

Soledad Case to

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Jury Next Week

By Harold V. Streeter

Twenty-seven months after white guard John Mills was beaten and flung three floors to his death at racially tense Soledad Prison, the case of two black convicts charged with the murder will go to the jury next week.

The defense will rest its case tomorrow after a one-day recess today.

Then only brief rebuttal and surrebuttal testimony remains before closing arguments and the judge's instructions.

It is possible that the nine women and three men, who have been hearing testimony since last Dec. 21, could begin deliberations by March 16 — 27 months to the day when Mills was slain Jan. 16, 1970.

Both defendants, Fleeta Drumgo, 26, and John Clutchette, 28, were serving terms from Los Angeles County for burglary, with Clutchette shortly expecting parole. With the Supreme Court's outlawing of the death penalty, the maximum they could get in event of a first degree murder verdict would be life.

Both have denied on the witness stand that either was in the third floor of Y wing when the unarmed Mills was jumped, savagely beaten and pushed from the tier — just three days after another white guard had shot and killed three black convicts in an exercise yard.

Yesterday Clutchette weathered more than an hour of cross-examination, firm in his insistence he was in the first floor television room when Mills was slain on the third tier close by Clutchette's Cell 302.

He denied testimony of convict eyewitnesses for the prosecution that he picked up Mills' flashlight and wiped blood off it after convict George Jackson beat the prostrate guard with it.

Clutchette did admit the account of a prosecution eyewitness that he wiped blood off his cell. There was, in fact, so much blood around that guards and prisoners were stepping in it; and Clutchette, when ordered to strip, warned his custodians to be careful where they hung his clothes on the railing so as not to collect stains.

But he insisted that was after he had seen the dropped body of Mills on the first floor, while standing in the door of the television room and then had raced up to his third floor cell.

Testimony for both the prosecution and defense have made it clear that Mills' slaying centered on George Jackson, the militant black who was shot and killed along with four other persons during the Aug. 21, 1970, outbreak attempt at San Quentin while he was awaiting trial.