

Parley Delays State Angela Trial Finale

By Stephen Cook
Examiner News Staff

SAN JOSE—The prosecution planned to open the fourth and final phase of its murder, kidnap and conspiracy case against Angela Davis today—a detailing of the former philosophy instructor's alleged flight to avoid prosecution.

Actual courtroom proceedings were delayed, however, as both sides conferred in chambers with Superior Judge Richard Arnason to decide what points could be agreed upon without testimony in order to speed up the presentation.

The trial recessed early yesterday, with the last testimony coming from an airline ticket agent who recalled selling a last minute plane ticket to Los Angeles to a hurried, baggageless Miss Davis two and a half hours after the August 7, 1970, Marin County Civic Center killings for which she is charged.

When PSA agent Marcia Lynn Brewer stepped from the stand, Prosecutor Albert Harris Jr. asked for time to confer with the defense, saying "we've come to the point where evidence will turn to matters occurring outside the state of California."

Miss Davis disappeared after the shootout which claimed the lives of Marin Superior Judge Harold J. Haley, her alleged co-conspirator Jonathan Jackson and convicts James McClain and William Christmas.

The FBI arrested her October 13, 1970, disguised and living under a false name, in New York City.

Harris and defense attor-

ney Leo Branton Jr. promised the recess would shorten the trial by allowing a conference on what details of Miss Davis's flight to New York can be stipulated to without testimony.

After court, Branton predicted Harris will rest his case Thursday. Harris said it will run into next week.

It may depend on two rulings to be made this week by Superior Judge Richard E. Arnason.

The judge must decide if an edited version of an 18 page "love letter" can be read to the jury. Harris claims the document proves Miss Davis had the motive to join the Marin courtroom kidnap attempt—her love for George Jackson.

The judge must also decide if San Jose attorney John Thorne, George Jackson's lawyer, can be forced to testify despite his claim of attorney-client privilege with Miss Davis.

Harris claims Thorne told him of an August 5, 1970, telephone conversation during which Miss Davis said she and Jonathan were in San Jose and were going to Santa Cruz that night to pick up some things.

In presenting his case, Harris has proceeded through three stages—a detailing of the Marin County violence, a presentation of love letters he claims prove a motive of "simple human passion," and a detailing of the actions of Miss Davis in the weeks before the shootout.

During cross examination, Branton attacked the prosecution theory that Miss Davis was in the airport that

morning, waiting by a telephone near the American Airlines ticket desk for a telephone call from Jonathan Jackson.

Witnesses have testified that the kidnapers planned to come to the airport, take a plane and hold the hostages for the release of George Jackson and the two other "Soledad Brothers."

A slip of paper found in young Jackson's pocket after he was killed bore the number of a coin telephone near the American Airlines ticket counter and Harris has attempted to link Miss Davis to that phone.

Branton won admissions from Mrs. Brewer that PSA is in the old terminal at San Francisco International Airport and that American Airlines is in the new terminal.

Right next to American, in the new terminal, is Western Airlines, a competitor with PSA on the San Francisco to Los Angeles run, she said.

Earlier, N. K. Patel of the Holland Motel in San Francisco testified that Jonathan Jackson registered at his establishment at 7:45 p.m., August 6, 1970.

Patel supplied this information from his records and said he had no independent recollection of Jackson, his companion or their vehicle.