

Pellets Tested

Witness Says Angela's Shotgun Killed the Judge

By Carolyn Anspacher

A sawed-off shotgun, purchased late in the afternoon of August 5, 1970 by black militant Angela Davis, was identified yesterday as the weapon used two days later to kill Superior Court Judge Harold Haley.

Miss Davis is on trial in San Jose on charges of murder, kidnap and conspiracy arising from the Marin Civic Center kidnap attempt and gun battle in which Judge Haley and three others were slain.

Fred H. Wynbrandt, chief of the bureau of technical services of the State Department of Justice, testified he was present in Keaton's Mortuary in San Rafael when the autopsy was performed on Judge Haley less than five hours after the bloody shootout.

He said a "plastic wad" was removed from the inside of Judge Haley's shattered head, as well as a number of small pellets. These, he said, he took to his Sacramento laboratories, along with the gun. In numerous pictures, it was shown to have been taped around Judge Haley's neck, the muzzle at the point of his chin.

Witnesses have testified that Ruchell Magee, one of three San Quentin convicts involved in the plot to es-



AP Wirephoto

FRED H. WYNBRANDT
He testified about weapons

cape with five hostages, fired the shell that killed Judge Haley.

DIFFERENT

Normally, Wynbrandt testified, it is impossible to make comparative microscopic testings of ammunition fired from a shotgun. But this one, he said, was "different," because its barrel had been sawed off, probably with a hacksaw, leaving "rare" jagged striations that were passed on to the plastic pistons containing the pellets.

He said he compared the plastic wad taken from Judge Healey's head, with a new Remington shell.

"There is no question the plastic wad was fired from that sawed-off gun," he said.

The new ammunition he used in the test firing came from a box of ammunition found in an attache case in the yellow van where Judge Haley, two of the three convicts and their accomplice, Jonathan Jackson were slain.

The death gun and plastic bags containing the plastic wad and lethal pellets were given to the jury of eight women and four men and four alternates hearing the case. They were expressionless as they passed the exhibits from one to another.

EVIDENCE

Exhibits played a major role during yesterday's proceedings. More than 110 were introduced as evidence by Assistant Attorney General Albert Harris, Jr., 12 of them guns, and of these, four purchased at various times by Miss Davis.

Miss Davis, in her opening statement, conceded ownership of the weapons but claims she had no knowledge they were to be smuggled into Judge Haley's courtroom by 17-year-old Jonathan Jackson, for months her constant companion.

Of the eight remaining weapons introduced, one was a San Quentin prototype, and the rest were seized from law officers during the kidnaping and used in the ensuing gun battle.

Harris' onerous task yesterday was to match guns with bullets recovered from the dead and wounded, and then place the weapons in the hands of each of the abductors.

FIRED

Wynbrandt testified that the bullet that shattered Judge Haley's head had been fired at "close range." He also testified that the bullet that tore into the jurist's chest had been fired from a .357 Magnum revolver, taken initially from a Marin Deputy Sheriff by Jackson and then shown, in photographs, in the hands of convict William Christmas.

Through Wynbrandt, Harris sought to give substance to the testimony of Marin

Assistant District Attorney Gary Thomas, one of the hostages taken in the escape attempt.

Thomas, who was permanently crippled in the battle, testified that when he saw Judge Haley slain, he grabbed a .357 Magnum from the hand of young Jackson, and fired at Jackson, Magee, convict James McClain and Christmas. Wynbrandt testified that the bullets that were taken from the bodies of Christmas, McClain and the seriously wounded Magee came from the weapon Thomas said he fired.

OUTSIDE

The slug that caused Thomas' permanent injuries, came from a .30 caliber weapon, a carbine. Thomas himself testified this shot came from outside the van, probably fired by a San Quentin guard.

The van itself was examined in Marin county a week after the shooting. Wynbrandt said he found two slugs on the rear floor. These two, he said, had been fired from the same .357 Magnum Thomas used.

Wynbrandt also testified the van was riddled with bullet holes fired from both inside and outside the vehicle.

It is the contention of Miss Davis' defense that the shooting was initiated by law officers outside the van and not by the convicts and young Jackson, assertedly bent on exchanging their hostages for freedom of the so-called Soledad Brothers — then San Quentin inmates. One of these was George Jackson, Jonathan's elder brother, and the man with whom Miss Davis was said to have been in love.