

September 2, 1984

GRAND JURY FREES MAN CONVICTED IN MURDER

IOWA CITY Sept. 1— Jim Hayes recalls attending an Iowa Supreme Court hearing several years ago while attorneys argued his friend James Hall's appeal of a murder conviction.

Mr. Hall leaned over and whispered, "Jim, I shouldn't be here," Mr. Hayes remembers.

"Yes, you should," the friend told Mr. Hall. "This is your day in court."

"No," Mr. Hall replied. "I shouldn't be here. I didn't do anything."

A grand jury in Johnson County, Iowa, apparently agreed with Mr. Hall this week, refusing Thursday to return an indictment against him in connection with the murder of a University of Iowa student in March of 1973.

So Mr. Hall became a free man, 10 years after he was convicted of strangling Sarah Ann Ottens, a nursing student from Morrison, Ill. Murder Conviction in 1974

A jury convicted Mr. Hall of second-degree murder in 1974. He served six and a half years of a 50-year prison term before he was released on bail last November.

"Ten years of hell doesn't just go away," said Mr. Hall, a 30-year-old former football player at the University of Iowa who now lives in nearby Cedar Rapids. Mr. Hall said he was in downtown Iowa City and his dormitory room the day the nursing student was killed and that he told investigators that in 1973. But they did not believe him.

He appealed all the way to the United States Supreme Court, saying he was innocent, and failed each time until last November. That is when a State District Court judge overturned the conviction, saying Mr. Hall had not been given a fair trial in 1974.

Last May another judge ruled the original grand jury indictment of Mr. Hall in 1973 should also be tossed out because of misconduct by the prosecution at grand jury proceedings.

The ruling in May cited "racial slurs" made by prosecutors before the grand jury. Mr. Hall is black and the slain woman was white.

The Iowa Attorney General's office, which has handled Mr. Hall's case, said it would abide by the most recent grand jury decision and would drop its prosecution of Mr. Hall. Other Suspects in Case

In the May ruling, Judge L. Vern Robinson of Johnson County District Court found that the Assistant Iowa Attorney General who prosecuted Mr. Hall failed to present evidence to the 1973 grand jury that pointed to other suspects in the case. Instead, Judge Robinson said, the prosecutor, Garry D. Woodward, slanted the evidence against Mr. Hall.

The judge also said that John Jutte, a state investigator who worked on Mr. Hall's case, had lied to the grand jury about interviews he had held with Mr. Hall. Mr. Jutte, an agent of the state Division of Criminal Investigation, told the grand jury that Mr. Hall had denied knowing the murder victim and that he was represented by an attorney when Mr. Jutte interviewed him.

Neither statement was true, Judge Robinson said. But the grand jury was suspicious of Mr. Hall because his fingerprints were found in the nursing student's room and because the grand jury believed Mr. Hall was represented by a lawyer early in the murder investigation, Judge Robinson said.

Mr. Woodward, now in private practice in Des Moines, has maintained that he handled Mr. Hall's case properly.

Mr. Jutte, now a special agent in charge of the Division of Criminal Investigation's Davenport post, has declined to comment on the allegations that he lied.

Mr. Hall was in prison when, in May 1983, he filed a court motion for "post- conviction relief," which Iowa law permits if a defendant's civil rights were violated in a trial.

A turning point in the case came in late 1982, when Mr. Hall's attorney asked the County Attorney's office to release previously withheld information relating to the case.

The released documents showed prosecutors had suspects other than Mr. Hall, including one who had been identified in a photo lineup by a witness who instead testified at Mr. Hall's trial that she had seen Mr. Hall. Another suspect "knew many unpublished details of the crime," a document said.