

Judge Queries Davis Trial Jury On Reports of Nearby Slaying

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SAN JOSE, Calif., April 10 — The ambush killing four days ago of a onetime prison cell mate of the late George Jackson brought a recess today in the trial of Angela Davis.

The shooting took place in San Jose, a few miles from the courthouse where Miss Davis is on trial. Last Thursday, when 29-year-old James Carr was shot it was said that there was no connection between the incident and the Davis trial.

But over the weekend, newspaper reports said that Carr had been killed because he had taken money from the Angela Davis and Soledad Brothers defense funds. The reports also pointed out that he had been shot as he was leaving the home of his mother-in-law, Joan Hamr, a supporter and friend of Miss Davis.

Miss Davis is being tried on murder, kidnapping and conspiracy charges.

At the start of today's proceedings, Judge Richard E. Arnason summoned attorneys from both sides to his chambers for discussions that lasted five hours.

At 2 P.M. the court was reconvened and Judge Arnason explained that the delay had been caused by the shooting. He began questioning the jurors to find out what impact, if any, the newspaper reports might have had on their consideration of the case.

"Have any of you read or listened to reports of the death of Mr. James Carr," the judge asked. Five of the jurors and three alternates said they had.

Judge Arnason asked if any of them had been prejudiced by the publicity. They all said they had not been. He asked if they

could still be fair and impartial in the case, and they said they could. The judge then asked the jurors not to read any more accounts of the slaying. He said the shooting had no connection with the Davis trial.

Judge Arnason then resumed the proceedings.

In its case against Miss Davis the state contends that the purpose of a shootout at the Marin County courthouse in August, 1970, was to take a so-called hostage who could be used later to bargain for the freedom of the so-called Soledad Brothers, then inmates at San Quentin Prison. Four persons, including a judge, were killed.

The prosecution says that Miss Davis was in love with George Jackson, one of the Soledad Brothers, and that she helped plan and participated in the effort to get him out of prison.

Jackson was killed in August, 1971, in what prison officials said was an escape attempt at San Quentin. The two surviving Soledad Brothers, who had been charged along with Jackson with murdering a prison guard, were acquitted a few weeks ago.

The San Jose police, in their accounts of the shooting of Carr, did not mention the reports that he had siphoned off defense funds.

Two suspects, Lamar Lloyd Mimms, 21, and Richard Rodriguez, 22, both said to be members of the Los Angeles chapter of the Black Panther party, were arrested 30 minutes after the shooting. Mr. Mimms was one of the 13 Panthers arrested after a shootout with the police Dec. 8, 1969, at the party's headquarters at 4115 South Central Avenue.