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Department of State

INCOMING TELEGRAM

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FM AMEMBASSY GEORGETOWN

TO SECSTATE WASHDC IMMEDIATE 1920

UNCLAS GEORGETOWN 0376

E.O. 12065: NA

TAGS: CARR, (BEIKMAN, CHARLES), (JONES, STEPHAN), (PEOPLE'S TEMPLE)

SUBJ: W/W ARRESTS: CHARLES BEIKMAN; STEPHAN JONES; PRELIMINARY INQUIRY CONCLUDES, MAGISTRATE RESERVES DECISION FOR FEB. 6.

REF: GEORGETOWN 0345

SUMMARY. MAGISTRATE PERSAUD, AT THE CONCLUSION ON FEB. 2 OF THE PRELIMINARY INQUIRY INTO THE DEATHS OF LINDA SHARON HARRIS (AKA SHARON AMOS) ET AL, SAID HE WOULD GIVE HIS DECISION ON FEB. 6 ON WHETHER OR NOT ENOUGH EVIDENCE EXISTS TO COMMIT THE ACCUSED TO A JURY TRIAL BEFORE THE HIGH COURT. PRIOR TO THE ANNOUNCEMENT, PERSAUD GAVE HIS DECISION ON THE VOIR DIRE CONCERNING THE ADMISSIBILITY OF BEIKMAN'S SECOND STATEMENT, AND PROSECUTING COUNSEL AND SENIOR DEFENSE COUNSEL EACH CLOSED THEIR CASE AND MADE CONCLUDING ARGUMENTS BEFORE THE COURT. END SUMMARY.

1. AFTER SENIOR COUNSEL REX MCKAY CROSS-EXAMINED DR. MOOTOO, WHO ORIGINALLY GAVE TESTIMONY ON FEB. 1, MAGISTRATE PERSAUD ANNOUNCED, WITHOUT EXPLANATION, THAT HE HAD DECIDED TO ADMIT THE STATEMENT MADE BY BEIKMAN TO THE POLICE ON NOV. 23. THE PROSECUTION THEN CALLED TO TESTIFY THE LEGAL CLERK WHO WITNESSED STEPHAN JONES' SIGNATURE ON THE DEPOSITION HE MADE IN COURT OF DEC 18. THE STATE'S FINAL WITNESS WAS DETECTIVE ASSISTANT SUPT. LAM, WHO WAS RECALLED TO READ BEIKMAN'S STATEMENT INTO THE RECORD. CROSS-EXAMINATION OF BOTH WITNESSES WAS DECLINED BY THE DEFENSE.

2. AFTER LAM'S TESTIMONY, MAGISTRATE PERSAUD READ THE CHARGE TO EACH ACCUSED. BOTH THEN MADE SHORT STATEMENTS FROM THE DOCK SAYING THAT THEY WERE INNOCENT. COMMENT: ALTHOUGH BOTH ACCUSED HAVE BEEN CHARGED WITH FOUR COUNTS OF MURDER AND ONE COUNT OF ATTEMPTED MURDER, THE INQUIRY TECHNICALLY IS INVESTIGATION ONLY THE MURDER OF SHARON AMOS, ALTHOUGH THE PROSECUTING HAS LEAD EVIDENCE DURING THE INQUIRY ON ALL THE CARGES. END COMMENT.

3. MCKAY STATED THAT THE PROSECUTION HAS NOT PROVED A PRIMA FACIE CASE AGAINST BEIKMAN ON ANY OF THE FIVE CHARGES, AND THAT THE DEFENSE DID NOT WISH TO LEAD ANY EVIDENCE IN HIS DEFENSE. MCKAY CALLED TWO WITNESSES ON JONES'S BEHALF, A CANA CORRESPONDENT WHO INTERVIEWED JONES ON DEC. 18, SHORTLY AFTER HE MADE HIS CONFESSION, AND JONES HIMSELF. BOTH TESTIFIED CONCERNING THE CIRCUMSTANCES IN WHICH THE CONFESSION WAS MADE, AND BOTH WERE CROSS-EXAMINED BY STATE COUNSEL CARLTON WEITHERS.

4. IN HIS CONCLUDING STATEMENT TO THE COURT, MCKAY SAID THERE WAS NOT A "SCINTILLA" OF EVIDENCE THAT JONES HAD COMMITTED THE MURDER OF SHARON AMOS, OUTSIDE OF HIS STATEMENT TO THE COURT ON DEC. 18. NOR WAS THERE ANY EVIDENCE, MCKAY ADDED, TO SHOW THAT JONES HAD CONSPIRED WITH ANYONE TO COMMIT THE MURDER. MCKAY, NOTING THAT SEVERAL PROSECUTION WITNESSES HAD TESTIFIED THAT JONES WAS NOT ON THE PREMISES WHEN THE MURDER WAS COMMITTED, CHARACTERIZED JONES CONFESSION ON DEC. 18 AS "UNRELIABLE", AND ARGUED THAT THE STATEMENT WAS MADE IN A FIT OF PIQUE. TURNING TO THE CASE OF BEIKMAN, MCKAY ARGUED THAT THERE WAS NO ADMISSIBLE EVIDENCE TO SHOW THAT BEIKMAN HAD COMMITTED MURDER. FURTHERMORE, STEPHANIE JONES HERSELF GAVE NO EVIDENCE TO SUGGEST THAT THE ACCUSED HAD ATTEMPTED TO MURDER HER.

5. WEITHERS IN HIS CONCLUDING STATEMENT ARGUED THAT A STRONG PRIMA FACIE CASE HAD BEEN MADE AGAINST BOTH ACCUSED. JONES, WEITHERS ADMITTED, WAS NOT ON THE PREMISES WHEN THE MURDER WAS COMMITTED, BUT WAS AN "ACCESSORY BEFORE THE FACT", AND HAD ADVISED AND PROCURED BEIKMAN TO COMMIT THE OFFENCE. THIS, WEITHERS CONTINUED, COULD BE DRAWN ON INFERENCE FOR JONES' CONFESSION. TO COMMIT JONES, THE COURT NEEDED NO EVIDENCE BUT THE CONFESSION ITSELF. WEITHERS SAID THERE WAS STRONG CIRCUMSTANTIAL EVIDENCE, BASED ON STEPHANIE JONES' TESTIMONY AND BEIKMAN'S OWN STATEMENT, THAT BEIKMAN HAD MURDERED SHARON AMOS.

6. COMMENT: UNDER GUYANESE LAW THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP) HAS THE POWER TO COMMIT ONE OR BOTH ACCUSED EVEN IF THE MAGISTRATE DECIDES THAT A PRIME FACIE CASE HAD NOT BEEN PROVED. BURKE

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DATE 8/27/81

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