

VOL. 2

witness called in behalf of Plaintiff,  
being duly sworn, testified on

DIRECT EXAMINATION

BY MR. HOLLOWELL:

Q Give your name, please?

A My name is Mary Carolyn Clyde.

Q Mary Carolyn Clyde?

A Yes.

Q Now ma'm, would you be sure and speak up, so that  
these gentleman over here can hear you?

A Mary Carolyn Clyde.

Q That's fine; that's fine. Where do you live?

A Live in Bronwood with my father.

Q Bronwood?

A Yeah.

Q How long have you lived there?

A I been living up there about 15 years.

Q Beg pardon?

A We been staying in Bronwood 15 years.

Q Do you have a family?

A Yes sir, I got one son.

Q Where is your husband?

A He's dead.

Q Were you living in Bronwood in 1958?

A Yes sir, I was living in Dawson when with my husband.

Q And in April of 1958, on the 20th of April - you

seem to be a little afraid; there's nothing to be afraid of, now, there's nothing to be afraid of - You lived in Dawson in 1958, is that right?

A That's right.

Q And in April I believe you were in jail, is that not right?

A That's right.

Q Was this the Terrell County jail?

A Yes sir.

Q I believe you were there because of having killed your husband in a fight, is that not right?

A That's right.

Q And you were serving out your time there, is that right?

A That's right.

Q Did you serve all of your time there at Terrell County?

A No sir, I didn't. They sent me to Milledgeville afterwards and I went up there and finished serving my time 'til my father and them got me out on parole.

Q I see; you're on parole now?

A Yes sir.

Q Who's your parole officer?

A Mr. Perry.

Q How long have you been out on parole?

A This coming May I be out on parole three years.

Q Now, when you were in the County jail, you said you were there in April of '58; were you there in April of '58?

A Yes sir.

Q Where did the Negro women prisoners stay, on which side? -- Well, strike that a moment and let me identify here for a moment and I think that might help some -

Let me show you PLAINTIFF'S EXHIBIT #10 and ask you do you recognize the jail of the County, of Terrell County, in that photograph?

A Yes sir, I do.

Q Now, on which side did the colored women prisoners stay?

A They stayed on this side back over here (pointing on P-10). . .

Q Now, show me here?

A On that side right there (pointing on P-10). . .

Q That would be the left side as you face the picture, on the left side?

A Yes sir.

Q As you face the picture; is that the side where the individual cells are?

A Yeah.

Q Do you remember what cell you were in; that is, if

you come in the door from the Sheriff's office, do you know where the Sheriff's jail office was, the jail office there?

A Yeah.

Q Now, were you in the first or the second or the third cell?

A I was in the third cell from there.

Q In April you were there in the third cell?

A Yes sir.

Q Were you occupying that cell alone?

A No sir.

Q Who was in that cell with you?

A Me and Irene Gladdin.

Q Irene Gladdin?

A Yes sir.

Q How long had you been cell-mates?

A About 3 or 4 months, I'd say. I don't know sir how long.

Q On the evening of the 20th of April, '58, did you have the occasion to see a man come in by the name of James Brazier?

A Yes sir, I seen him when he come in.

Q Did you know his name was James at that time, James Brazier?

A No sir.

Q Did the lady in the cell know him?

A Yes sir, she said she did.

Q Is that where you got the name?

A Yes sir.

Q Who was with - Was he a colored man?

A Yes sir, he was a colored man.

Q Who was with him? Who was he being brought in by?

A By Mr. Cherry and some other police, I don't know who he was.

Q Is Mr. Cherry in the room?

A Yes sir.

Q When they brought him in, how could you tell they were bringing him in?

A I don't know, sir; I couldn't tell.

Q Well, I mean, did you - was there anything done or did you hear anything or how did you know somebody was coming in?

A Well, when I heard them coming in, I heard the gate open and I got up and went and looked out the door; and I called Irane and told her, I say "Come here, they're bringing a man in here"; and I asked her, I say "Do you know who he is?" And she say "Yeah", say "That's a man stay over there not too far from her".

Q What did she call him?

A She called his name James Brazier.

MR. COLLIER: I believe that's hearsay testimony, Your Honor, and I object to it.

MR. HOLLOWELL: I believe it's been stated before.

THE COURT: It's clearly hearsay but I don't consider it harmful.

Q Mr. Hollowell: Now, did you see which side they took him to?

A Yes sir, I seen they carried him over there on the side where they put the mens at.

Q Is that the same side that you were on at that time?

A No sir.

