see the  
21 diagram, and yell out so everybody can hear you,  
22 please.

23 THE WITNESS: We parked the car on Franklin  
24 Street facing East 16th Street.

25 BY THE PROSECUTOR:

1 Q Who was in the car at that time? You may resume  
2 the witness stand.

3 (The witness resumes the witness stand.)

4 BY THE PROSECUTOR:

5 Q Who was in the car at that time?

6 A Kenneth Kellogg, Alfred Bello and myself.

7 Q And what did you do after the car was parked on  
8 Franklin Street? A I removed a tire iron  
9 from under the front seat.

10 Q You will have to speak up.

11 A I removed the tire iron from under the front seat.

12 Q Of the car? A Yes.

13 Q And what did you do? A Alfred  
14 Bello and I walked up Franklin Street to East 16th and  
15 toward Lafayette Street for the purpose of breaking into  
16 a building.

17 Q What building was that?

18 A Ace Sheet Metal.

19 Q Now, would you step down again please and show  
20 for us on this diagram the route that you took?

21 (The witness steps down to the diagram.)

22 THE WITNESS: We left the car, here. We  
23 walked down Franklin Street to East 16th and  
24 the building is right here.

25 THE PROSECUTOR: Alright. You may get

1 back on the witness stand.

2 (The witness resumes the witness stand.)

3 BY THE PROSECUTOR:

4 Q And what did you do then when you turned into  
5 East 16th Street?

6 A I told Bello when we got to it.

7 Q You had a conversation with Bello?

8 A Yes.

9 Q What did you do after you had the conversation  
10 with Bello? A Just before we got to the  
11 front of the place I told Bello to--

12 MR. BROWN: I object.

13 THE COURT: Don't tell us the conversation.  
14 As a result of the conversation what did you do  
15 next?

16 THE WITNESS: I went to the front door of  
17 the building.

18 BY THE PROSECUTOR:

19 Q Now, I show you S-36 in evidence, a photograph.  
20 Is the front door of that building contained in this  
21 photograph? A Yes, right there.

22 THE COURT: You see you can't speak to  
23 yourself. We all have to hear you. What did  
24 you say?

25 THE WITNESS: Yes, it is in the photograph.

1 BY THE PROSECUTOR:

2 Q Would you point out to the Judge, counsel  
3 and the jury where this door was?

4 A Right here. Behind the trees.

5 THE COURT: Behind the trees to the right  
6 of the truck that is parked there, is that  
7 correct?

8 THE WITNESS: Yes.

9 THE COURT: Alright. Turn it around for  
10 the jury.

11 THE WITNESS: Right here.

12 THE COURT: Do you want to hold it up a  
13 little. I don't think they can see it.

14 Did everyone see it?

15 BY THE PROSECUTOR:

16 Q What did you do when you got to the front door  
17 of the building?

18 A I tried to force the door with the tire iron.

19 Q And what happened?

20 A Bello had gone up to the corner to--

21 Q Please you will have to keep your voice up.

22 A Bello had gone up to the corner to watch for any cars  
23 coming or for the police. I tried to force the door.

24 Q Toward which corner did Bello go?

25 A East 16th and Lafayette.

1 Q Is this the corner? A Yes.

2 Q What happened then? A A car  
3 went by and I threw the tire iron into the weeds right  
4 around there. I threw the iron into the grass right  
5 around there.

6 Q What were you doing when the car went by?

7 A I went to the corner.

8 Q Did you see the car that went by?

9 A No. I had all black clothes on and I hid my face  
10 so a car going by wouldn't see me. It would be harder  
11 for them to see me.

12 Q Now, could you tell where the car was going by?

13 A It came from Lafayette Street and went toward  
14 Franklin on East 16th.

15 Q You mean in this direction? A Yes.

16 Q What did you do, then? A After the  
17 car went by I started looking for the tire iron and I  
18 couldn't find it right away and then Bello came back and  
19 asked me.

20 Q You had a conversation with Bello?

21 A Yes.

22 Q What happened after you talked with Bello?

23 A After I talked with him?

24 Q Yes. A I eventually found the  
25 tire iron and continued to try to force the door on the

1 building.

2 Q What happened then?

3 A Bello had gone across East 16th Street to get a soda.  
4 And he came back and we had another conversation.

5 Q What happened after you spoke with Bello this  
6 time? A I told him--

7 THE COURT: Not what you said. I am sorry  
8 but we can't permit that. Only what you did.  
9 No conversations.

10 THE WITNESS: Bello walked to the corner  
11 of Franklin and East 16th Street on the opposite  
12 side of East 16th Street.

13 BY THE PROSECUTOR:

14 Q Up in this direction? A Yes.

15 Q Where were you when Bello walked up there?

16 A Still trying to force the door.

17 Q And what happened then?

18 A I realized that a car could come up Lafayette Street.  
19 The police, if someone had noticed us.

20 MR. BROWN: I object and ask that all that  
21 be stricken.

22 THE COURT: That will be stricken. Tell  
23 us what you did after that.

24 THE WITNESS: I walked through the alleyway  
25 of the house on the corner. I came out to

1 the alleyway facing Lafayette Street

2 BY THE PROSECUTOR:

3 Q I show you S-35 in evidence. Is the alleyway  
4 that you spoke about contained in that photograph?

5 A Yes.

6 Q Where is it? A Right here.

7 THE COURT: Indicating the alleyway  
8 between the two houses.

9 THE WITNESS: The house on the corner and  
10 the building.

11 THE COURT: Yes. In other words, between  
12 those two houses, the one on the corner and the  
13 one next to it?

14 THE WITNESS: Yes.

15 THE COURT: Now, what street is that, 16th  
16 Street, or Lafayette?

17 THE WITNESS: This is on East 16th.

18 THE COURT: East 16th. Alright.

19 BY THE PROSECUTOR:

20 Q Will you show that to the jury?

21 A It is right here.

22 Q Now, where did you go after you--

23 THE COURT: Well, before that so we can  
24 clarify it, you say you came out of an alleyway.  
25 Was that alleyway facing Lafayette or 16th



1 Street?

2 THE WITNESS: Facing Lafayette.

3 BY THE PROSECUTOR:

4 Q But it is in back of the corner house, is that  
5 right, the side of the corner house?

6 A The alleyway goes through East 16th and you can come  
7 out on Lafayette.

8 THE COURT: It turns around to Lafayette?

9 THE WITNESS: Yes.

10 THE COURT: So you came out of it facing  
11 the Lafayette Street side?

12 THE WITNESS: Yes.

13 BY THE PROSECUTOR:

14 Q I show you S-33 in evidence and does that picture  
15 show the area where you came out of the alleyway?

16 A Yes.

17 Q Where was that? A Right here.

18 This is the alleyway. This is really an opening that  
19 faces Lafayette Street.

20 Q Will you show that to the jury.

21 A Right here. Here is the alleyway I came out of over  
22 here.

23 THE PROSECUTOR: May I show these to the  
24 jury, your Honor?

25 THE COURT: Alright.



1 (The exhibits are shown to the jury.)

2 BY THE PROSECUTOR:

3 Q Now, Mr. Bradley, what if anything happened  
4 when you came out behind that rear house as you were  
5 coming out from the alleyway?

6 A I didn't come right out to the sidewalk. I came out very  
7 slowly and looked down the street and I didn't see any cars  
8 coming up, and just as I went to go back I saw a car coming  
9 from-- it could have been coming from up Lafayette or East  
10 16th Street. It was on Lafayette Street traveling toward  
11 East 18th.

12 Q Now, will you step down again please to S-3 in  
13 evidence. Please keep your voice up.

14 (The witness steps down to the diagram.)

15 BY THE PROSECUTOR:

16 Q Can you on this diagram, S-3 in evidence, show  
17 the Court the alleyway in which you were in?

18 THE COURT: Can you ladies and gentlemen  
19 see that diagram?

20 THE WITNESS: I came through this alleyway  
21 right here and came through right about here,  
22 just before the houses end. I looked down  
23 Lafayette Street and I didn't see any cars.  
24 Just then I noticed a car. It could have been  
25 coming from Lafayette Street or East 16th Street

1           made up of, thoughts.

2           Alright.

3           MR. BROWN: Not if they are speculative,  
4           your Honor.

5           THE COURT: That will remain and your  
6           objection is overruled.

7           THE WITNESS: It was a white car. I am  
8           definite of that. The make I wasn't sure of.  
9           I thought it was a '64 Ford.

10          BY THE PROSECUTOR:

11          Q     And was there anyone in that car?

12          A     Yes.

13          Q     Who did you see or what did you see in the car?

14          A     I saw a person I knew. A Negro and three others.  
15          Altogether I saw four Negroes in that car.

16          Q     How many were in the front seat?

17          A     Two.

18          Q     How many were in the back seat?           A     Two.

19          Q     They were all Negroes?           A     Yes.

20          Q     Now, did you see anything else in the car?

21          A     The passenger was on the far side of me. He had  
22          something between his legs.

23          Q     Can you describe what you saw between the

24          passenger's legs?           A     It could have been a--

25                   MR. STEIN: Objection.

1 THE COURT: Describe what you saw.

2 THE WITNESS: It was long and thin.

3 THE COURT: Long and thin?

4 THE WITNESS: Yes.

5 THE COURT: What type of material, do you  
6 know?

7 THE WITNESS: No.

8 THE COURT: Just something long and thin?

9 THE WITNESS: Yes.

10 THE COURT: As you observed it?

11 THE WITNESS: Yes.

12 THE COURT: Alright, proceed.

13 BY THE PROSECUTOR:

14 Q Now, the driver's side was closest to you, to  
15 where you were standing, is that correct?

16 A Yes.

17 Q I show you S-30 for identification and ask if  
18 you have ever seen what is contained in that photograph  
19 before?

20 MR. BROWN: I object to that. It is not a  
21 question of what he has ever seen. This man has  
22 talked about a particular kind of car.

23 THE COURT: The objection is overruled.  
24 He is permitted to ask him whether he has seen  
25 that or not.

1 THE WITNESS: Yes, it is similar to the  
2 car I saw on that night.

3 BY THE PROSECUTOR:

4 Q Please keep your voice up.

5 A It is similar to the car I saw on that night.

6 THE PROSECUTOR: I offer S-30 for identi-  
7 fication in evidence.

8 MR. BROWN: I object. This man has described  
9 one car and he says this is similar.

10 THE COURT: He said it was similar. The  
11 jury has heard the testimony and it is offered  
12 for that purpose.

13 MR. BROWN: I object as to it being irrel-  
14 evant.

15 THE COURT: It will be marked S-30 in  
16 evidence.

17 (The above referred photograph is received  
18 and marked S-30 in evidence, being previously  
19 marked S-30 for identification.)

20 MR. BROWN: I realize this is out of order,  
21 but in order to follow this, could the witness  
22 show where this car was? We have got so many  
23 indications on there.

24 THE COURT: Well, alright.

25 MR. BROWN: If he could just mark it on there.

1 THE COURT: Will you come down, please?

2 THE PROSECUTOR: You mean mark it on  
3 the diagram?

4 MR. BROWN: On the diagram where the car  
5 was going.

6 THE COURT: Of course it was moving, so  
7 he can't make a stationary spot. He will show  
8 its course.

9 (The witness steps down to the diagram.)

10 THE WITNESS: It was when I first saw it.  
11 Right about here.

12 THE COURT: Alright, make a mark, there.

13 MR. BROWN: Put a square with an arrow  
14 showing the direction.

15 (The witness complies.)

16 MR. BROWN: Thank you very much.

17 THE COURT: Now, that is the box where you  
18 first saw it, is that correct?

19 THE WITNESS: Yes.

20 THE COURT: You may resume the stand.

21 (The witness resumes the stand.)

