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GEORGE SMITH,

A witness introduced for and on behalf of the State, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY DISTRICT ATTORNEY CHATHAM:

Q Is this Mr. George Smith?

A Yes, Sir.

MR. BRELAND: Just a preliminary question, if Your Honor please - - has this witness been in the courtroom during the trial of the cause?

THE WITNESS: No, Sir.

Q Mr. Smith, what official position do you now have in LeFlore County, Mississippi?

A Sheriff.

Q How long have you held that position?

A Well, it will be four years this January.

Q Were you sheriff of LeFlore County on August 31st, 1955?

A Yes, Sir.

Q I want you to tell the court and jury whether or not along about August 28th or August 31st, 1955, you had occasion to investigate the death of Emmett Till.

A Yes, Sir.

Q And in your investigations, please tell the jury

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whether or not you had a conversation with Mr. Roy Bryant, one of the defendants in this case?

MR. BRELAND: If the Court please, if he is going to bring out any admission or any conversation had with the defendant, then we ask that it be properly qualified, that the testimony be properly qualified in the absence of the jury.

THE COURT: Is that what you are leading up to, Mr. Chatham?

MR. CHATHAM: We are leading up to a statement made to the witness.

THE COURT: Then the jury will be excused from the room at this time.

(The jury retired to the jury room, and the proceedings continued in the absence of the jury.)

Q Mr. Smith, where was Mr. Bryant when you had this conversation with him?

A In front of his store, sitting in my car, Sunday afternoon, August the 28th, at about two o'clock.

Q And where is that store located?

A In Money, Mississippi.

Q Did you offer Mr. Bryant any hope of reward or immunity if he made a statement to you concerning the death of Emmett Till?

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A No, Sir.

Q Did you threaten him in any way in order to intimidate him to make a statement?

A No, Sir.

Q And was the statement that he made to you then and there voluntarily made?

A Yes, Sir.

MR. CHATHAM: We think that qualified the statement, Your Honor.

CROSS EXAMINATION

BY MR. BRELAND:

Q How long have you known Mr. Bryant, Mr. Smith?

A Mr. Breland, I guess he has been in that county for about two years.

Q And you have known him since that time?

A Yes, Sir - - not too well, but I know who Roy was.

Q Now, your deputy, Mr. Cothran, ran for Sheriff of LeFlore County in this past election, did he not?

A Yes, Sir.

Q And you supported him in that, did you not?

A No, Sir.

MR. CHATHAM: We object to that, if Your Honor please. That has no bearing on this whatsoever.

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THE COURT: I will reserve my opinion on that.

Q Did you support your deputy for Sheriff down there in LeFlore County?

A Mr. Breland, I had two deputies running out of my office, and I prefer not to answer that question if I can.

Q And that is for personal reasons?

A Yes, Sir.

THE COURT: I don't see that this would have any bearing on the case unless it can be shown that such an inquiry is material.

Q Mr. Smith, you, yourself, did run for representative down there in your county this time, is that right?

A Yes, Sir.

Q And Mr. Bryant supported you in that race, did he not?

A I don't know, Sir. I didn't ask him to vote for me or anybody else.

Q But he told you that he supported you, isn't that true?

A I don't know.

Q Well, you considered him your friend and he considered you as his friend, isn't that true?

A Well, I have been friends with several of them in the family; yes, Sir.

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Q And when you went there that day he was asleep in his bedroom, wasn't he?

A He was asleep, yes, Sir, as I understand.

Q And you asked him to come out away from his family, didn't you?

A Mr. Cothran did.

Q And that was so you could talk to him confidentially?

A Yes, Sir.

Q And you wanted him away from the members of his family?

A Yes, Sir.

Q And the impression was left by you and Mr. Cothran that you were going to talk confidentially with him at that time?

A Well, I don't know about the impression.

Q Well, that could have been the impression, could it not?

A It could have been.

Q And he trusted you, did he not, and also Mr. Cothran?

A I guess so.

Q And it was on that basis that he made any statement to you, was it not?

A Well, there was very little statement made, Mr. Breland.

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Q I understand - - but what statement was made, that was true?

A Yes, Sir.

Q And you didn't tell him that you actually came up there for the purpose of arresting him or anything like that, did you?

A Well, I didn't right at that moment.

Q I mean before any statement was made to you?

