

Magee Trial Moved to San Jose

The re-trial of Ruchell Magee on kidnap charges relating to the Marin Civic Center escape attempt and shooting in August, 1970, will be held in San Jose.

The controversial case was transferred yesterday to Santa Clara county by Superior Court Judge John A. Ertola of San Francisco.

The trial of Angela Davis on other charges relating to the same incident was also held in San Jose. It ended in her acquittal.

Ertola chose Santa Clara county for the re-trial above Alameda and San Mateo counties. All three counties had been selected as possible sites by the state Judicial Council.

No reason was given for the final choice of Santa Clara county.

HEARING

Presiding Superior Court Judge Homer B. Thompson of Santa Clara county said a hearing will be held in San Jose next Wednesday to name the judge who will oversee the trial and the date it will begin.

Magee was originally charged with murder, kidnap and conspiracy following an aborted escape attempt in which a Marin county judge was killed and several persons seized by three San Quentin prison convicts aided by a youth who had smuggled guns into a courtroom.

The youth, Jonanthon

Jackson, and two convicts were killed in the escape attempt. Magee was wounded but survived and was charged.

CO-DEFENDANT

The conspiracy charge was dropped when his co-defendant, Miss Davis, was found not guilty of the same charges in a separate trial last year.

Following granting of a change of venue motion, Magee, 34, was tried in San Francisco on charges of murder and kidnap. The jury deadlocked on both counts, reporting their vote had been 11 to one for acquittal on the murder charge and 11 to one for finding him guilty of the kidnap charge.

The state decided not to re-try him on the murder charge, leaving him now facing the single count of kidnap.
