

# 'CONFESSION' IS ISSUE AT DE LA ROCHE TRIAL

## Jury Excused While Police Officer Testifies on Cadet's Admission That He Killed His Family

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HACKENSACK, N.J., Jan. 12—Harry De La Roche Jr. held a pistol to his sleeping father's head for 15 minutes before he fatally shot him and then proceeded to kill his mother and two brothers, a police lieutenant today quoted the 19-year-old former military student as having confessed to him.

All the victims were asleep in their beds when they were shot in the head, except for the defendant's youngest brother, Eric, 12, the lieutenant, Herbert H. Allmers, testified that he was told.

The shots that killed the other family members apparently awakened Eric and he lunged at the defendant, screaming: "No, no, no," according to Lieutenant Allmers.

"He fired once, and Eric kept coming at him and screaming and he fired again," Lieutenant Allmers recalled Mr. De La Roche as having admitted. With the second shot, the youth slumped to the floor, the lieutenant continued, and Harry returned to his bedroom on the second floor of the family's bedroom in Montvale in the early morning of Nov. 28, 1976.

### Allegedly Returned to Eric

The defendant then was quoted as saying he heard "heavy breathing" in Eric's bedroom and realized that "Eric was trying to get up."

He returned to his brother's bedroom and "put his hands over his [Eric's] eyes and said: 'It's all a dream, it's all a dream, go back to sleep,'" the lieutenant said. "Then he hit him over the head with the revolver."

Mr. De La Roche was quoted as saying he "hated" life at the Citadel, the South Carolina military school he attended at his father's urging. "He couldn't bring himself to tell his father he didn't want to go back," the lieutenant said.

Lieutenant Allmers's recounting of the De La Roche statement was made out of the presence of the jury, which is hearing the charges that Mr. De La Roche killed his father, Harry Sr., 44, his mother, Mary Jane, 50, and the brothers, Ronald, 15, and Eric.

The panel was excused from court today for a hearing that was called to determine if investigating police detectives violated the defendant's constitutional rights to remain silent and consult a lawyer before he confessed to the crimes.

### Legal Rights Questioned