

SF Examiner

Magee Is Ousted on Obscenity

Murder defendant Ruchell Magee was thrown out of the courtroom for the third day in a row today after he hurled at the judge the comment made famous recently by presidential candidate George McGovern.

"Kiss my —," Magee told Superior Judge Morton R. Colvin in one of his almost continuous series of outbursts.

He accused the jurist of "keeping my relatives from seeing me at San Quentin" — a charge which puzzled Colvin since he has no jurisdiction over what happens at the prison.

Holding Cell

He was escorted promptly to an adjacent holding cell, where he can follow the court proceedings via a public address system.

At one point he could be heard shouting in the cell, but the words were unintelligible.

Judge Colvin excused two prospective jurors for medical reasons today.

Others were expected to seek to be released, in view of the announcement the trial may last 11 weeks, with the jury sequestered throughout.

Reversal Sought

The defense planned to go to the State Court of Appeal today and seek to get the ruling reversed. The only other time recently a jury was similarly sequestered was in the Charles Manson murder trial in Los Angeles. Normally, juries are sequestered only at the start of deliberations.

Judge Colvin said the Magee trial is expected to last a minimum of seven weeks, but might go 11 weeks or more — after the jury is completed and sequestered.

Before that, the jury selection may take three to four weeks, reasoned Magee's attorney, Robert Carrow.

Long Trial

All that would project the possibility that the trial of the 33 year old San Quentin convict for the kidnap-murder of Superior Judge Harold Haley during the Aug. 7, 1970, Marin County Civic Center shootout could last until March.

Judge Colvin told jury panel members that a Christmas tree will be set up for jurors at their hotel and he will permit family reunions at the hotel for Christmas and New Year's Eve.

He said "conjugal visits will be allowed on weekends."

"Does that go for single as well as married members of the jury?" Carrow asked.

Good Point

"That's a good question, Mr. Carrow," the judge answered, smiling.

"I'll have to give it some thought."

Judge Colvin tried to placate juror concerns over the prospects of being sequestered from relatives and friends for up to 11 weeks at a hotel by saying they would have individual rooms, access to television, movies, games and a swimming pool.

If anyone wants to go to church on Sunday, okay — if accompanied by a bailiff.

Pet Bird

A woman tentatively seated in the No. 3 chair pleaded:

"I have a little bird but nobody else to take care of it and it's just learning to talk. Would you let me take it to the hotel?"

Judge Colvin told her if she's picked she can.

The first one of the original 12 seated was excused yesterday. A barker for a Broadway night club, he said he already had formed an opinion:

"I believe Mr. Magee is guilty."