

## Crime Panel Is Blasted on Pardon Issue

A New Orleans attorney blasted the Metropolitan Crime Commission for opposing the release of a Bourbon Street night club operator convicted of beating a patron and said the pardon procedure is the only immediate vehicle available to free an innocent man.

Denis A. Barry II, attorney for Carlos Montalbano, wrote to Gov. John J. McKeithen asking that he act on the pardon issue on the basis of new evidence proving his client's innocence.

Barry said he presented to the pardon board written statements from eye witnesses, a polygraph test and the confession of the man who actually committed the offense, all of which proved Montalbano's innocence.

IN ADDITION, HE said John Volz, chief assistant district attorney, appeared and said if the new evidence had been available at the time of the trial, Montalbano would not have been prosecuted.

"Ordinarily, this would be enough basis to grant a pardon to anyone," Barry wrote. "However, because Mr. Montalbano operated a night club on Bourbon Street, he has been placed in a special category by the MCC and according to their reasoning should be treated differently from others."

Barry said Montalbano's arrest record, employment and background should be immaterial if he is innocent "and we now know beyond a reasonable doubt that he is innocent."

"THIS MAN HAS BEEN in prison for approximately 16 months for a crime he did not commit," Barry said.

Aaron M. Kohn, managing director of the MCC, and the commission's president, James P. Schwartz, asked the governor not to consider a pardon because of Montalbano's long arrest record and background.

Answering this charge, Barry wrote: "Mr. Montalbano was pardoned in 1960 for a non-violent offense he committed in 1952 when he was 18 years of age. Since that time he has not been convicted of anything. To refer to him as an ex-convict only reflects on the thinking of Mr. Kohn and disparages the entire system which assumes that once a man serves his sentence and receives a pardon he resumes a position in society as any other individual."