Q Is that across the way from you?

A Yes sir.

Q In the other wing?

A Yes sir.

Q And this was - Was this before dark?

A Yeah.

Q Now, when did you see -- Did you ever see him again?

A Yes sir, after they took him across over there to put him in. I don't think they put him in over there, but they brought him on over there then and put him in on the side by us.

Q Now, you say they put him first on the right, on the side, on the right side where the men were?

A They carried him over there.

Q They carried him over there?

A But I don't know, sir, whether they put him in or not.

Q You don't know whether they put him in over there because you couldn't see over -

A No sir.

Q - actually into the room?

A No sir.

Q But they went in on that side?

A Yes sir.

Q Now, did you have the occasion to see him again?

A I seen him when they taken him out that next morning.

THE COURT: Let's get this straight now -

MR. HOLLOWELL: This is James Brazier.

THE COURT: Is her statement the next time she saw him was when they took him out the next morning?

MR. HOLLOWELL: The next morning, yes sir.

Q This was the next morning at daylight, I mean during the day, is that correct?

A That's right.

Q After sun-up?

A Yes sir.

Q Now, during the course of the night did - well, let me ask you: Did you know whether or not somebody before the evening of April 20, '58 was occupying the cell next to you; that is, No. 2?

A I don't know, sir.

Q You don't know whether there was anybody in it

before then?

A No sir, I don't know.

Q Now, let me ask you this: Can you hold your eyes up a little where you can see me: Was anybody brought to the cell next to you during the night?

A Well, no sir; if there was, I ain't heard nobody.

Q You didn't hear anybody in there?

A No sir.

Q Did you see anybody that came to that cell during the night?

A No sir.

Q Sir? I mean ma'm?

A No sir. No sir, I didn't see nobody come up there that night.

Q You didn't see anybody come up there that night?

A No sir.

Q Did you see Mr. Cherry during that night?

A No sir, I don't think so. I didn't see him nowhere.

Q I beg your pardon?

A No sir, I didn't see him nowhere during the night.

Q You didn't see him during the night?

A No sir.

Q Did you hear that door next to you close or being locked at any time during the night of the 20th?

A I don't know, sir; No sir, I ain't heard it.



Q Let me ask you this: During the course of the night - let me take this for a moment - you knew where the Sheriff's jail office was, I believe, is that correct?

A Yeah.

Q Let me show you PLAINTIFF'S EXHIBIT #3 and ask you whether or not, if you were in your cell, you could see that window down there, if the door was open?

A I don't know, sir. I didn't pay it no attention; I aint paid it no attention.

Q You never did pay that any attention?

A No sir.

Q Let me ask you this: Did you during the course of the night have the occasion to hear or see Mr. Matthews, the Sheriff?

A No sir, I didn't see him.

Q Did you see Gene Magwood?

A No sir.

Q Did you see Mr. Cherry?

A No sir, I didn't see him no more after they brought that man in there.

Q After he brought him over on your side?

A That's right.

Q Then, you did see him when he brought the man over on your side?

A Yes sir.

THE COURT: Let's not lead her now, Counsel. We have especially a dangerous situation when a witness might be susceptible to being led; so, let's don't lead her.

Q Mr. Hollowell: Who else did you see during the night of the 20th?

A I ain't seen nobody else.

Q Did you see - did you have the occasion to see any lights at all anywhere in the corridor or in the Sheriff's office?

A No sir, after I laid down, I didn't get up no more then.

Q Well, what did you see when you did look?

A I ain't see'd nothing 'cause I didn't get up no more 'til that next day.

Q Do you know the Sheriff when you see him?

A Yes sir, I do.

Q Do you know any of his peculiar characteristics; that is, do you know whether when he walks around, he hums or whistles or sings a tune?

A I don't know sir. When I was in jail, I couldn't hear nothing hardly.

Q You couldn't what?

A I couldn't hear nothing when I was in jail.

Q Why are you frowning and wringing your hands? Ma'm?

A I don't know, sir.

Q You don't know?

A (No answer) . . .

MR. HOLLOWELL: If it please the Court, we submit to the Court that this is a hostile witness.

THE COURT: Hostile?

MR. HOLLOWELL: Yes sir; and that this witness has talked with counsel on prior occasions, and that she has given a different story; and that she has talked with him as recent as the last 30 minutes; and that counsel is entrapped; and I would like to lead the witness.

THE COURT: Well, she doesn't appear to be hostile. I don't get that impression, that she's hostile.

