

Convicted Slayer in Carolina Wins Acquittal After Retrial

COLUMBIA, S.C., Nov. 14 (AP) — When Michael Linder was convicted of killing a highway patrolman and sentenced to die, he says, a pastor went to his cell and told him that in two years he would be free.

That was two years ago. On Monday night, the 26-year-old automobile mechanic was found not guilty in a retrial and was released.

The outcome was preordained, Mr. Linder said Tuesday in a telephone interview from his mother's home in Walterboro, S.C.

"As a matter of fact, when I was found not guilty yesterday, it made two years to the day from when I was convicted," he said. "The Lord had told me I would be convicted. But three or four days after I was locked up, my pastor came to me. He said the Lord spoke to him and told him that in two years I would be set free."

New Trial Is Ordered

Mr. Linder was sentenced to death in the June 1979 slaying of Patrolman Willie Peoples. But last May the state Supreme Court ordered a new trial.

The court held that Circuit Judge C. Victor Pyle Jr. had refused to tell the jury that Mr. Linder could be found guilty of voluntary manslaughter and had failed to poll jurors on the death sentence.

Mr. Linder and his attorneys argued in both trials that the shooting was self-defense, because Patrolman Peoples had used his patrol car to run down Mr. Linder's motorcycle in a high-speed chase and then fired at him.

Prosecutors in the first trial asserted that six spent rounds in Patrolman Peoples's revolver had actually been fired from Mr. Linder's gun and then reloaded in the dead officer's weapon.

But last week, in the second trial, the defense attorney, David I. Bruck, submitted results of a State Law Enforcement Division test that concluded that Patrolman Peoples's gun had fired the shots.

Test Not Used in First Trial

"The results of this test were never introduced in the first trial," Mr. Bruck said.

A jury of eight men and four women returned a verdict of not guilty after a day and a half of testimony that ended Saturday night.

Mr. Linder said Tuesday he never doubted in his two years on death row that he would be released, but, now that it has happened, he could not quite believe it.

"I have to keep slapping myself to make sure I'm not asleep and still dreaming," he said in the interview from his mother's home. "Last night I couldn't sleep. I kept getting up and looking out the door to make sure it was true."

"I think God wanted me to change my outlook on life," he said. "The two years was to give me time to think and study the word, so I would do the Lord's will when I got out. I used to drink a lot. I used to smoke pot when I was out a long time ago. I've quit all that now. I don't touch it. I don't even want to see it."

He is living on his mother's farm, where he has a trailer. He says he has had two job offers from friends, one who says he will set him up in an automobile mechanic business and another who has promised to arrange a construction job.

He said prisoners at Columbia's Central Correctional Institute did not have adequate visiting or telephone rights, but that guards had treated him well.