

A Temporary Gain

Political Burglar's Court Victory

Confessed political burglar Jerry Ducote won a key, but temporary, victory in San Jose Municipal Court yesterday.

Judge John Schatz, after a four-day preliminary hearing, refused to hold the 46-year-old former Santa Clara county deputy sheriff for trial on seven felony charges of concealing stolen documents.

The documents were taken in a string of 17 burglaries nine years ago.

"To me, it seems (the three-

year) statute of limitations has long run," the judge said.

Prosecutor Ken Robinson of the Santa Clara county district attorney's office argued vainly that Ducote, as recently as 1975, had "indulged in the rewards of concealment" by attempting to sell back the documents, thus setting the statute timeclock in motion again.

The judge also expressed concern that the documents—which Ducote says he stole in a grower-financed plot to

discredit farm labor leader Cesar Chavez— may have been illegally seized by state investigators, who took them November 13 from the garage of Ducote's ex-wife without a search warrant.

Those two questions of law will be litigated next in San Jose's Superior Court, where the prosecutor said he will refile the seven counts of concealing stolen documents.

Ducote, free on \$20,000 bail, is scheduled for arraignment in Superior Court January 23 on 15 counts of grand theft.