MR. COLLIER: Your Honor, he took her depositions also on the 19th of January in Dawson, Georgia, and I don't think she has departed from that at all.

MR. HOLLOWELL: If it please the Court, counsel is saying that he is entrapped, based on prior testimony to counsel.

THE COURT: We're in a quite dangerous situation. We have a witness before us, we have a witness who the Court has the impression that possibly might be easily led, and that's the difficulty we have in allowing you to lead her.

MR. HOLLOWELL: May it please the Court, this is a

Mr. Hollowell:

witness that the Plaintiff has called and I don't think that the Court could justifiably make such a conclusion until it has been determined whether or not the witness has actually been led astray. I don't think at this point that the Court could very reasonably make that conclusion, sir.

THE COURT: All right, I won't, I won't. I want to do what is proper in the circumstances to get all of the evidence which is proper, which can be properly presented; and, based on counsel's statement that he is entrapped by the witness, I will allow counsel to cross examine her on that basis but, of course, counsel for the other side can go into the matter fully too.

Q Mr. Hollowell: I will ask you when was the first time that you saw me?

A I think I seen you in '59, I think.

Q Where did you see me?

A When I was in prison, you come up there where I was at.

Q All right; I ask you when was the next time that you saw me?

A I seen you last year.

Q Where?

A You come to my father's house.

Q Then, when was the next time you saw me?

A The next time I seen you, that's when you all, when I went up there to Dawson, to court.

Q At the time that you went to take a deposition?

A Yeah.

Q And when was the last time that you talked to me?

A Out there a while ago.

Q Out there a few moments ago?

A Yes sir.

Q Is it not true that I told you that all that I wanted you to do was to tell the truth?

A That's right.

Q Isn't that what I told you?

A Yes sir.

Q And you said that you were going to tell the truth, did you not?

A Yes sir.

Q Isn't it also true that I asked you whether or not the things that you had told me when I was out to your house were true, and you said "Yes, they're true"; isn't that what you said? . . . That's what you said, wasn't it?

A No sir.

Q Did I ask you whether or not they were true?

A Didn't you ask me, when you come to my house that day, said you was going to write me a testament or something

or another; and said "All I have to say, when you get on the stand, when you started questioning me, say all I have to say is yes or no."

Q I said that to you or are you asking me?

A That's what you told me.

Q I said that to you?

A Yeah.

Q That all you'd have to do was to answer yes or no; did I ever tell you to tell anything other than the truth?

A No sir.

Q As a matter of fact, not 15 minutes ago, didn't I say to you in the presence of the man standing in the door with the blue pants and white shirt, that "all I want you to do is to tell the truth"?

A Yes sir, that's what you said when you come by.

Q All right; I told you, you were coming into a Federal Court and that you didn't have anything to be fearful of, didn't I?

A Yes sir.

Q Now, isn't it true that I also asked you, "Well, why did you change your testimony when you were down at Dawson" and you told me that you were afraid; isn't that right?

A No sir, I wasn't afraid of nothing.

Q Well, I mean that's what you told me a few moments ago, isn't it?

A No sir.

Q Didn't I ask you, I said what would you think -

THE COURT: Let her answer it now.

Q Mr. Hollowell: Excuse me, go right on?

A No sir, I don't remember telling you that. When I -

Q Well, let me - Excuse me, go ahead.

A When you come up to that jail, when I come up to the courthouse there in Dawson, you asked me them questions and I told you what all I knowed and that's all I know and that's all I seen.

Q Now, did Gene tell you to say that?

A No sir, Gene ain't told me anything.

Q All right; I'll ask you this, isn't it true that in the hall about 15 minutes ago, I asked you, "What would you say if you were asked on cross-examination why did you change your testimony in Dawson"; Didn't I ask you that question, first?

A Yes sir.

Q All right, I asked you the question; and at first you said "I don't know" isn't that what you said, you said "I don't know what I would say"?

A That's what I say.

Q And then, I said "Well, you would have to say something", - didn't I?

A That's right.

Q Because I said "they would be entitled to have you answer the question", isn't that what I said? Isn't that right? . . . Are you shaking your head, yes?

A That's right.

Q And so, I said "Well, you're going to have to tell them the truth", isn't that true?

A That's right; that's what I told, the truth.

Q And then, I said "Well, what would you say?" And you said "Well, I would tell them that I was afraid", isn't that what you said? Tell the truth now?

A No sir.

Q You're under oath; you know that?

A Yes sir, I knows it. I wasn't affaid of nothing when I went up there and I ain't afraid of nothing now.

