

Newton Felony Record Stricken

By Don Martinez

Black Panther Chief Huey P. Newton won a courtroom victory today when Alameda County Superior Judge Lyle Cook granted a defense motion to strike Newton's prior felony conviction from the record.

The judge's decision meant that if Newton is convicted in his third trial on voluntary manslaughter charges for the 1967 killing of Oakland policeman John Frey, he will face a sentence of only 1 to 15 years in prison.

As a felon with a prior conviction, he would have been liable to sentence for 2 to 15 years.

Since Newton served 22 months of a 2 to 15 year sentence before the State Supreme Court set aside his first trial, he might, if found guilty, find it necessary to serve only a short interim sentence.

Judge Cook based his decision on current law, which differs from that which was in effect in 1964 when Newton defended himself against assault charges growing out of a knife-slashing incident.

Defense Attorney Charles Garry argued that Superior

Judge Leonard Dieden, who presided at that trial, erred when he refused to grant Newton's request that the Public Defender's office be assigned to advise — but not defend — him.

Cook agreed, and, with the disposition of the last pre-trial defense motion, this afternoon's trial session was to be devoted to selection of a jury.

Cook agreed, but he was not equally compliant with two other Garry motions concerning the composition of the jury.

He turned down a bid to admit 18 to 20 year olds to the panel, saying there was no connection between their being granted the right to vote and jury duty. The law, he observed, requires that prospective jurors must be 21 years old or more.

Cook also rejected, without comment, a bid to have the panel limited to Oakland residents.

Pre-trial motions finally settled, the trial turned to selection of the jury. A panel of 300 prospects has been reserved for the case, and 39 were called for the first try at selection.