Huey to be Freed

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SAN FRANCISCO (LNS) — Huey P. Newton, Minister of Defense and co-founder of the Black Panther Party, may soon be free.

A California court of appeals in San Francisco has overturned Huey's 1968 conviction for manslaughter. Huey had been charged with the murder of Oakland policeman John Frey, and was finally convicted of manslaughter in a compromise verdict. He was sentenced to 2–15 years and is currently in jail in San Luis Obispo, California.

California authorities have several legal maneuvers open to them to try to keep Huey behind bars, but chances are that he will be freed within a month, if not sooner.

The appeals court opinion, handed down unanimously by a three-judge panel was based on three reversible errors on the part of Judge Monroe Friedman, who presided over Huey's conviction.

Here are the three errors:

- Inadequate instructions to the jury. The defense had argued that if Huey was shot first, and if he was unconscious, he could not have shot Frey. The jury should have been instructed that they must acquit Huey if they found that Huey had been unconscious. The defense asked for that instruction, but the judge refused to give it.

- An important hearing had been denied. Huey had a previous felony conviction for robbery. Because of this, he was denied bail on the charges resulting from the shoot-out. However, Huey had been denied proper counsel in the original robbery conviction, making it invalid. When the defense asked for a hearing on that first conviction, Judge Friedman illegally said no.

- Evidence on a key witness's observations was not brought to the jury's attention. Henry Greer, an eye-witness to the shooting, purportedly said in a statement to the cops that he "did see" the face of the assailant, i.e. Huey. But in the original tape-recorded testimony, Greer, slurring over the words, said he "didn't see" Huey's face. The evidence concerning this tape was brought in while the jury was deliberating. The judge ordered the alteration of the transcript, but he did not bring this to the jury's attention, thus allowing them to convict Huey on false evidence.

Right now, the charges still stand. But Huey's lawyers are already in court asking for bail so that Huey can be set free. The state attorney general can ask the three judge panel to reverse the ruling—but since the decision was unanimous, there is no reason to believe they will change their minds. The attorney general can also appeal the reversal to the state supreme court—a more promising move from his point of view. He has 30 days to do this.

The case may be re-tried—but only on the charge of involuntary manslaughter, since that's what Huey was finally convicted of. Even if there is a new trial, it will come only after there is a hearing on the

old robbery charge, as suggested by the appeals court. In addition, Huey's lawyers say, the courts will be obligated to grant him bail.



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