Q Did you indicate to me that you did not want to get into any more trouble, that you had been to court once and you just didn't want to have anything to do with court?

A No sir, I didn't say that. Mrs. Brazier come to my house and she told me, said you said you wasn't going to have me to come to court; and she told me if you sont a subpoena out there to my house, not to take it.

Q Is that what she told you?

A Yes sir.

Q All right, I'm talking about in the hall; she didn't know whether I was going to subpoena you or not, did she?



A I don't know, sir.

Q You didn't know; all right now, let's get back for just a moment and let me ask you this: Now, when you were standing in the hall a few moment sago and the janitor was standing about 5 feet away, and I asked you - and asked it loud enough so you could hear and he could hear -

A That's right.

Q I said, "Now, you understand that all I want you to tell is the truth", isn't that what I said?

A Yes sir, that's what you say.

Q And didn't you say you were going to tell the truth?

A I sho did.

Q And didn't you also say then, when I said "What would you say if they ask you why you changed your testimony", you said that you would say that youywere afraid?

A I said I didn't know.

Q That's what you said at first?

A Yes sir.

Q That's right, isn't it; and then you said you were afraid, isn't that right?

A No sir, you asked me was I afraid and I told you no sir, I wasn't afraid but I didn't feel so good.

Q Now, isn't it true that I also said to you, "Understand that there is nothing to be afraid of, that they cannot help you when you get up on the stand", isn't that what I said

to you?

A Yes sir.

Q I mean, if I didn't, why say so; but did I ask you that question?

A Yes sir, you said that.

Q Now, isn't it true that I also said to you, "it was tough in those days because there were folks that were getting hurt"?

A Yes sir, that's what you say.

Q And I said, "You know Marvin Goshea is gone and Irene Gladdin is gone", didn't I say that?

A That's right.

Q And I said, "Under some peculiar circumstances" didn't I say that?

THE COURT: Just a minute! The purpose now of this examination ~~is~~ is to see if she can testify. We don't want to use this as a vehicle for you to testify.

MR. HOLLOWELL: I understand, that, sir.

THE COURT; But the purpose is now to see if she can testify. And let's keep it to that. Don't use it as a vehicle to get any of counsel's ideas in.

MR. HOLLOWELL: Well, I understand that, sir; I'm asking her as to questions that I propounded to her and the responses that have been given, were in the affirmative.

THE COURT: Well, let's keep it within the proper limitations.

\_\_\_\_ Q Mr. Hollowell: Now, ma'm, you say that - Isn't it also true that when we came out to your house last fall and we talked about this case, just as we talked about it a few moments ago?

A Yes sir, you talked about it.

Q All right; we asked you some questions?

A Yes sir, you asked me some questions but I told you that it had been so long I couldn't remember all of them.

Q You said you couldn't remember all of them?

A No sir, I can't hardly remember none of it too much.

Q But you remembered some of the things, didn't you?

A Yes sir, but that wasn't too much.

Q Wasn't too much; now, I'll ask you this again: Isn't it true that when you were in the hall just a few moments ago, I said "Now, I want you to understand this" - you recall that you had said to me on a prior occasion that you had seen a man when he was brought in the cell next to you, that you didn't see him rather, but you knew that someone was over there and that the next morning, now think carefully because I only want you to tell what is true - that the next morning that you and Irene went over into the cell next to you and that there was an old blue blanket there with some blood - on it and on a mattress cover; you called it a sack. Now,

this is the truth, isn't it? You were asked this in the hall a moment ago, weren't you?

A Yes sir, you asked me that but I told you us couldn't get out when us in jail, us stayed locked up in our cells all the time.

Q All of the time?

A Yes sir, might' near all the time.

Q Might' near all of the time; you were out some time?

A Yes sir, they'd let me out if there ain't nobody in there. If there's anybody else in there, they won't let me out.

Q If there's anybody else in there, they won't let you out?

A No sir.

Q Well, there wasn't anybody else in there the next morning after Brazier had been taken away, was there?

A I don't know sir.

Q Didn't you see Brazier when they took him away?

A Yes sir, I see'd him when he left.

Q And he was the only other - Which side did they take him from?

A From the side where we was at.

Q From the side where you were at?

A Yes sir.

Q And you indicated to me that you had seen Mr. Cherry

at the time that he brought him there but you did not see who it was that they brought there, isn't that true? . . . Isn't that true?

A I seen him when they brought him in.

Q No, I mean when they brought him over on the side where you were?

A I seen him when they brought him on the side where us was.

