

## State Sums Up in H. Rap Brown Trial

By JOHN SIBLEY

The prosecutor at the H. Rap Brown trial summed up his case yesterday, accusing defense lawyers of diversionary tactics, speculation and innuendo.

He told the jury that the "robbers were apprehended red-handed on their immediate flight from the scene."

The prosecutor, Assistant District Attorney Jack T. Litman, summed up as the trial entered its 11th week before Justice Arnold G. Fraiman in State Supreme Court.

Brown, the 29-year-old former head of the Student Nonviolent Coordinating Committee, is on trial with three co-defendants in the armed robbery of a West Side bar and the attempted murder of several policemen in the running gun fight that followed.

Mr. Litman, scoffing at the summations that had been offered by William M. Kuntsler

and three other defense attorneys, told the jurors: "What they've raised up before you are straw men, hoping that one or two of you will gras pat them."

Under the law, the jury may draw no conclusions from the fact that defendants decide not to testify in their own behalf, a point that Judge Fraiman is expected to make in his charge to the jury today.

But that did not prevent Mr. Litman from telling the jury: "They never offered a reasonable explanation for the presence of the defendants on 85th Street."

### "It That Improbable?"

O. T. Wells, who presented the final summation for the defense, had obviously anticipated that. Mr. Wells represented Levi Valentine, who was seized moments after the holdup in the vestibule of a nearby apartment building.

"Is it unreasonable," Mr. Wells asked in his own summation, "for a man who finds

himself in the midst of a gun fight to seek the refuge of a building? Is that improbable?"

The prosecution had sought during the trial to overcome the "innocent bystander" contention by associating Valentine with a bandolier of bullets, some loose bullets found later under a mat in the festibule, and a revolver found in the street nearby.

Mr. Kunstler had also used the "innocent bystander" argument, but not in the presence of the jury. He repeatedly told newsmen outside the courtroom that Rap Brown had just happened upon the West 85th Street gun battle shortly after 3 A.M. on Oct 16, 1971.

Since he was a fugitive from justice in Maryland, and fearing the might be recognized by the police, Brown had raced to the roof of a nearby apartment building, according to Mr. Kunstler.

The jury will begin its deliberations today after being charged by Judge Fraiman.