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Volume 08 (Part 3 of 4)

Cuyahoga County Court of Common Pleas

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Q Did you testify also that this other person, Mr. whatever his name was, told you he was an FBI man?

A Did I what?

Q Did he tell you he was an FBI man, too?

A He brought the man to the house.

MR. FLEMING: Objection.

May we approach the bench?

(Thereupon a discussion was had between the Court and counsel, outside the hearing of the jury, and off the record.)

THE COURT: You have some other questions?

MR. LAURIE: Sure. Thank you, Judge.

Q Now, when was the first time that you talked to Mr. Young about this case?

A Past Monday.

Q Last Monday?

A No, Monday past.

Q Monday past. And where did you talk to him?

A Where did I talk to him at?

Q Where?

A At home.

Q Your house, ma'am or where, his office or downtown?

A At my house.

Q All right. And was there anybody else there?

A No.

Q Just the two of you?

A Yes.

Q Can't hear you.

A Yes.

Q And did you come down to the Court House today with some of the other persons that either had testified or apparently, are scheduled to testify? Did you come with them?

A No, I didn't. I came by myself.

Q You came by yourself?

A Yes.

Q And you are sitting in one room together outside of this court room, is that right?

A Yes.

Q You did tell me you didn't know a James Crawford, is that right, ma'am?

A That's right.

MR. LAURIE:

Thank you very

much.

REDIRECT EXAMINATION

BY MR. FLEMING:

Q Mrs. Grisby, when you were taken to jail at the Fifth District, were you placed in a cell?

A Yes.

Q Were all of you placed in cells?

A In one cell.

Q And this man that was shot, John Pegues, was he placed in a cell, also?

A Yes.

Q There was a man with you by the name of Irving Trenton or Trenton Irving?

A Yes.

Q What was his condition when all of you were put in the cell?

A He had a big gash up here (indicating), he was bleeding.

Q Is this Irving Trenton the man that was taken to the Mount Sinai Hospital?

A No, he wasn't taken. He walked, himself.

Q He walked up there?

A Yes.

Q Then his parents went over and picked him up from the hospital, isn't that true?

A Right.

Q Now, will you describe the gash that Irving Trenton had in his head?

A Up, right up along in here (indicating), about that long (indicating), right up in here.

Q Do you know how that gash got on his head?

A No.

Q You didn't see when it happened?

A No, I didn't see when it happened, because they was up first, they were upstairs first before we were.

Q All right, did you have any conversation with Irving Trenton about how the gash got on his head?

A Yes.

Q What did he tell you?

MR. CORRIGAN:

Objection.

MR. TOLLIVER:

Res gestae, Judge.

THE COURT:

Overruled.

Q What did he tell you?

A He said -- he said they kicked him or hit him once. Anyway, he said the police beat him up.

Q When this man, John Pegues, was shot and fell back into the basement where the rest of you were, did he tell you how he got shot?

A He just said --

MR. CORRIGAN:

Objection.

THE COURT:

Overruled.

You are talking about what he said at the time?

MR. FLEMING:

At the time, yes.

THE COURT:

Overruled.

A He hollered, he said, "I've been shot," just like that, and then they was upstairs, they was making noise and they was going back and forth, and we couldn't hear anything that was said.

So he fell back in the basement and then, after that, tear gas was so strong we couldn't see in there. I guess he crawled up the steps. He went back up the steps. I started behind him.

Then I said, "No, if I go up there, I might get killed or hurt."

Q (By Mr. Fleming) But did John Pegues tell you who shot him?

A No, he didn't say who shot him, I don't think.

Q Okay. Now, you said that you saw some tear gas came down and you saw something like a beer can?

A A bottle.

Q A beer bottle?

A Yes.

Q Will you describe this for the Court and jury.

What happened when this fell?

Did it explode?

A Yes. See, when they -- after they shot him, they threwed in this. It hit up against the brick wall and it spin around. It spinned around three times.

Each time this stuff would gush out of the bottle, it would gush out. Then it came out in our face. It just got full of smoke, so we started running and coughing and crying and everything. We didn't know which way to go.

Q Was it a bottle or can?

A Yes, it was a bottle.

Q And you say it would spin around?

A Yes.

Q And explode?

A Yes.

Q What? Each time it would explode, it would emit this gas?

MR. LAURIE:

Judge, Judge,

who is testifying?

THE COURT:

Overruled.

A Yes.

Q (By Mr. Fleming) It would emit this gas in the basement?

MR. LAURIE:

Objection.

THE COURT:

Overruled.

A Yes.

Q Now, how many such objects of tear gas were thrown

in the basement while you were down there?

A There was one thrown down there while I was down there, but they shot it upstairs and it was seeping down through the pipe, that's when all of us moved in one room where the mens used.

They told us to get toilet tissues, hold it up to your eyes and nose. They closed the one door leading to the side of the basement that was leading -- that's when we heard a lot of noise.

They were hollering, "Somebody got shot." I don't know what they was saying, but, anyways, there was a lot of noise.

THE COURT: Mrs. Grisby, the question was: How many of these did you see?

THE WITNESS: I saw one.

THE COURT: All right.

You have answered the question.

Q (By Mr. Fleming) I believe you said the first police officers you saw were a lieutenant --

MR. LAURIE: Objection.

Q -- a lieutenant and a sergeant?

MR. LAURIE: Objection.

THE COURT: Just a minute.

Sustained.

Q Did you tell us that when -- after you heard the

first shot -- that a lieutenant -- well, not a lieutenant, a police officer and a sergeant came in the place?

A Yes, after they, you know --

Q I understand from your testimony that you later heard or someone told you that this policeman, the first police officer that came inthere, that treated everybody decently --

A Uh huh.

Q -- was killed?

A Yes.

MR. LAURIE:

Objection.

THE COURT:

Overruled.

A Yes.

Q (By Mr. Fleming) And this person that was killed, there was a sergeant along with him; is that correct?

A I'm not sure.

THE COURT:

She said she was told afterward; she had no knowledge whether he was or was not.

Q Did these two officers that you first saw, did they have any weapons with them?

A Not one of them didn't. If he did, he didn't have it in his hand. One didn't.

Q What did the other officer have in his hand?

A The other had a shotgun -- I don't know what those

long guns was, but the one that talked to us, he didn't have one in his hand, I don't think.

Q Okay. Now, when you made your statement over at the Fifth District, before you were released from the Fifth District --

MR. LAURIE: Objection.

Q -- after you had been arrested --

THE COURT: She didn't say she made any statement there. She said she talked to people. Is that what you are referring to?

MR. FLEMING: Yes.

Q (By Mr. Fleming) You were arrested and taken to the Fifth District, and I believe you stated that you talked to the police officers while you were there?

Did you tell them in detail what exactly happened to you?

A Right.

Q And while you were telling them what happened to you in the tavern, was somebody typing or writing down what you said?

A I don't think so. I'm not sure.

Q Now, when you talked to the F. B. I. agents, did you relate in detail, just as you have for the jury, exactly what happened?

MR. LAURIE: Objection. The

same thing he told you at the side-bar.

THE COURT:

Overruled.

A Yes.

Q (By Mr. Fleming) When you told the agent what happened, did he take down what you said?

A Who? The F. B. I.?

Q The F. B. I.

A Yes, he wrote down something, I think.

Q Where were you when this agent from the Federal Bureau of Investigation talked to you?

A Home.

Q And how long was this after the incident in the Lakeview Tavern?

A Oh, I think it was the next week or that Friday, I'm not sure; the same week or the next week.

Q I believe you told us that Arthur Raden was with him when he came out there?

A Yes.

Q Now, will you tell the Court and jury the condition that Arthur Raden was in at the time he was placed in the cell in the Fifth District?

MR. LAURIE:

Objection.

THE COURT:

Did you observe

his condition? Did you observe the physical condition of Arthur Raden?

THE WITNESS:

You mean, did

I notice?

THE COURT:

Did you notice?

THE WITNESS:

Yes. He got a

big knot in the head, and his leg and his ribs
was bruised, in his side.

Q (By Mr. Fleming) Did he tell you how he obtained
these bruises and scars?

A Yes. He said they was beating on him. He thought
they was going to kill him.

MR. LAURIE:

Objection.

All hearsay.

MR. TOLLIVER:

Res gestae.

THE COURT:

Proceed.

MR. FLEMING:

Thank you, your

Honor.

Q Go ahead.

A And so he said they was beating on him. This man
Trenton, he hollered, "Don't beat him like that." He said
they kicked him and beat him up, and so then drug him to
the side, I think he said, drug him to the side. They
were dragging him.

Q Now, did he -- was he given any medical treatment
before he left the Fifth District, he or John Pegueros?

A No.

MR. LAURIE:

Objection.

THE COURT:

Overruled.

A No. John Pegues got -- we treated on him ourselves, kept his wounds clean. We washed it out.

This lady, she pulled her slip off and there was a little face bowl and that's what we kept wetting, because he was out. He kept moaning. We kept wiping the blood.

Q You say he was out. Did anybody come to give him any kind of attention?

A No. Two or three police passed by. We told him we had a man -- a bad wounded man, and could they get him help. So somebody said, "I'll be right back." He never did come back.

We kept wiping it off. There's a colored policeman passed by, because I was sitting with my back turned, I asked him -- I hollered out to him, so he turned to us, and I said, "Would you get this man help?"

I said, "He's been shot real bad."

He said, "You haven't told anyone else?"

I said, "Yes, they said they'd be right back with a stretcher."

He said, "I'll be right back."

He went and got him, then they came and started working on him, then. Then the two of them said, why he had to be a fat one, you know.

MR. FLEMING:

You may inquire.

RECROSS-EXAMINATION

BY MR. LAURIE:

Q All this you are saying that you observed is what this Reverend told you, is that right?

A What?

Q You are relating here what somebody told you?

A MR. FLEMING: Objection.

Q Am I right?

THE COURT: What do you mean? You are referring to her last statement?

Q About the testimony that you said that the Reverend, some police kicked him and --

MR. TOLLIVER: Reverend?

Q This is what the Reverend told you?

THE COURT: Objection sustained.

Q What is this man you talk about?

A His name is Arthur and Trenton.

Q Arthur?

A Yes.

Q Did I misunderstand there was a Reverend?

MR. TOLLIVER: No.

Q This party injured was not a Reverend. He related all these things to you?

A Yes, I told you I didn't go behind him.

Q So you are testifying now what somebody else told you, ma'am, is that right?

A Yes.

Q All right. And is this man outside now, this man you claimed that told you these things, is he out in the hallway?

A Yes.

Q And you are telling us now what he told you?

MR. FLEMING: Objection.

THE COURT: Sustained.

Q Now, furthermore, you also told Mr. Fleming something what somebody told you in regard to one of these officers was killed outside.

You remember you said it was told to you?

A Well, I didn't see it.

Q That's what I'm trying to ask you. The information you gave in the testimony is what somebody told you that this officer that came in there was killed outside, is that right?

A Yes.

Q Who is this person that was telling you all these things?

A The one was in the basement with us.

Q If the man was in the basement with you, how would

he know who was killed outside?

A Oh, that was after. Then they said a man got killed.

Q That man got killed after that?

A No, I said that's when I heard that the man that talked to us in the basement got killed. That's all I know.

Q In the basement, he told you that that officer upstairs was killed, is that what you're saying?

MR. FLEMING: Objection.

A No.

THE COURT: Mr. Laurie,

as I understand her statement, somebody at some later time, not in the basement and not at the time this occurred, told her that this policeman had been killed.

Is that what you are saying?

THE WITNESS: Yes, that's exactly what I'm trying to say.

Q Thank you very much. Now, if you will give me his name, I will be happy.

A I just told you.

Q What was his name?

A His name was Arthur.

Q Is he cut in the hall, too?

A Yes.

Q All right. And he is the man that told you that this officer was killed?

A I also read about it in the paper.

Q Now, how do you know it was the same man that you read about was killed?

MR. FLEMING: Objection.

THE COURT: Overruled.

Q How do you know that it is the same man that you read about was killed?

MR. FLEMING: She said she thinks.

THE COURT: That isn't your question. Isn't your question the man that she read about as being killed is the one that was in the basement talking to her.

Q In the basement, was he the man?

A They said he was. I don't know.

Q Who told you?

MR. TOLLIVER: Objection.

MR. LAURIE: She said, "they said."

THE COURT: You asked her before.

MR. LAURIE: I'd like to know the source of this hearsay information.

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Sustained.

Q Is this something that somebody told you?

MR. FLEMING: We request the jury be instructed to disregard the remarks of the Prosecutor.

THE COURT: The jury understands that they are only to be concerned with answers given.

Mr. Laurie, he asked her before who told her. She said Arthur.

Now, is there anybody, other than Arthur, that told you that the man that originally been in the basement was killed?

THE WITNESS: No, they was just talking. They said the police that came in to talk to us said that he got killed and that's all I know.

THE COURT: Now, you said "they." This is what Mr. Laurie wants to know.

THE WITNESS: The same one that was in the basement -- the next day when we got together and they was talking about who got killed and that's it.

Q Now, you also told me, and I think I am hearing it correctly, that you read about it in the paper.

A Well, I did read about it, one of them getting killed, and the other got injured.

