

Rejects Defense Motion

APR 15 1967

Judge. Decrees Carter, Artis Must Stand Trial

PATERSON — Superior Court Judge Samuel A. Lerner yesterday refused to dismiss murder indictments against Rubin (Horricane) Carter, one-time ranking middleweight boxer, and his sparring partner, John Artis.

Judge Lerner, after refusing to dismiss the indictments as sought by Carter's attorney, Raymond A. Brown of Jersey City and Artis' attorney, Arnold M. Stein of Denville, said the trial will definitely begin Monday at 9:30 a.m.

Brown indicated he will seek leave to appeal Judge Lerner's ruling before the state Supreme Court and sought a one week's adjournment. Judge Lerner said the trial would positively begin Monday and Brown was free to seek leave to appeal before the Supreme Court which could end the proceedings at any time by reversing his ruling.

Carter, 29, of 498 20th Ave., and Artis, 21, of 5 Tyler St., both of Paterson, are charged with

the fatal shooting on June 17, 1966 of George Oliver, 52, bartender and part owner of the Lafayette Grill, 428 E. 18th St., Paterson, and Fred Nauyoks, 60, of 89 Pompton Ave., Cedar Grove, a patron.

Wounded was Mrs. Hazel Tannis, 51, of 176 Lafayette Ave., Hawthorne, who died three weeks later. A fourth victim, William Marins, 42, of 225 Keen St., recovered after hospitalization.

Stein and Brown argued the indictments should be dismissed because of two main points, that the pair were called to testify before a Passaic County Grand Jury 12 days after the shooting, and were labeled prime suspects.

Stein said the two were "targets" of the investigation. Also the attorneys claimed both Carter and Artis signed waivers of immunity which were confusing, not only to a layman but to an attorney.

Questions Explanation

Brown called the waiver "incomprehensible" and said it confused anyone reading it. He continued it was not sufficiently explained to the pair and indicated both believed they had to sign it.

During the arguments, Judge Lerner said it would appear Stein was recommending the rules set down in the now famous Miranda case be applied to persons called before a grand jury.

In *Miranda vs. Arizona*, the U.S. Supreme Court ruled a person must be told of his legal rights and may, if he desires, have an attorney or be provided with one before any questions may be asked.

Assistant Prosecutor Irving

Zacharowitz argued the pair was told of their rights at length; they were allowed to call an attorney of their own choosing who, after hearing the waiver read to them over the telephone, suggested they testify if they had nothing to hide.

Carter and Artis testified before a grand jury on June 19, and were indicted by another grand jury in December.

Judge Lerner ruled that the grand jury before which the pair testified was one of inquiry, not specifically seeking to indict the pair; they were given fully explanation of their legal rights and they had consulted an attorney.

Fair Lawn Explosion Hurts Mar

FAIR LAWN — An explosion and fire at the Anaconda num Co., plant at 20-21 V Road last night blew down and scorched the Damage however w confined to the secc

One worker, Thor of 85 Presidential son, was taken t Memorial Hospital juries and s' treated and r

Police said er was mix second flo known r occurred.

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Drivers Escape Injury in Crash

AR GROVE — A near collision last night at and Stevens Avenues one car being towed ne, and both drivers escaping injury.

the police, a Robert Kuebler, ar Grove was in Pompton near Ste- vehicle, nisian, Cedar s to ve-