

# Judge Clashes With Defense In Soledad Trial

By Harold V. Streeter

Four days of testimony by a convict eye-witness to the murder of a Soledad prison guard wound up today after a heated clash between defense attorneys and the trial judge.

With the jury excused, Superior Judge S. Lee Vavuris heard attorney Floyd Silliman plead to be allowed to ask the witness a question that would show "this man has been coached; he is lying about his testimony."

Judge Vavuris, asserting "I'm not going to permit this to go on ad infinitum," denied the motion over the furious protests of both Silliman and co-counsel Richard Silver.

## Defense Contention

The defense had contended that the witness, Thomas A. Yorke, who said he saw the murder Jan. 16, 1970, from his Soledad cell, said nothing about 15 minutes he spent just prior to the fatal beating of guard John V. Mills.

Silliman said this would show why "we think he is lying about what he saw and what he did before."

Yorke was excused after a final angry exchange. Asked if it wasn't true that he actually "hated" at least one of

the defendants, he snapped, "That's a blatant lie."

But, on defense motion, he was kept subject to subpoena "for impeachment purposes."

The trial was recessed before noon until 9:30 a.m. tomorrow because fog at a Central Valley airport prevented arrival of the next prosecution witness.

Yesterday Yorke lashed out at the defense attorneys, calling them "liars and shysters," as they cross-examined him on details of his story.

The questioning, which consumed hours, covered an episode of perhaps only 15 minutes, ended when Mills body was pushed from a third tier catwalk, bouncing off a second floor railing on its bloody plunge to the first floor.

Black inmates John Clutchette, 28, and Fleeta Drumgo, 26, are in the 11th day of trial testimony over the murder. A third defendant, black inmate George Jackson, was killed last Aug. 21 in a San Quentin outbreak while awaiting trial.

## Loses Cool

Yorke lost his aplomb yesterday while showing on a courtroom camera slide map

where he said Jackson stood while holding Mills in an armlock. When defense attorney Richard Silver pointed out Yorke had designated the wrong side for Jackson to use his right arm, Yorke protested he was confused. Then he angrily pointed at Silver, and co-counsel Floyd Silliman, calling both "liars and shysters."

Superior Judge S. Lee Vavuris recessed the court and then, on resumption, told the jury of nine women and three men to disregard Yorke's remarks about the defense.

In broad, general terms, Yorke stuck to his story that he saw Jackson hold Mills while Drumgo beat the guard; saw Jackson deal karate chops to the head area of the prostrate Mills; saw Jackson beat Mills with the guard's flashlight; and saw Jackson push Mills' body between the railings of the third floor catwalk.

But defense did develop some contradictions between Yorke's testimony and prior statements to the attorneys.

The trial was brought here from Monterey County on a change of venue and is being prosecuted by that county's district attorney.