Q Who got killed?

A I don't know his name.

Q What did you read in the paper --

A No, I don't know.

MR. FLEMING: Objection.

MR. TOLLIVER: Objection.

THE COURT: Sustained.

Q -- about being the man that came in? Did you learn the name of the man that got killed outside?

A I don't remember, no.

Q As far as you know, you don't know who got killed outside?

A No, I don't.

Q Directly yourself, am I right, ma'am?

A I wasn't out there. I don't know.

Q Then you don't know anything that happened on Auburn-dale Avenue, as far as people being shot yourself?

MR. FLEMING: Objection.

THE COURT: The objection

is sustained. She said she didn't see anything herself.

Q These people that were down in the basement with you, they had been in the bar before this riot for some time, is that right, ma'am?

A They always came in there and they, some still do.

Q I didn't ask you --

THE COURT: He meant that day, how long had they been in the bar before they went downstairs?

THE WITNESS: Before we went downstairs?

THE COURT: Yes, how long were the other people there before you all went downstairs?

THE WITNESS: They was in there all the time.

THE COURT: For how long, 6:00 o'clock when you got there?

THE WITNESS: Well, some of them were there, yes. Some of them were there all day.

Q They were drinking hard liquor?

A No, they wasn't drinking.

Q They just sat around?

A The two of the brothers came in. One owned the store around there, or something. They had a beer apiece

and that was all.

Q When you referred to "brothers," can we have a clarification? Who do you mean when you say "the two of the brothers"?

A I don't know.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

MR. TOLLIVER: She answered the question.

A I don't know the man's name. He said that was his brother afterwards who was in the basement. He told us their names, but I don't remember their names.

Q Are those two people outside in the hall, too?

A No, I don't think so.

Q Pardon?

A I don't think so. I haven't seen them.

Q Would one of them be Donald Brown and the other one Arthur Brown?

A I don't know. I'm not sure that's the name.

Q You're not sure?

A No.

Q But they were drinking, though?

A That's what they came in there for.

Q I'm asking you, were they the ones --

A Yes.

Q -- that were drinking out of this group?

A Yes.

Q And they were drinking whiskey?

A No, they was drinking beer. Before I could serve them again, we had to go down.

Q How many times did you serve them beer?

A One time.

Q They had been in the bar when you started work at 6:00 o'clock?

A No, they wasn't.

Q They came in after that?

A Right.

Q What was their condition? Had they been drinking before they came into the bar, to your estimation?

A No.

Q They hadn't been?

A No, they hadn't.

Q You know that?

A Yes, I think I do.

Q How do you figure that?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

His question really is did they appear to you to be normal? That is, they were not under the influence of intoxicating liquors?

THE WITNESS:

They appeared

to be normal.

Q They had one beer from 6:00 o'clock until after 8:00 o'clock when this started, is that what you said?

A I didn't say they came at 6:00 o'clock. I had been there some time before those mens walked in there and they walked in and drink like any time and then, they were sitting down talking.

Q And you don't know when they came in, then?

A No, I don't know what the time were.

Q They could have come in before you were there?

A No, they didn't.

Q How do you know?

A Because I remember who came in there and who did not come in there.

Q The others didn't have anything to drink?

A No.

MR. LAURIE:

Thank you, ma'am.

MR. FLEMING:

One or two

questions, Judge.

REDIRECT EXAMINATION

BY MR. FLEMING:

Q This man, John Pegues, that you saw in the jail cell, in the condition you described to the Court and jury, that wasn't hearsay; that is what you saw?

A That's right.

Q And that's what you did, wasn't it?

A Uh huh.

Q Now, this picture is a picture of that man, John Pegues, isn't it (indicating)?

A Yes.

Q Have you ever seen that picture --

This is a police photograph. Have you ever seen it before?

A No.

Q Now, have you ever seen this writing on the back of this picture, "John Pegues claims to have been shot at the Lakeview Tavern, July 23, '68"?

You didn't put that writing on there?

A No.

MR. LAURIE: Now that you have read it, I will offer it in evidence.

MR. FLEMING: I was about to mark this --

MR. LAURIE: So I will help you out.

MR. FLEMING: Your Honor,
I object.

(Defendant's Exhibit
CCCC was marked for
identification.)

Q Now, this photograph which has now been marked as Defendant's Exhibit Quadruple C, which is a police photograph, and on the back it has "John Pegues claims to have been shot at the Lakeview Tavern, July 23, '68."

Is it my understanding from your testimony that this man was shot?

A Yes, he was.

Q At the Lakeview Tavern?

A Yes, he was.

MR. FLEMING:
exhibit.

We offer this

MR. LAURIE:

No objection.

THE COURT:

It may be admitted.

(State's Exhibit No.
250, also marked
Defendant's Exhibit
CCCC, was received
in evidence.)

MR. FLEMING: Your Honor, at this
time may we permit the jury to see this exhibit?

MR. LAURIE:

No objection.

THE COURT:
question of the witness?

That is your last

MR. FLEMING: That is my last
question. I have no further questions.

(Photograph was shown to the jury.)

MR. FLEMING: We have no further
questions. You may step down.

(Witness excused.)

MR. FLEMING:

Arthur Raden.

THEREUPON, the Defendant, further to maintain the issues on his part to be maintained, called as a witness ARTHUR RADEN, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FLEMING:

Q Mr. Raden, will you speak up so everyone can hear your testimony and state your full name to the Court, and spell your last name.

A My name is Arthur Raden. My name is spelled R-a-d-e-n.

Q And where do you live, Mr. Raden?

A I live, 10614 Amor, Apartment 6.

MR. LAURIE: May we have it a little slower?

THE COURT: Repeat it.

THE WITNESS: 10614 Amor, Apartment 6.

Q Are you married or single?

A Single.

Q Now, what is your occupation?

A I am a bricklayer up at J. & I.

Q How long have you been so employed?

A One year.

Q Calling your attention to the 23rd of July, 1968, did you have occasion to visit the Lakeview Tavern?

A Sure.

Q Now, before we get into that, do you know Mr. Young, Mr. S. J. Young there?

A Sure. I met him about a week ago.

Q A week ago?

A Sure. He came --

Q Where was it?

A He came to my house about a week ago.

Q Before he came to your house, had you ever seen him before in your life?

A No, I hadn't.

Q Before today, had you ever seen Mr. Tolliver or myself before in your life?

A No, I haven't.

Q Now, what time was it when you went into the Lakeview Tavern on the 23rd?

A Well, I got off from work about 3:30. I was in there about 4:00.

Q About 4:00 o'clock?

A Sure.

Q And were you in there until something unusual happened?

A Sure. I was there all day.

Q About what time was it when this unusual occurrence took place?

A Roughly speaking, about 7:30.

Q All right. Tell us what the first thing was that you noticed unusual?

A Well, when we were -- I went outside, you know, I seen the police car came down the street; then I seen this fellow with a rifle, you know, and I went back in the bar.

He said, "Go back in the bar," so I went back in the bar.

Q Who said that?

A The fellow that was standing on the sidewalk with the rifle.

Q All right. Was this a civilian or a policeman?

A He was a civilian.

Q All right. And where was the police car that you saw at that time?

A He was coming down Lakeview, going south on Lakeview -- going north on Lakeview. I'm sorry.

Q Then what happened after that?

A Then I heard -- then I went back in the bar. Then I heard shots, you know, then I looked out the window. Then I seen another police car come down from

Moulton. Then I heard more shots, you know. Simultaneously after then I heard shots, you know, when --

Q How many people were in the bar?

A Seven men and three women. This was ten.

Q After these shots were fired, what happened?

A Then we laid on the floor, you know. Then we looked out the window. Then we saw all these police coming, you know what I mean, and so about 8:30 Mr. Pegues was upstairs and I was standing back by the door entering the basement, and he said that the Plain Dealer had called and asked them was anybody in the bar.

Then they, in return, said they would call the police, and so about 9:00 o'clock, approximately 9:10, the police came in the bar. I guess it was Lieutenant Jones and the sergeant that got killed.

Q Wait a minute. You say the police came?

A Yes.

Q Had anybody gone to the basement yet?

A No, we hadn't went.

Q The Plain Dealer called and asked were any persons in the bar?

A Sure, that's what Mr. Pegues told me, now.

Q About how long after he told you that he told them there were persons in the bar before the police came?

A It was about 9:10 - 9:15, roughly speaking.

Q What happened after that?

A So they came in the bar. Mr. Pegues let them in the bar, you know. The women were in the basement.

I told them to come on upstairs, so we come up. He asked us where we lived and everything, and so the lieutenant says, well, you know, "You stay up, sit on the floor," so we all sit around the wall.

And so after the sergeant, who got killed, I asked him, "Okay if we go in the basement?"

He said, "That would be the safest place for you to go."

So we all went back in the basement, you understand?

Q Yes.

A So this one -- so, while I was upstairs I seen these police take liquor off the bar, you know.

Q And when was this? Before you went down the basement the first time?

A Yes, the first time they came in the door they took liquor off the bar and took it outside and was distributing it out among each other.

Q Then what happened?

A Then I went back in the basement. They knew we were in there, so -- the door was unlocked then, so they came in, you understand what I mean? They came in the bar.

They shot tear gas in the basement and shot in the

wall, you know. It ricocheted and that's when Mr. Pegues was shot, shot him in the back and arm and back and up there (indicating).

After they shot the tear gas in the basement, we tried to give him aid. We all went back in the corner, a little den where the men's room is, we went there.

They shot fire bombs and tear gas down there, they knew we were in there. Then I came upstairs. They hit me on the head.

Q. Hit you on the head with what?

A With a rifle. They hit me right there (indicating), and so they was going to shoot the tear gas.

He said, "Don't shoot in there, there's people in the basement." So he didn't shoot.

He said, "All you come up then, you black mother fuckers."

So I came upstairs. I told them, "Man, I don't got nothing," so he hit me in the head.

He said, "We're going to kill this black nigger here." You understand what I mean?

He told me to get up and walk, because I was in danger. He drug me across the floor. This one policeman picked me up.

By this time Mr. Brown and Mr. Trenton -- Mrs. Grisby -- they started pulling on them, ripping their clothes.

I said, "Don't do that."

They threw me out the Lakeview door, and when I got outside they started beating -- this one lieutenant, I don't know his name but I do know he said, "Don't bother him, he hasn't done anything," you know.

So they said, "Well, we're still going to whip him." They drug me across the street.

Q This was outside of the tavern?

A Outside of the bar. They drug me across the street, but that time they had brought Mr. Pegues, they was beating him.

I said, "Don't bother him."

He said, "We're going to kill this black mother fucker because he killed the sergeant."

I said, "Man, he don't have no weapon."

He said, "You black fuckers, we're going to kill every black nigger on Lakeview."

You understand what I mean? They told me to get in the wagon.

"If you don't get in it, I'll kill you there."

So they took Mr. Pegues and threw him on top of Mr. Brown, who had five broken ribs. I don't think that was right.

Q Who had five broken ribs?

A Mr. Brown, the man that opened the confection store

on Auburndale, but then when they put us in jail, they took us to the Fifth District; they took Mr. Brown, Mr. Pegues and myself to the Fifth District, and they put us in a cell.

So, by that time they bring Mrs. Grisby and Mr. Mack.

Q Mr. Pegues is the man that was shot?

A Was shot.

Q They put him in a cell?

A They put him in a cell with us. Then they brought all the men, the rest of the people.

They said, "Put all the fuckers, put them in the same hole."

These women had to share the restroom and with no shield to use the restroom.

Q Put the men and women in the same cell?

A Yes, same cell at the Fifth Precinct.

I was really hurting, because they bruised my ribs, you know, and so we kept telling this one officer, "This man needs medical treatment, he's shot."

"We don't care if he's shot."

You understand what I mean?

Q Just a minute. Showing you what has been marked for identification purposes as State's Exhibit 250 and Defendant's Exhibit Quadruple C, will you look at that.

(Witness complied with request.)

Q Can you tell us who that is?

A That is Mr. Pegues.

Q That is the man --

A That was the man that was shot.

Q That is the man that was shot?

A Yes, sir.

Q Go ahead.

A So, Mr. Pegues, he stayed in jail from 11:00 o'clock until approximately 4:00 o'clock in the morning before he had medical care, and the only way we got medical care, one of the black policemen came and I hollered to him, "This man is shot."

He said, "I'll be right back." He went, and said, "You going to take them to the hospital?" You see, they're hurt."

So they came and got Mr. Pegues. In about twenty-five minutes later, they came and got me. I asked for a drink of water. He told me I didn't need no water.

So the man said, "Let the man get a drink of water." So we left to Mount ^Sinai.

The man asked me what I'm doing on Lakeview. I said I have friends over there.

He said, "That's why you got your black ass hurt. You don't live on Lakeview." That's what he told me in the hospital.

Q While you were at the Fifth District police station, did you tell the police officers there in the precinct what happened to you and the other people who were with you down in the basement?

A Sure, I told them.

Q And while you were telling them all these incidents that happened to you and those other nine people that were down in there, did they take it down?

A No, they didn't write nothing.

Q They didn't write anything?

A No.

Q Later, after that, did someone else --

A The F. B. I. came to my house that Friday afternoon, it was the 24th.

