

some responsibility. It was testified that the gun belonged to the victim. So we can't trace gun ownership back to the murderer. What can we trace as to the guilt or innocence of my client, Steve Harmon?

The State doesn't even suggest that he was in the store during the robbery. It doesn't suggest that it was his gun that was used. The State does contend that somewhere, sometime, Steve got together with someone and agreed to participate in this robbery. On the stand Steve admitted to having seen Mr. Evans on the street in his neighborhood. Hundreds, perhaps even thousands of people have seen Mr. Evans in the streets of Harlem. Perhaps hundreds of thousands of people. That doesn't make any of them guilty of a crime. The State did elicit from Steve that he spoke to Mr. King about basketball. The conversations were short, and without substance. At no time did the State establish any conversation between Steve and anyone else about a robbery. Think about that for a minute.



Without a plan that says that Steve entered an agreement with the robbers, what would he be charged with? Talking about basketball in the streets of Harlem? Does that now constitute a crime? Not in any law journal that I know about. The State also presents Mr. Evans's testimony that he "understood" that Steve was to check out the drugstore to see if it was clear. Oh, really? The State brought out a witness, one who everyone agrees has no reason to lie, Lorelle Henry. Miss Henry said that she was in the drugstore when the robbery began. If someone was to make sure that the drugstore was clear, he or she made a bad job of it. Remember, it was the State that proved that the drugstore wasn't clear. And do you remember the signal that Mr. Evans said he received? He said that Steven came out of the drugstore and didn't signal that anything was wrong. In other words, there was no signal. What is the significance of this? Well, if there were a signal, a thumbs-up sign, for example, we might expect someone in the