22 BY THE PROSECUTOR:

23 Q Now, you said there were four people in that  
24 car, Mr. Bradley? A Yes.

25 Q Do you know who was in the car?

1 A One of them, yes.

2 Q Which person was that? A His name?

3 Q Well, where was the person located?

4 A He was driving.

5 Q Who was driving that car?

6 A Rubin Carter.

7 Q Did you know him before?

8 A Yes. Not personally, but I knew his face.

9 THE COURT: Had you seen him?

10 THE WITNESS: Yes.

11 THE COURT: Alright.

12 BY THE PROSECUTOR:

13 Q And there were three others in the car?

14 A Yes.

15 Q And do you know who any of the other three were?

16 A No.

17 Q Now, what did you do after you saw the car?

18 A I went back in the alleyway and came out East 16th  
19 Street and tried to force the door again.

20 Q Please keep your voice up. The same door where  
21 you had been before? A Yes.

22 Q Then what happened then?

23 A Approximately a minute later Bello came back from  
24 the corner of Franklin and East 16th Street and asked me--

25 Q You had a conversation with Bello?



1 A Yes.

2 Q And what happened after that? What happened  
3 after you had that conversation with Bello?

4 A He had left. He was going towards the Lafayette  
5 Street Grill.

6 Q What did you do? A I continued  
7 to try to force the door on the building.

8 Q How long did you continue to work on the door?

9 A About-- I just tried it once more.

10 Q Did you get it open? A No.

11 Q Now, did anything happen while you were working  
12 on the door at that time? A Yes.

13 Q What happened?

14 A Well, I just-- I wasn't actualit working on the door. I  
15 had stopped and I heard some--I heard what sounded to be  
16 backfiring or were rifle or gun shots.

17 Q Please keep your voice up. Where were you when  
18 you heard that?

19 A Right in front of the building.

20 MR. STEIN: I couldn't hear.

21 THE COURT: In front of the building.

22 You were still at the Ace Metal.

23 THE WITNESS: Yes.

24 THE COURT: Is that correct?

25 THE WITNESS: Yes.

1 BY THE PROSECUTOR:

2 Q You mean in this area, here? A Yes.

3 Q What did you do after that? A I came  
4 through. I went into the alleyway on East 16th Street and  
5 came out onto Lafayette Street.

6 THE COURT: That is the same alleyway.

7 THE WITNESS: Yes

8 BY THE PROSECUTOR:

9 Q What did you do, then? A I had  
10 given up the door. I knew Bello was going toward the  
11 bar so I thought I would reach him before he got to the  
12 bar.

13 Q Where did you go? A I came out to  
14 the opening of Lafayette Street and looked down toward  
15 East 18th Street. I saw someone walking. I wasn't sure.

16 Q In which direction?

17 A Toward the bar. Toward East 18th Street.

18 Q What did you do then?

19 A I wasn't sure if it was Bello and I didn't want to call  
20 him. I thought I could catch him before he got to the bar,  
21 Lafayette Grill.

22 THE COURT: What did you do?

23 THE WITNESS: I started down chasing,  
24 running.

25 THE COURT: You started what?

1 THE WITNESS: Running after him.

2 THE COURT: Where, what street?

3 THE WITNESS: On Lafayette Street going  
4 toward East 18th.

5 THE COURT: Alright.

6 BY THE PROSECUTOR:

7 Q What happened then?

8 A I heard some more noises that could have been backfiring  
9 or gun shots. When I was about well--a little more than  
10 halfway down toward East 18th Street.

11 Q Now, will you step down again to the diagram?

12 (The witness steps down to the diagram.)

13 BY THE PROSECUTOR:

14 Q Will you show us the route that you took?

15 A Through the alleyway, here.

16 THE COURT: We didn't hear you. I am sorry.

17 THE WITNESS: I came through the alleyway,  
18 here and came out onto Lafayette Street. I saw  
19 someone in front of me on the sidewalk walking  
20 toward this corner, here. I started running.  
21 I proceeded down this street, here.

22 BY THE PROSECUTOR:

23 Q Then what happened?

24 THE COURT: Well, we want to know where you  
25 were when you heard these noises again?

1 THE WITNESS: Right about here. Somewhere  
2 in here.

3 BY THE PROSECUTOR:

4 Q Now, where were you when you first heard the  
5 noises? A Right in around here.

6 THE COURT: Pointing to the front of the  
7 Ace Metal Building.

8 BY THE PROSECUTOR:

9 Q And point out again where you were when you  
10 heard these noises for the second time?

11 A Somewhere in here.

12 THE COURT: Indicating somewhere between--  
13 tell me the numbers there.

14 MR. STEIN: Between 247 and the end of 251,  
15 is that right, Mr. Bradley?

16 THE WITNESS: 241 and 257.

17 MR. STEIN: Somewhere between 241 and 257.

18 THE COURT: Do you know more specifically  
19 where you were when you heard the noises?

20 THE WITNESS: No.

21 THE COURT: Alright.

22 THE PROSECUTOR: You may resume the stand.

23 (The witness resumes the stand.)

24 BY THE PROSECUTOR:

25 Q And what did you do, then?

1 A I continued down Lafayette Street toward East 18th  
2 Street. That person was in front of me all the time.

3 Q And who was the person that was in front of  
4 you? A I am not sure. I thought it was my

5 friend Bello.

6 Q And what happened then?

7 A Two people came out from--I saw two people pass my  
8 friend, pass Bello.

9 Q You saw them pass Bello? A Yes.

10 Q What do you mean?

11 MR. BROWN: I object.

12 THE WITNESS: Not pass him. Past.

13 MR. BROWN: Pass him?

14 THE COURT: They passed him?

15 THE WITNESS: Yes.

16 BY THE PROSECUTOR:

17 Q Show us on the diagram what you saw?

18 MR. BROWN: I object, your Honor. This is  
19 obviously a key area. Let the mgn tell the  
20 story.

21 THE COURT: I am sorry. The Prosecutor  
22 can direct his questions as he sees fit. If  
23 he wants him to show something on the diagram  
24 he is permitted to do so.

25 Step down.

1 (The witness steps down to the diagram.)

2 BY THE PROSECUTOR:

3 Q First show us where you were when you saw it?

4 A I was just coming into the trees, here.

5 Q Where was Bello?

6 A Right in about here.

7 THE COURT: Indicating the end of the corner  
8 building around there.

9 THE WITNESS: Yes.

10 THE COURT: And you were where the trees are  
11 located.

12 THE WITNESS: Yes.

13 BY THE PROSECUTOR:

14 Q Alright. Now, who and what else did you see?

15 A I saw two Negroes right in around here.

16 Q Where? A Here.

17 Q And what happened then?

18 A As soon as I saw them I turned and ran. And Bello was  
19 still walking in this direction toward East 18th Street. I  
20 turned and ran.

21 Q And where were the two Negroes when you turned  
22 and ran? A Right in here some place.

23 Q And where was Bello? A Still  
24 walking toward East 18th Street about right in here.

25 THE PROSECUTOR: Alright, you may resume

1 the witness stand.

2 (The witness resumes the witness stand.)

3 BY THE PROSECUTOR:

4 Q Now, can you describe the two Negroes that you  
5 saw? A Yes.

6 Q What did you see?

7 A What they had on or what?

8 Q Describe them in any way you can?

9 A One had--both of them had something in their hands.  
10 One had either a rifle or a shotgun in his hand. I am not  
11 sure what the other had in his hand.

12 MR. STEIN: I couldn't hear the answer.

13 THE WITNESS: I am not sure what the other  
14 person had in his hand.

15 THE COURT: Did he have something?

16 THE WITNESS: Yes.

17 THE COURT: You are not sure of what it  
18 was?

19 Alright.

20 What else did you observe about them,  
21 description wise? Was there anything about their  
22 clothes, the size, or what they looked like?

23 THE WITNESS: One was short and the other  
24 one was tall. The shorter one had a light sports  
25 jacket on, light colored sports jacket. That is

1 the one had the rifle or shotgun in his  
2 hand.

3 And the other one I think had a sweater  
4 on. I am not sure.

5 MR. BROWN: He had a sweater on?

6 THE COURT: "He had a sweater on. I am not sure."

7 BY THE PROSECUTOR.

8 Q Is the man who was wearing the shotgun or rifle  
9 in this Courtroom?

10 A Yes.

11 Q Where is he? Point him out, please,

12 A He is right there.

13 THE COURT: Pointing where? Tell us again.

14 THE WITNESS: That Negro right there.

15 MR. BROWN: He said, "That Negro right there"?

16 Is that what he said?

17 THE COURT: Yes, that is what he said,  
18 pointing to Rubin Carter. The record will in-  
19 dicate that he has pointed to the defendant  
20 Carter.

21 BY THE PROSECUTOR:

22 Q At the time when you were on the scene there,  
23 were you able to determine who the other individual was?

24 A No.

25 Q Now, what did you do after you got to the



1 trees? A I saw these two people and  
2 Bello was still walking toward him, and then I turned  
3 and ran back up Lafayette Street toward East 16th Street.

4 Q And where did you go? A Into the  
5 opening that I had come out of on Lafayette Street.

6 Q Please keep your voice up. Now, I show you  
7 S-33 in evidence. Does that show the area where you ran  
8 to? A Yes.

9 Q And where did you go?

10 A Right in here.

11 Q And what did you do when you got there? Show  
12 the Court and the jury the area you ran to?

13 A I ran right into here.

14 THE COURT: In other words, the same area,  
15 the alleyway we were talking about earlier in  
16 the testimony?

17 THE WITNESS: Yes.

18 THE COURT: Show it to the jury.

19 THE WITNESS: Right here.

20 BY THE PROSECUTOR:

21 Q And what did you do there?

22 A I stopped there.

23 Q Whereabouts? A Right in the alleyway  
24 in the opening there. Just out of the side of the street.

25 Q In the alleyway? A Yes.

1 Q I show you S-35 in evidence. Can you show us  
2 in that picture where you were?

3 A Yes, right at the end of this alleyway, just out  
4 of the side.

5 THE COURT: You better show this to the  
6 jury. That is more important than showing it  
7 to me.

8 THE WITNESS: Right at the end of this  
9 alleyway.

10 THE PROSECUTOR: Would you mark that with  
11 an X.

12 THE COURT: It is on which exhibit?

13 THE PROSECUTOR: S-35 in evidence, your Honor.

14 (The witness complies.)

15 BY THE PROSECUTOR:

16 Q How long did you remain in the alleyway?

17 A I am not sure. About one or two minutes.

18 Q What happened next?

19 A Bello ran up Lafayette Street toward the opening and  
20 I saw him when he came up to the opening. He ran up to  
21 me.

22 Q Then what happened then?

23 A He gave me some money.

24 Q And what did you do after he gave you the money?

25 A I went through the alleyway and came out on East 16th

1 Street.

2 Q Before that did you have a conversation with

3 Bello? A Yes.

4 Q And after the conversation what did you do?

5 A I went through the alleyway and came out on East  
6 16th Street and walked toward Franklin Street and down  
7 Franklin Street to where we had the car parked.

8 Q Now, will you step down again and show us the  
9 route that you took.

10 (The witness steps down to the diagram.)

11 BY THE PROSECUTOR:

12 Q Show us the route you took.

13 A Through this alleyway out onto East 16th Street and down  
14 toward Franklin and across the street and came over to here  
15 where the car was.

