

Wylie-Hoffert Case Intrudes in Whitmore Trial

By MORRIS KAPLAN

An assistant district attorney declared yesterday that he was "not sure" that Richard Robles was the killer of Janice Wylie and Emily Hoffert even though he has been convicted of the crime.

Benjamin Schmier, who is prosecuting George Whitmore Jr. for attempted rape and assault, made the statement during a legal argument with Stanley J. Reiben, defense counsel, before Justice Aaron F. Goldstein in Brooklyn Supreme Court.

Whitmore had been cleared in the Wylie-Hoffert case after repudiating an alleged confession.

Justice Goldstein had dismissed the jury from the courtroom after Mr. Reiben had asked a witness, Detective Richard Aidala: "Did anyone coerce or force him [Whitmore] into making the Wylie-Hoffert confession?"

A Second Trial

In the uproar that followed, Justice Goldstein upbraided Mr. Reiben for his "intemperate question." Even while Mr. Schmier was shouting his objection, the court asserted:

"This will be tried on the facts of this case and no other case and no other names will be presented to the jury. It is the only way justice can and should operate. Under no circumstances are other names to be brought into this case."

Prosecutor Asserts He's Not Sure Robles Killed Girls— Defense Goads Detective

Turning to the jury, Justice Goldstein continued:

"If this man is not responsible for this crime he should be acquitted and if he is responsible for this crime beyond a reasonable doubt, your verdict should reflect that."

The 21-year-old defendant, who is being tried a second time in the attempted rape of Mrs. Elba Borrero, a 22-year-old practical nurse, had been convicted of the charge. But the verdict was set aside by Justice David L. Malbin because of a reported racial slur uttered by a juror during deliberations.

Whitmore, who was arrested on April 23, 1964, had allegedly confessed to the Wylie-Hoffert murder the previous summer. During 21 hours of interrogation, he also allegedly admitted the killing of Mrs. Minnie Edmonds in Brooklyn on April 14, 1964, and the attempted rape of Mrs. Borrero. He then repudiated the alleged confessions.

Subsequently, Whitmore was indicated in the Wylie-Hoffert case but evidence was produced, placing him in Wildwood, N. J., on the night of the crime. Robles, a narcotics addict, has been sentenced to life imprisonment for the murder. The indictment in the Edmonds case

is still pending against Whitmore.

In yesterday's argument, Mr. Reiben questioned the validity of Whitmore's "voluntary confession" as prejudicial to his client, who listened impassively.

'Aidala Is a Liar'

Justice Goldstein remarked that until a "worthwhile" argument was presented, he was bound by Justice Malbin's ruling that the confession was voluntary. He added that if the confession was true at the time it was made, it was not less true now.

Mr. Reiben argued, however, that under "totality of circumstance" the jury was entitled to know everything that went on during Whitmore's questioning by the police.

"Aidala is a liar," he shouted. "How am I supposed to cross-examine Mr. Aidala? He sits there with butter melting out of his mouth . . . and possibly that pollutes the scene from top to bottom, and the result of Wylie-Hoffert makes Mr. Aidala the world's biggest liar."

"How can I achieve justice unless I can establish this?"

Mr. Schmier countered that he was not convinced that Robles murdered the Manhattan career girls though he said he "would be remiss if I even intimated" that Whitmore was guilty in that case.

Justice Goldstein reserved decision on the admissibility of the alleged Wylie-Hoffert murder confession in testimony.

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