

Soledad Jury Warned on Davis Case

By Harold V. Streeter

For the first time at the trial here of two black convicts charged with killing a white guard at Soledad Prison, the judge today warned the jury to carefully avoid paying any attention to the San Jose trail of Angela Davis.

Without mentioning Miss Davis by name, Superior Judge S. Lee Vavuris told the nine women and three men they must not read or listen to radio or watch television dealing with any other trial related to the Soledad trial.

Cross-Examined

Miss Davis is accused of supplying the guns used in the Aug. 7, 1970 shootout at Marin Civic Center — a violent attempt, authorities say, was aimed at winning release from San Quentin

prison of the guard's accused convict killers.

At the trial today, convict Larry Eskew, 29, a Santa Clara County armed robber, told cross-examining defense attorney Floyd Silliman he was afraid other convicts were out to get him for witnessing the Jan. 16, 1970 death of Guard John V. Mills.

"Do you understand the convicts' code? What it means?" Silliman asked the reluctant prosecution witness.

"Yes," said Eskew, "It means don't inform on other convicts."

Silliman: "Then why are you testifying?"

Eskew: "Basically out of fear . . . I believed at the time on Jan. 16, 1970, that a threat to my life (from other prisoners) was present after Mills was killed. There was

a lot of yelling between X wing and Y wing (maximum security sections). I heard somebody (in X wing) yell, 'Get the guy in 345.'"

Eskew was in Y wing cell 345 near where Mills was slain.

The trial, recessed since Jan. 27 because Silliman had the flu, entered its 20th day today in San Francisco Superior Court. The proceedings were delayed an hour because Cluchette and Drumgo had to be driven here from San Quentin after their helicopter broke down.

Eskew, in his second day of cross - examination, was

unshaken in his incrimination of the two defendants in the slaying.

Preferential

But the defense interrogation did bring out that he and other convict eyewitnesses were removed from Y wing after the slaying to a barracks area of the prison and given preferential treatment.

On one occasion, he said, some of the potential convict eyewitnesses were taken rabbit hunting by Captain Charles Moody, who bossed the prison guards and headed up the early investigation of Mill's murder.