

Judge Throws Out Some FBI Evidence Against Parman, Citing 'Intimidation'

By Paul Valentine

Washington Post Staff Writer

A District Court judge threw out some FBI evidence against murder suspect Walter Lee Parman yesterday on grounds that agents intimidated Parman into letting them search his apartment without a warrant.

In a pretrial memorandum, Judge Joseph C. McGarraghy also ruled out a number of statements Parman made to agents during an "unnecessary delay" between his arrest and appearance before a U.S. Commissioner in Los Angeles last Jan. 31.

But the Judge refused to suppress additional evidence which Parman's court-appointed lawyer, A. Kenneth Pye, associate dean of the Georgetown University Law Center, contended was also illegally obtained.

Parman, 32, charged with first-degree murder in the

Jan. 8 strangling of Shirley Ann Cary, 32-year-old State Department employe, is scheduled for trial Oct. 21.

Police testified during the pretrial hearing last week that they entered Parman's O Street nw. apartment without a search or arrest warrant Jan. 9.

Urgency Challenged

Pye contended they should have obtained warrants and there was no justifiable urgency to enter without them.

Officers said they suspected Parman might be inside, and they entered with drawn guns.

Parman was not there. Police later obtained a search warrant and seized a baseboard with blood on it, strands of hair and other articles.

McGarraghy ruled the police had probable cause to enter the first time without an arrest warrant and the subsequent search warrant was

properly executed. Therefore, all evidence obtained in the Washington apartment is admissible, he said.

Parman was arrested three weeks later in a Los Angeles apartment building. FBI agents, acting on a fugitive warrant, arrested him. He was handcuffed and with five agents present, he agreed to a search of his apartment. The handcuffs were removed long enough for him to sign the consent to search.

Agents seized a radio, some clothes and other items.

Seizure Held Illegal

McGarraghy supported Pye's argument that the seizure was illegal, based on a U.S. Court of Appeals decision (Judd vs. U.S.) that a consent to search is negated if there is an element of intimidation or duress present.

Parman made statements to

the agents immediately on his arrest and in subsequent interviews before appearing before a U.S. Commissioner for arraignment.

The agents testified they advised Parman of his right to counsel and to remain silent. About two and a half hours elapsed between the arrest and the appearance before a U.S. Commissioner.

McGarraghy ruled Parman's statement upon arrest was admissible evidence as a "threshold statement" but that all subsequent statements during the two-hour delay were not.

Pye's argument here rested on another U.S. Court of Appeals decision (Greenwell vs. U.S.) which says that if there is no question about the arrested person's identity, then police have no justifiable reason to delay going immediately to a U.S. Commissioner. There was no question of identity in Parman's case.