

3 Ex-Jurors Act to Bar Murtagh

By RALPH BLUMENFELD

Three jurors who voted to acquit 13 Black Panthers of conspiracy charges last spring are again coming to the defense of one of the acquitted Panthers, Richard Moore, also known as Dharuba.

They have filed affidavits to disqualify the conspiracy trial judge, Supreme Court Justice John M. Murtagh, from presiding over another criminal case involving Moore. The jurors accuse Murtagh of prejudice.

Murtagh was on the bench this week when Moore, acting as his own lawyer, presented 17 legal motions on charges against him in the machine-gun wounding of two policemen near Manhattan DA Hogan's home May 19.

Moore asked Murtagh to disqualify himself, according to Moore's legal advisor, attorney Robert Bloom, and the judge said he would not consider the request unless it was put in writing with affidavits.

The affidavits were secured, Bloom said, from the conspiracy trial's jury foreman, J. Ingram Fox, juror Edward Kennebeck and alternate juror Joseph Rainato.

The disqualification request and the affidavits were filed yesterday, said Bloom.

'Possibility' of Prejudice

He said Fox' affidavit said that after watching Murtagh preside over the conspiracy trial for seven months, "I believe there is a strong possibility that Justice Murtagh holds prejudice against each of the defendants in that trial . . . and that it would be unfair to Moore to permit Justice Murtagh to rule in any way that would affect (Moore's) rights in any legal proceeding."

One of the 17 motions prepared by Moore in his jail cell, according to Bloom, is to prohibit District Attorney Hogan from selecting the judge in the machine-gun case — as the Panthers charged was done in the conspiracy case.

Another motion seeks dismissal of the new case because of allegedly unconstitutional grand jury composition, charging that minorities are systematically excluded. The 23 members of the grand jury which indicted Moore included only two blacks, Bloom said.

Moore also faces trial in the Bronx on charges of holding up the Triple O Social Club on June 5, the night he was arrested, and in Queens in connection with the April 17 murder of a rival Panther, Samuel Napier.

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