

Magee Fair Trial Hearing Ordered

The State Court of Appeal ruled yesterday that Ruchell Magee, awaiting his second trial on kidnap charges, is entitled to a hearing in Santa Clara county Superior Court on whether he can get a fair trial there.

But the court rejected claims by Magee's attorney, Robert Carrow, that his client is being denied a speedy trial and that a second trial for aggravated kidnaping would put Magee in double jeopardy.

Carrow claims that the jury in Magee's earlier trial on murder and kidnap charges, which ended in a

mistrial, voted unanimously for acquittal on the aggravated kidnaping charge.

The same jury, however, voted 11 to 1 for conviction on a charge of simple kidnaping.

The murder charge was dropped after the first trial because the jury voted 11 to 1 for acquittal on that charge.

San Francisco Superior Court Judge John A. Ertola granted a motion for a change of venue to San Jose last May.

The charges against Magee stem from the Marin County Civic Center shootout of Aug. 7, 1970.
