

## Shooting Incident

# San Jose Fires Indicted Officer

A San Jose policeman charged with manslaughter in the death of a lab technician was discharged from the force yesterday. The action was taken by City Manager Thomas Fletcher, who also discharged a second officer and put a third on suspension for six weeks.

Rocklin Wooley, the officer under grand jury indictment for the death September 19 of black technician John Henry Smith, was discharged along with officer Robert Watts, who was off duty but at the scene at the time of the shooting.

Officer Darrel Richter, who came upon the confrontation between Wooley and Smith as he was returning home, was suspended.

### MEETING

The city council and city manager had scheduled a 2 p.m. meeting yesterday to discuss the case, which had outraged San Jose's black community.

But Assistant District Attorney William Hoffman, who must prosecute the case against Wooley, obtained a restraining order prohibiting them and the police chief from commenting on the matter.

The city manager and council met in executive session for 1½ hours after being served with the order yesterday, evidently trying to obtain an explanation of it from Superior Court Judge James Scott.

Finally, City Attorney Ferdinand Palla and City Manager Fletcher held a press conference to announce that, outside of the action taken, they had nothing to announce.

### SHOOTING

Smith was shot, according to police, when he became outraged at Wooley for writing him a traffic ticket and began swinging at him and the off-duty officers with a tire iron.

Watts and Richter, police said, had arrived at the scene outside their apartment complex, where Smith also lived, at about 4 a.m. September 19. As the off-duty officers started to enter the building, they said, Smith grabbed a tire iron and all three officers momentarily subdued him with chemical mace.

But then, police reports claimed, Smith broke loose and was shot as he tried to run into the apartment house. An autopsy showed numerous abrasions and a cut lip on Smith's body.

The Santa Clara Grand Jury heard more than 50 witnesses testify about the case before voting to indict Wooley on manslaughter and a charge of carrying an illegal tear gas cannister last Wednesday.

### MURPHY

Last month, the council voted to censure Police Chief Robert Murphy for comments he made on the case but was forced to rescind the censure when the San Jose Peace Officers Association argued successfully in court it was a violation of the city charter.

Chief Murphy had said that he felt an officer had the right to shoot a man "to protect himself" and that he assumed Smith "was under the influence of something."

An autopsy showed no evidence of drugs or alcohol intoxication in Smith's body.

Until yesterday's dismissal, Wooley had been on paid administrative leave.

His case is due to start in Superior Court December 13.