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Defense in 2d Attica Trial Says State Hid Evidence

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BUFFALO, May 20—The second major Attica trial began today with lawyers for a former inmate contending that the prosecution concealed evidence from the grand jury that would have exonerated their client, who is charged in the killing of two fellow inmates.

"The prosecutors of Attica defendants deliberately sought to get the men they considered the ringleaders of this uprising, and they sought every means they could to accomplish that result," Ernest Goodman, a lawyer for the defendant, Bernard Stroble, said.

As he had done once before the pretrial stage, Justice Joseph S. Mattina of the State Supreme Court denied a defense motion to dismiss the indictments against Mr. Stroble on the basis of prosecutorial misconduct. But the Justice said that during the trial he would allow Mr. Goodman and his colleagues to try to show what the prosecution's strategy was.

In his opening statement, Francis M. Cryan, the special assistant Attica prosecutor, told a jury of five men and seven women that Mr. Stroble was one of five Attica inmates who held a kangaroo court during the 1971 uprising and ordered the "execution" of two other inmates, Barry Schwartz and Kenneth Hess. The two men, Mr. Cryan said, were found "guilty of treason to the inmate cause" after they spoke to a television reporter. Both men were subsequently found with their throats slashed.

Five inmates, several of them leaders of the uprising, have

been indicted in connection with these killings, but Mr. Stroble is the first to reach trial. The outcome of his trial is expected to influence defense and prosecution strategy in the four other cases.

In an interview, Mr. Cryan, who formerly worked in the Manhattan District Attorney's office, said it would take at least six weeks for him to present the prosecution's case.

Mr. Stroble has been indicted on four counts of kidnapping and two counts of felony murder, in which the state has charged that Mr. Hess and Mr. Schwartz were killed while Mr. Stroble "engaged in the act of kidnapping." In the seventh count, Mr. Stroble, who is also known as Shango, is charged with actually slashing Mr. Schwartz.

In a voice barely audible above the noise of cars passing by the Erie County Court House, Mr. Goodman told the jury that he would show during the trial that another inmate, killed in the retaking of the prison, was the man who had killed Mr. Schwartz.

Mr. Goodman is a Detroit lawyer who has been identified with activist causes since the nineteen-thirties when he defended the sitdown strikers at the Ford Motor Company. Mr. Stroble, who is also serving as his own lawyer, is a native of Detroit.

A third defense lawyer, Hayward Burns, told the jury that the defense would prove at the trial that kidnapping was not possible "under the conditions prevailing at Attica in September, 1971."