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Court Orders a New Hearing On Reducing Artis Sentence (New York Times)

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By SELWYN RAAB

The New Jersey Supreme Court has ordered a new hearing to determine whether a maximum six-year prison sentence imposed on John Artis for a narcotics conviction should be reduced.

The court directed a Passaic County Superior Court judge, Frank M. Donato, to reconsider his sentencing of Mr. Artis in light of rulings in an unrelated case in which Federal courts overturned the previous murder convictions of Mr. Artis and a co-defendant, Rubin (Hurricane) Carter.

The order, in a six-to-one decision, was issued in Trenton last Thursday and made public yesterday.

In appealing to the State Supreme Court, Mr. Artis's lawyers, Leon Friedman and Lewis M. Steel, contended that the sentence was unduly harsh and that Judge Donato had improperly cited the murder conviction in Passaic County as a reason for a prison term. "We are hopeful that Judge Donato will now see fit to release John immediately," they said in a joint statement.

Mr. Artis, who is 41 years old, began

servicing the sentence last August after pleading guilty to conspiracy to distribute \$50 worth of cocaine and receiving a stolen handgun. At the sentencing, Mr. Artis's lawyers said that since the murder conviction, the only previous allegation against him, had been overturned, he should be treated as a first offender and released on probation.

Mr. Artis, denying that he was a drug dealer, told Judge Donato that he began using cocaine in an attempt to halt the spread of Buerger's disease, an incurable circulatory illness.

At the hearing, the judge said that Mr. Artis had not led a "law-abiding life" and that the murder conviction had been "vacated on technicalities."

First Convictions Overturned

Mr. Artis and Mr. Carter, who are black, were convicted of the fatal shootings in 1966 of two white men and a white woman in a bar in Paterson. The first convictions were overturned in 1976 after two key prosecution witnesses recanted and the case became a legal and civil-rights cause célèbre over charges of racial bias. At a second trial, both men were convicted again.

Mr. Artis was released on parole in 1981 after serving 15 years in prison. Mr. Carter, a ranking middleweight boxer when convicted, was serving a minimum sentence of 30 years when a Federal judge overturned the murder convictions in 1985 on the ground that a Passaic County prosecutor had withheld evidence and made improper racial remarks to the jury.

The murder charges were formally dismissed last February after the United States Supreme Court refused a request by the Passaic County Prosecutor to reinstate the convictions.