

VV FBA279

RR RUEHFB

DE RUESON 1099 0711755

ZNR UUUUU ZZH

R 121549Z MAR 79

FM AMEMBASSY GEORGETOWN

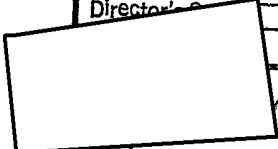
TO RUEHFB/DIRECTOR FBI WASHDC

INFO RUESRS/AMEMBASSY CARACAS 2164

13 MAR 79 11 49z

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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b6 Per FBI

b7C

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DATE 12/14/92 BY 1048 DMP/ukh

Leo Ryan

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BT

UNCLAS GEORGETOWN 1028

CARACAS FOR LEGATT

E.O. 12065: NA

TAGS: CARR (LAYTON, LARRY) (PEOPLES TEMPLE)

SUBJ: ARRESTS - LARRY LAYTON

REF: MARCH 9 TEL FROM DIRECTOR FBI TO AMBASSY GEORGETOWN

EX-125 REC-2 89-4286-1988

FOLLOWING IN ACCORDANCE WITH YOUR REQUEST IS TEXT OF EMBASSY

REPORT OF MARCH 7 TO DEPARTMENT OF STATE ON STATUS OF LAYTON

TRIAL.

MAR 15 1979

UNCLAS GEORGETOWN 1028

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E.O. 12065: NA

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

SUBJ: ARRESTS - LARRY LAYTON

1-SK
3-13-79
DGS/SK

58 MAR 21 1979

REF: GEORGETOWN 0918 AND PREVIOUS

1. CHIEF JUSTICE BOLLERS THIS MORNING RULED IN FAVOR OF 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 BOLLERS 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 INDICATABLE OFFENSES.

3. BOLLERS ACKNOWLEDGED THAT HIS DECISION, IN EFFECT ORDERING 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 JUDICARY 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' VIEW THAT THE
DEFENSE DELAYING TACTICS ARE DESIGNED TO WIN THE APPOINTMENT OF
A MORE AMENABLE TRIAL JUDGE.

BURKE

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