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Anti-klan protesters watched Saturday's rally in Coshocton. (Judie Perkowski photo)

THE KLAN IS A WHITE SUPREMACIST GROUP. (OHIO) NOT FAR FROM COLUMBUS

Moyer has not made decision on judge's alleged remarks

COLUMBUS, Ohio (AP)—Ohio Supreme Court Chief Justice Thomas Moyer has been asked to disqualify a judge from the post-conviction review of a murder case because of his alleged use of racist remarks against the convict, a newspaper reported today.

The (Akron) Beacon Journal said Moyer was asked in January by attorney William S. Lazarow to disqualify Cuyahoga County Common Pleas Judge Ralph McAllister from a case involving Darryl Durr.

Moyer has not announced a decision on the request, the newspaper said.

The chief justice decides whether a judge must be disqualified from a case for a conflict or bias.

Lawyer Jerry Milano signed a sworn statement that McAllister said in his chambers before the jury's November 1988 verdict against Durr that he "wanted to see (Durr's) nigger ass in the chair for messing with white women," the newspaper said.

Milano represented Durr, who was convicted of aggravated murder. Durr is on death row at the maximum-security state prison in Lucasville.

Lazarow appealed Durr's case, which has now gone back to McAl-

lister for post-conviction review of the sentencing after other courts upheld McAllister's sentence.

McAllister has denied the allegation.

"I do not use language like that," McAllister told the newspaper.

Some criminal defense lawyers will try anything to drag out death penalty cases or to confuse the issues, he said.

McAllister said that Durr's death sentence was upheld in appeals to three other courts, including the Ohio and U.S. Supreme Courts. The newspaper did not give details on Durr's aggravated murder conviction.

Moyer would not respond to requests for an interview about the

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Moyer would not respond to requests for an interview about the case, the newspaper said. He could not be reached for comment early today. There was no answer to calls to his home.

Milano said Sunday night that he stands by his sworn affidavit.

McAllister could not be reached for additional comment early today. There was no telephone listing for him in the Cleveland area.

Lazarow filed the challenge against McAllister in January citing Milano's sworn statement as evidence. He said the appeal process didn't allow the challenge until now, when the post-conviction details and records are reviewed.

McAllister has insisted he should remain on the case.

Lazarow could not be reached for further comment. There was no answer to calls to his residence early today.