16 Q Where were you going?

17 A To the car.

18 Q Was the car there? A No.

19 Q When you say car, which car do you mean?

20 A Kenneth Kellogg's.

21 Q What did you do after you reached that area there  
22 where the car was? A I continued down

23 Franklin Street toward East 18th Street. There is an  
24 alleyway there by the corner house. I went through that  
25 alleyway and came out to East 18th Street and looked down

1 toward the corner, here.

2 Q And what, if anything, did you see at that time?

3 A There was no people there.

4 Q And what did you do after you looked out onto  
5 East 18th Street? A I came back to

6 the alleyway and came out onto Franklin Street and stopped  
7 somewhere in here. I was thinking and I happened to turn  
8 around and I saw Ken Kellogg's car traveling on East 18th  
9 Street toward Lafayette.

10 Q Will you show the jury in which direction it was  
11 going. A In this direction.

12 Q And where were you when you saw that?

13 A Right about here.

14 Q What did you do after you saw that?

15 A I came back up Franklin Street and crossed East 16th  
16 Street and came back down to the block after 10th Avenue  
17 on 16th Street.

18 Q And what did you do after that?

19 A I stopped there for about 15 minutes on the street  
20 and I eventually came up East 18th Street to just about  
21 across the street from the bar.

22 THE PROSECUTOR: You may resume the stand.

23 (The witness resumes the witness stand.)

24 BY THE PROSECUTOR:

25 Q Approximately how long did all this take from

1 the time you left the alleyway here on Franklin Street  
2 and around the time you got to the bar?

3 A Between ten and twenty minutes I would say. I am  
4 not sure.

5 Q And what did you see when you got to the area  
6 of the bar? A There were quite a few

7 police cars there and I was standing with some people  
8 across the street from the bar on East 18th Street.

9 Q And what did you see or what did you do?

10 A I asked the lady there--

11 THE COURT: Don't tell us again about the  
12 conversations.

13 THE WITNESS: I had a conversation with an  
14 old lady.

15 BY THE PROSECUTOR:

16 Q Was this on the street?

17 A Right on the sidewalk across the street.

18 Q And what happened then? A I walked  
19 across East 18th Street to where some people were just off  
20 the sidewalk there in front of the Lafayette Grill.

21 Q And what did you do there? A I saw  
22 Bello come out of the bar and he came over to me.

23 Q And did you speak with him? A Yes.

24 Q What did you do after you spoke with Bello?

25 A The police officer drove me and him downtown.

1 Q Now, did you see anything else before you went  
2 downtown? A Yes.

3 Q What was that? A I saw Rubin  
4 Carter and another man standing on Lafayette Street near  
5 the side of the bar.

6 Q Was there anything else there?

7 A I saw a car that looked similar to the one I had  
8 seen previously.

9 Q Now, you said that you were standing there and  
10 you spoke to Bello, is that correct?

11 A Yes.

12 Q Don't tell us what you said to Bello. Now, how  
13 long after that did you go downtown with the police?

14 A A few minutes.

15 Q Alright. Now, do you recall who it was that  
16 you went downtown with? A Yes, it was a  
17 detective. Detective Lawless.

18 Q And was there anyone else with you when you  
19 went downtown? A Yes. There was  
20 another person I knew named Ruggiero.

21 Q And was there anyone else? A No.

22 Q Was Bello there? A Yes.

23 THE COURT: Well, he already said that.

24 He said Bello, you and Lawless and Ruggiero.

25 THE WITNESS: Yes.

1 BY THE PROSECUTOR:

2 Q And where did you go in that car?

3 A To the corner of Van Houten Street and Washington Street.

4 Q And what happened there?

5 A They let me out there and I walked over to the taxi stand  
6 on Clark Street and got a taxi to an apartment on North  
7 7th.

8 THE COURT: Where did you go in the taxi  
9 from there?

10 THE WITNESS: From the taxi stand to North  
11 7th Street and Temple Street.

12 THE PROSECUTOR: Your Honor, I am still  
13 going to be quite some time with this witness.

14 THE COURT: Alright, it is a good time to  
15 recess.

16 We will recess until 2 o'clock or thereabouts  
17 until you finish your lunch.

18 (A luncheon recess is taken.)

19 A R T H U R D E X T E R B R A D L E Y, being previously  
20 sworn resumes the witness stand.

21 CONTINUATION OF DIRECT EXAMINATION

22 BY THE PROSECUTOR:

23 Q Mr. Bradley, where did you get out of the cab?

24 A At the corner of North 7th and Temple Street.

25 Q Please keep your voice up. Where did you go

1 when you got out of the cab?

2 A To the apartment of Sylvia Smith.

3 Q Where was that? What street was that on?

4 A North 7th.

5 Q What floor was that on, do you remember?

6 A Third floor.

7 Q And what did you do when you got there?

8 A I had a conversation with Sylvia. I am not sure if  
9 Kenneth Kellogg was there after or before me.

10 Q And you had a conversation with whom?

11 A With Sylvia Smith. And I am not sure if Kenny,  
12 Kenneth Kellogg was there when I got there or if he arrived  
13 a few minutes later.

14 Q And what did you do after that?

15 A We went to the-- Sylvia Smith, Kenneth Kellogg and I  
16 went to the City Service Gas Station downtown Paterson.

17 Q Now, how did you get there?

18 A In kellogg's car.

19 Q And who drove? A Sylvia Smith.

20 A Alright. And what did you do at the City Service  
21 Garage? A I put some gas in the car and I

22 bought some gas and had a tire changed.

23 Q And who paid for that? A Me.

24 Q And whose car was this? A Kellogg's

25 Q Now, strike that. Where was that garage that



1 we are talking about? A On the corner  
2 of Market and--I am not sure of the other corner. I think  
3 it is Railroad Avenue or East Railroad Avenue.

4 Q In Paterson? A Yes.

5 Q And what did you do after that?

6 A We drove--I drove the car then and we drove to  
7 Franklin Street and East 16th Street and parked on Franklin  
8 Street.

9 Q Now, will you step down and show us where you  
10 were?

11 (The witness steps down to the diagram.)

12 THE WITNESS: I parked the car right here.

13 BY THE PROSECUTOR:

14 Q When you say the car, whose car do you mean?

15 A Kellogg's.

16 THE COURT: Indicating the westerly portion  
17 of the intersection of Franklin?

18 THE WITNESS: Yes. The car was facing this  
19 way and parked over here.

20 MR. STEIN: Can we have that marked?

21 THE COURT: You can't. It is off the chart.  
22 It is left of 16th Street facing this way.

23 THE PROSECUTOR: You may resume the stand:

24 (The witness resumes the witness stand.)

25 BY THE PROSECUTOR:

1 Q What happened when you parked the car there?

2 A I left the car and went to the front of the building  
3 I had been trying to break in previously.

4 MR. BROWN: I can't hear a thing he is  
5 saying, your Honor.

6 THE COURT: Would you please read the answer.

7 (The last answer is read by the Court  
8 Reporter.)

9 BY THE PROSECUTOR:

10 Q And what did you do then?

11 A I forced the padlock on the side door.

12 Q I show you S-36 in evidence. Is that area  
13 depicted in that photograph? A Yes.

14 Q And whereabouts in that photograph was that?

15 A Right here. That door.

16 THE COURT: You better show it to the jury.

17 BY THE PROSECUTOR:

18 Q Show it to the jury.

19 A That door right there.

20 THE COURT: Hold it up.

21 THE WITNESS: Right there.

22 THE COURT: Keep your voice up.

23 THE PROSECUTOR: Did everyone see it?

24 MR. BROWN: I guess everyone but ourselves,  
25 your Honor.

1 Thank you.

2 BY THE PROSECUTOR:

3 Q What did you do after that?

4 A After I broke the padlock I went in.

5 Q Where did you go?

6 A Into the building.

7 Q And what did you do while you were in the

8 building? A I went through another  
9 room to where there was a partition.

10 Q What kind of a partition?

11 A Fiberboard. It was easy to break through and I entered  
12 the other part of the building where the offices were.

13 Q What did you do, there?

14 A I searched for money.

15 Q Did you find any?

16 A No. I noticed the safe and I realized they probably  
17 kept the money in the safe.

18 Q Keep your noices up.

19 A I saw a safe in one of the offices. So, I realized they  
20 probably kept the money in the safe and that there was no point  
21 in continuing looking for the money. So, I left by the rear  
22 door and came out onto Franklin Street.

23 THE PROSECUTOR: Will you step down again to S-3  
24 in evidence.

25 (The witness steps down to the diagram.)

1 BY THE PROSECUTOR:

2 Q Whereabouts was that door which you came out?

3 A One of these two doors.

4 Q And where did you go from there?

5 A I walked out the driveway here and up here and got  
6 back to the car.

7 THE PROSECUTOR: You may resume the stand.

8 (The witness resumes the witness stand.)

9 BY THE PROSECUTOR:

10 Q What did you do after that?

11 A I drove to the Triangle Grill Diner in Hawthorne.

12 Q Who was with you then?

13 A Sylvia Smith, Kellogg and myself had breakfast.

14 Q And where did you go from there?

15 A They dropped me off. I drove the car to my house  
16 on Bell Avenue and I left the car there and I went home.

17 THE PROSECUTOR: I have no further

18 questions.

19

20

21

22

23

1 MR. BROWN: Your Honor, of course at this  
2 time we ask for any statements and his testimony.

3 THE PROSECUTOR: I have a statement here,  
4 a four-page statement given by Mr. Bradley on  
5 October the 14th of 1966. I have a statement  
6 given on November the 18th of 1966 consisting  
7 of one page. I have Grand Jury testimony of  
8 Mr. Bradley taken on October 31, 1966 consisting  
9 of pages from the bottom of page 61 through page  
10 83, and a copy of the police report of an oral  
11 conversation with Mr. Bradley on October 6, 1966.

12 MR. BROWN: I have never seen these before,  
13 your Honor.

14 THE COURT: There's no question about it.  
15 You are entitled to have some time. Do you want  
16 it now?

17 MR. BROWN: I would like to start and then  
18 very shortly break off.

19 CROSS EXAMINATION

20 BY MR. BROWN:

21 Q Mr. Bello, I beg your pardon. Your partner is  
22 Mr. Bello you are Mr. Bradley. You came into the area on  
23 Franklin Street, didn't you?

24 A Yes.

25 Q And then as you have explained to Mr. Hull, you

1 came back later to roughly the same location, this factory  
2 that I am indicating, and broke in? A Yes.

3 Q And after that night was over, you didn't dis-  
4 continue your career of breaking and entry, did you? You  
5 continued, did you not? A Yes, sir.

6 THE PROSECUTOR: Objection.

7 THE COURT: Objection sustained. That  
8 night I will permit it, anything beyond that  
9 night I will not permit.

10 MR. Brown: If your Honor please, under  
11 the very new rules they have allowed this to  
12 go in.

13 THE COURT: Very well, the objection is  
14 sustained.

15 MR. BROWN: Perhaps your Honor will allow  
16 me to argue that point out of the presence of  
17 the jury later before this interrogation ceases?

18 THE COURT: Yes.

19 BY MR. BROWN:

20 Q Now, you have testified how you came down  
21 Lafayette Street to approximately the area of the trees,  
22 is that right? A Yes.