Q All right; and you said this was late at night, wasn't it?

A No sir.

Q Isn't that what you said?

A No sir, it wasn't at night.

Q What wasn't at night?

A They brought him in there, I think, about - it was before sundown; it was before sundown; it was about 5:00 or 6 o'clock.

Q Now, that was when they took him over on the other side?

A That's when I think they brought him in.

Q Yes.

A When they brought him in, they carried on the other side and I don't know, sir, whether they put him in over there with them men on the other side or not; but anyway, they brought him, after they went on over there, they come

right on back shortly then, and put him over there on the side where us was.

Q Did you ever hear him leave there?

A I didn't hear him until he left that next morning.

Q That was the only time you ever remember him leaving?

A That was the onliest time.

Q How long would you say it was between the time that he was first brought in and taken to the right side and the time that he was brought to the left side?

A About 5 or 6 minutes, I expect. It wasn't all that awful long.

Q Don't you know that in the hall and at your home I asked you whether or not it was night time when he was brought over on the side where you were, and you told me that it was late at night?

A I thought I told you no; I told you it wasn't night when they brought him over there, when you come by my house.

Q Is this what you recollect?

A That's right.

Q Well, let me ask you this question: Isn't it true that you said that later on - listen to me carefully now - that later on you saw some men in the Sheriff's office, that you had seen through the window of the jail door, and that you could see into the office and that a man whom you thought to

have been Mr. Mansfield pushed the door to and then you could not see any longer; isn't it true that you said that?

A No sir, I couldn't see out from where I was at in my cell; I couldn't see down the hall.

Q You could not see down the hall in that direction?

A No sir.

Q Isn't it also true that you told to me, that you told to me that you heard the Sheriff - no, first, that you saw Mr. Cherry make a phone call - just a moment - and that shortly thereafter you heard the Sheriff come down whistling; isn't that true?

A No sir, I ain't heard Mr. Z. T. nowhere that night.

Q You haven't heard him anywhere that night?

A No sir.

Q Well, why did you say these things at your house that night?

A I don't remember telling you that.

Q You don't remember telling me that at all?

A No sir.

Q Is that right?

A That's right.

Q You don't remember ever telling me this?

A No.

Q Did you tell Mr. King that?

A No sir, I ain't told Mr. King that.

Q You didn't tell him that?

A No sir.

Q Did you say, when we were out there a little while ago, that you were afraid because a lot of people were getting hurt back in those days?

A No sir.

THE COURT: Now, just a minute, Counsel; You've been over that, I think, the third time; and unless there's something new, unless there's something new now that you want to ask her, let's don't keep just repeating.

MR. HOLLOWELL: One moment, Your Honor, let me check this . . .

Q Do you remember how James Brazier was dressed when he was taken away the next morning?

A No sir, I don't remember.

Q Did he have on pants?

A Yes sir, he had on some clothes.

Q What else did he have on?

A I don't know, sir. I think he had on some pants and some kind of shirt, I don't know sir.

Q You don't remember?

A No sir.

Q But you know you saw him?

A Yes sir, I seen him.



Q And it was the same man that you had seen before brought in by Mr. Cherry and another man and taken over on the right side, is that correct?

A That's right.

MR. HOLLOWELL: We have no further questions of this witness.

THE COURT: Do you wish to examine her?

MR. COLLIER: Very short, Your Honor; just one or two questions.

CROSS EXAMINATION

BY MR. COLLIER:

Q Mary Carolyn, you say you were in about the third cell down, weren't you?

A That's right.

Q Could you see the office at all from where you were?

A No sir.

Q Much less a telephone?

A No sir.

Q You'd have to see around two corridors and through a wall, wouldn't you?

A That's right.

Q You couldn't even see down the hall all the way, could you?

A No sir.

Q If this picture right here had been made from your

cell, the door would have had to have been open, wouldn't it?

A Yes sir.

Q I want the jury to see this. This is looking from the third cell in the east wing. The only way that could have been made was with the door open, wouldn't it?

A That's right.

Q I just want to ask you one thing about what you said in Dawson; I want to read your statement and ask you if that isn't what you said: Several short questions and answers, let me read them and see if this is what you said:

"Question: You didn't want to go to any - "

MR. HOLLOWELL: What page, Counsel?

MR. COLLIER: 51, excuse me.

