

SFO006 2711850

RR HQ

DE SF 002

R 281840 SEP 81

FM SAN FRANCISCO (89A-250) (P) (SQ.L0)

TO DIRECTOR (89A-4286) (ROUTINE)

BT

UNCLAS  
RYMUR

RECEIVED  
TELETYPE UNIT

28 SEP 01 19 02z

BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/29/93 BY 9803 RDD/mcm

Exec AD-Adm.	
Exec AD-Inv.	
Exec AD-LES	
Asst. Dir.:	
Adm. Servs.	
Crim. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Legal Coun.	
Rec. Mgnt.	
Tech. Servs.	
Training	
Off. of Cong. & Public Affs.	
Telephone Rm.	
Director's Sec'y	

RE SAN FRANCISCO TELETYPE TO DIRECTOR, DATED SEPTEMBER 3, 1981. (u)

ON SEPTEMBER 26, 1981, JURY IN CAPTIONED CASE RETURNED TO COURT AND ADVISED THAT THEY WERE DEADLOCKED. JUDGE REQUESTED FURTHER DELIBERATION AND ON SATURDAY, SEPTEMBER 26, 1981, JURY REQUESTED ADDITIONAL TESTIMONY TO BE READ. (u)

ON AFTERNOON OF SEPTEMBER 26, 1981, JURY ADVISED COURT THAT THEY WERE HOPELESSLY DEADLOCKED ON ALL FOUR COUNTS. GOVERNMENT MADE MOTION TO JUDGE THAT "ALLEN" INSTRUCTIONS BE GIVEN TO THE JURY. DEFENSE OBJECTED AND JUDGE RULED THAT HE WOULD NOT GIVE "ALLEN" STATEMENT. JUDGE DECLARED MISTRIAL ON BASIS OF DEADLOCK AND DISMISSED JURERS. JUDGE SET OCTOBER

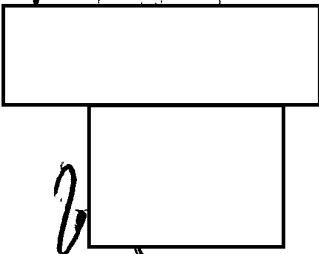
89-4286 (u) 2667

23 SEP 30 1981

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61 OCT 19 '81

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SF (89A-250)

UNCLAS

L, L98L, FOR HEARING TO SET NEW TRIAL DATE. (U)

AS THE BUREAU IS AWARE CERTAIN CRITICAL EVIDENCE SET FORTH IN REFERENCED TELETYPE WAS DENIED. U.S.

ATTORNEY'S OFFICE ANTICIPATES IMMEDIATELY FILING APPEAL BEFORE NINTH DISTRICT COURT OF APPEALS FOR DECISION ON THOSE POINTS OF EVIDENCE BASED ON APPELLANT COURT DECISIONS, INTERVIEWS WITH DISMISSED JURERS, REVIEW OF FACTS, AND DIRECTION FROM DEPARTMENT OF JUSTICE. THE U.S.

ATTORNEY'S OFFICE WILL MAKE DETERMINATION AS TO DESIRABILITY OF RETRIAL. (U)

IT IS ANTICIPATED THAT THE U.S. ATTORNEY'S OFFICE WILL GO FORWARD WITH RETRIAL. (U)

BT