

WILLIAMS JESSIE M
79 GEORGETOWN 909

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ACTION OCS-06

INFO OCT-01 ARA-15 ISO-00 CA-01 L-03 H-02 FBIE-00
JUSE-00 PA-02 ICAE-00 SS-15 SSO-00 NSCE-00 /045 W
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O 011600Z MAR 79
FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC IMMEDIATE 9098
UNCLAS GEORGETOWN 0909

E.O. 12065: NA
TAGS: CARR, (LAYTON, LARRY), (PEOPLE'S TEMPLE), GY
SUBJ: W/W ARRESTS: LARRY LAYTON
REF: GEORGETOWN 0756

1. AT START OF FEBRUARY 23 SESSION ON HIGH COURT TRIAL OF LAYTON, SENIOR DEFENSE COUNSEL REX MCKAY MADE THREE SUBMISSIONS. THE FIRST ARGUED THAT CHIEF JUSTICE BOLLERS SHOULD DISQUALIFY HIMSELF FROM THE TRIAL ON THE GROUNDS OF POSSIBLE PREJUDICE TOWARD THE ACCUSED. THE SECOND SUBMISSION MOVED THAT THE TRIAL SHOULD BE POSTPONED UNTIL THE APRIL SESSION OF THE HIGH COURT TO ALLOW MORE TIME FOR THE DEFENSE TO PREPARE ITS CASE. MCKAY ARGUED IN THE THIRD SUBMISSION THAT MAGISTRATE CHINTA DID NOT HAVE AUTHORITY TO PRESIDE OVER THE PRELIMINARY INQUIRY CONCLUDED LAST DECEMBER INTO THE MURDERS OF CONGRESSMAN RYAN AND FOUR OTHER AMERICANS, AND THAT THEREFORE LAYTON'S COMMITAL TO TRIAL IN THE HIGH COURT WAS IN ERROR.
2. BOLLERS DENIED THE FIRST SUBMISSION AND STATED THAT THERE WAS ABSOLUTELY NO REASON WHY HE SHOULD DISQUALIFY HIMSELF, EVEN IF THE ALLEGATIONS MADE BY THE DEFENSE IN THIS MATTER WERE TRUE. BOLLERS ALSO DENIED THE SECOND APPLICATION ON THE GROUNDS THAT THE DEFENSE HAD SUFFICIENT TIME TO PREPARE A DEFENSE.

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BOLLERS ADJOURNED COURT UNTIL MARCH 1 TO ALLOW TIME FOR HIM AND THE PROSECUTOR TO STUDY IN DETAIL MCKAY'S THIRD SUBMISSION.

3. DUE TO PROCEDURAL POINTS RAISED AT BEGINNING OF DAY'S SESSION JURY WAS NOT SELECTED.
BURKE

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|---|---------------------|
| DEPARTMENT OF STATE A/CDC/NE | |
| FORWARDED BY <u>[Signature]</u> | DATE <u>2/26/81</u> |
| REC'D or XDC [] | DATE _____ |
| TS AUTH. _____ | REASON(S) _____ |
| ENDORSE EXISTING MARKINGS <input type="checkbox"/> | |
| DECLASSIFIED <input type="checkbox"/> RELEASED BY <input checked="" type="checkbox"/> | |
| RELEASE DENIED <input type="checkbox"/> | |
| PA or FOI EXEMPTIONS _____ | |