

DA wins battle to try auto dealer

By JAMES HEARTY
Two victories were scored yesterday by Dist. Atty. Jim Garrison.

While he beat the government's pinball bribery case, he won a legal battle to prosecute New Orleans automobile dealer Robert J. McKinnon on a charge of theft through fraud.

U.S. District Court Judge Herbert W. Christenberry, who presided in Garrison's six-week conspiracy trial, yesterday refused to enjoin Garrison from prosecuting McKinnon.

MCKINNON IS charged with theft through fraud of \$1,171 from his former partners in the automobile dealership on one occasion and \$2,949 on another.

Asking the federal court to halt the prosecution, McKinnon charged that Garrison used harassment, illegal wire taps and electronic surveillance to get evidence.

Christenberry reprimanded what he termed attempts by private attorneys "to subvert the criminal processes" in the case. But he said this did not make the case one in which the federal court should intervene.

The case was initiated in "good faith" by police, "and the prosecution is a good-faith one," the judge ruled.

JOHN WOGAN, an attorney for McKinnon, testified at a hearing that A. Morgan Brian Jr., a former law partner of

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Garrison's, had offered to arrange for the dropping of theft charges against McKinnon if he would surrender the franchise of Bob McKinnon Chevrolet Co. Inc.

Wogan said Robert E. Kerigan Jr., an attorney who was assisting the district attorney in prosecuting McKinnon, was present when Brian made the proposal.

McKinnon claims Garrison is prosecuting him on trumped-up charges as part of a scheme by his former partners to take over the business.