

ATTICA WITNESS IN A RECANTATION

Says He Erred in Identifying
Defendant in Murder Trial

By **TOM GOLDSTEIN**

Special to The New York Times

BUFFALO, May 27—A key prosecution witness testified today that he had incorrectly identified a photograph as that of a former Attica inmate charged in the murder of two fellow inmates during the 1971 prison rebellion.

The photograph, which was mistakenly shown to the witness last Thursday by the prosecutor, was not that of the defendant, Bernard Stroble, who now has long hair and beard, but that of another inmate. At the time of the uprising, Mr. Stroble had shortly cropped hair and no beard, and the picture that the witness, George Kirk, identified was that of a clean-shaven man.

The special assistant Attica prosecutor, Francis Cryan, sat erect with his lips pursed and the jury leaned forward today as the witness testified: "It was an incorrect identification."

Later in the day a two-page handwritten statement by Mr. Kirk was introduced into evidence. Mr. Kirk, a slightly built man who appeared rattled but sincere on the witness stand, said he had realized he had made a mistake after court ended Thursday and wrote the explanation of why he had erred after he attended church last Saturday night in Rochester.

"I was so damned mad at the judge I could hardly think," Mr. Kirk said of State Supreme Court Justice Joseph S. Mattina, who is presiding at the trial in the Erie County Courthouse. He said he was angry because the judge had instructed him to "get to just the facts, not every little detail."

Last week, Mr. Kirk was

the first prosecution witness to identify Mr. Stroble, who is also known as Sango, as one of the inmates who escorted two fellow inmates from a prison yard during the 1971 uprising.

These two inmates—Kenneth Hess and Barry Schwartz—were found dead of multiple stab wounds after the rebellion was quelled.

Five former inmates have been indicted in connection with the killings, but Mr. Stroble is the first to stand trial. Mr. Kirk also testified last

week that he had seen Mr. Stroble standing behind a table where inmate leaders conducting a "kangaroo court" had sentenced Mr. Hess and Mr. Schwartz to punishment for having misrepresented the origins of the rebellion in an interview with a television reporter.

During pretrial identification hearings, Mr. Kirk, who served nine years at Attica after he was convicted of forging a \$55 check, was the only witness to place Mr. Stroble behind the table.