

Marcello Review Petition Must Be Filed in 25 Days

Attorneys for Jefferson Parish rackets figure Carlos Marcello have 25 days in which to petition the U.S. Supreme Court to reconsider its decision not to review Marcello's conviction and two-year prison sentence for assaulting and intimidating an FBI agent.

The high court yesterday refused to review the case.

It is expected the court will be asked to stay its judgment, which would cause a further delay in the final resolution of the case since the court begins its vacation shortly.

G. WRAY GILL, New Orleans attorney for Marcello, would not comment on the court's decision, adding that

he and Jack Wasserman, Marcello's chief legal counsel, would have to get their "heads together."

Meanwhile, U.S. Attorney Gerald J. Gallinghouse said a petition for a rehearing and stay order would not automatically suspend execution of the judgment against Marcello, which also includes a \$5,000 fine.

The prosecutor said he is hopeful the Supreme Court will deny the petition or stay so Marcello can start his jail term.

"AS THE SUPREME Court did not suspend execution of this judgment, it will be final unless the court should suspend the judgment by a future stay order," said

Gallinghouse.

He said if the court should suspend the judgment by a stay order, "the defendant could not be committed (to prison) unless and until the rehearing is denied and the judgment of conviction becomes final after completion of all legal proceedings."

Marcello was convicted Aug. 8, 1968 in Federal District Court at Houston of taking two swings at FBI agent Patrick J. Collins at New Orleans International Airport Sept. 30, 1966.

Marcello contended the Houston conviction was the product of unconstitutional "double jeopardy" since a first trial, at Laredo, Tex., ended in a mistrial.