

Judge to make decision Monday

By JACK HANDEY

Defense and prosecution attorneys will convene within the pink and aqua walls of the Torrance County Courthouse in Estancia tomorrow to wrangle over guns, bullets, dope and a Mexican flag.

The district attorney's forces want to introduce those items as evidence, claiming they were the legal spoils of a gun battle at a Chicano school in the village of Agua Fria last Labor Day.

The defense has moved to have the contraband deemed inadmissible as evidence on the grounds that it was illegally seized.

The evidentiary arguments will resume tomorrow to initiate the third week of the trial of the Santa Fe Seven, all charged with assault with intent to commit a violent felony in connection with the nighttime shootout.

District Judge Santiago Campos excused the jury at noon Friday to begin hearing legal testimony from both sides on the potential evidence.

Campos, who denied a defense motion in January to suppress evidence confiscated in the wake of the shootout, decided to reconsider the matter after weighing a protest motion by defense counsel Morton Simon.

Simon and the six other defense lawyers contend that the Chicano school, Escuela y Colegio Tonantzin, was secured by police at about midnight Sept. 3 and that the authorities had no right to search the building and grounds the following day without a search warrant.

The prosecution, spearheaded by Deputy District Attorney Bruce Kaufman, argues that the school was still "an active crime scene" during the daylight hours of Sept. 4, when the items were seized and that no warrant was needed.

The prosecution says it wants to introduce two rifles, two pistols, 136 unfired bullets and a number of expended shells, some marijuana (including 21 plants) and peyote and a Mexican flag which was flying at the school.

The controversy began when Kaufman attempted to introduce evidence in connection

with arms reportedly found at an adobe construction site located behind the school.

Simon maintained that the adobe site was in essence a part of the school facilities and therefore also protected against any unconstitutional seizures. He cited several court cases to support his claim of an illegal search.

Kaufman, staking the Lincoln floors before the bench, said Simon's example weren't comparable to the "riot" conditions which had existed at the school. He also argued that his case was bolstered by the "abandonment" of the evidence by its owners.

A Santa Fe Police narcotics agent and the director of the Office for Indo-Hispano Affairs testified Friday afternoon at the evidentiary proceedings.

The narcotics agent, who asked not to be identified, described a search of the field behind the school by officers at about 2 a.m. on Sept. 4. He said they were looking for suspects, and he didn't return to search for evidence until the following morning.

The Very Rev. Ramon Aragon of the Archdiocese of Santa Fe testified that the archbishop had granted the organizers of the Chicano school use of the grounds around the old convent as well as the building itself. Aragon was called by the defense to show that the organizers, which include some of the seven defendants, were the legal possessors of the school when the search was made. The prosecution doesn't think so.

SHEEP GETS HER SHARE

LONDON (AP) — A fully grown sheep found wandering near London's Euston Station has created a host of woolly problems for police. Frank Pawlowski claims ownership of the animal and says he wants to sacrifice it to a sun god in a religious ritual. The Society for Prevention of Cruelty to Animals says this is illegal.

While the dispute rages, the 3-year-old ewe has eaten all the roses around the police station where she is detained.