

# Officer Testifies At Newton Trial

An Oakland police officer testified yesterday that during an October 28, 1967, shooting incident he wounded Black Panther leader Huey P. Newton after Newton first shot him in the right arm.

Officer Herbert Heanes said he (Heanes) received three gunshot wounds altogether.

On cross-examination, however, Heanes said he never actually saw a gun in Newton's hands.

## MOMENTS

Questioned by Deputy Prosecutor Donald Whyte, Heanes said he saw Newton struggling with Oakland Police Officer John Frey.

Newton is on trial in Oakland Superior Court on voluntary manslaughter charges for allegedly killing Frey. It is his third trial.

Heanes said he came on the scene at Seventh and Willow streets in Oakland at about 5 a.m. to find Frey

writing a citation for Newton.

"The defendant got out of his car and immediately started walking in a westerly direction with Officer Frey following right behind him," Heanes said.

"When he reached the left door of my vehicle he turned around and started shooting."

## SHOT

Heanes said he fired one shot at Newton's mid-section.

On cross-examination, Defense attorney Charles Garry asked the witness point blank:

"Mr. Heanes, did you shoot and kill Officer Frey on October 28, 1967?"

"No I didn't," Heanes said.

"Isn't it a fact," Garry asked, "that you never saw a gun in Mr. Newton's hand?"

"I never saw a gun in his hand because I never saw his hand," Heanes said.

The trial continues at 10 a.m. today.