Q "You didn't want to go to any any more court and the Sheriff told you, you didn't have to go? Answer: No sir, the Sheriff ain't told me nothing. Question: Well, he sent you word, didn't he? No sir, he hasn't sent me no word. Question: As a matter of fact, when we were out at your house, your father said he was going to come see the Sheriff about it, didn't he? Answer: No sir, daddy hasn't seen any Sheriff, I don't think, about that. Question: Didn't you hear him make that statement? No sir. Question: That he was going to see the Sheriff about it? Answer: No sir. Didn't you hear that? No sir. He said this, that if you all keep on coming out here fussing, he was going to come up there

"and see the Sheriff", that's what he said?

A That's right.

Q Is that what he said?

A That's right.

THE COURT: All right, go down.

\_\_\_\_ Q Mr. Collier: Excuse me, if I may, just one more question: Did you say on page 53 at the bottom, "Don't you remember telling me that you saw the blanket in there and that the blanket - "

THE COURT: Now, just a minute now. That is a question being propounded by whom?

MR. COLLIER: By Counsel Hollowell to this witness on deposition.

THE COURT: All right, I want her to understand what you're asking now.

\_\_\_\_ Q Mr. Collier: I want to ask you if this is the question he asked and if this is your answer: "Don't you remember telling me that you saw the blanket in there and that the blanket was bloody; do you remember that? No sir, it don't seem like I told you that; you told me that?"

A That's right.

Q No further questions.

REDIRECT EXAMINATION

BY MR. HOLLOWELL:

Q Have you ever taken a photograph out of the cell

where you were in jail?

A No sir.

Q You've never taken one? You've never?

A What you mean by photograph?

Q A photograph, a picture with a camera?

A No sir.

Q Then, you don't know whether you can see or whether a camera could see that door down there or not, do you?

A I ought to know, I stayed in there long enough.

Q Well, did you ever take a picture with a camera?

A I sho didn't.

Q Then, you don't know whether a camera would pick it up or not, do you?

A You were in my room where I stayed at, in that room while I was there and took a picture down the hall?

Q I'm asking you, you don't know whether with a camera you could take a picture in which you could see the Sheriff's office or not because you've never taken a picture with a camera from that cell, have you?

A I sho ain't.

RE CROSS EXAMINATION

BY MR. COLLIER:

Q But you've peeped down there, haven't you, and seen as far as you can see?

A That's right; that's the only way I could see, by peeping out.

REDIRECT EXAMINATION

BY MR. HOLLOWELL:

Q Is there a door on the bars of the cell?

A That's right.

Q Does that door open?

A Yes sir, it opens.

Q Beg pardon?

A It opens.

Q It opens all the way back, doesn't it?

A That's right.

Q And when you open it all the way back, you can see up and down the hall, can't you?

A You can't see hardly - you can't see out through them bars.

Q You can't see out through those bars?

A No sir.

Q I show you PLAINTIFF'S EXHIBIT #7 and ask you, isn't that the way the bars are in the cell?

A That's to the window, ain't it?

Q Do you see these bars?

A That's what I know, but you come up there and stand and look out through there, your head will be right up close to them but you still can't see out through them nowhere. But you can look through them but here where you be standing at.

Q Is the cell window made like that?

A Yes sir, right at the door coming down - that's the door coming down the hall.

Q This is what I want: Is the cell window made as shown in PLAINTIFF'S EXHIBIT No.7, is it made like that?

A The window on the door is; the little window on the door is.

Q That's the way it's made?

A That's right.

Q When we talk about the door on the cell, we're talking about the door like that, that you see there?

A That's right.

Q Over the bars?

A That's right.

Q And that's where Gene stayed, as a matter of fact, isn't it?

A I don't know, sir.

Q You don't know?

A No sir.

Q Well, let's look at PLAINTIFF'S EXHIBIT #13: do you recognize the cells there, 1, 2, 3, do you recognize that?

A Yes sir.

Q You do?

A Yes sir.

Q Do you see that door there?

A That's right.

Q Is that on the third cell?

A Yes sir, I think so.

Q Is that door open?

A Yes sir.

Q Do you see that opening in there when the door is open?

A Yes sir.

Q Nothing further.

THE COURT: Allright, that concludes examination of this witness. Now, you are excused. You may go. You don't have to stay around any longer.

The Witness: Yes sir.

THE COURT: Since we have run a little longer than we usually do, we will recess now until 2:15; 2:15; and every one remain seated until the jury has withdrawn. You may go at this time.

LUNCH RECESS: 1:05 PM to 2:25 PM FEBRUARY 6, 1963

THE COURT: All right, who do you have next for the Plaintiff?

MR. KING: James Latimer.