

SUSPECT IN KILLING OF BOY, 15, IS HELD

Another Had Been Convicted in 1964 Brooklyn Case

By DAVID ANDERSON

A man the police picked up yesterday on a narcotics charge turned out, they said, to be a fugitive wanted in a murder for which another man had been convicted.

Jose Velasquez, 25 years old, of 342 West 85th Street, a husky, bearded drifter, was taken into custody on a charge of possessing narcotics. Minutes after this charge was dismissed in Manhattan Criminal Court, detectives from the Brooklyn District Attorney's office arrested Velasquez on a murder charge.

The killing occurred Sept. 19, 1964, in the Bedford-Stuyvesant district when 15-year-old Edward S. Davis was shot during a night street fight between Negroes and Puerto Ricans. Miguel Arroyo, 42, the owner of a grocery store that had been broken into, was arrested next day for the slaying.

Arroyo was indicted in the following December on manslaughter and assault charges, and was convicted by a jury on May 12, 1965. A number of defense witnesses testified that Velasquez, and not Arroyo, had killed young Davis.

New Trial Granted

Michael Wollin, Arroyo's lawyer, moved to have the verdict set aside on the ground of newly discovered evidence, eyewitnesses who incriminated Velasquez. Judge Harry Gittleson, who had tried the case, granted an application for a new trial.

Meanwhile, according to Elliot Golden, chief assistant District Attorney, the prosecution began to have "second thoughts" about its own witnesses, even though their stories had been accepted by the jury. In a rare move, Arroyo was released on parole without bail.

"We reopened our investigation and the yield was cumulative in nature," Mr. Golden said yesterday. Three or four prosecution witnesses recanted their testimony, he said, contending that Arroyo was innocent.

The Witnesses Talk

Lie detectors were available, Mr. Golden added. "None of the witnesses actually took the test, but as soon as they learned the apparatus was right there, ready, they talked freely," he said. "The threat was enough for them. Of course, we then dropped the idea of a retrial."

Instead, evidence against Velasquez was put before a grand jury and last May 2, he was indicted for the murder of young Davis.

Velasquez was taken before State Supreme Court Justice Julius Helfand in Brooklyn yesterday, but he did not have a lawyer in court and the proceeding was put over until Monday.

At that time T. David Selzer, assistant District Attorney, will present motions for the arraignment of Velasquez on the murder charge and the dismissal of the indictment against Arroyo.

GROCCER VINDICATED IN SLAYING CHARGE

An indictment charging Miguel Arroyo, a 42-year-old Brooklyn grocer, with the fatal shooting of a boy was dismissed yesterday. Another man has been charged with the crime.

Edward S. Davis Jr., 15, was killed in a street fight between Negroes and Puerto Ricans in the Bedford Stuyvesant section of Brooklyn on Sept. 19, 1964. Mr. Arroyo was taken into custody at the time and indicted the following December on manslaughter and assault charges.

A jury convicted Mr. Arroyo 15 months ago. However, the verdict was immediately set aside by State Supreme Court Justice Harry Gittleson. His

reasons for doing so were echoed in court yesterday.

"You have some question about the guilt of this defendant," began T. David Selzer, assistant district attorney, in moving for dismissal of the indictment. Justice Gittleson then said:

"I have a very vivid recollection. I was persuaded that there was a sharp doubt whether this man was properly convicted and I sent word to Mr. Koota [district attorney Aaron E. Koota] asking that a further investigation be made."

The judge recalled disbelieving "a couple of the prosecution's witnesses who were absolutely incredible." On the other hand, Justice Gittleson continued, "I couldn't escape the conclusion that three young women, testifying for Mr. Arroyo, were telling the truth."