

5-22-1967

**Trial Transcript # 25: New Jersey v. Rubin Carter and John Artis**

Lewis M. Steel '63

Sec # P. 94 - 190

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

-----:  
STATE OF NEW JERSEY, :  
Complainant, :  
-vs- :  
RUBIN CARTER and :  
JOHN ARTIS, :  
Defendants. :  
-----

Paterson, New Jersey  
May 22, 1967.

Before:

HONORABLE SAMUEL A. LARNER, J. S. C.

Appearances:

VINCENT E. HULL, Esq.,  
Assistant Prosecutor,  
Attorney for the State.

RAYMOND A. BROWN, Esq.,  
Attorney for Defendant Carter.

ARNOLD M. STEIN, Esq.,  
Attorney for Defendant Artis.

25

Reported by:  
Eleanor H. McIntosh,  
Certified Shorthand Reporter

1 I had.

2 Q What kind of drink did you order at that time? A

3 Vodka and club soda.

4 Q Who did you order that drink from? A From Big

5 Ed, Ed Allen, or either Royal Ivory. I can't recall which one.

6 Q Was Elwood Tuck in that bar at that time? A Yes,

7 he was.

8 Q He was the manager, wasn't he? A Yes, he was.

9 Q This was after two-thirty? A This was 2:30

10 approximately.

11 Q And who else was in that bar at that time when you allegedly

12 returned and had a drink? A Oh, there were quite a few people

13 there.

14 Q Who were some of the others beside Hardney and Big Ed?

15 A The fellows he brought from Newark with him, Norris, John Norris,

16 quite a few people.

17 Q Who is John Norris? A From Newark, a gentleman

18 from Newark.

19 Q He was with Hardney? A Yes.

20 Q You never told the Grand Jury about John Norris, did you?

21 A I never told them about Bill Hardney either.

22 Q What did you do after you had your drink? A Then

23 I seen that I didn't have enough money, so I asked Bill Hardney if he

24 would go home with me because my wife knew him and that was an

25 excuse for me to get back out.

1 Q And what happened then? A And he had seen a  
2 girl that he was going with, the reason why he came to Paterson, and  
3 he told me that he would wait until I get back from home.

4 THE COURT: So he didn't go to your house to  
5 make an excuse to your wife?

6 THE WITNESS: No, sir.

7 Q What did you do then? A And then I walked towards  
8 the front of the bar going out where I seen John Artis in the back room.

9 Q In the back room of what? A Of the Nite Spot.

10 Q What was he doing there? A He was just standing  
11 there when I seen him by the door.

12 Q Who was he with? A No one that I seen.

13 Q And what happened after you saw John Artis in the back  
14 room? A I asked him to go home with me.

15 Q What do you mean by the back room? A It is a  
16 partition off from the bar and the place where they dance at in the back  
17 room.

18 Q And the back room is where they were dancing? A  
19 Yes, sir.

20 Q Was there dancing going on then, after two-thirty? A  
21 I can't recall. I don't know if the band was playing at that time or not.

22 Q Who else was in that room besides John Artis? A  
23 There was a whole lot of people in there.

24 Q And what time was that? A About 2:30, 2:31, 2:32,  
25 something like that, in that vicinity.

1 Q And then what happened? A Then I asked John to  
2 go home with me and he said he would.

3 Q Why did you ask John Artis to go home with you? A  
4 So I could have a reason to get back out on the street.

5 Q This is a man you knew for two or three weeks? A  
6 That's correct.

7 Q And you needed this man as an excuse for your wife to  
8 get back out again? A Well, actually, I was going back home  
9 by myself, so I figured if I had someone else, that is a valid excuse for  
10 me to get back out.

11 Q Now, you say you later did go to your house, did you not?  
12 A Yes, sir.

13 Q Did you take John Artis in the house with you? A  
14 No, sir.

15 Q What did you do after you met John Artis in the back room  
16 there at 2:30, 2:31, 2:32? A I asked him to go home with me.

17 Q And where did you go? A I continued to the front  
18 door after he consented that he would, where John Royster was standing  
19 by the door.

20 Q By which door? A By the front door,

21 Q And what happened there? A He asked me where  
22 I was going, and he said, and I told him that I was going home to get  
23 some money.

24 Q And this was in front of the Nite Spot? A Inside  
25 the Nite Spot by the front door.

1 Q And what did you do after speaking with John Royster?

2 A John Royster asked me could he go.

3 Q Go where? A Home.

4 Q He wanted to go to your house? A Of course.

5 Q And what happened then? A And we proceeded to  
6 go.

7 Q In whose car? A In my car.

8 Q Who drove? A John Artis.

9 Q How did John Artis get the car keys? A I threw  
10 them to him.

11 Q Why did you throw him the keys? A Because he  
12 likes to drive. I am not too particular about it.

13 Q And in which part of the car did you get? A I got  
14 into the back seat.

15 Q And where did John Royster get in? A He got in  
16 to the right front seat.

17 Q And then what did you do? A And we proceeded,  
18 I proceeded to, directly to my house.

19 Q What time was that?

20 THE COURT: Pardon me. May I ask what  
21 time did you leave the Nite Spot with Royster and Artis  
22 in your car?

23 THE WITNESS: We left the Nite Spot 2:30,  
24 2:35, sir.

25 THE COURT: All right.

1 Q Now, did you know what time it was? A I didn't

2 know what time it was, sir.

3 Q How did you know it was 2:30, 2:35? A By checking  
4 back on, after I got, after you arrested me, by checking back and trying  
5 to get the time straight.

6 Q And how much later was that? A How much later  
7 was what, sir?

8 Q That you checked the time. A After I got arrested.

9 THE COURT: That was October?

10 THE WITNESS: Yes, sir.

11 THE COURT: Is that when you started to develop  
12 in your mind the times that you spent in these places, and  
13 the time you left and the time you came?

14 THE WITNESS: No, sir. I started developing in  
15 my mind on the morning of June 17th when Mr. DeSimone  
16 was questioning me.

17 Q Now, where was your car parked when you came out of the  
18 Nite Spot with Artis and Royster? A The same place I  
19 parked it when I went into the Nite Spot on Governor Street.

20 Q Now, would you step down again and show us the route that  
21 you took? A My car was parked here. This is the first street  
22 which is indicated as York Avenue, on here, which is <sup>East</sup> 18th Street. I  
23 told John to go up to the left, to this corner of <sup>East</sup> 18th Street, turn left, go  
24 to 12th Avenue, go to East 18th and 12th, and continue all the way down  
25 12th, all the way down 12th Avenue.

1 Q You went down 12th Avenue? A Yes.

2 Q You were giving him the directions? A Yes.

3 Q You didn't drive? A No.

4 Q You let him drive? A Yes.

5 Q But you had to give him directions? A Yes.

6 Q This is the same man that had been to your house before?

7 A Yes.

8 Q Go ahead. Where did you go then? A And so, when  
9 we was in the car, we was traveling down 12th Avenue and we was  
10 talking. We was talking about one thing or another and John missed the  
11 turn.

12 Q Who were you talking to? A Talking to John,  
13 John Royster.

14 Q What was John Royster doing while you were in that car?

15 A John Royster was leaning against the door.

16 Q And was John Royster talking to you? A Yes, he  
17 was commenting.

18 Q Were you talking to Ar:is? A We was talking, a  
19 conversation in general.

20 Q All three? A Yes, sir.

21 Q John Royster participated in that conversation? A  
22 Somewhat, yes.

23 Q Then where did you go? A Then we continued down  
24 12th Avenue, until I had called John's attention, he had missed the  
25 street. He was going to East 29th Street because he thought he could



1 go over East 29th Street to my house which is on 29th and 20th Avenue,  
2 so I told him, "No, you can't, so turn right on 28th Street". He turned  
3 right, no, left, no, right, on 28th Street until the police officer stopped  
4 us.

5 Q Now, this is 12th Avenue and East 28th Street, is it not?

6 A This is 12th Avenue and East 28th Street.

7 Q That is where Eddy Rawls lives, isn't it, right on that  
8 corner? A Yes.

9 Q And where did you go after that? A After what?

10 Q You turned into East 28th Street. A We continued  
11 down to East 28th Street.

12 Q Did you stop at Eddy Rawls house? A No, I didn't.

13 MR. BROWN: I object. That is irrelevant,  
14 immaterial. There is no testimony --

15 THE COURT: Objection overruled.

16 THE WITNESS: No, we didn't.

17 THE COURT: What was that, "No"?

18 THE WITNESS: No, sir.

19 Q And what street did Artis turn into? A East 28th  
20 Street.

21 Q And then what did you do? A And then after, and  
22 then the police stopped us at East 28th and 14th.

23 Q Where was your house located at that time? A My  
24 house was located right here.

25 Q So the police stopped you before you got to your house?

1 A Yes, sir.

2 Q And what happened when the police stopped you? A  
3 When the police stopped us, Sgt. Capter came to the car and asked for  
4 the license and registration.

5 Q And then what happened? A Then he got the license  
6 and registration and he went, both officers went to the back of the car  
7 and then they returned, and returned the license and registration, and  
8 we went on.

9 Q And where did you go then? A We continued down  
10 East 28th Street until we couldn't go any further. Then John turned  
11 right and went to East 27th Street and continued to my house.

12 Q East 28th Street does not go through to 20th Avenue, does  
13 it? A No, sir.

14 MR. HULL: You may resume the stand.

15 Q And after you left your house, where did you go? A  
16 We returned to the Nite Spot.

17 Q And you were stopped by the police before you got to your  
18 house? A Yes. I was stopped by the police before I got to  
19 my house.

20 MR. HULL: Page 1.8 and 9, Mr. Brown.

21 MR. BROWN: 1.8 and 9.

22 Q Mr. Carter, were you asked this question: "Now, where  
23 did you go when you left the Nite Spot?" Were you asked that question?

24 A Yes, I was.

25 Q Did you give this answer: "We went, left the Nite Spot, and

1 went home, went to my home." Did you give that answer? A Yes.

2 Q Were you asked this question: "Where is that?" A

3 Yes, sir.

4 Q Did you give this answer: "29th and 20th Avenue."?

5 A Yes, sir.

6 Q Were you asked this question: "All three of you?"

7 A Yes, sir.

8 Q Answer: "Yes." A Yes, sir.

9 Q Question: "Did you go into your home?" Were you asked  
10 that question? A Yes.

11 Q Answer: "Yes." Were you asked this question: "What  
12 did you do there?" A Yes.

13 Q Answer: "I went upstairs and got some money." A Yes.

14 Q Did you give that answer? A Yes, I did.

15 Q Question: "How much money?" A Yes.

16 Q Answer: "I think it was \$5." A Yes.

17 Q Question: "What did you do then?" A Yes.

18 Q Answer: "Came back downstairs." A Yes.

19 Q Question: "Got back in the car." A Uh-huh.

20 Q Did you give this answer: "Yes.?" A Yes, sir.

21 Q Question: "What happened then?" A Yes.

22 Q "We came back to the Nite Spot except the officers pulled  
23 us over, the police pulled us over." A Yes.

24 Q Now, after you left, what time, how long did you spend  
25 in your house? A About a minute or two minutes at the most.

1 Q What floor did you live on? A The second.

2 Q What time did you get back in the car? A I got back  
3 in the car, I would say 2:45.

4 Q A. M.? A A. M., in the morning, yes.

5 Q What part of the car did you get in? A I returned  
6 to the same seat, the back seat.

7 Q And what happened then? A Artis turned the car  
8 around and returned to the Nite Spot.

9 Q And how did he go to the Nite Spot? A He went  
10 down and got to 27th Street and continued out 27th Street until he got to  
11 12th Avenue, turned left on 12th Avenue, until he got to East 18th Street,  
12 turned right on East 18th Street till he got to Governor Street, turned  
13 right and parked.

14 Q Where did he park? A On Governor Street.

15 Q What happened there? A We got out of the car  
16 and re-entered the Nite Spot.

17 Q Who re-entered the Nite Spot? A Myself, John  
18 Artis and John Royster.

19 Q And how long did it take to get from your house back to  
20 the Nite Spot? A I would say about five minutes.

21 Q What time would it be when you got back to the Nite Spot?

22 A Ten minutes to three, going on five minutes to three.

23 Q Between 2:50 and 2:55? A Yes.

24 Q Who went back into the Nite Spot? A All three of us.

25 Q Yourself? A Myself.

1 Q Artis? A Yes.

2 Q And Royster? A Yes.

3 Q What did you do when you got back in the Nite Spot?

4 A When I got back in the Nite Spot, I went back to the fellows I was  
5 talking to before I left, John Hardney and these fellows he had brought  
6 from Newark.

7 Q You went back to which fellows? A John Hardney,  
8 Bill Hardney.

9 Q And this was between 2:50 and 2:55? A Between  
10 2:50 and 2:55.

11 Q And what did you do there when you got back to those  
12 fellows? A We continued talking until the last call was  
13 announced.

14 Q And how much time elapsed between then and the last  
15 call being announced? A No more than 2 or 3 minutes.

16 Q So what time would that have been? A That would  
17 have been close to five minutes to three.

18 Q And when the last call was announced, what did you do?

19 A We got a last drink and stepped back from the bar.

20 Q What kind of a drink did you have? A Vodka and  
21 club soda.

22 Q Who served you the drink? A Ed Allen, I believe  
23 it was.

24 Q And did you have your drink? A Yes, I did.

25 Q How long did that take? A No time at all.

1 Q And what did you do after you had your drink? A I  
2 continued, I went, left the bar with the rest of the people that was  
3 leaving.

4 Q And who was that that was leaving the bar at that time?  
5 A Everyone was leaving the bar.

6 Q Where was John Artis at that time? A I don't  
7 know.

8 Q Where was John Royster? A I don't know.

9 Q Did they come in to the bar with you? A Yes.

10 Q Did they have a drink with you? A No.

11 Q Did you buy them a drink? A Not at that time, no.

12 Q Were they in your group? A No.

13 Q They went all the way to your house with you? A Yes.

14 Q This was an excuse for you to get out again? A Yes,  
15 sir.

16 Q And when you went back to the Nite Spot you don't know  
17 where they were? A No, sir. They were in the bar some-  
18 where.

