

WXPost FEB 28 1976 ATTICA

# Most Attica Charges Dismissed; Inquiry on '71 Revolt Assailed

BUFFALO, N.Y., Feb. 27 (AP)—A prosecutor's denunciation of the state police investigation into the 1971 Attica prison revolt that claimed 43 lives has led to dismissal of charges against 13 former inmates and a state trooper.

State Supreme Court Justice Carman F. Ball today dismissed three pending Attica prison revolt indictments and threw out a fourth one to which a former inmate had pleaded guilty. The action left only one Attica indictment, a murder charge, still on the books.

Justices Ball and Frank R. Bayger, who dropped pending charges Thursday against 10 other former inmates, acted on the recommendation of Alfred T. Scotti, the chief Attica prosecutor.

Scotti asked for the dis-

missals Thursday after launching a courtroom attack on the state police inquiry.

An investigation into possible crimes by police in retaking the prison was "appallingly deficient," Scotti said, and the lack of evidence made it impossible to prosecute police officers for crimes committed when the revolt ended.

"There is evidence which strongly suggests that unjustifiable homicides were committed by individual law enforcement officers," he said. "The tragic fact is that prosecution has been rendered impossible."

State police put down the five-day rebellion on Sept. 13, 1971, with tear gas and gunfire. Thirty-nine men—29 inmates and 10 hostages—died in the process. Four others were killed earlier.

Ten inmates cleared of kidnaping charges Thursday

had been accused of taking hostages shortly before the police assault.

Two indictments charged former inmates Joe Little, Steven Merkel and Chris Santiago with assaulting guards during the revolt. The third accused state trooper Gregory Wildridge with reckless endangerment during the prison retaking.

Scotti did not ask for dismissal of an indictment charging Mariano Gonzales with murder. Gonzales, now a fugitive, is accused of killing fellow inmate Mickey Privitiera during the uprising.

Ball also permitted former inmate Robert Gill to withdraw his guilty plea to a second-degree coercion charge, and then dismissed that indictment. Gill had been scheduled to be sentenced today.