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**in
court**

Prosecutor faces contempt over documents

By Ken Kobayashi
Advertiser Courts Writer

The deputy prosecutor handling the Robert W. Hall attempted murder case was charged with contempt of court by a state judge yesterday and ordered to explain next week why he shouldn't be punished.

Circuit Judge Patrick Yim charged Deputy Prosecutor Tom Pico with the petty misdemeanor for his delay in turning over various documents to the defense.

Those delays prompted defense attorney David Schutter to repeatedly ask for a mistrial this week. Yim turned down four requests, but deferred ruling on a fifth.

Hall, 50, a businessman, is charged with four counts of attempted murder for a shooting at the Waikiki Yacht Club on May 17, 1980. His defense is that the shots were fired as a result of his allergic reaction to a non-alcoholic ingredient in white wine that he drank earlier.

Hall's non-jury trial opened nearly two weeks ago, but became bogged down this week in disputes on what documents Pico should have given to Schutter to help him prepare his case and cross-examine the prosecution mental health experts.

Yim agreed with Schutter that Pico should have turned over those documents earlier.

Pico said he didn't think that he was required to hand them to the defense. Once ordered to do so, he said he didn't remember that he had them.

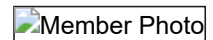
He said he placed the materials in his file and forgot about them.

"I really don't think I have to take this kind of crap from Mr. Pico," Schutter complained at one point.

Schutter said the materials should have been presented weeks ago. As a result of Pico's attempt to "stall," Schutter said one of his experts went back to the Mainland and two cancelled their scheduled trips here. He said those witnesses are still charging his client for their time and he now doesn't know if he can get them to testify.

Yim gave Pico until Wednesday to obtain an attorney and defend himself on the charge which carries a maximum 30-day jail term and a \$500 fine. Pico is accused of violating a Hawaii criminal court rule requiring the prosecution to disclose to the defense various statements by experts relating to the case.

The various documents Pico failed to turn over to Schutter included notes prepared by a prosecution expert, Dr. Stuart Rusnak from California, and transcripts of a California murder trial involving similar issues. That case included testimony of one of the prosecution experts and two of Schutter's expert witnesses.



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