

Extradition of Vesco Barred

By Ike Flores

NASSAU, Bahamas, Dec. 7 (AP)—A Bahamian magistrate refused today to order fugitive financier Robert L. Vesco extradited to the United States.

Magistrate Emmanuel Osadebay ruled that a federal wire fraud charge was not an extraditable offense under a 1931 Bahamian-American treaty.

The U.S. case was based on a July 20 indictment by a federal grand jury in New York, alleging that Vesco defrauded a New Jersey company he headed of \$50,000. A key element of the alleged offense, bringing it

under federal jurisdiction, was that Vesco caused the money to be transferred by wire from a company account at the Bank of America in San Francisco to Switzerland.

After the ruling, U.S. Attorney Paul J. Curran of New York conferred with Bahamian counsel to find out whether we may have some rights of review. If so, we may pursue them."

Under Bahamian law no direct appeal of such a decision is possible, but legal sources said there could be an appeal to the Bahamian Supreme Court on a point of law.

Vesco, 38, was not present in court. Authorities said that his \$75,000 cash bond and travel documents confiscated upon his arrest in Nassau on Nov. 6 will be returned.

Osadebay ruled that "even if the wire fraud were an extraditable offense under the treaty, the United States failed to produce evidence before this court sufficient to put the accused, Robert L. Vesco, to his trial . . ."

Osadebay said prosecution affidavits were insufficient, some of them based on hearsay and lacking in documentation.

He said there is in Bahamian law no offense "substantially similar" to that of wire fraud in American law, as required by the extradition agreement.

Vesco was charged in the embezzlement of \$50,000 from International Controls Corp. The indictment alleges Vesco used the money to buy personal stock in Investors Overseas Services, Ltd., a Geneva-based mutual fund.

Vesco is wanted on two other major charges in the United States, including a federal conspiracy indictment involving an alleged secret \$200,000 campaign contribution to President Nixon. He also faces a civil suit charging fraud of mutual fund investors of \$224 million.

Vesco's chief defense counsel, Bahamian attorney Eugene Dupuch, told the court after the reading of the 31-page opinion that the prosecution's case had been "pitifully, woefully and abysmally without virtue."

Curren said he disagreed with Osadebay's "interpretation of the facts and the law entirely."