Q Did you tell them in toto or everything that happened to you?

A I told them everything I told the N.A.A.C.P., everything.

Q I believe -- did the FBI come to your home also?

A Sure they came.

Q Now, after you made your statement to the agent from the Federal Bureau of Investigation, did you later have occasion to go with the F.B.I. agent to the Lakeview Tavern?

A Well, the first one that came to my house, they asked me did I know where Mr. Trenton Irving lived, and I said I didn't, but I would go with them; I saw him walking down the street on Superior, and they put him in the car and got his statement; and I went up by Lakeview and they said the FBI is looking for you and I said two have already been to my house; and he said I want you to come to Lakeview with them and show me what happened; So I showed them the hole in the wall down there and they took pictures of the hole and got a piece of pellet out of the wall.

I showed them and they said they were going to run a ballistics report on it, but I never heard nothing from them.

Q You were in the Lakeview Tavern with the FBI agent

when one of the pellets was removed from the wall?

A That is right.

Q That pellet that was removed from the wall was photographed?

A Yes, it was.

Q Photographed in the wall and after they took it out?

A Photographed.

Q Do you know whether or not the agent from the Federal Bureau of Investigation talked to other people in connection with regard to what happened in the tavern?

A They talked to Mr. Irving, Trenton Irving.

Q Did you take them by to see this last lady that was there, Mrs. Grisby?

A I didn't take them to see her. I think they went to her house.

Q At any rate, now, they saw her?

MR. LAURIE:

Objection.

Q (By Mr. Fleming) Now, do you know whether or not they saw her?

A I don't know that.

Q But did you do anything further in connection with it, other than make the statement to the police and to the FBI?

MR. LAURIE:

Objection.

MR. FLEMING:

And you were

with the FBI when they made their investigation inside the tavern, did you do anything else, has anything else been done in connection with that incident?

A No, I never.

MR. FLEMING: Pardon me a minute.

Q (By Mr. Fleming) Now, where was the pellet that was removed from the wall, is it in the upstairs portion of the bar?

MR. LAURIE: Objection.

MR. FLEMING: Or in the basement?

THE WITNESS: In the basement.

THE COURT: Overruled.

Q (By Mr. Fleming) Where was this pellet, in what area, what location was this pellet located in the basement?

A It was, when you go down the steps, right directly in front of the steps, in the wall at the bottom part of it.

Q Were any photographs taken other than that photograph of that pellet embedded in the wall and after it was removed? Were any other photographs taken inside this place by the FBI?

A Sure, they took pictures of the dots of where the tear gas was sact.

Q Any other photographs?

A That's all they took of the tear gas, and pictures of the bar in general, you know.

MR. FLEMING: You may inquire.

MR. LAURIE: Thank you.

CROSS-EXAMINATION

BY MR. LAURIE:

Q Mr. Raden, you didn't go to the Federal authorities for any purpose to make a complaint, did you?

A No, I did not.

Q Well, none of the people that were in that basement went to the authorities themselves to make any complaints, the Federal authorities, did they?

A No, they did not.

Q They responded to the N.A.A.C.P. complaint, is that it?

A That is right.

Q And as far as you are concerned, you didn't even go down and talk to the Chief of Police about your complaints, did you?

MR. FLEMING: Objection.

THE COURT: Overruled.

Q (By Mr. Laurie) Did you, sir?

A Sir --

Q Yes or no?

5
A I did not.

Q Did you go to City Hall and complain to any authorities in the City Hall about your complaint? _____

A No, I did not.

Q But you say you were badly beaten?

A I was beaten.

Q All right.

A I got the records at the hospital.

Q I will ask the questions, sir.

MR. FLEMING: Objection, he answered the question.

THE COURT: Objection sustained.
Ask another question.

Q (By Mr. Laurie) You say that the Federal men went to this bar, to take a picture, how many Federal men were there?

A There was about 4.

Q Did you get their names?

A No, I did not.

Q How did you know who they were?

A I know -- they showed me identification at the house; I am not stupid.

Q I didn't say you were stupid, sir, you are a pretty clever man.

MR. TOLLIVER: Objection.

THE COURT:

Overruled.

Q (By Mr. Laurie) I say, that other than the identifications that they showed you, you had no other information that they were Federal men?

A No, I did not.

Q All right, and you got no names of individuals that talked to you?

A No, I don't.

Q You say that they went into this bar to take some pictures. When was this that they went to the bar to take pictures?

A July 25th.

Q And what time was it?

A About 11 o'clock in the morning, between 11 and 12, it was, in the morning.

Q You say they had a photographer with them?

A They did, sir.

Q Now, you say a pellet was removed from the basement?

A That is right.

Q And it was where in the basement?

A It was in the wall in the basement.

Q In the basement, in the wall?

A Yes.

Q Was it past the bathroom?

A No, it was at the bottom of the steps, like I first

said.

Q Describe this pellet that they took out of the wall to this jury.

A I -- the pellet was, you know, you have seen shotgun shells.

Q I have seen a lot of them. There is a few in this case.

A Well, the man told me if the bullet were shot down there, they have got to be here somewhere; so he took a camera and put it to the hole of the wall and he said, "Here it is," and he dug something out and I saw him when he dug it out. This is all I can go by.

Q Give us the size of the pellet.

A It was a little piece.

Q A little piece?

A Sure, very.

Q It was a very small shot?

A That is right, half of a shot.

Q Pardon?

A It was half of a shot.

Q A half of a shot?

A Yes.

Q But the half was how small?

A I can't remember.

Q Real small?

A I can't remember that far back.

Q It's pretty hard to remember what happened on July 23rd, 24th and 25th, isn't it?

A It sure is.

Q That was a long time ago?

A That is right, nine months ago.

Q And time does make persons forget?

A That is right.

Q All right, now, but you say that you held that shotgun pellet in your hand?

A No, I didn't say that.

Q But --

A I never said that.

Q But you looked at it?

A Sure, I looked at it.

Q And they photographed it in the bar?

A Yes.

Q Once they got it out of the wall?

A That is right.

Q Where did they put it?

A They put it on the wall and photographed it on the wall.

Q They photographed the pellet in the wall?

A Yes.

Q One shotgun pellet?

A That is right: they put the camera up real close.

Q That's the only place they photographed it?

A Yes, that is right.

Q I thought you said when they took it out of the wall they photographed it again. Now which did they do?

Take it from the wall or when it was out?

A They photographed the pellet.

Q In the wall only?

A I said they photographed the pellet.

Q In or out of the wall?

A They put the camera up to the wall and they photographed the pellet.

Q I understood earlier that you said when they got it out of the wall they photographed it.

THE COURT: Did they photograph it twice?

THE WITNESS: Yes, they did.

Q (By Mr. Laurie) Where was the second time?

A The man held it -- he had it in his fingers.

Q He held it in his fingers?

A That is right.

Q And they photographed the finger of the man and the pellet?

A That is right.

Q And was that done in the basement?

A That is right.

Q And was this a shotgun pellet or a gunshot pellet?

A It was a shotgun pellet.

Q How do you know?

A Because it was in the basement.

Q How do you know it was?

A Because I found the shell the next day in the basement.

Q You found the shell?

A That is right -- no I don't have it.

Q Do you have the shell?

A No, I don't have the shell, the fellow from the Call and Post has it. He took the picture of it.

Q The fellow from the Call and Post?

A Yes.

Q What is his name?

A I can't recall his name.

Q And he took possession of the shotgun shell?

A No, he has the picture of the shell in my hand.

Q You held the shotgun shell in your hand?

A Yes, and he took a picture of it.

Q He took a picture of it?

A Yes.

Q Was he there when the FBI was there?

A I'm talking about the shell, not the pellet.

Q Was he there at the same time the FBI was there?

A No.

Q When did the Call and Post take a shot of the shell?

A Thursday.

Q What Thursday?

A The 24th.

Q The day before the FBI was there?

A That is right.

Q And you didn't look around to see if the wall had a shotgun pellet in it, when you were there when the Call and Post was there?

A I showed them where the hole was in the wall.

Q Where the hole was in the wall?

A That is right.

Q You mean that pellet made a big hole in the wall?

A That is right. Do you want to go over and see it?

Q Not really; I don't care to. But you say there was a 2-inch hole from a shotgun pellet?

A That is right.

Q And that pellet can be held very easily with two little fingers?

A That is right.

Q And that made a 2-inch hole in the wall?

A That is right.

Q How deep was that hole?

A I said it made about a 2-inch hole in the wall. If

you don't believe it, you go see it.

Q 2 inches deep?

A That is right.

Q How wide was that hole?

A About, approximately that wide (indicating).

Q About an inch and a half wide?

A That is right.

Q All right, and how many more of these holes were in there?

A That's the only one; that's the only shot that was in the basement.

Q Are you familiar with shotguns, sir?

A Sure.

Q And you say you saw that shotgun being fired in the basement?

A That is right, I was standing right in the basement, when they fired it.

Q You are familiar with a shotgun?

A Sure.

Q You are familiar with shotguns that have many shots within the cartridge?

MR. FLEMING:

Objection.

MR. LAURIE:

You understand

that?

MR. FLEMING:

Objection, your

Honor.

THE WITNESS:

Sure.

Q (By Mr. Laurie) And you found only one hole in that wall after observing that gun being fired in the basement?

A That is right.

Q Is that what you say?

A If you want to go over there, you can look at it for yourself.

Q I don't care to, sir. Now who was the man from the Call and Post that took this picture?

A I don't know his name, but he is up there; he knows who he is.

Q Did you bring him along with you?

A Here?

Q No, over there, to take the picture?

A He was over there to take the picture!

Q Did you call the Call and Post?

A No, the FBI came to my house--and the NAACP came to my house, and the Call and Post came to my house.

Q The Call and Post was apparently before the FBI?

A Of course they were.

Q Why of course?

A They were there before the police was, before the FBI came.

Q Who was the man that came to your house from the Call and Post?

A I tell you, he is the reporter -- I don't know his name -- I forgot his name.

Q Can you describe him to us?

A He is a light-skinned fellow.

Q Pardon?

A A light-skinned fellow.

THE COURT:

A light-skinned

fellow.

Q (By Mr. Laurie) Tall, short --

A A little taller than you.

Q A little taller than me?

A Yes.

Q He had a camera?

A Yes.

Q And you and he went down to the bar?

A Yes, no, I was outside and he came to my house and we went over there, looking for some more people; I told him, I said, "Do you want to go in the bar?"

And he said, "Where the police shot the bar?"

And he said, "Yes," and I took him in and showed him the hole, in the basement, and we found the shell on the top of the steps.

Q When did you first discover the shell?

A The night they shot it.

Q I thought the lights were out?

A Wasn't no lights out in the basement.

Q Were no lights out in the basement?

A No.

Q The lights were always on?

A That is right.

Q And that night you saw the hole in the wall, that particular night?

A That is right, after they shot in the wall, when they shot Mr. Pegues, the hole was there.

Q I see.

A It is still there.

Q And only one hole?

A That's all, there is, that's all it takes.

Q How far down from the door was the hole?

A From the top of the basement?

Q From where allegedly somebody held a gun?

A I don't know, I can't tell.

Q You can't say?

A No, I don't know.

Q How many steps go down to the basement?

A Approximately ten.

Q Ten steps?

A Maybe ten. I don't know.

Q 10 or 15 feet down, wouldn't it be?

A Maybe. I don't know.

Q What is your best estimate?

A I say I don't know, I can't estimate that.

Q Was it 50 feet?

A No, I don't know.

Q Was it 2 feet?

A I don't know.

MR. FLEMING:

Objection.

Q (By Mr. Laurie) But there was ten steps?

A Approximately ten steps going into the basement.

Q All right. You didn't call the Call and Post there?

A No, I called nobody. Everybody came and saw me.

Q How did everybody know to come and see you?

A Huh? How did they know?

Q Yes.

A The N. A. A. C. P. came, they came on Lakeview.

Q Did you give somebody some information that you were down there, other than the Fifth District police?

A No. They came over on Lakeview and asked them who was around, and I told them I was and --

Q I see. And did you go down to the Central Police Station and talk to the chief about seeing some policemen firing in that basement?

A No. Why I won't go down there, if I have no badge number.

Q So the first time you talked to anybody about it was with the Call and Post, was the first person you talked to?

A No. The N. A. A. C. P. was the first.

Q And when did the N. A. A. C. P. call you? When was this?

A They came on Thursday.

Q The same day as the Call and Post?

A That is right.

Q Who came from there?

A Mr. Bryant, from the N. A. A. C. P.

Q And then you say the picture was taken?

A That is right.

Q And then you say the F. B. I. you met down there, am I right, sir?

A That is right.

Q After you took the picture of the shotgun shell, did you give it to the reporter?

A No, I did not.

Q Did you keep it?

A No, I don't know what happened to it.

I should have kept it.

Q You sure should have.

And can you describe that shotgun shell?

A It was red, with a gold cap on it.

Q A dull cap?

A A gold cap, a brass cap, whatever you want to call it.

Q How many more shells did you see in there?

A That's the only one I saw in the bar.

Q And there were no other holes, other than that one in the wall, in the tavern, was there?

