

GUARDS FORCE 2 INTO COURTROOM

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Tombs Inmates Tear-Gassed

After Refusing to Go

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By MICHAEL T. KAUFMAN

Two brothers who had refused to leave their cell at the Manhattan House of Detention for Men because, they said, they were not being given a chance to prepare for a robbery trial, were tar-gassed yesterday morning and carried by force to a courtroom.

The two, Timbuk and Sonii Pyles, 26-year-old twins, were manacled to chairs and carried through corridors linking the detention center to the courthouse at 100 Centre Street.

There, Supreme Court Justice Myles Lane adjourned the trial until Monday. Timbuk Pyles was taken to Bellevue Hospital Center for examination, complaining of a broken rib.

Al Castro, a spokesman for the Correction Department, said the decision to use force came after the brothers told the Warden, Albert Glick several times that they would not leave willingly.

Earlier Delay Obtained

On Tuesday they had similarly refused to leave for a court appearance, and at that time correction Commissioner Benjamin Malcolm obtained a day's delay in the trial. Yesterday the department was ordered by the court to produce the men.

Mr. Castro said that at 9 A.M. a detachment of senior correction officers was sent to take the men from the cell. "Both brothers grabbed the bars and would not budge," Mr. Castro said. "A minimal amount of tear gas was used and a minimal amount of force was used."

Mr. Castro added that a physician, Dr. Willard Kimmel, was present and that the doctor reported that he did not believe either man had been injured. The prison spokesman also said that neither defendant lost consciousness.

This view was disputed by Daniel Sheehan, a Wall Street lawyer who is a volunteer legal adviser in the Tombs and who has represented the Pyles brothers in court.

Mr. Sheehan called The New York Times yesterday morning

with an account of what he had seen as the men were being removed. He made the call before appearing in Justice Lane's courtroom and before being warned by the justice not to discuss any aspects of the case with the press.

The same warning was given to Kenneth Grivitz, the assistant district attorney handling the prosecution.

In the telephone call, Mr. Sheehan gave this version:

"By the time Warden Glick and I arrived on the floor the brothers had already been taken out of their cell. Timbuk and Sonii were stretched out completely unconscious.

"Guards had nightsticks hooked through their handcuffs. There were 12 guards with bulletproof vests and helmets. The men in the other cells were looking out and were tense. The situation was close to panic"

'Don't Hurt Them'

At that point, Mr. Sheehan said; "Warden Glick rushed toward the knot of men and said, 'Don't hurt them, don't hurt them.' One of the guards answered, 'What do you mean, don't hurt them' — the sons of bitches didn't want to come out."

"Timbuk started moaning. He kept saying, 'All I want is an adjournment,'" then he said his ribs felt broken. Mucus was pouring from his mouth. The doctor said he would have to stand up for an examination of the ribs. The guards pulled him up and the doctor dug into Timbuk's ribs with his hand. Timbuk screamed and collapsed."

Mr. Sheehan said the defendants were strapped to chairs and taken to the court. Mr. Castro said that Timbuk Pyles told Justice Lane: "The court system is forcing Warden Glick to commit homicide because the Department of Correction will have to kill us to get us to court again."

The brothers have been in the House of Detention—also known as the Tombs—since last March 6, held in bail of about \$30,000 each on six indictments charging seven robberies of hotel clerks. Their current trial, which is in the jury-selection stage, is for two of these alleged robberies.

The prosecution has claimed in court that it was ready for trial last May, but that the brothers, who have been described by Tombs officials as "excellent jailhouse lawyers" had initiated a series of pretrial motions.