

Four Youths to Go to Trial In Disturbance at Carver 1/25/69

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Four Negro youths linked with the militant Invaders will go to trial Monday with a new lawyer to defend them against charges stemming from a student disturbance at Carver High School last May.

The defendants are now represented by Phil Kuhn, who took over this week aft-

er their former attorney, Russell X. Thompson, quit, complaining they wouldn't co-operate with him.

Kuhn recently resigned from the Attorney General's staff to go back into private practice. An interesting sidelight to the trial is that his adversary for the state is Asst. Atty. Gen. Sam Catanzaro, with whom Kuhn shared an office and worked

as co-prosecutor in many cases.

WITNESSES

Kuhn today confirmed a report that a number of Carver High faculty members are among the 22 witnesses called by the defense.

"We expect to show through our witnesses that the defendants had nothing to do with the trouble at the school," Kuhn said.

The defendants are John B. Smith, John Ferguson, Larry L. Davis and Oree A. McKenzie III. They are charged with participating in a riot, a felony which carries a one to five year sentence on conviction, and inducing students to riot, a misdemeanor.

BRICKS

The disorder began in the school cafeteria May 17. Students threw bricks and bottles through windows and at police.

The defense and the prosecution jostled for the first time yesterday in a pre-trial hearing on several motions submitted by Kuhn.

Kuhn lost most of his arguments, but Judge Arthur Faquin did accede to one request. He instructed the state not to use the term "Invaders" to describe the defendants unless it could be shown necessary to the state's case.

Kuhn objected that his clients were not being tried for belonging to the black militant organization. "That is not an issue in this trial," he said.

REFUSAL

Judge Faquin overruled motions to quash the indictments and refused to order the state to give Kuhn a copy of a statement made to police by R. L. Thompson, Carver High Principal.

Kuhn maintained in his motion that Thompson had given "conflicting" accounts of what happened at the school.

Catanzaro, who will be assisted by Don Strothers, said the state will have about 15 witnesses.

The defendants have been held in county jail in lieu of bond on these and other charges pending against them.