

# DILLINGER FACES COURT IN IRONS; FIFTY GUARD HIM

## Habeas Corpus Writ Asked by Gang Leader.

(Picture on back page.)

With fifty heavily armed regular and special deputy sheriffs all around him, John Dillinger, Indiana desperado, appeared yesterday in the Criminal court at Crown Point to answer a charge of murdering Policeman William P. O'Malley of East Chicago.

To the obvious disappointment, however, of nearly 300 curious spectators—and the apparent satisfaction of Dillinger—nothing unusual happened. There was no attempt at rescue on the part of Dillinger's friends, as had been feared, and the hearing, a technical matter of arraignment, was postponed to Friday morning. At that time also, in another Crown Point court, there will be a hearing on a writ of habeas corpus in the gunman's behalf.

### Asks Habeas Corpus Writ.

Yesterday's proceedings, both a move by the state of Indiana to send Dillinger to the electric chair and a fight on his part to get, at the worst, a prison sentence, began early in the day. First Dillinger's attorney, Joseph Ryan, appeared before Judge T. Joseph Sullivan in the Lake county Circuit court and filed a petition for a writ of habeas corpus.

In seeking the writ Attorney Ryan attacked the validity of the indictment on which Dillinger is to be tried. He described his client as a "law abiding resident of Arizona who had committed no crimes in that state." It was in Arizona that Dillinger and three of his gang were captured.

Ryan pointed out that two indictments were voted against Dillinger by the Lake county grand jury. The first, returned on Jan. 26, the day after his capture, charged him with the murder of Policeman O'Malley during the holdup of an East Chicago bank, and provided for a prison sentence or death penalty on conviction.

The second indictment, filed Feb. 3, provided for no prison term, Ryan said, but made the death penalty mandatory on conviction. This second indictment, he declared, is illegal.

Judge Sullivan listened without comment and then continued the writ hearing to 9:30 Friday morning. Shortly afterward the second hearing, first an arraignment, began in the Criminal court of Judge William J. Murray.

### Courtroom Crowd Searched.

Judge Murray's courtroom was packed with spectators, many from out of town. All were cleared out of court before the hearing began and searched for weapons before being permitted to reenter. Everywhere were deputies showing guns. In the corridor leading from the jail to Judge Murray's court sat another deputy with a machine gun.

Dillinger walked through the corridor, unaided to Chief Deputy Sheriff Carroll Holley, a nephew of Sheriff Lillian Holley. Chief Deputy Holley, it was noticed, wore a bulletproof vest.

Still handcuffed to Holley, Dillinger stood before Judge Murray a picture of dejection. But he became suddenly alert when several newspaper photographers began "shooting" pictures of him. He scowled, tightened his lips, and looked tough. The photographing over, Dillinger returned to his previous attitude of dejection.

At a while Attorney Ryan, Prosecu-

tor Robert G. Estill and Deputy Prosecutors John Underwood and Floyd Vance were engaged in arguments. Ryan lost a motion to quash the second indictment, but he won a motion to continue the arraignment to Friday. It was all over in a few moments. Then Dillinger, frowning as another picture was taken, was led back to the well guarded jail.

# Dillinger Guarded by Fifty Deputies as He Appears in Court—Charge Rioters in Paris; Troops on Duty



TRIBUNE Photo. 1

**JOHN DILLINGER, DESPERADO, APPEARS IN COURTROOM GUARDED BY DETAIL OF FIFTY DEPUTIES.**

Left to right: Chief Deputy Sheriff Carroll Holley, John Dillinger, Prosecutor Robert G. Estill (rear), and Defense Attorney Joseph Ryan in Criminal court of Judge Murray in Crown Point, Ind., yesterday. The arraignment was postponed until Friday, along with the hearing on writ of habeas corpus.

*(Story on page 5.)*