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Miss Davis Prejudged, Defense Says

SAN RAFAEL, Calif., July 22 (UPI)—Angela Davis has been presumed guilty from the time her name first came into the Marin County shoot-out case, and she probably could not get a fair trial anywhere in the United States, her attorney said today.

"It is a lie that there is a presumption of innocence in this case," said attorney Sheldon Otis in arguing for dismissal of charges of kidnaping, conspiracy and murder. "Miss Davis was presumed guilty from the time her name was first mentioned in this case."

Moving the trial elsewhere, Otis told Superior Court Judge Richard E. Arnason, would be meaningless.

Deputy Attorney General Clifford Thompson argued for the prosecution that the pre-trial publicity was not prejudicial. Moreover, he said, a massive publicity campaign has been carried on by backers of Miss Davis to try to convince the public she was innocent and was unjustly charged because of her politics.

The 27-year-old black militant, Communist and former UCLA faculty member is charged with buying the guns used in the abortive Aug. 7, 1970, kidnaping of a judge from his chambers and the resulting shootout in which the judge and three of his kidnapers were shot to death. She is also charged with helping plot the kidnaping.

Otis said that either the grand jury indictment against her should be dismissed outright or a formal hearing should be held on whether pretrial publicity had prejudiced her case.