

Life Term For Magee

In Kidnap SF Chronicle

By Rick Carroll

San Quentin convict Ruchell Magee was led in chains into a San Jose courtroom at 7:44 a.m. yesterday and sentenced to life imprisonment on a charge of aggravated kidnaping.

The charge stems from Magee's part in the 1970 Marin Civic Center gun battle in which four persons were killed.

The 24-minute hearing before Superior Court Judge William A. Ingram was punctuated by bitter remarks from Magee and followed by cries of "monumental injustice" from his attorney.

Thirty demonstrators chanting "Free Ruchell" were arrested outside the heavily-guarded Santa Clara county courthouse.

Magee was sentenced in the same super-security courtroom in which Angela Davis was acquitted of kidnap-murder-conspiracy charges in 1972 that also stemmed from the Marin Civic Center shootings.

The 35-year-old Magee had originally been a co-defendant with Miss Davis but their cases were severed on a motion by Miss Davis' attorneys.

Magee has not concealed his bitterness toward Miss Davis since then, and that bitterness spewed from him yesterday as he was being led away after sentencing.

Pausing at the courtroom door and turning back towards the bench which had already been vacated by Judge Ingram, Magee shouted:

"Angela Davis is a pig. Angela Davis is a snitch, a pig, a dirty stinking rat."

During the brief hearing

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before sentence was pronounced, Magee also found occasion to refer to his attorney, Deputy Public Defender Richard Such, as "a white racist clown."

As for Judge Ingram, Magee explicitly told him there was "no way in the world" to get a fair trial in his court.

He accused the judge of "obstructing justice" and "holding me in a circle."

Looking evenly at the judge, Magee charged:

"You have conspired to steal my life."

After the hearing, both

Such and Magee's former court-appointed attorney, Ernest Graves, spoke indignantly of the proceedings.

Such, calling the sentencing "a monumental injustice," declared:

"If there is justice anywhere in the world to be found we'll find it and some day Ruchell Magee shall be free."

Graves referred to the sentencing of Magee as "the final fillip" in the state's mishandling of his case.

The attorney said the hastily arranged sentencing at so early an hour in the morning was "furtive and tawdry."

"This little hearing was done in a rush, in the most quiet and inconspicuous way, because I don't think they're proud of what they're doing," Graves said.

He said the proceedings were "a judicial shell game" in which many issues were by passed and added up to "a shocking miscarriage of justice."

Deputy Attorney General Tim Riordan told The Chronicle that he asked Judge In-



AP Photo

Ruchell Magee entered court for sentencing

gram last week to set a date for Magee's sentencing for not later than yesterday.

Riordan explained that state law requires that a defendant be sentenced within 21 days after he has either been found guilty or has pleaded guilty.

If the sentence is not imposed within 21 days, Riordan said, the defendant can go into court and ask for a new trial.

Magee, who has lived in prisons all but six months since he was 16, unexpectedly and contrary to the advice of his attorneys, pleaded guilty to the kidnap charge last May 10.

Three days later, he moved to withdraw the guilty plea. The judge turned him down and numerous appeals to higher courts followed.

During these various appeals the clock would be stopped, much as in a foot-

ball game, on the 21-day limit and, according to Riordan, it was not until yesterday that the crucial 21st day had been reached.

Riordan said he had nothing to do with the time of Magee's sentencing, an hour so early that most of the press missed the hearing.

Both Riordan and Such said the early hour was set by the judge because the super-security courtroom was needed later in the morning by another judge handling other cases.

During 4½ years of court appearances in the Marin shooting case, Magee has repeatedly sought permission to represent himself.

Eight Superior Court judges, according to Riordan, have ruled that he was incompetent to represent himself and have appointed lawyers to defend him.

When Magee suddenly insisted on pleading guilty to the kidnap charge in San Jose last May, he declared that he was standing "on my constitutional right to plead guilty."

At that time he accused

the judge of being hard on blacks and lambasted him as a hypocrite.

"There's no justice here. You're driving me mad," he said.

When he sought to withdraw the guilty plea three days later, Magee said his court appointed lawyer had played "funny games and tricks with my mind" to force him to plead guilty.

He also said he was frustrated and pleaded guilty "to get it all over with."

Judge Ingram refused to allow Magee to withdraw the guilty plea, saying Magee acted "knowingly, understandably and freely."

Since then, Magee has unsuccessfully appealed through the state courts and even to the United States Supreme Court to be allowed to withdraw his guilty plea.

His principal argument to the U.S. Supreme Court, which declined to grant him a hearing, was this:

If he (Magee) was not allowed to represent himself because he was incompetent then the same reasoning should be applied to his guilty plea and it should be withdrawn.

"It's an Alice in Wonderland situation, a legal Catch 22," said deputy public defender Such of this disparity.

Magee was originally tried in San Francisco on the murder kidnap conspiracy charges growing out of the Marin shootings. That trial ended in a hung jury in 1973.

The case was transferred to Santa Clara county where the state chose to try Magee only on the kidnap charge.

Magee is already serving a five-year to life sentence for a 1963 \$10 Los Angeles kidnap robbery. □