A No, Sir.

Q In other words, when he was talking to you, he thought that he was talking to a confidential friend and in a confidential manner, didn't he?

A Well, I couldn't answer that question.

MR. BRELAND: We submit, Your Honor, that the witness should not be permitted to testify on the grounds that any statement made to the witness was made as a matter of confidence, and any statement that was made, whatever it was, would not be competent in this case.

And we object further, Your Honor, because the corpus delicti has not been established. There has been no testimony here that this body that was taken from the river was the body of Emmett Till. And any admission, if the corpus delicti has not been established, then such admission or admissions that might have been made, as far

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as any admission of guilt is concerned, that is certainly not competent in this case.

THE COURT: Any conversation as to guilt or any admission of guilt in the crime of murder cannot be shown at this time because the corpus delicti has not been shown.

MR. BRELAND: And further, Your Honor, that cannot be considered as res gestae at this time, and therefore, such an admission is not competent.

THE COURT: Suppose we see what the witness is going to testify to before I rule on this.

MR. BRELAND: And we would like for that to be traced before the jury comes in and hears it.

THE COURT: Yes. The corpus delicti has not been proven as yet.

REDIRECT EXAMINATION

BY DISTRICT ATTORNEY CHATHAM:

Q Mr. Smith, on that particular day that you say you talked to Mr. Bryant, what statement did he make to you concerning the disappearance of Emmett Till?

A He said he went down there and went to his house and got him out and then brought him up to the store. And he said he wasn't the right one so then he turned him loose.

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Q And to whose house did he say he went to get him?

A He said he went down to Mose Wright's.

Q Did he make any further statement to you as to where he went after he released Emmett Till?

A He said he went somewhere to play cards. I don't remember where just now.

Q Did he say how long he had been up that night?

A Well, he said he played cards the rest of the night, over at some of the family's house.

Q And who did he say went down to Mose's house with him?

A He didn't say.

Q And did you later have an opportunity to talk to Mr. Milam?

A I didn't, No, Sir.

THE COURT: Mr. Chatham, the court is of the opinion that before the witness can testify to these things, the corpus delicti should be proven. There has been no proof of any criminal agency shown here as far as a corpus delicti is concerned.

These gentlemen are charged with the crime of murder. And before this evidence can be received, I think a corpus delicti should be proven. But as yet, there has been no corpus delicti in this case.

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MR. CHATHAM: Will the court permit me to continue along that line?

THE COURT: Yes, Sir; go right ahead.

Q Mr. Smith, did you have an opportunity to see the body that was taken from the Tallahatchie River on August 31st by Chester A. Miller at the point between Philipp and Masel anytime after it got into Miller's possession?

A I did not.

Q When did you see that body?

A I did not see the body.

Q You did not see the body?

A No, Sir.

MR. SMITH: In view of the Court's ruling, we will excuse Mr. Smith at the present time and call Chester Miller back.

(WITNESS EXCUSED)

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GEORGE SMITH;

Recalled as a witness for and on behalf of the State, having been duly sworn, upon his oath testified as follows:

REDIRECT EXAMINATION

BY DISTRICT ATTORNEY CHATHAM:

Q Is that Mr. George Smith?

A Yes, Sir.

Q Mr. Smith, what official position do you hold in LeFlore County, Mississippi?

A Sheriff.

Q How long have you held that position?

A Four years.

Q As Sheriff of LeFlore County, Mr. Smith, I want you to tell the court and jury whether or not during the period between August 28th and August 31st, 1955, you had occasion to investigate the death and disappearance of Emmett Till?

A Yes, Sir.

Q And during that investigation did you have an opportunity to talk to the defendant, Roy Bryant?

A Yes, Sir.

MR. BRELAND: Now, if the Court please, we are going to interpose here the same objection that we did before the preliminary examination of this witness, for two

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reasons.

And the first reason is that it is not shown here in the preliminary examination that any statement incriminating this defendant was freely and voluntarily made. And that has already been decided by the Supreme Court of Mississippi. And if they are going to ask any additional questions to qualify the witness or any statement that he might have made, then that should be made or done in the absence of the jury.

THE COURT: Suppose you go ahead and ask your questions, Mr. Chatham. The objection at this time will be overruled.

Q Mr. Smith, where was Mr. Bryant when he made the statement to you?

