

JUDGE LEAVES TRIAL OF PARTIN

Murray Disqualifies Self in Teamster's Case

BUTTE, Mont. (AP) — Federal Judge W. D. Murray Tuesday disqualified himself from the retrial of Louisiana Teamsters boss Edward Grady Partin, one day after he denied a request from government attorneys that he step down.

Monday, Justice Department attorneys asked that Murray disqualify himself from the November trial of Partin, who is charged with five counts of criminal conspiracy, because of bias.

In an order filed Tuesday, Murray said he disagreed with the government lawyers' charge of bias. But because the government considered his presence would not contribute to further fair deliberations, Murray said he would withdraw.

He said he had notified Federal Judge James Battin of Billings, who is in charge of the Butte district of federal court. Further decision now is in the hands of Battin, according to

Murray.

Government attorneys Wilford Whitley Jr. and Thomas P. Roane, who headed the prosecution of Partin in Butte this summer, made the request Monday that the judge "recuse" himself from the upcoming trial. "Recuse" is a rare legal term asking a judge to disqualify himself because of prejudice.

Murray presided in the Partin trial this summer, which lasted 16½ days and ended in a mistrial.

Partin, a Baton Rouge, La., Teamsters Union official, was charged with five counts of criminal conspiracy in violation of the Sherman Antitrust Act.

Prosecution witnesses charged that he and convicted conspirator Ted F. Dunham Jr., Baton Rouge concrete producer, attempted to monopolize the ready-mix concrete business in the area from 1966-69.

Witnesses said the 46-year-old Partin used his Teamsters to sabotage projects contracted to Dunham's competitors. They charged that Dunham, in turn, made payoffs to Partin for concrete poured by his company, Louisiana Ready-Mix.

Dunham, tried before Judge Murray in New Orleans earlier this year, was convicted of two counts of criminal conspiracy and awaits sentencing.

Partin's trial, also scheduled for New Orleans, was shifted to Butte on a change of venue. The retrial has been set for November 1 in Butte.

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