

Killer of Judge ^{Post 7-18-71} Named in Davis Case

SAN RAPHAEL, Calif., July 17 (AP)—A survivor of the court house shootout where four men died has named Ruchell Magee as the man who fired a sawed-off shotgun that killed a Superior Court judge.

Gary D. Thomas, 29, former assistant district attorney crippled by a bullet wound in the spine during the shooting, testified secretly before the Marin County grand jury that he saw Magee, 32, a lifer in San Quentin state prison, kill Judge Harold Haley.

The sealing of Thomas' testimony was ordered last January to prevent pretrial publicity damaging to Magee. It had been edited out of transcripts made available to the public.

But it became public Friday when an unedited transcript

was attached to a petition filed with the state Court of Appeals in San Francisco by attorneys for Magee's codefendant, Angela Davis, a former UCLA philosophy instructor.

"We thought it (Thomas' testimony) would still be kept secret," Miss Davis' chief attorney, Howard Moore Jr., said in an interview. He said Miss Davis' lawyers could not file an edited, "falsified" version of the transcript and they did not know it would be released by the appeals court.

Thomas' testimony did not mention Miss Davis. She and Magee are charged with murder, kidnap and conspiracy. Magee is accused of firing the shot that killed Haley. Miss Davis, although not charged with being present, is accused of helping plot the crime and buying the guns smuggled into the court.