

Magee Reconsiders--Asks To Withdraw Guilty Plea

Ruchell Magee, who pleaded guilty to a charge of aggravated kidnaping last Friday, had a change of heart in San Jose yesterday.

When he appeared before Superior Court Judge William A. Ingram for sentencing, Magee announced that he wished to withdraw his plea of guilty.

Ingram set a hearing on Magee's motion for 9:30 a.m. tomorrow.

Magee told the court yesterday he entered the guilty plea because of psychological acts of bias and prejudice.

"My court-appointed counsel," he said, "committed acts deliberately to gain my mistrust...to play funny games and tricks with my mind to force me to enter a guilty plea."

At another point, Magee, 34, said he was so frustrated he pleaded guilty on Friday "to get it all over with."

The charge against Magee stems from the August 7, 1970, Marin Civic Center shootout in which four persons were killed including Superior Court Judge Harold Haley.

Magee, who is serving five years to life at San Quentin for a \$10 Los Angeles kidnap-robbery, was tried in San Francisco last year on charges of murder and kidnaping.

The trial ended with a hung jury and the case was moved to San Jose for a new trial solely on a charge of aggravated kidnaping. That trial was due to start on May 28.

The San Francisco jury had voted 11 to 1 for acquittal on the murder charge, stood at 12 to 0 for acquittal on the aggravated kidnaping charge and voted 11 to 1 for conviction on a charge of simple kidnaping.

Aggravated kidnaping, the charge to which Magee pleaded guilty last Friday, carries a penalty of life imprisonment without possibility of parole.

Simple kidnaping, on the other hand, is punishable by a sentence of one to 25 years with eligibility for parole

within one year.

Magee's turnabout yesterday drew objections from Assistant Attorney General Tim Reardon.

"He can't have it both ways," Reardon said, claiming Magee was trying to turn the court proceedings into "a circus."