

NY Times OCT 10 1975 TH

AN ATTICA INQUIRY YIELDS INDICTMENT

It Is the First From Jury
Studying Police Role

By TOM GOLDSTEIN

A special grand jury in state that has been hearing evidence about possible crimes by law enforcement officers in connection with the 1971 Attica prison uprising handed up its first indictment yesterday.

Justice Carmen F. Ball of the State Supreme Court in Buffalo, who has been supervising the grand jury and all the Attica trials, said that the name on the indictment could not be released until the person had been apprehended.

David Flierl, an assistant Attica prosecutor who has been presenting evidence to the Wyoming County grand jury, declined to comment on the indictment.

The grand jury is the second that has looked into the circumstances of the prison revolt that left 43 inmates and guards dead.

The first grand jury, which still sits intermittently in Warsaw, the Wyoming County seat, has handed up indictments charging 62 inmates with more than 1,400 crimes. It handed up the last of its indictments more than two years ago.

In Buffalo yesterday, one of the 62 inmates, Eric Thompson, pleaded guilty to a charge of coercion, a Class D felony that carries a maximum sentence of seven years.

Mr. Thompson, who was considered to be one of the leaders of the uprising, had been charged with 41 counts of murder and kidnapping and was expected to go to trial soon on some of those charges.

Although Mr. Thompson, who is now known as "Jomo," insisted in court yesterday he was innocent of all charges, Supreme Court Justice Ann Mikoll accepted his plea. Such a plea is called an "Alford plea," after a United States Supreme Court decision that held a defendant could plead guilty to a crime while still maintaining his innocence.

Mr. Thompson's plea put an end to a pretrial hearing in which the defense had contended that the prosecution had engaged in selective enforcement of the law by prosecuting inmates but not law-enforcement officers.

4 Days of Testimony

Four days of testimony were heard last month before Justice Mikoll adjourned the hearing, pending the release of a report by Bernard S. Meyer on the way the Attica prosecution has been handled.

Mr. Meyer, a former State Supreme Court Justice, said yesterday that he would submit his report "by the middle to end of next week" to Governor Carey and Attorney General Louis J. Lefkowitz, who jointly appointed him last April.

His appointment came after Malcolm H. Bell, a former assistant Attica prosecutor, charged that Anthony G. Simonetti, the chief prosecutor, had covered up possible crimes by law enforcement officers.

Before he resigned last December, Mr. Bell had presented much of the state's case before the second Wyoming County grand jury. That grand jury was impaneled in April, 1974, and yesterday's indictment came during the jury's 120th session.