

ALICE GABRIEL WAS a lonely woman who liked to use her binoculars to observe the world from her living-room window. Then one afternoon, while scanning the building across the street, Alice got more than she bargained for. Her statement was read in court.

Alice Gabriel: Several weeks ago, two unsavory-looking men moved into the dilapidated house directly across from my place. A tall, thin man and a short, fat one, like the Mutt and Jeff characters you read about in crime books. Sometimes a third man would come over. He looked different, nice and mild-mannered. All three often talked or played cards. Sometimes the nice-looking man took notes in a little notepad.

Well, on this particular Sunday, the nice man came to visit again. Only the short fellow was at home and he seemed very drunk. They talked for a while, then got into some sort of argument. All of a sudden the short man pulled out a tiny silver gun and started waving it around. The nice man managed to grab it from him. Then they moved out of my line of sight and I had to change windows. I heard the shot. It wasn't very loud. At the next window, I refocused my binoculars. The short man was grabbing his chest and falling, blood all over his shirt. The nice man was holding the gun. He looked stunned. This was about 5:25 P.M.

A few seconds afterwards, the tall guy came home. He and the killer tried to revive the short guy, but you could tell he was dead. Then the two guys closed the blinds; so, I couldn't see anymore. I ran right into my bedroom and called the police. Believe it or not, I was put on hold for 10 full minutes before someone took down my information and another 7 minutes before a patrol car arrived.

According to police, the body of Sol "Little Sonny" Walker was discovered a half-hour later, not in the house itself but two blocks away, in an alley behind a neighborhood bar. Based on

Alice Gabriel's testimony, the mild-mannered man, Wade Poe, was arrested. A nitric acid test showed that he had recently fired a gun. The tall man of the trio, Busby Berkoff, was arrested as an accessory after the fact, for trying to help Poe cover up the crime and dispose of the body.

The district attorney expected the Defense to enter a plea of self-defense or accidental homicide. But the defendant surprised everyone by claiming total innocence. As the Defense begins its opening argument, you immediately see its line of attack—the credibility of the case's eyewitness.

DEFENSE: Alice Gabriel is a woman desperate for attention and blessed with a vivid imagination. Just look at the holes in her story. She says the victim was wearing a white T-shirt, yet his body was found in a brown dress shirt. She says he was killed by a small silver pistol, yet forensic evidence will show the murder weapon to be a .45-caliber weapon, a much larger gun which was never found. Even her statement on the time of death is wrong. Alice Gabriel says the shot occurred at 5:25. Yet we will produce two other witnesses who set the time of the shot at 5:40. Most important of all, Miss Gabriel says Sol Walker was shot in his house. Yet the police's own evidence proves that his murder took place in the alley behind McGregor's bar. Ladies and gentlemen, after hearing all the evidence, you will have no choice but to disregard Miss Gabriel's testimony and find my client not guilty.