

Contempt Case

An Apology by Magee's Lawyer

Ruchell Magee's court-appointed attorney, Robert Carrow, who had been cited twice for contempt of court during the long trial, apologized to Superior Court Judge Mortin Colvin yesterday for any possible misconduct.

Magee's murder - kidnap trial ended in a hung jury Tuesday.

Whether Colvin accepts the apology will be decided May 1, when Carrow's attorney, former Marin Municipal Court Judge Alvin Goldstein, is to submit legal reasons why Carrow should not be held in contempt.

Colvin said in yesterday's hearing that although Carrow had been "a superb counsel" in the long trial, he had also passed over the line of advocacy a number of times and "disturbed the orderly administration of justice."

Carrow reminded the judge that he had tried to withdraw as counsel for Magee because of "problems with my health and problems with my client."

"I may have said or done something that was inappropriate and for that, anything the court interpreted as being disrespectful, I apologize," said the attorney.

Magee, a San Quentin lif-

er, was accused of kidnap and murder in a 1970 escape attempt from the Marin county Hall of Justice that left Superior Court Judge Harold Haley and three other persons dead. After a trial of eleven weeks, the jury deadlocked 11-to-1 for conviction of Magee on a charge of kidnaping and 11-to-1 for acquittal on the charge of murder.

Superior Court Judge John Ertola, presiding judge of the criminal courts here, will rule tomorrow whether the case is to be assigned for retrial or whether it will be returned to Marin county for disposition by the courts there.

Hugh John Chalmers, one of the jurors, who believes the case should be tried again, was erroneously identified in Wednesday's edition of The Chronicle as a Bank of America employee. He said he works for the Bank of California.