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Judge Haley's Body to Be Exhumed

The body of Superior Court Judge Harold J. Haley yesterday was ordered exhumed from Mt. Olivet Cemetery in San Mateo so that a new autopsy can be performed.

Judge Haley was killed Aug. 7, 1970 during a Marin Civic Center gun battle while being held hostage by San Quentin prison convicts attempting an escape.

The exhumation order was granted by Superior Court Judge Richard E. Arnason in behalf of convict Ruchell Magee, 32, now awaiting trial on charges he murdered Judge Haley by firing a shotgun blast into his head.

CHARGES

Attorney Ernest Graves, representing Magee, argued for the exhumation in a closed meeting in Judge Arnason's chambers, charging there were "gross errors, omissions and inadequacies" in the official coroner's report of the first autopsy conducted immediately after the incident.

That report, based on findings of pathologist Dr. John Manwaring, said Judge Haley had been shot twice — once by a shotgun and once by a bullet from another weapon — but that it was impossible to determine which was the fatal shot.

Manwaring has come in for recent criticism for having had to make corrections of autopsy findings in two controversial cases.

In the civic center case, his first report was that two men involved in the escape plot —

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Jonathan Jackson and convict William Christmas — had died of bullets entering their chests and exiting from their backs.

Earlier this month, in an amended report filed nearly a year after the incident, Manwaring stated an exactly opposite conclusion: that Jackson and Christmas had been shot in the back and the bullets had exited through the chest.

The pathologist said he based the new findings on study of ballistics reports and examination of the dead men's clothing.

Attorney Graves said a new autopsy may prove Magee's claim that Judge Haley was first shot — fatally — by a bullet fired by a guard or deputy trying to stop the breakout try.

That claim is crucial to Magee's defense. As a so-called prison "lifer," he faces a mandatory death sentence if it is determined by a jury he caused Judge Haley's death.

The widow of Judge Haley was represented at the hearing by attorney John Buresh, who argued against exhumation. Afterward, Buresh declined comment on Judge Arnason's decision.

The exhumation will be done secretly, it was ordered, to prevent publicity painful to Judge Haley's survivors.