

PANTHER MOTIONS DENIED BY COURT

Hearing on Suppression of
State's Evidence Rejected

By HOMER BIGART

Special to The New York Times

NEW HAVEN, May 5—Defense motions for an immediate pretrial hearing on the suppression of state's evidence in the Black Panther murder-kidnapping case were denied today.

Superior Court Judge Harold M. Mulvey also denied a preliminary motion to suppress an allegedly damaging statement made to the police by Lonnie McLucas, one of the eight defendants. Mr. McLucas has been named as one of the three men on an execution squad that shot fellow-Panther Alex Rackley, 24 years old, last May after torturing him in their headquarters here.

Today's hearing, conducted in a small courtroom where the windows were recently equipped with bulletproof glass, drew only a handful of spectators. No pro-Panther demonstrators were visible.

Across the street, on the Town Green, where last weekend a throng of 15,000 gathered to denounce the impending trial as part of the Nixon Administration's drive to "exterminate" the Black Panthers, park employes were scraping the last of the "Free Bobby Seale" slogans from the war memorial flag pole.

Seale Not Present

Neither Mr. Seale, national chairman of the Black Panthers, nor his attorney, Charles R. Garry, attended today's hearing. The motions concerned only five of the eight defendants: Mr. McLucas, Ericka Huggins, Margaret Huggins, Rose Marie Smith and George Edwards.

Attorneys for the five argued in support of their motion that the police had illegally seized 200 items from Panther headquarters here while making illegal arrests and that it would be unnecessarily time-consuming and costly to hear motions for suppression of this evidence during the trial.

Judge Mulvey told them the trial was so important that "what we are concerned about is not time and expense but a fair trial."

Items removed by the police from the Panther headquarters reportedly included the alleged murder weapon.

State's Attorney Arnold Markle answered the defense arguments by noting that the court had the discretion to hear motions for suppression of evidence during the trial.

Judge Mulvey withheld decision on a motion aimed at eliminating conspiracy charges and on a motion to quash the indictment. The pretrial proceedings were then recessed indefinitely. No trial date has been set.