

# Last-Ditch Effort Made To Avoid Marcello Term

HOUSTON (AP) — Carlos Marcello, 60, of Jefferson Parish made a last minute attempt to avoid serving a prison sentence as a hearing opened today in federal court.

Marcello is trying to avoid a two-year sentence and a \$5,000 fine after a jury found him guilty of assaulting an FBI agent at New Orleans' Airport in 1966.

U.S. Dist. Judge John V. Singleton Jr., who assessed the prison term and fine, is hearing testimony in the lat-

est legal battle by Marcello's lawyers.

THE MOTION for a new trial is based largely on an affidavit from Irby Aucoin, a New Orleans photographer, who said he was tipped by the FBI that Marcello was arriving at the airport in 1966.

Marcello was convicted of taking a swing at an FBI agent, but says the incident was set up by federal agents.

Marcello's chief counsel in the 1968 trial, Jack Wesserman, of Washington, D.C., testified today he was unable to locate the photographer until April 1969.

HE DID admit, however, that he saw Aucoin in a witness room at the time of the New Orleans proceedings against Marcello in 1966.

Marcello, whose sentence has been upheld by the U.S. 5th Circuit Court of Appeals and which the Supreme Court has refused twice to hear, subsequently has been indicted on charges of illegally returning to the United States in 1961 after being deported to Guatemala.

MEANWHILE IN New Orleans, an official with the Internal Revenue Service has branded as false a report Marcello has been ordered to pay

nearly \$500,000 in back taxes or face seizure of property while his income tax case still is in court.

William Orr, assistant district director of the IRS, said such a property seizure would be "highly irregular" adding, "This story is untrue to my knowledge. I doubt it could happen."

Orr said some of Marcello's property tax cases are being litigated in court but to his knowledge Marcello has no outstanding taxes.

Orr issued the statement yesterday after a local television station reported the IRS ordered Marcello to either come up with the back taxes or face property seizure.