19 Q Why was it that you let Artis drive from the Nite Spot to  
20 your house? A Well, I let Artis drive from the Nite Spot to  
21 my house because I had been drinking that night, I had been drinking  
22 quite regular, quite steady, rather, and I was just out socializing. I  
23 wasn't incapacitated or anything like that, but he likes to drive, so I  
24 let him drive.

25 Q What did you do after you had this last drink at the Nite

1 Spot? A I went outside and stood on the corner talking to Bill  
2 Hardney for a second or so until they got in their car and returned to  
3 Newark or wherever they was going.

4 Q What street was that that you were standing on? A  
5 That was on the corner of Governor and East 18th Street.

6 Q Now, what time was that? A Five minutes to  
7 three.

8 Q Did all of this happen five minutes to three, you returned  
9 back to the bar, you stood there talking, they announced the last call,  
10 you had a drink, you finished that, you went out and stood on the corner  
11 talking to Hardney, all this happened at 2:55? A All of this  
12 happened within a span of two or three minutes.

13 Q What time was it that you were out there speaking to  
14 Bill Hardney on the corner in front of the Nite Spot? A Five  
15 minutes to three, four minutes to three.

16 Q And then what happened? A Then they got in the  
17 car and left, and I was walking to my car when John Artis asked me  
18 to drop him off at Broadway to Myra Barr's house.

19 Q Broadway and what? A Broadway between  
20 East 18th and Graham, I believe.

21 Q And then what happened after that? A And then  
22 as John and we were walking to the car, Royster came up and asked  
23 us to drop him off at Hamilton Avenue, to his home, and I said I would  
24 after I came back from the Club La Petite.

25 Q And what time was this conversation? A That was

1 Spot? A I went outside and stood on the corner talking to Bill  
2 Hardney for a second or so until they got in their car and returned to  
3 Newark or wherever they was going.

4 Q What street was that that you were standing on? A  
5 That was on the corner of Governor and East 18th Street.

6 Q Now, what time was that? A Five minutes to  
7 three.

8 Q Did all of this happen five minutes to three, you returned  
9 back to the bar, you stood there talking, they announced the last call,  
10 you had a drink, you finished that, you went out and stood on the corner  
11 talking to Hardney, all this happened at 2:55? A All of this  
12 happened within a span of two or three minutes.

13 Q What time was it that you were out there speaking to  
14 Bill Hardney on the corner in front of the Nite Spot? A Five  
15 minutes to three, four minutes to three.

16 Q And then what happened? A Then they got in the  
17 car and left, and I was walking to my car when John Artis asked me  
18 to drop him off at Broadway to Myra Barr's house.

19 Q Broadway and what? A Broadway between  
20 East 18th and Graham, I believe.

21 Q And then what happened after that? A And then  
22 as John and we were walking to the car, Royster came up and asked  
23 us to drop him off at Hamilton Avenue, to his home, and I said I would  
24 after I came back from the Club La Petite.

25 Q And what time was this conversation? A That was



1 close to three o'clock.

2 Q How close to three o'clock? A Within minutes.

3 Q Within minutes? A Yes, sir.

4 Q And you were going down to the La Petite? A Yes,  
5 sir.

6 Q To go in to the La Petite? A If the bar was still  
7 open.

8 Q What time does the La Petite close? A It closes  
9 the same time the other bars close.

10 Q And what happened then? A Then we continued  
11 down to Governor Street to Bridge Street to the Club La Petite, and  
12 the Club La Petite was closed already.

13 Q Now, will you step down again, Mr. Carter, please. At  
14 five minutes or four minutes to three you had a conversation with Bill  
15 Hardney and then Artis came up to you and he wanted a ride? A Yes.

16 Q Where was your car parked? A Right here, sir.

17 Q On what street is that? A Governor Street.

18 Q Facing in which direction? A Bridge Street, west.

19 Q Now, where did you have the conversation with Royster?

20 A Right on the corner, on the way to the car.

21 Q And they both wanted to go home? A Yes.

22 Q And where did John Artis want to go at that time? A He  
23 said he wanted to go to his girl's house on Broadway here, about here.

24 Q Broadway and what street? A Between East 18th  
25 and Graham.

1 Q And where did Royster want to go? A To  
2 Hamilton Avenue, right here.

3 Q And where did you go? A I went to the Club  
4 La Petite which is here on this street, on this street here.

5 Q How did you get from the Nite Spot to the La Petite?

6 A Straight down Governor Street until we got to Bridge Street,  
7 turned left at Bridge Street to the Club La Petite.

8 Q And the La Petite was on -- A Bridge Street.

9 Q Bridge Street, and what time was it that you got to the  
10 Club La Petite? A Approximately 3:00.

11 Q And who drove from the Nite Spot to the Club La Petite?

12 A John Artis.

13 Q And where were you at that time? A In the back  
14 seat.

15 Q And where was Royster? A In the front right seat.

16 Q And where did you park the car with reference to the  
17 La Petite? A We didn't park the car at the La Petite. We  
18 pulled up alongside, a couple of cars was parked. We pulled up along  
19 side and looked at the La Petite, the Club La Petite was closed, so we  
20 continued to go, take the folks home.

21 Q When you say you pulled up, were you double parked?

22 A Yes, sir.

23 Q On the same side of the street that the La Petite was?

24 A Yes, sir.

25 Q You were not across the street double parked? A No.

1 We were on the same side, I believe we were.

2 Q And how long did you remain stopped there? A No  
3 more than a second or two.

4 Q And you were in what part of the car at that time?  
5 A The back seat of the car.

6 Q And where was Artis? A Driving.

7 Q And where was Royster? A On the right front,  
8 right.

9 MR. HULL: You may resume the stand.

10 Q And you were there for how long a period of time?  
11 A A second or so.

12 Q And then what did you do? A We continued to  
13 take John Royster home because his house was closest on Hamilton  
14 Avenue.

15 Q And you let him out of the car? A Yes, sir.

16 Q Where? A One house down from his house.

17 Q And where were you in the car when Royster was let out  
18 of the car? A When he was let out, I was in the back seat,  
19 but then I got out and took his seat in the front.

20 Q Now, while you were on the way from the Nite Spot to your  
21 house, all three of you were talking, including Royster, is that right?

22 A Well, we had a general conversation, yes, sir.

23 Q Royster was speaking to you? A He was either  
24 nodding his head or speaking, yes, sir.

25 Q You went back to the Nite Spot after going to your home?

1 Royster got out of the car, did he? A After we got back to  
2 the Nite Spot, yes, sir.

3 Q And you spoke to him on the corner before you got back  
4 into your car? A Yes, sir.

5 Q Then you went down to the La Petite? A Yes, sir.

6 Q And then you let Royster out in front of his house on  
7 Hamilton Avenue? A Yes, sir.

8 Q Did you say anything to him at that time? A No.  
9 He just told John to stop because he had passed his house. That's all.

10 Q And that was the only conversation Royster had? A  
11 Yes, sir.

12 Q When he got out of the car? A Yes, sir.

13 Q You didn't say anything to him? A No, sir. There  
14 was nothing to say.

15 Q What happened after Royster was let out of the car?

16 A When Royster was let out of the car I got out of the back seat  
17 and took his place in the front seat and we continued down to East 18th  
18 Street where John turned right when we got to Broadway, and the red  
19 light stopped us, and we stopped and waited for the red light to change.

20 Q And what happened then? A And then when the  
21 red light changed, he turned, he was going to make a right hand turn  
22 when the police Sgt. Capter pulled us over and told us to stop.

23 Q And what happened then? A He told us to stop  
24 and wait and I told John it was the same police that stopped us before,  
25 and two or three minutes later, that's when all the police cars arrived.

1 Q And then you were returned to the scene? A And

2 then we were not returned to the scene, sir. We was brought to the  
3 Lafayette Bar & Grill.

4 Q Now, the Nite Spot is located at Governor and East 18th  
5 Street, is it not? A Yes, sir.

6 Q That is the point you marked here, I believe, is that  
7 correct? A Yes, sir.

8 Q The Lafayette Grill where you were taken is up East 18th  
9 Street at the intersection of Lafayette Street? A Yes, sir.

10 Q How many blocks? A Approximately six.

11 Q How many times had you been to the Nite Spot before this  
12 night of June 17th? A Innumerable times.

13 Q You also stated that you used to play ball at Putnam Oval,  
14 is that correct? A Yes, sir.

15 Q What street is that on? A 16th and Lafayette.

16 Q And you never knew that there was a bar by the name of  
17 Lafayette Bar & Grill located at Lafayette and East 18th Street?

18 A No, sir, I never knew it existed, because nobody I knew of ever  
19 went there.

20 Q Did you or did you not tell Lt. DeSimone that when you were  
21 stopped by the police, the only person in the car with you was John  
22 Artis? A No, sir. I did not.

23 Q When did you first tell the police that John Royster was  
24 in the car with you when you/stopped?  
were

25 MR. BROWN: I object to this unless they

1 designate the time.

2 THE COURT: That is what he is asking him,  
3 when.

4 MR. BROWN: No.

5 THE COURT: That is the question.

6 MR. BROWN: No. My point is there were two  
7 stoppings.

8 THE COURT: Oh, oh.

9 MR. HULL: At 14th Avenue and 28th Street.

10 MR. BROWN: There were two in one instance  
11 and three in the other.

12 THE COURT: Change your question, please.

13 Q When did you first tell the police that John Royster was in  
14 the car with you when you were stopped at 14th Avenue and East 28th  
15 Street? A I told the police that John Royster was in the

16 car with me when he stopped us June 17th of that morning.

17 Q You told him that? A Yes, sir.

18 Q Wasn't it on June the 24th when you told him it was John  
19 Royster in the car?

20 MR. BROWN: I object to this, your Honor.

21 There has been no testimony as to anything on the 24th.

22 THE COURT: Objection overruled.

23 A No, sir. I had told him, I had told him on June 17th. I had told  
24 Lt. DeSimone on June 17th.

25 Q You did? A Yes, sir.

1 Q And you are sure that it was John Royster who was in the  
2 car with you that night? A Yes, sir, I am positive.

3 Q When you were stopped by the police? A Yes, sir.

4 Q And John Royster went to your house with you? A  
5 Yes, sir.

6 Q And you let him out on Hamilton Avenue? A In  
7 front of his house, yes.

8 Q And you are as sure of that as when you say you had  
9 nothing to do with the shooting at the Lafayette Grill?

10 MR. BROWN: Now, I object to that, your  
11 Honor.

12 THE COURT: Objection sustained.

13 Q Mr. Carter, you stated that when you were brought in to  
14 the Lafayette Grill, when the police brought you there from Broadway  
15 and East 18th Street --

16 MR. BROWN: I object to the question because  
17 there has never been testimony by anybody that this  
18 man was ever brought into the Lafayette Bar & Grill.

19 THE COURT: Amend your question, brought to  
20 the Lafayette Bar.

21 Q When you were brought to the Lafayette Bar & Grill,  
22 someone opened the trunk of your car? A Yes, sir.

23 Q And who was that? A I believe it was Patrolman  
24 Nolan.

25 Q What is his first name? A I don't know his

1 first name, sir.

2 THE COURT: What is that name again?

3 THE WITNESS: Patrolman Nolan, sir.

4 THE COURT: Noonan?

5 THE WITNESS: Nolan.

6 THE COURT: Nolan?

7 THE WITNESS: Yes, sir.

8 Q He is a police officer? A Yes, sir.

9 Q Is he a sergeant or a patrolman? A A patrolman.

10 I didn't pay any particular attention to his insignia.

11 MR. HULL: I have no further questions of the  
12 witness.

13 THE COURT: Mr. Brown.

14 MR. BROWN: I have one or two questions on  
15 re-direct.

16 THE COURT: All right.

17 RE-DIRECT EXAMINATION BY MR. BROWN:

18 Q Mr. Carter, you were asked about the Dodge automobile  
19 that you drove, and Mr. Hull asked if it was the same one you had  
20 rented from Citgo, or, he didn't mention Avis. From whom did you  
21 rent this? A I rented it from Avis, but it was through  
22 their, a chain of Citgo gas stations.

23 Q Was it Pat Mericca who testified here, who was the man  
24 you rented from? A Yes, sir.

25 Q Why did you rent the car from these people?



1 MR. HULL: Objection.

2 A I rented --

3 THE COURT: The objection is sustained. There  
4 is no relevancy. He rented it. He had a right to rent  
5 it. There is nothing wrong with renting it.

6 Q Now, you had nothing to do with the plates they put on  
7 this car, did you? A No, sir.

8 Q Now, can you describe this man Royster whom Mr. Hull  
9 has asked you about? Can you tell us what his general appearance is,  
10 general habit? A Yes. I can describe him.

11 Q Please do for the benefit --

12 THE COURT: Well, just a description. That  
13 is the question.

14 MR. BROWN: His description, yes, sir. That  
15 is what I have asked.

16 A (Continuing) He is brown-skinned, about my complexion, he wears  
17 a mustache similar to mine and a beard most of the time. He has no  
18 front teeth, and he usually have a low-cut haircut similar to mine.

19 Q Are you familiar with any special habit that John has? Is  
20 he drunk or sober generally? A He drinks pretty good.

21 Q Now, you were shown an automobile which you said was  
22 yours. This is S-32. Could you tell us where that car was parked,  
23 if you know. A This car was parked on the East 29th  
24 side  
Street of my house.

25 Q And it was purportedly taken on June 28th. Had you

1 merely parked your car there on that date? A Yes, most  
2 likely.

3 Q Were you aware anybody was coming around taking  
4 pictures? A No, I wasn't.

5 Q Did you always leave --

6 THE COURT: What difference does it make if  
7 they took pictures? They have a right to.

8 MR. BROWN: They have a right to describe the  
9 proper place, your Honor, and I submit it was not  
10 properly described.

11 THE COURT: What do you mean, place? What  
12 does place have to do on June 28th with this event?  
13 That was introduced solely for the purpose of identifying  
14 the car, not the place.

15 MR. BROWN: Well, it should be accurate, your  
16 Honor, no matter who introduces it.

17 THE COURT: I am not going to permit it.

18 Q Did you ever hide your car or did you just park it on the  
19 street like that? A Well, I have two garages there. I  
20 generally park it on the street.

21 Q Now, Mr. Hull has talked about the Grand Jury, Mr.  
22 Carter. Did you, as a matter of fact, on June 29th appear before the  
23 Grand Jury and sign a waiver of immunity and submit to questioning  
24 not only by the Prosecutor, Mr. Thevos, but Mr. Hull himself?

