

A Move to Avert Marin Indictments

By Jim Brewer

Attorneys for three men accused of being principals in the bloody August 21 escape attempt at San Quentin prison filed suit yesterday to prevent their clients from being indicted by the Marin county Grand Jury.

The suit asks that cases against missing Oakland lawyer Stephen Bingham and inmates Hugo Pinell and John Spain be presented before a preliminary hearing in Marin Municipal Court instead of in customary secret proceedings before the grand jury.

The Marin Grand Jury, the suit claims, has been subject to "unprecedented publicity" on the case and could not make a fair decision on whether to indict the three men on charges growing out of the incident in which three inmates and three correctional officers were killed.

Marin county Superior Court Judge Joseph G. Wilson will hear arguments on the move at 9 a.m. today.

So far, Marin county District Attorney Bruce Bales has filed formal charges only against Bingham. There has been speculation, however, that inmates Pinell and Spain will be among the first of several inmates to be charged.

Spain bolted into a prison mall with George Jackson at the height of the incident, and dived into a clump of

bushes as Jackson was fatally wounded by shots from two prison gun towers. Pinell, who is awaiting trial on charges of slaying a Soledad prison guard, was one of 26 inmates in the San Quentin adjustment center during the incident.

District Attorney Bales denied claims by the attorneys that he planned to take his case against the three to the grand jury today, but said he does plan to present a case to the grand jury eventually and will fight any moves to force the indictment evidence into an open adversary proceeding in Municipal Court.

Bingham disappeared within hours after he visited with George Jackson August 21 and allegedly slipped him a 9 mm automatic pistol.

Attorney Robert Truehaft, who filed the motion yesterday on behalf of Bingham, said he represented Bingham's father, Alfred Bingham of Salem, Conn., himself a lawyer and a former Connecticut state senator. The elder Bingham, Truehaft said, was given power of attorney by his son in 1966 and it has never been revoked.

The younger Bingham's whereabouts remained a mystery. The FBI has joined in a nationwide search for him on the strength of secret evidence Bales submitted indicating Bingham has left California.