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# Newton Charges Dropped

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By Don Martinez

Black Panther Huey Newton's case over the 1967 street slaying of an Oakland policeman was dismissed today after three trials and 32 months of imprisonment.

Alameda County District Attorney Lowell Jensen, who prosecuted the militant black at the first trial, asked for dismissal but admitted "a sense of individual frustration of justice."

### Applauded

Jensen said he would have no hesitation in reinstating the case if any new evidence should develop such as discovery of the death weapon — allegedly the gun of the slain officer, rookie policeman John Frey.

Applause broke out in the packed courtroom when Superior Judge William B. Hayes dismissed the charges. Relatives and friends surrounded Newton, slapping him on the back.

"It's about time this case was dismissed," asserted attorney Charles Garry, whose defense was that Frey was

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shot accidentally by a fellow officer and that Newton never had a gun in his hand.

"He should have never been tried in the first place."

Garry, who won Judge Hayes' consent to remission of the \$50,000 bail, said Jensen's move surprised him. He praised Jensen but said any new evidence Jensen might hope to find "would be perjured evidence."

### Case History

Newton was charged with murdering Frey upon being stopped in his girl's car in the early hours of Oct. 28, 1967 while celebrating Newton's end of probation for a knife-slashing incident at a party in 1964.

After 10 months in jail, he was prosecuted by Jensen, convicted of voluntary manslaughter and sentenced to 2 to 15 years at the Men's Colony Prison at San Luis Obispo. An appeals court re-

versed the verdict on ground of judicial error, bringing about Newton's release on \$50,000 bail after serving 22 months.

Two subsequent trials resulted in hung juries.

"I would prefer to retry the case," Jensen said.

### Frustration

"I share with others a sense of individual frustration of justice if this case does not reach a proper conclusion.

"However, the administration of justice as a whole cannot be a matter of personal preference but must be a matter of conscientious judgment. I have made such a judgment and now am compelled to carry it out by moving the court to dismiss the case."

Jensen expressed belief if another trial was held on present evidence, another hung jury would result.

### No Comment

Newton, disdaining comment, hurried down to a lower floor of the Alameda Courthouse for a probation hearing of Bobby Seale, co-founder with Newton of the Black Panther Party while both were at Merritt College.

Seale had been placed on probation after being caught carrying a gun outside the courthouse where Newton was imprisoned prior to his first trial.

Because of conduct at Chicago during the "Chicago Seven" trial — over riotous action at the Democratic National Convention — Alameda County authorities are seeking to revoke probation.

Today Superior Judge Redmond C. Staats Jr. put off the probation hearing until May 15, hopeful by then the Chicago Seven case will have been resolved.

Afterward, Seale and Newton embraced and shook hands.

Contacted for his reaction after the dismissal, Oakland Police Chief Charles R. Gain said tersely:

"No statement."