

# Judge Delays Kopechne Case Autopsy Ruling

By LEE LINDER

WILKES-BARRE, Pa. (AP)

—A judge today took under advisement a move to dismiss a request by Dist. Atty. Edmund Dinis of New Bedford, Mass., for an autopsy on the body of Mary Joe Kopechne.

The action apparently kills any hope the Massachusetts prosecutor had of presenting autopsy results at an inquest into her death he has scheduled for Sept. 3 in Edgartown, Mass.

The 28-year-old Miss Kopechne drowned last month when a car driven by Sen. Edward M. Kennedy, D-Mass., plunged off a narrow bridge on Chappaquiddick Island on the Massachusetts coast. She is buried in nearby Larksville.

JUDGE BERNARD C. Brominski of Common Pleas Court said he would take at least 48 hours to rule on the motion by the girl's parents.

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Mr. and Mrs. Joseph Kopechne of Berkeley Heights, N. J., who are opposed to an autopsy.

They claimed, through their attorney, that Pennsylvania was without jurisdiction in the matter because "no crime has been committed in Pennsylvania."

Brominski also said no date would be set for a hearing on Dinis' original petition until he had ruled on the Kopechne motion.

Dinis had no immediate comment on whether he planned to postpone the inquest.

**HIS ASSISTANT**, Armand Fernandes Jr., said, however, "there will be an inquest, because of that fact, there ought to be an autopsy."

Brominski said his normal procedure after writing an opinion was to mail copies to opposing counsel and then publicly announce his decision the following day.

"Then if I have to schedule a further hearing on the matter, I usually allow at least 10 days before doing so," he said.

If he followed that procedure, a hearing on the original autopsy petition could not be held before Sept. 3.

**JOSEPH FLANAGAN** of Wilkes-Barre, an attorney for Mr. and Mrs. Joseph Kopechne of Berkeley Heights,

N.J., told Judge Bernard C. Brominski of Common Pleas Court that the state had no jurisdiction to grant the autopsy petition of Dist. Atty. Edmund Dinis, of New Bedford, Mass.

Flanagan asked for the immediate dismissal of Dinis' petition.

"In only one instance have the criminal courts of Pennsylvania entertained and allowed a petition for exhumation and autopsy," Flanagan said in a 21-page brief at a hearing on his motion for dismissal.

"In that case, a crime had been committed . . . and a defendant was on trial" in the state.

**HE SAID** that "in the situation now before the court no crime has been committed in Pennsylvania."

He said the judge should reject the petition unless Dinis who flew here to argue in behalf of his petition, can show "the facts sought will be established by an autopsy."

Dinis' assistant, Armand Fernandes Jr., rejected the Kopechne argument.

He said that courts of equity in all states "have jurisdiction over dead bodies."

"This court has the jurisdiction," he said. "It has the power, even though there was no crime involved and even though the purpose of the autopsy has nothing to do with Pennsylvania."