

Defective Warrants Force Trial Delay In Sit-Down Case

BY-STANLEY BRENNAN
Record Staff Writer

Trial of 43 Negro and two white college students charged with trespassing at the S. H. Kress & Co. downtown store ran into a snag here this morning when a conference between the defense and prosecution resulted in the warrants being labeled "defective."

The trial was scheduled for this morning in Municipal-County Court. The court held off trying the cases as new warrants were issued shortly before noon today.

Trial of the students, before Judge Z. H. Howerton Jr., was expected to begin early this afternoon after the state took a nolo pro on the old warrants and the

new warrants were served on the defendants.

As the new warrants were being typed this morning, the court continued with other cases on the docket.

Defense for the students is being conducted by four Negro lawyers: Kenneth Lee and Major

High, both of Greensboro; and C. O. Pearson and Floyd McKisick, both of Durham.

The students are charged with trespassing last April 21 at the Kress store, 208 S. Elm St. The charge resulted when the 43 Negroes and two white girls seated themselves at the lunch counter in the store's basement after the manager had requested them not to do so.

One source said this morning that a conference was held between the defense and state wherein the defense pointed out certain discrepancies in the warrants charging the students. Examples were that the names and addresses of the Kress store were not consistent. On some warrants the store was named as S. H. Kress and Co.; on others, S. H. Kress Department Store; and still others, S. H. Kress Inc. On some warrants, the address of the store was given as 200 block of South Elm Street; on others, 300 block of South Elm Street.

On the basis of these discrepancies, the defense asked that the charges be thrown out.

A later conference between Solicitor William Vaden, prosecution for the court where the cases are to be tried, and two officials of the Kress store, R. L. Bland, assistant manager, and John H. Smith, lunch counter manager, resulted in the drawing of the following statement to be included in the new warrants:

"(Subject's name) did enter upon the property of S. H. Kress & Co., (a corporation) at 208 South Elm St., Greensboro, North Carolina, after being forbidden to do so, and without a license therefore, in violation of GS 14-134."

The courtroom had few vacant seats at the opening at 9:30 a.m. today.