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DA Files Move To Bar Delay In Shaw Trial

Assistant District Attorney James L. Alcock filed a motion in Federal Court today opposing a request for a delay of the Sept. 10 conspiracy trial of Clay H. Shaw.

Shaw, who is accused of plotting to kill President John F. Kennedy, has requested a stay of trial pending a hearing of an appeal to the U.S. Supreme Court.

SHAW'S ATTORNEYS have filed notice they intend to appeal a decision by a three-judge federal court which refused to block the state's prosecution of Shaw.

After the federal panel gave the go-ahead to the state to prosecute, the September trial date was set by Alcock and Criminal Court Judge Edward A. Haggerty Jr.

It will be up to the three-judge federal panel to grant or refuse Shaw a stay of trial pending the Supreme Court's hearing of the appeal.

A stay would mean a delay of at least two months, since the high court is in recess until October.

Alcock's motion filed today noted that it has been more than a year since Shaw was charged. Shaw was arrested March 11, 1967, and later ordered bound over for trial, by a three-judge Criminal Court panel.

The state said that such a delay is "unreasonable and injurious to the state's case."

THE MOTION alleged that

two of the state's key witnesses have died, one just prior to the filing of Shaw's suit in federal court and one while the federal judges were deliberating.

A "serious offense" is alleged and the state has a right to proceed with the trial in the best interests of citizens of Orleans Parish, the motion declared.

There was no indication when a ruling on the stay request would be handed down by the three judges—U.S. District Judges Frederick J. R. Heebe and James A. Comiskey and U.S. Fifth Circuit Court of Appeals Judge Robert A. Ainsworth, Jr.

(Indicate page, name of newspaper, city and state.)

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STATESITEM

NEW ORLEANS, LA.

Date: 8-7-68

Edition: RED FLASH

Author:

Editor: GEORGE W. HEAL

Title: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, DALLAS, TEX

Character: 11/22/63 AFO

or

Classification: 89-

Submitting Office: N.O., LA

Being Investigated

62-109060-6559

ENCLOSURE