23 Q Ahead of you was a man who you couldn't  
24 recognize, but whom you thought at that time was Bello?

25 A No.

1 Q Past him you saw two man, is that right?

2 A Yes.

3 Q And you immediately turned and ran?

4 A Yes.

5 Q Now, how long after you immediately turned and  
6 ran did Bello, your partner, join you with the money?

7 A I am not sure. About two or three minutes.

8 Q Less than two or three minutes?

9 A Yes.

10 Q In the meantime you had gone back into the  
11 same alley that you had use to come out into the street?

12 A Yes.

13 Q And Mr. Bello came back into this alley and  
14 found you there, is that correct? A Yes.

15 Q How much money did he give you, Mr. Bradley?

16 A Between \$40 and \$60 I am not sure.

17 Q It was \$62 to be precise, wasn't it?

18 A Yes.

19 Q It was \$62 to be exact, wasn't it?

20 A I didn't count it then.

21 Q When you counted it, you found it to be \$62.00  
22 exactly? A No, because I had spent some of it.

23 Q Well, how much had you spent before you counted  
24 it? Maybe we can add it up? A A few dollars.

25 Q And how much did you have after you counted it?

1 A I had some money of my own and it was with that.

2 Q Well, how much money had you had? Let us sub-  
3 tract that? A I am not sure, about \$20.

4 Q About how much? A About \$20.

5 Q So, what you had left after you had spent money  
6 was less than \$80, that is how you arrived at it, I suppose,  
7 \$20 plus approximately \$60. That would be a fair statement?

8 A Yes.

9 Q Now, from the position that you occupied near  
10 the tree you say you immediately saw these two Negroes, that  
11 is the way you described them. You saw these two Negroes  
12 and immediately ran away? A Yes.

13 Q Now, did you spin immediately and run as you  
14 had described it? A As soon as I saw them I turned.

15 Q As soon as you saw them you turned. So, your  
16 observation from this point down to near the corner was  
17 limited as you described it, is that right? Because you  
18 turned immediately and ran?

19 A Yes I did. I had looked at them long enough to know  
20 who they were and then I turned.

21 Q I am asking you about this time when they turned  
22 around the corner. Your testimony was that you saw these  
23 two Negroes, you turned and ran? A Yes.

24 Q Alright. Now, and one Negro you said you  
25 recognized? A Yes.



1 Q You had seen him on television I assume?

2 A I saw him in magazines and I had saw him once on  
3 12th Avenue in Paterson.

4 Q On what, sir? A 12th Avenue in Paterson.

5 Q 12th Avenue? A Yes.

6 Q You call it 12th Av?

7 A Yes. I was in a car with a friend of mine and he  
8 pointed him out to me.

9 Q And you rode by him then? A Yes.

10 Q Now, how long prior to this night on the 17th of  
11 June had you seen Mr. Carter?

12 A About in February. I saw him in a magazine.

13 Q You saw him in a magazine in February?

14 A Yes.

15 Q As far as in person when did you see him?

16 A I saw him that same night.

17 Q My question is, prior means before, how long  
18 before June 17th had you seen Mr. Carter in the flesh?

19 A In '64.

20 Q 1964? A 1964.

21 Q That would be two years prior to this event?

22 A Yes.

23 Q And that was the occasion when you passed him  
24 in a car with a friend who said, "That's Rubin Carter", and  
25 the other time was in February when you read about him in a

1 magazines? A Yes. I had seen his picture  
2 quite often during that time.

3 Q So, in that flash you recognized him from his  
4 pictures, by the flash, I mean you were immediately turning  
5 and running away?

6 A No. I recognized him first when he went by in the  
7 car on Lafayette Street.

8 Q That is when the car turned right with the four  
9 Negroes in it? A Yes.

10 Q And went down Lafayette Street? A Yes.

11 Q And how long just before you saw him here had  
12 you seen this car? Was it a matter of two or three minutes,  
13 or how would you designate it? A I am not sure.

14 Q Well, would it be a question of minutes or a  
15 half hour or what? A No, minutes.

16 Q It would be a question of minutes since you had  
17 seen him go down here and you at the time were standing  
18 across the street, is that right? A Yes.

19 Q And he was the driver of the car?

20 A Yes.

21 Q And from where you stood you said you were not  
22 right up to the curb, were you? A No.

23 Q You were back in here somewhere? A Yes.

24 Q From where you were--you were all the way back  
25 where the X is? A No.

1 Q Halfway up?

2 A About the corner of the building?

3 Q This corner? A Yes.

4 Q So from this corner of the building you could  
5 see him and see the passenger? A Yes. I saw him.

6 Q Well, you described also that you saw something  
7 in the car?

8 A I saw three other people and something else. An object.

9 Q You said you saw an object between the knees of  
10 the right front passenger, am I correct? A Yes.

11 Q So from where you were here you could see between  
12 the knees of the right front passenger? A Yes.

13 Q An object? A Yes.

14 Q You don't know what it was but it was--how did  
15 you describe it? A Long and thin.

16 Q Long and thin. And then in the back there were  
17 two other males, were they Negroes as well?

18 A I didn't say they were males.

19 Q Were they women? A One I believe  
20 was a woman.

21 Q One you believe was a woman. I understood you  
22 to say four men. A No, I didn't say that.

23 THE COURT: He said four people.

24 BY MR. BROWN:

25 Q I apologize to you. In the rear was a woman

1 and a man? A Yes.

2 Q Was the woman sitting nearest you or was the man  
3 sitting nearest your side?

4 A She was sitting on the passenger side, the far side  
5 from me.

6 Q Now, you said, to the best of your estimation,  
7 that it was a '54 Ford? A No, '64.

8 Q '64 Ford. And as they passed by you you could  
9 tell us what speed they were traveling? Was it a normal  
10 speed, 25 or 30, or slower?

11 A Slower. Between 15 and 20 miles an hour.

12 Q Between 15 and 20 miles an hour you would  
13 estimate they went by here. Now, that was the only occasion  
14 that you saw the car turning the corner, is that right?

15 A I didn't say I saw it turning the corner. I said it  
16 might have come straight down Lafayette or from East 16th.

17 Q It could have come straight down or could have  
18 come up from 16th Street in this direction? A Yes.

19 Q Now, when you left this position and raced back  
20 you say it was a matter of two or three minutes before Bello  
21 came with the money? A Yes.

22 Q What did Bello do immediately after he gave you  
23 the money?

24 A He left and started walking down Lafayette Street  
25 toward East 18th.

1 Q He walked down toward East 18th Street?

2 A Yes.

3 Q And that is when you left the area?

4 A Yes.

5 Q And you went around and ultimately contacted  
6 Kellogg over here, is that right?

7 A I didn't see Kellogg. I didn't contact him. I saw his  
8 car.

9 Q You didn't stop him? A No.

10 Q He just kept going? A Yes.

11 Q Where were you when you saw his car?

12 A Right here where we had parked the car previously.

13 Q You were up there earlier? A Yes.

14 Q So when he passed here, you couldn't hail him?  
15 Is that correct? A No.

16 Q Now, this chart indicates, Mr. Bradley, that  
17 the entire length of this street is about 457 feet.

18 A Yes.

19 Q You say you were approximately where these trees  
20 are, that is the circular area in from 257, is that right?

21 A Yes.

22 Q And these men came around the corner and then you  
23 broke and ran. Did you see anything else in this area in  
24 Lafayette Street at the time you broke and ran after seeing  
25 these two Negroes? A Where, on the sidewalk or

1 in the street?

2 Q Anywhere. Anywhere at all.

3 A No, I couldn't remember.

4 Q For example, you were looking here and in that  
5 flash before you turned in this area you don't remember  
6 seeing anything? A No.

7 Q Now, did you ever ascertain whether or not that  
8 person you were following was Bello?

9 A I wasn't sure and I didn't want to call out and  
10 arouse any suspicion. So, I thought I could catch up to  
11 him before he got to the bar if it was him.

12 Q He wasn't doing anything wrong in walking down  
13 the street? A No. But I was.

14 Q What were you doing wrong in walking down the  
15 street?

16 A I wasn't doing anything wrong in walking down the  
17 street. I was there for the purpose of breaking into a  
18 place.

19 Q And you wanted to preserve a lack of notice,  
20 is that right? A Yes.

21 Q That is why you wore the black suit?

22 A Black sweater and dungarees.

23 Q The black sweater and dungarees. And you  
24 described everything you had on as black, right?

25 A Yes.

1 Q And when the car you first observed came by  
2 you had hidden your head up in here so you couldn't be seen?

3 THE COURT: That was when?

4 THE WITNESS: I was in front of the building.

5 BY MR. BROWN:

6 Q When you were in front of the building you said  
7 you hid your face and everything so you couldn't possibly  
8 be seen. Was this dark clothing your normal attire for  
9 breaking and entering?

10 THE PROSECUTOR: Objection.

11 THE COURT: Objection sustained.

12 MR. BROWN: May I have his record?

13 Well, you do have a long series of breaking  
14 and entries, don't you?

15 THE PROSECUTOR: Objection.

16 THE COURT: Onjection is sustained.

17 MR. BROWN: I will read each one.

18 THE COURT: But only read on specific items  
19 of conviction.

20 Hand Mr. Brown the indictment.

21 BY MR. BROWN:

22 Q Do you recall having pleaded guilty on October  
23 26th, 1962 to an indictment which charged with having on the  
24 18th of August, 1962, in the City Of Clifton, in the County  
25 of Passaic aforesaid, and within the jurisdiction of this

1 of this Court, did wilfully, maliciously and feloniously  
2 steal, and drive away a certain motor vehicle of the  
3 value of \$2,800, the personal property of Robert D. Shea  
4 then and there being found? Do you remember this?

5 A Yes, I remember it.

6 Q Do you remember having been charged and pleading  
7 guilty to--I'm sorry, your Honor. That was a confederate,  
8 and not his. Do you recall having been sentenced on the  
9 30th day of October, 1964, to Bordentown Reformatory for  
10 the following crime in that you did wilfully and maliciously  
11 and feloniously break and enter into the building of Dover  
12 Club Inc., 62 Dover Street, Paterson, New Jersey a corpora-  
13 tion there situate, with intent then and there feloniously  
14 to steal, take and carry away the money, goods and chattels  
15 of the said corporation in the said building, and the Grand  
16 Jurors aforesaid, upon their oath aforesaid, do present that  
17 the said Arthur D. Bradley, at the time and place aforesaid  
18 and within the jurisdiction of this Court, feloniously did  
19 steal, take and carry away money to the amount and value of  
20 \$500.00, 3 bottles of whiskey of the value of \$12.00 and 1  
21 carton of cigarettes of the value of \$3.00. Do you remember  
22 pleading to that and being sentenced? A Yes.

23 Q Do you recall having been sentenced on October  
24 30th, 1964 to Bordentown Reformatory on a sentence of breaking  
25 and entry and larceny? A Yes.



1 Q And do you recall with respect to at Bergen  
2 County having been sentenced on April 12th, 1965 on two counts  
3 of breaking and entry and larceny? A Yes.

4 Q And those totaled up to approximately six, is  
5 that right? That you can recall it, Mr. Bradley?

6 A Yes.

7 Q And for those offenses you were sentenced to  
8 Bordentown Reformatory, is that right? A Yes.

9 Q Now, when did you obtain your release from  
10 Bordentown Reformatory after the sentence of 1964?

11 A March 11, 1966.

12 Q That was three months prior to this event of  
13 June 17th? A Yes.

14 Q And did you return home, then? A Yes.

15 Q And subsequently in December of 1966 were you  
16 returned to Bordentown for a violation of your parole?

17 A Yes.

18 Q And was this violation of your parole because  
19 of several armed robberies that you had committed?

20 THE PROSECUTOR: Objection.

21 THE COURT: Objection sustained.

22 THE WITNESS: No.

23 MR. BROWN: If your Honor please, the rule  
24 provides that where it goes to the question of  
25 his honesty, I submit this explanation in

1 evidence as proper.

2 THE COURT: The rules do not provide that.  
3 I sustain the objection.

4 MR. BROWN: May I at this time your Honor  
5 have a break which would be necessary to prepare  
6 for continued cross-examination.

