

FUGITIVE'S ORDEAL ENDS IN FREEDOM

Dropping of Extradition Writ in Drug Case Clears Way

By MICHAEL T. KAUFMAN

The hearing in Manhattan Criminal Court yesterday took 90 seconds and closed when Judge Thomas Dickens declared: "The charges against this man are dismissed and he is free."

That ended the ordeal of Robert Apablaza, a four-year struggle that involved a Draconian sentence, an escape, recapture and a series of complicated legal maneuvers that came to include the Governors of New York and Louisiana.

It began in March, 1967, when the now 35-year-old house painter was arrested for selling a matchboxful of marijuana

to undercover agents in New Orleans. He was tried and sentenced by a Louisiana judge to a term of 50 years with no provision for parole. With good behavior, the very least he would have to spend in prison was 25 years.

Extradition Fought

After 22 months in detention, while awaiting transfer to a penitentiary, Mr. Apablaza and 20 others escaped. He fled to his native New York, where he was arrested in February, 1970, and since then has been in the Queens House of Detention, while the Legal Aid Society fought extradition.

"Up until a month ago, I figured I would have to go back," said the quiet-spoken and shy Mr. Apablaza who was given a pair of pants and a pullover but no coat at his release.

What restored the prisoner's hope was the intervention of William vanden Heuvel, the chairman of the city's Board of Corrections. Mr. Apablaza's lawyer, William Hellerstein,

had called the sentence "barbaric," saying it was "incomprehensible to write off a man's life for such a crime." But a plea last August to Governor Rockefeller's office to deny Louisiana's routine extradition request was turned down.

At that point, Mr. vanden Heuvel read about the case in the papers. "I could not let it end there," he said, adding: "I looked into the circumstances of the case and decided that since he was being held in a city detention house I could hold public hearings."

"Incredible Injustice"

"After talking to the man," Mr. vanden Heuvel said, "I realized that an incredible injustice had been done and I began inviting witnesses, including a representative of the Governors."

On Oct. 28, Michael White-man, counsel to Governor Rockefeller, wrote to Mr. vanden Heuvel, terming the request for extradition legal "in accordance with the mandate of the United States Constitution."

At this point, Mr. vanden Heuvel approached Jim Garrison, the District Attorney of New Orleans Parish. Earlier, District Attorney Frank S. Hogan of New York had joined in the appeal to Governor Rockefeller to vacate the extradition order.

Now, Mr. Garrison joined in. In a letter dated last Saturday Mr. Garrison wrote to Mr. Rockefeller, saying that it was his office that had originally filed the extradition request.

"However," he added, "in having my attention called to the original case against Apablaza I find myself in the rather unique position of joining Mr. Hogan in his request that you exercise executive discretion and decline extradition."

Doubt About Sentence

"In light of current changes of law affecting marijuana, a sentence of 50 years for the sale of a very small amount of the substance is disproportionate to say the least."

At about the time the letter was sent, Governor John J. Mc-

Keith vacated the request. On Monday Governor Rockefeller vacated the extradition order.

Yesterday, after the trial, the newly freed man said: "I want to thank Mr. Hellerstein and Mr. vanden Heuvel and everyone else who worked so hard for me."

"He's been in jail for nearly four years," Mr. vanden Heuvel said. "Now we have to see about getting him a job."