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Court Refuses Marcello Review

WASHINGTON — The U.S. Supreme Court today refused for a third time to review the federal assault conviction of rackets figure Carlos Marcello.

In a 7 to 2 ruling, the high court denied "without comment" a request by Marcello attorneys to review his 1968 conviction on grounds the government suppressed evidence and allowed perjured testimony in the trial.

Marcello, who was convicted of attempting to strike an FBI agent five years ago, recently completed a six-month jail term on the charge.

THE COURT decision left standing a ruling by the U.S. Fifth Circuit Court of Appeals, declaring none of Marcello's contentions would have affected the course of his trial.

Had the high court agreed to hear the case, a new trial might have resulted, nullifying the first verdict and possibly helping Marcello in his continuing legal battles to avoid deportation.

Justices Hugo L. Black and William O. Douglas voted to hear the appeal, as they have done during earlier appeals on procedural matters involving the case. The other seven justices voted to let the appellate court ruling stand.

MARCELLO'S appeal claimed the trial court refused to admit the news media had been notified of Marcello's arrival at New Orleans International Airport on the night he allegedly took a swing at agent Patrick J. Collins Jr.

The government said in briefs filed with the court, "there was no further point in discussing allegations of perjury by Collins because the credibility of his testimony and that of defense witnesses was settled by the trial."

Yet another appeal is pending in the case.

ATTORNEY Cecil M. Burglass Jr. said today he is awaiting a decision from Houston District Judge John Singleton Jr. on a writ asking the assault conviction be nullified on grounds of double jeopardy.

A mistrial was declared in an initial trial involving the assault charges. Marcello attorneys contend his second trial on the charges constituted double jeopardy.