

ATTICA

Felony Charges Are Dismissed Against 13 in Revolt at Attica

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The Attica prosecution continued to wind down this week as felony charges against 13 inmates who took part in the 1971 prison revolt were dismissed by a State Supreme Court justice in Buffalo.

The action was taken Wednesday by Justice Carman F. Ball after David Flierl, an assistant Attica prosecutor, requested that eight indictments involving the 13 inmates be dropped "in the interest of justice."

Two weeks ago, kidnapping charges against four former inmates and murder charges against three leaders of the rebellion were dismissed.

Originally, 42 indictments were returned against 62 inmates, charging them with more than 1,400 crimes.

7 Indictments Remain

This week's dismissals left only seven indictments, involving 25 inmates, remaining. One indictment of a state trooper is pending.

The only case now scheduled to go to trial involves 11 inmates individually charged with 34 counts of kidnapping for their role in keeping hostages during the uprising. This trial, which is the only case the prosecution is actively working on, is expected to begin Jan. 5.

So far, of the five cases that have gone to trial and reached verdict all but one have resulted in acquittals.

The exception was the trial of two inmates charged with the murder of a prison guard

in the first hours of the four-day revolt. At that trial last winter, John Hill was found guilty of murder, and, on Wednesday, Justice Ball dropped charges of second-degree assault and possession of prison contraband against Mr. Hill.

The Attica prosecutor's office said "no useful purpose would be served" in bringing Mr. Hill to trial because he would not be eligible for parole until 1983. However, he is appealing his conviction. At the trial, Charles Pernasilice was convicted of attempted assault in the second degree.

In another Attica development this week, lawyers for several indicted inmates sought a court order to obtain the report on the way the prosecution of the Attica cases has been handled.

The 570-page report, written by Bernard S. Meyer, a former Supreme Court justice, was submitted to Governor Carey and Attorney General Louis J. Lefkowitz a month ago. There was no indication when the report would be released.