

Magee Jury Says It Can't Decide

The jury in the murder and kidnap trial of San Quentin convict Ruchell Magee reported yesterday that it was unable to reach a verdict.

The jury of six men and six women, which has been deliberating since Monday, told Superior Court Judge Morton Colvin that it has "irreconcilable differences on reaching a verdict on either count."

The word was relayed by a handwritten note given to Colvin, who promptly ordered the jurors to resume their deliberations in an effort to reach a decision.

"This case has taken a considerable time," the judge said. "I am sending you back to resume deliberations."

The jury continued their deliberations until 5 p.m., then requested, again via handwritten note, a written

copy of Colvin's instructions as to the kidnap charge.

The note said the jurors had a difficult time remembering the elements of kidnaping. Colvin said he would take the request under submission and would give his answer this morning when deliberations begin again at 9 a.m.

Magee, 33, is charged with murder and kidnap in connection with the bloody escape attempt from a courtroom in the Marin county Civic Center in San Rafael by three prisoners on August 7, 1970.

In the escape try in which guns smuggled into the courtroom by Jonathan Jackson were used, Superior Court Judge Harold Haley, two convicts and Jackson were killed, an assistant district attorney was wounded and paralyzed; and a woman juror and Magee were wounded.