

LA SUPREME COURT
RULES IN DA'S FAVOR

The Louisiana Supreme Court today upheld the dismissal of malfeasance in office charges against District Attorney Jim Garrison. The charges were brought against Garrison by special prosecutor Ben Smith.

Criminal District Judge Malcolm V. O'Hara last month threw out the malfeasance charge on grounds that Smith exceeded his authority in bringing it, and the high court upheld that view.

THE CHARGE GREW out of the federal charges that Garrison was involved in illegal pinball gambling operations. Garrison was indicted at his own request under state gambling laws, and Smith was appointed by Judge O'Hara to prosecute him.

But Smith dropped the original charges and tried to prosecute Garrison for malfeasance on grounds that the DA sought to block the federal charges by having the state charges brought against him.

Judge O'Hara dismissed the charge and Smith appealed to the Louisiana Supreme Court.

IN A UNANIMOUS decision today, the high court said:

"Writ refused. The ruling of the trial judge is correct.

"A district attorney ad hoc has no authority to institute a new and different criminal prosecution against a defendant.

"Both article 682 of the Louisiana Code of Criminal Procedure and the order of appointment are explicit on this point . . ."

THE MATTER AROSE when Garri-

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son was charged on a federal affidavit June 30 along with two New Orleans policemen and seven other men in connection with alleged pinball violations. He was not immediately indicted, however.

Garrison went before the Orleans Parish Grand Jury Nov. 15 and asked to be indicted. Smith later called this action an attempt to circumvent the federal prosecution.

Garrison was indicted on the federal charges Dec. 4.