A There were some holes up in the top of the bar, where they were shooting in.

Q The top of the bar where they were shooting in?

A Yes.

Q But there were no more shells in the basement?

A No.

Q And no holes in the floor, either?

A No.

Q When you heard or saw this shotgun, where was this man that was shot?

A Mr. Pegues?

Q Yes.

A When they hollered in the basement and said, "Come on up," he started on up, and this man shot in the basement and the bullet ricocheted off the wall and hit the man three times.

Q Hit the man three times?

A That is right.

Q How many times did he fire?

A He fired once.

Q All right, and did you take Mr. Pegues to the hospital?

3021
A No, I did not.

Q How did he get to the hospital?

A The police took him, from the Fifth Precinct.

Q I see. When you went to that bar, you said you went there about 4:00 o'clock?

A That is right.

Q Are you a married man?

A No, I am not.

Q Have you ever been married?

A No, I haven't.

Q Where did you say you lived?

A 10614 Amor, Apartment 6.

Q What is your employment?

A J. & L.

Q J. & L.?

A Jones & Laughlin, one year. Yes.

Q Before that?

A I worked in Modern Construction.

Q Doing what?

A As a helper.

Q How long did you work there?

A A year.

Q And before that?

A I worked at Ford Motor Company.

Q Doing what?

A I was a material handler.

Q Pardon?

A A material handler.

Q How long did you work for Ford?

A Ten months.

Q Before that?

A Chrysler Corporation.

Q How long did you work for Chrysler?

A Four and a half years.

Q Are you a native Clevelander?

A No, I was born in Alabama.

Q When did you come to Cleveland?

A '52.

Q Are you acquainted with Mr. Evans?

A I saw him.

Q How often did you see him?

A I saw him quite often.

Q What do you mean "quite often"?

A He lived next door to the bar.

Q At 12312?

A That is right.

Q You knew that he belonged to a group called the Black Nationalists?

A I didn't know what he belonged to; I don't go around mixing in people's business.

Q It has been said here by counsel and Mr. Evans that he is an avowed Black Nationalist.

A I don't know what the man is; I don't care.

Q I didn't ask you if you cared, I said --

MR. FLEMING: Objection.

THE COURT: Sustained.

Q (By Mr. Laurie) Who did he make his home with next door, do you know?

A I don't know who he made his home with.

Q How did you know he lived next door?

A Oh, I guess I can't see.

Q What?

A I can't see.

Q I said how did you know he lived next door?

-- A I saw the man, he lived there.

Q Did you visit him?

A No, I didn't have to visit him to know he lived there.

Q How did you come to the conclusion --

A I come on Lakeview every day, sir, he lived next door to the bar.

Q You saw him going in and out of the building, is that how you determined that he lived there?

A Yes.

Q Did he tell you that?

A No, he didn't have to tell me. I know it.

Q How do you know?

MR. FLEMING: Objection.

THE COURT: Sustained.

Q (By Mr. Laurie) Did you see how he was dressed on or about July 23, 1968?

A Sure, I saw how he was dressed.

Q Similarly as he is dressed now, sir?

A Sure.

Q Did you see others that were with him dressed like him?

A Sure.

Q Did you come across a Lathan Donald that was his friend?

A I don't know Lathan Donald.

Q How about Leslie Jackson?

A I don't know him.

Q Hardrick?

A I don't know him.

Q None of these people in the indictment you know?

A No.

MR. TOLLIVER: Objection.

THE COURT: Overruled.

Q (By Mr. Laurie) Now, you know who is charged with Mr. Evans in this case, don't you?

MR. FLEMING: Objection.

THE COURT: Do you?

THE WITNESS: Pardon?

THE COURT: Do you know who are named in the indictment with Mr. Evans in this case?

THE WITNESS: All I know is Mr. Evans.

Q (By Mr. Laurie) And you don't know whether anybody else is charged with him, is that right?

A No.

MR. FLEMING: Objection.

Q (By Mr. Laurie) You never discussed this with these various people that talked to you about what happened out there?

A No, I don't discuss other people's business.

Q They didn't ask you if you knew these other names?

A No.

Q The FBI never asked you if you knew these other names?

A No, they didn't ask me about Mr. Evans and his associates.

Q They didn't?

A No, they did not.

Q Have you had a conference with the same man since?

A No.

Q How about Uncle Sam's men, have you had a talk with them since?

A No.

Q Just one time?

A Yes.

Q Two times, at the bar, too?

A Yes.

Q When you went to the bar at 4 o'clock that afternoon, did you do some drinking there?

A No, I didn't drink there.

Q Pardon?

A No, I didn't drink there.

Q What time was it that you say you saw a civilian standing on the corner with a gun?

A About 7:30.

Q 7:30? -----

A That is right. -----

Q How was he dressed?

A In dungarees.

Q What kind of gun did he have?

A I don't know what kind of gun it was.

Q Was it a rifle?

A I couldn't determine whether it was a rifle or not.

Q Was it a long gun or a small gun?

A It was a long gun.

Q A long gun?

A Yes.

Q Was he a colored gentleman or a white gentleman?

A He was colored.

Q And he was in the front of the corner of the bar?

A That is right.

Q And at the same time you saw a police car go by?

A That is right.

Q Coming north on --

A Going south on Lakeview -- going north, that is right.

Q Going north toward Superior?

A That is right.

Q Past the tavern?

A That is right.

--Q At that time, you heard this man fire?

A I didn't say I heard that man fire; I said I heard fire.

Q When you saw this man, about 7:30, with a long gun, did you call the police?

A No, what am I going to call the police for?

Q A man is carrying a long gun in the street, openly. Did you call the police?

MR. FLEMING: Objection.

THE COURT: Overruled.

THE WITNESS: No.

Q (By Mr. Laurie) You thought nothing of it and went back in the bar?

A That is right.

Q What occasioned you to look out the window to see this man?

A I was on the sidewalk. He told me to go back in the bar; so I went back in the bar and closed the door.

Q This man who was carrying this gun --

A Yes?

Q -- told you to clear out?

A That is right.

Q And you complied?

A That is right.

Q And you went in the bar, and did you look out the window then, through the window then?

A No, I didn't. By the time I got in the bar, the shooting had started.

Q I see. And other than he was a colored gentleman, can you describe this man that held the gun, any further?

A No, I cannot.

Q A tall man? Short man?

A He was a tall man and slender, that's all.

Q Tall and slender.

Had a beard?

A No, I didn't see no beard.

Q You didn't see no beard?

A No.

Q Did he have a dashiki on?

A No, he did not.

Q Did he have a bandoleer on?

A I can't determine that, I can't remember.

Q You can't remember?

A No.

Q He could have had a bandoleer on?

A I said I can't remember. I don't know what he had on, I didn't pay that much attention.

Q What kind of a police car did you see go by, a marked car or an unmarked car?

A 506.

Q Car 506?

A Yes.

Q You remember the number?

A Sure, I remember the number.

Q What caused you to look at the car number?

A It came past there by the bar, and I was outside when they came by.

Q How many men were in 506?

A Two, I think.

Q And where were they in the car?

A In the front seat.

Q One was driving, obviously?

A One was driving.

Q And one was sitting next to him?

A That is right.

Q It was a moving vehicle?

A Yes.

Q Pardon?

A Yes, it was.

Q Going in a northerly direction, and it passed the tavern when you heard the shot?

A Yes.

Q When you heard the shot, did you run to the window and look to see?

A No, I did not.

Q What did you do?

A Stayed in the bar.

Q Did you grab the phone and call right away, that there was a shooting outside in the public streets?

A No.

Q Especially when you had seen a man with a rifle and had seen a police car go by, you didn't call downtown?

A No, they weren't people helping me. What would I call them for? —

Q You wouldn't call, is that it?

THE COURT:

Mr. Laurie,

would you approach the bench?

(Thereupon a discussion was had between the Court and counsel, outside the hearing of the jury, and off the record.)

THE COURT:

We are going to adjourn until 9:15 tomorrow morning, ladies and gentlemen.

When you are outside the courtroom, observe the admonitions I have given you before.

- - -

(Thereupon an adjournment was taken to 9:15 o'clock a.m., Friday, May 2, 1969, at which time the following proceedings were had:)

- - -

THE STATE OF OHIO,)
)
) SS:
COUNTY OF CUYAHOGA.)

FRIDAY SESSION
MAY 2, 1969
McMONAGLE, J.

IN THE COURT OF COMMON PLEAS
(Criminal Branch)

THE STATE OF OHIO,)
)
) Plaintiff)
)
)
) vs.)
)
)
) FRED AHMED EVANS,)
)
)
) Defendant)

No. 90,257

I N D E X

WITNESSES

Direct

Cross

Redirect

Recross

Arthur Redén (Continued)

3839

3848

Patricia Walker

3852

3863

Peggy Finley

3866

3879

Trenton Ervin

3883

3892

John Pegues

3899

3918

3943

William L. Speights

3951

3968

3972

Minnie Peterka

3976

Joseph Turpin

3979

4005

FRIDAY MORNING SESSION, MAY 2, 1969 9:15 A.M.

- - -

THEREUPON, ARTHUR REDEN, having been previously duly sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (CONTINUED)

BY MR. LAURIE:

Q I believe, sir, that when you gave your occupation earlier, you indicated you were a bricklayer, is that right?

A Bricklayer helper.

Q Bricklayer helper?

A Yes.

Q What type of work is that?

A Reline furnaces and --

Q Pardon?

A Relining furnaces, furnaces.

THE COURT:

Furnaces at

the steel mill.

Q Relining furnaces and doing --

A Relining the legs that support the iron.

Q You help the bricklayers to lay --

A No, I don't. I get the material for them.

Q You mix the mortar and stuff like that?

A That's right.

Q I see. May I see the insides of your hands?

(The witness complied with the request.)

Q And then taking you back to the Lakeview Tavern, sir, when all of you were in the basement, I believe there were two times you went down there, is that right?

A That's right.

Q The second time or the first time, was James Chapman down there?

A No, he was not.

Q James Chapman was not down there?

A No, he was not.

Q You know a James Chapman?

A Sure, I know James Chapman.

Q Pardon?

A Sure, I know him.

Q You used his name for reference when you got your last job, wasn't it?

A No, I did not.

THE COURT:

Are you referring

to James Chapman?

Q I'm sorry. James Crawford, James Crawford.

A No, that's my uncle.

Q That's your uncle?

A Yes.

Q He was down in the basement?

A No, he was not.

Q He is the man you used as a reference for your last job?

A That's right.

Q And when you were in the basement, however, either the first or the second time, wasn't there a man with a knife down there?

A A knife? Sure, there was a man with a knife down there.

Q Who was he?

A I don't know.

Q And he was threatening you people down there, wasn't he?

A Sure.

Q And he prevented you people from coming upstairs?

A No, he didn't threaten us from coming upstairs.

Q This was a colored gentleman down there with a knife?

A Sure, he was a black man.

Q And you were afraid of him, weren't you?

A No, I wasn't afraid of him.

Q He had a knife?

A Sure, he had a knife.

Q He threatened to cut some of you people, didn't he?

A Sure, he did.

Q And what is this man's name?

A I don't know his name.

Q He went to jail with the rest of you, didn't he?

A Yes. I don't know his name.

Q Pardon?

A I don't know his name.

Q He went to the Fifth District with the rest of the people, did he not, sir?

A Sure, he did, but I don't know his name.

Q When you got to the Fifth District, did you make any complaint to the officers that you wanted to prefer charges against this man?

A No, I did not prefer charges against him.

Q Anybody else wanted to prefer charges against this man?

MR. FLEMING:

Objection.

THE COURT:

Sustained.

A No, I don't know.

Q And when Mr. John -- what was his name, Pegues?

A Pegues.

Q When he fell or came back in the basement wounded, what did you do with the man, did you give him any help?

A The ladies did.

Q Pardon?

A The ladies did.

Q The ladies did. What did they do?

A They took -- a man took his T-shirt off and got water, tried to keep his temperature down.

Q Laid him on the ground?

A No, we had him up in the corner.

Q You held the wounded man up in the corner?

A That's right.

Q Where was he wounded?

A In the arm and underneath (indicating) and in the back.

Q And you held him straight up?

A Sure.

Q Did he need help or did he walk by himself?

A He needed help to get up.

Q And you kept him straight up all the while you were in the basement?

A Yes, until I went upstairs. Then I don't know how he got up.

Q And, well, he found his way to the Fifth District, too, didn't he?

A Yes.

MR. FLEMING:

Objection.

A After the police threw him in the car, he found his way.

THE COURT:

Overruled.

Q You said you didn't know how he got --

A Hey, man, we was outside. They threw me, Mr. Pegues and Mr. Brown in the wagon together, like we was varmints, dogs or something.

Q Did I ask you how they threw you in the wagon?

MR. FLEMING: Objection.

THE COURT: Ask another question.

Q I asked did you see him come up by himself?

A No, I didn't see him come up by hisself.

Q You don't know if he was carried up or walked up by himself?

MR. FLEMING: Objection to the argument.

THE COURT: Sustained.

Q You don't know if he walked up or was carried up, is that correct, sir?

MR. FLEMING: Objection.

THE COURT: Sustained.

Q How did you determine he had wounds on his body?

