

S-1 7/17/67

Court Denies Cancler's Bid For New Trial

Criminal Dist. Judge Oliver P. Schulingkamp today overruled a motion by John "The Baptist" Cancler, a figure in Dist. Atty. Jim Garrison's Kennedy death probe, for a new trial on a burglary charge. The judge also refused to set

aside a multiple offender bill filed against Cancler. Cancler pleaded innocent through his attorney, Milton Brener, to the multiple offender count.

HOWEVER, HE agreed by stipulation with the district attorney's office, represented by

Richard Burnes, that he is the person mentioned in the multiple offender bill.

After finding Cancler guilty as a multiple offender, Judge Schulingkamp said to Brener:

"I understand you intend to make an appeal." Brener said he did and asked 10 days within which to prepare exceptions taken to rulings by the court. He was given until July 28.

Burnes charged Cancler as a fourth offender, a count carrying imprisonment of from 20 years to life.

Last week Cancler received a six-month sentence, plus a \$500 fine and a year in prison if he fails to pay the fine. He was cited for contempt of court for refusing to testify concerning televised statements he made in connection with the Garrison investigation. The sentence was imposed by Judge Bernard J. Bagert.

Brener said he would appeal today to the state Supreme Court for writs which would order a review of the contempt proceedings.

Cancler was convicted in February of simple burglary but asked for a new trial after producing a Parish Prison inmate who confessed to the burglary.

LAST MONTH, Cancler, a Negro, told a nationwide television audience that he was asked by two of Garrison's assistants to break into the home of accused conspirator Clay L. Shaw and "put something there."

Cancler said he refused to go through with the alleged scheme.

IN THE BURGLARY CASE, Brener has asked for a new trial on the basis of significant new evidence, the confession by Donnell Carroll, who said he had burglarized the house with a friend, known to him only as "Wolf."

At the hearing on the new trial motion May 2, however, an eyewitness to the burglary, Dr. Morris Kloor, 7107 Maple, said

Carroll was not the man he had seen entering the house.

JUDGE SCHULINGKAMP indicated he might also rule this week on a set of motions in the perjury trial of Layton Martens, another figure in the Garrison probe.

Martens was indicted by the grand jury for perjury several months ago.

Martens, whose attorney is also Brener, is a music student at the University of Southwestern Louisiana and a former roommate of the late David W. Ferrie, a one-time airline pilot accused by Garrison of taking part in the alleged conspiracy.