

Prosecutor Says He Got No Data on Attica Defe

By TOM GOLDSTEIN
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BUFFALO, April 29 — The chief Attica prosecutor testified today that his office had received no information from anyone regarding the strategy of the Attica legal defense team.

The prosecutor, Anthony G. Simonetti, appeared tense but confident as he answered questions from State Supreme Court Justice Joseph S. Mattina and lawyers for a defendant charged with killing two Attica inmates.

At the end of the day's hearings, Mr. Simonetti reluctantly disclosed that his office had investigated charges that guards had recorded conversations of Attica inmates shortly after the 1971 prison uprising.

But, he said, the investigation showed that these recordings had "no pertinence or relevance or importance." Mr. Simonetti said that he did not want to give details of this investigation because it was a matter before a grand jury now hearing evidence about possible crimes by law-enforcement officers.

Aside from this disclosure, the stocky 40-year-old prosecutor answered questions briskly and politely, often appending "sir" to his "yes" or "no" responses.

For more than three hours, he sat rigidly in the witness stand with his hands clasped in his lap. He moved only to reach for a disposable paper cup, which was refilled with water every 10 minutes or so by a court attendant.

Mr. Simonetti said that he had been "working around the clock" since he arrived in Buffalo Sunday night. On more than two dozen occasions, he asked defense lawyers to repeat their questions.

Two weeks ago, after his former chief assistant charged that Mr. Simonetti had covered up crimes committed by law-enforcement officers during and after the retaking of the prison, Bernard S. Meyer was named to conduct an investigation of Mr. Simonetti's office.

But today's hearing was restricted to determining whether the state prosecution received information about the Attica defense team. Mr. Simonetti responded, "Absolutely not" when asked by Justice Mattina if his office had either authorized the use of informants in the defense camp or received any information about the defense in any other way.

His testimony came on the sixth day of a hearing that was originally held to determine if the activities of an

informant for the Federal Bureau of Investigation had prejudiced the case of Bernard Strobles, who is on trial now on charges that he killed two Attica inmates.

Last week, Justice Mattina

broadened the scope of the hearing to determine if the state prosecution had received any information concerning the defense of Mr. Strobles. It was then that the justice ordered Mr. Simonetti to appear.

"The allegation is an extremely serious one and it had to be answered one way or another," Justice Mattina said today in explaining

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why he had ordered Mr. Simonetti to testify.

