

State Court

'Order' to
Magee Judge

The California Supreme Court, in a unanimous unsigned eight-page decision, all but ordered Superior Court Judge Morton Colvin yesterday to permit former U.S. Attorney General Ramsey Clark to join the team defending Ruchell Magee.

Specifically the court issued a peremptory writ of mandate "commanding" Colvin to "entertain and consider" Magee's application that Clark be associated as a defense counsel.

The court, noting that Clark is not only a former Attorney general of the U.S. but also a lawyer licensed to practice law in New York, Texas and the District of Columbia, declared:

"We have concluded (1) that the respondent court has utilized improper standards in passing upon petitioner's attempted association of attorneys; and (2) that the circumstances of this case justify the correction of this error during progress of this trial by means of the issuance of an extraordinary writ."

Judge Colvin twice barred Clark from appearing as an associate in the Magee defense, saying he would only appoint counsel "whom the court has confidence in, and an individual whom the court is personally familiar with, and whose qualifications are known to this court."

The Supreme Court emphasized that there was no effort to have Clark appointed as associate counsel at public expense, nor was there any effort to have him substituted as attorney of record for Magee in place of defense attorney Robert D. Carrow.

"Whether or not the court is personally acquainted with the attorney to be associated, or whether or not that attorney enjoys the confidence of the court, are considerations wholly irrelevant to the constitutional issues confronting the trial court," the decision said. "It is the defendant's confidence which is at stake, not that of the court." *

Informed of the court's ruling, Colvin said he would "entertain" a written application by Clark when court resumes at 9:30 a.m. today.