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JUDGES' BAN TOPIC

Plan Bond Hearing

Criminal Court judges said today they will hold a public hearing "in four or five days" to determine whether they ought to accept bail bonds written by agents of Maryland National Insurance Co., which owes \$720,775 in forfeited bail bonds.

Attorneys for Maryland National attended a meeting of seven of the 10 Criminal Court judges today to contest the decision not to accept any more Maryland National bail bonds.

THE JUDGES yesterday announced the decision after another en banc session. They said they were reluctant to accept bonds written by a company which owes \$720,775,

but has only \$70,000 on deposit with the state of Louisiana.

Maryland National attorneys filed a motion with the clerk of Criminal Court asking the judges to set aside their decision ordering no more Maryland bonds be accepted.

Judge Bernard J. Bagert, speaking for the Criminal Court judges, said Maryland attorneys made available to the company a statement of the firm's assets at the close of 1968. The intent of the presentation is to demonstrate that Maryland National can pay off any liabilities it may incur.

District Attorney Jim Garrison, who has admitted

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his staff lagged in collecting forfeited bail bonds during 1966-69, says he is determined to collect "every penny" owed by the company.

JUDGE BAGERT said the judges "will take several days to individually study the Maryland National financial statement and will set a public hearing so we might consider publicly our course of action."

In its financial statement, Maryland National shows assets of \$3,457,011.91.

The motion asking the judges to rescind their judgment noted Maryland National is a part of the Lykes Insurance Group and is doing business in 20 states.

The motion stated the company "has assets which make it fully capable of paying judgments of \$1 million worth of allegedly valid judgments now on the docket of this court."

ALTHOUGH the Maryland motion states \$1 million is owed, Assistant DA Shirley Wimberly Jr., has said the figure owed is in excess of \$700,000. A states-item survey showed the figure to be

Wimberly said the Maryland figure of \$1 million may include \$300,000 worth of bond forfeitures that either have been or can be set aside.

In another court action, Federal District Judge Lansing L. Mitchell yesterday dismissed an action brought by Maryland National seeking to enjoin judges of Juvenile Court from refusing to accept the company's bonds.

Judge Mitchell held that the action was premature, in that no evidence was produced showing that Judges James P. O'Connor and James C. Gulotta have ever actually refused to accept bonds of the company.

Both judges have assured him, said Judge Mitchell, that they have not turned down any Maryland bonds and will not do so without holding a solvency hearing to determine if the company would be able to pay in the event bonds were ordered forfeited.

Gervais Hits Statement By Ward

Pershing Gervais, former chief investigator for Orleans Parish District Attorney Jim Garrison, today objected to being mentioned in a statement by Charles R. Ward concerning the bail bond system in New Orleans.

Ward, former first assistant to Garrison who is now running for DA against his former boss, said in the statement that at one point he fired Clyde Merritt, an accountant in the DA's office, because of Merritt's close association with Gervais.

In a statement, Gervais said:

"I am genuinely perplexed since I have unequivocally spent infinitely more time in the company of Mr. Ward than any other member of the DA's staff. I am even more perplexed because yesterday I asked Mr. Ward about his statement and he denied having made it. And, unlike Mr. Ward, I can prove what I say. I would remind Mr. Ward of that."

(Editor's note: Ward's statement to the States-Item was in writing.)