

DEC 7 1972

NYTimes

PANTHER CASE GOES TO JURY

Trial on Attempted Slaying
of Policemen Nears End

By LACEY FOSBURGH

Both sides presented final arguments yesterday in the case of Richard Moore, a 27-year-old Black Panther charged in State Supreme Court with attempted murder in connection with the machine-gunning of two policemen guarding the home of Manhattan District Attorney Frank S. Hogan.

"There's no witness who actually saw Richard Moore pull the trigger," said Assistant District Attorney Terence O'Reilly. "Therefore you have to decide on the basis of circumstantial evidence."

The jury, in the first trial to result from a series of police shootings last year, is expected to begin its deliberations today. The trial is in its fourth week.

The shooting outside Mr. Hogan's apartment building on Riverside Drive at 9 P.M. on May 19, 1971, left two patrolmen, Nicholas Binetti and Thomas Curry, bleeding in their car from 23 bullet wounds.

Disfigured by Shooting

Patrolman Binetti, touching his paralyzed right arm, described the incident for the jurors, but Patrolman Curry, physically disfigured and disabled by the attack, whispered that he didn't remember anything about the shooting, or even anything about the months afterward.

Both men were asked to look at the young defendant, in blue jeans and sneaker, at the counsel table. They didn't recognize him, they said.

No witnesses for the prosecution have identified Moore as having been at the scene. One 14-year-old boy, Ralph Shakarin, attended a line-up several months ago in the District Attorney's office and pointed to two men he said he thought had done the shooting. Both were police men. Looking at Moore when he testified about the incident, he said he didn't remember him.

This fact—that no one recognizes Moore—has been the key to the defendant's case as presented by this attorney, Robert Bloom.

Scientific Evidence Backed

But the prosecution has contended that there is ample circumstantial and scientific evidence to show that Moore shot the policemen.

Mr. O'Reilly emphasized yesterday that the .45-caliber submachine gun used to shoot the patrolmen was the same one Moore was carrying on June 5 when he and three other men were arrested holding up a Bronx social club. Ballistics tests, he said, proved the gun was the same. The key prosecution witness, Pauline Joseph, he recalled, had told the jury the gun was the same one Moore carried all the time and affectionately called "Grease."

Mr. O'Reilly also said that two days after the shooting, license plates and bullets from that gun were delivered to The New York Times and to WLIB radio station by unknown persons. A fingerprint on the paper the plates were wrapped in was Moore's, he said.

The trial has focused largely on the activities of the people living with Moore in an apartment at 757 Beck Street in the Bronx. The group, who law enforcement officers have loosely identified with the militant Black Liberation Army, has since been dispersed by the police.

The shooting on May 18 came six days after Moore and 12 other Black Panthers were acquitted of charges of conspiring to blow up department stores and police stations.