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# Magee Insists He Didn't Shoot Judge

By Huel Washington

Ruchell Magee dramatically admitted in Superior Court here yesterday that he held a judge and other hostages at gunpoint during the bloody Marin gun battle, but denied he killed anybody "or intended to hurt anyone."

Under cross examination by Assistant Attorney General Albert W. Harris Jr., the 33-year-old convicted robber said:

"My sole intention was freedom . . . taking freedom. I couldn't get none any other way."

Magee is accused of pulling the trigger on a sawed-off shotgun hung around the neck of Superior Court Judge Harold Haley, one of

four persons shot to death in the abortive escape from the Marin County Hall of Justice on August 7, 1970.

## COURT

Magee was testifying in court that day and was "somewhat surprised" when Jonathan Jackson, the 17-year-old brother of writer-revolutionary George Jackson, stood up in the courtroom with a gun.

"The reason I joined Jonathan Jackson was I was doing what I could to help myself," he said.

"It would be committing suicide to walk out of there without a gun. But I didn't injure anybody, I didn't intend to hurt anyone."

While a packed courtroom listened intently, the defendant denied he killed the

judge, who was one of the hostages in a van being used for the abortive escape.

"I did not shoot Judge Haley. I did not see his face blown away. His face was not like these pictures when I observed him last.

"Judge Haley was waving out the front window of the van and shouting, 'Don't shoot!' Then he waved out the back window, saying 'Don't shoot!' Shooting was going on when he was waving."

## MAIN

Before concluding his testimony, Magee directly challenged the main prosecution witness, Marin county Municipal Court Judge Gary Thomas, who was shot and permanently paralyzed in the shooting.

According to Magee, the shots that killed four people and wounded three others, including himself, were all fired from outside the escape van by sheriff's deputies and other lawmen.

Thomas, who was the prosecutor that day, could not have killed or wounded the men he said he did because "he was lying on the floor trembling and frightened," Magee testified.

"He didn't shoot Jackson, he didn't shoot Willie Christmas, he didn't shoot McClain, he didn't shoot me,

"I didn't do any shooting, I was trying to hug the floor myself. I was down on the floor when I was hit."