7 THE COURT: Alright, ladies and gentlemen,  
8 counsel is entitled to review these documents  
9 before continuing his cross-examination.

10 We will therefore have to take a recess  
11 for that purpose.

12 We will call you ladies and gentlemen when  
13 we are ready.

14 (A recess is taken.)

15 MR. BROWN: Thank you for the time, your  
16 Honor.

17 (The jury is returned to the Courtroom.)

18 (Arthur Bradley being previously sworn  
19 resumes the witness stand.)

20 CONTINUATION OF CROSS-EXAMINATION

21 BY MR. BROWN:

22 Q Mr. Bradley, the first time you told the police  
23 anything about this was in October 1966, is that right?

24 A Yes.

25 Q And they came down to Bordentown and talked to

1 you about it? A Yes.

2 Q You didn't tell them anything even then, did  
3 you? A No.

4 Q And finally after three statements they got a  
5 complete story as you wished to tell it, is that right?

6 A I gave them two statements.

7 Q Well, you signed a statement on October 14th,  
8 1966, a statement on November 18th, 1966, and on October 6,  
9 1966 was the first time that you talked to the officers at  
10 Bordentown?

11 THE COURT: That wasn't a written statement?

12 THE WITNESS: That wasn't signed.

13 BY MR. BROWN:

14 Q Did you give them an oral statement?

15 A Yes.

16 Q This was the first occasion on which you spoke  
17 to them, is that right? A Yes.

18 Q So, it was on three separate occasions, whether  
19 written or spoken that they talked to you before the full  
20 story came out, is that right? A Yes.

21 Q And the fact is that it wasn't until November  
22 18th that you admitted coming back and eventually breaking  
23 into the place and actually going to the place and actually  
24 going to the safe, is that right?

25 A When I gave them my statement in front of the Grand

1 Jury, I thought I was giving them the whole truth.

2 THE COURT: We are talking about November  
3 18th written statement.

4 BY MR. BROWN:

5 Q You see your signature at the bottom?

6 A Yes.

7 Q It was not until November 18th, a written  
8 statement that you finally told the police about your part  
9 in actually coming back and breaking in that factory?

10 A Right.

11 Q And the reason you gave was that nobody asked  
12 you, right? A Yes, that is true. There was no  
13 mention of a break there. I felt that wasn't part of my  
14 first statement.

15 Q So, you didn't tell them what happened because  
16 as you said, no one asked you, is that right?

17 A No. It wasn't because of that.

18 Q Well, let me read what you said, "Why didn't  
19 you mention this in your earlier statement or in your  
20 testimony before the Grand Jury?" Referring to your breaking  
21 into the Ace Metal Building. Your answer was, "No one had  
22 asked me about what happened after I left the area in the  
23 taxi, and Detective Sargeant Mohl had told me there was no  
24 break reported." A Yes.

25 Q "So, I saw no point in mentioning it." That

1 is the real reason that you didn't tell him, isn't it?

2 A Yes.

3 Q Then you didn't tell him because you didn't  
4 think it was a part of the evenings' adventure, you didn't  
5 tell him because you say here specifically you didn't think  
6 they knew it? A Right.

7 Q Now, you have also described for the Grand  
8 Jury, to some extent, what Mr. Bello was wearing that night,  
9 can you tell us what he was wearing that night?

10 A I didn't describe that.

11 Q Well, didn't you say he was wearing a three-  
12 quarter length coat or something of that kind?

13 A No, I am not sure.

14 Q You are not sure about that? A No.

15 Q But in any event you had been with him since  
16 early evening, had you not? A Yes.

17 Q And you had been with Kenny Kellogg long since  
18 early afternoon? A Yes.

19 Q And Kellogg and the girlfriend knew what you  
20 were planning to do?

21 THE COURT: If you know? Did they know  
22 what you planned?

23 THE WITNESS: I amnot sure.

24 BY MR. BROWN:

25 Q You're not sure. You're not sure of what you

1 of what you told the Grand Jury? A Yes, I am sure.

2 Q What did you tell the Grand Jury?

3 A We went back that second time.

4 Q Sir. The afternoon of the 16th before you went  
5 to the area of 16th and Lafayette to break in a factory.

6 THE COURT: Was the question what he told  
7 the Grand Jury or what?

8 MR. BROWN: I will withdraw it, your Honor.

9 BY MR. BROWN:

10 Q Is it a fact or not that you and Kenny Kellogg  
11 and the girl, have discussed this on that afternoon, this  
12 meaning a breaking and entry of that factory?

13 A No. The girl wasn't involved until later that night.

14 Q She was not present in the afternoon, is that  
15 correct? A I don't remember.

16 Q You are sure of that? You don't remember?

17 A Right.

18 Q Now, but it was later in the evening that Bello  
19 came by and you told him that you had intended to do that,  
20 is that right?

21 A I mentioned to the Grand Jury that I--

22 Q I asked you, sir. A Well--

23 MR. BROWN: I ask that it be stricken,  
24 your Honor.

25 THE COURT: That will at the moment. Yes.

1                   Just tell us whether you told Bello about  
2                   it or not.

3                   THE WITNESS: He knew I wanted to break  
4                   into a place. He didn't exactly know the  
5                   location.

6                   MR. BROWN: Now I ask that be stricken,  
7                   your Honor.

8                   THE COURT: No, it will stand. That is  
9                   an answer to your question.

10 BY MR. BROWN:

11           Q     Let me ask you about this place. When did you  
12           first tell Bello you were going to break into it?

13           A     I am not sure if it was in the afternoon or on the  
14           way to it.

15           MR. STEIN: I couldn't hear any of that,  
16           sir.

17           THE WITNESS: I am not sure if it was in  
18           the apartment or on the way to it.

19 BY MR. BROWN:

20           Q     But you had been planning this for some time  
21           because you had inside information, is that correct?

22           A     Yes.

23           Q     And you either told him at the apartment or  
24           on the way there?                   A     Yes.

25           Q     Who was driving the car that you say belonged

1 to Kellogg?

2 THE COURT: At what time.

3 MR. BROWN: I withdraw that.

4 BY MR. BROWN:

5 Q When you left the apartment going to this area  
6 where you planned to break into the factory, who was driving  
7 the automobile in which you rode?

8 A The first time?

9 Q The time when you left the apartment and came  
10 to the area which is described as Lafayette and Franklin  
11 Street. Who drove the car belonging to Kellogg?

12 A I am not sure. I believe it was Kellogg because I  
13 drove his car for him all summer.

14 Q You believe it was Kellogg, is that right?

15 A Yes.

16 Q You are not sure about that, but you believe it  
17 was Kellogg who drove, is that so?

18 THE COURT: Is this the first time or the  
19 second time?

20 MR. BROWN: The first time, your Honor.  
21 Prior to the tentative breaking and entering.

22 THE COURT: Alright. Before you started  
23 to work on the door of the Ace Metal Factory do  
24 you know who was driving the car when you arrived  
25 at Franklin Street?



1 THE WITNESS: I think I was driving at  
2 that time.

3 BY MR. BROWN:

4 Q Well, which is it? Was it Kellogg or you?

5 A As I said before, I can't remember that but, I think  
6 it was me, because I have been driving for him for about a  
7 month.

8 Q You had been driving the car all the time, hadn't you?

9 A Yes.

10 Q And Kellogg did not drive on that night when you  
11 were in the car, did he?

12 A I gave a definite answer to that.

13 Q You know, however, that Kellogg went to the  
14 Lafayette Bar & Grill that night?

15 THE COURT: As of when?

16 BY MR. BROWN:

17 Q Well, what time did you park the car on Franklin  
18 Street after you arrived in that neighborhood when you and  
19 Bello went to break in the factory? About what time was that?

20 A I would say it was around two o'clock.

21 Q Between two and two thirty, is it not a fact that  
22 you know that Kellogg went to the Lafayette Bar & Grill?

23 A I had told him he could wait for us in that bar.

24 Q Excuse me?

25 A Kellogg didn't want to be involved in the breaking and

1 entry. So, I had told him he could wait in the bar.

2 Q The Lafayette Bar and Grill? A Yes.

3 Q And he told you he did so?

4 THE COURT: You mean in advance or after-  
5 wards?

6 THE WITNESS: Well, when he left--

7 MR. BROWN: If your Honor please, at any  
8 time.

9 THE COURT: Well, let us get the questions  
10 which have some meaning and significance.

11 MR. BROWN: This question has meaning and  
12 significance, your Honor.

13 THE COURT: I want to know whether you are  
14 asking--just a minute please, I don't like to be  
15 interrupted, Mr. Brown. I am trying to find out  
16 whether you are asking whether Kellogg said that  
17 he intended to go to the Lafayette Bar & Grill  
18 or whether he told him afterwards that he had  
19 been at the Lafayette Bar & Grill.

20 BY MR. BROWN:

21 Q Did you learn that Kellogg went to the Lafayette  
22 Bar & Grill at two o'clock? A Yes.

23 Q And you know that he was in the bar & grill between  
24 two and two thirty? You learned that, did you not?

25 A Yes.

1 Q Had you also learned that Bello had been in that  
2 bar & grill from time to time, not necessarily on this night?

3 A Would you repeat that, please?

4 Q Yes, sir. Except for this night, on other nights,  
5 prior to, you knew that Bello had been in there from time to  
6 time, is that correct? A Yes.

7 Q Now, on this night when you went down the street  
8 and you saw the man who you have described coming around the  
9 corner, it was actually within a minute that Mr. Bello came  
10 back with the money for you, isn't that a fact?

11 A Within a minute? Yes, sir.

12 Q After you turned and ran Bello came to you within  
13 a minute with money. Do you understand the time I am talking  
14 about? A Yes.

15 Q This is the time when you say you walked down  
16 the street. Suddenly you saw two colored fellows. You spun  
17 and ran, is that correct? Was it not within a minute that  
18 Bello came back to you with the money?

19 A It was more than a minute.

20 Q Let me show you your statement, sir, on the 14th  
21 of October, is that your signature? A Yes.

22 Q On page two are the statements. "As soon as I  
23 saw that I ran back a couple of houses in the shadow and in  
24 one of the alleyways there"-- you follow me? A Yes.

25 Q "I am not actually sure what happened in the

1 next few seconds but I remember within a minute after I saw  
2 the colored guys, Bello ran up to me and handed me money."

3 Is that correct?

4 A Yes, that is correct. I wasn't actually sure of the  
5 time, then.

6 Q This was in October. But you now state it, is that  
7 correct?

8 A I used that as a figure of speech. It was a very  
9 short time.

10 Q You used a minute as a figure of speech?

11 A Yes.

12 Q Did you also use as a figure of speech, "I'm  
13 not actually sure what happened in the next few seconds, but  
14 I remember within a minute." Was that a figure of speech or  
15 were you using seconds and minutes in an intelligent appraisal?

16 A Yes.

17 THE COURT: Which is it?

18 THE WITNESS: No, I was just--I was  
19 generalizing there.

20 BY MR. BROWN:

21 Q You were generalizing? A Yes.

22 Q Tell the jury how long it was before?

23 A It was two minutes.

24 Q Two minutes. We now have two minutes.

25 A I can't exactly give an exact time.

1 Q I thought you said two minutes?

2 THE COURT: He did, but he can't give it  
3 exactly.

4 BY MR. BROWN:

5 Q And the fact is that as you told us you are not  
6 even sure that man you were following down the street was  
7 Bello, is that correct? A Right.

8 Q Because you couldn't identify him and you can't  
9 say that. At this time you can't identify that person you  
10 were following as Bello, correct? A No.

