

Ruchell Magee pleaded guilty in Santa Clara county Superior Court yesterday to a charge of aggravated kidnaping stemming from the 1970 Marin Civic Center shootout in which four persons were killed.

He had been tried in San Francisco last year both on the kidnaping charge and a charge of murdering Marin Superior Court Judge Harold Haley but the trial ended with a hung jury.

All the jurors at that time agreed that Magee was innocent of aggravated kidnaping, although they deadlocked over whether he was guilty of the lesser offense of simple kidnaping.

So the prosecutors were legally able to reopen the charge of aggravated kidnaping — which is a kidnaping in which the victim suffers bodily harm. The penalty is life imprisonment without possibility of parole.

The murder charge against Magee was subsequently dropped, the case was transferred to San Jose and Magee was due to go to trial on May 28 solely on the charge of aggravated kidnaping.

Public defender Sheldon Portman, who was not in court yesterday but had assigned an assistant to the case, told The Chronicle he will ask the court on Monday to set aside the guilty plea.

"I feel he has an excellent defense, and it ought to be taken before a jury," Portman said.

Magee, who is 34, has lived in prisons for all but six months since he was 16. He is currently serving a five years-to-life sentence for a 1963 \$10 Los Angeles nap-robbery.

During countless courtroom appearances in Marin, San Francisco and Santa Clara counties over the past four years the untutored Magee frequently acted as



RUCHELL MAGEE
Adamant in plea

his own attorney. He was often ejected from the courtroom for violent outbursts.

Two weeks ago Magee tried to plead guilty to the aggravated kidnap charge but Superior Court Judge

William A. Ingram refused to allow him to do so.

Yesterday, however, Magee repeated his request to plead guilty. Deputy public defender Frank Katz tried to talk him out of it during a 30-minute recess.

When he returned to court, Magee again repeated the request and said he was standing "on my constitutional and fundamental right to plead guilty."

His voice rising, Magee accused the judge of being hard on blacks and lambasted him as a hypocrite.

"There is no justice here. You're driving me mad," he stormed.

Judge Ingram set Monday at 9:30 a.m. for sentencing.

Magee made his guilty plea in the same super-security courtroom where Angela Davis was acquitted of murder and kidnaping charges two years ago.

The charges against Miss Davis involved the same incident at the Marin Civic Center and, for a time until their cases were severed, she and Magee were co-defendants.