

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

YSU Judges Project

Personal Experience

O H 1441

JUDGE FRANK KRYZAN

Interviewed

by

Michael Graham

on

October 22, 1991

## FRANK X KRYZAN

Frank X Kryzan, of Oran Drive in Youngstown, Ohio was born on November 27, 1913 in Youngstown, Ohio Mr Kryzan grew up on the south side of Youngstown. His father died at an early age and his mother raised the family. Kryzan attended the Youngstown schools and graduated from South High School He attended Youngstown College, from 1932 until 1934 He also received his Juris Doctor Degree from the Youngstown College of Law

In 1942 Judge Kryzan entered the United States Army and was a forward observer in the artillery Mr Kryzan was wounded in Europe, and was discharged from the Army in 1945 Upon his return to Youngstown, Judge Kryzan opened a private practice In 1951 Judge Kryzan was elected to the Presidency of the Youngstown City Council Mr Kryzan then ran for, and was successfully elected to, the position of Mayor His accomplishments included bringing the General Motors Lordstown plant into the area, among other things

In 1972, Kryzan was elected to the Municipal Court of Youngstown, Ohio, where he served for sixteen years. Judge Kryzan retired from the judiciary in 1988 at the age of seventy-five Judge Kryzan and his wife, Tina, have four children, Carol Ann Ward, Alice Jean Berger, Judith Zervins, and Richard Z. Bell. Judge Kryzan has received numerous awards during his career, including: the Purple Heart, for his military service, the Bronze Star, and the United Veterans "Man of the Year" Judge Kryzan is an active member of the American Legion, the Polish Veterans, the Catholic War Veterans, the Amvets, the Polish Krakusy Society, the Judges Association, and the Eagles Mr Kryzan is a member of St Stanislaus Catholic Church Judge Kryzan remains active by doing numerous activities including yard work He still enjoys playing golf. If asked how he's hitting, he'll respond, "often"

--Michael Graham

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INTERVIEWEE      FRANK KRYZAN  
INTERVIEWER      Michael Graham  
SUBJECT.            Personal Experience  
DATE                October 22, 1991

G      This is an interview with Judge Frank Kryzan, for the Youngstown State University Oral History Program, on the Judge project, by Michael Graham, at 2271 Oran Drive, Youngstown, Ohio, on October 22, 1991, at 11 00 a m

We'll start off with something not too difficult Why don't you tell me a little bit about your childhood, growing up, and things such as that

K:      I grew up on the south side of the city of Youngstown I was raised by my mother My father died at an early age. I had two brothers, four sisters. I went through the usual aches and pains of growing up I enjoyed sports in my youth My father died at an early age, of course I was only six years old when my dad passed away So, mother and family pitched in, and together, we raised each other, practically Mother was the big influence in my life She was a firm believer in that if you love this country, as she did, why then in return for the love, and for the things that the country gave you, you should give something back. I think that was an inspiration to most of us--to all of us, in fact. My sister became a nurse, one became a teacher, my brother became a lawyer, another was an accountant, I myself, passed

the bar and practiced law for a while. So, we were a rather proud family. I gave credit to my mother because she was a firm believer, as I said, in doing things for others. She was a very proud woman.

Our young days were not ones in which we were very prosperous or anything, but what little we had, we shared together. We had a firm love of people in the house, and certainly, as I look back now, it was really a miraculous development of the family. Certainly, I am very proud of the rest of the clan, and hopefully, they are just as proud of me. Naturally, as a result of the instructions, and the teaching, and the love and the care that we got at home, each of us developed his own field of public service. My brother Joe, in fact, was the first to get involved. He ran for council in the city of Youngstown, in the day when it was unheard of for anybody with a name like Kryzan, or any ethnic name, to seek public office. That goes back a good many years.

After that, my brother Tony ran for office, was successful, and was elected councilman for three terms. My interest then, of course, developed in politics as a result of his being in office. And, after I got older, of course, I had that interest. [I] got into the service, spent three years in the Army, and came back. And, rather, for a selfish reason, actually, came back, found out that people had asked me on the street after I had opened up a law office--they didn't know I was back. They wanted to help by giving me work. They didn't know I was back. So then, from a selfish viewpoint, I thought that I maybe ought to seek public office or at least run for public office, and let the public generally know I was back. Of course, the name was not unknown in the city.

