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Rap Brown Trial Faces New Delay

NEW YORK, Nov. 26 (AP)—H. Rap Brown is scheduled to stand trial Monday on robbery, attempted murder and gun possession charges. But the long-stalled case may be further delayed by legal arguments over a magazine article. The trial was to have started in State Supreme Court on Oct. 23, but was delayed by the withdrawal of Brown's lawyer. It was rescheduled for Monday after a series of other delays, including an unsuccessful effort by Brown's new lawyers to have the case moved to federal court.

Brown's new lawyers—William Kunstler and Howard Moore Jr.—have raised a series of legal objections that could delay jury selection for several weeks.

One of their motions is to allow the 30-year-old black power advocate to be his own co-counsel, just as Angela Davis did in her California trial, where Moore headed the successful defense.

Another defense motion asks that no testimony be allowed from Patrolman Ralph Manetta, the man who says he shot Brown on a Manhattan rooftop on Oct. 16, 1971.

At that time, Brown had been on the FBI's most-wanted list for 18 months, a fugitive from riot-arson charges in Maryland and a federal gun conviction in New Orleans.

He was captured after, according to police, he and three codefendants robbed the Red Carpet Lounge, its patrons and some crap shooters from the sidewalk outside.

The victims, all black, were forced to lie on the floor while their valuables were collected. Police arrived as the robbers emerged and in the ensuing gun battle, two policemen were wounded, one seriously.

Manetta was the subject of a New York magazine article by former Deputy Police Commissioner Robert Daley, which appeared the day before the trial was to have started.

Brown's lawyers say it destroyed any presumption of innocence prospective jurors could have had. Furthermore, they say, since the author was a high police official at the time of the shooting, he must have had the collaboration of Manetta, other policemen and prosecutors.

A drawing appeared with the article showing the

wounded Brown on the dark rooftop, aiming a pistol at the policeman.

"Never has there been a more blatant and deliberate attempt to poison the atmosphere against a person accused of crime than that represented by this article," Brown's lawyers said.

Brown has been in the hospital or jail for 13 months since his capture. He denied his identity for many weeks.

After his recovery from his wounds, he was taken to New Orleans and resentenced to five years in prison on the charge that he carried a gun on a plane between New Orleans and New York.

The charge of inciting to riot in Cambridge, Md., is still pending although the arson charge was dismissed.