

Insults Judge

Magee Walks Out -- Again

By Harold V. Streeter

Ruchell Magee walked out of the pre-trial hearings in the murder case against him again today—as he has done every day since proceedings were resumed.

This time, it came about when he opened the session by grabbing the microphone and advising Superior Judge Morton Colvin that he was filing a motion for a change of venue from California to “any other state.”

He said he was doing so because of “a conflict of interest between the defense and the entire California judicial system” and asked for a hearing on Aug. 28.

Denied

Colvin replied that the motion was in substance the same as a prior document which already had been denied. Thus, he said, he would receive it but not file it.

That launched an argument which ended when Magee declared:

“Man, you is insane!”

With that, uttering a long-drawn whoop, he walked from the courtroom and was placed in a holding cell, from which he could hear the proceedings.

The judge then denied a defense motion to dismiss the indictment against Magee on the ground he had not been granted a speedy trial.

Magee's hopes of acting as his own attorney had new life breathed into them yesterday, however, after they

had apparently been killed two weeks ago.

Magee, accused of murdering Marin County Superior Judge Harold Haley in the Aug. 7, 1970, Civic Center shootout that took four lives, was granted the status of co-counsel last year.

But on Aug. 3, Judge Colvin—the eighth judge in the case transferred to San Francisco on a change of venue—granted the prosecution move to oust him.

Yesterday, the same judge granted a defense motion to hold a hearing within the next two weeks, allowing Magee to appear with witnesses and prove his claim of competence.

Such a hearing, for which the date is yet to be fixed, pointed to yet another delay in starting Magee's trial for a crime the state charges stemmed from an abortive attempt to free three prisoners from San Quentin.

Rebellious

Magee, a 33 year old black, has boned up on law while serving life for a kidnap-robbery in Los Angeles that involved \$10 paid for marijuana.

Tuesday and yesterday—the first two pretrial court sessions since the Aug. 3 order denying him the right to be his own lawyer—Magee has refused to stay in the courtroom when told to remain silent.

He left four times on Tuesday, twice after spitting on his reluctant counsel, Robert Carrow of Novato. And he

walked out twice yesterday.

In his absence, confined to a holding cell with a loudspeaker bringing him the proceedings, Carrow won from Judge Colvin an order easing restrictions at San Quentin.

Judge Colvin also ordered that there be less fingerprinting of potential witnesses visiting Magee at the prison and that Carrow be allowed to take Magee law books.

The court preliminaries before Judge Colvin continued today.