

BANDITS' PLEA FAILS.

Special to The New York Times.

New York Times (1857-Current file); May 16, 1930;

ProQuest Historical Newspapers The New York Times (1851 - 2006)

pg. 18

BANDITS' PLEA FAILS.

Court of Appeals Rules Against Argument Indictment Was Faulty.

Special to The New York Times.

ALBANY, May 15.—By a four-to-three decision, the Court of Appeals today upheld the conviction of Alexander Bogandoff, Max Rybarczvk and Stephen Grzechowiak of Buffalo, convicted of the murder of Ferdinand Pachter, a payroll clerk of the Chevrolet Motor Company and the Fisher Body Corporation. The court divided over the question of an alleged flaw in the indictment against the men.

The prevailing opinion was written by Judge Irving Lehman, in which Chief Judge Benjamin N. Cardozo, Judges Cuthbert W. Pound and John F. O'Brien concurred. Judge Frederick E. Crane dissented and in his dissent was supported by Judges Henry T. Kellogg and Irving G. Hubbs.

Fechter was shot three times as he was carrying a payroll amounting to more than \$8,000 on July 27, 1929.