

# Jury Begins Its Deliberations in the Case of Guard's Death at Attica

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BUFFALO, April 3—The jury in the Attica murder trial began its deliberations here this afternoon after Justice Gilbert H. King spelled out the charges to be considered in the case of the two defendants, John Hill and Charles Joseph Pemaslice.

As a fierce wind howled outside the courtroom from Lake Erie, the 68-year-old State Supreme Court justice enumerated the components that would have to be sustained in the minds of the jury of eight men and four women to justify guilty verdicts on any one of the five charges against Mr. Hill or the four charges against Mr. Pemaslice.

Only Mr. Hill, he said, could be found guilty of murder. And to support such a determination, the justice added, the jurors would have to be convinced beyond reasonable doubt that the defendant had intended to kill Correction Officer William Quinn and that he did, in fact, cause the guard's death by hitting him in the opening hours of the 1971 prison rebellion. A murder conviction carries

a maximum sentence of life imprisonment.

Justice King said that, under the law, he was obliged to dismiss the murder charge against Mr. Pemaslice since the evidence in the case showed that the only blow allegedly struck by Mr. Pemaslice had reportedly landed on Mr. Quinn's back and thus could not be considered murder.

However, the jury could consider the following lesser charges against Mr. Pemaslice: Attempted murder, attempted assault in the first degree, assault in the second degree and attempted assault in the second degree. Maximum sentences for these charges range from 25 to four years' imprisonment.

In the case of Mr. Hill, the justice said that, in addition to murder, the possible charges were attempted murder, manslaughter, assault in the first degree and assault in the second degree. Of this group, the lowest charge carries a maximum sentence of seven years in prison.

The essential differences in the charges are based on questions of intent and the degree of harm actually done. For ex-

ample, to sustain a charge of attempted murder, it is necessary only that there be intent to kill.

For a manslaughter conviction, a jury must determine that death was caused by the defendant whose intent was to "cause serious physical injury," but not to kill.

Assault in the first degree also has two components: the intent to cause serious physical injury and the actual causing of such injuries.

As the justice spelled out such criteria, the defendants, their lawyers and the prosecutors studied the jury.

### Handshakes Exchanged

Justice King offered guidelines for gauging testimony. "A man's conduct is like a mirror, which reflects the silent operation of his mind," he told the jurors. He urged them to hold to their convictions and, after excusing the four alternate jurors, he sent the jury to begin deliberations.

The four alternate jurors exchanged "power handshakes" with the defendants before leaving the courtroom. Only one of the four, Thomas Scilino, a 25-year-old postal

worker, would discuss his feelings on the evidence he had heard for nearly six weeks. "I'd acquit both," he said.

He added that he had hoped that more information would have emerged about conditions in the prison and, he said, he felt that the prosecution at times "was playing games."

### Affidavit Submitted

Defense lawyers were buoyed by his comments, and by the raised-fist gestures of all four alternate jurors, which the lawyers interpreted as signs of support. The lawyers noted in a halfway discussion that six of the regular jurors like the four alternates, were people in their 20's.

The lawyers were also excited by information volunteered to them by Ronnie Beverly, 20, one of the alternate jurors. He told Margaret Ratner, one of Mr. Hill's lawyers, that two days ago, while eating lunch with a sheriff's deputy assigned to guard him, the officer had told him he did not like Miss Ratner.

The defense, for the purposes of a possible appeal, submitted an affidavit this afternoon citing the incident and requesting

that the guard in question be removed from the detail that was protecting the jury.

The jury has been sequestered in the same hotel where the defense lawyers have been staying.

During the last two days there were demonstrations in support of the defendants, held early in the morning outside the courthouse. Yesterday, 400 students from the University of Buffalo held a rally across the street and four of them were arrested.

This morning a group of 40 picketed outside the courthouse and was asked to leave by the police. Angry words were exchanged and two men were arrested, one of them a lawyer associated with the defense.

### Woman Sanitation Inspector

GLENDALE, Ariz. (AP)—Janice Silva has become Glendale's first woman sanitation inspector. The 22-year-old Mrs. Silva was selected for the job from a certified list of candidates. She made her own uniforms — beige over-blouses and dark brown trousers — for the city job.