DELAY OR SHIFT ASKED FOR SHAW

TP 9/27/67

DA Hurt Chances of Fair Trial, Claim

Attorneys for Clay L. Shaw, claiming that actions by District Attorney Jim Garrison have endangered Shaw's chances for a fair trial, asked Tuesday for a six month continuance in his criminal conspiracy case or a change of venue.

In a motion filed in Criminal District Court the defense asked Judge Edward A. Haggerty Jr. for a delay of at least six months, or, alternatively, that the trial be moved to another jurisdiction.

Claiming that it is impossible for their client to get a fair trial "now or in the near future," the defense said that since Shaw's March 1 arrest, Garrison began a "deliberate and calculated publicity barrage" against him on a "local, nationwide and worldwide basis, which resulted in "almost daily" coverage by news media.

The motion said that Garrison's acts have "destroyed or seriously prejudiced the right" of Shaw to a "fair trial and implanted in the minds of the public and prospective jurors" the district attorney's theories in the case.

ANOTHER MOTION FILED

Another motion filed Tuesday was another application for particulars in the state's case against Shaw. The application noted that under the statute covering criminal conspiracy, two basic elements of proof are "the agreement or combination of two or more persons" and "an act in furtherance" of the crime.

The application cited several state allegations and asked if they are supposed to be an "agreement or combination" or an "act in furtherance."

Among the allegations queried were a supposed meeting between Shaw, Lee Harvey Oswald, and David W. Ferrie in Ferrie's apartment in September, 1963, and another one, in the fall of 1963, between Shaw, Oswald and Jack Ruby in Baton Rouge.

Judge Haggerty had expressed hopes of holding a hearing Wednesday if the motions had been filed earlier Tuesday, but the motion apparently came too late for any action by the judge.

He said he had planned to question the current September jury panel on whether or not Shaw could get a fair trial, and to use the October panel for the trial itself.

However, the last day for the current panel is Wednesday.

JUDGE CONCERNED

"I certainly can't use the October jury to determine if Shaw can get a fair trial and use the same jury for the trial," Judge Haggerty said.

Judge Haggerty, at about

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SHAW REQUESTS

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10:30 a. m., noticed Assistant District Attorney James L. Alcock in the courtroom and commented that he had received a telephone message from chief defense counsel F. Irvin Dymond to return his call.

"I'm not going to call him. I disdain handling court business on the telephone. This court is not here for the sole benefit of Mr. Dymond," he said.

A short time later Salvadore Panzeca, another defense counsel, entered the courtroom and said the defense intended to file its pleadings before the end of the court day.

The court sits until 4 p. m., he said, and added that the state has often filed motions in the afternoon.

"We want the same consideration," Panzeca said.

Judge Haggerty said he wanted the motions filed earlier so that the state might answer by the afternoon, and give him a chance to question the current jury panel.

"I specifically wanted these motions filed while Mr. Alcock was here to look at the pleadings. I wanted him to have his answer ready by this afternoon," the judge said.

"I understand one of the motions is for a change of venue," he added. If so, he explained, he wanted to use the September panel Wednesday for a hearing.