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# Prosecution 'Deal' For Witness Told

By Larry Hatfield

The district attorney of Tulare County agreed to drop felony charges there against a key prosecution witness in the trial of Fleeta Drumgo and John Clutchette if he would testify against them, that county's public defender said today.

J. Warren Powell, testifying out of the presence of the jury, said the Tulare prosecutor made his agreement after talking to Monterey County District Attorney William Curtis, in whose jurisdiction the murder of Soledad Prison guard John Mills occurred.

## Statements

Defense attorneys have contended that the witness—Manual Green, a convict at Soledad at the time of the slaying—gave four statements about the incident in which he never mentioned the names of the two present defendants.

While the negotiations were continuing between the Tulare and Monterey County prosecutors, they claim, Green gave a fifth statement in which he put the pair at the scene of the murder. Subsequently, he testified to that effect.

Powell was asked whether Green was aware that a deal had been made on his behalf. He replied that the convict was aware of the negotiations, but declined to say whether he knew they had been completed, pleading an attorney-client relationship.

## ATTACK

His testimony was given in the absence of the jury so that Judge S. Lee Vavuris could determine whether it might properly be presented to it later.

Powell's remarks sparked an attack by Clutchette's attorney, Floyd Silliman, on Curtis for "bribery of a witness."

Silliman, calling Curtis' role "serious and grossly contemptuous," said he would submit the transcript of the proceedings to the Bar Association for possible action against Curtis.

## Threat

He also said he will explore the possibility of seeking federal action against Curtis for violating the civil rights of Drumgo and Clutchette, adding: "Mr. Curtis may be subject to criminal charges."

In an attack on another

prosecution witness, it was testified yesterday that he told a San Francisco private investigator that he testified against Drumgo and Clutchette because he feared being railroaded back to prison, or even killed.

David Fechheimer, a young partner of private eye Hal Lipset, said the fears were expressed to him by ex-convict William Worzella, 30, as he and Worzella drank beer in the kitchen of Worzella's Santa Barbara apartment.

Worzella, a stocky, white former convict, testified Jan. 13 that he saw the late George Jackson smashing Mills and also saw Clutchette bending over Mills's beaten body and Drumgo running from the third tier from which Mills body was thrown on Jan. 16, 1970.

He also said he was threatened by black inmates after the killing but said he was never threatened by prison authorities.

Fechheimer, however, gave a different story.

Bringing into the trial again the name of a Soledad prison official, Capt. Charles Moody, he testified, "He (Worzella) said that if he did not testify the way Capt. Moody wanted him to, or if he didn't testify at all, that his parole would be violated (revoked); that if he went out of his house, his parole would be violated.

"Mr. Worzella said he believed Capt. Moody was capable of anything, that if he did not testify, Capt. Moody was even capable of having him killed." Fechheimer said Worzella told him he would deny any part of the kitchen conversation if it ever came up.