

# Stern Warning to Magee

By Harold V. Streeter

The shock of seeing Ruchell Magee assault his attorney, sending him sprawling on the courtroom floor, still prevailed today on the second day of jury selection for his murder trial.

Superior Judge Morton Colvin sternly warned the 33 year old San Quentin convict that if it happened again he would be handcuffed with his hands behind him during the trial for the murder of Judge Harold Haley at Marin Civic Center two years ago.

Magee reacted by telling the judge:

"I was trying to smash his (Attorney Robert Carrow's) face. I wanted to break his jaw. I got his teeth marks on my knuckles."

## Taken to Cell

A short time later, during arguments protesting the judge's decision to sequester the jury throughout the trial, Magee got up and started to walk out. When Judge Colvin ordered him back to his chair, Magee broke out in loud, constant whistling and was removed to a holding cell.

After hearing the arguments, the judge denied all motions to reverse his decision. The jury will be kept at a hotel nightly all through the testimony phase, instead

of delaying until it starts deliberations.

Judge Colvin told the prospective jurors that the trial may last as long as 11 weeks, meaning they will be in a hotel through Christmas and New Year's.

Outside the courtroom, Carrow said he expected jury selection to take a minimum of three or four weeks.

All 125 members of the panel from which the twelve will be chosen witnessed a wild moment of suddenly unleashed passion yesterday afternoon in the tightly-guarded courtroom of Superior Judge Colvin at the Hall of Justice.

Judge Colvin was talking to the seven women and five men whose names were the first drawn from a spinning metal chamber by Clerk Ray Foley.

## Closed Circuit

Up on the sixth floor, the rest of the panel had a clear view by closed circuit television of the third floor proceedings before Judge Colvin.

Without warning, Magee leaped to his feet. Arms swinging, he lunged at Carrow. Just a short time before he had lost a move to fire the Novato lawyer on the allegation that Carrow

had "threatened a black man's life."

Magee's unexpected attack upset Carrow in a chair at the defense counsel table. He tumbled to the floor. His papers scattered.

Bailiffs overpowered Magee, pinned his flailing arms to his body, then led him with some difficulty out of the courtroom, Magee shouting defiance.

## Defendant Ejected

Judge Colvin hastily ordered that the closed circuit television be turned off. But by then everyone had seen what happened.

The judge excused the 12 from his courtroom. Once they were out, he told the attorneys that Magee would have to stay in a holding cell, with a loudspeaker to convey him the proceedings, "until such time as he can give assurance he will conduct himself in a proper manner."

## Panel Recalled

Then the judge recalled the first 12, had the closed circuit television turned back on and asked all 125 prospective jurors "to disregard what you have just witnessed as though you never observed it."

But prospective juror No. 2, a long-haired blonde,

burst into sobbing, pleaded "I just don't want to be here." The judge refused for the time being to excuse her.

Then tentative juror No. 5, a woman office manager of a life insurance company, told the judge she couldn't disregard what she had seen and heard. But he also kept her in the jury box.

The prosecutor, Assistant District Attorney Albert W. Harris Jr., read off a list of 31 prospective witnesses, most of them Marin County sheriff's deputies, San Rafael police and San Quentin officers.

## Key Witness

The key prosecution witness will be Garry W. Thomas, now a Marin County municipal judge, who is paralyzed from the waist down by wounds he suffered in the shootout that killed Judge Haley and three others. Thomas, who then was deputy district attorney in Marin County, witnessed the shooting from inside the van in which Judge Haley was slain.

Magee's prosecutor, Harris, also prosecuted Angela Davis who won acquittal of charges that she conspired in the shootout by supplying the guns smuggled into Judge Haley's courtroom.