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LA., FRIDAY MORNING, JU

ANDREWS LOSES PERJURY MOTION

Judge Comiskey Refuses to Block Prosecution

Federal district Judge James A. Comiskey refused Thursday to issue a temporary restraining order blocking the perjury prosecution of attorney Dean A. Andrews.

Andrews, who faces prosecution on a charge growing out of his testimony in the trial of Clay T. Shaw, filed suit Wednesday in federal district court asking for a temporary restraining order and an injunction.

He has also asked that a special three-judge court be convened and that it declare unconstitutional the statute under which he is charged.

In August, 1967, Andrews was convicted of perjury in connection with statements he made during Dist. Atty. Jim Garrison's investigation of the assassination of President John F. Kennedy and was sentenced to serve 18 months.

He now faces trial on June 19, on the other perjury charge and claims that he is being forced to trial on a charge which is deemed criminal but for which no punishment is provided under the Louisiana law. He contends that if he is found guilty he will be sentenced under a different statute.

Judge Comiskey ruled that Andrews has failed to allege such irreparable damage as to entitle him to a temporary restraining order. The judge said that there is no merit in Andrews' contention that he will suffer irreparable injury because he will be sentenced under one statute rather than another in the event of a conviction.

The court did not rule on the matter of the injunction.