

Rap Brown Missing, Trial Delay Asked

Attorneys for H. Rap Brown, the missing black militant charged with incitement to riot and to arson in Cambridge, Md., three years ago, filed motions yesterday seeking an indefinite postponement of the trial.

In a brief filed with the Howard County Circuit Court in Ellicott City, Md., Brown's lawyers said the trial should be adjourned because the "whereabouts, health and safety" of the defendant is unknown.

In a telephone interview from New York, one of Brown's lawyers, E. Carl Broege, said the motion was "a formal way of asking for what may have to happen any way" if the defendant does not appear for his trial.

Brown's trial was moved from Cambridge to Bel Air, Md., at the request of the prosecution, and earlier this month moved again to Ellicott City after the prosecutor said that a remark to reporters by Harford County Circuit Judge

Harry E. Dyer Jr. in Bel Air had prejudiced his case.

In separate motions filed yesterday in Bel Air, Brown's attorneys asked Dyer to vacate his order transferring the case to Ellicott City on the grounds that they did not receive adequate notice. They also renewed their request, denied by Dyer, to have the trial returned to Cambridge.

Brown has not been seen since before his trial was due to start in Bel Air March 9. An explosion in a car near Bel Air that night took the lives of two of his friends, and many militant Negroes say they believe Brown is in hiding.

No date has been set for the trial to begin in Ellicott City, where the case is to be tried before Howard County Circuit Judge James Macgill. A pre-trial conference between the judge and attorneys in the case is set for Wednesday. The prosecution has five days to answer the defense motions filed yesterday.