

# H. Rap Brown and 3 Convicted of Robbery and Assault

By JOHN SIBLEY

H. Rap Brown and three co-defendants were found guilty yesterday of armed robbery and assault with a deadly weapon.

But after deliberating for three days, the jury announced it was "hopelessly deadlocked" on charges that the robbers had attempted to murder three policemen in a running gun battle that followed.

A State Supreme Court jury convicted the four of holding up a West Side bar at gunpoint on Oct. 16, 1971.

Brown, a 29-year-old black militant who formerly headed the Student Nonviolent Coordinating Committee, was wearing jeans, a brown short-sleeved safari jacket and a white knit skull cap as he stood impassively and listened to the verdict. It was read by the foreman, Mrs. Dorothy Brown, who is also black but is not related to the defendant.

## An Appeal Planned

Brown's chief counsel, William M. Kunstler, walking from the courtroom into the glare of television lights, denounced the verdict as "a miscarriage of justice" and said the jury had been "overwhelmed" by the falsehoods of prosecution witnesses.

"Of course we'll appeal," Mr. Kunstler said. "None of us is going to leave a stone unturned."

The prosecutor, Assistant District Attorney Jack T. Litman, called it "a fair and very honest verdict." Asked whether the defendants would be tried again on the charges of attempted murder, Mr. Litman replied: "That's a determination that will have to be made at a later date."

Justice Arnold G. Fraiman, who had presided over the 11-week trial, dismissed the jury with thanks and told the attorneys he would pronounce sentences on May 3.

## Could Get Long Terms

On both the armed-robbery and assault convictions, the defendants face maximum sentences of 25 years in prison. The sentences could be imposed to run consecutively, for a total of 50 years.

Following the dismissal of the jury, all four defendants were returned to jail, where they have been held since their capture.

According to the indictment, the crime began minutes before 3 A.M. on Oct. 16, 1971 when Brown and the others—armed with a military carbine, two sawed-off shotguns and three pistols—walked into the Red Carpet Lounge, on West 85th Street near Amsterdam Avenue.

They were said to have ordered the employees and customers to lie face-down on the floor, while they robbed them of cash and jewelry and cleaned out the bar's cash registers and cash boxes.

Then, alerted by a lookout that the police were approaching, the robbers ran out of the bar and began a gunfight with patrolmen who were converging on the scene. One policeman, Patrolman Gary Hunt, was wounded seriously.

## Brown Identified

With one bullet still lodged near the base of his spine, Patrolman Hunt testified during the trial that Brown was one of two men who had been shooting at him. Two other policemen were wounded less seriously.

Brown was captured after

being shot and critically wounded by Patrolman Ralph Mannetta on the roof of a 13-story apartment building at 102 West 85th Street, a block from the bar.

Two other defendants—Samuel Petty, 24 years old, and Arthur Young, 26—were captured in the same building. Another, Levi Valentine, 25, had been apprehended minutes earlier in the vestibule of an apartment building near the bar.

The jury's inability to agree on the charge of attempted murder did not come as a total surprise. Since it began its deliberations early Tuesday afternoon, the jury had returned to the courtroom several times to ask Judge Fraiman for a more detailed explanation of the element of "intent" in attempted murder.

According to one juror, the jury was split seven to five on the question of attempted murder: seven for conviction, five for acquittal.

Warren Kesselman, a librarian at a Westchester County school, was the only juror willing to discuss the deliberations after the trial had ended. The disagreement came to the surface, Mr. Kesselman said, as the jury prepared to take its first poll.

"That's when we began to run into trouble about H. Rap Brown and his name, who he was and why a man of his stature would be a defendant in a case like this. And so we decided to refer to him as Roy Williams."

Roy Williams is a pseudonym that Brown had used as he lay in critical condition in Roosevelt Hospital during the days immediately following his capture.

It was only through this device, Mr. Kesselman said, that the jury was able to maintain some degree of objectivity toward Brown.

Thus ended a trial that had lasted nearly 11 weeks. It was orderly and decorous, in sharp contrast with other recent trials of black militants that have been disrupted by outbursts of shouted profanity and physical violence.

Because of Brown's fame as a black leader and the prominence of his principal counsel, William M. Kunstler, the trial attracted wide public attention, but it rarely took on political or ideological overtones.

## System Denounced

One of the exceptions came at the outset, when Brown was allowed to make an opening statement to the jury. A member of the Pan-Sunni sect of the Black Muslims, he began reciting in Arabic the Fataiah, the first prayer in the Koran.

Then, denouncing "man-made law," he scoffed at the assumption that he was about to be judged by a jury of his peers. And denounced the concept of "presumption of innocence" as "a charade."

A number of prominent black militants, including Stokely Carmichael and Angela Davis, visited the trial from time to time, but their presence caused only quiet flurries of whispering among the other spectators.

Most of the spectators were regulars, who soon became accustomed to being frisked by uniformed guards every time they entered the courtroom. Leery of anything that might be used as a weapon, the guards temporarily confiscated even such items as the "picks" used to set Afro hairdos.