

Post 10/11/68

## News Stories Cited Reason For Mistrial

Federal Judge Oren R. Lewis declared a mistrial yesterday in Alexandria Federal Court in the case of Joseph A. Chase and five co-defendants charged with conspiracy to violate Federal gambling laws.

A motion for the mistrial was made by Louis Koutoulakos, Chase's attorney, who contended that news stories in The Washington Post on Tuesday and Wednesday were prejudicial to his client's right to a fair trial.

The stories, reports of the trial, referred to the previous gambling record of Chase, 60, of 4114 14th st. ne.

Joining in the motion were attorneys for three co-defendants, William Hicks, 42, of 1433 Fairmount st. nw.; William Triplett, 54, of 1809 Potomac ave. se.; and Robert Parrish, 39, of 4915 C st. se.

Before ruling on the motion, Judge Lewis called in members of the jury and asked them to raise their hands if they had read the newspaper stories. After many jurors indicated that they had done so, the Judge declared the mistrial. Judge Lewis noted that he had not instructed the jurors to avoid reading newspapers during the trial.

In his chambers later, Judge Lewis said he rarely instructs jurors to avoid reading newspaper accounts of trials they are hearing.

In most jurisdictions, judges frequently instruct jurors and witnesses not to read newspaper accounts of the trial in which they are involved, if the judges feel the trials are likely to be of sufficient interest for newspaper coverage.

Judge Lewis also declared a mistrial for the remaining co-defendants, Wyatt J. Roy Jr., 40, of 120 10th st. se., and John K. Smith, 45, of 2426 Alabama ave. se. Unlike the other defendants, Roy and Smith had not wanted a jury trial.

The trial of all six was reset for Feb. 14.