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#284,125 & #284,126

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b6 Per FBI  
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PAGE 01 GEORGE 01028 071812Z

ACTION OCS-06

Leo Ryan

INFO OCT-01 ARA-15 ISO-00 CA-01 L-03 H-02 SY-05 SYE-00

FBIE-00 JUSE-00 SS-15 NSCF-00 ICAE-00 SSO-00 / 048 W

EX-125

05 6281 071812Z / 46

O 071755Z MAR 79

REC-2 89-4286-1979

FM AMEMBASSY GEORGETOWN

TO SECSTATE WASHDC IMMEDIATE 9139

23 MAR 9 1979

UNCLAS GEORGETOWN 1028

E.O. 12065: NA

TAGS: CARR, (LAYTON, LARRY), (PEOPLE'S TEMPLE)

SUBJ: ARRESTS - LARRY LAYTON

58 MAR 21 1979

REF: GEORGETOWN 2918 AND PREVIOUS

1-56  
3879  
DPS/SLK

1. CHIEF JUSTICE BOLLER THIS MORNING RULED IN FAVOR OF THE DEFENSE CONTENTION THAT ORDER OF CHANGE OF VENUE FROM MAGISTRATE OF THE NORTH WEST MAGISTERIAL DISTRICT WAS TO THE CHIEF MAGISTRATE OF THE GEORGETOWN MAGISTERIAL DISTRICT AND THAT THE CHIEF MAGISTRATE DID NOT REPEAT NOT HAVE LEGAL AUTHORITY TO DELEGATE THE ORDER TO ANOTHER MAGISTRATE. THUS ENTIRE PRELIMINARY INQUIRY WAS IMPROPERLY CONDUCTED AND THEREFORE RESULTING INDICTMENT WAS IMPROPER.

2. CHIEF JUSTICE BOLLER'S FURTHER POINTED OUT THAT IF CHANGE OF VENUE ORDER HAD BEEN DRAWN TO ALLOW ANOTHER MAGISTRATE OF THE GEORGETOWN MAGISTERIAL DISTRICT TO CONDUCT PRELIMINARY INQUIRY, MAGISTRATE CHINTA COULD NOT REPEAT NOT HAVE DONE SO SINCE HER APPOINTMENT AS A MAGISTRATE IS SPECIFIC AS TO THE TYPES OF CASES WHICH SHE IS EMPOWERED TO HEAR, I. E., DOMESTIC AND PRIVATE CRIMINAL MATTERS AND DOES NOT REPEAT NOT INCLUDE INDICATBLE OFFENSES.

3. BOLLER'S ACKNOWLEDGED THAT HIS DECISION, IN EFFECT ORDERING

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GEORGE 21228 371312Z

A NEW PRELIMINARY INQUIRY, WOULD CREATE A GREAT DELAY IN THE CASE BUT MAINTAINED THAT PROPER PROCEDURES ARE ESSENTIAL TO JUSTICE. BOLLERS WAS HIGHLY CRITICAL OF DEFENSE ATTORNEY MCKAY, SUGGESTING THAT MCKAY'S AIM IN RAISING TECHNICAL OBJECTIONS WAS TO DELAY THE JUDICIAL PROCESS AND TO OBTAIN APPOINTMENT OF ANOTHER JUSTICE TO TRY THE CASE WHO WOULD BE MORE AMENABLE THAN THE CHIEF JUSTICE TO PLEA BARGAINING.

4. DEPARTMENT OF PUBLIC PROSECUTIONS HAS NOT YET INDICATED WHEN IT WILL GO AHEAD WITH A NEW PRELIMINARY INQUIRY, WHICH MAY REQUIRE THE RETURN OF WITNESSES TO GUYANA FROM THE UNITED STATES.

5. COMMENT: PROMINENT MEMBERS OF THE JUDICIARY AND THE BAR HAVE REMARKED TO EMBOFF THAT THEY BELIEVE THAT THE DEFENSE HAS TRIED UNSUCCESSFULLY TO REACH AN AGREEMENT WITH THE COURT ON AN ACCEPTABLE SENTENCE SHOULD THE DEFENSE PLEAD GUILTY TO ATTEMPTED MURDER. THEY SHARE THE CHIEF JUSTICE'S VIEW THAT THE DEFENSE DELAYING TACTICS ARE DESIGNED TO WIN THE APPOINTMENT OF A MORE AMENABLE TRIAL JUDGE.

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