

Hanigan judge told of threats by consul

By ERNIE HELTSLEY
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A Douglas lawyer testified yesterday he was threatened with imprisonment in Mexico and eventually fired by the Mexican consul for trying to represent three illegal Mexican aliens who said they were beaten and robbed by the Hanigan family in 1976.

Jose Lerma testified that former Mexican Consul Raul Avelyra told him he would "find the jails in Mexico very cold and very dark" if he did not drop the case. Lerma said Avelyra gave no reason for firing him as the aliens' lawyer.

Lerma, a native of Douglas, said he wanted to help the aliens because the beatings "upset him" and were "repugnant." They accepted his free offer, he said.

Lerma testified during nearly four hours of hearings on a variety of pretrial motions in the Hanigan case.

Patrick and Thomas Hanigan are charged with robbery affecting commerce by beating and torturing three illegal Mexican aliens as they crossed the Hanigan ranch near the Mexican border.

Their first trial on the federal charges ended in a hung jury last summer. They were acquitted in 1977 on state charges of robbery and assault.

U.S. District Judge Richard M. Bilby, who moved the retrial from Tucson to Prescott because of heavy publicity in the case, said recently that he may move it again because supporters of both sides sent mass mailings to prospective jurors in the Prescott area.

Bilby said he will announce his decision on the trial location within 36 hours of the Jan. 20 trial date.

Lerma testified in defense efforts to get

Bilby to let him testify in the retrial. Bilby ruled in the first trial that Lerma could not testify because the contract he signed with the aliens was not valid.

The Hanigans' attorneys say Avelyra and the Mexican government hoped they might get money from civil suits stemming from the case and that they controlled and coached the testimony of the three aliens.

Attorneys said Lerma telephoned the Hanigan family and one of its attorneys, Wesley Polley, asking for money to settle the case. Government attorneys said Lerma made the calls before he had talked to the victims.

Bilby said yesterday that the telephone calls were not the reason Avelyra fired Lerma. He did not divulge a reason, however.

Bilby took under advisement the motion to permit Lerma's testimony, along with several others, including one to allow a government psychiatrist to testify about factors affecting the credibility and mental competence of the three aliens.

The victims, poorly educated and speaking through interpreters, made numerous inconsistent statements under cross-examination by defense attorneys during last summer's trial.

Defense attorneys also argued yesterday that evidence seized at the Hanigan ranch by Cochise County authorities in 1976 should not be used in the upcoming retrial because it was obtained illegally.

The attorneys said the search warrant was illegal because it was issued by Douglas Magistrate Ray Bradshaw, who has no jurisdiction over the Hanigan home, which is outside the city.