

Remiro, Little Appeal Heard

Legal Thicket Continues for Ex-SLAers

Fifth Estate Collective
Russ Little

Joe Remiro, Russ Little, Bill and Emily Harris remain prisoners of the state as a result of the Symbionese Liberation Army (SLA) urban guerrilla activity in 1973–74. All have been sentenced to long prison terms and have been subjected to continuing harassment and abuse while in custody. (See past FEs.) The following is a report from Russ on the legal and penal status of the four and centers on a recent judicial appeal of his and Joe's conviction for the 1973 assassination of an Oakland, Calif. school official.

About the appeal: Joe and I are being used as pawns in an ongoing struggle between “liberal” and reactionary politicians in California. Our appeal was heard by a three judge panel in the Sacramento appellate district. The presiding judge of that district—the head pig, a Reagan appointee named Puglia—appointed himself and another reactionary Reagan appointee to hear our case and for some unexplained reason the Judicial Counsel appointed the third judge who is a Brown appointee and an alleged “liberal.”

We were both supposed to have automatic reversals coming because of a California Supreme Court decision in another case in August 1977 that ruled that a specific instruction that was given to holdout jurors in a hung jury is coercive and illegal and grounds for an automatic reversal or appeal—since that same exact instruction had been given in our trial after the jury was out 11 days, we were both in a position to take advantage of that decision.

We were lucky because they would have never made that decision originally on our appeal—we snuck in by the backdoor! Anyway on Feb. 27, the opinion was made public on our appeal. It was written by Puglia and was an attack on the present Calif. Supreme Court, the Brown appointed judges, and Gov. Brown himself, by inference.

Although all three judges confirmed my reversal, they (the two Reagan reactionaries who signed the opinion) used me to attack the law that “forced” them to overturn my conviction. They refused to overturn Joe's conviction because they couldn't stand the thought of both of us getting off and because they want to force the Calif. Supreme Court itself to overturn Joe's conviction and get the blame.

Excerpts from the opinion were quoted on TV and in newspapers all over Calif. with everyone saying that we are guilty as hell and what a shame it is that my conviction got reversed on a trivial technicality! The third judge, the



Russell Little and Joe Remiro as they are led to court in March 1974; police mug shots of Bill and Emily Harris

Brown appointee, didn't sign the opinion. He wrote a dissenting opinion on Joe that said Joe's conviction should have been overturned on the same issue that mine was decided on. The two pigs justified not reversing Joe's by pretending that Joe had been convicted by the jury before the illegal instruction was read to the jury—even though the jury came back into the courtroom and gave the guilty verdicts against both of us at the same time, after the illegal instruction was given.

Every lawyer that we know has said this is the most blatantly political opinion they have ever seen and all of us were shocked by the fact that they reversed me and not Joe—we expected either both of us (if they followed the law) or neither of us to get reversed. I guess the fact that the Brown judge was appointed to our appeal by an outside body (the Judicial Counsel) shows that the “liberals” expected some shit like this to be pulled against them.

So now, the Attorney General has asked the Calif. Supreme Court to hear my case and reverse the appeals court and uphold my conviction. I will know by the end of the month if they are going to hear it. If not, my reversal is final and the D.A. has 60 days to start retrial proceedings against me. The parole board will also have to set a parole date for the escape attempt charges since that will be all I will be in prison behind—they will probably try to extend my sentence beyond the normal limits.

Bill and Emily go to a “serious offenders hearing” in April where they are threatening to extend their 1983 parole date by up to seven extra years!

Anyway, there are too many variables to discuss right now but a lot is happening and if I can just get a half-way intelligent, fair-minded jury, I should get acquitted of the murder this time. And if that happens, I may get out of this hole before I get old and senile—smile!

Joe's situation is one of waiting again. We will know by the beginning of May if the Calif. Supreme Court is going to hear his appeal: They should—and I think they will—but who the hell knows! Then if they agree to hear his case, it will probably be a year before they make a decision; but again, they should overturn his conviction based on their decision on that illegal instruction.

The question is: will they back down because of the pressure they are getting from their political rivals? We all know how much “liberals” can be counted on in a tight situation—especially when they hate and fear us too and it's just a matter of “legal principle.”

Anyways we are trying to be as optimistic as possible and I'm hoping that my getting acquitted will put pressure on them to give Joe another trial too. Joe is strong and is dealing with each day as it comes. Being a revolutionary with a life sentence and a pawn in the struggles of rival politicians is not a very encouraging situation.

How's that for understatement?! I've got to end this—it's time for mail pick-up. Shit, I know you didn't expect all this anyway. Take care and keep on with your bad selves!

Freedom/Anarchy,
Russ Little
Folsom Prison
Tamal, Cal.



Fifth Estate Collective
Russ Little
Remiro, Little Appeal Heard
Legal Thicket Continues for Ex-SLAers

<https://www.fiftheestate.org/archive/297-april-18-1979/remiro-little-appeal-heard>
Fifth Estate #297, April 18, 1979

[fiftheestate.anarchistlibraries.net](https://www.fiftheestate.org)