

# Ruchell Magee

## To Get His Chance

By Stephen Cook

On November 10, Ruchell Magee will get a chance to do what he's wanted to do for eight years — since he was

first sentenced to life imprisonment for robbery and kidnapping in Los Angeles.

That's the day Magee will be allowed to argue in a court of law that he was rail-

roaded into jail in the first place.

Magee — presently on trial for his role in the Marin Civic Center shootout last August — has maintained his innocent steadfastly

attorney, with Robert Carrow of Novato acting as advisory counsel and Magee's principal attorney, Ernest Graves, arguing the case as a friend of the court.

### Habeas Corpus

Graves presented the outline of Magee's writ of habeas corpus in court yesterday. The writ asks for Magee's immediate release from prison, based on two major contentions:

- That his attorney in his 1965 conviction on robbery and kidnap charges was incompetent. As evidence of this, Magee's writ says the attorney estimated that his Los Angeles trial would take only a day and a half to complete.

- That the judge was also in error for allowing a plea of not guilty by reason of insanity to be forwarded without Magee's approval, and that he then removed that plea after the jury had determined his guilt.

### Broadcast Try

Magee has maintained since the August shootout of last year that he planned to go to a radio station after escaping to broadcast that he was innocent from the day he first entered the Los Angeles courtroom in 1963.

Judge Ginsburg, a visiting judge from Tulare County, took over the bench in Magee's current trial after Magee had Judge Richard Arnason of Contra Costa County removed on a challenge.

Magee pledged yesterday: "If I can't prove that I'm in prison for known fraud, I will save the County of Marin one million dollars by pleading guilty to a charge I didn't commit."

throughout the Marin trial.

### Hearing Granted

Yesterday in Marin County Superior Court, Judge Leonard Ginsburg granted him the right to a full evidentiary hearing on the earlier convictions.

This is Magee's opportunity to exhume all details of his 1963 and 1965 convictions in an attempt to show he was not fairly tried. The outcome of the hearing could have some effect on the Marin shootout trial's outcome.

Magee was originally convicted of robbery and kidnapping in 1963, but that conviction was reversed on appeal. Retried again in 1965 on the same charges, he once again drew a life sentence.

### Last Charge

The significance of the evidentiary hearing hangs on one of four charges against Magee in the Marin trial. He is accused of murder, kidnap, conspiracy, and assault by a life prisoner on a free man.

The latter charge is the one at issue. Assault by a life prisoner on a free man carries an automatic death penalty.

If Magee is able to prove that he should not have been a life prisoner, he may beat that charge and thereby the automatic death sentence on that charge, if convicted.

Magee will act as his own