

24 Sept 70

Appeal Is Vowed In Marcello Case

U.S. Atty. Gerald J. Gallin-
house says he will appeal to the
5th U.S. Circuit Court of Appeals
the dismissal of an indictment
charging underworld figure
Carlos Marcello with being in
the United States illegally.

Marcello now is fighting a
conviction and two-year sen-
tence for striking an FBI agent
at the New Orleans Inter-
national Airport on Sept. 30,
1966. The U.S. Supreme Court
is scheduled to hear his plea
for a new trial on Oct. 5.

U.S. Dist. Court Judge Lan-
sing L. Mitchell yesterday up-
held the contention of Jack
Wasserman of Washington, a
Marcello attorney, that the
statute of limitations had ex-
pired.

Marcello was deported to
Guatemala in April 1961 and re-
turned to the United States
about one month later. He was
charged with not having ap-
plied to the attorney general
for readmission but had been
"found" here on June 17, 1970.

Another indictment, charging
that Marcello had re-entered
the country illegally, was
dropped by the government in
1965.