25 A Yes, sir, I did.

1 Q And are these questions which he asked you from the Grand  
2 Jury minutes a part of those that you gave during your voluntary appear-  
3 ance? A Yes, sir, they are.

4 Q And in terms of these minutes, you will notice there is a  
5 different numbering, Mr. Carter. How many appearances did you make  
6 that day? A I made one, but it was, we was detained from  
7 9:30 in the morning until 3:00 the next morning.

8 Q And how long were you on the stand in the Grand Jury room  
9 after signing a waiver of immunity exposing yourself to Mr. Hull, Mr.  
10 Thevos, or anybody he wanted to bring in? How long were you there?

11 MR. HULL: Objection.

12 THE COURT: Objection sustained. What  
13 difference does it make?

14 MR. BROWN: I think it makes a difference, your  
15 Honor.

16 THE COURT: If you have any specific questions  
17 dealing with the specific questions asked on direct, I  
18 will permit it. Otherwise, the objection is sustained.

19 Q Were you asked then whether or not you had anything to do  
20 with this murder in the Lafayette Bar & Grill before the Grand Jury?

21 THE COURT: Objection is sustained.

22 Q Now, you were examined in that Grand Jury from 9:30 to  
23 when did you say, three o'clock? A No. I said we were  
24 detained, we were detained from 9:30 in the morning until three o'clock  
25 the next morning.

1 Q And during this span of time you testified before the Grand  
2 Jury, is that correct? A Yes, sir; yes, sir.

3 Q And what was the condition of your mind and person after  
4 that detainer?

5 MR. HULL: Objection.

6 THE COURT: Objection sustained.

7 MR. BROWN: Well, I think it is relevant, if  
8 your Honor please.

9 THE COURT: Very well. I don't think so.

10 MR. BROWN: All right.

11 THE COURT: What his mind was after the  
12 detainer.

13 MR. BROWN: Forgive me, your Honor, I am  
14 looking for a specific question.

15 Q Now, Mr. Carter, you were asked both by his Honor and  
16 Mr. Hull about the time you left the Nite Spot with John Royster and  
17 John Artis. Do you recall that? A Yes, sir.

18 Q Do you recall being asked this by Mr. Hull before the  
19 Grand Jury on June 29, 1966: "Now, Mr. Carter, who did you leave  
20 the Nite Spot with?" and your answer was, on June 29, 1966, "I left the  
21 Nite Spot with John Royster and John Artis." Is that correct? A Yes,  
22 sir.

23 Q He asked you what time it was, this question: "What time  
24 was it?" and your answer: "About 2:30 or 2:35, something like that."  
25 Was that correct? A Yes.

1 Q June of 1966? A Yes.

2 Q Question: "Who drove?", Answer: "John Artis."; Question:  
3 "You gave him the keys?", Answer: "Yes." Do you remember that?

4 A Yes, sir.

5 Q Question: "What part of the car did you get into?",

6 Answer: "Back seat." A Yes, sir.

7 Q Question: "Where was "Bucks"?", Answer: "Front seat,  
8 sitting next to John Artis." You told him that in June of 1966, didn't

9 you? A Yes, sir.

10 Q Did Mr. Hull ask you then, as he did today, in essence,  
11 this: "Why did you give the keys to Artis?", and was your answer then  
12 as it is now: "I didn't think I was in the right frame of mind to drive."?

13 A Yes, sir.

14 Q Question: "Did you think he was in the right frame of mind  
15 to drive?", Answer: "Yes, sir. I thought even though he <sup>(done)</sup> don't drink,  
16 he didn't act like he was high." You told him that then? A Yes.

17 Q Question: "He did not act like he was high?", and your  
18 answer was: "No." Is that right? In your opinion, was Artis sober,  
19 not sober, but he possessed his faculties, you told them that then?

20 A Yes, sir.

21 Q Question: "This was a car you rented?", Your answer  
22 was: "That's right."? A Yes.

23 Q Question: "Were you responsible for the car?", Answer:  
24 "Right."

25 THE COURT: What is the purpose of these  
questions?

1 MR. BROWN: Well, to show, your Honor --

2 THE COURT: Just a minute, please. Let me  
3 finish.

4 MR. BROWN: I beg your pardon.

5 THE COURT: You are obviously trying to  
6 establish something he said out of Court, which doesn't  
7 deal with the specific questions asked on the cross  
8 examination, and, therefore, have no purpose at this  
9 time on re-direct, or as properly admissible even on  
10 direct.

11 MR. BROWN: Well --

12 THE COURT: Therefore, I will not permit it.  
13 If you limit yourself solely --

14 MR. BROWN: Yes.

15 THE COURT: -- to items asked by --

16 MR. BROWN: Yes.

17 THE COURT: -- Mr. Hull, you will have some  
18 significance.

19 MR. BROWN: May I only explain to your Honor  
20 this, I wanted to read the whole page so I wouldn't take  
21 it out of context.

22 THE COURT: All right.

23 MR. BROWN: Now I will get to what I think you  
24 will consider, what you may rule is a proper question.

25 Q Question: "Now, where did you go when you left the Nite

1 Spot?", Answer: "We left the Nite Spot and went home to my house.";

2 Question: "Where is that?", Answer: "29th and 20th Avenue.";

3 Question: "All three of you?", Answer: "Yes." Do you remember  
4 those questions and answers? A Yes.

5 Q Question: "Did you go into your home?", Answer: "Yes.";

6 Question: "What did you do there?", Answer: "I went upstairs and got  
7 some money."; Question: "How much?", Answer: "I think it was \$5."

8 A Yes, sir.

9 Q Question: "What did you do then?", Answer: "Came back  
10 downstairs."; Question: "Got back in the car?", Answer: "Yes.";

11 Question: "What happened then?", Answer: "We came back to the Nite  
12 Spot except the officer pulled us over, the police pulled us over.";

13 Question: "At what street?", Answer: "28th and 14th."; Question:

14 That was about 2:40?", Answer: "Something like that, in that vicinity."

15 Is that correct? A Yes.

16 Q And those were the questions and answers you gave them  
17 when Mr. Hull asked them? A Yes, sir.

18 Q And were you asked on that occasion: "How well do you  
19 know John Artis?", and did you answer: "I have known him for about  
20 two weeks, two weeks or a week."? A Yes.

21 Q Question: "Are you quite friendly?", Answer: "We have  
22 been friendly the times we have been together, yes."; Question: "Were  
23 you friendly enough that you would ask him to your house for a visit?",  
24 Answer: "Yes." Do you remember that? A Yes.

25 Q Question: "Did he ever come into your house?", Answer:

1 "Yes.,"; Question: "What, on special occasion?", Answer: "He came  
2 there to eat one day." Now, Mr. Carter, during this -- you are a  
3 prizefighter, is that right? A Yes, sir.

4 Q How much time out of the average year up until the time you  
5 were incarcerated did you spend in your fight camp and in Paterson?

6 MR. HULL: Objection. It is improper re-direct,  
7 your Honor.

8 THE COURT: Well, it may be improper re-direct,  
9 but I will permit it.

10 Q What time did you spend -- where was your training camp  
11 by the way? A My training camp was in Chatham, New  
12 Jersey.

13 Q What is it called? A Ehsan's Training Camp.

14 Q Is that old Madam Bay's? A Old Madam Bay's, yes.

15 Q How much time would you spend up there, as opposed to  
16 the city? A Eight months out of the year.

17 Q You would actually be up there around those folks?  
18 A Yes, sir.

19 THE COURT: Now, do you have anything on  
20 your case?

21 MR. STEIN: No, sir.

22 THE COURT: All right. Do you have any further  
23 questions of the defendant?

24 MR. HULL: No, your Honor.

25 THE COURT: All right. We will take a recess



1                   until two o'clock.

2       (At this point the luncheon recess was taken at 1:05 p.m.)

3       (Afternoon session commencing at 2:25 p.m. The jury entered the  
4       courtroom. The jury roll was called by the Clerk of the Court.)

5                   THE COURT: All right, Mr. Brown:

6                   MR. BROWN: I call Mrs. McGuire, Catherine  
7                   McGuire.

8       C A T H E R I N E . M c G U I R E, being duly sworn upon her oath  
9       according to law, testified as follows:

10       DIRECT EXAMINATION BY MR. BROWN:

11           Q     Where do you live, Mrs. McGuire?           A     220

12       Governor Street.

13           Q     In what city is that?           A     Paterson, New Jersey.

14           Q     How long have you lived there, please?     A     About  
15       eleven years.

16           Q     And on June 17, 1966, did anyone else live in those premises  
17       who was related to you?           A     My mother.

18           Q     And what is her name?           A     Anna Mapes.

19           Q     And where did she live in those premises?     A     She  
20       lived on the third floor.

21           Q     And where did you live in those premises?     A     Second,

22           Q     And who lived there with you?           A     Just my two  
23       sons.

24           Q     Now, Mrs. McGuire, on the night of June 16, going over  
25       the morning of the 17th, that is, Thursday into Friday morning, did you

- 1 have any, did you go to the Nite Spot, a local bar? A Yes,  
2 I did.
- 3 Q About what time did you go there? A Between nine  
4 and ten.
- 5 Q And with whom did you go? A My mother.
- 6 Q Where is the Nite Spot located by the way? A On  
7 East 18th and Governor Street.
- 8 Q And do you know who manages that bar? A Tuck.
- 9 Q What is his full name, is it Elwood Tuck? A Elwood  
10 Tuck.
- 11 Q Now, when you got to the bar, what if anything -- what  
12 time did you say you got there, about ten? A About ten.
- 13 Q Where did you and your mother go? A We went  
14 inside to the back and sat down.
- 15 Q And what then happened from ten on? Did you see the  
16 defendant, Carter, there at any time that night? A Yes, I did.
- 17 Q At what time did you see him there? A I see him  
18 a couple of times, maybe about twelve and after that.
- 19 Q Now, did you see him at approximately two? A Yes,  
20 I did.
- 21 Q Two A. M., that would be two a.m. Friday morning?  
22 A Right.
- 23 Q On the 17th of June. Did you see him at approximately  
24 that time? A Right.
- 25 Q Where did you see him? A In the Nite Spot.

1 Q And what, if anything, happened? A I asked him  
2 to take me and my mother home.

3 Q And what did he say, if anything? A He said that  
4 he would, but he couldn't do it right now.

5 Q And what, if anything, then happened? A He left  
6 for about 15 minutes and he come back and he said he would take me  
7 home then.

8 Q Roughly what time would you say that was? A About  
9 2:15.

10 Q Now then, what happened? A Well, he took my  
11 mother and I home.

12 Q Would you describe what happened, did you walk out of the  
13 Nite Spot together, you and he and your mother? A Yes, we did.

14 Q And when you got out of the Nite Spot, what, if anything, did  
15 you do? A We got in his car. The three of us got in the front.

16 Q Pardon? A We got in the front.

17 Q All three? A Right.

18 Q Which is you and your mother and Rubin, and this was  
19 about 2:15, is that correct? A Yes.

20 Q And where did you then go? A To 220 Governor  
21 Street. That is my home.

22 Q How far is that from the Nite Spot? A About three  
23 blocks.

24 Q And what is the condition of that street, Governor Street,  
25 at that hour? A It is busy, I guess. I don't know.

1 Q And what, if anything, happened? A I asked him  
2 to take me and my mother home.

3 Q And what did he say, if anything? A He said that  
4 he would, but he couldn't do it right now.

5 Q And what, if anything, then happened? A He left  
6 for about 15 minutes and he come back and he said he would take me  
7 home then.

8 Q Roughly what time would you say that was? A About  
9 2:15.

10 Q Now then, what happened? A Well, he took my  
11 mother and I home.

12 Q Would you describe what happened, did you walk out of the  
13 Nite Spot together, you and he and your mother? A Yes, we did.

14 Q And when you got out of the Nite Spot, what, if anything, did  
15 you do? A We got in his car. The three of us got in the front.

16 Q Pardon? A We got in the front.

17 Q All three? A Right.

18 Q Which is you and your mother and Rubin, and this was  
19 about 2:15, is that correct? A Yes.

20 Q And where did you then go? A To 220 Governor  
21 Street. That is my home.

22 Q How far is that from the Nite Spot? A About three  
23 blocks.

24 Q And what is the condition of that street, Governor Street,  
25 at that hour? A It is busy, I guess. I don't know.

1 MR. HULL: I missed that answer.

2 THE COURT: It is busy, I think she said.

3 Would you repeat that answer.

4 (The pending answer was read by the Reporter.)

5 Q Well, on that particular night, can you describe it for us?

6 A It wasn't that busy.

7 Q So did he drive you along the street? A Yes.

8 Q To your home? A He did.

9 Q And what, if anything, happened when you got there?

10 A Well, my mother got out first, and I sat in the car for a few  
11 minutes.

12 Q Well, did you sit in the car at anybody's particular request?

13 A Rubin said he wanted to say something to me.

14 Q And did you remain in the car for awhile? A Yes,  
15 I did.

16 Q And then what happened after you had been there for awhile?

17 A Then I got out of the car and I went and sat on the porch.

18 Q Now, can you approximate, if you can, what time that would  
19 be that you got out? A About 2:25, 2:30.

20 Q Something like that? A Yes.

21 Q And then what, if anything, happened to Rubin and his car?

22 A Rubin left.

23 Q But you are reasonably certain of these times you have  
24 told us about? A Yes, I am.

25 Q And you are reasonably certain that this was a Friday

1 morning, the 17th of June, 1966? A Yes.

2 Q And as to times, how are you reasonably certain of times?

3 A Well, my mother had to go to work the next day.

4 Q And -- A And this is why she kept watching her  
5 watch, you know, she wanted us to go.

6 Q You did not gauge these times by the bar clock, did you?

7 A No, I didn't.

8 MR. BROWN: No further questions.

9 THE COURT: Did you look at a watch?

10 THE WITNESS: Well, both of us was looking.

11 THE COURT: Did you look at her watch?

12 THE WITNESS: Now and then, yes. Just to see  
13 what time it was.

14 THE COURT: All right, Mr. Hull.

15 CROSS EXAMINATION BY MR. HULL:

16 Q Whose watch were you looking at, Mrs. McGuire?

17 A My mother's.

18 Q You didn't have a watch? A No.

19 Q How many times did you look at your mother's watch?

20 A Well, it was after twelve, because it was getting late.

21 Q When was it after twelve? What happened when it was  
22 after twelve? A Well, she had to go to work the next day, and

23 she wanted to leave.

