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# A Scuffle Incident in Attica Case

Buffalo, N.Y.

A defendant in Attica prison revolt murder case, who claimed he was beaten unconscious by jail guards just before his pretrial hearing yesterday, precipitated the incident by disobeying regulations, a judge ruled.

State Supreme Court Justice Gilbert King made the ruling at a hearing called at the request of defense lawyer Ramsey Clark, who served as U.S. attorney general under President Johnson.

Charles Pernasilice, who is charged with slaying a prison guard during the 1971 rebellion, staggered into the court at the start of yesterday's session. A red bruise was visible on his left jaw.

The 22-year-old Syracuse, N.Y., man testified that he was beaten, choked and fell unconscious after he objected to an inspection of a bundle of his belongings by Erie county jail guards.

A doctor called by the defense testified that he found bruises on Pernasilice's jaw, head, mouth, neck, throat, collarbone, forearm, leg and lower back.

But a doctor called by the county said he could find on only minor abrasions on Pernasilice's leg, neck, jaw and tongue.

Frederick Miles, the first guard to testify, said that when he first saw Pernasilice at the jail yesterday morning "he was fighting with one of the officers in the number one "bullpen."



AP Wirephoto

C. PERNASILICE  
He said he was beaten

going on. I don't know if he got knocked down or hit or anything."

Lake Kearney, a 17-year veteran at the jail and the second guard to testify, said, "I attempted to search his bundle of belongings. He said, 'You're not going to search my property.'

"He snatched it out of my hands and grabbed me. I tried to get it back and he took a swing at me and kicked Bill Russell." Russell is a guard.

"He (Pernasilice) was not thrown to the floor, we wrestled him to the floor," Kearney said.

Russell described the incident as "just a little shoving.

"I know I grabbed him by one arm, and Mr. Kearney grabbed the other arm, and then he fell to the floor."

After hearing testimony, King told Pernasilice: "It is the court's decision that you precipitated this disturbance in the jail by your refusal to follow the normal and accepted procedures enforced in that institution."

Pernasilice and John Hill, 22, of Buffalo, have been in court for four weeks for pretrial hearings. Both are charged with murder in the fatal stabbing of guard William Quinn on the first day of the Sept. 9-13, 1971. Attica prison revolt.

When Judge King asked Miles who was doing the fighting, Miles changed his previous statement and answered, "I don't know if they were fighting, they were holding onto each other."

Under cross-examination by Clark, Miles retreated further, saying:

"I didn't see what was

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