

# Indictments In Alien-Assault Case Nullified

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BISBEE — Indictments against a Douglas businessman and his two sons, accused of assaulting three illegal aliens, have been nullified by a Pima County Superior Court judge.

Judge J. Richard Hannah ruled that the grand jury hearing in which George T. Hanigan and his sons were indicted on 14 charges was invalid. He granted a defense motion for a new finding of probable cause.

Hannah's ruling was based on the fact that the interpreter for the hearing was appointed by the grand jury rather than designated by the court, which is required by state statute.

The decision means either a new grand jury hearing or a preliminary hearing for the Hanigans, and a vacating of the scheduled Dec. 7 trial date.

Charges against the Hanigans, which include kidnapping, assault with a deadly weapon, robbery and related conspiracy charges, still stand despite the court ruling, according to the Cochise County Attorney's Office.

The County Attorney's Office has the option, however, of not pursuing the prosecution of the three.

Beverly Jenney, chief deputy county attorney, said a decision on whether to take the case before a grand jury or to hold a preliminary hearing will be made when County Atty. Richard J. Riley returns from vacation next week.

The three Mexicans, who told deputies they entered the country Aug. 18 to find work at a ranch, said they were bound, stripped, burned with hot poker and dragged across the desert.

After they were released, deputies said, the aliens were

shot at, and two of the men were hit by bird shot. One of the aliens said a rope was tied around his neck and thrown over a tree limb.

Judge Hannah, who accepted the case after two other judges refused to hear it, granted the motion for a rehearing that was filed by defense attorney Wes Polley Friday. It was received by mail here Tuesday.

Polley contended that the interpreter, John Segura, was incompetent and failed to provide a verbatim translation of the testimony of the three victims.

Hannah said that because the interpreter was not appointed by the court, he was not authorized to be present during the grand jury proceedings. He further stated that a grand juror questioned one of the witnesses in Spanish and interpreted the answer himself for the rest of the jurors.

Polley, a Bisbee attorney, said yesterday that the County Attorney's Office now has the option of dropping the case against Hanigan, who owns the majority of Dairy Queen franchises in Southern

Arizona, and his sons, Patrick and Thomas.

"There's no charges against them at this moment — that's my view of it," Polley said.

Deputy County Atty. Pat Elliston said, however, that the Hanigans are still formal-

ly charged even though the indictments were ruled invalid.

The victims of the assault, Eleazar Ruelas Zavala, 24, Manuel Garcia Loya, 25, and Bernabe Herrera Mata, 21, were treated and released from an Agua Prieta hospital.