

Supreme Court gets final Hanigan appeal

By Ernie Heltsley
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Douglas rancher Patrick Hanigan has appealed his conviction for an attack on three Mexican illegal aliens to the U.S. Supreme Court — the final appeal he can make in the 6½-year-old case.

Hanigan, 22 at the time of the attack on the family ranch along the Mexican border west of Douglas, was found guilty Feb. 22 on three counts of robbery affecting interstate commerce — a violation of the Hobbs Act. The verdict was handed down by a U.S. District Court jury in Phoenix.

His brother, Thomas, who was 18 at the time of the incident, was acquitted in a separate trial.

Tucson lawyer Alex Gaynes said he filed with the Supreme Court Monday, requesting it to hear the case on grounds that the Hobbs Act does not apply to the beating and robbery.

Gaynes said he also contends that the beating and robbery of the aliens was not a violation of the Hobbs Act at the time of the incident. He cited the retroactive effect of a ruling in 1980 by U.S. District Judge Richard Bilby, who said the law did apply.

Gaynes said it could be anywhere from one week to

two years before the Supreme Court decides the final outcome of the case. The court could simply refuse to hear it at all, he said.

Hanigan, his younger brother, Thomas, and their father, George, were accused of kidnapping, torturing and robbing the three aliens of \$36 on Aug. 18, 1976, as the three tried to cross the Hanigan ranch on the way to work on a farm near Elfrida.

George Hanigan died before the case came to trial, and the brothers were acquitted of all charges in a 1977 Superior Court trial in Bisbee. Their first trial on federal charges, in U.S. District Court in Tucson in 1980, ended in a mistrial when the jury couldn't reach a verdict.

Last July, a three-judge panel of the San Francisco-based 9th U.S. Circuit Court of Appeals upheld the conviction of Patrick Hanigan, who was sentenced to three years in prison, and who is free on a \$10,000 appeal bond. Gaynes quoted the court as saying Congress has the power to keep out Mexican aliens "so therefore it can regulate the movement of these people."

But he said there have been conflicting rulings in two other Hobbs Act cases in the 7th U.S. Circuit Court of Appeals in Chicago.

"We believe the Supreme Court should straighten it out," Gaynes said.