A Sir, I could see it very well. He was in the same jail cell with me.

Q Where did he have his wounds?

A I told you he was shot here (indicating), under the armpit (indicating) and right back here (indicating).

Q Three times?

A That's right.

Q And when he got shot in the basement stairway proper, you were right behind him?

A No, I was not.

Q Where were you in relation to him?

A I was back in the men's room.

Q Back in the men's room?

A Yes.

Q Then, actually, sir, you didn't see who shot this man?

MR. FLEMING: Objection.

That is not a question; that is a statement.

THE COURT: Well, did you see who shot him?

THE WITNESS: The police shot him.

THE COURT: Did you see who shot him?

THE WITNESS: Yes, sir. The police shot him.

THE COURT: With your own eyes, you saw this; the actual kind of rifle or gun being shot, did you see that?

THE WITNESS: Yes, I did.

Q When you came upstairs, I believe you indicated, in your testimony earlier, that the mistreating was done in the bar; is that right?

A Part of it was, and the other part --

Q There was none outside?

A Yes, there was.

Q Anybody got hit outside?

A I got hit, beat up.

Q You say you were mistreated?

A That's right. The man hit me in the head with the butt of his gun.

Q Anybody that was mistreated was mistreated inside?

A Inside and out.

Q Inside and out?

A That's right.

Q Did you take the policeman's badge number, that hit you?

A Sir, how am I going to take a badge number when it's pitch dark outside?

Q You were right next to him. You said it was a policeman that hit you?

A If too many people were beating you, would you take their number -- badge numbers?

Q You don't know who hit you?

A What you mean, who hit me?

Q There were seven other men.

A It was the white police that was bothering me.

Q You said it was pitch dark, you couldn't see his number, tell us how could you see his face?

MR. FLEMING:

Objection.

THE COURT:

Overruled.

Q May I have an answer?

A I could see his face.

MR. LAURIE:

That's all I have,

Judge.

REDIRECT EXAMINATION

BY MR. FLEMING:

Q Mr. Reden, there's been some testimony about a man down in the basement with a knife, and I believe you indicated in your testimony that there was a man down there with a knife?

A Yes, there was.

Q Tell us the circumstances surrounding this man and how you knew he had a knife, tell us what it was.

A Well, he had a knife, and every time we would try to take -- Mr. Pegues told him he was going to take Mrs. Grisby outside, you know --

THE COURT:

I'm sure nobody

really got what you said. Start over.

A This gentleman had the knife and he stuck it at Mrs. Grisby, because we thought he was taking her outside for a shield.

Mr. Pegues told him, "Don't do that," you know. So he calmed him down, so we went back, we went in the basement.

Then he put the knife on Mr. Mack and he said, "If you all don't come out of the room, I'm going to cut you." So we all came out of the room. We didn't want to see the man kill anybody. This man was hysterical,

you know.

Q In other words, a man, while this shooting was going on outside, one of the people in the basement became hysterical?

A Yes.

Q And pulled out a knife and wanted to take -- use someone as a shield to get out of there?

A That's right.

Q Was this man at the -- did he later come to the police station?

A He came in the morning. They brought him down that morning about a quarter to 1:00, something like that.

Q And was this explained to the police, that this man had become hysterical in the basement and that he had made an effort to use other people that were in the basement as a shield to come out?

MR. LAURIE: Objection,
testifying.

THE COURT: The objection
is sustained.

Q Were all of these factors or facts given to the police at the Fifth District Precinct?

A I think the ladies told them about it, you know.

Q Was a report made of everything that transpired in the basement?

A Yes, I think so. Yes, I gave it to the NAACP.

Q I mean at the Fifth District, did you tell the police at the Fifth District, did you tell the police everything that transpired?

A I didn't, but I think the other women did, the other people --

MR. LAURIE: Objection to
the latter part of the answer.

THE COURT: The jury will
disregard the latter part.

Q But all of the facts that you have testified to here
with regard to what you did and what you saw, you gave
those facts to the police, to the NAACP and the FBI?

MR. LAURIE: Objection to
the first statement of counsel.

THE COURT: Sustained.

MR. FLEMING: No further
questions.

MR. LAURIE: Thank you very
much.

THE COURT: You are excused.
(Witness excused.)

MR. FLEMING: May we approach
the bench, your Honor?

(Thereupon a discussion was had between
the Court and counsel, outside the hearing of the
jury, and off the record.)

THE COURT: Have you given
the name of the witness to the bailiff?

MR. FLEMING: Yes, he is out
to get her.

- - -

THEREUPON, the Defendant, further to maintain the issues on his part to be maintained, called as a witness PATRICIA WALKER, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. TOLLIVER:

Q Madam, would you state your name to the Court, please?

A Mrs. Patricia Walker.

Q What is your business or occupation?

A I am Medical Records Librarian at Mt. Sinai Hospital.

Q How long have you been so engaged?

A I've been at Mt. Sinai since March of 1965.

Q And Madam, in your capacity as -- what did you say?

A Medical Records Librarian.

Q Medical Records Librarian?

A Right.

Q Explain to the Court and jury just what that consists of.

A A Medical Records Librarian is entrusted with the care and custody of the hospital records.

Q And these records are kept under your supervision?

A Yes, they are.

Q Now, Madam, are you here as a result of a subpoena?

A Yes, I am.

Q And as a result of that subpoena, did you bring certain records with you?

A Yes, I did.

Q What records, ma'am, did you bring?

A I have the records of Arthur Reden, Trenton Ervin and Donald Brown.

Q May we see them, please?

(The documents were handed to counsel.)

(Defendant's Exhibits DDDD, EEEE and FFFF were marked for identification.)

Q Madam, showing you what has been identified as Defendant's Exhibit Quadruple D, would you tell the Court and jury what that is?

A It is an emergency room record and X-ray report on Donald Brown.

Q Now, Madam, when these persons come into -- what do you mean by an emergency?

A This indicates --

THE COURT: Pardon me just a minute. Come up here.

(Thereupon a discussion was had between the Court and counsel, outside the hearing of the jury, and off the record.)

THE COURT:

The witness has

already indicated that Quadruple D is the record of the Mt. Sinai Hospital emergency room and X-ray report.

And Quadruple F is the same type of record pertaining to Trenton Ervin and Quadruple E the same type of record pertaining to Arthur Reden.

You are offering them?

MR. TOLLIVER: We will offer them into evidence, Judge.

MR. CORRIGAN: No objection.

THE COURT: They may be admitted.

(Defendant's Exhibits DDDD, EEEE and FFFF were received in evidence.)

Q Madam, would you then read to the Court and jury the contents of Quadruple D?

MR. LAURIE: Objection.

THE COURT: Most of the hospital records I have seen, it takes somebody in the hospital to read the doctor's writing, so the witness may read it.

I don't know whether or not -- let me look at it, first.

(The documents were handed to the

Court.)

MR. LAURIE: Judge, I will
withdraw the objection. Let her read it.

MR. TOLLIVER: Thank you.

MR. FLEMING: Thank you,
Mr. Laurie.

MR. LAURIE: Don't mention it.
It's a matter of expediency.

THE COURT: I assume he is
referring to Page 1 and Page 3. The second page
is merely an authorization. I don't think there
is any point in reading that.

A You wish me to start at the top and read all the way
down?

Q Yes.

A (Reading) "Emergency Room No. 358360, date: 7-24-68. Emergency Room record of the Mount Sinai Hospital of Cleveland. Time interviewed: 4:10 a.m. Last name: Brown. First name: Donald. Address: 1293 Angelus. Zip Code: 44105.

"Age: 48. Sex: Male. Color: Negro.

Employer: Patient owns Brown's beverage store.

Nearest relative: Wife, Amy. Employed: Quickie Meats, 10416 St. Clair.

"Accident: Yes. Description and type of injury: Assaulted, 7-24-68, approximately 3:45 a.m., Lakeview Tavern. Injury to head, ribs, and face. Brought in by 'no one with.' Police car number 509.

"Type of insurance: Other. Service: Community Health Foundation. Relationship to patient: Amy. Responsible person: The patient.

"Complaint: Assaulted. Injured head, ribs, and face. History and physical: Patient assaulted, has abrasions and contusions of face, legs --

The rest of it I'm not able to make out.

"P. E., chest: poor. Heart and N. R., abdomen: negative. Small laceration at the corner of the left eye.

"Diagnostic impression: Fracture of number 3 rib on right.

"Lab, X-ray," et cetera: "Treatment and medication in emergency room. X-ray rib: Fracture of rib. Demerol" -- appears to be -- "25 milligrams. Home-going prescriptions and instructions: Darvon Compound 65. Type of patient: orthopedic surgery.

"Examining physician: A. Sculnick. Mount Sinai Outpatient Department, Orthopedic one week. Patient discharged 7-24. Time: 5:15 a.m."

Q (By Mr. Tolliver) Would you also read the third page, or is that repetitious? Is that the same thing or different?

A This is different.

Q All right, would you read the third page, then.

THE COURT: Isn't the X-ray report synonymous, on the first page?

THE WITNESS: Essentially, yes.

THE COURT: Do you want it read? The first page went on to say that he had a fracture of the third rib on the right side.

I assume the last page doesn't say much different, does it?

MR. TOLLIVER: It does say it a little different, Judge.

THE COURT: All right, read it, Mrs. Walker.

A (Reading) "The Mt. Sinai Hospital, Cleveland,
Department of Radiology Report.

"Name: Brown, Donald. Age: 48. Division: E.R.
Number 358360. X-ray No. 23-09-20. Address: 12913
Angelus. Date: 7-24-68.

"A. P. film of the chest as well as A. P. and
oblique views of the right rib cage and a decubitus view
demonstrates the presence of acute fractures involving the
right fourth rib in the posterior axillary line, as well
as the eighth and ninth ribs in the midaxillary line.

"Subcutaneous emphysema overlying the latter rib
fractures can be seen. No definite pneumothorax is
discerned. A small pneumothorax cannot be excluded by
this examination.

"What is apparently an old healed fracture of the
right seventh rib just proximal at the posterior axillary
line is also apparent.

"The lungs are clear. The heart and great vessels
are not grossly remarkable.

"H. Shapiro."

Q Madam, then can you summarize, from your experience
and from that, say just what this particular person's
injuries were?

MR. LAURIE:

Objection.

A I'm not qualified.

THE COURT:

The objection is

sustained.

Q (By Mr. Tolliver) All right. Now, showing you what has been identified as Defendant's Exhibit Quadruple E, would you read that to the Court and jury, please.

A (Reading) "The Mt. Sinai Hospital of Cleveland, Emergency Room Record. E. R. No. 358361. Date: 7-24-68. Time interviewed: 4:15 a.m.

"Last name: Reden; first name Arthur.

Address: 10614 Amor. Zip Code 44108. Age: 34.

Date of birth: 1-25-34. Sex: Male. Color: Negro.

Marital Status: Single. Religion: Protestant.

Accident: Yes.

"Description and type of injury: Possible injury, ribs, 7-24-68, approximately 3:45 a.m. Brought in from the Fifth District, police car number 509.

Responsible person: Patient.

"Complaint: Possible injured ribs.

History and physical: Contusion of head (small laceration of scalp, (Contusion of ribs, contusion and left parivertebral region posteriorly.)

"Diagnostic impression: Contusion and small lacerations of scalp, contusion of back.

"Lab, X-ray, et cetera, treatment and medications emergency room: Phisohex wash, tetanus toxoid .5 cc given.

"X-ray skull and ribs: negative. Home-going prescription and instructions: Darvon Compound 65.

Type of patient: orthopedic.

"Examining physician: A. Sculnick.

"Disposition: Mt. Sinai A. P. D., orthopedic, as often as necessary. Patient discharged 7-24. Time: 5:20 a.m."

Q (By Mr. Tolliver) Madam, on these particular records, do you have the patient sign the record?

Look at page 2. For the authorization, is this generally the procedure?

A Yes, it is.

Q Now, do you find the signature of Arthur Reden there?

A No.

Q And why is his signature not there?

A There is a statement here, "The police took patient before signature could be obtained."

Witnessed by two individuals.

Q All right. Now, would you read the third page, please.

A (Reading) This is the Mt. Sinai Hospital of Cleveland, Department of Radiology Report:

"Name: Reden, Arthur. Age: 34. Division: ER.

No. 358361. X-ray No. 23-09-34.

"Address: 16014 Amor. Date: 7-23-68.

Skull (fore): multiple views show the calvarium and floors of the cranial fossae to have normal architecture and density. No evidence of fracture or bone destruction is detected. No pathologic intercranial calcification is seen. The sella turcica appears normal. Films of the ribs reveal no gross Roentgen evidence of fracture, although a pneumothorax is demonstrated in the right.

"H. Shapiro."

Q (By Mr. Tolliver) Now, madam, showing you what has been identified as Defendant's Exhibit Quadruple F, would you read that to the Court and jury, please.

A (Reading) The Mount Sinai Hospital of Cleveland, Emergency Room Record. E. R. No. 358362. Date: 7-24-68. Time interviewed: 5:45 a.m.

"Last name: Ervin. First name: Trenton.

Address: 1258 East 124. Zip code 44106. Age: 19.