In my first venture, I sought the Democratic nomination for President of Council against an incumbent. As strange as it seems, I did make a good showing. I wasn't endorsed by the party, being a Democrat. I didn't get the endorsement at the time. There were factors involved which sort of neutralized the party, and, I did frankly, make a good showing, although I got defeated. So, the next time around, when the president of council race was open, I, having volunteered my services to the party previous to that, and, having participated in different campaigns prior to that, I was fortunate in getting the endorsement of the party for the President of Council. I was victorious. I served as President of Council for two terms. Of course, during those two terms, I studied government carefully, especially city government, and was fortunate in getting the endorsement for mayor, by the party. And, after a rather strenuous campaign, I was victorious, and became Mayor of the city of Youngstown. I served the city for three terms.

During those three terms, I was proud of the many accomplishments we had. They were rather numerous, and of course, it sounds like I'm boasting if I start enumerating them. They were important to the city. One of the things that I am very proud of, that I had a hand in, was the development of the General Motors situation. At the time I was Mayor, they first made their appearance in town, and, we had to make some commitments. I was rather easy going in those days in giving things away, and promising things. General Motors wanted a lot of commitments. We had met with the Trumbull County Commissioners, of course. They were present at the meeting. Mahoning County Commissioners and other public officials were present. So, there was some talk about needing various things like sewers, water, highways. In my wisdom at that time, I promised them everything they wanted [that]

we could give them Roads I had no idea where we'd get money for roads, or the water [that] we had to furnish But, fortunately, at that time, water was outside the jurisdiction where we could furnish them water

So, fortunately, it happened later on, that the governor, Lausche, at the time, called a special meeting of the legislature and included one of the bills in there The bill provided the extended limits that the city could service and sell water So, we were fortunate That took care of the water problem at the time This was one of the things that I was very happy with Even though they didn't build while we were there, they made a commitment, and later on, they did come And, fortunately, they were the lifesavers of the area, to be very honest about it We had started street constructions [and] highway constructions. I'm very happy to say that we carried it out without any loss of time We carried out all the programs that we committed ourselves to

I think one of the final things that I'm happy about [is that] we managed the city in such a way that when I left office after my third term, it left quite a big surplus for the incoming mayor, not as they have them in these times--they are always worried about deficits We left a surplus, and we always believed in paying-as-you-go I always felt that any service you got from the city required payment for it, and the only way that cities or any government gives a service is to collect a tax or a fee for [it] So, when we gave a service, why naturally, we had to look at the tax end of it, and usually a tax was added or a fee was added But, we paid for the service as we went along

So, in my years as a legislator and as an administrator, I've seen a good many things happen, and I'm very happy of the accomplishments that we've made And of course, the war service, it was what everybody went and got into I was one of those who were lucky to be trained in the field artillery and [I] got home in one piece, you might say Then, of course, like I indicated to you, I started my public career in the meantime, running a private practice There's not too much more I can tell you

G [I have] a couple questions What sports were you involved in?

K I enjoyed baseball quite a bit In fact, one of my proudest accomplishments--what would be the equivalent of Babe Ruth Ball--was during the twelve to fourteen age group I still have vivid memories, being a tall fellow at the time, pitching two no-hitters in a row In fact one time, I kept a scrap book and I had those noted in the scrap book, but in the process of moving and all these other factors, my scrap book is among those things no longer in existence It was a noted fact I did engage in some football and basketball. In fact, I had one year of service at Youngstown College, at the time, under Jack McPhee, who was coach of the basketball team

Now, I still engage in golf and I do occasional fishing--not as avid a fisherman as I used to be, but I am more of a golfer now A hacker [is what] I call myself. I go out and enjoy nature But outside of that, it's an everyday living now.

G When were you in the Army?

K My best recollection, off hand, would be 1942 to 1945

G: The Eastern theater?

K I was over in Europe. In fact, at one time, I was with the 26th Division in the Field Artillery. I was, what they called, a forward observer. When Patton started his drive, around November of 1943, our division was one of the divisions that were leading the parade. As a forward observer, I thought I was leading his Army at the time. Of course, I had a short stay with the division, because about eleven days after the war started, I was in a forward observer position. Evidently some firepower was used, and a shell exploded overhead. I was wounded. That terminated my war service, and so on, as far as being active in the war. I was hospitalized, sent back home, and released shortly after that.

G When you were first talking about the election of city council when you ran the first time, you said some factors kept you from getting in. What do you attribute that to?

