

# Trial Date Is Set For Soledad Case

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The long-delayed trial of two prisoners accused of killing a Soledad Prison guard is expected to get under way here on October 27, "unless other matters arise," a Superior Court judge ruled yesterday.

Superior Court Judge S. Lee Vavuris made his ruling as defense lawyers spent most of the day arguing a number of motions, including — unsuccessfully — one to disassociate themselves from the case.

Fleeta Drumgo and John Cluchette are accused of killing John Mills on January 16, 1970.

George Jackson, a third defendant, was shot to death at San Quentin on August 21 in an apparent escape attempt.

## FEES

Floyd Silliman, representing Cluchette, asked that he and Richard Silver, representing Drumgo, be terminated as defense counsel unless their fees are picked up by the State.

In a sometimes - moving plea, Silliman said that the money he and Silver have collected — about \$30,000 — was long - ago expended in travelling, interviewing witnesses, and filing pre - trial motions.

Indeed, said Silliman, he has netted less than \$3000 on the case after 19 months of work and he and his wife are now living "in a house furnished by friends."

## 'PISTOL'

Ed Barnes, assistant district attorney of Monterey county who is prosecuting the case, promptly countered that the two defense lawyers were "holding a pistol at the court's head" by asking to withdraw.

Barnes said the law stipulated counsel can only be court appointed—and paid by the people—if no public defender is at hand.

Silliman, whose request was "denied without prejudice" (which means he can make it again later) said he would have been happy if Vavuris had appointed competent counsel with State financing to take over the case.

## SECURITY

The defense also lost a motion to lessen extraordinary security precautions, which include shakedowns, photographs of all visitors to the court, and a closed-circuit television system inside the courtroom.

Silliman unsuccessfully argued that these precautions will exert an undue and negative influence on a prospective jury.

Much argument was spent over how close a look the defense can get at the 21 prison dossiers which have been compiled routinely on each of

the witnesses the prosecution will call.

Silliman also argued that Captain Charles Moody of Soledad has been working exclusively for the prosecution ever since Mills was killed.

Silliman maintained that the prosecution has been "stalling" on producing information on the witnesses all of whom are confined in various California prisons.

Additionally, Silliman said that the prosecution might be privy to information on some defense-convict witnesses — either through Moody or through other intelligence — which could harm the defense.

"We might think we have a perfectly credible witness and the prosecution might produce something from his file showing he is a pathological liar," Silliman said.