Sex: Male. Color: Negro. Employer: Patient.

Name of firm: Gillian Packing Company. Accident: Yes.

"Description, type of injury: Laceration of forehead 7-24-68, Lakeview and Auburndale.

Relationship: Self. No one with.

"Complaint: Laceration of forehead.

History and physical: Laceration of forehead with gun butt. Physical exam: 2 centimeter laceration over mid-

forehead. Closed with 10" -- I can't make out the symbol -- "Interrupted silk. One-half centimeter laceration ear lobe, left; closed 2-5-0 interrupted silk.

"Diagnostic impression: Laceration of the forehead. Lab, X-Ray, et cetera, treatment and medications in emergency room: Phisohex wash, tetanus toxoid .5 cc given.

"Home-going prescriptions and instructions: Clean and dry. Remove, seven days. Type of patient: surgical. Examining physician: Gary Rogers, M.D.

"Disposition: private M.D. Lidsky, office 10400 Carnegie. Patient discharged 7-24. Time: 6:10 a.m."

Q Madam, now perusing the second page, does the signature appear there of the person whose record that reflects?

A Yes, it does.

Q All right. Now, would you read the third page for us, please?

A There is no third page to this record.

Q This is only a two-page record?

A Yes.

MR. TOLLIVER:

No further questions.

You may have the witness.

CROSS-EXAMINATION

BY MR. CORRIGAN:

Q Mrs. Walker, with respect to Defendant's Exhibit Quadruple F and Defendant's Exhibit Quadruple E and Defendant's Exhibit Quadruple E, those three exhibits that you have just finished testifying about, the information contained thereon relative to the name of the patient, his address, his next-of-kin, and the history relating to his specific ailment, from whence does that come?

A This information in the upper half (indicating) down through where it's typed "Complaints" is taken by the secretary in the emergency room when the patient comes in. This is the information given to her.

Q And that information is given by the patient?

A Usually, yes.

Q And with respect to the history, for example, with reference to Defendant's Exhibit Quadruple F, there is mention of a laceration of the forehead, gun butt.

Who gives that information to the doctor?

A I assume the patient gives it to him.

Q The patient. And who are the doctors that appear on these three exhibits?

A This one here, Defendant's Exhibit Quadruple F, examining physician was Gary Rogers, M.D.

On Defendant's Exhibit Quadruple E, it's A. Scolnick.

Q What is his name?

A A. Scolnick.

Q Will you spell the last name?

A S-c-o-l-n-i-c-k.

Q Yes?

A And Defendant's Exhibit Quadruple D, the examining physician, first initial A. Last name Scolnick.

Q Are these two doctors house physicians?

A They were, yes.

Q They were at that time?

A Yes.

MR. CORRIGAN:

All right.

Thank you. No further questions.

THE COURT:

Thank you, Mrs. Walker.

(Witness excused.)

MR. FLEMING:

Peggy Finley.

MR. TOLLIVER:

Your Honor, may

we approach the bench a minute?

(Thereupon a discussion was had between the Court and counsel, outside of the hearing of the jury, and off the record.)

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THEREUPON, the Defendant, further to maintain the issues on his part to be maintained, called as a witness PEGGY FINLEY, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FLEMING:

Q Mrs. Finley, will you state your full name to the Court and spell your last name, please?

A Mrs. Peggy Finley, F-i-n-l-e-y.

Q Where do you live?

A 1422 East 86th Street.

Q And you are married?

A Yes.

Q Do you have any children?

A Two.

Q And what is your occupation?

A I work at the Superior Die Casting Corporation.
That's on 90th and Euclid.

Q What does your husband do?

A He's a construction worker at Murray Hill.

Q Now, calling your attention to July the 23rd, 1968, were you in the Lakeview Tavern on that day?

A Yes.

Q And about what time of day or night was it when you

went in there?

A It was about 8:00 o'clock.

Q 8:00 o'clock in the evening?

A In the evening, p.m.

Q Now, do you know Mr. S. J. Young, an investigator?

A Yes.

Q Have you talked to him?

A Yes.

Q When did you talk to him?

A Last week and this morning.

Q Now, before you talked to Mr. Young last week, did you know him?

A No, I didn't.

Q Had you ever seen him before in your life?

A No, sir.

Q Before yesterday, did you know Mr. Tolliver?
Mr. Tolliver here.

A No.

Q Did you ever talk to him before in your life?

A No.

Q Did you know me?

A No, I didn't.

Q Okay. Now, you said you went in the Lakeview Tavern at about 8:00 o'clock?

A Yes, in the evening.

Q Okay. Did something unusual happen while you were in there?

A Yes, I went in to make a phone call and as I was going to go out of the bar, I heard some shooting and so --

Q Can you speak a little louder? Here, if you will speak to me, then everybody can hear.

A Yes. I said I went in to make a phone call and about -- about 15 minutes I was leaving the bar and the shooting started and I didn't get a chance to leave the bar at all.

Q Well, after the shooting started, what did you do?

A I went in the ladies room and someone suggested that we go down in the basement and that's where I remained the whole night until the police came and took us to the Fifth District.

Q Now, how many people were in the bar with you?

A It was 10.

Q All right. Now, when you went back to the ladies room after the shooting started, did anybody go to the ladies room with you?

A No.

Q About how long were you in the ladies room before you went to the basement?

A It wasn't about 5 or 10 minutes.

Q And you say you stayed in the basement until some policemen came?

A Yes.

Q Then what happened?

A They told us to come up and we gave them our names and address.

Q How many police officers were present on this occasion when the police officers brought you back upstairs and took your names and addresses?

A To my record, I only remember two.

Q All right. What was one of those, an officer, if you know?

A I wouldn't know. I'm sorry.

Q In other words, you don't --

A No.

Q There were two policemen?

A Yes.

Q All right. After they took your name and addresses, then what happened?

A Then they started back shooting. One policeman told us to go down in the basement so we don't get hit, so that's where we went.

Q All right. And how long were you in the basement on this second occasion before the police came again?

-- A At least about two hours or so.

Q All right. And then what happened?

A That's when they told us to come up again and -- no -- Mr. Pegues, he went upstairs to let the police know that we was down in the basement.

Q How did you know that the police were upstairs in the bar?

A You could hear walking around. I don't know you know whether it was police then, but he knowed -- he said that he was going up to let them know that we was down in the basement.

Q All right. Then what happened?

A And they told us if we didn't come up, they'll come down shooting, so about 10 --

Q Who said what?

A The police did.

Q They said what?

A If we didn't come up, they were going to come down-shooting. About the time Mr. Pegues was going upstairs to let them know that we was coming up, that's when they shot the tear gas in the basement and then they shot down, too, and that's when he got hit.

Q Then they shot the tear gas first?

A Yes.

Q And then they shot in the basement?

A Yes.

Q And did they hit anybody?

A Mr. Pegues.

Q What happened then?

A Oh, almost -- most of the mens went up and some of them were still down in the basement and we heard a lot of rambling and then I heard another shot and by that time, they told us to come up again and that's when we came up.

Q When you say, "we" and "us", are you referring to the ladies?

A Yes, the ladies and some of the mens that were with us.

Q All right. Go ahead.

A And so after we went up, that's when they took us outside and they searched us.

Q Tell the Court and jury just what happened.

A After they got us outside --

Q Take your time.

A Well, these police told, you know, we had our hands in the sky and they just grabbed my clothes and just tore them off and just feeling --

Q They tore your clothes off?

A Yes, sir.

Q Then what happened? Did he say anything to you?

A He told one of them to "Get that black B out of our sight. Get her out," so he pushed me in the car.

A reporter came up, asked me could he help me

and the police told him to get out of there, they'll shoot him. That's when they drawn the gun on him.

Q You say -- was this a newspaper reporter?

A That's what he said he were and he moved back.

Q He came up to your aid?

A Yes, and they told him to get back or they'll shoot and that's when they pulled the gun and he stepped back.

Q What happened after that?

A And they put Mr. Ervin and myself in one car and they put Mrs. Brown and Mrs. Grisby in another car and they took me and Trenton out of the car and they searched me again and that's when they pushed me against the back of the car and I tried to hold on to keep from falling and they put all of us in the same car together and they took us all down to the Fifth District.

Q Was there any particular reason why they separated you first and then brought you back together?

A I don't know why they did.

Q Did anybody say anything about it?

A No.

Q Okay. Now, while you were down in the basement, did somebody get hysterical down there?

MR. LAURIE: Objection.

THE COURT: Sustained.

Q Well, there has been some testimony about a man by the name of --

MR. CORRIGAN: Objection.

THE COURT: Proceed with the question.

MR. FLEMING: Thank you, your Honor.

Q (By Mr. Fleming) There's been some testimony about a man named Crawford who was down in the basement with a knife.

Now, did you know a Mr. Crawford?

A No.

Q Did you see a man down there, with a knife?

A Yes.

Q Tell the Court and jury the circumstances surrounding this man and how you knew he had a knife?

A Well, he was -- he had the knife around -- I don't know his full name, but all I heard, they call him "Mack," he said if we didn't come out from where we were he's going to kill him.

So Jean and Louise, and some of the rest of the men, they went upstairs with him and he was trying to hold them as a shield in order to get out of the bar.

Q I see. In other words, he was trying to use these people --

A Yes.

Q -- so he could get to safety?

A Yes. That was the first time I ever seen him.

Q Well, while you were being searched by the police, did you observe Mrs. Brown or Miss Brown, when she was searched?

A No, we wasn't together.

Q At that time?

A No.

Q Did you see Mrs. Grisby?

A No, I didn't.

Q In other words, they took you away from the group?

A They had us separated. I didn't see -- we didn't see each other until we got all of us in the car together.

Q Now, when you say all of you were in the car, this man Pegues who was shot was in the same car?

A No, it was just three womens and one man. There was myself, Louise and Jean, and Trenton.

Q All right. After you went -- after you were placed in the car, did you then go to the Fifth District?

A Yes.

Q Were you placed in a cell?

A All of us in the same cell.

Q The men and the women?

A All ten of us.

Q The injured and the uninjured?

A Yes.

Q Mr. Pegues is the man that was shot. Was he in the cell?

A Yes, all of us.

Q Now, these other two -- these other men that were in the cell, did you observe anything unusual about the condition of their face and body, as you observed them in the cell -- well, let's take one at a time.

Arthur Reden - did you see anything about his face or body?

A Yes.

Q What did you see?

A His head was gashed open, and his knee was badly bruised, and his -- he said he had bruised, fractured ribs.

Q Ervin Trenton - what did you see?

A He had a big gash in his head (indicating), and his ear was open (indicating), and Mr. Brown, he was bleeding very badly.

Q Donald Brown?

A Yes.

Q What did you observe about him?

A Oh, his face -- face was messed up, his head and his ribs. He said, you know, he had -- at least, he couldn't walk, and his pants was just torn off of him. His shoes, he don't have any shoes.

Q When you went to the Fifth District police station, did you tell the people who were in charge there what happened to you in the tavern?

A Yes, I gave -- we gave a statement to the F. B. I.

Q In the police station, did you tell the desk sergeant and people there what happened to you?

A Yes. They told us that the reason why we was treated the way we were, because some policemen had gotten killed. But I told them that there was no reason to treat us that way because we didn't have anything to do with it.

Q All right. Now, while these people that were injured were in this cell, in the condition that you observed, did anybody give them any assistance, in the police station?

A Yes. I took off my slip, and there's another man,

he took off his undershirt to give aid to the wounded.

Q Did you notify the people in charge at the Fifth Precinct that these people were injured and needed attention?

A Yes. Every time a police passed the cell, we would call out to him, and they looked in the cell and keep going; but the one officer, we stopped him and he came in and looked at him, and by that time, I guess, about four or five hours later, they took him to the hospital.

Q Now, were any of you folks that were in the Lakeview Tavern charged with anything?

A I read on the, on the slip --

Q Were you charged with anything?

A It just -- "Hold on suspicious of person." That's all.

Q That morning, all you signed was a "suspicious person" waiver and they let you go?

A Yes.

Q About what time was it when they let you go?

A About 4:30 in the morning.

Q And when you left that morning, where did you go?

A Went to Mount Sinai Hospital, where Mr. Donald were, and Trenton Ervin. After that we went home.

Q Now I am showing you what has been marked for identification as State's Exhibit 250 and Defendant's

Exhibit Quadruple C. It's a police photograph of a man identified as John Pegues.

"John Pegues claims to have been shot at the Lakeview Tavern, July 23, 1968."

Now, will you look at this particular picture and tell the Court and jury who it is?

A Pegues.

Q And now, is that the man who was shot in the Lakeview Tavern?

A Yes, that's the man.

Q Now, I believe you told us that the people in charge at the Fifth District, you told them everything that happened to you and the other people who were with you down in the basement and inside the tavern; is that correct?

A Yes.

Q And then later on you said that you had occasion to talk to someone from the F. B. I.?

A Two F. B. I. came to my home.

Q Two F. B. I. agents came to your home?

A Yes.

Q Did they identify themselves to you as F. B. I. agents?

A Yes, but I can't remember their names.

Q Did you tell these agents everything that took

place?

A Yes, the same thing I am telling today.

Q Did you tell them what happened to you and the other people that were in that bar?

