

# ***Medina is Placed at the Slaying Scene***

**By HOMER BIGART**

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**MEDINA IS PLACED AT SLAYING SCENE**

**But Witness Doubts Whether Captain Saw the Incident**

**By JAMES BECK**

First Lieutenant James Medina, 34, of the New York State Police, was placed today as the prime suspect in the slaying of a young woman in the city of New York. Medina, who is married, was arrested at the scene of the crime on Monday night. He is being held in the city jail on a charge of first-degree murder. Medina was seen by a witness at the scene of the crime, but the witness is not sure if he saw Medina shoot the victim. Medina's lawyer, James J. Conroy, said that his client was not involved in the slaying. Medina was arrested at the scene of the crime on Monday night. He is being held in the city jail on a charge of first-degree murder. Medina was seen by a witness at the scene of the crime, but the witness is not sure if he saw Medina shoot the victim. Medina's lawyer, James J. Conroy, said that his client was not involved in the slaying.

**Was it on the spot?**

By the witness's account, Medina was seen at the scene of the crime on Monday night. Medina was seen by a witness at the scene of the crime, but the witness is not sure if he saw Medina shoot the victim. Medina's lawyer, James J. Conroy, said that his client was not involved in the slaying.

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FORT McPHERSON, Ga., Aug. 18—The alleged slaying of several Vietnamese children, one of them in the presence of Capt. Ernest L. Medina, was described today at the 34-year-old officer's court-martial.

But Captain Medina was talking on the radio when member of his command group shot a badly wounded boy who was making no attempt to escape, John M. Smail, an assistant machine gunner at Mylai, testified.

“Captain Medina was talking with his head down and I don't even know whether he saw the incident,” Mr. Smail said. Other witnesses said that elsewhere in Mylai, two terrorstricken boys were shot down along a trail, as were three children who emerged from a hedgerow and approached some soldiers with hands held out pleadingly, as though asking for food.

Captain Medina was not present when these children were slain, the witnesses said.

After three days of testimony, Mr. Smail was the only one of 50 witnesses called by the Government who could place Captain Medina at the scene of a killing.

F. Lee Bailey, the chief defense counsel, protested that the Government prosecutors were employing “overkill” in redundant testimony about slayings at Mylai with no direct attempt to implicate Captain Medina.

The defense contends that Captain Medina was unaware of the killing of innocent civilians until late in the assault on Mylai 4, a hamlet in Sonmy, South Vietnam, on March 16,

1968, and that he gave a ceasefire order as soon as he saw that some civilians had been slain.

The Government, accusing Captain Medina of responsibility for “not less than 100” murders of South Vietnamese civilians and with personally killing a woman and a child, contends that he was aware of his soldiers’ wanton conduct but decided not to intervene.

‘Did It on His Own’

Six prosecution witnesses left the impression today that civilians were being killed throughout Mylai and that Captain Medina must have been remarkably preoccupied and unobservant not to have been aware of the killings.

All the witnesses testified that the assault on Mylai was uncontested, yet the soldiers maintained a heavy volume of fire as they moved through Mylai, killing people and animals. Mr. Small, a native of Kent, Wash., who said he was unemployed, described the killing of a boy by Captain Medina's command group.

“The boy was 5 or 6 years old, bleeding from face and hands,” Mr. Small said. “Captain Medina passed by, followed by his command group. The last member of that command group shot the boy.”

Under cross-examination by Mr. Bailey, Mr. Small said the boy was shot by Captain Medina's radio man, Frederick Widmer.

“Had he received an order to shoot?” Mr. Bailey asked.

“No, sir, he did it on his own.”

Larry Polston, an Omaha, shipping clerk, testified that the two small boys found on a trail just outside the village were shot by the leader of his machine gun team, Specialist 4 Robert W. T'Souvas of San Jose, Calif. The Army dismissed murder charges against Specialist T'Souvas last Jan. 22.

Leonard R. Gonzalez of Richmond, Calif., described the shooting in the village of a group of civilians, including young mother who was holding a baby.

Mr. Gonzalez said he also observed troops throwing grenades into a bunker filled with people who were “screaming, crying and yelling.”

Frank D. Beardslee, a former jeep driver for Lieut. Col. Frank A. Barker Jr., commander of the Mylai task force who was later killed, testified that Captain Medina extracted information from a prisoner by firing two shots over the prisoner's head.

Dennis M. Bunning, a chicken farmer from Raymond, Calif., told of the shooting of three children who emerged unarmed from a hedgerow.

“They all seemed to be years old,” he said. “They were coming toward us and they seemed to be asking for food. They were shot at. They fell down.”