OCTOBER TRIAL OUT FOR SHAW

TP 9/28/67

State Has Until Tuesday to Answer Motions

The possibility of an October trial for conspiracy defendant Clay L. Shaw was voided Wednesday when Criminal District Court Judge Edward A. Haggerty Jr. gave the district attorney's office until Tuesday to answer defense motions.

Among the motions filed Tuesday was one requesting either a six-month continuance of the case or a change of venue, which would move the trial to another jurisdiction. The defense argued that District Attorney Jim Garrison has made a fair trial impossible.

Monday Judge Haggerty told Assistant District Attorney James L. Alcock he hopes to use the October jury venire in a hearing on the motion.

Judge Haggerty had hoped to have the hearing Wednesday in order to question members of the September venire on the possibility of a fair trial. Then he could have used the following month's venire for the trial itself. However, Wednesday was the last day for the September venire.

He had also hoped to have the defense motions by Tuesday morning so that the state could answer by the afternoon in preparation for a possible Wednesday hearing. However, defense attorneys did not show up with the motions until Tuesday afternoon.

Judge Haggerty asked Alcock when he could file the state's answer to the motions, and Alcock said by Tuesday.

The judge granted the time and said he hopes to use the October jury panel for the hearing.

The judge then asked Alcock if he was aware that the defense asked for a six-month delay, and added:

"It's already been six months since the defendant was indicted. Since then they have filed many pleadings. I can't let defense counsel come in each week with new motions. We have to stop somewhere."

Alcock said he will file his answers at 10 a. m. Tuesday.

"I would like at that time, if the situation allows, to set a date for the hearing on the pleadings and I will listen to any recommendations you may have on a date," the judge said.