A Yes.

MR. FLEMING:

You may inquire,

CROSS-EXAMINATION

BY MR. CORRIGAN:

Q Mrs. Fleming, I believe that you said --

THE COURT:

Mrs. Finley.

MR. TOLLIVER:

Finley.

THE COURT:

You said "Mrs.

Fleming."

MR. CORRIGAN:

I'm sorry.

Q Mrs. Finley, I believe you indicated that you had arrived at the tavern about 8:00 o'clock in the evening, is that correct?

A Yes.

Q How long after you arrived did you hear the first shooting, approximately?

A Between 8:15 and 8:30.

Q Between 8:15 and 8:30?

THE COURT:

Keep your voice up.

Q Then you said you went to the ladies' room, is that correct?

A Yes.

Q How long after that was it before the police officers came into the tavern?

A Oh, about two hours or so.

Q About two hours after that. So that would mean that the police officers came into the tavern at about 10:30?

A I guess so, yes.

Q Beg pardon?

A I said, I guess so.

Q You guess so. Now, did you ever learn the names of the police officers that came in?

A They didn't tell us their names.

Q They didn't tell you their names?

A No.

Q With respect to the man in the basement, with the knife, did you learn what his name was?

A No, until the N. A. A. C. P. --

Q Keep your voice up.

A Until the N. A. A. C. P. lawyer, he told me his name.

Q The N. A. A. C. P. told you his name?

What did the N. A. A. C. P. lawyer tell you his

name was?

A Crawford.

Q Crawford. And did you see this man at the Fifth District when you were taken there?

A Yes.

Q Now, you had indicated that one of the gentlemen that was with you at the Fifth District had some fractured ribs, is that correct?

MR. FLEMING:

I'm sorry.

I didn't hear that.

THE COURT:

He said she

indicated that one of the gentlemen taken to the Fifth District had some fractured ribs.

MR. FLEMING:

Objection.

A I guess so.

Q (By Mr. Corrigan) Who was --

THE COURT:

Overruled.

Q Who was that?

A Donald Brown.

Q That was Donald Brown.

Now, have you talked with Donald Brown since July 23, 1968?

A Yes.

Q And did you talk with him about his condition?

A Yes.

Q And did you learn from him that he had some fractured ribs?

A Yes, he said he had three of them.

Q But on the 23rd of July, or on the 24th, when you were in the police station, you didn't then know that he had fractured ribs, did you?

A Not really. He said that his ribs, you know, his ribs were fractured.

MR. CORRIGAN: He said that he believed his ribs were fractured.

No further questions.

THE COURT: Anything further?

MR. FLEMING: Nothing further.

Thank you, Mrs. Finley.

MR. TOLLIVER: Thank you, ma'am.

(Witness excused.)

MR. FLEMING: Ervin Trenton.

THEREUPON, the Defendant, further to maintain the issues on his part to be maintained, called as a witness TRENTON MICHAEL ERVIN, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FLEMING:

Q Mr. Trenton, will you state your full name to the Court and jury and spell your last name?

A Trenton Michael Ervin, E-r-v-i-n.

Q Where do you live?

A 783 Thornhill Drive.

Q What is your occupation?

A I work at Lou's Furniture.

Q And are you married or single?

A Single.

Q How old are you?

A 20.

Q Calling your attention to the 23rd of July, 1968, did you have occasion to be in the Lakeview Tavern?

A Yes, I did.

Q About what time of day or night was it when you went there?

A Right after I had got off work, not the specific

time, but about 7:00, 8:00.

Q Between 7:00 and 8:00 o'clock?

A Yes.

Q Now, did an investigator by the name of Mr. S. J. Young talk to you?

A The name don't sound familiar, but I have talked to an investigator.

Q Well, when did you talk to an investigator, the young man that you saw with me this morning?

MR. LAURIE: Objection.

THE COURT: I assume
you are objecting to the use of the word
"young," "young man," is that it?

MR. TOLLIVER: The same age
as you are, Charlie.

MR. LAURIE: I am objecting
to something other than age.

Q The gentleman that you saw with me today, is that the investigator --

MR. LAURIE: That's why I'm
objecting.

A Mr. Young.

Q Yes, when did you first see him? ✓

A Let's see. I think it was Monday, this week.

Q Okay. Now, between 7:00 and 8:00 -- have you ever

seen Mr. Tolliver and myself before yesterday?

A No, I have't. I seen you yesterday.

Q Now, when you were in the tavern, did anything unusual happen?

A No, not while I was in there, but when I went downstairs to the rest room, come back up the steps, I seen everybody running toward me and shooting was going on.

Q All right. What happened -- how long had you been in the tavern when you had gone to the lavatory and were coming back up and heard the shooting?

A I say I was in there a good 45 minutes to an hour.

Q Okay. What happened after that?

A We was standing in the back on the stage in the Lakeview Tavern and then, after the shooting started coming closer, we went downstairs in the men's restroom. Everybody that was in the bar.

Q About how many people were in the bar at that time?

A About 10 -- 9 or 10.

Q How long did you remain in the basement in the lavatory there before someone came down or called down?

A Well, I stayed down there from the time I went down there until the time I went to jail.

Q Well, about how long was that?

A I couldn't say exactly, but I think I was there for quite a while.

Q Did there come a time when you did -- when someone did come down the basement and you left?

A No, I left by myself and when I left, I was greeted with a lick in my forehead.

Q Well, what do you mean? You have to describe to the Court and jury. Just tell us everything that happened to you while you were down there?

MR. LAURIE: Objection.

THE COURT: Overruled.

A I was in -- I was in the basement. After everybody ran towards us and we went down and there was shooting going on outside, and through the bar upstairs and when the shooting calmed down, the people that was in the basement with me, they went upstairs and I stayed downstairs in the basement. I did not go up.

When I did go up, that was after the tear gas and all this, the shots in the basement and they was shooting through the floor and the ruckus all upstairs and bottles and tables and stuff was kicked over.

I didn't know what was going on, so I just stayed right there until the tear gas and stuff got to me and I couldn't breathe and inhale no more.

I went upstairs and I was one of the first to go up.

Q When you say, "greeted with a lick," describe it.
Tell us --

A I got hit in the had, in the forehead, with a butt
of a gun.

Q Who hit you in the foreheat with the butt of a gun?

A A policeman.

Q What kind of gun was it?

A It was a rifle. I don't know if it's a shotgun
or a regular gun.

Q What happened after you got hit in the head with the
gun?

A They drug me outside.

Q Who drug you outside?

A The police.

Q What happened to you after you were drug outside?

A Threw me in a car with Peggy Finley.

Q With --

A Peggy Finley.

Q Did you have any conversation with the police?

A No, I didn't have no conversation. They told me
bring my B.S. out of the basement.

Q When you were thrown into this car, what kind of
car was it? Was it a station wagon?

A It was a station wagon.

Q What happened after that?

A Right after we were all outside, there was cussing, and you know, well, I was -- I couldn't even see out of this side because blood was coming all in my eyes (indicating) and my shirt was all bloody, plus I still had tear gas in my system.

I wasn't too particular about the scene outside. I was trying to see about myself.

Q Now, did you have any weapons on you or anything of that nature?

A No, I did not. I did not carry any.

Q Did you tell the police that you didn't have any weapons on you?

A No, I did not. I didn't have a chance to say nothing.

Q What happened after that, after they threw you in the car?

A They -- we was just sitting there waiting and after we was waiting, the police just threw the rest of the people that was in the bar where I were in the wagon with me and Peggy and took us to the Fifth Precinct.

Q And what happened to you after you got to the Fifth Precinct?

A They locked us up in jail and my head was still busted wide open.

Q When you say they locked you up, were any other people in the cell that you were in?

A Yes, there was.

Q Who was in there?

A I can't remember all the names, but I can remember the faces that I know. There was Peggy Finley, Jean, I can't recall her last name, Arthur Reden, Louise Brown, John Pegues. I think there was two other fellows that I think they were brothers.

Q And, at any rate, all the 10 of you who had been in the Lakeview Tavern were in that same cell?

A Women and men were all in that same cell because I was laying in one of them's lap because she was trying to stop my head from bleeding.

Q And the injured and uninjured were in there?

A Yes, indeed.

Q Did you see John Pegues?

A Yes, indeed. He was laying on the bunk in the jail cell.

Q What was his condition?

A He was shot. I think he had three wounds, because the other two ladies were trying to stop him from bleeding.

Q Did you see Arthur Reden while you were there?

A Yes, I did.

Q What was his condition?

A He was hurt in the side. He acted like he wanted to stop breathing, he was gasping for breath. Weren't nobody come to help none of us.

Q Now, did you tell the officers in charge at the Fifth Precinct what had happened out there?

A They seen what had happened when I come in, because they just pushed us on in the door and pushed us in the cell.

Q Did you ever report what took place out there, to anybody?

A Yes, I did.

Q Who did you tell?

A N. A. A. C. P., and the F. B. I..

Q How long after this incident took place was it before you made a report or statement to the Federal Bureau of Investigation?

A I don't remember the exact date, but it was when they caught up with me, because I hadn't been staying with my mother, the way I do now. They went by my mother's because that was the address I give wherever I go, so I couldn't tell you the exact date.

Q About how long was it after July 23rd?

A Oh, let me see, about a month.

Q Now I am showing you Defendant's Exhibit Quadruple C, which is also marked as State's Exhibit 250. Would you look at that photograph.

A (Witness complied with request.)

Q Tell the Court and jury who that is?

A John Pegues.

Q And is this the same man who was shot in the tavern that night?

A Yes, it is.

Q Showing you what has been marked for identification purposes as Defendant's Exhibit Quadruple F, which is a Mount Sinai Hospital Emergency Room record, now, did you go to Mount Sinai Hospital on the morning of the 24th?

A Yes, I did.

Q And the signature contained on this exhibit here, where longhand is written, on two different occasions (indicating), "Trenton Ervin," whose signature is that?

A That's mine.

Q Who placed it there?

A I did.

Q You placed it there on the morning of the 24th, after you were examined for the injuries you testified about?

A Yes, I did.

MR. FLEMING:

You may inquire.

CROSS-EXAMINATION

BY MR. CORRIGAN:

Q Mr. Trenton, at the time that you were in the basement of the Lakeview Tavern, did there come a time when you saw a man with a knife?

A Yes, I did.

Q And did you know that man before that date?

A No, I did not. I do not remember -- I never remembered seeing him in there, period.

Q And have you seen him since that date?

A No, I haven't.

Q Did you learn his name from anyone?

A No, I don't.

Q You do not know what his name --

A I don't know who he is, period.

Q And who was he with on that occasion?

A I do not know.

Q Was he with anyone, do you know?

A No, not to my knowledge.

Q As far as you know, he was alone?

A Yes, he was.

Q Now, when you came out of the tavern, were you put in an ambulance or a police vehicle and immediately taken to the Fifth District?

A No, I was not.

Q Were you put in an ambulance and then later did they take you out of that ambulance or police vehicle?

A No, they did not remove me.

Q They did not remove you.

How long was it before you got in a police vehicle to be taken to the Fifth District?

A Like I said before, I do not remember, because I was bleeding and my, you know, lungs was full of tear gas.

Q Tell us what this man in the basement did with the knife?

A Well, he wanted a shield to get on the outside of the bar, and he grabbed one of the young ladies.

Q He grabbed one of the young ladies?

Which one of the young ladies did he grab?

A Jean.

Q Jean?

A Yes.

Q And what did he do or say that led you to believe that he wanted to use her as a shield?

A He said, "Come on, go with me," and took her up the steps.

Q He took her up the steps.

Did he get all the way upstairs?

A He got to the door almost, close to the door.

Q Then what happened?

A Someone stopped him, one of the fellows that was in the bar. I do not remember.

Q You don't remember who stopped him?

A No.

Q How old a man was this man?

A I think he was around thirty-eight, thirty-nine.

Q A little louder?

A Thirty-eight or thirty-nine, something like that.

Q And how tall a man was he?

A He was shortish, and stout.

Q How short?

A I couldn't say. I don't remember back that far, that was last summer.

Q Approximately how heavy was he?

A I couldn't say. I said he was short and stout.

Q And shorter than you?

A Yes, he was.

Q And how many people were in the basement at this time when he used Peggy as a shield?

A Beg pardon?

Q How many men were in the basement at the time that he used Peggy as a shield?

THE COURT:

I thought he said

"Jean."

Q Or Jean, as a shield?

MR. FLEMING:

Objection.

Q How many of you men were down there?

MR. FLEMING:

Objection to

"attempted to use her as a shield."

THE COURT:

Overruled.

Ask your question, Mr. Corrigan.

Q How many of you men were in the basement at the time that he had used this young lady as a shield?

A I'd say about six.

Q About six of you.

What if anything did the six of you do at the time that he used this knife and had this young lady go up the stairs with him and used her as a shield?

A A gentleman that was there grabbed him. When he grabbed him, he grabbed this gentleman around the neck with the knife.

Q And what gentleman was that?

A This I don't remember, his full name, but we used to call him "Mack."

Q You called him "Mack."

Was there a tussle?

A A tussle?

Q When he grabbed him, did they wrestle or fight?

