

Lawyer Says Magee Jury Being Forced

The jury in the Ruchell Magee kidnap-murder trial remained deadlocked yesterday, and apparently was drifting further away from agreement, after a week of deliberations.

The jury of six men and six women told Superior Court Judge Morton R. Colvin twice yesterday that they were unable to agree on a verdict despite more than 46 hours of actual deliberations.

During the morning session, the jurors said they had reached an impasse and the vote was stymied at 11 to 1 on both counts. They did not say whether the majority was for guilt or innocence.

By late afternoon they sent a note to the judge that said: "Further deliberations are of no use. We are hopelessly deadlocked."

Under questioning by Judge Colvin, foreman Bernard Suarez said the jurors were still deadlocked 11 to 1

on the kidnap charge, but the murder vote had changed to 10 to 2.

The judge admonished the unknown holdouts to "consider whether the doubt in his or her own mind is a reasonable one."

CONSIDERATION

He encouraged them to consider that the majority opinion might be right and the other jurors are "equally honest" in their opinions.

He urged the jury to consider that the case must be decided at some time, and "there's no reason to suppose that 12 more intelligent or more impartial" people would be selected to hear the case.

Judge Colvin then ordered them to continue deliberations.

CHARGE

As the jurors filed out of the courtroom, Magee turned to them and said, "Hang on in there."

Magee, 34, is accused of murder and kidnaping in the Aug. 7, 1970, escape

attempt from the Marin county courthouse when a judge and three others were killed.

Defense attorney Robert D. Carrow claimed yesterday that Judge Colvin was attempting to "blackjack that jury into a verdict. It's been 40 hours since the jury said it was deadlocked."