

Judge Insists

Magee Jury to Be Sequestered

Over objections from both defense and prosecution, Superior Court Judge Morton R. Colvin stuck firmly yesterday to his decision to sequester the jury during the entire Ruchell Magee trial.

Defense attorney Robert Carrow said he would go to the State Court of Appeal today to seek a reversal of the judge's ruling.

Meanwhile, during a day punctuated once again by outbursts which got the defendant ejected from the courtroom, the judge and lawyers managed to interrogate three prospective jurors.

One, Stephen Diamond, a barker for a North Beach topless club, was excused after he said he had formed an opinion that Magee was guilty of the murder and kidnap charges arising from the 1970 Marin Civic Center gun battle in which a judge and three other persons died. Two women were tentatively seated.

QUESTIONING

In an unusual procedure, intended largely to keep prospective jury members from

witnessing Magee's frequent disruptions, jury panelists are being taken into the courtroom one at a time for questioning, while the rest of the 150-member panel remains in another room.

Attorneys estimated that selection of the jury, which began Monday, will take several weeks. The trial is expected to last another seven to 11 weeks after that.

Arguing against the decision to keep the jury confined to hotel rooms all that time — away from home during the Christmas and New Year holidays — co-defense counsel Rommel Bondoc said jurors would be more interested in "ending their incarceration" than weighing the evidence.

Assistant Attorney General Albert M. Harris, the prosecutor, said sequestration was unnecessary because the state's case against Magee had already been fully publicized in the trial of Magee's former co-defendant, Angela Davis, who was acquitted last June.

LOUDSPEAKER

Magee, a 32-year-old San Quentin life-terminer, spent most of yesterday's session

most of yesterday's session in a holding cell, hearing the proceedings over a loudspeaker.

When he first entered the courtroom in the morning, the defendant was warned by Judge Colvin that he would be handcuffed if he repeated anything like Monday's performance, in which he took a swing at Carrow.

Magee, who has fought unsuccessfully for the right to act as his own lawyer, confined himself yesterday to whistling and shouting, which resulted in his two ejections from the courtroom.