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2
3 RAWLEY (phonetic) MCDUFFY WAS CALLED TO
4 THE STAND AS A WITNESS, AND AFTER FIRST
5 BEING DULY SWORN, TESTIFIED ON HIS OATH
6 AS FOLLOWS:

7 DIRECT EXAMINATION

8 BY MR. SPEARMAN:

9 Q Yes. Would you please state your name for the record?

10 A My name is Rawley McDuffy.

11 Q Where do you reside, Mr. McDuffy?

12 A 2625 Tuxedo.

13 Q How old are you?

14 A Nineteen.

15 Q Are you employed?

16 A Yes, I am.

17 Q How are you so employed?

18 A I work at Express One-Hundred Oil Company.

19 Q Mr. McDuffy, for purposes of the Court Reporter and myself,
20 could you talk just a little bit louder?

21 A Yes.

22 Q Thank you.

23 THE COURT: Eighteen or 19, sir?

24 WITNESS: 19.

25 THE COURT: Thank you.

MR. SPEARMAN:

Q Now, on or about September the 9th at approximately 1:30

2 Q Now, from 8:30 to approximately 1:30 A.M., had you noticed
3 anything unusual prior to 1:30?

4 A Well, not until 1:30, approximately.

5 Q And would you please indicate what happened at approximately
6 1:30?

7 A Well, two white guys drug this colored guy up into the
8 hotel.

9 Q Now, let me stop you right there.

10 A Um Hum.

11 Q You say, 'two white guys'. What did they look like?

12 A One was kind of heavy, and the other, he was medium built.

13 Q Were there any facial characteristics that you remember?

14 A One had a beard and side-burns. I am not sure about the
15 other one.

16 Q Okay. Now --

17 A He had long hair.

18 Q You say there was a colored person that they drug in--

19 A Yes.

20 Q --to the hotel? Do you remember what that person looked
21 like?

22 A No, I don't.

23 Q Had you ever seen this person before?

24 A No, I haven't.

25 Q After they drug him in, where did they position themselves?

1 A Well, as you go upstairs, there is a little --it blocks
2 the view of the cage area, and they drug him over to
3 that little --it's like a doorway; and they, you know --
4 I couldn't see, but you know, apparently --well, I knew
5 they were beating this guy, and they --

6 (OBJECTION _ MR. CROSS)

7 (RULING)

8 MR. SPEARMAN:

9 Q When they drug the person in, did you hear any unusual
10 sound?

11 A Yes.

12 Q What did you hear?

13 A This guy, you know, hollaring.

14 Q Do you remember any of the words he was using?

15 A No. I was just --you know, hollaring: 'What are you
16 beating me for?' And, 'I didn't do anything'. That's about
17 it.

18 Q Now you said a minute ago you didn't actually see the
19 beating. Did you see any beating at all?

20 A I seen arms moving.

21 Q And how were the arms moving?

22 A Like they were beating someone.

23 Q Did you hear the two white men say anything?

24 A No.

25 Q What did you then do?

1 A I told them they would have to go outside if they were
2 going to fight.

3 Q And at that time that you said that, were you still in
4 the cage, as you have phrased it?

5 A Yes.

6 Q Did they respond to your words?

7 A Well, the heavy guy balled his fist up and shook it at me.
8 Then, they kept on beating this guy.

9 Q What did he then do?

10 A Well, I thought they didn't hear me, so I went out into
11 the hallway so they would hear me, and as I got up to the
12 people, you know, this big guy hit me with his left hand
13 and he was going to hit me with his right hand, but I
14 blocked his swing, and as I blocked his swing, it knocked
15 him off balance, and I seen his gun. He had it in his
16 pants, and you know, stomach.

17 Q Prior to that time, you had not then seen any weapons?

18 A No.

19 Q What did you then do?

20 A Well, I turned around and started walking back toward --to
21 the office area because I didn't want to become involved.

22 Q At that time, or prior to the time you saw this weapon
23 tucked into this person's pants, had you heard the words,
24 'police', or anything like that?