24 Q At twelve o'clock? A No, not exactly twelve.

25 She just wanted to leave early, so she could get up in the morning.

1 Q And you left early? A We left about 2:15.

2 Q Well, when did you look at the watch? A We looked  
3 at the watch at about two or just before two.

4 Q Your mother had a watch on? A Yes.

5 Q Which arm? A I don't know.

6 Q How many times did you look at the watch? A Off  
7 and on all night.

8 Q How many times did you look at your mother's watch off  
9 and on all night long? A Maybe four or five times.

10 Q There was a clock in that bar, wasn't there? A Yes,  
11 there was.

12 Q But you kept looking at your mother's watch? A I  
13 couldn't see the clock from where I was sitting.

14 THE COURT: What was the last time that you  
15 saw your mother's watch?

16 THE WITNESS: The last time? I guess it was  
17 about two.

18 THE COURT: About two.

19 Q What was the first time that you looked at your mother's  
20 watch? A I don't know.

21 Q Approximately. A Before twelve, I guess.

22 Q And from before twelve up until two you looked at your  
23 mother's watch how many times? A Just a couple of times.

24 Q And then you and your mother left early at what time?

25 A About 2:15.

1 Q And what time did your mother have to go to work the next  
2 morning? A She has to get up at six.

3 Q And when you left after two, it was early? A Well,  
4 it is not early.

5 Q How long have you known Rubin Carter? A A couple  
6 of years, about two.

7 Q What night was this that you went to the bar? A  
8 Thursday night.

9 Q You are sure about that? A Yes.

10 Q And what time was it that you went to the bar? A  
11 Between nine and ten.

12 Q Nine p.m. and ten p.m., and you say this was Thursday  
13 night? A Yes.

14 Q And who did you go with? A Just my mother.

15 Q And you were living at 220 Governor Street at that time?  
16 A Yes.

17 Q How did you get to the bar? A We walked.

18 Q How? A Straight down Governor.

19 Q To the tavern? A Right.

20 Q How long did it take you to walk down Governor Street to  
21 the tavern? A About 10 minutes, 15 minutes.

22 Q How many blocks is it from your house at 220 Governor to  
23 the tavern? A Three.

24 Q And that took ten or fifteen minutes? A We  
25 weren't running. We were walking slow.



1 Q And who was at the bar when you got there?  
2 was there.

3 Q Elwood Tuck? A Right.

4 Q He is the manager? Was there anybody else there?

5 A A girl named Patsy was there. She was on the door going into the  
6 back. The waitress was there, the one that works in the kitchen.

7 Q What is her name? A Melissa.

8 Q Was there anybody else there that you remember? A

9 There was quite a few people, but I don't remember all of them that  
10 was there.

11 Q And this was what time when you got to the bar? A

12 Between nine and ten.

13 Q And how long did you remain in the bar? A Until

14 2:15.

15 Q And when is the first time that you saw Mr. Carter that

16 night? A Around twelve, I guess.

17 Q You were in the bar from between nine and ten o'clock, and

18 the first time you saw Mr. Carter was around midnight? A I

19 think so, yes.

20 Q What were you doing in the bar between nine and ten or

21 midnight? A What was I doing?

22 Q Yes. A I was sitting at the bar drinking.

23 Q With your mother? A With my mother.

24 Q And you are sure you didn't see Mr. Carter before mid-

25 night? A I don't think so.

1 Q And what happened at midnight? A Nothing.

2 Q How do you know you saw Mr. Carter in the bar at midnight?

3 A Because it was a couple of hours later that I seen him.

4 Q Did you look at your mother's watch at that time? A

5 About that, I guess. I don't remember.

6 Q And what did you do in the bar after midnight up until two  
7 o'clock? A We just sat there and talked.

8 Q Who were you talking to? A My mother.

9 Q Were you talking to anybody else that night? A I  
10 probably was, but I don't remember who it was.

11 Q You just spent the time with your mother? A Right.

12 Q And what happened around two o'clock? A About  
13 two I seen Rubin, and I asked him to take me home, and he said --

14 Q Where were you when you saw Rubin? A I was  
15 sitting in the back by the bathroom.

16 Q And when you say the back, what do you mean? A In  
17 the back of the bar. There is a kitchen back there and a ladies' bath-  
18 room and a men's bathroom.

19 Q And where was your mother then? A She was  
20 sitting there too.

21 Q Were you -- A Right.

22 Q Were you at the bar at that time? A Yes.

23 Q And what happened? A Well, I asked Rubin to take  
24 me home. He said he couldn't do it right now.

25 Q Now, what time was this? A This was about two.

1 Q How did you know that was two o'clock? A Because

2 I kept looking at the watch, and I said I wanted to go.

3 Q You kept looking at your mother's watch? A Yes.

4 Q How many times? A Just a couple.

5 Q And when Rubin, when you saw Rubin, what time was it?

6 A It was about two.

7 Q What did your mother's watch say what time it was?

8 A Her watch said two.

9 Q What did you look to see Rubin first or did you look at the  
10 watch first? A Well, since I wanted a ride home and I didn't  
11 see anybody else in there with a ride, I asked Rubin.

12 Q You asked -- A I asked Rubin.

13 Q You asked him what? A To take me home.

14 Q And what happened then? A He said he couldn't  
15 do it right now.

16 Q What else did he say? A He said he would do it in  
17 a few minutes.

18 Q Did he say why? A He said he had to go somewhere.

19 Q Did he say where he had to go? A He said he was  
20 going to go home.

21 Q And did he say anything else? A No.

22 Q And what did Mr. Carter do after he said that to you?

23 A He left. I didn't see him anymore.

24 Q He left where? A I didn't see where he went. He  
25 just, you know, he left.

1 Q But he did say to you that he had to go home? A Yes,  
2 I think so.

3 Q And when did you next see him? A About 2:10, 2:15.

4 Q How do you know it was 2:10 or 2:15? A Because  
5 he said he would be back in a few minutes.

6 Q How do you know it was 2:10 or 2:15? A Because  
7 my mother looked at her watch.

8 Q Did you look at the watch too? A I don't know. I  
9 don't think so.

10 THE COURT: Well, did your mother tell you  
11 it was 2:10?

12 THE WITNESS: Yes. She kept telling me the  
13 time all the time.

14 THE COURT: Oh, she kept telling you the time,  
15 is that it?

16 Q And what happened then? A Rubin said that he  
17 would take us home and that's when we left.

18 Q Where were you then? Where were you in the bar when  
19 Rubin came back? A I was still sitting in the back.

20 Q And where was your mother? A She was sitting  
21 there too.

22 Q And what happened then? A And then we got up  
23 and we left and we went and got in the car.

24 Q And in whose car did you go? A Rubin's.

25 Q And where was the car? A Parked outside on

1 Governor Street, I think, on the corner.

2 Q Parked outside where? A On the corner of Governor  
3 and East 18th.

4 Q Where? A In front of the Nite Spot.

5 Q On what street? A Governor and East 18th.

6 Q On which street, Governor or East 18th? A I  
7 think it was on Governor.

8 Q Where, how close to the bar? A It was on the  
9 corner.

10 Q Right on the corner? A Uh-huh.

11 Q The first car? A I don't know if it was the first  
12 car but it was there at the corner.

13 Q Now, what time was it when you got out to the car?

14 A I don't know. We just got up and left.

15 Q Where did you go? A To 220 Governor Street.

16 Q And in Mr. Carter's car? A Yes.

17 Q Who got in the car? A My mother and myself and  
18 Rubin.

19 Q Where were you sitting? A In the middle.

20 Q And where was your mother? A On the outside.

21 Q And where did you go? A To 220 Governor Street.

22 Q And how long did that take? A Just a few minutes.

23 Q A few minutes? A Yes.

24 Q How many blocks? A Three.

25 Q How fast did Mr. Carter drive? A He wasn't

1 driving that fast.

2 Q Approximately how fast? A Regular speed.

3 Q Twenty-five, thirty miles an hour? A I don't know.

4 Q And it took a few minutes to go the three blocks? A Yes.

5 Q Now, what time was it when you got to 220 Governor Street?

6 A About 2:20.

7 Q How do you know it was 2:20? A Because it  
8 don't take more than five minutes to get down to my house.

9 Q It takes five minutes? A It takes about five minutes  
10 to get from the bar.

11 Q Five minutes to go three and a half blocks?

12 THE COURT: Was that a question?

13 Q Did it take five minutes to go that three and a half blocks  
14 that morning? A About that. I don't know. He wasn't going  
15 that fast or that slow.

16 Q And what happened then? A He parked in front of  
17 my house and my mother got out.

18 Q That is Mrs. Mapes? A Right.

19 Q And what happened then? A I stayed in the car.

20 Q For how long? A A few minutes.

21 Q And what were you doing there? A I was talking.

22 Q With Mr. Carter? A Right.

23 Q For how long a period of time did you speak to Mr. Carter?

24 A Just a few minutes.

25 Q And what happened after you spoke to Mr. Carter? A

1 Then he left.

2 Q And what time was that? A About 2:25, 2:30.

3 Q Did you look at a watch then? A No, I didn't.

4 Q And then what did you do? A Then I went on  
5 the porch.

6 Q On the porch? A Yes.

7 Q Of 220 Governor Street? A Yes.

8 Q And for how long a period of time did you stay on the  
9 porch? A Maybe about a half an hour, twenty minutes.

10 Q And were you with anybody while you were on the porch?

11 A I was sitting with my mother.

12 Q Mrs. Mapes? A Right.

13 Q And did you see Mr. Carter after that, after you got out  
14 of his car? A I thought I saw his car, yes.

15 Q When was that? A About, I think when the bars  
16 was closing, about that time.

17 THE COURT: A little louder, please.

18 THE WITNESS: The bars were closing.

19 Q What time? A About a quarter to three.

20 Q And where was it that you saw Mr. Carter? A Going  
21 down Governor.

22 Q In which direction? A Down towards Bridge  
23 Street. There is only one way.

24 Q And was there anyone with Mr. Carter at that time?

25 A I didn't see anybody.

1 Q He was alone? A Yes.

2 Q He was driving? A Yes.

3 Q And this was about quarter of three? A Yes.

4 Q And what day was this that you went to the bar? A On  
5 a Thursday night.

6 Q And when you say it was after two o'clock Mr. Carter took  
7 you home, what morning was that? A Friday.

8 MR. HULL: Your Honor, may I have this  
9 statement marked for identification.

10 THE COURT: All right. All right. It will be  
11 marked S-74 for identification.

12 (The aforementioned statement was duly marked as Exhibit S-74 for  
13 identification by the Reporter.)

14 Q Mrs. McGuire, I show you S-74 for identification. Is that  
15 the middle of your signature at/page two? A Yes.

16 Q Catherine McGuire? A Yes.

17 Q Are these your initials at the bottom of page one, "C. M."?

18 A Yes.

19 Q Did you write your signature at the back of page two?

20 A Yes.

21 Q And did you place your initials there? A Yes.

22 Q And did you give a statement to Lt. DeSimone on April  
23 the 28th, 1967? A Yes.

24 Q And is this the statement you gave? A Yes.

25 MR. BROWN: I object, only, your Honor, that



1 she hasn't had a chance to look at the statement before  
2 answering the question. That is my only objection.

3 THE COURT: Well, if the question is relevant  
4 to any particular part, it will be shown to her.

5 Are you asking any questions on the statement?

6 MR. HULL: Yes, your Honor.

7 THE COURT: Point out the question and answer  
8 in the statement.

9 MR. BROWN: All right, Your Honor.

10 THE COURT: As each question is asked.

11 Q Mrs. McGuire, were you asked this question: "Will you  
12 tell me all you can recall about your meetings or associations with  
13 Rubin Carter at the time of the alleged crime for which Rubin is  
14 charged?" Were you asked this question? A Yes.

15 Q And did you give this answer, and if you like to you may  
16 read the answer before I question you on it. Take time to read the  
17 answer.

18 THE COURT: Do you want her to read it to  
19 herself?

20 MR. HULL: Yes, your Honor.

21 THE WITNESS: I read it.

22 Q Did you read that? Now, did you give this answer: "My  
23 mother, Anna Mapes, and I got to the Nite Spot around nine to ten p. m.  
24 We sat at the bar, I think it was by the men's bathroom. Some time  
25 during the night I saw Rubin Carter, but he was in and out. Just before

1 two o'clock he come in and I asked him to take me and my mother home.  
2 Rubin said he couldn't do it now, he said he had to go home, he would  
3 be back in about fifteen minutes. Then he came back about 2:10 or  
4 2:15 a.m. and then he took me and my mother home to 220 Governor  
5 Street. My mother got out of the car and I stayed in the car for a few  
6 minutes and then he left. We were sitting on the porch and Rubin  
7 passed the house in his car. This was about three o'clock. When  
8 Rubin passed the second time he was alone. Jerry Reeves passed  
9 either in the front or behind Rubin when Rubin came by the second time.  
10 Then I went to bed." Did you give that answer? A Yes, I did.

11 Q And were you asked this next question: "Do you recall  
12 what date this was when you were dropped off by Rubin Carter?" Were  
13 you asked that question? A Yes.

14 Q And did you give this answer: "It was Saturday morning,  
15 June 18, 1966, I am positive." Did you give that answer? A No.  
16 It was June 17th.

17 THE COURT: No. The question is did you give  
18 that answer, not what your statement is now, but did you  
19 give that answer at that time?

20 THE WITNESS: I don't remember.

21 THE COURT: What is it?

22 THE WITNESS: I don't think I did.

23 THE COURT: Well, what was your first answer?

24 Please read the answer back, Miss Reporter.

25 (The pending answer and Court's statement and the following answer

1 were read by the Reporter.)

2 Q Were you asked this question: "Did I just allow you to look  
3 at a calendar so there would be no mistake about a date?" Were you  
4 asked that question? A Yes.

5 Q And did you give this answer: "Yes."? A Yes.

6 Q Mrs. McGuire, when was the first time you ever discussed  
7 this particular meeting with Rubin Carter, with anyone? A The  
8 first time?

