

51 6-23-69

DA Asks Court To Oust Suit Of Bond Firm

The Orleans Parish District Attorney's office today asked the U.S. District Court to throw out a suit by Maryland National Insurance Co. asking that the company's assets in Louisiana be protected from seizure.

The bail bonding company filed the federal suit after the DA's office began legal moves at the state level to collect forfeited bonds allegedly amounting to \$629,000.

The suit asks also that certain provision of the state insurance laws dealing with bail

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bonds be declared unconstitutional.

FEDERAL District Judge Lansing L. Mitchell already has issued an order temporarily restraining DA Jim Garrison from moving to collect his claim.

The court today was scheduled to consider whether to make the order permanent. That hearing, as well as consideration of the DA's new motion, was postponed until July 1, at 9:30 a. m.

Under Louisiana law, a person accused of crime can be released from jail until trial if a bonding company promises to pay a predetermined amount of money if the accused does not show up in court.

GARRISON contends enough of Maryland's clients have disappeared to forfeit \$629,000 worth of bonds.

Today's motion to dismiss was filed on behalf of Garrison and his assistant, Shirley G. Wimberly Jr., who has been handling the claim.

It argues that the federal court lacks jurisdiction and Maryland's complaint fails to

state a claim upon which relief can be granted.

GARRISON'S MOTION contends that Maryland, being a corporation, has no right to sue under federal law, that a federal court may not legally stop a state proceeding already begun and that granting an injunction would violate well established customs of non-interference between state and federal courts.

In a memorandum filed with the motion, the DA's office argues it is required by law to collect forfeited bonds and, if necessary, to seek writs to seize the bonding company's funds deposited with the state treasurer.

THE LEGAL maneuvering between Garrison and Maryland National came to light last week as a result of a feud between the DA and his chief assistant Charles R. Ward.

Ward resigned June 17 to run against Garrison in the approaching district attorney election, charging Garrison was disloyal in not getting him appointed to a new criminal district court judgeship.

He said Garrison had withdrawn his support for the judgeship after bail-bonding employees accused Ward of accepting bribes to hold back on collection of forfeitures. Ward denied the allegation.