25 A No.

1 Q What did you do after you went back into the office area?

2 A Well, I slammed the door, and I heard --I don't know--I
3 think it was either one or two shots, and then I fell to
4 the floor and crawled over to the cage area, and I peeked
5 around the corner to see what they were doing, and they
6 were dragging this guy towards the office area. So, you
7 know, I seen they were coming toward me, so I went into the
8 first room of the hotel, and --

9 Q Can I interrupt you? Excuse me.

10 A Yes.

11 Q Mr. McDuffy, when you saw them dragging this person, had
12 you heard any shots prior to that?

13 A Before they were dragging him, I heard shots.

14 Q Do you remember the exact number?

15 A No.

16 Q Was it more than one?

17 A I don't --I am not sure. I don't remember.

18 Q Okay. You saw them dragging this man, and where did you
19 then go?

20 A I went into the first room of the hotel.

21 Q And how was that located in perspective to the cage where
22 you were?

23 A Well, they're parallel to each other, but the cage is
24 approximately about five or, I would say about five or six
25 feet from the first room.

1 Q And you went into that room and you shut the door?

2 A No.

3 Q You did not?

4 A No.

5 Q What happened when you went into that room?

6 A I closed the door, but I didn't shut it; so I could just
7 see with one eye; just to see what they were doing, and --

8 Q What --

9 A --as I looked, they broke down the office door, and they
10 told this guy, 'run nigger'; and he took off.

11 Q Who did they tell to 'run nigger'? Who did they --strike
12 that phrase -- who did they tell to --(Interpose)

13 A This guy that they were beating.

14 Q What happened then?

15 A He started running. I slammed the door.

16 THE COURT: Excuse me.

17 (OBJECTION - MR. CROSS TO CONNECT
18 UP TESTIMONY)

19 (RULING)

20 MR. SPEARMAN:

21 Q Now, 'they', referring to the two white men that had come
22 in; one of whom you know was carrying a weapon, they told
23 him to run? Did he in fact run?

24 A Yes.

25 Q Where did he run to?

A Toward the first room.

1 Q And that being where you were?

2 A Yes.

3 Q What did you then do?

4 A I slammed the door.

5 Q What happened then?

6 A Then I heard about five or six shots.

7 Q What happened after you heard the shots?

8 A I --well, I would say about four, five, six after that, they
9 came to my door; started banging on the door; hollaring,
10 'open the door', and they say, 'we're police'; and I said --
11 I questioned them--I wasn't sure that they were or not, be-
12 cause, you know, they didn't look like police to me; and
13 I just, you know, I tried to open the door after I
14 questioned them, but it was jambed, and I told them where
15 the key was, and I figured, well, if they were police, they
16 would know, you know; they would be more observant to where
17 the key --where I told them the key was, because I just
18 said, 'it's in the cage area'; and I took it for granted
19 well, if they were police, they would know where to get it
20 and they wouldn't take this much time, after they had made
21 all that shooting noise.

22 Q What then happened after you told them where the key was?

23 A Well, they --apparently, they got the key and opened the
24 door and as you know, I was --I was under the bed hiding
25 because I was, you know, still scared.

1 Q When had you gotten under the bed?

2 A After I told them where the key was.

3 Q What happened after they opened the door?

4 A Well, I was getting out from under the bed, and as they
5 came in the room, they slammed me up against the wall;
6 put handcuffs on me, and, you know, before they put hand-
7 cuffs on me, they patted me down, and then they started
8 taking me towards the office area, but when we got out
9 of the room, one guy hit me with the barrel of his gun.

10 Q What kind of a gun was that?

11 A I don't know. Large.

12 Q Was it a hand gun or a rifle?

13 A It was a hand gun.

14 Q Could you tell whether it was an automatic or revolver?

15 A Well --

16 Q If you know the difference?

17 A No. I don't know the difference.

18 Q Was it a shiney gun, or blue steel gun?

19 A I think it was a shiney gun.

20 Q Okay. Now when they hit you, what then happened?

21 A Well, I grabbed my head, and then he started, you know,
22 punching me.

23 Q Where on your head did he hit you?

24 A He hit me right here. (Indicating)

25 Q Did you fall after receiving that blow?

1 A No, I bent my head down and grabbed my head.

2 Q And you said they had started hitting you then?

3 A Yes; punching me.

4 Q How did he hit you?

5 A Punching me in the stomach and in the face. Then when they
6 got into the office area,, they kicked me down and then
7 started beating me; so, I guess they got tired of beating me
8 and this guy said --now he put a gun to my head--and he said,
9 "I am going to kill your ass, too". Like that.

10 Q Which one said that to you?

11 A This big guy; and then, one of the guys --I don't know who
12 it was --said, 'No, not him'; and then, after he said that,
13 they knocked me unconscious.