11 Q Now, as I understand it, sir, the point we are  
12 talking about is when you reached this clump of trees, there  
13 was a man about 20 feet in front of you, is that correct?

14 A Yes.

15 Q And you couldn't identify that man as Bello,  
16 right? A No, I wasn't really sure.

17 Q Although you had been with him since early  
18 evening, you had known him for how long? A A few hours.

19 Q You only knew Bello for a few hours?

20 A No, I have known him a long time.

21 Q You have known him a long time, but although you  
22 couldn't recognize the man 20 feet in front of you, a man  
23 coming around the corner who you had seen in a magazine and  
24 once in 1964 you recognized in a flash, is that right?

25 THE PROSECUTOR: Objection.

1 MR. BROWN: Is that correct?

2 THE COURT: Objection overruled,

3 BY MR. BROWN:

4 Q Is that correct?

5 A I was pretty sure that was Bello. I just didn't want  
6 to call him.

7 Q As you just said you couldn't identify him?

8 A I know.

9 Q But you could identify this chap coming around  
10 the corner?

11 A Yes. I had been looking at different houses as I was  
12 walking toward, running toward him.

13 Q You had been running toward different houses?

14 A I was running down the street to catch him before he  
15 got to the bar.

16 Q Yes. I understand that. And, therefore, you  
17 were concentrating on him or looking at him because that  
18 is the man you are trying to catch?

19 A I realized--

20 Q My only question to you is this. Isn't that a  
21 fact that you were specially noticing this figure that you  
22 couldn't identify because that is the figure you are trying  
23 to catch, correct?

24 A He was walking close to the building.

25 MR. BROWN: I ask that be stricken.

1 THE WITNESS: He was in the shadows.

2 MR. BROWN: I ask that be stricken, that is  
3 not my question.

4 BY MR. BROWN:

5 Q My question is that this was the person you were  
6 trying to catch and therefore concentrating on in your chase?

7 A Yes.

8 Q Alright. And you weren't looking for the  
9 other two people coming around the corner? A No.

10 Q That was just unexpected, right? A Yes.

11 Q But you recognized the man you had seen once in  
12 1964 and once in a magazine, but you couldn't recognize Bello?

13 THE COURT: That is only a statement. Don't  
14 answer it.

15 MR. BROWN: It is a fact.

16 THE COURT: You have asked that question.  
17 It has been answered.

18 BY MR. BROWN:

19 Q It is a fact that you then spun around and came  
20 back? A Yes.

21 Q And it is a fact that you went all the way back  
22 up into here near the corner of this house, that is the way  
23 you described it? A Yes.

24 Q And is it a fact within now what you call two  
25 minutes, although in your statement you said one minute,

1 Bello came back with the money?

2 A I shouldn't have used an exact amount of time because  
3 it was a very short time. It could have been in as much as  
4 three or four minutes.

5 Q You also identified a car for Mr. Hull, didn't  
6 you? A Yes.

7 Q I show you a car that you said was similar to  
8 the 1964 white Ford you talked about, is that right?

9 A Yes.

10 Q No, that photograph was shown to you on October  
11 14th by one of the officers, wasn't it? A Yes.

12 Q And you were told that that was the car used by  
13 Rubin Carter, weren't you? Weren't you told that?

14 A No.

15 Q You were not told that Rubin Carter had rented  
16 this car?

17 THE COURT: He said no.

18 MR. BROWN: I have changed the question,  
19 your Honor.

20 BY MR. BROWN:

21 Q You were not told that that was the car rented  
22 by Rubin Carter?

23 A I was shown--I imagine it was the same picture I was  
24 shown that this was the car.

25 MR. BROWN: I ask that it be stricken. That



1 is not responsive to my question.

2 THE COURT: Yes. It will be stricken.

3 The question is whether you were told that

4 this was the car that Rubin Carter had rented.

5 I am talking about by the police.

6 THE WITNESS: Yes.

7 BY MR. BROWN:

8 Q As a matter of fact they advised you that  
9 specifically while showing you that photo, didn't they?

10 Is that correct?

11 A They said it was a car similar to that or it could  
12 have been the same one.

13 Q Let me ask you this. If this is not a fact that  
14 they advised you of that as they showed it to you. This is  
15 on page of the statement that you signed. Is that right?  
16 This question. You stated in answer to a previous question  
17 that the car you saw appeared to be a white '64 Ford, is  
18 that correct as you read it? I now show you a photograph  
19 which I have marked S-4 and I assume that was Lt. DeSimone's  
20 photographs, is that correct? A Yes.

21 Q He said, "I now show you a photograph which I  
22 have marked S-7 and advise you that this was a '66 Dodge  
23 which was rented by Rubin Carter on or about June 17, 1966."

24 Is that correct? A Yes.

25 Q Is that the way he did it? A Yes.

1 Q And then he continued, "I ask you to look at  
2 this photograph and tell me if there's any similarity between  
3 this photo and the car you saw on that night?" Is that  
4 correct? A Yes.

5 Q And then your full answer, "They looked like  
6 the same car and if you were to ask me now without telling  
7 me it would look like a '64 Ford to me." Now, is that your  
8 answer? A Yes.

9 Q Is that the way it happened? A Yes.

10 Q So that when that car was shown to you, you  
11 were in fact told this is the car that Rubin Carter rented?  
12 That was taken on October 14th? A Yes.

13 Q That is correct? Alright.

14 Q Do you have a question about that?

15 THE COURT: Let us not get involved in his  
16 questioning you.

17 BY MR. BROWN:

18 Q October 14th?

19 A No. I just said I wasn't sure.

20 Q You weren't sure. You didn't tell the complete  
21 truth on October 14th. It was later on that you came through  
22 with other factors?

23 THE PROSECUTOR: Objection.

24 THE COURT: Objection sustained.

25 We are not concerned with specifics, Mr. Brown.

1 BY MR. BROWN:

2 Q You also had a gun on that date, did you not?

3 THE COURT: What date?

4 MR. BROWN: June 17th, your Honor, 1966.

5 THE WITNESS: No.

6 BY MR. BROWN:

7 Q You did not? A No.

8 Q When did you possess a .32 caliber pistol?

9 THE PROSECUTOR: Objection.

10 MR. BROWN: Within the summer of 1966.

11 THE COURT: Objection overruled.

12 BY MR. BROWN:

13 Q Well, did you tell the Grand Jury that you had  
14 a .32 caliber pistol?

15 THE PROSECUTOR: Objection.

16 THE COURT: Objection sustained.

17 BY MR. BROWN:

18 Q Did you tell the Grand Jury that you had  
19 acquaintance with a shotgun, your father's shotgun?

20 THE PROSECUTOR: Objection

21 THE COURT: Objection sustained. The jury

22 will be instructed that theyr'e statements of  
23 counsel and a question do not constitute evidence

24 and it is not to be considered as a fact. The

25 facts come from witnesses sworn to testify to

1 the truth.

2 BY MR. BROWN:

3 Q Do you remember this question asked to you by  
4 the Grand Jury when you testified in October of 1966? Did  
5 you so testify? A Yes.

6 Q "Do you have any acquaintance with guns?" Your  
7 answer was, "Yes."

8 THE PROSECUTOR: Objection.

9 THE COURT: Mr. Brown, you know that is  
10 wholly improper.

11 MR. BROWN: Why, your Honor?

12 THE COURT: Because the Court has just  
13 ruled that it is improper and you are trying to  
14 do it again in another manner and therefore the  
15 objection is sustained.

16 Now, I have cautioned you. You are not to  
17 read from any testimony dealing with the subject  
18 matters upon which I have just ruled. Both are  
19 improper and the jury is instructed to disregard  
20 this last question asked by Mr. Brown. It is not  
21 to be considered by you.

22 MR. BROWN: If your Honor please, with  
23 respect to a weapon prior to this event, it is  
24 improper to refer to--

25 THE COURT: I have ruled that it is totally

1           irrevelent in this case.

2           MR. BROWN: May I have an objection to  
3           your ruling.

4           THE COURT: Of course.

5 BY MR. BROWN:

6           Q     Now, the car that you were driving for Kellogg  
7     was a '65 Malibu Chevy?           A     Right.

8           Q     Light green?           A     Yes.

9           Q     And you have been driving that for him for  
10    about a month?           A     Yes.

11          Q     And after this incident you were the one who  
12    drove that Malibu back to the scene and again broke and  
13    entered, is that right?

14          A     I drove it from the City Service Gas Station in  
15    Paterson to the scene.

16          Q     Now, do you know--what did you say you used to  
17    break into this place?

18          A     At first I thought it was a large screw driver or a  
19    tire iron. And then I remembered it was a tire iron.

20          Q     At first you thought--what do you mean at first?  
21    Didn't you know what you had that night?

22          A     I used one of the two on different occasions.

23          Q     You still don't know what you used, is that  
24    correct?           A     No. It was a tire iron.

25          A     A tire iron. When did you realize that?

1 A Somewhere near the end of last year.

2 Q Well, you didn't know then in October 1966?

3 A I know.

4 Q You testified before the Grand Jury that you  
5 didn't know which it was, is that correct? A Yes.

6 Q Now, you also don't know what was in your hand  
7 when you decided to go down toward the corner on East 18th  
8 and Lafayette at the time when you saw the Negroes and  
9 turned and ran. You had that thing in your hand previous  
10 to that? A Yes.

11 Q And you dropped it somewhere, is that correct?

12 A Ah-hum.

13 Q And did you subsequently recover it?

14 A Yes.

15 Q That is when you went back after getting the  
16 money from Bello, is that right?

17 A No, I don't remember if I had it then.

18 Q You don't remember if you had it then?

19 A If I did have it, once I saw that his car was gone I  
20 threw it away.

21 Q Now, you told us that you came down toward  
22 Lafayette Bar & Grill because you were breaking into a  
23 building over on 16th Street and you decided to go through  
24 this alley that you traced to the corner of the building,  
25 is that right? A Yes.

1 Q Now, you left--I am pointing to the factory. Is  
2 this the correct location? A Yes.

3 Q And you went down the alley and out here for  
4 what purpose? A The first time?

5 Q Yes, the first time just before you went down  
6 the street?

7 A I wanted to see if possibly a police car was coming  
8 up that way.

9 Q This way? A Yes.

10 Q Well, you hadn't seen any police car, had you?

11 A No.

12 Q You were actually breaking and entering around  
13 here?

14 A Yes, but I realized that someone might have called the  
15 cops and they could come from up Lafayette Street.

16 Q You realized that someone might have called the  
17 cops and they would have been coming up Lafayette Street?

18 A Yes.

19 Q Why anymore likely than they would be coming  
20 up East 16th Street.

21 A It is no--they could have come either way, but Bello  
22 was on the corner of East 16th and Franklin Street.

23 Q He was on the corner?

24 A Of East 16th and Franklin.

25 THE COURT: Up further.

1 BY MR. BROWN:

2 Q He was here? A Right.

3 Q Well, had you forgotten he had already left to  
4 go down for cigarettes?

5 A No. This was before. This was just before I saw the  
6 car.

7 Q I see. So, the corner that you say Bello was  
8 standing on was up here? A Yes.

9 Q Would you come and mark where he was, please?

10 (The witness steps down to the diagram.)

11 THE WITNESS: He was right in here some-  
12 where.

13 MR. BROWN: Just put a round spot where  
14 Bello was.

15 (The witness complies.)

16 MR. BROWN: Thank you. You may get on the  
17 stand, now.

18 (The witness returns to the witness stand.)

19 BY MR. BROWN:

20 Q Now, Bello was standing on this corner?

21 A Yes.

22 Q So, when you came out this side the first time  
23 that you described it, that is the time you saw the car  
24 coming around here? A Ah-hmm

25 Q Is that right? A Yes.



1 Q So that Bello at that point was up in that  
2 corner and you were down here and this is where you saw  
3 the car come around? A Yes.

