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MISS DAVIS FACES TRIAL ON FEB. 28

Judge Denies Defense Bid for a Change of Site

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Special to The New York Times

SAN JOSE, Calif., Feb. 17— After again refusing a defense request for a change of trial site, Judge Richard A. Arnason today ordered the trial of Angela Y. Davis, the black activist, to begin on Feb. 28.

Judge Arnason said that, while the evidence showed that Santa Clara County was not totally free from prejudice against Miss Davis, there was no reasonable likelihood that she could not receive a fair trial here.

"It is always possible," Judge Arnason said, "that something improper will happen. The perfect world has not yet been created and perhaps the perfect forum for the trial of this case has not been yet discovered."

But quoting Alexander Pope's "Essay on Criticisms," Judge Arnason said, "Whoever thinks a faultless piece to see, thinks what ne'er was, nor is, nor o're shall be."

3 Other Motions Denied

In addition to denying the change of trial site, Judge Arnason denied three other defense motions. However, he did grant a request that will enable the defense to share in the prosecution's information about prospective jurors, obtained from various government sources.

The rulings by Judge Arnason ended more than 18 months of pretrial hearings and cleared the way for the start of the trial

which has been postponed on several occasions.

Miss Davis, a scholar and former philosophy instructor at the University of California, Los Angeles, will be tried on charges of murder, kidnapping and criminal conspiracy.

Both the defense and prosecuting attorneys believe that it will take up to six months to complete the trial.

After his rulings today, Judge Arnason ordered a pool of 1,000 names taken from voter registration lists here to serve as prospective jurors. He ordered 150 of those persons to be at the courthouse at 9:30 A.M. on Feb. 28, when jury selection is to begin.

4 Killed in Escape Attempt

Miss Davis, 28 years old, who is an avowed member of the Communist party, is accused of supplying the guns that were used in a kidnapping attempt in a courtroom in Marin County in August, 1970. The escape effort ended in the deaths of four persons, including a judge of the court.

Miss Davis was arrested in New York City in October, 1970, and returned to Marin County for trial two months later. Since that time, however, arguments on a series of defense motions have delayed the start of her trial.

The trial was shifted here November by Judge Arnason after attorneys for Miss Davis successfully argued that she could not receive a fair trial in Marin County.

The defense objected to Santa Clara County and asked that the trial be shifted again, but today Judge Arnason ruled out that possibility.

Among the other defense motions that were turned down today were a request by Miss Davis that the state pay for the cost of her trial. The defense had also objected to the system of jury selection that is used here, but Judge Arnason in his ruling today refused to alter that process.