K I attribute that to the family name, and the town being, more or less, an ethnic town, there wasn't a great drive. The chairman, at the time, wanted to keep things calm and cool, and he figured the best way [to do that] was not to do too much in antagonizing people. I would guess that would be the term. So, he just let me, as a so called, independent candidate, do what I wanted to do. Prior to that time, one of the council members died. The council, at that time, consisted of three Democrats and three Republicans. The president of council was a Republican.

G In Youngstown?

K. In Youngstown, yes. Oh, yes, and the mayor was a Democrat. So, the net result would be, that if the council met, that issue would come up. The president of council, having to decide and vote, naturally, would pick a Republican to fill the vacancy. So, somewhere along the line, somebody got the great idea [that] if they left the jurisdiction, then there would be no possibility of getting a quorum together. And, after thirty days, the mayor would have the right to make the appointment. So, three councilmen left and went to Florida. In the meantime, this campaign came up, and like I indicated to you, the party had been neutralized by many friends working for me, within the organization.

Then one day, about a Tuesday before the election, the League of Women Voters had a meeting in which the candidates were invited. As a candidate, I went. During the course of my speech making, I made a really sensational statement. I said, "If I am elected president of council, I won't leave this city like the Sunshine Trio did." Well, the word got around to the party people, and what had been an even campaign, in which everybody was doing their thing, and nobody was paying much attention, the chairman decided that enough was enough. He went all out then, to make sure that I got beat. People that had been committed to me walked down the street, and suddenly, they would be window shopping or they'd be looking the other direction. That was one of the factors that helped to defeat me. It was

amazing--the difference of day and night almost--the way people would normally be for you, and publicly, all at once, they decided in one week that they had to conform to the organization. I didn't blame them. So, I gathered from that, that my chances were very slim. As the results turned out, I did pretty well. Of course, then having friends within the party, I decided, "Well, probably the best way to do the thing would be to join the party, and become part of the party."

I went out and campaigned for the team, for the election of the candidates. And, as a result, it was accepted. So, the next time around, the practical thing was that I was the logical candidate, because the president of council, then, was running for the mayor's job. So, I got the nod, and, of course, won the election. And, [I] was successful up through the third term, in the mayor's office.

G One more question about this, and then we'll get on to being a judge. When you were running for election, did you realize that there was a lot of corruption in the city?

K No, there wasn't a lot of corruption. There were a lot of people that like to think, I think. We got blamed for a lot of things that actually didn't exist. Certainly, there was some gambling going on. There is no question about it. The big thing, in those days was the numbers business. It's still in existence. That was the big thing, platform, in which candidates got up and loudly proclaimed their stand against the evils of gambling. No matter how much my predecessor tried to eradicate it, it wasn't very successful. They made headlines, day in and day out, on their drive to eliminate rackets, which, actually, at that time, [they] weren't rackets as we know them today. They were small-fry operators that they didn't even bother picking up, to be honest with you. In fact, one of the first, so called, racketeers that was picked up, was jailed during my administration.

G Who was that?

K Sandy Naples

G: Oh, a Naples?

K Right. It's in the records. No problem with that. Every time there was a bombing within fifty miles of Youngstown, a big headline, "Another Bombing in Youngstown Area". In fact, it got so bad that I finally challenged the paper, at that time, to produce the record of all these bombings. Certainly, I didn't think a bombing in Akron should be considered a Youngstown bombing. I went down the list with a lot of them, and they just made good headlines. My priorities, being very candid, weren't going to be spent on, so called, rackets and racketeers, and the evils of gambling, and all that. I thought more on the lines of something constructive for the community. Getting the highways, getting the various programs and public housing, slum elimination, urban renewal. All these factors that meant something to the community, not the constant harping on the subject of the evils of gambling. I couldn't afford to waste all my time on that. To be very frank, I didn't

G Okay I guess the question is . give me, when you were a judge . Would you please tell me what a typical day was like for you?

K I can tell you my first day You can always remember that Because I slowly became a judge, and that was the first day that I took office, I had a courtroom full of people after a New Year's weekend Of course, not being totally familiar with the routine . I understood the operation of the court, but the routine that went on, I didn't So, we started having arraignments They would bring in four or five affidavits because after the weekend, people weren't even in the department They were ready to produce them, the prosecutor's office was slow, and everybody was still recovering, I guess, from the New Year So, they bring in three or four affidavits, I go out and open the court, and we'd arraign these people This went on for about four or five arraignments, like that

So, finally, I decided in my own mind, "Well this is the people's court, and I'm presiding over the people's court, maybe I ought to take charge!" So, now, I told the police department and the prosecutor, "There will be no more arraignments until you've got all the affidavits together We'll be back at 1 30 At 1.30, have the remaining affidavits ready If not, then the following day, on the next day of court, we'll have the affidavits brought in at that time In between time, we'll try to conduct [the] ordinary business of the court " So, that was my first day That wasn't a typical day.

