

MAR 3 1972

SF Examiner

Muslim Ex-Con Alibi Witness For Clutchette

By Harold Streeter

A Black Muslim minister and former Soledad Prison inmate took the stand today as an alibi witness for John Clutchette, on trial with Fleeta Drumgo for the murder of a prison guard.

Donald Poole, a parolee who lives in Las Vegas, testified that Clutchette was in the television room on the first floor of Y Wing at the prison until at least 6:30 p.m. on the day of the killing.

A prosecution witness, convict Larry Eskew, testified earlier that he saw Clutchette walk to the body of prison guard John Mills on the third tier of the wing and pick up the flashlight with which George Jackson allegedly beat the victim.

Moments later, according to the prosecution, Mills' body hurtled three floors to the concrete below. The time was shortly after 6:30 on Jan. 16, 1970.

Poole was then serving a sentence for armed robbery from Los Angeles.

He said he had gone to the TV room at 5:30 and that Clutchette, whom he knew, also was there.

He said he recalled that a Steve Allen show was on and featured a jazz musician playing a bagpipe.

"I remember John Clutchette was a king of authority on jazz, and he was commenting on this jazz musician," Poole said.

Poole said he left the room briefly to get some cigarettes to trade, but returned. He said he watched a local TV news show, but left when the world news came on at 6:30 p.m.

Defense attorney Floyd Silliman asked if Clutchette was still there at that time.

"When I left he was still sitting there," said Poole. "I believe he was."

He said that a short time later he went to get some coffee and heard a shout "which could have been a howl for mercy," then bottles came crashing down from the third tier. "I thought it was a riot or something."

Poole declined to be sworn in before beginning his testimony, saying it was against the tenets of Islam. But he said he would tell the truth.

The trial of Clutchette and Drumgo is now in its tenth week.