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## 67/06/18 Bullets Write Finish to Chilton Case

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# Bullets Write Finish to Chilton Case

By JAMES T. COX

Had Richard D. Chilton lived, perhaps every lawyer in the nation, every judge and every policeman would have known his name when the U.S. Supreme Court heard his appeal this fall.

Had his lawyers wrested a reversal of his 1964 conviction on a charge of carrying a concealed weapon on busy Euclid Avenue, Chilton's name might rank with the names of other landmark cases like Gideon, Escobedo, Miranda. But it was not to be.

**INSTEAD OF** an appeal, Richard Chilton, 28, took three bullets — one in the head, another in the chest and a third in the heart — in a drug store holdup in Columbus Friday. Bullets were still ricocheting around the store when Chilton slumped dead on the floor.

Chilton's three buddies in the holdup escaped with an estimated \$20,000, the money the store used to cash checks each Friday. They left Chilton behind, dead, and the two gunmen who had done the shooting—Chilton was one of them—left the drug store owner severely wounded.

The bullet that hit Robert R. Bender, 38, the co-owner went in his left temple, near the eye, and exited through his right eye, taking that eye with it. Doctors at Columbus' Mercy Hospital hope they can save the remaining eye.

**BENDER TRIED** to shoot

it out with the robbers, and police said at least nine bullets were fired in the brief exchange.

Chilton, who lived with his mother, Mrs. Mossie Chilton, at 16101 Lotus Drive S.E., was convicted of a crime once in his life, in 1964, and served 13 months at the Ohio State Reformatory for it. He was convicted of carrying a concealed gun, a .38-caliber revolver, the same type he had with him last Friday.

On the afternoon of Oct. 31, 1963, Chilton and John W. Terry, 33, of 1275 E. 105th Street, were noticed by Cleveland Detective Martin J. McFadden, as they stood in the vicinity of Playhouse Square.

County Prosecutor John T. Corrigan, commenting about Chilton yesterday, said: "McFadden observed these two men casing the establishment. He knew about robberies where the holdup men are Negroes and a white man is the getaway driver."

**CORRIGAN** was referring to a white man police identified as Carl Katz, who McFadden saw speak to Chilton and Terry, both Negroes, on Euclid Avenue that afternoon. McFadden watched the trio about 12 minutes, then frisked the three, finding revolvers on Chilton and Terry.

All three were arrested. Katz was not charged. In fact, Katz does not now have an arrest record at Central Police Station.

Chilton and Terry's lawyers, Louis Stokes and Jack Day, will still argue the case before the Supreme Court, on behalf of Terry, who has been in county jail since August, 1966, awaiting trial on a narcotics charge.

**AMONG THE** constitutional questions involved, Stokes said last night, is "whether a court can substitute a 'stop and frisk' doctrine in order to avoid the dictates of the Fourth Amendment, which guards against unreasonable searches."

Stokes touched the heart of the matter when he concluded:

"I could see the validity of an arrest if the time was 2:30 a.m., not 2:30 p.m., and



Richard D. Chilton

if the location was a high crime area.

But it was busy Euclid Avenue. "And what happened to Katz? Is this what the citizenry is entitled to? Must it suffer this indignity? I don't think that's the law."