A In my car, sitting there in front of his store, in Money, Mississippi.

Q And on what day of the month of August was that?

A It was Sunday afternoon, August 28th.

Q Sunday afternoon, August 28th?

A Yes, Sir.

Q Were there any other persons present at the time Mr. Bryant made the statement to you?

A No, Sir.

Q Now, before making any statement to you at that time, Mr. Smith, did you threaten or intimidate Mr. Bryant in

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order to get him to make a statement?

A No, Sir.

Q Did you offer him any hope of reward or immunity from prosecution? Did you promise him any reward for making any statement to you?

A I did not.

Q And was the statement freely and voluntarily made by him to you?

A Yes, Sir.

Q I wish now, Mr. Smith, that you would please tell the jury what your conversation was with Mr. Bryant at that time in regard to the disappearance or murder of Emmett Till.

MR. CARLTON: We object, Your Honor.

THE COURT: The objection is overruled.

MR. CARLTON: We want to renew our objections at this time which we made earlier during the preliminary examination of this witness and for the same reasons that we stated then.

THE COURT: Let the record show that the objections of the defendants are renewed at this time as they were stated in the preliminary hearing made this morning relating to the same matters, and that the objections are now renewed at this time as they were given this morning.

MR. CARLTON: And if the Court please, the defendants

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would like to object further on the grounds that the corpus delicti has not been definitely established.

THE COURT: The objection is overruled.

Q Mr. Smith, go ahead and tell about the statement that Mr. Bryant made to you that Sunday afternoon.

A Well, I just asked him about it.

Q What did you ask him?

A I asked him about going down there and getting that little nigger.

Q Will you please go over that again?

A I asked him why did he go down there and get that little nigger boy, and he said that he went down and got him to let his wife see him to identify him, and then he said that she said it wasn't the right one, and then he said that he turned him loose.

Q And where did he say that he turned him loose?

A He said right in front of his store.

Q Did he say that he went down to Mose Wright's house to get him?

MR. BRELAND: We object, Your Honor. That is a leading question.

THE COURT: I don't believe there has been any testimony in that respect.

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Q Did he tell you where he went to get Emmett Till?

A To Mose Wright's.

Q And when you drove up to Roy Bryant's store in Money that Sunday afternoon, was the store open?

A No, Sir.

Q Where was Mr. Bryant at that time?

A He was asleep in back of the store.

Q And what time of the day was that?

A It was around two o'clock approximately.

Q Did he offer any explanation to you at that time as to why he was asleep?

MR. BRELAND: We object to that, Your Honor. That has nothing to do with the case at all.

THE COURT: The objection is sustained.

Q Did he say where else he had been the night before other than going down to Mose Wright's house?

A He said he went to some of his people - - I don't remember just who he said now - - and he said he played cards there the rest of the night.

Q He said he played cards the rest of night?

A Yes, Sir.

MR. CHATHAM: Take the witness.

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RE-CROSS EXAMINATION

BY MR. BRELAND:

Q Mr. Smith, how long have you lived in the Greenwood neighborhood?

A Since 1921.

Q And did you live in the city during that time or out in the country around Greenwood?

A I lived in the city since '28.

Q And prior to 1928, where did you live?

A Well, I lived around Crahen or Moorhead (?), and I was there for about five years, and then I was at Minter City for two years.

Q And you have been Sheriff of that County for the past four years, is that right?

A Yes, Sir.

Q And by virtue of being an officer of that County, you got over the County very much during your administration, is that right?

A Yes, Sir.

Q And during that period of time you got acquainted with Mr. Roy Bryant, did you?

A Yes, Sir.

Q And of course, Mr. Roy Bryant was acquainted with you?

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A Yes, Sir.

Q And you were all friends, is that right?

A Yes.

Q And you trusted him about matters, and he trusted you about matters, isn't that right?

A I hope so; Yes, Sir.

Q Now, in this last summer, in the last primary, you ran for representative in LeFlore County, didn't you?

MR. SMITH: We object to that, Your Honor. That has nothing to do with this at all.

THE COURT: The objection is overruled.

Q That is correct, isn't it?

A That is right.

Q And Mr. Roy Bryant supported you for that office, didn't he?

A Well, I hope so.

Q But you understood that he supported you, isn't that true?

A Well, I didn't make any campaign for it, but if he did, I appreciated it.

