

Davis Trial Enters New Phase; Link to Soledad Case at Issue

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SAN JOSE, Calif., April 18 —A brief but sharp exchange between lawyers late this afternoon signaled the start of the second phase of the state's case against Angela Davis.

The exchange came after prosecutor, Albert Harris Jr., read into the record an indictment handed up in February, 1970, charging three black convicts known as the Soledad Brothers with murdering a prison guard.

After Mr. Harris read the indictments, a defense attorney, Leo Branton, asked the prosecutor to stipulate that the two surviving Soledad Brothers, John Clutchette and Pleeta Drumgo, had later been acquitted. Gerge Jackson, the other inmate indicted, was killed last August at San Quentin Prison.

Harris Angered

Mr. Harris, angered that Mr. Branton had made his request in front of the jury and while court was in session snapped: "You've already put it on the record."

Asked if he was refusing the stipulation, Mr. Harris replied that the verdict acquitting the Soledad Brothers "has nothing to do with this case."

"Neither does the indictment," Mr. Branton answered.

When the prosecutor again refused to make the stipulation, Mr. Branton said that the defense would present evidence to show the verdict.

In this phase of the state's case against Miss Davis, the 28-year-old black activist who is charged with murder, kidnapping and criminal conspiracy, the Soledad Brothers are the central issue.

The state maintains that the

raid on Judge Harold Haley's courtroom in Marin County in August, 1970, for which Miss Davis is accused of supplying guns, was part of a plot to free the Soledad Brothers.

In his opening statement, the prosecutor said that Miss Davis not only helped plan the raid and supplied the guns but that she wanted the Soledad Brothers freed primarily because she was in love with Jackson, who was then under a life sentence at San Quentin Prison.

In the first phase of the trial, the prosecution detailed its version of the escape attempt from Judge Haley's courtroom and attempted to show that the judge and the others who were taken hostage were to have been used later in a trade for the freedom of the Soledad Brothers.

That phase of the trial ended this afternoon when the defense ended its cross-examination of Fred H. Wynbrandt, the state ballistics expert who testified yesterday that a shotgun purchased by Miss Davis had been used to shoot Judge Haley.

In a rigorous cross-examination, another defense attorney, Howard Moore Jr., attacked every aspect of the state's description of how four persons were killed in the getaway van.

The state's first witness this afternoon was Charles Foster, a sergeant in the Monterey County Sheriff's Department.

He testified that Miss Davis attended hearings involving the Soledad Brothers as far back as May and June, 1970. Those hearings were held in Salinas, Calif.