9 Q Yes. A I talked to Mr. Brown.

10 Q And when was that? A It had been about two  
11 months now, I guess.

12 Q Two months? When?

13 THE COURT: When?

14 THE WITNESS: It has been about two months, or  
15 since this started.

16 THE COURT: Well, is it two months back from  
17 now? Is that what you mean?

18 THE WITNESS: Yes. I think so.

19 THE COURT: Or two months after June 17th?

20 THE WITNESS: No. Just two months ago.

21 THE COURT: Two months ago, is that it?

22 Q In which month? A I don't know which month.

23 Q And you say it was about two months ago, is that correct?

24 A Uh-huh.

25 Q And the first person you told about it was Mr. Brown?

1 A Right.

2 Q And from June the 17th of 1966, up until some time you say  
3 was two months ago, you never spoke to anyone about this? A No.

4 Q And you knew that Mr. Carter was brought in for question-  
5 ing on June 17th of 1966?

6 MR. BROWN: Objection to that as irrelevant and  
7 immaterial, if your Honor please.

8 THE COURT: Objection sustained.

9 MR. HULL: I have no further questions.

10 THE COURT: May we stipulate -- I don't recall  
11 if there is any testimony as to what day of the week  
12 June 17th actually was.

13 MR. BROWN: Oh, of course we can stipulate,  
14 your Honor.

15 THE COURT: All right.

16 MR. BROWN: That it was Thursday night, Friday  
17 morning.

18 THE COURT: Very well.

19 MR. BROWN: Is that stipulated?

20 MR. HULL: Yes, your Honor.

21 MR. BROWN: I think Mr. Hull said no further  
22 questions your Honor.

23 MR. HULL: That's correct.

24 THE COURT: Is that all?

25 MR. BROWN: May I re-direct?

1 THE COURT: Have you anything else?

2 MR. BROWN: Yes.

3 RE-DIRECT EXAMINATION BY MR. BROWN:

4 Q Cathy, it is a fact you talked to me about two months ago,  
5 is that right? A Yes.

6 Q And I then informed you I must submit your name to the  
7 Prosecutor as a witness in this case? A Yes.

8 Q To your personal knowledge, did I so submit your name to  
9 the Prosecutor? A Yes.

10 Q Now, as a result of this, were you called down by Lt.  
11 DeSimone? A Yes, I was.

12 MR. BROWN: Your Honor, I don't know whether  
13 the rule permits me to have access to the statement or  
14 not. It is merely marked for identification. I would ask  
15 if it is within your Honor's ruling --

16 THE COURT: I don't suppose you have any  
17 objection, do you, Mr. Hull?

18 MR. HULL: I have no objection.

19 THE COURT: All right. Show it to Mr. Brown.  
20 Very well. It was used. You are entitled to it.

21 MR. BROWN: All right. Thank you.

22 Q Now, it is a fact then that on April 28, Lt. DeSimone did  
23 summon you to his office, is that right? A Yes, he did.

24 Q Tell the Court and jury how that was done. A I was  
25 at my mother's house to pick my children up after work, and two men

1 come to my mother's house and told me DeSimone wanted to see me.

2 I went to DeSimone's office.

3 Q Where was that? A It is over there somewhere.

4 Q In the Prosecutor's office? A Yes; and he asked  
5 me about Rubin Carter. I told him when I had been with Rubin, what  
6 time Rubin had brought me home.

7 Q What did you tell him? A That Rubin brought me  
8 home at 2:15 and that I had asked him about two.

9 Q Did you tell him what day of the week it was? A Yes.

10 Q What day of the week did you tell Lt. DeSimone it was?

11 A I told him it was the 17th.

12 Q Go ahead.

13 THE COURT: The question is what day of the  
14 week did you tell him.

15 THE WITNESS: He didn't ask me the day, he  
16 asked me the date.

17 THE COURT: Oh, he didn't ask you the day at  
18 all, is that your testimony?

19 THE WITNESS: I don't think so.

20 THE COURT: You don't think so?

21 THE WITNESS: I don't remember.

22 THE COURT: Before you said, "I don't think so."

23 All right.

24 Q Now, after he asked you that, would you proceed to tell the  
25 jury exactly what happened in that room with Lt. DeSimone? A He

1 asked me the questions about Rubin, and he told me that I was a liar,  
2 that I hadn't been with Rubin on June 17th.

3 Q Go ahead. A And I told him that I was telling  
4 the truth. So he told me that if I wasn't telling the truth that he would  
5 tear me from limb to limb up here.

6 Q Now, he did not tell you he would do that physically, that  
7 is not what he said, is it? A No.

8 Q Tell the jury what you mean by "up here". Let's tell the  
9 absolute truth. "Up here", what was he talking about? A When  
10 I was on the stand.

11 Q When you were on the stand he would tear you limb from  
12 limb? A Right.

13 Q Now, there was no physical threat of any kind? A  
14 No, there wasn't.

15 Q When he said that, let's be certain he meant on the stand.  
16 A. Right.

17 Q Now, let's proceed and tell us whatever else occurred.

18 A He kept asking me about the 17th, and I told him again and again  
19 about Rubin bringing me home. He told me that it couldn't have been  
20 on a Thursday night, that it had to be on a Friday.

21 Q Well now, Mr. Hull showed you S-74 for identification, and  
22 you identified your signature at the bottom of the second page, is that  
23 right? A Right.

24 Q Now, I think you have had a high school education, haven't  
25 you, Mrs. McGuire? A No, I haven't.

Q How far did you go? A Ninth.

Q Ninth grade? Did you read this before you signed it?

A Yes, I did.

Q Well, did you read where it said, I read to you the same question that Mr. Hull read to you: "Do you recall what date this was when you were dropped off by Rubin Carter?", and the answer: "It was Saturday, June 18, 1966. I am positive." A Uh-huh.

Q Well, did you sign it knowing that was in this? A Well, at the time Mr. DeSimone was yelling, you know, I was nervous, I was upset, really, because I asked him before I signed --

THE COURT: Well, just a minute, please.

I don't think that is responsive to the question.

MR. BROWN: Not fully, your Honor, no.

THE COURT: The question was did you know that was in it when you signed the statement.

Q Yes. Would you answer that? I think you can answer that "yes" or "no", Cathy. Did you know when you put your signature down on there -- A Yes, I know it was there.

Q You knew Saturday was in there? A Yes.

Q Would you tell us why you signed it if you knew that was not correct? A Because the way Mr. DeSimone had it, that it was Friday night running into Saturday, this is how I understood it.

Q Well now, you are on the stand under oath before his Honor and a jury. Tell us as correctly as you can what night was it that you say you saw Rubin at approximately two and left with him at



1 2:15 and sat in the car with him and saw him depart from in front of  
2 your house about 2:25. Was that on that Friday morning or was it a  
3 Saturday morning? A It was a Friday morning.

4 Q Now, you are certain of that? A Yes, I am.

5 Q And you state under oath that the statement here about  
6 Saturday morning was in there, and you knew it, but you didn't correct  
7 it, is that correct? A Yes.

8 Q Now, it is a fact also that in the same statement you did  
9 tell Lt. DeSimone that just before two o'clock he came in and you asked  
10 him to take you home and so forth? A Right.

11 Q And as a result of that conversation, resulting in this  
12 statement with Lt. DeSimone, did you have a conference with me about  
13 it? A Yes, I did.

14 Q And your instructions were to take that stand and testify  
15 and tell the truth? A Yes.

16 Q Now, Mrs. McGuire, I am certain that the Court and jury  
17 is deeply concerned about this. Now, which is the truth, please.

18 A I was with Rubin Carter June 17th.

19 Q What day? A Friday morning.

20 Q Friday morning.

21 MR. BROWN: All right. No further questions.

22 THE COURT: All right.

23 MR. HULL: I have some more questions.

24 THE COURT: Anything further?

25 MR. BROWN: I think there are some questions.

1 from Mr. Hull.

2 THE COURT: You have nothing, Mr. Stein?

3 MR. STEIN: No.

4 RE-CROSS EXAMINATION BY MR. HULL:

5 Q Mrs. McGuire, did you not point out a date on the calendar  
6 for Lt. DeSimone? A Yes, Friday the 17th.

7 Q Friday the 17th being what, the day you went to the tavern  
8 or the day you were dropped off by Mr. Carter? A That I  
9 was dropped off.

10 Q And your mother was there when you were questioned too,  
11 was she not? A Not all the time.

12 Q Well, in your presence did your mother say that she  
13 would produce a pay stub to show just which day it was? A Yes,  
14 she did.

15 Q And you never spoke to anyone about this until you spoke  
16 to Mr. Brown some two months ago? A Yes.

17 Q And at that time you knew the times that you were in the  
18 Nite Spot and where you went and who you were with, is that correct?

19 A Yes.

20 Q Where were you on June the 25th of 1966? A I  
21 don't know.

22 MR. HULL: No further questions.

23 FURTHER RE-DIRECT EXAMINATION BY MR. BROWN:

24 Q Tell me, Mrs. McGuire, did anybody ask you/anything about the  
25 Rubin Carter case prior to the time I talked to you, anyone of an

1 official nature or officers? A No, nobody.

2 Q No one at all? Are you aware that on the 17th Mr. Carter  
3 told Mr. DeSimone that he was with a Cathy, and her mother? Did  
4 anyone bring that to your attention?

5 THE COURT: Objection sustained. What  
6 difference does it make what she knew about what  
7 somebody else said?

8 Any other questions?

9 MR. BROWN: Yes, your Honor.

10 Q With respect to the 25th day of June, have you ever  
11 considered where you were, did anyone discuss it with you? A No.

12 Q No special reason? A No.

13 Q But you have discussed this with me a number of times,  
14 haven't you? A Yes.

15 MR. BROWN: I have no further questions.

16 THE COURT: Incidentally, do you go to the  
17 Nite Spot quite often?

18 THE WITNESS: Yes, I do.

19 THE COURT: Regularly?

20 THE WITNESS: Yes.

21 THE COURT: What night of the week usually?

22 THE WITNESS: Well, Thursday night is Ladies  
23 Night.

24 THE COURT: Thursday night is Ladies Night?

25 THE WITNESS: Yes.

1 THE COURT: Did you go there on Friday night?

2 THE WITNESS: Well, I didn't go there every  
3 night in a row. On weekends I went maybe other nights.

4 THE COURT: Weekends include Friday?

5 THE WITNESS: Friday and Saturday.

6 THE COURT: All right.

7 MR. BROWN: Just one question, your Honor.

8 You brought it up.

9 FURTHER RE-DIRECT EXAMINATION BY MR. BROWN:

10 Q Explain to your Honor and the jury what Thursday night

11 means at the Nite Spot, Ladies Night. A That means ladies  
12 get in free in the back room.

13 Q Was there any break on the drinks in the back room?

14 A They do. The ladies get a drink free.

15 Q They do not? A They do.

16 Q You were not in the back, you were at the bar?

17 A Right.

18 Q With your mother? Who paid for your drinks and your

19 Mom's? A I don't know. I guess we was both paying for  
20 them.

21 Q You were both paying for them. Were you working at  
22 that time? A Yes, I was.

23 Q Where were you working then and where are you working  
24 now? A Jackson's Restaurant.

25 Q What do you do for a living? A Work as a waitress.

1 Q And you work in that restaurant for a living, don't you?

2 A Yes.

3 Q Does Mama work too? A Yes, she does.

4 Q Where does she work? A She works in a hospital.

5 Q She is in a hospital?

6 MR. BROWN: All right. Okay. Thank you.

7 THE COURT: All right. You may step down.

8 All right. Call your next witness.

9 MR. BROWN: Yes, sir. I have already sent  
10 for Elwood Tuck.

11 E L W O O D T U C K, being duly sworn upon his oath according to  
12 law, testified as follows:

13 DIRECT EXAMINATION BY MR. BROWN:

14 Q Your full name is Elwood, E-l-w-o-o-d Tuck, T-u-c-k?

15 A Right.

16 Q Mr. Tuck, where do you live? A 105 Presidential  
17 Boulevard.

18 Q How long have you lived there, sir? A Three years.

19 Q And prior to that where did you live? A 487 East 18th  
20 Street.

21 Q All in Paterson, is that right? A Right.

22 Q How long have you been living in Paterson? A Since  
23 1957.

24 Q Now, Mr. Tuck, what is your business? A I am the  
25 manager of the Nite Spot Cocktail Lounge.

1 Q And where is that located, please? A 534 East  
2 18th Street.

3 Q Now, were you the manager of that lounge on June 16th,  
4 June 17th, 1966? A Yes.

5 Q Mr. Tuck, what has your relationship been over the last  
6 five, six years to Rubin Carter? A Well, a year and a half  
7 I was his personal advisor and road companion.

8 Q For a year and a half you were personal advisor?  
9 A And road companion.

10 THE COURT: And what, road companion?

11 THE WITNESS: Yes.

12 MR. BROWN: Your voice is soft, sir. I would  
13 appreciate it --

14 THE COURT: Keep it up.

15 MR. BROWN: -- if you would keep it up.

16 Q You were road companion and personal advisor, right.  
17 Now, the night of June 17th, the morning of June 17, the night of the  
18 16th, 1966, were you actually at the Nite Spot managing? A Yes.

19 Q Now, did you see Rubin Carter on the night of June 16th  
20 running into the morning of June 17th? A Yes.

21 Q And where and when did you see him, Mr. Tuck?

22 A Well, he was in and out of the bar during the day and that night.

23 Q When you say that night, would you tell us what that means.  
24 Was he in and out? Is that what you are saying? A Right.

25 Q Now, when you say he was in and out that night, try to give

1 us an idea approximately when you first saw Rubin in the bar or where  
2 ever you saw him. A Well, I started tending bar about 9:30

3 or ten. I tend bar up until 12:30. After 12:30 I went and worked the  
4 door leading to --

5 Q Now, when you talk about the door, Mr. Tuck, would you  
6 tell this jury just how that night club or cocktail lounge, as you describe  
7 it, is set up. Is there a bar area with a bar and stools? A When  
8 you enter the front door, there is a bar, about a 50<sup>foot</sup> bar. At the far  
9 entrance, there is a cocktail lounge where we have music and dancing  
10 and tables and chairs.

11 Q Now, is there a definite separation of the dancing, tables  
12 and chairs area from the bar area? A A complete separation.

13 Q Now, how does one get from the bar area, the 50' bar area,  
14 to the table and chair and band area? A There is a door at the  
15 front entrance of the bar.