Q But if you thought that you were his friend, then you expected it, didn't you?

A I hope he did.

Q And you believe he did, isn't that true?

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A I am not going to doubt it, no, Sir.

Q And when you went up to Money that afternoon, when you went up there and went to his store, he was asleep back there in his living quarters, and you awakened him up or had him waked up, is that right?

A Yes, Sir.

Q Were the other members of his family, the other members who were there, were they awake?

A I don't think anyone else was there but he.

Q Noone was there but he?

A That's right.

Q Wasn't his wife there?

A I didn't see her.

Q Did you see the little children?

A No, Sir.

Q Did you see anybody else there at all?

A Yes, Sir, I saw some others. They came there when we were there.

Q Did you see his Mother?

A No Sir.

Q Who did you say you saw?

A Some others.

Q Where they friends of his?

A No, Sir; relatives.

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Q And they were there in the store at the time you were there, were they?

A When I was talking to Roy, they were there in the store.

Q And they were there when you got there?

A No, Sir. They followed me up.

Q But they were there before you took him out to your car to talk to him, is that right?

A I guess they was.

Q And you requested him to go out to your car where you could talk to him in private, is that right?

A Mr. Cothran told him to go out there, that I wanted to talk to him.

Q Was Mr. Cothran in the car when you talked to him?

A No, Sir.

Q Then Mr. Cothran stood aside there and was not present when you talked to him?

A No, Sir.

Q It was just you and he there together, is that right?

A That is all, sir.

Q In other words, the purpose of that was so that you could talk to him confidentially and privately, isn't that right?

A Well, I went up there to see what I could do about

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this trouble.

Q But the purpose of that was so that you could talk to him in private away from anybody else, even away from members of his family or relatives, and even your deputy sheriff, isn't that right?

A Well, they didn't come out there.

Q But you asked him to come out there for that purpose, didn't you?

A Yes, Sir.

Q And of course, he left the impression that he was going to talk to you confidentially, and you left that impression with him, isn't that right?

A Well, I asked him about the trouble down there.

Q Now let's go further on that - - when you asked him to come out there, when you said that you wanted to talk to him, he naturally got the impression that you wanted to talk to him confidentially, isn't that right?

In other words, when he came out and got in the car with you alone, you closed the door of the car, and you were both alone in there, isn't that right?

A Well, I imagine that is right.

Q And that was so that you could talk to him there confidentially, isn't that right?

A Well, he came out to talk, Yes, Sir.

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Q And you talked to him alone and separate from his kinfolks and also separate from your deputy sheriff, isn't that right?

A Well, they was standing off to the other side there.

Q But they were not within hearing distance, were they?

A No, Sir.

Q And what was said there in the car was just between you and Roy Bryant, isn't that right? Just between you two?

A That right, Sir.

Q Now, Mr. Smith, when you came up there to see Mr. Bryant, and he came out to your car and got in the car, and you got in the car with him there, you didn't tell him that you had come up there to arrest him, did you?

A Not at that particular time.

Q And you didn't mention that fact at all, did you?

A Not right then.

Q I mean, until he made that statement to you, isn't that right?

A Well, my general purpose was to go up there and arrest him.

Q But you didn't tell him that, did you?

A Well, not to come on, no, not right then.

Q And you didn't have a warrant for him, did you?

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A Not at that time.

Q Did you tell him that you were investigating the case for the Sheriff's Office?

A Yes, Sir - - well, he knew that.

Q I am asking you if you told him that?

A I wouldn't say that I told him exactly that.

Q But you went up there that afternoon as far as appearances were concerned, and as far as a reasonable man would think, where he might have been concerned, you went up there just as a friend to talk privately with him, isn't that right?

A Well, I got him in the car, yes, Sir.

Q Of course. And you didn't tell him that any statement that he might make to you anyway incriminating him might be used against him did you?

A There wasn't no statement hardly made, Mr. Breland.

Q But you didn't tell him that, did you?

A No Sir, I did not.

Q And did you later arrest him?

A Yes, Sir.

Q Did you tell him that you were arresting him?

A Yes, Sir.

Q Just what were the words you said?

A I told him I was going to have to arrest him and

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take him in, and he asked me to let him go in and put on some clean clothes; which he did.

Q did you tell him what you were arresting him for?

