

POLICE DECLARE FUGITIVE ENTERED CANADA ILLICITLY

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Body

The **police** said today that they could prove that Alex J. Mengel, seized here nine days ago as a **fugitive** in the slaying of a Westchester County, N.Y., officer, **entered Canada** illegally "by falsely representing himself."

Staff Sgt. John Klue of the Metropolitan Toronto **Police** investigations branch said, "We can prove he **entered Canada** illegally." An immigration hearing on whether to deport Mr. Mengel is set for Tuesday.

Mr. Mengel, handcuffed and sitting behind a glass partition, was represented by legal counsel for the first time today as he appeared briefly in Ontario Provincial Court on charges of illegal weapons possession.

Toronto **police** say they can prove that Alex J Mengel, seized as **fugitive** in slaying of Westchester County **Police** Officer Gary Stymiloski, **entered Canada** illegally; immigration hearing on whether to deport Mengel is set for March 12; photo (M)

His lawyer, Michael Smith, requested a one-week delay so that he could discuss the charges with his client, and Judge S. Gordon Tinker put off a bail hearing on the gun charges until March 18.

Immigration Specialist

Mr. Smith, a member of the Toronto law firm of Roach & Smith, which specializes in civil rights and immigration law, said outside of court that the local criminal proceedings were "clouded by immigration proceedings."

Canadian authorities are seeking to have Mr. Mengel deported and have indicated that they would drop the weapons charges in favor of an expulsion order.

"I have to see what immigration is saying, but I believe his status here is legal," Mr. Smith said. He said he was "hired through friends of Mr. Mengel's family in Toronto."

Mr. Anthony, the prosecutor, complained in court that he "did not know what immigration proceedings had to do with the bail hearing." In the corridor, he said he "didn't want the case to drag on forever."

"I'd like to get him out of here," he said.

Caught After a Chase

Mr. Mengel was captured in Scarborough, an eastern suburb of Toronto, on March 2 after a car chase.

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He was reported to be carrying two guns, the .38-caliber revolver of Westchester County Officer Gary Stymiloski, who was shot after stopping Mr. Mengel and three companions for a traffic violation on the Saw Mill River Parkway Feb. 24, and a 9-millimeter automatic purportedly used in the killing.

Mr. Mengel, a Guyanese-born legal alien whose last address was 2200 Grand Avenue in the Bronx, was driving the car of Beverly Capone, 44, an International Business Machines Corporation programmer from Mount Vernon who has been missing since the day after the shooting.

Also seized in the car, Canadian **police** officials said, were women's clothing, four knives and a full scalp of a woman in her late 30's or 40's. Samples of Mrs. Capone's hair, taken from a comb and brush in her apartment, are being used in forensic tests of the scalp.

Conclusive Results Not Expected

Douglas Lucas, head of the Ontario Center for Forensic Sciences, said the examination could be completed this week, perhaps by Tuesday, but that hair samples would not produce "positive identification" even if they compared favorably.

Police officials are investigating a theory that Mr. Mengel **entered Canada** disguised as a woman. The New York state **police** have said that a 13-year-old girl near Syracuse said a man wearing a wig and lipstick tried to kidnap her on Feb. 27. The man was driving a car that fit the description of the missing vehicle.

The state **police**, meanwhile, have enlisted the services of 25 forest rangers in a "grid search" of the woods, lakes and streams around a cabin in the Catskills near Cairo where Mrs. Capone's I.B.M. card was found.

The cabin, which had been broken into, was several miles from a shed that Mr. Mengel had used for hunting and fishing. He was returning with friends from a weekend of target shooting, the **police** said, when he was stopped by Officer Stymiloski.

Two of the three companions in the car, Raymond Jardine and Gloria Ramroop, are being held "in protective custody, as material witnesses," in the Westchester County Jail in Valhalla, according to Warden Norwood Jackson.

Graphic

Photo of Alex J. Mengel **entering** Toronto court

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