

4 May 71

Prosecution Termed 'Reprehensible'

# Haik Case Overturned

The Louisiana Supreme Court today reversed the conviction in Criminal District Court of attorney Robert G. Haik on charges of unauthorized use of \$50,000 belonging to the mother of DA Jim Garrison, and one justice termed the prosecution "reprehensible."

Haik also had been sentenced to pay a fine of \$100 in the case by Criminal District Judge Malcolm V. O'Hara. Haik was tried without a jury July 17, 1970 and was found guilty last Sept. 17.

The high court was unanimous in freeing Haik of the charge; one member of the court, Associate Justice John A. Dixon, took the district attorney's

office to task for its handling of the matter.

**THE WHOLE COURT**, with Associate Justice Walter B. Hamlin as its organ, said that as a precautionary measure, "We have read the testimony adduced at defendant's trial; it reflects that no element of the offense charged was committed in Louisiana."

Justice Dixon said that after the trial and after the conviction had been upheld by the Appellate Division of the court, "but before the judgment became final, the defendant (Haik) suffered the ultimate indignity: he was arrested and jailed. . . ."

"On application to this court by the defendant Jan. 15, 1971, he was ordered released from the custody of the sheriff.

**"THE DEFENDANT** is an attorney at law, whose reputation, according to

testimony adduced at the trial, was excellent; he goes free but on what the wary and suspicious may call a 'technicality.'"

Justice Dixon said, "It is easy to see why the duty of the district attorney differs from that of the ordinary lawyer. A lawyer is free to be a partisan on behalf of his client and partisanship is a part of advocacy.

"But the district attorney's duty is to seek justice, not merely to convict. He should not institute criminal charges when the charges are not supportable by probable cause."

Justice Dixon said that when the district attorney prosecutes a creditor of his mother for acts requiring novel and studied interpretation to bring them within the criminal statutes, the prosecution is "reprehensible."