

*F Post*  
**Davis Case  
Is Set For  
State Court** *7/10/71*

SAN FRANCISCO (AP) — A federal judge sent black militant Angela Davis' murder-kidnap-conspiracy case back to state court Friday, saying she and codefendant Ruchell Magee "are in concert" to delay their trial.

"This court cannot close its eyes to the obvious," said U.S. District Court Judge Samuel Conti as he rejected Miss Davis' motion to transfer their case to federal court. He also rejected Miss Davis' contention that he is prejudiced and should disqualify himself.

Conti noted that since January Magee has filed 17 petitions to federal courts and Miss Davis one.

Proceedings in Marin County Superior Court at San Rafael were halted last Tuesday after Miss Davis moved to transfer the case to federal court on grounds her civil rights were being violated. Pretrial hearings now are expected to resume next week in San Rafael.

Miss Davis and Magee face murder, kidnap and conspiracy charges in connection with the Marin County courthouse shootout last August in which four persons died. The state contends that Magee, a San Quentin life term, shot and killed one of the victims, Judge Harold Haley, and that Miss Davis, although not accused of being at the slayings purchased the guns and helped plot the crime.