

Mistrial Is Declared for Magee in 1970 Kidnapping and

SAN FRANCISCO, April 3 (AP)—A mistrial was declared today in the trial of Ruchell Magee, accused of murder and kidnapping in a 1970 escape attempt in which a Superior Court judge was slain. Presiding Judge Morton C. Colvin declared a mistrial after the jury reported for a fifth time that it was hopelessly deadlocked. Magee, a 34-year-old black convict serving a life term at San Quentin, was accused of murdering Judge Harold J. Haley in the Aug. 7, 1970, attempt to escape from the Marin

County Courthouse. Two other San Quentin inmates and an accomplice also were killed in the escape attempt. The jury, which included three blacks, had deliberated almost 60 hours over eight days following the four-month trial. At 11:15 A.M., the weary panel sent a note to the judge saying: "The jury unanimously believes that it has tried earnestly but in vain to reach a verdict." Judge Colvin responded: "It appears to the court that the jury is hopelessly deadlocked and I will declare a mistrial. I

now declare a mistrial and discharge the jury from this case." Magee stared at the judge and jury but said nothing. "It is regrettable that 12 minds could not reach a unanimous verdict," Judge Colvin said, citing the considerable time and expense the trial involved. The judge, who had ordered the panel sequestered in a San Francisco hotel each night during the trial, then dismissed the six women and six men. He set April 6 for further hearings in the case and ordered Magee's defense attorney, Robert Carrow, to appear in court tomorrow to take up "certain matters." He also admonished the jurors not to discuss the trial. The jury had reported Sunday it was divided 10 to 2 on the murder charge and 11 to 1

on the kidnapping charge facing Magee. The judge instructed the panel not to disclose whether the majority favored a verdict of innocent or guilty. The defendant, who has spent half his life behind bars, was accused specifically of pulling the trigger of a sawed-off shotgun that shattered Judge Haley's head. Magee defended testified that he had merely been swept up



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Ruchell Magee

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Killing Case

in the escape attempt because of his desire for freedom. His attorneys also attempted to show that guns fired by others could have killed the judge. A black youth, Jonathan Jackson, led the escape attempt in which Judge Haley, a young prosecutor and three women jurors were taken hostage. Angela Davis, the black militant, accused of attempting to plot the crime, was cleared of all charges last June 4.

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