I think that was the first day I realized, that as the judge, I was to operate the court, not let the people surrounding me operate it. From then on, everything was a learning experience So, we got to know who was who, and who did what Because you step in cold--you don't have any other than legal training, and what practice you had in court is the only experience you might have in the court That's what happened to me, at least So, from that first day on, why, I learned more about judging

I think one of the most important lessons I learned was the fact that every person--I had learned this early in my judicial career--that every person that comes before you, no matter how minor it might seem to you, to him, it's the most important day in his life You treat it as that with that person That made a difference in my judicial opinions, my sentencing, and in my doing things, because I had to recognize the person The facts always were there, but you dealt with the person. A minor thing you treated as major, to him or her, because it was There were occasions where I have seen women in court on minor traffic matter, and you think they were going to drop dead in front of you from nervousness and sheer worry You handled them gently, and you did the things that were necessary

Now, a typical day we were prepared to open court at 8.30 On the criminal end of the court, the affidavits were brought in by 9:00 You had your arraignments, at that time, in which the prisoners who were in jail were brought in You instructed them as to their rights in court, that they need to have a lawyer, if necessary, they were required to have a lawyer and they did, and, if they didn't, why not? If they couldn't afford one, then, of course, you had to provide one This was a regular routine, but it was an important one, because you were giving a person in front of you, all the rights that they were entitled to, without diminishing the quality of the judicial system in any way So, after that, we had a regular schedule, then We'd have our criminal trials, trials that were set two weeks ahead of time



Many of those trials were simply a stall for time in which the lawyer converses with his client, during say, a two week period. Usually, when they came into court, it was some minor matter, and they usually entered a plea of "no contest." And, the trial ended immediately, with a finding of guilty, or whatever was to be done. [There was] a fine, and an assessment of costs, and that was it. This would be the criminal day. On a civil day, it would be the reverse. You had your civil cases through your docket to take care of. When you were on civil, the clerk arranged the schedule for you. Again, many times, there were a lot of the matters that were resolved prior to coming to court, but the court never heard of them until they were set for trial. The lawyers would let you know that the case was settled, and you would just wipe it off your docket that way. Or, then you had a trial, the parties stated their case, and you made your decision. That was it. That, basically, was what you did.

While you were on traffic, because the court was divided into three sessions, you took care of all the traffic matters. You took care of all the arraignments, all the trials that were set for traffic, that came up. During the time you were on traffic, your day was consumed mostly with traffic matters, then. So, all in all, it was a division of work that gave you something to do, regardless of which bench you sat on. If you sat on traffic, you did traffic. [The same with] criminal, or civil. In between time, if you were really ambitious, you would set pre-trial hearings on civil matters, where a lot of things were settled, even before they came to trial. So, it was an active situation. You still had plenty of time to do other things. So, it was never where you were. I never considered being overworked. I enjoyed doing it, probably, and that was why I never felt that I was getting burned out, or anything like you read about now. It was a job to do, and you did it to the best of your ability.

G What would you say is your most memorable case?

K Believe it or not, it was a preliminary hearing. It was memorable in this sense, that I can't even give you the party's name. The lawyer on the other side was Don Hanni, and we had this hearing for four days, in which this man was accused of killing somebody. All the evidence that was brought in, there was no way they could establish him as being at the scene of the crime. Even the prosecution had to admit that they weren't sure they even had the right man. So, in four days, we had to dismiss the charge.

That stood out, because in the process, the attorney for the defendant [Hanni] tried to show, and he showed the prosecution errors of their way. He did it, at that time, in a calm manner. He has a different personality now. In that particular manner, he was absolutely right. Then, another case, why we sent it over on the same basis. We sent it over to the grand jury. As we sat in that courtroom, we both decided that the defendant, the lawyer, the prosecution, myself, we just did it as an escape method to let the grand jury make a decision, that they would not return the indictment. But, sometimes you had to play the game that way. But, justice was served in the long run. There were a lot of funny incidents in court.

G Like what?