16 Q And how does one get in the back, if one is a male on  
17 Thursday night? A Thursday night they pay, men pay and  
18 ladies are free every Thursday night.

19 Q Now, is there a system whereby one goes from the back  
20 to the front? Is there a cashier set-up or anything? A I  
21 collect money on the door.

22 Q Now, the door you are talking about is the door leading  
23 from the 50<sup>foot</sup> bar into the back where the tables, chairs and band are,  
24 right? A Right.

25 Q Now, on this night you say you left the bar about what time

1 you stopped tending? A About 12:30.

2 Q And you went to the back, that is the door that leads to  
3 the back part, right? A Right.

4 Q And what is your job then? A Collecting money  
5 from men to go in the back.

6 Q And was anyone working that door before you got there?

7 A There was a girl.

8 Q What was her name, if you know? A Patsy is  
9 all I know.

10 Q Patsy? So you relieved Patsy there about 12:30 or  
11 thereabouts, is that right? A Right.

12 Q Now, when thereafter did you see Rubin? A Rubin  
13 was in the back, in and out. You mean the last time?

14 Q The last time you saw him in this establishment. A  
15 The last time was when I was closing the back.

16 Q Closing the back? That is the back with the chairs and  
17 the tables and the band? A Right.

18 Q Now, about what time was that, sir? A I closed  
19 it, I close the back every Thursday, Friday, Saturday and Sunday at  
20 twelve, at 2:30.

21 Q At 2:30? A A.M.

22 Q Now, when you tell us 2:30, Mr. Tuck, what time are you  
23 talking about? A Two-thirty my bar time.

24 Q Now, do you have a clock similar to that one in the bar?

25 A The same as that.



1 Q Now, if that clock in your bar would show five after three,  
2 that is what you call your bar time, is that right? A Right.

3 Q Now, how fast do you set that clock? A Fifteen  
4 minutes.

5 Q Fifteen minutes, so if that were your clock, bar time,  
6 what time would it be real time? A It would be --

7 Q Ten minutes of three? A Right. It is fifteen  
8 minutes fast.

9 Q In other words, five after is your bar time, that means  
10 the real time is ten minutes of? A When I close at three, it  
11 is fifteen minutes of three.

12 Q Of three, so now when you closed the back and saw Rubin  
13 it said 2:30, but it was real time, actual time, 2:15, is that correct?

14 A Right.

15 Q Now, where was he when you saw him at that time?

16 A He was leaving the back section.

17 Q And we are talking about that back section where the tables  
18 and chairs are? A Yes.

19 Q Did you see him thereafter? A He went to the  
20 bar, but I didn't see him anymore.

21 Q He went to the bar, but you didn't observe him any more?

22 A Yes.

23 Q Do you know Catherine McGuire and Mrs. Mapes? A Yes.

24 Q Were they there that Thursday night? A They are  
25 there usually every Thursday night.

1 Q Were they there that Thursday, Mr. Tuck? A I  
2 remember seeing them earlier, but I don't remember seeing them at  
3 2:30.

4 Q You didn't see them at 2:30, but you saw them earlier in  
5 the evening, is that correct? A Yes.

6 Q To get this correct, at 2:30 bar time, 2:15 real time, you  
7 saw Carter come out of the back and advance to the bar, is that  
8 correct? A Yes.

9 Q And that is the last you saw him, is that correct? A Yes.

10 Q All right.

11 MR. BROWN: No further questions of Mr. Tuck,  
12 your Honor.

13 CROSS EXAMINATION BY MR. HULL:

14 Q Mr. Tuck, the last time you saw Mr. Carter on that night  
15 was what time? A 2:30 bar time.

16 THE COURT: 2:15?

17 Q 2:30 bar time? A Right.

18 Q 2:15 a.m. real time? A Right.

19 Q And where was he going at that time? A He was  
20 leaving the back entrance of the bar, of the back room.

21 THE COURT: Well, that's all you know, he went  
22 toward the bar?

23 THE WITNESS: Right.

24 THE COURT: And you didn't see him anymore?

25 THE WITNESS: That's what I stated.

1 Q How long did you remain at the bar that night? A 3:30.

2 Q And did Mr. Carter come back to the bar at any time after  
3 2:15? A I don't know. I didn't see him.

4 Q You were there. You were on the premises? A I  
5 was the manager.

6 Q Mr. Tuck, after 2:15, and you closed the back, where did  
7 you go on the premises? A I went into my office at the rear  
8 of the place.

9 Q Tell me, from your office at the rear of the place, can  
10 you see the bar? A No.

11 Q Describe to the Court and jury where your office is and  
12 how big it is, please. A My office is at the rear of the building,  
13 and it is just a half size of this jury box.

14 Q About half the size, that is where you went to work, is  
15 that right? A Right.

16 Q And why is it you went back there at 2:15? A I take  
17 the collections from the door.

18 Q And thereafter, after 2:15, when you went to the rear to  
19 your office, how long would you say you stayed in that office? A  
20 I don't know exactly how long I stayed in there.

21 Q Well, did you come out before 3:30? A Yes. I  
22 close up the bar at three myself.

23 Q You closed up at three? A Right.

24 Q And you came from the back of your office to the front of  
25 the bar about that time, is that right? A That time or before.

1 Q And you did not see Rubin when you came out at three?

2 A No.

3 Q Is that correct? A No.

4 Q Now, Mr. Tuck --

5 MR. HULL: Would you stand up, please,

6 Mr. Carter?

7 Q (Continuing) -- this gentleman is dressed a certain way.

8 How was he dressed on that night? A He had on the same jacket.

9 Q How would you know that jacket, Tuck? A I  
10 bought it.

11 Q You bought it for him? A With his money, but I  
12 picked it out for him.

13 Q When you were his personal advisor? A Right.

14 Q Now, when you say personal advisor, you advised as to  
15 personal matters as well as business matters, is that correct?

16 A Right.

17 MR. HULL: Thank you very much.

18 MR. STEIN: May I have just a moment, your

19 Honor.

20 CROSS EXAMINATION BY MR. STEIN:

21 Q Was Mr. Artie in the Nite Spot that evening, Mr. Tuck?

22 A Yes, he was in that evening some time. I don't remember what  
23 time.

24 Q You can't remember the specific time or times you saw  
25 him, is that right? A No.

1 Q And do you remember whether it was in the front or in the  
2 back? A He was in the back once, but I don't remember  
3 what time.

4 MR. STEIN: I have no further questions.

5 THE COURT: All right.

6 MR. BROWN: I only have one question which, I  
7 beg your pardon, I will reserve it.

8 THE COURT: Go ahead.

9 MR. BROWN: No. It's all right, your Honor.

10 MR. HULL: Your Honor, I would like to have  
11 this statement marked for identification.

12 THE COURT: All right. That will be S-75 for  
13 identification.

14 (The aforementioned statement was duly marked as Exhibit S-75 for  
15 identification by the Reporter.)

16 RE-CROSS EXAMINATION BY MR. HULL:

17 Q Mr. Tuck, I show you S-75 for identification. Have you  
18 ever seen this before?

19 THE COURT: Well, is there a signature on it?

20 MR. HULL: Yes.

21 THE COURT: Show him the signature.

22 Q Is that your signature at the end of page two? A Right.

23 Q Is this a statement that you gave? A Right.

24 Q Is this on July 12, 1966? A Right.

25 Q Now, in this particular statement, were you asked this

1 question: "While you were at the Nite Spot, did you see and speak to  
2 Rubin Carter?" A Yes.

3 Q And did you give this answer: "Yes."? A Right.

4 Q And over on page two, were you asked this question: "When  
5 was the last time you saw Rubin at the Nite Spot on that night?"; were  
6 you asked that question? A Right.

7 Q Did you give this answer: "I know that he was in and out of  
8 the place during that night, and I know he wasn't in the place at closing  
9 time or when the band stopped playing, but just exactly when he left, I  
10 don't know."; did you give that answer? A I stated the last  
11 time, 2:30.

12 THE COURT: Just a minute. Did you give that  
13 answer? That is the question, "Yes" or "No".

14 THE WITNESS: I stated the last time, 2:30.

15 Q Did you give this answer?

16 THE COURT: Read it again and ask him did he  
17 give it.

18 Q "I know that he was in and out of the place during the night,  
19 and I know he wasn't in the place at closing time or when the band stopped  
20 playing, but just exactly when he left I don't know." Did you give that  
21 answer? A Yes.

22 Q You did? A Yes.

23 Q Were you asked this: "Q What time does the band stop  
24 playing?" Were you asked that question? A Right.

25 Q Did you give this answer: "2:30 bar time." Question:

1 "What would be the correct time?" Answer: "2:15, and no later than

2 2:20 a.m." Did you give that answer? A Yes.

3 MR. HULL: I have no further questions of this  
4 witness.

5 MR. BROWN: May I see the statement, your  
6 Honor?

7 THE COURT: Show it to Mr. Brown,

8 MR. BROWN: Thank you.

9 RE-DIRECT EXAMINATION BY MR. BROWN:

10 Q Mr. Tuck, does this statement change your testimony on  
11 the stand in any respect?

12 MR. HULL: Objection.

13 THE COURT: Objection sustained.

14 Q Now, on this particular night when the band stopped playing,  
15 where were you? A At the door.

16 Q Now, what time did the band stop playing, if you know?

17 A 2:30.

18 Q 2:30? A Right.

19 Q Do you state under oath that you saw Rubin at 2:15?

20 A What do you mean?

21 Q At 2:30 bar time, 2:15 actual time? A Right.

22 Q You do so state? A Right.

23 THE COURT: You didn't say so in the statement  
24 though, is that correct?

25 MR. BROWN: Well, the statement, not really,

1 your Honor. I think --

2 Explain to his Honor about the statement.

3 THE COURT: I don't want any explanations. I  
4 just want to know whether he said so in the statement.

5 Show it to him again.

6 Q What did your statement mean, and what did you say,  
7 Mr. Tuck?

8 THE COURT: Just a minute. Those are two  
9 questions.

10 MR. BROWN: All right.

11 THE COURT: I am interested in what he said,  
12 not what he meant.

13 MR. BROWN: Your Honor, what he said has  
14 been read. I am asking him what he meant.

15 THE COURT: Now, did you say that you saw --

16 MR. BROWN: Yes.

17 THE COURT: -- Rubin Carter when the band  
18 stopped playing?

19 THE WITNESS: That's right.

20 THE COURT: Did you say that in your statement?

21 THE WITNESS: Yes.

22 THE COURT: Yes?

23 THE WITNESS: Yes.

24 THE COURT: All right. Show me where you  
25 said it.



1 THE WITNESS: It is not here in the statement.

2 THE COURT: I am sorry. I can't hear you, and  
3 the jury can't hear you.

4 THE WITNESS: It is not here in the statement.

5 THE COURT: It is not in the statement?

6 Q Did you give any other statement, Tuck, to them? A Yes.

7 Q They called you down on more than one occasion, didn't  
8 they? A I think I was down more than once.

9 Q And on the occasions you were there, did you tell them you  
10 saw him 2:30 bar time, 2:15 real time? A I told them 2:30  
11 and they said to me --

12 THE COURT: Who is they?

13 THE WITNESS: Mr. --

14 MR. BROWN: That is Mr. DeSimone.

15 THE WITNESS: (Continuing) Mr. DeSimone.

16 THE COURT: Yes.

17 THE WITNESS: He said to me about the 2:15  
18 time, and I stated to him <sup>that</sup> that/was, that was the time, the  
19 regular time. The other time was 2:30.

20 Q That you what, that you saw Rubin? A That I  
21 closed my back room.

22 Q And that you saw Rubin? A Right.

23 Q What? A That's right.

24 Q Now, you tell this jury that you saw Rubin at 2:15 when you  
25 closed your back room? A I closed my back at 2:30 and the

1 regular time is 2:15.

2 Q And did you see Rubin at that time? A That time  
3 he was leaving the back entrance and I didn't see him any more that  
4 night.

5 MR. BROWN: All right. No further questions.

6 THE COURT: Why did you say in your state-  
7 ment as shown to you: "Exactly when he left, I don't  
8 know."? What do you mean?

9 THE WITNESS: What I mean, I don't know. They  
10 asked me after he left the back room did I see him at  
11 the bar, how long was he at the bar. I don't know how  
12 long he stayed at the bar because I don't go direct to the  
13 bar when I close the back room.

14 THE COURT: So that is what you meant by that?

15 THE WITNESS: That's right.

16 THE COURT: What did you mean when you said  
17 in the statement he wasn't there at closing time, when  
18 the band stopped?

19 THE WITNESS: At closing time when the band  
20 stopped?

21 THE COURT: Yes.

22 MR. BROWN: Well, your Honor, they are two  
23 different times.

24 THE COURT: I don't mean the closing of the bar.  
25 I may not have the exact language, but I think if you

1 show him the statement --

2 MR. BROWN: The statement is there.

3 THE WITNESS: I have it right here.  
4 that

4 THE COURT: You said/you did not see Rubin  
5 when the band stopped. "I know he wasn't in the place  
6 at closing time or when the band stopped playing." What  
7 did you mean by saying that?

8 THE WITNESS: Well, if I said that, the statement  
9 says it --

10 THE COURT: I am sorry. A little louder, please.

11 THE WITNESS: The statement says that.

12 THE COURT: Yes.

13 THE WITNESS: I said it at that time.

14 THE COURT: Yes.

15 THE WITNESS: But I still explained to Mr.

16 DeSimone here even after the statement was read that it  
17 2:30  
was/bar time.

18 THE COURT: Well, this question and answer, I  
19 wish you would look at it. That particular one doesn't  
20 say anything about the time, and the next one says 2:30  
21 bar time.

22 THE WITNESS: All right.

23 THE COURT: Is that correct?

24 THE WITNESS: Right.

25 THE COURT: Do you have any explanation of why

1 you said the following words: "I know he wasn't in the  
2 place at closing time or when the band stopped playing,  
3 but just exactly when he left, I don't know."

4 THE WITNESS: Do I have any what?

5 THE COURT: Any explanation of why you said  
6 that you didn't know whether he was there when the band  
7 stopped playing.

