

Jury Gets Newton Case

Testimony of a police officer who claims he shot Black Panther leader Huey P. Newton was read back to the jury yesterday afternoon during deliberations in Newton's third trial on charges of killing officer John Frey.

The jury began its deliberations at 9:45 a.m. yesterday after listening to nearly two months of conflicting testimony.

Before turning the case over to the eight-woman, four-man jury, Presiding Superior Court Judge Lyle E. Cook went into chambers to listen to some final motions by Newton's lawyer, Charles Garry.

JURY

Garry, who defended Newton at the two earlier trials, asked that bailiffs other than members of the Alameda

County Sheriff's Office be assigned to watch over the jury during its discussions.

Garry charged that in the previous two trials "I have evidence and can offer proof" that the deputies were leaking information to the district attorney's office.

Cook asked deputy prosecutor Donald Whyte if he had any comment on that accusation. Whyte said he "would not dignify" Garry's charge with an answer.

Garry also asked that the jury not be sequestered during its deliberations. He said that if the jurors were allowed to go home, neither Newton nor any member of the Black Panther party had any intentions of trying to contact them.

Cook denied both motions. He said the jury would be locked up in an undisclosed

hotel each night until they reached a verdict.

They will deliberate until 6 p.m. each day, go to dinner, and then to their hotel. They will deliberate both tomorrow and Sunday if they do not reach a decision earlier.

The testimony of Oakland officer Herbert Heanes was read back at the request of the panel. When the jury reappeared in the courtroom late in the afternoon for the reading, each member was wearing a hand-made tag on his chest with his first name. This had apparently been done to facilitate a more intimate first-name basis dialogue in the jury room.

The 29-year-old defendant sat reflectively listening to the black woman court reporter reading back Heanes' testimony.