

1st Angela Witness Scheduled

Judge Delays Verdict Ruling

By Stephen Cook
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SAN JOSE — Angela Davis was under instructions today to be prepared to call the first witness in her defense against murder, kidnap and conspiracy charges tomorrow morning.

Superior Judge Richard E. Arnason gave that charge to her chief lawyer, Leo Branton Jr., yesterday, after hearing his argument that the state has made no case against Miss Davis and the jury should be immediately directed to return a verdict of not guilty.

"The time of the court, the time of everybody should be saved by your honor directing a verdict," Branton argued.

'No Evidence'

"As we view the evidence in this case there is not one word of direct evidence to connect this defendant with any crime charged. There is not one word of indirect evidence to connect her with any crime charged unless you allow the jury to draw inferences from lawful conduct where the same conduct more abundantly points to innocence," he said.

Both Branton and Prosecutor Albert W. Harris Jr. agreed that a directed verdict is in order where the evidence is not sufficient for a higher court to sustain a jury's conviction on appeal.

Harris said: "We think

our case is not only sufficient to sustain a conviction on appeal, we think that the evidence compels a conviction."

Unparalleled

Miss Davis is charged with "a crime that, in damage to human life and the system of the administration of justice, has no parallel," Harris said.

The prosecutor claims she helped plan the kidnap of Superior Judge Harold J. Haley of Marin County, intending to hold him as ransom for the release of her love, Soledad Brother George Jackson.

On Aug. 7, 1970, George Jackson's younger brother, Jonathan, and three San Quentin convicts took Judge Haley from his bench, still clad in his judicial robes, taped a sawed off shotgun owned by Miss Davis to his neck and took him, three woman jurors and an assistant district attorney hostage.

Judge Haley, Jonathan Jackson and two inmates were killed when shooting erupted outside the courthouse.

Ruling

When the lawyers finished arguing the merits of the case against Miss Davis yesterday, Judge Arnason said he would take the motion for dismissal of the charges under submission and rule on it before the case is given to the jury.

"Be prepared, Mr. Branton, to call your first witness Thursday morning," he said.

Outside the courtroom, Branton was coy about the shape of the defense case.

Asked if he could name their first witness, he said: "No. I still don't know what the order of proof will be."

Asked if the defense would offer any case, he said:

"If you're asking me do I think we have to put on a case, my answer is no, I don't. If you're asking if we will put on a case, my answer is that I do not know."