

Appeal Vowed on 'Q' Jury Inquiry

A Marin County judge's refusal to halt a Grand Jury investigation into the aborted San Quentin breakout of last month and the role played by fugitive attorney Stephen M. Bingham was headed for certain appeal today.

Attorneys for young Bingham's father, Connecticut Probate Judge Alfred Bingham, said they will take the denial by Superior Judge Joseph B. Wilson of a motion to quash Grand Jury action to the State Court of Appeal and, failing there, to the State Supreme Court.

Transcripts

"I refuse to grant the release that is sought. I am satisfied that the relief has to be denied," said Judge Wilson to the motion filed by David Nawi and Carl Shapiro, attorneys for the fugitive

attorney's father.

Judge Wilson ruled after reviewing transcripts of three news conferences held by Marin County District Attorney Bruce Bales after the Aug. 21 incident in which convict George Jackson was shot to death.

To the charge that publicity about the aborted escape attempt which left six dead had been "prejudicial," Judge Wilson said the rights of the accused are safeguarded by provisions of Section 995 of the Penal Code, for a review of any indictment returned by a grand jury by the trial judge to determine if there is sufficient evidence to support it.

Judge Wilson pointed out that no charges have been filed against inmates Hugo Pinell and John Spain. "There is nothing to indicate that they are more liable to be charged than any other prisoner in the adjustment center on the day George Jackson made his escape attempt," he said.

Different Status

The young Bingham is in a different position, the judge admitted, charges having been filed against him.

However, it is assumed that the members of the grand jury will act in a "fair and impartial manner," and if they have been prejudiced by publicity, will excuse themselves, the judge went on.

The two complaints were filed against Bales and cited Aug. 31 press conferences in which he was quoted as saying, "There was no other way George Jackson could have obtained the death gun, except through his visit with Attorney Stephen Bingham."