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## Appellate Court Denies Request For New Judge in Panther Trial

In a 4-to-0 decision, the Appellate Division refused yesterday to remove State Supreme Court Justice John M. Murtagh as the presiding judge at the conspiracy trial of 16 Black Panthers.

Justice Murtagh is scheduled to begin pretrial hearings in the case Monday. The defendants are accused of planning a terror campaign in which they were to bomb department stores, police stations and other public places.

Gerald B. Lefcourt, the lawyer for the accused, contended that Justice Murtagh — who is widely regarded as a “no-nonsense” trial judge — had been “handpicked” by District Attorney Frank S. Hogan of Manhattan.

Mr. Lefcourt said that he would make another effort to

replace Justice Murtagh by asking the Federal court today or tomorrow to rule on his contention that his clients were being denied their constitutional right to have an impartially selected judge.

In rejecting the lawyer's charges yesterday, the court held that the case had been assigned in accordance with rules of the State Supreme Court and the judiciary law and was “a reasonable exercise of power” by Justice Saul S. Streit, the administrative justice for the State Supreme Courts in Manhattan and the Bronx.

In conclusion, the Appellate Division said that there was “no showing of bias or prejudice and petitioners and co-defendants have no standing to object to these procedures.”