

Plea to open hearing in murder case denied

By TINA MAY

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FONTANA — A Municipal Court judge Wednesday denied The Sun's request that he lift a gag order and reverse his ruling which closed to the public a preliminary hearing in a murder-kidnap case.

Judge John Kennedy heard arguments from Sun attorney Robert Bierschbach in open court before beginning the second day of Roy Summers' hearing.

Bierschbach argued that Kennedy's ruling should be set aside on grounds that the state law allowing a preliminary hearing to be closed at a defendant's request is unconstitutional.

Summers' attorney, Tim Guhin, on Tuesday had asked for and been granted a closed hearing and

gag order, which means that no one connected with or testifying in the case may discuss it. Guhin told a reporter the move was necessary if he wanted to ask for a change of venue. The Sun protested Guhin's requests.

Summers, 39, is charged with the March 30, 1977, murder of his former wife, Beverly Wise, 26, and the abduction of her daughters, Brandi, then 5 years old, and Tiffani, then 2, from their San Bernardino home. Summers is Brandi's father.

The girls have not been found, but they have reportedly been seen in Idaho, Northern California and Nevada. San Bernardino police, who investigated the case,

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