

OK Given to Exhume Judge Haley's Body

Exhume Jurist's Body

Order Won by Magee Defense

By Stephen Cook

An order for the exhumation of the body of the late Marin County Superior Court Judge Harold Haley was granted today to defense attorneys for San Quentin convict Ruchell Magee.

It will permit an autopsy by a defense pathologist to support defense claims that Judge Haley was dead when Magee discharged a shotgun at him during the Marin County courthouse shootout of Aug. 7, 1970.

Dr. John Manwaring, who conducted the original post mortem after the shooting, in which three others died, said then that it was impossible to determine whether Judge Haley died of the shotgun blast or a bullet from a .38 revolver fired by someone else.

Vigorous Protests

The wounds occurred within a second of each other, he told, concluding—that Judge Haley was alive when both were inflicted.

Attorney Ernest L. Graves won today's order — despite

vigorous protests by attorney John Buresh, an old friend of Judge Haley's representing his widow — during a morning hearing in the chambers of Superior Judge Richard Arnason.

Judge Arnason specified that the date for removal of Judge Haley's body from its resting place in Mt. Olivet Cemetery, San Rafael, would not be disclosed.

Point of Law

The defense move apparently relates to one of the companion charges (other than murder) facing Magee — assault by a life prisoner on a free man resulting in death.

Conviction on this charge carries an automatic death penalty without deliberation by a jury. Assault on a dead man, a corpse, would not be covered under the statute and Magee wants to avoid the automatic death penalty, at least.