

Jury May Get Seale Case Wednesday

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NEW HAVEN, May 14—If Judge Harold M. Mulvey can maintain what he described today as a "rather tight schedule" of summation and charges, the jurors in the Seale-Huggins murder trial will get the case next Wednesday afternoon.

"And when they come to court that day, he told them, they should be prepared to spend the night."

Judge Mulvey—who said that summation would begin at 9 A.M. Tuesday and his instructions at 9 A.M. Wednesday—made his announcement shortly after the last witness stepped down from the stand at 2:20 this afternoon.

It was the 20th day of testimony, and the defendants, Bobby G. Seale, chairman of the Black Panther party, and Mrs. Ericka Huggins, a New Haven Panther leader, smiled when they saw it end.

They are on trial in State Superior Court here, charged with kidnapping, murder, conspiracy to kidnap and conspiracy to murder in the death of Alex Rackley in May, 1969. Rackley, according to the state, was a Panther from New York who was killed by fellow Panthers because they considered him to be an informer.

Prosecution Cut Short

The testimony had been expected to continue longer, but the prosecution, in putting on its rebuttal case today, was cut short by a number of adverse rulings by Judge Mulvey.

The first of these rulings came shortly after court opened, when State's Attorney Arnold Markle asked permission to reopen his case.

He wanted, he said, to introduce a transcript of Mr. Seale's testimony in the trial last summer of Lonnie McClucas, who was convicted of conspiracy to murder Rackley. He was entitled to do this, he told Judge Mulvey, because he had been relying on "representation" by Charles R. Garry, Mr. Seale's attorney, that Mr. Seale would take the stand in this trial. Mr. Seale did not take the stand.

Judge Mulvey denied the request without explanation. The record shows, however, that when Mr. Garry made his "representation" about Mr. Seale on April 27 the judge had already denied a previous request by the prosecutor to introduce the same transcript.

Mr. Markle, whose expression grew more disheartened as the day wore on, was thus allowed to present only "rebuttal" witnesses, which led to the second adverse ruling against the prosecution.

He had called as his fourth and last witness of the day, Sgt. Pasqual Carriero, who testified that he was in the car with Nicholas Pastore on the night of May 19, 1969—the night that Mr. Pastore, an earlier prosecution witness, said that while in his car he saw Mr. Seale enter Black Panther headquarters.

Testimony Called Crucial

Mr. Pastore's testimony was crucial, for the visit he described seeing was the one during which, according to the prosecution, Mr. Seale gave the order to kill the victim. Only one witness, George Sams Jr., who pleaded guilty to second-degree murder in the case, testified that he had actually heard such an order,

and no one besides him and Mr. Pastore had said that Mr. Seale had even visited the headquarters then.

But as soon as Mr. Markle began questioning Sergeant Carriero, Mr. Garry rose to object. Judge Mulvey sustained the objection, saying that "You could have put this witness on earlier," as part of the "case in chief," and that "the rule is you don't put your case on piecemeal."

Mr. Markle had argued that Sergeant Carriero could be considered a rebuttal witness because a defense witness, Craig Gauthier, had said Mr. Pastore could not have seen the doorway of the headquarters from where he said he was parked.

The sergeant, Mr. Markle said, would "rebut" this testimony. Even after the judge ruled, Mr. Markle continued to insist that the witness qualified, saying: "I have every right to wait to see what their alibi is."