4 Q Now, the second time, however, you came through  
5 was when Bello had gone for some cigarets, is that correct?

6 A Right.

7 Q Now, you came through, did you, for the same  
8 reason, to make sure the cops weren't coming?

9 A No.

10 Q Well, your purpose coming through here was what?

11 A I had given up on trying that door.

12 Q You were through with that? A Yes.

13 Q And you were going to try to catch the fellow  
14 you saw? You got within 20 feet of him? A Yes.

15 Q Now, after you had turned and ran up to that  
16 corner again and had received the money from Bello, what  
17 did you then do? Are you oriented as to what I am talking  
18 about? A Yes.

19 THE COURT: After you got the money.

20 BY MR. BROWN:

21 Q After you got the money and turned up to the  
22 factory. Bello had left you. What did you do then?

23 A I walked up East 16th Street and down Franklin Street  
24 to where the car had been parked. I didn't see the car  
25 there so I continued down Franklin Street and the house

1 before the corner on Franklin and East 18th Street there is  
2 an alleyway . I went through there because I didn't want to  
3 go right on to the corner. So, I went through the alleyway  
4 and came out East 18th and looked down the street toward  
5 Lafayette Grill.

6 Q And then where did you go? You then saw, I  
7 think, you described Kellogg's car as going by?

8 THE COURT: That was before that. Before  
9 you got in the alley you saw Kellogg's car?

10 THE WITNESS: No, it was before.

11 BY MR. BROWN:

12 Q You came back again? A Yes.

13 Q I think it was after, your Honor.

14 A Yes.

15 Q Go ahead.

16 A And I started walking up Franklin Street toward East  
17 16th Street and I was about where the car had been previously.  
18 I turned around and I was just standing there wondering what  
19 to do when I saw Kellogg's car go by. It was on East 18th  
20 Street going toward Lafayette Street.

21 Q And then what did you do?

22 A I continued up Franklin Street to East 16th Street and  
23 crossed East 16th Street and started walking toward Lafayette  
24 Street and crossed Lafayette Street and crossed 10th Av. The  
25 next block I turned right toward East 18th Street. I stopped

1 there for a few minutes and then I came down East 18th Street  
2 and walked up on the other side, on the opposite side of the  
3 street from the grill. There was a few people standing on  
4 the other side of the street so I stopped there.

5 Q Now, Mr. Bradley, is it a fact that you told  
6 this jury and you have repeated that you didn't see anybody  
7 come out of any doors of the tavern at any time, is that  
8 correct? A Right.

9 Q Is that correct?

10 A When I first saw them I had just turned my head in the  
11 direction where they were.

12 Q And you saw them on the corner? A Yes.

13 Q You didn't see them come out of any door?

14 A No. They could have come out of either door from  
15 where I was.

16 THE COURT: Don't guess if you didn't see  
17 them.

18 BY MR. BROWN:

19 Q You told the Grand Jury you saw them come out  
20 of the bar, didn't you?

21 A I--that was the likeliest I--that was the likeliest  
22 place they had come from;

23 Q That was the likeliest place they had come from?

24 A I wasn't sure.

25 Q You told the Grand Jury what you considered.

1 before the corner on Franklin and East 18th Street there is  
2 an alleyway . I went through there because I didn't want to  
3 go right on to the corner. So, I went through the alleyway  
4 and came out East 18th and looked down the street toward  
5 Lafayette Grill.

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7 think, you described Kellogg's car as going by?

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9 you got in the alley you saw Kellogg's car?

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13 Q I think it was after, your Honor.

14 A Yes.

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17 16th Street and I was about where the car had been previously.  
18 I turned around and I was just standing there wondering what  
19 to do when I saw Kellogg's car go by. It was on East 18th  
20 Street going toward Lafayette Street.

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23 crossed East 16th Street and started walking toward Lafayette  
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25 next block I turned right toward East 18th Street. I stopped

1 there for a few minutes and then I came down East 18th Street  
2 and walked up on the other side, on the opposite side of the  
3 street from the grill. There was a few people standing on  
4 the other side of the street so I stopped there.

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6 this jury and you have repeated that you didn't see anybody  
7 come out of any doors of the tavern at any time, is that  
8 correct? A Right.

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11 direction where they were.

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15 where I was.

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17 them.

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20 of the bar, didn't you?

21 A I--that was the likeliest I--that was the likeliest  
22 place they had come from;

23 Q That was the likeliest place they had come from?

24 A I wasn't sure.

25 Q You told the Grand Jury what you considered.

1 the likeliest place they had come from, is that right?

2 A When I saw them they were standing--they had just  
3 come into my vision there.

4 Q They had just come into your vision at the  
5 corner of Lafayette and East 18th? A Yes.

6 Q But you told the Grand Jury that they came out  
7 of the bar, and that is not so, as far as you know?

8 THE COURT: Well, it is clear, isn't it?

9 You didn't actually see them come out of a bar?

10 THE WITNESS: No, I didn't.

11 BY MR. BROWN:

12 Q But you told the Grand Jury that you saw them  
13 come out of the bar, did you or did you not?

14 A I don't remember that.

15 Q You don't remember. Page 29 of your Grand Jury  
16 testimony on October 26th. "So, I was maybe 20 feet behind  
17 him." That was Bello, wasn't it? A Yes.

18 Q "I was just ready to call his name. You know.  
19 I was enraged to call him and these two colored guys came  
20 out from the bar." Did you say that to the Grand Jury? It  
21 is printed there. A Yes.

22 Q Then you said, "I don't know what door they came  
23 out of. They could have come out of either door from where  
24 I was." Was that right? A Ah-hmm.

25 Q So, is it a fact, that you didn't see anybody

1 come out of the bar and you just told the Grand Jury this  
2 because it was the most likely place, is that right?

3 A Yes.

4 Q Is that right? A Ah-hmm.

5 Q And then by the same token you told the Grand  
6 Jury to finish your answer, "One was Rubin Carter." You told  
7 them that too? A Yes.

8 Q Even though you hadn't seen him, this is the  
9 man you said?

10 THE COURT: What is that, just a minute?  
11 The reporter will read back the question.  
12 (The question is read by the Court Reporter.)

13 THE PROSECUTOR: Objection.

14 THE COURT: I know and that is exactly why  
15 I had it read. He said he saw Rubin Carter in  
16 this Courtroom, and he said he saw Rubin Carter  
17 before the Grand Jury. The jury will disregard  
18 the subsequent comment by counsel made after the  
19 answer.

20 BY MR. BROWN:

21 Q And you finished your answer by saying, "The  
22 other looked very similar to John Artis", is that right?

23 A Is that what is printed there?

24 Q Yes. "I was told this man's name is John Artis."

25 A Yes.

1 THE PROSECUTOR: Your Honor, four words  
2 were left out of that answer in that paragraph.

3 MR. BROWN: Which ones.

4 THE COURT: Read the entire answer, please.

5 MR. BROWN: "One was Rubin Carter." That  
6 was not left out. That was what your Honor  
7 complained of, I added to it.

8 THE COURT: Alright, now we have the  
9 whole answer.

10 MR. BROWN: That is what I said. "One was  
11 Rubin Carter." That certainly can't be contested.

12 BY MR. BROWN:

13 Q Now, after you had given that kind of answer,  
14 you then continued and you testified later on, did you no,  
15 that with respect to the car in question, to wit, a Dodge,  
16 with respect to the question, "Were there any cars there,  
17 then." That is a question before you, isn't it? And your  
18 answer there was, "A lot of cars. I saw a car that looked  
19 like the one I had seen go by before." Is that correct?

20 A Ah-hmm.

21 Q "A white car?"

22 Your answer was, "Yes. It looked to me like a  
23 '64 Ford, but I was told it was a '66 Dodge and they resemble  
24 each other to me." Is that correct? A Ah-hmm.

25 Q That is what you further told the Grand Jury



1 is that right? A Yes.

2 Q Now, when you returned to Bordentown on September  
3 12th, 1966, you had been sent there for crimes not connected  
4 with this case, is that right?

5 THE PROSECUTOR: Objection.

6 THE COURT: Objection sustained.

7 BY MR. BROWN:

8 Q Why had you been returned to Bordentown in  
9 September 12th, 1966?

10 THE PROSECUTOR: Objection.

11 THE COURT: We already went through the  
12 sentence. That has no relevancy. The objection  
13 is sustained.

14 MR. BROWN: This is something that follows  
15 the sentencing, your Honor.

16 THE COURT: Whether it follows it or not  
17 doesn't dictate it's relevancy. I don't see  
18 it's relevancy at the present time. I will  
19 sustain the objection.

20 MR. BROWN: I will call to your Honor's  
21 attention that the State brought it out and  
22 referred to it on the direct testimony. Your  
23 Honor might change the ruling.

24 THE COURT: Alright, I will still stick  
25 with my ruling.

1 Continue.

2 BY MR. BROWN:

3 Q Now, when you were questioned on October 6th  
4 in Bordentown Reformatory concerning the Lafayette Bar & Grill,  
5 you were questioned by Sgt. Kliker and Det. Sgt. Mohl, is  
6 that correct? A Yes.

7 Q When they questioned you in the first instance,  
8 is it not a fact that they told you what Bello had said and  
9 that you confirmed it? A No.

10 Q I show you a statement which is not signed by  
11 you, but represents the conversation.

12 THE COURT: Therefore, do not show it to  
13 him. Ask him a direct question as to what he  
14 said.

15 BY MR. BROWN:

16 Q Did you, sir, confirm the story told to these  
17 officers by Alfred Bello as to their actions that morning and  
18 also said that Bello did give him some money that he took  
19 from the cash register of the Lafayette Bar & Grill, this  
20 being about \$45?

21 THE PROSECUTOR: Objection.

22 THE COURT: Objection sustained. It is too  
23 general a nature. You will have to ask specific  
24 questions.

25 BY MR. BROWN:

1 Q Well, it is a fact, is it not, that until these  
2 officers came down to you on October 6, 1966 you hadn't  
3 said anything to any officials about this matter, is that  
4 right? A Yes.

5 Q You had not admitted that you had received this  
6 money which you learned was stolen from the cash register  
7 of the bar? You learned that, didn't you? A Yes.

8 Q And you hadn't told them about that? A Yes.

9 Q Is that correct? And you had not told about  
10 the fact of your breaking and entering, either by an attempt  
11 or success in that factory, that is so isn't it?

12 A Yes.

13 Q Do you recall being held in the County Jail in  
14 this County in August of 1966?

15 THE PROSECUTOR: Objection.

16 THE COURT: Yes.

17 Well, it is leading.

18 Objection overruled.

19 BY MR. BROWN:

20 Q Do you recall telling an inmate named Martinez  
21 that you are going to play the Carter case off against  
22 charges against you so that you would get the benefit of it?

23 A No.

24 Q You do not. You did not make that statement?

25 A No.

1 MR. BROWN: I have no further questions,  
2 your Honor.

3 THE COURT: Alright, Mr. Stein.

4 CROSS-EXAMINATION

5 BY MR. STEIN

6 Q Mr. Bradley, after you saw these two men and  
7 ran up the street, you went into the alley, is that correct?

8 A Yes.

9 Q And you waited in that alley until such a time  
10 until Bello came there with money, is that right?

11 A Yes.

12 Q During that time did you see any car go by?

13 A No.

14 Q You did not. Now, when you were in the alley--could  
15 you come down here and indicate to us just where you were  
16 located?

17 (The witness steps down to the diagram.)

