

The Defense Asks Delay For Angela

SFChronicle SEP 8 1971

The chief defense attorney for Angela Davis asked yesterday for a continuance in the black militant's trial — now set for September 27—because of the violence last month at San Quentin Prison.

The violence, attorney Howard Moore Jr. claimed, "makes it impossible for the defense to receive a fair and impartial trial, now if ever."

Moore made the motion during the pretrial hearing for Miss Davis in Marin county Superior Court before Judge Richard E. Arnason.

KILLINGS

The San Quentin violence of August 21, in which "Sole-dad Brother" George Jackson was killed along with two white convicts and three guards, has "poisoned the atmosphere," the defense said.

In a lengthy affidavit, Moore said the defense was preparing a motion for a change of venue to be heard before the trial date. The defense said previously it would try to move the trial to another county.

In addition, the affidavit claimed the defense has not had sufficient time to interview witnesses and prepare for the trial. The attorney general's office, Moore contended, has been instrumental in dissuading witnesses from talking to defense lawyers.

HEARING

In yesterday's hearing, defense attorney Sheldon Otis continued with arguments for a dismissal of the indictment against Miss Davis in which she is charged with murder, kidnap and conspiracy in the August, 1970, Marin civic center violence.

The grand jury that indicted her, Otis claimed in arguments that lasted throughout the day, was "illegally and unconstitutionally constituted."

Members and nominees to the 1971 grand jury, the defense attorney argued, were similar in age and economic and social status to the Marin county judges who selected them. This, he claimed, excluded various segments of the Marin population.