K Well, the one I particularly recall [was when] we had a young lady, who was the prosecutor, and we had this young man, and, of course They were all seated in what was the jury box, because we brought the people in at one time, and we called them as the cases proceeded He was really adamant that he didn't do what he was accused of doing. He was dressed in a pair of pajamas, and in the process, he made a statement He said, "I'm going to show you " He started to take off his top of his pajamas That caused an uproar in the courtroom, and everybody started running for the exit because there was going to be a big explosion very shortly. I just raised my hand, and I said, "You don't have to show anything, we'll take your word for it." He was going to show us where he was bruised He was the one that was the victim, not the one that made the attack

My only regret actually, was that the many years I sat on there, there was quite a few things that managed to get on tape that really were funny, that I never took time to run the tape back and make notes of these funny items But occasionally, it really busted up the court with something that was funny It was a good reliever of tension, a lot of times Mostly, like I say, the realization of the people you were dealing with--it was my philosophy, I don't know about others--I always felt that the person in front of you, that was his big case You might take it as routine and another one of those manners you could of disposed of in a hurry, but I always gave them all the time that they needed I was sort of proud of that Take traffic matters, for example You get into a certain routine I never believed that traffic court should be used for making money I figured that it's supposed to be the process where people were to be educated Evidently, it didn't work out that way. Traffic--sometimes, it would get a little boring, because you would be hearing the same tales "The light was yellow, or it was red as red could be I didn't know that I was going that fast--going fifty or sixty miles an hour in a twenty-five mile zone." [ They were] interesting tales Occasionally, you'd hear an original one, and you'd give the man the benefit of the doubt I'd tell them right off, I'd say, "This is the first time I've heard this one, so I'll take your word for it " We would dismiss an action, and that was it

G A couple more questions How did you feel about becoming a judge?

K The mere putting on of a robe doesn't give you all the intelligence in the world, or brains in the world It's just another form when you are in the position to make decisions There is a great deal of study and time that goes into it and keeping abreast of changes in the law In fact, if I go back and sit on the bench today, I'd have to do a quick review course, because the law since I've left the bench [has] changed so much Traffic laws have changed and DUI laws have changed, sentencing requirements have changed It used to be if you were the judge, why, you made the decision right then and there But now, you have to . I gather as much, just reading and occasionally sitting, that you don't immediately pass sentence

You get a study made, a review of the person's background, causes and reasons for his being where he is at, and then, pronounce a sentence accordingly. Your sentences are required to be minimum in character, maximum if you so choose, but you always have that in-between step, that you have to follow the book So, it has changed considerably, since I last sat on the bench

G Who would you say are some of the more interesting characters that you've run across? You've mentioned Don Hanni. Is there anybody else that you've come across that just is a notable person?

K No, I mentioned him, because in that one particular case, he was helpful to me, in that he was giving me the benefit of his knowledge. At the time, he wasn't trying to put on a show or anything. There was a realization that he was in the right. I always give him credit. I'll be very honest about it. When he came in the court, he came prepared. I think that's important in a lawyer. A lot of the lawyers came to court and for the first time they had talked to their clients that they had been appointed to defend. They wouldn't make any effort to get the facts, study the case, and be prepared to come up with some defense of the matter. In fact, a couple of them I called into my chambers, and had a rather strong discussion with them about coming to court. At least if they are appointed, they should talk to their clients ahead of time. Again, there might be minor matters in that particular case, but it was a matter where a jail term was involved. That's where you gave them the lawyer. The lawyer should come in, at least having conferred with his client prior to getting there, getting, at least, the client's viewpoint of the matter. That didn't happen too often, but when it did happen, why, as I said, I'd take them into chambers.

I'm proud of the fact that there were lawyers that came before me that got obnoxious, but I never dressed them down in the courtroom. I would call them into chambers, and have a little talk with them and discuss with them, the merits of behavior in court and what could happen to them if they pulled the same stunt again. [I was] not threatening them, in any way, but telling them that their behavior was important. Because [when] you have a courtroom of people, and one lawyer goes haywire, why, it sort of diminishes the effect and the strength of the court. But I never, in open court, would say, "Well, young man, you're way out of line." I'd take them in the back room, and tell them what was wrong, and why I felt he was wrong.

In most of the cases, there wasn't any repeat of the performance. Most of the lawyers, I've got to give them credit. They did come prepared. That made it easier for the court. If you have a lawyer that is not prepared, you have to listen, and you can't interject in the case yourself, to the point where you are doing his work for him, why they work out pretty good. They finally see the daylight and they come prepared. That was important. Other characters, there were a few, but I won't mention them. Because in my memory and in their memory, they are now departed from this world. I just say an amen for them.