A I told him what I was arresting him for, yes.

Q And you took him right on to jail in Greenwood, did you?

A A few minutes later, yes, Sir.

Q In other words, you waited for him so that he could dress and change clothes?

A Well, he waited on some customers and so forth first.

Q And you didn't have him in handcuffs or anything like that?

A No, Sir.

Q You just took him along with you to Greenwood and put him in jail, is that right?

A Yes, Sir.

Q And he stayed there in your jail from that time on until he was brought to Tallahatchie County, is that right?

A Yes, Sir.

MR. BRELAND: That is all.

REDIRECT EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Smith, the town of Money is in LeFlore County, 128

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is that right?

A Yes, Sir.

Q How long has Mr. Bryant been in business at Money, to your knowledge?

A Approximately - - I don't know exactly, but I wouldn't say not over two years, I don't think.

Q And during that time you became acquainted with him and he with you, is that right?

A Yes, Sir.

Q And when you talked to him on this particular Sunday afternoon, he knew you were Sheriff of LeFlore County, is that right?

A That's right, Sir.

Q After he made the statement to you that he did go down there to Mose Wright's house that night and got Emmett Till, and then he found out he was the wrong man - - -

MR. WHITTEN: I don't believe any of that part was testified to, Your Honor.

THE COURT: I think it was. Go ahead, Mr. Chatham.

Q (Continuing) - - - and found out that he was the wrong boy and then put him out of the car and released him where did he say that he released him?

A There in front of his store.

Q And his store is in the town of Money, is that right?

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A Yes, Sir.

Q Do you know how far that point would be from Mose Wright's house where he had gotten him?

A Approximately three miles, something like that.

Q Did he offer any explanation to you at that time as to why he did not carry the boy back home when he found out he was the wrong boy?

A He said he figured he knew the way back.

Q MR. CHATHAM: That is all.

MR. BRELAND: Now, if the Court please, we move to exclude this witness' testimony with reference to that statement. And any confession or statement made by Mr. Bryant to the Sheriff at that time would not be admissible, because it has been shown that any statement he did make was not made free and voluntarily to the Sheriff, and he was not properly advised of his rights.

THE COURT: That motion will be overruled. The witness was the Sheriff of Tallahatchie County, and as such, it was his duty to investigate any and all crimes and alleged crimes.

MR. CHATHAM: I believe Your Honor used the word "Tallahatchie" County, but I believe you meant to say LeFlore County.

THE COURT: Yes - - excuse me - - I meant to say he was

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the sheriff of LeFlore County.

MR. CHATHAM: That is all we have for this witness.

(WITNESS EXCUSED)

MR. BRELAND: Your Honor, we don't like to be repetitious but the District Attorney in propounding questions to the witness used the words or name "Emmett Till". And there has been no evidence here to show that either party knew the name of Emmett Till at that time.

THE COURT: It is the Court's recollection that Emmett Till's name was mentioned in direct examination.

MR. BRELAND: Then we would like to call Mr. Smith back to the stand, if you please.

GEORGE SMITH,

Recalled as a witness for further cross examination by the defense, having been duly sworn, upon his oath testified as follows:

RE-CROSS EXAMINATION

BY MR. BRELAND:

Q If we understand your testimony correctly Mr. Smith, you asked Mr. Bryant at that time why he went down there and got that little ole boy, and you just asked him about a boy, and you didn't mention the name "Emmett Till", is that right?

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A. I didn't know Emmett Till's name at that time.

Q And so far as you know, neither did Mr. Bryant?

A No, Sir, I don't know that he did.

MR. BRELAND: Now, if the Court please, we ask that his testimony be excluded.

REDIRECT EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Smith, on that Sunday afternoon when you were talking to Mr. Bryant, and he told you that he had found out that the boy he had gotten from the house of Mose Wright was the wrong boy, and he said that he had released him after that, where did he say he released him?

A In front of his store.

MR. BRELAND: That is repetition, Your Honor.

THE COURT: That question was asked before.

MR. CHATHAM: But before when I questioned him about this, I used the words "Emmett Till" and that is what they objected to. And I am just going back to the testimony about the boy that was taken out of the house and later, so he said, he was released. I am just clearing that up as far as the testimony is concerned.

THE COURT: That is correct.

MR. CHATHAM: And I would like for the rest of his