A No. He had the knife around his neck. How you going to fight with the knife around your neck?

Q Then the man with the knife put the knife on the neck of the other man that interfered --

A Yes, that's what I said.

Q -- then what happened?

A Somehow or other, I guess he calmed down and let him go and went on up the steps by himself.

Q That was the man, that originally had the knife, went up the steps by himself?

A Yes, after all of us started coming towards him, the rest of the men that was in the basement.

Q Pardon?

A After all of us started coming towards him, you know, the rest of the men that was in the basement.

Q Did you follow him up there?

A No, I did not.

Q Did he ever come downstairs again?

A No, he did not, to my knowledge.

Q How soon was that, or how long was that before the rest of you came upstairs?

A I couldn't exactly tell you.

Q Beg pardon?

A I couldn't exactly tell you.

Q Well, was it ten minutes?

A No, it was longer than that.

Q Longer than that. Was it as long as an hour?

A It was longer than that, too.

Q Longer than an hour.

So, this gentleman went upstairs, he was upstairs longer than an hour.

Did you see him again that evening?

A No, I did not.

MR. CORRIGAN:
questions of this witness.

No further

THE COURT:

Anything further?

MR. FLEMING:

Nothing further.

THE COURT:

You will be

excused.

(Witness excused.)

- - -

THE COURT:

We will take
our morning recess at this time. Don't talk to
anybody about the case, don't let anybody talk
to you about it.

(Thereupon a recess was had.)

- - -

THE COURT:

Be seated, please.

- - -

THEREUPON, the Defendant, further to maintain the issues on his part to be maintained, called as a witness JOHN PEGUES, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. TOLLIVER:

Q Will you state your name to the Court and jury, please?

A John Pegues.

Q Spell your last name.

A P-e-g-u-e-s.

Q P-e-g-u-e-s? —

A That is right.

Q Mr. Pegues, is it Pegues, is that how you pronounce it?

A Yes.

Q Where do you live, sir?

A 1631 Delmont.

Q Are you married or single?

A Married.

Q Do you have children?

A Yes.

Q How many children do you have?

A I got two.

Q Are you employed, sir?

A Yes.

Q Where are you employed?

A Corky's and Lennie's Restaurant.

Q And what do you do there?

A I am a cook.

Q How long have you been employed there?

A 12 years.

Q Now, Mr. Pegues, showing you what has been identified as Defendant's Exhibit Triple C, and State's Exhibit 250, is that a picture of you?

A Yes.

Q Now, this is a police photo, is it not?

A Yes.

Q Now, sir, do you have a criminal record?

A Yes.

Q You were convicted of a felony?

A Yes.

Q What felony were you convicted of?

A Burglary, in 1953.

Q 1953?

A Yes.

Q Did you serve time for that, sir?

A 13 months.

Q 13 months, and have you been convicted of any other crimes against the State of Ohio or the Federal Government since that time?

A No.

Q So you were in -- did you go to prison?

A Yes.

Q Which prison did you go to?

A Ohio State Reformatory.

Q At Mansfield?

A That is right.

Q And were you there 13 months?

A Yes.

Q That was the last time you served any time in jail?

A Yes.

Q All right, now, and I believe you say you have been at your present employment for 10 years?

A 12 years.

Q As a cook?

A That is right.

Q Now, calling your attention, Mr. Pegues, to the 23rd day of July, 1968, did you have occasion to be in the Lakeview Tavern?

A Yes, I was.

Q And what time did you get there?

A Well, it was -- I had just gotten off work, so it would have -- I get off work at 5 o'clock, so it would have to be about 6 o'clock, I imagine.

Q Is that a place you go to frequently?

A Yes.

Q All right, now while you were in the tavern, did something unusual happen?

A Yes, it did.

Q All right, in your own words, take your time, tell the jury everything unusual that happened in the bar or to you on that particular day.

A Well, I went in the Lakeview Tavern and I ordered a Budweiser and --

Q Budweiser beer?

A Yes.

Q Go ahead.

A I was sitting there drinking it, too, and I heard shots, you know, first thing I saw was police cars all over the place.

Q About what time was this, if you can remember?

A Well, I would say about 30 minutes after I was in there, maybe a little longer.

Q Go ahead.

A After I was in there a while the -- you know -- I

could hear the shots coming from and I could see the police, you know, moving around the bar, and it was about, I imagine about 6 or 7 police cars out in front, and somebody shot the light out: it was dark and then --

Q Take your time; go ahead.

A Well, what happened after then was this Sergeant called from downtown, Sergeant Kovacic, and he asked was anybody in the bar and he says any customers in there, and I says yes, there are customers in here; and he asked me how many and I said about 10 or 11; and he said, well, we are coming in there and I want to know if there is anybody in there.

I said, yes, we are here, but when you come in, I said, don't come in shooting, because some women here, you know, three women.

Q I don't want to interrupt you, but what caused you to answer the phone when the phone rang?

A Well, I told everybody to go downstairs, because the women became very frightened and crying, so I told all the rest of them to go downstairs, and I would come upstairs and then I would go down, see, and see what was happened.

And I was answering the phone, one of the reporters called, he said from the Plain Dealer and asked me what was happening and I told him I didn't know; he called

back and I assumed it was him, you know, he said he was a reporter from the New York Times and asked what was happening and he says, "We know all about this in New York," and he asked me what was happening. I knew he wasn't from no New York, you know, and then I went back downstairs and when I came back upstairs, the police were coming in, came in with shotguns, pistols, you know, and they was drawn.

By that time, they told everybody to come up out of the basement, because the police was coming now and the police came in and made us set up on the stage: there is a stage in the back of the Lakeview Tavern, and they made everybody sit down on the stage, you know, on the floor, in a squatting position.

They asked everybody their names and everything, so --

Q Well, now could you identify any of the policemen that was talking to you at that time as to rank, Captain, Inspector or --

A I think it was a Sergeant that was doing all the talking, a big, tall fellow and he seemed to be in charge; I guess he was a Sergeant.

Q All right, go right ahead, continue.

A And he told all of us to sit down on the stage and he asked us all our names and they went on back, walking back and forth, up and down.

Q You are talking about the Sergeant?

A Yes.

Q Where were the rest of the people when this was going on?

A They were still on the stage in the back.

Q Go ahead.

A So I had asked him, I said, well the shots was coming into the bar, you know, so I asked him, I said, "Can we go downstairs?"

And he says, "Yes, that would be a good idea," he said, "go on down in the basement." Because the women was afraid, you see, so we all went downstairs, and meantime, I was -- I went downstairs and came back up.

They was still up there, and I went back downstairs and came back up again, and they was still there. They knew we was in the basement.

Q You say when you say "they knew you were in the basement," who is "they"?

A A lot of cops.

Q You are talking about the police knew you were in the basement?

A Yes.

Q Go ahead.

A It was a lot of them, in fact, swarming all over, -- you know, but they knew we was down there.

Q All right.

A And the last time I came up, we must have been down there an hour, maybe more, maybe less. The last time I came upstairs and went back down, they shot tear gas in the basement.

Q Let me ask you this, was there any other person in that bar, upstairs --

A No.

Q -- other than the police?

A That's all.

Q How many police would you say was in there?

A I'd say about 10 or 15.

Q All right, there was no other person in that bar but police?

A That's all.

Q The rest of the persons were down in the basement?

A That is right.

Q Except you, and you came up, is that right?

A Yes, I was going back and forth.

Q Go right ahead.

A So I started up the stairs this time, I put my foot on the bottom rung of the stairs and started up and three policemen were standing up at the top of the stairs, see, and one of them had a shotgun and the other two had revolvers drawn; and just as I started upstairs, I was shot

in my thigh.

Q You were shot?

A Yes, and they shot tear gas all at the same time into the basement. I turned around, you know, tear gas was choking me and I turned around and went back into the -- the men's room or the ladies room -- I went back in there with Jean.

We was all confused.

Q When you say "Jean," you are talking about who?

A The barmaid.

Q Go ahead.

A And Peggy and Louise.

Q Were you shot at this time?

A Yes, I was shot.

Q Where did you say you were shot at?

A I was shot in my thigh (indicating).

Q Go ahead.

A I went back in there, you know, and this time they shot tear gas down there. Another time they shot about two or three canisters of tear gas.

They was shooting pistols in the basement, you see. So then they came down into the basement and made everybody go upstairs, you know, and when I came upstairs I was shot in the arm twice.

Q So then, you were shot on two separate occasions?

A Yes.

Q Go ahead.

A A police that was behind me, he said something to the effect that you dirty -- you know -- so-and-so, and he shot me, see, and then when I started out the -- I came up and started out the door.

When I got to the door and started out the door, there was police all over the place and started beating me and kicking me.

Q What were they beating you with?

A They was kicking me with their feet and beating me with shotgun butts and sticks.

Q All right, what next happened to you? Go ahead, I'm sorry.

A And cursing, all the while they was doing it.

Q What do you mean by cursing?

A Saying, "You dirty black son-of-a-bitch you," that's what they said. I'm sorry but --

Q Go ahead.

A They beat me and stomped me, these two teeth (indicating) I lost that night. My face was puffed up; I was bleeding; my clothes were soaked in blood, and they took me and drug me and drug me and threw me in the wagon and I blacked out.

Q Did you come to, later?

A Yes, I remember coming to, maybe 5 or 10 minutes -- I was in a cell and I remember Mack taking off his shirt, you know, trying to stop the bleeding, see, blood was all over the cell floor.

Q When you say cell, do you know where you were at that time?

A No, I don't remember where -- I was told later, but I don't remember, because I was, you know, I wasn't quite conscious, but I was aware of bars.

Q Who was in the cell with you?

A Mack, and I remember Peggy said, "Take it easy, baby," she had my head in her lap.

Q What next happened, what next do you remember?

A Well, the next thing I remember, I became unconscious again and the next thing I remember I was in Mt. Sinai Hospital; they were tearing my clothes off of me, the doctors and nurses and two policemen.

Q Then what happened then?

A Well, I became unconscious again, and the next morning when I came to, I was on a stretcher and they were taking me out of Mt. Sinai Hospital and they put me in the police van and they took me and put Arthur in there, too, with me.

Q You are talking about Arthur Brown?

A Yes, his head was swollen and they took him to the

Fifth District and they left me on the stretcher outside for about an hour.

Q When you say they left you on the stretcher outside for about an hour, they left you on the stretcher outside of where, for about an hour?

A Outside of the Fifth District, I assume, because I was laying on the stretcher, you see, and I couldn't see.

Q Were you outside or inside something?

A I was outside, I could see the sunlight through the window.

Q You weren't in a truck or a van?

A I was in a van.

Q You were in a van?

A Yes, a small van.

Q But you were outside of the police station?

A Yes.

Q Had you gotten any medical attention at all?

A In Mt. Sinai they gave me some, I suppose, I don't remember what.

Q I see.

A But they sent me a bill for \$39, they said for X-rays, that's all.

Q So then, after you left Mount Sinai, the police took you from Mount Sinai?

A Yes.

Q And took you back to the Fifth District, you and Arthur Brown?

A Yes.

Q Took him inside and left you outside?

A That is right.

Q And you say you was out there for about an hour?

A I say about an hour, because I remember I could turn my head and see the blood gushing out of my shoulder like this (indicating), see, and I was hollering, you know, because I was afraid.

Q Yes?

A Because I was bleeding, you know, and blood was running down on the stretcher, see, and they didn't have nothing over me but a sheet because they tore all my clothes off of me in the hospital.

Q So then what happened to you, next?

A Well, they took me to Metropolitan General Hospital.

Q They took you to Metropolitan General Hospital?

A Yes.

Q Is that out on Scranton Road?

A That is right.

Q And at that time, let me ask you this, Mr. Pegues,

were you charged with anything?

A Yes. The policeman told me I was charged with first-degree murder.

Q You were charged with first-degree murder?

A That's what he said.

Q Well, then what did they do with you when they took you to Scranton Road, to the hospital?

A They took me and they put me in the intensive care ward and, you know, doctors bandaged my wounds and everything, and I stayed in there until that night; and then they took me out and I was under guard at all times.

Q When you say you were under guard, what do you mean, you were under guard?

A There was a policeman there.

Q In other words, you were in the prison ward?

A In fact, there were two police there.

Q You were in the prison ward?

A I was in the intensive care.

Q How long were you in intensive care?

A Until that evening, I think.

Q Then they took you out?

A They took me out and they took me to the prison ward.

Q Now, were there any other persons in the prison ward besides you?

A Yes.

Q Who else was in there?

A Lathan Donald, and there was another fellow, I don't remember his name.

Q Lathan Donald?

A Donald.

Q He was in there?

A Prison Ward.

Q In the prison ward?

A Yes.

Q And he was charged with first-degree murder?

A Yes.

MR. LAURIE: I object, your Honor.

THE COURT: Overruled.

Ask your next question, Mr. Tolliver.

Q (By Mr. Tolliver) How long did you stay at the prison ward?

A Well, I stayed in there until the next morning.

Q Then what happened to you?

A Three detectives came down and they asked me what happened, and I told them what happened.

I said I went in the bar and said police came in and started beating me and everything and I was just sitting in the bar, that's all; and so they left, and they must have called or something, because that evening they took me