

George B. Slyter

MINNESOTA

DURING the early morning hours of March 18, 1931, while the night man, Aaron Oxendale, was still on duty, two men entered the garage of Nelson Brothers at 500 Eleventh Street South, Minneapolis, Minnesota. At first they ordered Oxendale into an adjoining room, but, when their efforts to open the cash register proved fruitless, they brought him back in and forced him to open it for them, one man keeping a gun trained on him. They secured about \$50 and made a successful escape. Oxendale at once telephoned the police and gave a description of the men, whom he claimed to have observed closely.

Several days later, Oxendale saw a man whom he thought he recognized as one of his assailants pass the garage, and he immediately called police headquarters. Detectives Arthur Olson and Charles Wetherville were assigned to watch for the man's return. George B. Slyter was arrested by them shortly after as he again passed the garage. Oxendale identified him with certainty, especially because of the dark circles under his eyes.

Slyter denied knowing anything about the robbery, and said that he had spent the evening in question at a St. Patrick's Day party with his mother and sister. In view of Oxendale's positive identification, Slyter was brought to trial in the District Court in Minneapolis. Slyter made a poor witness, and the sister and another guest at the St. Patrick's Day party gave different versions of the affair and its personnel, though Slyter was described as present. After considering the matter for many hours, the jury, on April 21, 1931, returned a verdict of guilty of first-degree robbery, which is punishable in Minnesota by imprisonment for from five to forty years, with double time for second offenders. Unfortunately, years before, Slyter had been convicted of attempted robbery, and under the Minnesota "Baumes law" his sentence was to be from ten to eighty years. Sentence was deferred for several days.

On Saturday, April 25, 1931, Slyter was brought to the

District Court by two deputy sheriffs for sentence. He was taken before Judge E. A. Montgomery. Assistant County Attorney Leo J. Gleason, who had charge of the prosecution, got up to address the court. His statement was unusual. He made a request that, in view of new developments, the verdict of the jury be stricken from the records and that the prisoner be freed. The crowd in the court room was astonished, not least of all the prisoner at the bar. Mr. Oxendale, who was in court, was called on to explain the new developments.

On the night just previous, April 24, Oxendale was in the garage with one of the Nelson brothers, the proprietors, when he was again held up by the same bandit who had taken his money in March. He at once called up Mr. Gleason, told him about the robbery, and said that he had made a mistake about Slyter, who was in jail, because the bandit with the dark circles under his eyes had just been around again. Mr. Gleason at once got in touch with County Attorney Edward J. Goff, and it was arranged, without consulting Slyter's lawyer, that a motion should be made to set the verdict aside. Judge Montgomery granted the motion, and the charge against Slyter was nolle.

Slyter could hardly comprehend this miraculous turn of events. "You are free," the court is reported to have said. "And I wish to compliment Mr. Oxendale for his courage in admitting his mistake, and to congratulate the County Attorney's office for its prompt action to correct this miscarriage of justice."

"Can I go now?" Slyter asked.

"You may go at once," the judge replied.

.

THE unusual feature of this case is that the error was corrected so quickly. But for the fact that the real culprit continued his depredations—as in the cases of Andrews (p. 1), Greenwald (p. 80), Sullivan (p. 257), and others—the error might never have been discovered. It was fortuitously considerate to commit the crime again on the very night before Slyter's expected sentence. Oxendale made an honest

mistake in identification, but was believed by the jury in preference to Slyter and all his witnesses. Doubtless Slyter's former conviction, with his poor reputation in general, was a material handicap. However, the authorities moved promptly to undo the wrong, when it was disclosed.

BIBLIOGRAPHY

1. *Minneapolis Sunday Tribune*, April 26, 1931.
2. *Minneapolis Sunday Journal*, April 26, 1931.
3. Acknowledgment: Leo J. Gleason, Assistant County Attorney.