

NEW ORLEANS

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Judge Clears Way For Pinball Trial

Dismissing nearly 100 defense motions, a federal judge here has cleared the way for trial of a Chicago pinball machine firm, its president and 13 others on gambling charges.

In a 39-page opinion Wednesday, U.S. District Court Judge Herbert Christenberry ruled against Bally Pinball Machine Co. and the others who were indicted in December, 1971, on charges of conspiracy to transport pinball machines in interstate commerce to further illegal gambling in Louisiana.

No trial date was set.

Defendants, other than the firm, include its president, William T. O'Donnel, and New Orleans pinball machine dealers Vincent J. Marcello, Salvador J. Marcello, Louis M. Boasberg, John Callery, John Elms Jr., Lawrence Lagarde Sr., Charles Pace, Frank Joseph Caracci, Robert Nims, Santo DiFatta, John Elmo Pierce and Robert Rooney.

The Marcellos are related to New Orleans Mafia boss Carlos Marcello.

The motions dismissed include those asking for dismissal of the indictments and separate trials.

Christenberry also rejected claims by defense attorneys that Louisiana law was misconstrued by federal attorneys.

Most of the defense motions were technical.

The defense attorneys also objected to presence of government attorneys in the grand jury room during delib-

erations and also requested to examine each grand juror to ascertain if there was any prejudice because of publicity stemming from Justice Department news releases.

"While not denying that the grand jury system can unfortunately be used with reckless disregard for a citizen's rights when it is advised by a malicious and unethical prosecutor, there is not a scintilla of evidence to substantiate any of these defense allegations, and it is my finding that this grand jury investigation, which extended over a period of about four months, was conducted in a proper and professional manner in all respects," Christenberry said.

Trapolin Goes Before Grand Jury

Attorney Ivor Trapolin, former chairman of the Mayor's Advisory Committee on Crime and Delinquency, appeared today before the Orleans Parish Grand Jury.

Trapolin appeared by invitation and was not under subpoena. There was no indication for what purpose he was called. Grand jury proceedings are secret by law.

Trapolin declined to speculate on why he was asked to appear, but said he received a call from Asst. Dist. Atty. Numa Bertel several days ago with the request.

Then, Trapolin said, he asked for a written invitation and got it.

Earlier this month, Trapolin made a public address in which he called for the resignation or impeachment of Dist. Atty. Jim Garrison in the wake of the Clay Shaw case and other incidents.

Trapolin also reportedly supplied information to federal agents which played a part in the June 7 raids on liquor outlets in the area allegedly in violation of federal regulations.