8 THE WITNESS: No, no, no.

9 MR. BROWN: Is there a question, your Honor?

10 I am not certain.

11 THE COURT: That is the question.

12 THE WITNESS: I said, "No, I don't."

13 THE COURT: You don't have any?

14 MR. BROWN: All I want is the truth, Tuck.

15 Did you see him at 2:15?

16 THE COURT: Well, you already asked that.

17 MR. BROWN: Your Honor, you continually  
18 asked him questions. I want to know --

19 THE COURT: I asked him about the statement.

20 MR. BROWN: That's what I want to know.

21 THE COURT: If you want to proceed with  
22 further questions about explanation of the statement, I  
23 will be glad to permit it.

24 MR. BROWN: That's what I mean.  
25

## FURTHER RE-DIRECT EXAMINATION BY MR. BROWN:

1 Q Did you explain to Lt. De Simone, that what you  
2 meant was that you saw Rubin at 2:15? A I did.

3 Q And he put down what he wanted to? I assume that is not  
4 what you told him? A I told him after the statement was  
5 done that it was 2:30.

6 MR. HULL: Your Honor, Lt. DeSimone did not  
7 take that statement.

8 THE COURT: All right. Does the statement  
9 indicate who took it, please?

10 MR. BROWN: Yes, it does.

11 Q How many statements did you give?

12 THE COURT: Just a minute. Who took it?

13 MR. BROWN: There are three officers.

14 THE COURT: Who are they?

15 MR. BROWN: They are Conti, DiSenzo, and  
16 Jerry Giordano.

17 THE COURT: All right. The jury will disregard  
18 the statement about Lt. DeSimone made him or did not  
19 make him say, because obviously he was not there.

20 MR. BROWN: I call upon the Prosecutor to  
21 produce any statement given to Lt. DeSimone.

22 THE WITNESS: I talked to Mr. DeSimone.

23 Q Did you give statements to Mr. DeSimone, A I  
24 talked to him. I was called down to him.  
25

1 Q Did you give statements to Lt. DeSimone? A I was  
2 sitting at a desk. I guess I was giving a statement.

3 THE COURT: Did you sign another statement?

4 THE WITNESS: I don't remember.

5 Q Was Lt. DeSimone present while this one was being taken?

6 A I don't remember. I remember Mr. Hull was there.

7 Q Mr. Hull was there? A I think he was.

8 Q And you did give a statement to DeSimone, is that right?

9 A Right.

10 THE COURT: Just to be accurate, when you say  
11 you gave a statement, did you sign another written  
12 statement, which is on paper, and which has your  
13 signature?

14 THE WITNESS: I don't remember.

15 THE COURT: You don't remember? All right.

16 MR. BROWN: I have no further questions of  
17 Mr. Tuck, your Honor.

18 MR. HULL: I have nothing further.

19 THE COURT: All right. You are excused, sir.

20 MR. BROWN: I call Mrs. Mapes.

21 A N N A M A P E S, being duly sworn upon her oath according to law,  
22 testified as follows:

23 DIRECT EXAMINATION BY MR. BROWN:

24 Q Where do you live, Mrs. Mapes? A 116 - 16th Ave.

25 Q You have got to speak up, ma'am. A 116

1 Sixteenth Avenue.

2 THE COURT: That's better. Now we can hear.

3 Q Where did you live on June 16-17, 1966? A 220  
4 Governor.

5 Q And where did you live in that house? A On the  
6 third floor.

7 Q And who else, did anybody related to you live in there?  
8 A With me?

9 Q No, in the house, in the premises. A My daughter.

10 Q What is her name? A Catherine McGuire.

11 Q Where did she live? A Second floor.

12 Q Now, do you recall going to the Nite Spot on the night of  
13 Thursday, the 16th day of June, 1966, going into the morning of Friday,  
14 June 17th? A Yes.

15 Q Now, with whom did you go to the Nite Spot on that  
16 occasion? A My daughter.

17 Q And when you and your daughter went, were you alone, just  
18 you two? A Yes.

19 Q Tell us what time you went and what you did. A Well,  
20 it was about between nine-thirty and ten o'clock.

21 Q When you got in there? A Yes.

22 Q What did you do when you got in there, go to the back, sit  
23 at the bar? What did you do? A No. We went to the back, but  
24 it was crowded.

25 Q Now, when you say "back", do you mean the bar or a room?

1 A The back of the bar.

2 Q The back of the bar? A Yes.

3 Q And that as opposed to the room with the tables and chairs?

4 You weren't in that area? A No.

5 Q All right, You went to the back of the 50<sup>foot</sup> bar, right?

6 A Yes.

7 Q Now, after you got back, what did you and your daughter

8 do? A We had something to drink, and we sat.

9 Q Now, as time went on, what, if anything, happened between  
10 you and your daughter? A Pardon?

11 Q As time went on, what, if anything, happened as between  
12 you and your daughter sitting there? A Well, we just sat  
13 there and we talked.

14 Q Did you say anything to her about getting up early?

15 A Yes, I did.

16 MR. HULL: Objection, as being leading.

17 THE COURT: Yes.

18 MR. BROWN: Of course it is leading. It is a  
19 key question.

20 THE COURT: Of course it is.

21 MR. BROWN: Of course it is.

22 THE COURT: That is why it should come from  
23 the witness, and not from Counsel. I am sure you  
24 recognize it.

25 MR. BROWN: Of course I recognize it.



1 Q Did you have a conversation with your daughter? A Yes.

2 Q Tell the jury what you talked about as you sat there.

3 A About going home early because I had to get up early in the morning.

4 Q Where did you work, Mrs. Mapes? A Bergen Pines.

5 Q What is that? A It is a hospital.

6 Q What do you do for them? A I work in the laundry.

7 Q In the laundry? A Yes.

8 Q Did you work for them at that time? A Yes.

9 Q Do you still work for them? A Yes.

10 Q Now, do you recall seeing Rubin Carter in that place?

11 A Yes.

12 Q The Nite Spot? A Yes.

13 Q About what time did you see him there? A About

14 10:30.

15 Q And then what? When thereafter did you see him?

16 A Oh, it was about ten minutes to two.

17 Q What if anything happened on that occasion?

18 THE COURT: What was that, ten minutes to two?

19 MR. BROWN: To two, your Honor, is what she  
20 said.

21 THE WITNESS: Yes.

22 Q What if anything happened on that occasion, madam?

23 A Well, my daughter had asked him to take us home.

24 Q And did you have a watch that night? A Yes.

25 Q What if anything happened with respect to that watch?

1 A Well, I kept watching the time because I wanted to go home, and  
2 she said to wait.

3 Q To wait? A Yes.

4 Q Well, go on and tell us what happened, if anything happened.

5 A Well, I wanted to go home and she kept saying, "Wait, wait",  
6 because she wanted to get a ride home. So then Rubin came in and she  
7 asked him to take us home and he said to wait a little while and then he  
8 would take us home.

9 Q Well, did he, in fact, do that, take you home? A Yes,  
10 he did.

11 Q About what time did you leave the bar with him? A  
12 About quarter after two.

13 Q Did you and your daughter and Rubin leave the bar at that  
14 time? A Yes, we did.

15 Q When you left the bar, what did you do? A We went  
16 home.

17 Q How did you go there? A Up Governor Street.

18 Q In what manner did you go? A In the car.

19 Q In whose car? A Rubin's.

20 Q Now, what happened after you got to Governor Street, or  
21 what address did you go to, madam? A 220 Governor Street.

22 Q Now, when you arrived, what if anything happened?

23 A Well, I got out of the car and went on the porch, and my daughter  
24 set and talked a little while.

25 Q Now, can you give us any idea of time? How long did she

1 talk to him, if you have any idea? A I don't know. A few  
2 minutes.

3 Q And can you give us roughly an idea of when Rubin finally  
4 departed from that place, 220 Governor? A About 2:25.

5 Q And then he left your place? How did he travel, in his car?  
6 A By car, yes.

7 Q And how is it that you have some idea of time, Mrs. Mapes?  
8 A Because I wanted to get home and it was nice out, so we sat outside  
9 a little while and we had a little radio and was listening to that.

10 Q Did you check your watch from time to time? A Yes.

11 Q Were you wearing one? A Yes.

12 Q Do you still have that watch? A Yes.

13 Q The same one? A Yes.

14 Q The same watch.

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

16 THE COURT: All right.

17 CROSS EXAMINATION BY MR. HULL:

18 Q Mrs. Mapes, were you in a hurry to get home? A Yes.

19 Q You had to get to work the next morning? A Yes.

20 Q What time were you due at work? A 6:30.

21 Q What time did you leave the Nite Spot? A About  
22 quarter after two.

23 Q What did you do when you got out of Mr. Carter's car?

24 A We sat on the porch for a little while.

25 Q For how long? A About fifteen minutes.

1 Q What were you doing on the porch? A Listening to  
2 the radio.

3 Q With whom? A My daughter.

4 Q Did you see anything in particular after Mr. Carter left  
5 you out of the car? Did you see Mr. Carter again after he left you out  
6 of the car? A Yes. The car went past the house.

7 Q What time? / Well, it was just a few minutes, about five minutes.

8 Q And who was in the car at that time? A Rubin.

9 Q Was he alone? A I assume it was Rubin. Yes.

10 Q While you were sitting on the porch? A Yes.

11 Q Now, what time did you get to the Nite Spot that night?

12 A Between nine, nine-thirty and ten.

13 Q Between nine-thirty and ten, and you went there with your  
14 daughter Mrs. McGuire? A Yes.

15 Q And how did you get from 220 Governor Street to the Nite  
16 Spot? A We walked.

17 Q You and Mrs. McGuire? A Yes.

18 Q How many blocks was the Nite Spot from your house?

19 A It was about three blocks.

20 Q How long did it take you to walk from 220 Governor to the  
21 Nite Spot? A Ten or fifteen minutes.

22 Q Now, who was in the Nite Spot when you got there that  
23 night? A It was a lot of people there.

24 Q Do you remember any one in particular? A I  
25 don't remember exactly. I remember seeing Tuck.

1 Q Anybody else? A Well, there was a couple girls,  
2 but I don't know their names.

3 Q When did you first see Mr. Carter? A About 10:30.

4 Q Ten-thirty? A Yes.

5 Q Shortly after you came into the bar? A Yes.

6 Q What was Mr. Carter doing there at 10:30? A Sitting  
7 at the end of the bar.

8 Q With whom? A Alone.

9 Q Alone? A Well, there was other people there.  
10 I just saw him sitting there.

11 Q How long did Mr. Carter remain in the Nite Spot when you  
12 saw him at 10:30? A I don't know.

13 Q Approximately.

14 MR. BROWN: I object. If she doesn't know, she  
15 doesn't know. How can you approximate not knowing?  
16 You either do or you don't.

17 THE COURT: Well, that is her answer.

18 Q When did you next take note of seeing Mr. Carter? A  
19 About ten minutes to two.

20 Q And how did you know it was ten minutes to two when you  
21 saw Mr. Carter there? A Because I had just got through  
22 asking my daughter to, "Let's go home."

23 THE COURT: Do you want to take a short  
24 recess now?

25 MR. HULL: Very well, your Honor.

1 (At this point a brief recess was taken, at 3:30 P. M.

2 The jury re-entered the courtroom at 3:40 P. M.)

3 THE COURT: All right, Mr. Hull.

4 ANNA MAPES, having previously been duly sworn upon her oath accord-  
5 ing to law, continued testifying as follows:

6 CROSS EXAMINATION BY MR. HULL (Continuing):

7 Q Mrs. Mapes, you saw Mr. Carter about 10:30. When did  
8 you next take note of him? A About ten minutes to two.

9 Q And what happened then? A My daughter had  
10 asked him to take us home.

11 Q Asked whom?

12 THE COURT: Will you please keep your voice  
13 up. It is hard to hear you.

14 THE WITNESS: Asked Mr. Carter to take us home.

15 Q Where were you then? A In the bar.

16 Q Where was your daughter? A In the bar.

17 Q Where was Mr. Carter? A In the bar.

18 Q Which part of the bar? A The back of the bar.

19 Q And what happened then? A He said for us to  
20 wait a few minutes.

21 Q And what happened then? A We waited and then  
22 he was ready to take us home.

23 Q Where did Mr. Carter go? A Mr. Carter took  
24 us home.

25 Q Where did Mr. Carter go after he said, "Wait a few

1 minutes"?

2 MR. BROWN: If she knows, your Honor.

3 Q Did you see him go anywhere? A He was talking.

4 Q Where? A In the bar.

5 Q He stayed right where you were? A He was there  
6 in the bar, yes.

7 Q In the same room? A Yes, yes. It is just one big  
8 room.

9 Q He didn't leave the room? A No.

10 Q And then what happened? A Then he took us  
11 home.

12 Q And where was his car? A On the side of the  
13 bar on Governor.

14 Q And you got in the car? A Yes.

15 Q And where did you get in? A Pardon?

16 Q What part of the car did you get in? A I was in  
17 the front.

18 Q And who else was in the front? A My daughter  
19 was in the front.

20 Q Where was she? A She was in the center.

21 Q And where did you go after that? A Home, 220  
22 Governor.

23 Q And how long did it take you to get home in Mr. Carter's  
24 car? A Just a few minutes.

25 Q How many blocks was that? A About three blocks.

1 Q And what happened then? A I got out of the car  
2 and my daughter sat there and talked for a few minutes. I got out of  
3 the car and my daughter sat and talked for a few minutes.

4 Q Where did you go when you got out of the car? A On  
5 the porch.

6 Q And how long did your daughter stay in the car? A  
7 Just a few minutes.

8 Q And what happened then? A He left.

9 Q And where were you when Mr. Carter left? A On  
10 the porch with my daughter.

11 Q And how long did you remain on the porch? A For  
12 a little while.

13 Q And when did you next see Mr. Carter? A When  
14 his car passed, when he passed the house.

15 Q On Governor Street? A Governor Street.

16 Q He was in the car alone at that time? A Yes.

17 Q And about what time was that? A I don't know,  
18 about, just a few minutes after, about five or ten minutes after.

19 Q And what happened then? What did you do? A We sat  
20 there for a few minutes and then we went upstairs.

21 Q Now, what day of the week was this when you went to the  
22 Nite Spot between nine and ten o'clock? A On a Thursday.

23 Q And what day of the week was it when Mr. Carter brought  
24 you home? A Friday morning.

25 MR. HULL: Your Honor, may I have this



1 statement marked for identification.

2 THE COURT: This will be S-76 for identification.

3 (The aforementioned statement of Anna Mapes was duly marked as  
4 Exhibit S-76 for identification by the Reporter.)

