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# DA Will Prosecute 3 in Haggerty Case

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Assistant Dist. Atty. John Volz said today the state will pursue the prosecution of three men arrested with Criminal District Court Judge Edward A. Haggerty Jr. in a vice squad raid last month.

Judge Haggerty was found innocent last night of charges stemming from the vice squad raid of a Dec. 17 motel stag party.

Criminal District Court Judge Matthew S. Braniff ruled at 10 p.m. yesterday, after a full day of testimony, that the state failed to prove

Judge Haggerty guilty of obscenity, soliciting for prostitution or resisting arrest.

THREE OF THE men arrested at the party also will be prosecuted, Volz said this afternoon.

They are:

Joseph G. Zarza Jr., 26, 3800 Tulane Ave., Apt. 105, manager of the De Ville Motel, charged with obscenity by exhibiting allegedly obscene films.

Max A. Williams, 36, 1931 Farmington Place, Gretna, charged with the same offense.

Victor M. Soto, 39, 926 East William David Parkway, charged with gambling and resisting arrest.

VOLZ SAID he had hoped that Judge Braniff would allow a postponement in Judge Haggerty's trial to allow the prosecution to apply to the Louisiana Supreme Court for writs concerning the legality of the use of electronic eavesdropping devices.

Judge Braniff had ruled that the electronic devices were not admissible in court, in that judicial permission had not been received prior to their use.

IN RULING on the obscenity charge against Haggerty, Judge Braniff said:

"This court finds that a private party in a motel room rented by an individual who invited friends is the same as if the party was given in his home."

Judge Braniff added that obscenity does not extend to the mere possession of obscene material by a person in the privacy of his home.

On the charge of soliciting for prostitution, Judge Braniff said there was only one remark, allegedly made by Haggerty which would possibly be construed as soliciting for prostitution.

THIS STATEMENT, Judge Braniff said, was reported only by the police undercover agent, Brewer F. Pence, "and was not sufficient to convince me beyond reasonable doubt."

Pence testified yesterday that Judge Haggerty left the stag party shortly after it be-

gan and returned with three women and a man.

"Look what I brought to liven up the party," Pence said Haggerty announced.

After the showing of a couple of sex movies, Pence testified, Judge Haggerty asked "Who's going to be the first to go with the girls?" Asked how much this would cost, Pence said Judge Haggerty replied: "Oh, about \$100 apiece."

ON THE CHARGE of resisting arrest, Judge Braniff said the police "invaded what constituted the home of another without a search warrant" and proceeded to make arrests that were not legal.

Judge Braniff said that Judge Haggerty, therefore, had the right to resist arrest.

Judge Braniff added that "based on news films taken at the time of the arrest the court found Judge Haggerty did not resist arrest because he was unable to with four police officers holding him and forcing his face to the floor."

THIS PIECE of film and other news shots were shown on a New Orleans television station minutes after the vice squad raid and the arrest of Judge Haggerty and 13 others at the DeVillie Motel, 3800 Tulane. WDSU-TV news director Ed Planer told the court he had brought film of the news shots to the court. They were not shown, however.

Judge Haggerty was defended in the case by Attorney Robert J. Zibilich.

Volz handled the prosecution.

Volz said after Judge Braniff's decision the state has no further plans to prosecute Judge Haggerty.

WITNESS Pence identified himself as the father of Det. Robert M. Pence, a member of the police Vice Squad.

He said he has often aided the vice squad on gambling cases when the young vice squadmen were unsuccessful in being allowed into bookie joints to place bets.

Pence said his son had asked him to take the stag party assignment. Pence, residing at 1443 Arabella, is a

retired military man.

Judge Haggerty said in a public statement the day after his arrest that he had gone to the motel to attend a "bachelor party" for a friend.

KENNETH A. Reeves, 3009 20th St. Apt. B., the man for whom the bachelor party reportedly was given, testified the party was indeed a bachelor party to celebrate his marriage which was conducted Dec. 27.

Reeves said he could not recall if the three women in attendance at the party (earlier identified in testimony as Janelle Vincent, 21; Jean Clemens Shipp, 32, and Wanda Norman, 39) had come to the party with Judge Haggerty as Pence had testified.

Reeves said he knew everyone in the motel room the night of the stag party except the three women and Pence.

ABOUT THE movies, Reeves said: "They were rather boring and I wasn't too interested." He said they were sex movies.

Samuel L. Blanchard, Waveland, Miss., testified that the bachelor party for Reeves had been his idea and that he and friends had decided to charge \$5 to defray food and liquor expenses.

He said he never heard an offer of prostitution at the party and that he did not know with whom the women came to the party.

Attorney Malcolm G. Mundy Jr., another guest at the party, testified that he could not recall with whom the women came.

HE SAID THE women were "totally clothed continuously," and he never heard an offer of prostitution nor a request for an additional \$10 "for live entertainment."

Mundy said Pence got in on the party as a "Judas"

He said he was a lonely old man from Seattle, Mundy testified. "I wanted him out but I was overruled," Mundy testified.

Early yesterday during the trial, Judge Braniff ruled out the introduction of any taped evidence which may have been gotten by police from a bugging device that had been worn by informer

Pence under the collar of his coat.

JUDGE BRANIFF said there is no Louisiana state statute providing for the use of electronic devices on gathering evidence.

Sgt. George Hughes, deputy commander of the vice squad, had testified that he had placed the electronic transmitter on Pence the night of the party and had driven Pence to within a block of the motel in a police vehicle.

Sgt. Hughes said he did not record the transmission because of electrical problems in his police vehicle parked a block from the DeVillie.

SEVERAL OTHER police officers were called to the stand. They testified they had seen Judge Haggerty come out of the Roundtown Motel with the three women prior to the vice squad raid on the

stag party.

Arrested with Haggerty and identified by Pence in testimony were Soto, who, according to Pence was referred to by Judge Haggerty the night of the party as "our bookie"—and the projectionist of the films, Williams, the three women and eight others.

**THE OTHERS** included Attorney Mundy; Blanchard, Reeves; Albert Miller, 37, 7915 Cohn; Aleeste Ory, 30, 1125 Phosphor, Metairie; Michael Carso, 50, 4422 Senator Toby, Jefferson Parish; Michael Stuebben, 27, 202 S. Hennessey, Haggerty's minute clerk; and George Costello, 30, 3016 Haring Road.

Although Judge Haggerty was found not guilty by Judge Braniff following yesterday's one-day trial, Judge Haggerty, 54, still faces the possibility of the stag party matter and his arrest being brought before the ethics committee and the state Supreme Court which has the power to oust him.

Many spectators in Judge Braniff's courtroom cheered when the judge's not guilty verdict was read.

**JUDGE BERNARD J. Bagert**, senior judge of the court here, said the Louisiana Supreme Court would be the final authority on any disciplinary action against Judge Haggerty. Aaron N. Kohn, managing director of the Metropolitan Crime Commission, has called on Haggerty to resign.

"I would hope that if he did not resign, our state attorney general, state Supreme Court and organized bar would put into effect the machinery which would rid ourselves of those who are destroying our faith in the judiciary," Kohn said.