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Abstract 2 suspects arrested after multi-state FBI investigation released; judge dismissed charges because statute protects public, not phone companies. District attorney's office to file immediate appeal.

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2 Freed on Phone Fraud Accusations

Two of the 10 Southern Californians charged with defrauding telephone companies with electronic "blue boxes" were free Thursday after charges against them were dismissed.

They are Gerald Hay Kilgore, 30, of 7517 Zelzah Ave., Reseda, and Wallace D. Kies, 28, of Riverside.

Both had been charged with "fraud by wire" in that they avoided payment of long distance telephone tolls with use of the electronic gadget.

In dismissing the charges Wednesday, Federal Judge Irving Hill ruled that the covering statute was not intended to protect communication companies, but the public at large.

A spokesman for the district attorney's office said an appeal will be filed immediately.