5 Q Mrs. Mapes, I show you S-76 for identification. Is that  
6 your signature on the second page? A Yes, it is.

7 Q Anna Mapes; and did you give this statement to Lt. DeSimone  
8 on April the 28th of 1967? A Yes.

9 Q Were you asked this question: "Will you tell me to the best  
10 of your knowledge what you recall about your associations with Rubin  
11 Carter at the time of the alleged shooting?" Were you asked that?

12 A Yes.

13 Q Did you give this answer: "Me and my daughter, Catherine  
14 went into the Nite Spot about nine-thirty or ten P. M. on a Friday night,  
15 June 17th, 1966. Me and my daughter sat at the bar in the back by the  
16 men's room. We had a few drinks. Rubin Carter was sitting down at  
17 the other end of the bar. Rubin went out. I don't know how long he was  
18 out or what time he came back. Then he came in and my daughter,  
19 Catherine, asked him to take us home. He said, 'Wait a little while',  
20 and went into the kitchen. Then Catherine went to the bathroom. Then  
21 a short time later Rubin came out of the back room and I finished my  
22 drink, and Catherine, Rubin and I left." Did you give that answer?

23 A Yes.

24 Q Question: "Where did you go when you left the Nite Spot?"  
25 Were you asked that? A Yes.

1 Q Did you give this answer: "We went to Rubin's car which  
2 was parked on Governor Street near the Nite Spot and he drove us to  
3 220 Governor Street, and he and Cathy talked for a few minutes. Then  
4 he left." Did you give that answer? A Yes.

5 Q Question: "Will you tell me what time it was when you left  
6 the Nite Spot?" Were you asked that? A Yes.

7 Q "It was between two and ten minutes after two on the morn-  
8 ing of June 18, 1966." Did you give that answer? A Yes,  
9 I did.

10 Q Were you asked this question: "Did I furnish you with a  
11 calendar for the year 1966 so you would be certain?" Were you asked  
12 that question? A Yes.

13 Q Did you give this answer: "Yes, you did."? A Yes.

14 Q Now, Mrs. Mapes, on the morning of April 28, 1967, you  
15 were questioned in the Prosecutor's office by Lt. DeSimone and you  
16 gave this statement? A Yes.

17 Q And before you left the Prosecutor's office, did you tell  
18 Lt. DeSimone you could verify the date because you got a check on the  
19 morning of the day you went to the Nite Spot? A I said I get  
20 paid on a Friday.

21 Q Did you say that was the day you went to the Nite Spot, the  
22 day you got paid? A No. He asked me if I could say if I was  
23 sure it was Friday. I said, "Yes".

24 Q Yes. A He said, "How?". I said I have my  
25 check stub.

1 Q You were paid? A I was paid that Friday after-  
2 noon.

3 Q Before you went to the Nite Spot? A No, after.

4 Q After you went to the Nite Spot? Did you or did you not tell  
5 Lt. DeSimone that you received your paycheck before you went to the  
6 Nite Spot? A No.

7 Q You did not. Mrs. Mapes, you said that through the night  
8 you were checking the time. You were in a hurry to get home.

9 A Yes.

10 Q You had to work the next morning. A Yes.

11 Q You were employed by the Bergen Pines. A Yes.

12 Q Wasn't it a fact that you were on vacation that week?

13 A No, I wasn't.

14 MR. HULL: I have no further questions.

15 MR. BROWN: May I have the statement, your  
16 Honor?

17 THE COURT: Yes.

18 MR. BROWN: Thank you.

19 RE-DIRECT EXAMINATION BY MR. BROWN:

20 Q Mrs. Mapes, do you know when you went into the Nite Spot  
21 and saw Rubin Carter and had him drive you home? A Yes. I  
22 went in on a Thursday.

23 Q Was it Thursday? A Yes.

24 Q Was it Thursday morning he drove you home? A No,  
25 it was Friday morning.

1 Q Friday morning he drove you home? A Yes.

2 Q Now, and Friday morning was what date? A The 17th.

3 Q The 17th. Now, tell the jury, are you certain now as you  
4 sit there that it was on Friday morning, June 17th, that Rubin Carter  
5 drove you home as you have described? A Yes.

6 Q Now, it is true that in this statement it says something  
7 about Saturday morning, is that right? A Saturday?

8 Q Is that correct or incorrect? A About being  
9 there? No. He didn't bring me home Friday morning, Saturday  
10 morning.

11 Q He brought you home what morning? A On a  
12 Friday morning.

13 Q Now, if it says here that he brought you home Saturday  
14 morning, is that incorrect? A Yes. That is incorrect.

15 Q All right. Now, the fact is, of course, that as Mr. Hull  
16 has pointed out, your signature appears on the second page of this  
17 statement which is marked for identification, S-76. A Yes.

18 Q Now, under the Rules of Court, if this is not consistent  
19 with what you are testifying to now, you can explain why this is on  
20 there. Can you tell his Honor and the jury how come it has got down  
21 there? A Because he said it would be on a Saturday.

22 THE COURT: He said what?

23 THE WITNESS: He said it would be on a Saturday  
24 because I got paid on a Friday and he figured that I  
25 wouldn't have any money on a Thursday because I get

1                   paid on a Friday.

2           Q   Well, what is the truth? What is it? Did you get paid  
3 the next day after this?           A   I got paid Friday.

4           Q   Yes, and so you didn't have your pay check when you went  
5 in there Thursday?           A   No.

6           Q   Now, have you checked this out yourself to verify this for  
7 your own satisfaction?           A   Yes.

8           Q   That it was Friday that you got paid, but that actually it  
9 was 2:15 a.m. Friday morning?           A   Yes.

10          Q   That is, following Thursday night?           A   Yes.

11          Q   Now, was it then you put Saturday down because someone  
12 told you that was so?           A   Yes. He said it would have to be a  
13 Saturday.

14          Q   But that is not true, is it?           A   No.

15          Q   Now, when you went in and talked to Lt. DeSimone, were  
16 you by yourself or with your daughter?           A   I was by myself.

17          Q   And what did he say to you, anything about testifying or  
18 anything?           A   He said he wanted to ask me some questions,  
19 that I could get in trouble, very serious trouble if I wasn't telling the  
20 truth.

21          Q   You weren't threatened or anything by him, though?

22          A   No.

23          Q   Now, of course, Mr. Hull has suggested to you that you  
24 were even shown a calendar. Is that correct?           A   Yes.

25          Q   And who showed you the calendar?           A   Mr. --

1 Q He is Lt. DeSimone. A Yes.

2 Q And what did he say to you when he showed you the  
3 calendar? A He said to look on the calendar and check the  
4 date and make sure it was right.

5 Q And did you look on the calendar? A Yes, I did.

6 Q Well, what do you have to say about that? A Well,  
7 I was very tired. I had just got off from work. I didn't have time to  
8 eat or anything, and my feet hurt.

9 Q Your feet hurt too? A Yes.

10 Q Well, tell me --

11 THE COURT: So is that why you checked the  
12 calendar and said it was Saturday morning, because  
13 your feet hurt?

14 THE WITNESS: Well, it was eight hours' work  
15 with no break, and it is hot in a laundry, and you are very  
16 tired and confused when you don't have time to eat or  
17 have coffee.

18 THE COURT: Yes.

19 THE WITNESS: And then you sit for hours before  
20 any questions comes up.

21 THE COURT: Well, was Lt. DeSimone pressing  
22 you in any way?

23 THE WITNESS: No.

24 THE COURT: Did he ask you to look at a calendar?

25 THE WITNESS: Yes, but I was still tired and  
hungry.

1 Q Now, when his Honor asked you whether Lt. DeSimone was  
2 pressing you, do you understand what that means? Let me ask you a  
3 question which would be a little different. Was he insisting on answers  
4 and was he an insistent person at that time? A Just that it had  
5 to be on a Friday, on a Saturday.

6 Q He insisted on that? A Yes.

7 Q Now, as far as the truth is concerned, Mrs. Mapes, is it  
8 a fact that this was the 17th? A The 17th I got paid, and the  
9 17th he brought me home.

10 THE COURT: She has already testified to that  
11 several times.

12 MR. BROWN: I have no further questions, your  
13 Honor..

14 THE COURT: Anything further?

15 MR. HULL: Your Honor, may I have this marked  
16 for identification.

17 (The aforementioned stub was duly marked as Exhibit S-77 for identifi-  
18 cation by the Reporter.)

19 RE-CROSS EXAMINATION BY MR. HULL:

20 Q Mrs. Mapes, I show you S-77 for identification. Do you  
21 know what that is? A Yes. That is my check stub.

22 Q That is your check stub from June 17, 1966? A That's  
23 right.

24 Q Now, when you were questioned by Lt. DeSimone on  
25 April 28th, did you not have that, did you have the pay stub with you?

1 A Not with me, no.

2 Q Some time later, on May the 1st of 1967, someone came to  
3 your home to pick that up, is that correct? A Yes.

4 Q That was Detective Frederick of the Prosecutor's office?

5 A Yes.

6 Q And you turned that over to him? A Yes.

7 Q And did you not state to Detective Frederick when you turn-  
8 ed it over to him that this would prove --

9 MR. BROWN: I object to that, your Honor, that  
10 this would prove what, that --

11 THE COURT: Objection overruled.

12 MR. BROWN: -- that he could send a detective  
13 to this woman's home and state conversation?

14 THE COURT: Yes, any question on the subject  
15 matter is admissible.

16 Q Did you not state to Detective Frederick when you turned  
17 this over to him that this would verify that you were in the Nite Spot on  
18 Friday night, Saturday morning? A No.

19 MR. HULL: I have no further questions.

20 FURTHER RE-DIRECT EXAMINATION BY MR. BROWN:

21 Q Mrs. Mapes, who came to your house to get your pay stub,  
22 detectives from this man's office? A Yes.

23 THE COURT: She already said Detective  
24 Frederick. The jury knows his name.

25 MR. BROWN: Yes.



1 THE COURT: That is correct.

2 Q Did you invite him to your house?

3 THE COURT: Objection sustained. What  
4 difference does it make?

5 MR. BROWN: It makes a great deal of difference.

6 THE COURT: Do you want to ask proper  
7 questions?

8 MR. BROWN: Yes. That is a proper question.

9 THE COURT: What did he say?

10 MR. BROWN: That's what I asked.

11 THE COURT: I thought you asked that before.

12 MR. BROWN: I haven't said a word about it.

13 THE COURT: Do you know what he said or  
14 whether he was invited in?

15 MR. BROWN: I want to ask that too. I am asking  
16 now.

17 THE COURT: I will permit what he said.

18 MR. BROWN: Well, what was the conversation  
19 between you and Detective Frederick, if you can recall?

20 A At my house?

21 Q Well, whenever it was he came to get your pay stub, Mrs.

22 Mapes. A Well, I just gave it to him and he said, "thank you".

23 Q Did he ask you anything about, did you tell him anything

24 about this verifying the fact that it was on a Friday night? A I

25 said he wanted proof more or less, I guess, that I got paid on a Friday.

1 and I gave him that to show that I got paid on Friday.

2 Q That's what you gave it to him for? A Yes.

3 Q Did you invite him into your house? A Well, when  
4 he knocked, I let him in.

5 Q All right. You had no problems with that. Did he show you  
6 his badge? A No.

7 Q Did you know who he was? A No. I had saw him in  
8 his office.

9 Q With him? A Yes.

10 MR. BROWN: No further questions.

11 THE COURT: All right. No further questions.

12 Call your next witness, please.

13 MR. BROWN: If your Honor please, I have a  
14 problem with a witness and I would ask for a recess  
15 until tomorrow morning.

16 THE COURT: Don't you have another witness  
17 here?

18 MR. BROWN: I have another witness, but with  
19 your permission I would rather do it tomorrow morning.  
20 The State has done it consistently within their judgment.  
21 I had no objection to their doing it, but I have the same  
22 problems that they do, with perhaps less of the facilities.

23 THE COURT: I understand. The problem is that  
24 you don't have a witness here.

25 MR. BROWN: No, sir. I will not represent that

1 to you. I have present in the corridor/a designated place,  
2 a witness who would be some time.

3 THE COURT: Yes.

4 MR. BROWN: I would ask permission of the  
5 Court that I be allowed to bring in another witness whom  
6 I want to precede him so that the testimony makes more  
7 sense, and I do have, I must tell you I have one here.  
8 It is not that I am not prepared.

9 THE COURT: But you don't have the preceding  
10 witness, is that what you are telling me?

11 MR. BROWN: That's right. That is what I am  
12 telling your Honor, and I will have one further, I  
13 assume, tomorrow morning when the Prosecutor has an  
14 opportunity to question the witness whom I have present  
15 for their purposes, as indicated to you.

16 THE COURT: All right. We will recess until  
17 9:30. We will start promptly at 9:30, gentlemen, and  
18 you will have your witness here at that time, please.

19 MR. BROWN: I will have the one I have now and  
20 the other one, I hope.

21 Your Honor, may I point out too, I may not have  
22 the witness I am looking for.

23 THE COURT: Well, if you don't, we will proceed  
24 with whatever witnesses you have.

25 MR. BROWN: We will proceed.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT: At 9:30.

MR. BROWN: Absolutely, your Honor.

THE COURT: All right.

(At this point a recess was taken, at 4:00 p.m.)

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

-----  
STATE OF NEW JERSEY, :

Complainant, :

vs. :

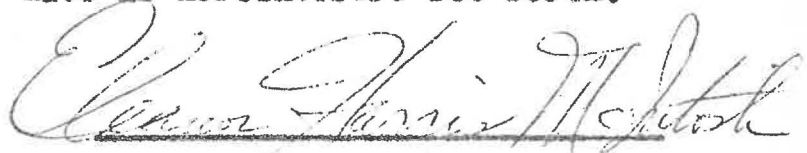
RUBIN CARTER and  
JOHN ARTIS, :

Defendants. :

CERTIFICATE OF STENOGRAPHER

Paterson, New Jersey  
May 22, 1967.

I, ELEANOR H. McINTOSH, a Certified Shorthand  
Reporter of the State of New Jersey, having been duly sworn  
as the Official Reporter, do hereby certify that the foregoing is  
a true and accurate transcript of the testimony as taken by me  
at the time, place and on the date as hereinbefore set forth.



Certified Shorthand Reporter.