

Angela Davis Trial

Marin Judge Autopsy Report

By Stephen Cook
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SAN JOSE — A second autopsy, performed by a European expert more than 14 months after the slaying of Marin Superior Judge Harold Haley, shed no light on the question of who killed the jurist, a Marin County pathologist said.

Dr. John H. Manwaring, testifying yesterday at the murder, kidnap and conspiracy trial of Angela Davis, told the jury that his original autopsy found two potentially lethal wounds — a skull shattering shotgun blast to the head and a bullet wound in the chest.

"The shotgun wound to the head was a lethal wound. No question. I think it would have produced instantaneous unconsciousness," Dr. Manwaring said.

The chest wound perforated the judge's left lung and "it could have been lethal, but not necessarily," the doctor said. "Many wounds of this nature are not fatal."

Important to Magee

The issue of which shot killed the judge is of little consequence in the case of Miss Davis, accused as an absent accomplice in the kidnap escape attempt which left four dead at the Marin Hall of Justice Aug. 7, 1970.

But it could be crucial for her one-time codefendant, convict Ruchell Magee, whom the state claims fired the shotgun point blank into the right side of Judge Haley's face.

The prosecution claims the late William Christmas, also a San Quentin inmate, fired the bullet into Judge Haley's chest, but Miss Davis' lawyers have implied

that shot was fired by Assistant Marin District Attorney Gary Thomas, who was seated next to the Judge when the shooting started.

'Either Could Have'

Cross examining the doctor, Defense attorney Howard Moore Jr. reminded Dr. Manwaring of his testimony Nov. 10, 1970, to the Marin County Grand Jury when asked which wound caused death.

"Either one could have," the pathologist said then. "Both occurred during life and it's impossible to pinpoint . . . In either case the death would have been very prompt."

Asked if he was changing his testimony, Dr. Manwaring said he was not, but added: "Individuals do recover. I've seen plenty who have survived wounds like the chest wound."

Dr. Manwaring said he was an observer last October when Dr. Leopold Breiteneker, a pathologist from Vienna, exhumed Judge Haley's body and performed another autopsy paid for by the Magee defense.

"Was there anything in that examination that caused you to change your opinion in any way?" asked Prosecutor Albert W. Harris Jr.

"No," said Dr. Manwaring.

Magee's defense had hoped to find evidence of damage to blood vessels in the judge's neck, contending that if the jurist had been alive with heart pumping and such damage had occurred he would have bled much more profusely than photographs indicated he did.

The second autopsy did turn up vessel damage. Dr. Manwaring said, but there

was enough blood in the face area to indicate the heart was pumping when the wound was sustained.

Hemorrhages

The same autopsy, he said, uncovered pinpoint hemorrhages in the brain which could not have been present after the shotgun blast if the heart had not been pumping blood to the brain at the time.

The pathologist also told of the wounds he found on the bodies of convicts James D. McClain and Christmas and 17 year old Jonathan Jackson, who triggered the bloody events by bringing guns into the courtroom of Judge Haley.

A bullet entered McClain's back near the left side, he said, and coursed through two lungs and shattered a vertebra and the right arm. He also had glass cuts on his face, possible from a broken windshield in the rented getaway van.

Jackson took a bullet in the left side and it cut through the aorta and right lung before coming out of his right shoulder, he said.

He also had superficial bullet fragment wounds in his abdomen and left thigh,

but no wound on either hand — a significant fact since Gary Thomas testified he took Jackson's gun and began firing at his abductors after the youth brought a bullet - creased gun and bloody hand back into the van just after the shooting started.

Christmas, he said, took a bullet in the left side of his back. The projectile cut through two lungs and the heart.