Carver High Disturbance Cited In Appeal

JACKSON, Tenn., Oct. 8.—
The Tennessee Supreme Court heard Wednesday an appeal for a new trial for four Memphians convicted of inciting a riot at Carver High School on May 17, 1968.

Phillip E Kuhn Jawyer for

May 17, 1968.

Phillip E. Kuhn, lawyer for John B. Smith, John H. Ferguson, Larry L. Davis, and Oree A. McKenzie III, told The Commercial Appeal Wednesday that an appeal is being sought on two grounds.

Attorney Kuhn said that the state's riot statute, one of the charges of which the four were convicted, was unconstitutional because it was vague in its definition of a riot.

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He also said that the court erred by allowing the state to use the term, "Invaders," a black militant organization, in its case against the four men.

The four were convicted on charges of inciting a riot and of inciting children under age 18 to participate in a public

They received sentences of five years' imprisonment and \$1,000 fine for inciting to riot, with the exception of Davis, who was not fined, and given 11 months and 29 days on the lesser charge.

In the Training and