

NO LAREDO VERDICT

Houston Likely Site Of Marcello Retrial

By **BARRY BROWNE**
(Special to the States-Item)

LAREDO, Tex.—Federal District Judge Ben C. Connally has suggested Houston as the site for a retrial of Louisiana rackets figure Carlos Marcello on a charge of assaulting an FBI officer.

The move came after Judge Connally declared a mistrial of the case here late yesterday.

MARCELLO IS charged with assaulting agent Patrick J. Collins Jr., Sept. 30, 1966, at New Orleans International Airport.

The mistrial was declared after an all-male jury reported a hopeless deadlock in deliberations.

The jury received the case at 4 p. m. Tuesday following two days of testimony. The jury deliberated for two hours

Tuesday then reconvened at 9 a. m. yesterday. At 2 p. m. yesterday, the jury foreman reported the deadlock, but the judge ordered the jury to continue deliberations until 4 p. m.

AFTER TWO HOURS more, the jury reported that no

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progress had been made and that a verdict was impossible.

Judge Connally then dismissed the jury and verbally agreed with lawyers involved to retry the case later in Houston. No date has been set.

Jury Foreman W. L. Cotton of Hebronville said, "Our final decision wasn't reached until 3:58 p.m.—the decision that we couldn't agree on a verdict—that's when we took our final vote as we did."

COTTON ADDED, "I'd rather not go into the voting or other such matters . . . We agreed not to discuss that once we left the room."

Cotton did say, however, that the various votes taken during the deliberations fluctuated.

"We had fluctuation," he said, "but it was light fluctuation."

Attorneys for both sides in the case refused to discuss details, stating that Connally had requested that the lawyers not discuss the case with newsmen.

CONNALLY ASKED the jury members, "Is the situation now still the same as it was earlier this afternoon?"

Cotton replied, "I regret to report to the court that it (the situation) is still the same."

Connally replied, "I know that you have done your best to reach a verdict; that you have given your best consideration to the evidence."

"I now declare a mistrial." Connally then suggested Houston as the possible site for retrial of the case.

JACK WASSERMAN, chief counsel for the defense, told Connally that Houston "appears to be an acceptable site" but that defense attorneys would have to consult with Connally later about a date.

"I'll be in contact with you by telephone later . . . probably next week," said Connally. U.S. attorneys indicated that Houston would be an acceptable location.

Connally said, "Laredo is quite a way from everywhere and I thought that perhaps we would have less publicity here than elsewhere for the jurors."

WASSERMAN THEN said that "I've been very much concerned about the amount of publicity given the case this week here . . . I'd like to explore the Houston consideration."

Connally then suggested that the attorneys verbally agree on the Houston site.

The trial had begun Monday with testimony from FBI agents Collins and Joe Avignone about the alleged assault.

Collins testified that Marcello—who had just arrived at the New Orleans airport from New York after testifying at grand jury proceedings—assaulted him and attempted to strike him.

COLLINS TESTIFIED that the alleged assault was deliberate.

Testifying Tuesday was defense counsel Michel Maroun, who said that Collins had told him after the incident that the alleged assault was an "accident."

Maroun said Collins had told him that Marcello should never have been charged in the incident.