18 THE COURT: Do you want to orient us Mr.  
19 Stein as to which time you recall he was in  
20 the alleyway?

21 MR. STEIN: Yes.

22 BY MR. STEIN:

23 Q Mr. Bradley, do you understand what I'm talking  
24 about?

25 THE COURT: I want to understand also.

1 tell me.

2 MR. STEIN: I will run through it. The  
3 reference I am making to you, sir, is after Mr.  
4 Bradley ran up Lafayette Street and waited till  
5 Mr. Bello got there.

6 THE COURT: When he came with the money?

7 MR. STEIN: Yes.

8 BY MR. STEIN:

9 Q Do you understand that? A Yes.

10 Q Tell us where you were located/

11 A Right in the opening, here. Right in the corner.

12 Q Now, could you indicate where you were located,  
13 sir? Mark it with that red pencil.

14 (The witness complies.)

15 THE COURT: That is indicating a cross at  
16 the rear, I would say, of the building located  
17 on the corner of East 16th and Lafayette.

18 Is that correct?

19 A What is that, sir?

20 THE COURT: The cross indicated the area  
21 in the rear of the building which is on the  
22 corner of 16th and Lafayette?

23 THE WITNESS: Yes.

24 BY MR. STEIN:

25 Q Now, you were, I believe--you did not hear any

1 car coming up that street, did you, sir?

2 A I can't give you a definite answer about that because  
3 I am not sure.

4 MR. STEIN: You may take your seat if you  
5 want to.

6 (The witness resumes the witness stand.)

7 BY MR. STEIN:

8 Q When you say you are not sure, do you mean you  
9 can't recollect whether you heard any, is that what you  
10 mean? A Yes.

11 Q From the point that you turned around and  
12 started to run up Lafayette Street until you got into the  
13 alley, how long did that take you? Can you recall?

14 A I am not too sure. As long as it would take to run  
15 that distance.

16 Q And you were running as fast as you could?

17 A Yes.

18 Q And as you ran up the street, no car passed, did  
19 it? A I can't give a definite answer on that,

20 I am not sure.

21 THE COURT: Will you keep your voice up.  
22 BY MR. STEIN:

23 Q I did not hear the last answer.

24 A I am not sure. I can't give a definite answer to that.

25 Q Now, when there was a man ahead of you--when you

1 were walking behind somebody--I am going to take you back  
2 to the time you were walking down Lafayette Street toward  
3 East 18th Street. Could you describe anything about the  
4 physical characteristics of the man directly in front of  
5 you or anything of the clothing he was wearing at that time?

6 A He was short and stocky. He was walking down the  
7 sidewalk on the inside of the sidewalk more in the shadows.

8 Q He was about 20 feet in front of you?

9 THE COURT: Let us get the end of the answer.  
10 You asked also about how he was dressed.

11 THE WITNESS: Yes. He had a dark shirt on  
12 and dungarees.

13 BY MR. STEIN:

14 Q Which was what Mr. Bello was wearing, is that  
15 right? A Ah-hmm.

16 Q And this man in front of you, did he have on  
17 a high heel which was a little higher than ordinary street  
18 heel which could perhaps be like a cuban heel?

19 A I am not sure.

20 THE COURT: What was that?

21 THE WITNESS: I am not sure of that.

22 BY MR. STEIN:

23 Q Do you know if Bello, that night was wearing  
24 that type of a heel? A I don't remember.

25 Q Do you remember that on that night mr. Bello

1 had what you would describe as rather long hair?

2 A No. He may have needed a haircut. His hair wasn't  
3 that long.

4 MR. STEIN: I have nothing further.

5 MR. BROWN: I have just one or two, your  
6 Honor. I will be very brief.

7 CONTINUATION OF CROSS EXAMINATION

8 BY MR. BROWN:

9 Q You do know a man named Martinez, Hector?

10 A Yes.

11 Q He was in jail with you on August 3, 1966?

12 A Yes.

13 Q In the Passaic County Jail? A Yes.

14 Q Now, when you took the money from Bello, did  
15 you ever ask him where he got it?

16 A Not right away.

17 Q The question is, did you sir, did you ever ask  
18 him where he got the money?

19 THE COURT: Ever?

20 THE WITNESS: Yes.

21 BY MR. BROWN:

22 Q And what did he tell you? I withdraw the  
23 question. Isn't it a fact that he told you that he saw some  
24 money, picked it up and ran and gave it to you?

25 A Yes.



1 Q And he also came to you the next day for part  
2 of it? A Yes.

3 Q And how much did you tell him it was?

4 A \$40.

5 Q That is what you told him it was. And as a  
6 result of this you gave him some of it, is that right?

7 A Yes.

8 Q You only gave him \$15, is that correct?

9 THE COURT: What difference does it make?

10 MR. BROWN: It makes a difference as to the  
11 total, even among--

12 THE COURT: It is not revelent, and I will  
13 not permit it.

14 MR. BROWN: Would it be revelent to the  
15 question of honesty?

16 THE COURT: Fine, but that is not the  
17 question before the Court or the Jury. That is  
18 why I am excluding it, sir.

19 BY MR. BROWN:

20 Q Did you ever find out, whether your friend, your  
21 partner, Bello, whatever the terms of partnership ever got a  
22 cigarette? A No, I never did.

23 Q Well, he was standing there smoking them when  
24 you were watching him from the corner? A Yes.

25 Q And he was standing outside of the tavern, wasn't

1 he? A No. I noticed him with a cigarette. I  
2 noticed him with a cigarette when I had come back to the  
3 scene.

4 Q When you came back to the scene you noticed him  
5 standing outside the bar with a cigarette?

6 THE COURT: This was after the police were  
7 there?

8 THE WITNESS: Yes.

9 BY MR. BROWN:

10 Q And talking to the people outside of the bar?

11 A Yes.

12 Q Is there some doubt in your mind as to whether  
13 or not you gave him the money to get cigarettes?

14 THE PROSECUTOR: Objection.

15 THE COURT: Objection sustained.

16 BY MR. BROWN:

17 Q Well, with respect to the money for the cigarettes,  
18 when this man went down to the bar, did you give him the  
19 money for cigarettes? A I don't remember.

20 Q Well, do you remember telling the Grand Jury  
21 that you don't know, but you think you may have given him  
22 a dollar for cigarettes? He may have asked you for a dollar  
23 for the cigarettes? A Yes.

24 Q And you don't recall whether you gave him change  
25 or a dollar. You told Mr. Thevos you couldn't remember that?

1 A If I did give it to him I don't remember.

2 Q Let me ask you this specific question. Did the  
3 Prosecutor ask you, Mr. Thevos ask you this question? "Let  
4 me ask you this. If Bello went to the place, the Lafayette  
5 Grill for the purpose of buying cigarettes, how do you  
6 account for the fact that he took certain cents from the  
7 cash register to call the police?" You said, according  
8 to the--

9 THE PROSECUTOR: Objection.

10 MR. BROWN: "I don't remember."

11 THE COURT: There is an objection,

12 Mr. Brown.

13 MR. BROWN: I can't be stopped in mid-  
14 throat, I will choke to death.

15 THE COURT: I don't want you to choke  
16 yourself.

17 MR. BROWN: I wasn't sure.

18 THE COURT: What is your objection?

19 THE PROSECUTOR: The question is phrased  
20 what did Bello--

21 THE COURT: Will you please stand up.

22 THE PROSECUTOR: The question is how can he  
23 account for what Bello did.

24 THE COURT: Yes. That question contained  
25 what you say and I will sustain the objection.

1 MR. BROWN: If you Honor please, this  
2 entire account now, we come into a section where  
3 he says what he did because it--

4 THE COURT: Ask your next question.

5 BY MR. BROWN:

6 Q Then we will go on without that, your Honor.  
7 "Something just occurred to me. I am not sure, but when  
8 he went for cigarettes he might have asked me for a dollar  
9 for cigarettes. I am not sure about that." Did he or did  
10 he not?

11 A I am not sure. That's one of the things I am not  
12 sure of.

13 Q "Did you give him a dollar? Did you give him  
14 a dollar bill or did you give him change?" "Answer, I don't  
15 remember that. I can't remember that."

16 "Question, did you have change in your pocket?"

17 "Answer. Yes. I had change and I had paper."

18 Do you remember?

19 A Yes.

20 MR. BROWN: No further questions.

21 THE COURT: Anything further?

22 MR. STEIN: Yes, I still--

23 THE COURT: Not still, but again. That is  
24 the problem. You see, you should try, push, I  
25 won't hold you to <sup>It</sup>strictly, but try to

1 complete your questioning in one session.

2 MR. STEIN: I appreciate that. I appreciate  
3 the opportunity.

4 THE COURT: Alright.

5 CONTINUATION OF CROSS EXAMINATION

6 BY MR. STEIN:

7 Q Mr. Bradley, when you were following this  
8 gentlemen down the street, you never did get a chance to  
9 call out to him, did you? A No.

10 Q And you came back and you ran back into that  
11 alley and then Bello came running into the alley and gave  
12 you the money, is that correct? A Yes.

13 Q He didn't know you were there, did he?

14 A No. I wasn't--he wasn't 20 feet in front of me all  
15 the way down. I had been slowly closing in on him. You  
16 know, closing the distance. And when last I saw him, he  
17 still had his back to me.

18 Q So he never knew you were behind him?

19 THE COURT: He wouldn't know what somebody  
20 else knew, how could he know?

21 BY MR. STEIN:

22 Q There was no physical response by Mr. Bello at  
23 any time or in the sense that he turned around or just spoke  
24 to you to indicate that he recognized the fact that you were  
25 behind him, is that right? A Yes.

1 Q That is right, isn't it? A Yes.

2 THE COURT: Yes, he said that.

3 BY MR. STEIN:

4 Q So, in fact, he didn't turn around at any time  
5 before you ran up the street that you know of, is that right?

6 A Yes.

7 Q And you ran into the alley and into that little  
8 side there where you have the red spot? A Yes.

9 Q And when he came back with the money he ran  
10 right into that little side spot and gave you the money, is  
11 that right?

12 Q But you at no time ever communicated to him  
13 the fact that you were in that spot or that you were going  
14 into that spot, did you?

15 A What spot is that? Where he gave me the money?

16 Q The red dot..

17 A No, when he came up the sidewalk he came into view.  
18 I jumped and then I saw that it was him and he ran over to  
19 me.

20 THE COURT: What do you mean you jumped?  
21 I don't understand?

22 THE WITNESS: At first I just saw a person  
23 and then I saw it was him and he came right up  
24 to me and he gave me the money.

25 BY MR. STEIN:

1 Q So that when he came up the sidewalk he was  
2 in your view, is that right? A Yes.

3 Q So that if he was in your view, where that  
4 little dot was on this diagram, anything else coming up  
5 the street would have been in your view also, is that right?

6 THE PROSECUTOR: Objection.

7 THE COURT: Objection sustained.

8 BY MR. STEIN:

9 Q Well, let me ask you this. Was any portion of  
10 the width of Lafayette Street in your view from that little  
11 red dot over there?

12 A I had gone into the alleyway a little bit and turned  
13 around. He was just coming out there and he came up to me,  
14 so a car could have gone by while I was back a few feet.

15 THE COURT: Let's not guess. You didn't  
16 see a car coming anyway.

17 THE WITNESS: No.

18 THE COURT: You already answered that before.

19 MR. STEIN: I have nothing further.

20 THE PROSECUTOR: I have no questions.

21 MR. BROWN: That is all.

22 THE COURT: Alright, Mr. Bradley, you may  
23 step down.

24 we'll recess until tomorrow morning at 9:30.

25 (Whereupon the hearing is adjourned.)