14 Q Where and when did you regain consciousness?

15 A In the hospital. I was, you know in the bed with this blood
16 transfusion thing in my arm. Then I fell back out.

17 Q When did you regain consciousness again?

18 A In 1300 Beaubien. In jail.

19 Q What, if anything happened in jail at that time that you re-
20 gained consciousness?

21 A Well, I say it was the same day, but I'd say in the afternoon.
22 Well, two --I don't know whether they were detectives or what --
23 they, you know, interviewed me, if you want to put it that way.

24 Q Now, you say, 'detectives'. How do you know that they were
25 police?

1 A Well, one guy showed me his badge.

2 Q Fine.

3 A He took the wallet out and showed me his badge.

4 Q Do you remember the names of these people?

5 A No, I don't. They didn't give me any names.

6 Q What did they tell you?

7 A Well, they started asking me a whole bunch of questions. I
8 don't remember the questions, and then, after they, you know,
9 questioned me, they, you know --I wasn't giving them the right
10 answers, I guess --they started getting mad, and said, 'you
11 killed this guy'; and then --

12 Q Pardon me. What did they say, now?

13 A 'You killed this guy'.

14 Q Did they name the person you were supposed to have killed?

15 A No.

16 Q What happened after that?

(OBJECTION - MR. CROSS)

(COLLIQUY)

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19 THE COURT: This is September
20 the 9th, 1971?

21 MR. SPEARMAN: Yes, it was, Your
22 Honor.

(COLLIQUY)

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24 THE COURT: I thought this took
25 place at the Neal Hotel.

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WITNESS: Yes, this did take

place at the Near Hotel.

(COLLIQUY) (RULING)

MR. SPEARMAN:

Q Now, after they told you that you had killed some man, what then happened?

THE COURT: Where did all this take place, now?

WITNESS: In jail; 1300 Beaubien.

THE COURT: I see.

MR. SPEARMAN:

Q What then happened, Mr. McDuffy?

A I told them I didn't kill nobody, and you don't have no proof that I have killed anyone; and then they said, 'get out of here; go back to your cell', --

Q What happened? Excuse me.

A I asked them if I could make a phone call, and he said, no. I went straight back to my cell.

Q What happened after that?

A Well, I say, the next day I was arraigned, and it was a \$500.00 bond, and two sureties. That is what had me, you know, confused, because they said I had murdered someone, and you know --

(Interpose).

Q What did they charge you with?

A They charged me with Larceny from a person.

1 Q Okay. From there, where did you go?

2 A I went to Wayne County.

3 Q And how long did you remain there?

4 A Approximately four days.

5 Q Did you have occasion upon any time while you were in Wayne
6 County Jail, to talk to anybody?

7 A Yes.

8 Q Who did you talk to?

9 A I called my mother and father.

10 Q Did you have occasion to talk with anybody who represented to
11 be from the police department?

12 A No.

13 Q When was the next time you were back in court?

14 A I am not sure of the date. I think it was around November
15 sometime.

16 Q And what happened at that time? You went to court. Do you
17 remember the --excuse me. Strike the previous reference. Do
18 you remember which Judge you went before at that time?

19 A Yes.

20 Q Which Judge?

21 A Judge Leonard.

22 Q And what happened in court that day?

23 A Well, we went to court and they made a whole bunch of techni-
24 cal talk, I would say, and he waivered my trial, or something
25 like that.

1 Q Okay. Did anything happen in reference to the charge that
2 you were accused of?

3 A No. I just signed this paper, and you know, they said we'd
4 be back in court at a later date.

5 Q Did you have occasion to go to court again?

6 A Yes.

7 Q Do you remember the date at that time?

8 A I am not sure of the date, but it wasn't too much longer than
9 that.

10 Q And which Judge did you go before, that time?

11 A Judge Leonard.

12 Q And what happened at that court hearing?

13 A Well, I guess the plea was changed. It was from Larceny from
14 a person, to Larceny from a Building Under \$200.00.

15 Q So the charge at that time was changed to Larceny from a
16 Building, Under \$200.00?

17 A Yes.

18 Q May I ask you, Mr. McDuffy, what charge were you eventually
19 convicted of?

20 A Disorderly person.

21 MR. SPEARMAN: I have no further
22 questions, Your Honor.

23 (Brief Delay)

24 MR. SPEARMAN: Before they start,
25 since they do not seem to be totally ready, May I ask one further

