

# Hunters Pt. Death 'Excusable'

The controversial slaying of a black man by a police officer at Hunters Point last month was described today in a bulky official report as "excusable homicide."

Chief of Inspectors Charles Barca gave that summation of police findings as he and Homicide Lt. Charles Ellis turned over to the district attorney's office four 200-page volumes.

Barca would not comment

further on the report, which contained statements from 81 witnesses, photographs, diagrams, charts and statements by coroner's deputies and police.

It concerned the killing of Clarence Johnson, 32, by Patrolman Richard Lewis during the course of a Hunters Point burglary investigation last Oct. 5.

The FBI, which is investigating whether a violation of

civil rights occurred, sent an agent to the Hall of Justice to get the report, the product of five weeks of investigation.

Chief Deputy District Attorney Walter Giubbini said he will go over the report with two assistants, a job he said would take at least a week.

He and the aides, he said, will determine whether there

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are any questions they want answered, and will then make recommendations to District Attorney John Ferdon.

It will be up to Ferdon, Giubbini and Barca agreed, to determine whether any criminal act was committed and whether the case should go to the grand jury.

Johnson's death caused an uproar in Hunters Point, and the NAACP charged it was

"cold blooded murder" according to accounts given its representatives by some 20 witnesses.

Police said Lewis and other officers stopped a car suspected in the burglary of a nearby home.

According to the preliminary police version, Lewis, 28, was preparing to search Johnson and ordered him to put his hands on the roof of

the car and spread his legs.

Lewis said Johnson turned while in that position, and that Lewis attempted to block the suspect's elbow when his gun discharged. The bullet struck Johnson in the back of his head.

However, some witnesses reported, that Johnson said something to the officer, and that Lewis backed off and fired.