

# Mistrial Ruled for Bombing Suspect After State's Attorney's Comments

By Peter Conroy  
Washington Post Staff Writer

Prince George's Circuit Court Judge Robert Mathias declared a mistrial yesterday in the case of David V. Maness, who was being tried on a burglary charge, but is also accused of dynamiting a Temple Hills synagogue last January.

Mathias took the action after an article in The Washington Post yesterday, quoted State's Attorney Arthur A. Marshall Jr. as saying the dynamiting case is far "weaker" than the unrelated burglary case.

Trial of both cases had been set for Tuesday, but in the last minute Assistant State's Attorney Benjamin R. Wolman postponed the dynamiting trial and later said a reporter that it might never be rescheduled.

The article quoted Marshall as saying, "The dynamiting

case is by far the weaker of the two," and adding that several key elements of the prosecution's evidence had not panned out.

Marshall noted specifically that dynamite and fuses found in Maness's home at 2402 Valley way, Cheverly, turned out to be different from those used in the bombing of the synagogue, Congregation Shaare, Tikvah.

In granting the defense motion for a mistrial yesterday, Mathias chided Marshall and Wolman and said, "while we are trying a serious criminal case, neither counsel should argue with other counsel and action pending."

Maness's lawyer, Joseph Paul, argued that the article in The Washington Post linking the case with the bombing might have been read by members of the jury and would seriously prejudice the burglary case.

Mathias had instructed the jury at the close of the proceedings Tuesday not to read newspapers or listen to radio and television on which they might hear news of the trial.

However, noting that a juror might have seen the article "inadvertently," Mathias polled the jurors and was told that none had read the article.

"Although I believed the jurors when they told me they had not seen the article," Mathias said, "I do not see how I can absolutely and unequivocally solve the question of prejudice."

He declared the mistrial, Mathias said, to insure a "fair trial" for Maness, whatever the consequences.

Maness is charged with being a member of the Communist Party and is accused of being a member of the jury in the burglary case.

Wolman said only that a new trial for the burglary trial will be set.