G One more question. I don't know exactly how to phrase this. But if somebody came into your courtroom and they were really obnoxious, did that affect your sentencing at all? Or if they weren't obnoxious and they made a very good impression on you, did that affect your sentencing?

K Up to a point. In a few cases it did, because they were so obnoxious. You're bending over backwards to be decent, and when they wouldn't listen to reason, why then, of course, you imposed a little heavier sentence. If you checked the sentences that I imposed, I don't think

I imposed too heavy a sentence in too many cases. If I gave anybody six months, why I was giving them the worst sentence that I could possibly give them. They earned it in my book. No, you could tell. You'd sit there and listen to witnesses on the stand, they're under oath. You get the feeling when they are not telling the truth. You discount them immediately. In some cases, you could end the matter in the first ten minutes. The lawyers present their opening statements, the prosecution calls it's witnesses, and the defendant's lawyer goes to work. You could tell immediately that he's just fishing and wasting time. You make up your mind rather quickly. Eventually, you get to a point, and you say, "Let's get on with the matter, we've heard this about five or six times now. Let's get on to something new." It's a judgment call like everything else.

You sort of get the feel of things after you sit there for a while. I was fortunate [in that] I got elected and re-elected. I got appointed. So, I served enough time to get to know the job, as they call it. As I pointed out, you never learn. You are always learning something new and the law changes. You have to adjust to those changes. I think you'll note it and notice it that each judge has his own style, his own system, his own peculiarities, and he does things in a certain way. There is no way you're going to be able to say, "Well he's doing it this way, he's going to do it again." Some judges, you don't know from one hour to the next what they are going to do. But after a while, the lawyers that are in the business and have to deal with them, they get adjusted to the system, and they know. What the heck. I suppose after you sit there for awhile, you do get sometimes in a rut, and they recognize it. At least the sharpies do. It's a great profession. I'm happy to have chosen it. I'm happy that I have been able to serve in that capacity.

G As the law changes have people changed from when you started?

K Oh, I think yes. People are more rambunctious now. I'd say they are tougher to deal with, at least from where I can sit now. There's more violence. I don't think you are ever going to be able to take care of that. Drugs, of course, is a big factor now. We had drugs in my day, but not to the extent that we have them today. That is a serious matter. I don't have the answer for it. I don't even pretend to. That does lead to more criminal activity, and I can see no end in sight for that, to be honest with you.

G What drugs were prevalent in your day?

K Cocaine was a big drug in those days.

G Really?

K Yes. Marijuana was a big thing. Gosh. I'll never forget the one case I had. I had to laugh in open court. I always try to maintain a stern and calculating judicial look, but I had this defendant in court and a trial going on. I'm listening to an officer of the law describe the apprehension of this criminal. It was around midnight. They had been observing him for a possible sale or a possible purchase of drugs. They figured he had drugs in his possession.

So, he got in his car and took off. And, of course, the policemen who were undercover at the time, followed. Speeds picked up. They were going on north side streets at forty-five or fifty miles an hour. This one policeman who testified said [that] he saw a hand come out of the car, and he saw a white packet drop out of the car. About ten blocks later, they forced this person to the curb and they apprehended him. They went back to where they thought he dropped the packet out of the car, and found this packet of drugs, so called drugs. It was a little packet of cocaine. He was telling this story, and I'm listening to this story. I don't think Grimm could have created a better fairy tale than that one. A dark night, a dark hand, a white packet, no street light at the place, and he saw this happen. At that conclusion of his testimony, I looked at the prosecutor, and I looked at the defendant's lawyer and I said, "Gentlemen, come forward." I said, "Let's put an end to this farce right now." I said, "I believe in certain things, I believe in sworn testimony, but I can't believe this tale. It's so outlandish it's impossible to believe." Of course, I dismissed the charge immediately, without wasting anymore time. That's exactly what it was, a fairy tale. He was telling it as though it was the gospel truth. I'm sitting there listening. Now, if he said in broad daylight he saw something happen, and he stopped him within the half a block of where it happened, why you can imagine somebody going down the street at night, forty-five or fifty miles an hour, and a packet dropped out, you seen it drop out, I couldn't believe it. Nobody else in the court did either.

G Okay Thank you, sir I appreciate it

K Thank you

END OF INTERVIEW