

Pension Bid Denied by Court
HAGGERTY OUSTER STANDS

By JAMES HEARTY

The Louisiana Supreme Court today refused to rehear the case of Criminal District Court Judge Edward A. Haggerty Jr., who was ordered removed from the bench for misconduct.

At the same time, the high court apparently closed the door on moves to obtain a disability pension for Judge Haggerty.

In today's decision the Supreme Court denied a writ of review of the decision by the Criminal District Court that it was without jurisdiction to act on a pension.

THE SUPREME COURT'S action today came on a 6-to-1 vote, the same as when it ordered the judge removed from the bench on Nov. 23 for "wilfull and intentional" misconduct. Chief Justice Joe B. Hamiter, who dissented on the ouster motion, also dissented on today's action.

Attorney Robert Zibilich, representing Haggerty, said today he is preparing a notice to the state supreme court stating his intention of appealing the question to the United States Supreme Court. He said the notice of intention would be filed this afternoon, but he has 30 days in which to file the actual appeal.

HAGGERTY'S TROUBLES began with his arrest last Dec. 17 in a vice raid on a stag party at the DeVille Motor Hotel here.

Obscenity charges against Judge Haggerty were thrown out when Criminal District Court Judge Matthew S. Braniff ruled the evidence in the case was inadmissible.

The decision to order Judge Haggerty's removal followed the recommendation of the state judiciary commission that he be removed.

The original supreme court order made no provision for a pension for Judge Haggerty.

ZIBILICH, HOWEVER, filed a petition alleging Haggerty physically and mentally is unable to continue his duties on the criminal court bench. This petition was accompanied by letters from a physician and a psychiatrist

attesting to his poor condition.

The petition asked that Haggerty be retired at two-thirds of his \$34,000 a year salary.

A number of attorneys joined Haggerty in asking for the pension.

In asking for a rehearing of the ouster case, Haggerty alleged the majority erred when it found misconduct related to his official duties.

"THERE IS NOT a single bit of testimony to indicate that any such alleged illegal behavior or misconduct ever affected the respondent's performance of his duties," the rehearing petition stated.

The motion also contended there is no testimony in the record to show that Judge Haggerty brought any lack of respect to the judiciary or to the office he holds.