

# Haggerty Case Is Set for Oct. 7

The effort to remove Edward A. Haggerty Jr. as judge of Criminal District Court will be taken up by the Louisiana Supreme Court Oct. 7.

The high court, in a brief order today, said "considering that the proceeding is impressed with a public interest, it is entitled to special preference . . ."

Judge Haggerty's removal from the bench was recommended Wednesday by the Louisiana Judiciary Commission on a variety of grounds, including the judge's arrest in a vice raid in December.

The Supreme Court order set a hearing for 11 a.m. Wednesday, Oct. 7, "the only case to be heard on that date."

IT GAVE attorneys for Haggerty and the commission 60 days to file pleadings in the case. All seven high court justices signed the order.

Judge Haggerty has indicated he does not intend to step down from the bench while the case is pending.

Yesterday, he said he does not intend to recuse himself in the pending trial of Roy Occhipinti on charges of receiving stolen property. Judge Haggerty is scheduled to preside at the trial July 14.

ONE "IMPROPRIETY" charged to Judge Haggerty by the Judiciary Commission was his relationship with Frank Occhipinti, a brother of Roy.

Frank Occhipinti was termed "a man with self-admitted connections to Carlos Marcello, whom the evidence shows to be a Mafia leader of organized crime in the New Orleans area."

The commission's findings said Haggerty should be removed for "willful misconduct

relating to his official duty and willful and persistent failure to perform his duty." Haggerty ran up a bill of more than \$1,700 in his dealings with Frank Occhipinti, identified as manager and part owner of the Rowntowner Motel, frequented by Haggerty, the investigative panel said.

Haggerty said in a telephone interview yesterday he had no reason to recuse himself from the Roy Occhipinti case. Just because he knew someone casually—referring to the defendant—is no reason for a judge to recuse himself in a case involving that person.

## Haggerty Finding

The Judiciary Commission of Louisiana is to be congratulated on its extremely thorough investigation into the conduct of Criminal District Court Judge Edward A. Haggerty Jr. and on the straightforward manner in which the findings were presented.

The commission pulled no punches, displaying a high degree of honesty and courage in its approach to the painful job of passing judgment on a member of the bench.

We had hoped for a speedy hearing and decision on the findings. However, the state Supreme Court has set a hearing for Oct. 7. To allow the matter to go unresolved for so long is unfortunate, we be-

## DA Declines To Charge Court Clerk

Assistant District Attorney William R. Alford has declined to charge Daniel Haggerty, clerk of Criminal District Court, in connection with the accidental shooting of Patrolman Chester Cooke.

The only possible charge against Haggerty would have been negligent injury, said Alford after reviewing a report of the shooting prepared by police. "It just wasn't criminal negligence," Alford also said police reported Haggerty was not intoxicated at the time of the accident.

Patrolman Cook was shot once in the left side after he and other officers arrived at Haggerty's home May 10 to investigate a complaint about a prowler. One policeman asked Haggerty what kind of gun he had and Haggerty opened the gun to remove all bullets before handing it to the officer, Alford said.

One bullet had not ejected, however, and about five minutes later Haggerty demonstrated what he would do if he saw a prowler and, thinking the gun empty, he pulled the trigger and the single bullet struck Cooke, said Alford.

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The commission used the strongest language in stating its case for the removal of Judge Haggerty, citing voluminous evidence in the process.

The members are to be commended. In approaching the charges against the judge from a position of strength, the commission has set a healthy precedent for the future.

The Haggerty case may be the most important one the commission will ever handle because it was the first. An atmosphere has now been created, and it is a clean, wholesome one.

It appears that the public has going for it an agency intent on safeguarding the road to justice.