Aim at November Date

Shaw Given Time, October Trial Out

Criminal District Judge Edward A. Haggerty Jr. today gave the district attorney's office until Tuesday to file answers to a set of motions filed yesterday by attorneys for Clay L. Shaw.

This ended any possibility that Shaw might go to trial in October on charges of conspiracy in the slaying of President John F. Kennedy. The judge gave indications he is now aiming at a November date.

The judge indicated this by telling assistant DA James L. Alcock in court this morning that he hopes to use the October jury venire in a hearing on the defense request for a change of venue.

EARLIER, JUDGE HAGGERTY had hoped to use the September panel, which went out of office today, so that the trial could be held in October.

Alcock appeared before the judge and was asked when the DA's office could file its answers to the defense motions.

"We will have the answers ready by next Tuesday," said Alcock.

"Very well," said Judge Haggerty, "I'll give you till next Tuesday."

The judge then said he hoped to use the October jury panel for the hearing. He asked Alcock if he was aware the defense had asked for a six-month delay in the case. Alcock said he was.

"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," Judge Haggerty said.

Alcock said he would come in with his

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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.

In a hectic court day yesterday, the judge's hopes for an early trial were dashed when defense attorneys came in too late with their motions for District Attorney Jim Garrison's office to answer them and set up a hearing for today.

The defense motions asked:

—A six-month delay in the trial, which would push it into next spring.

—Alternatively, if the delay is not granted, a change of venue, meaning Shaw would be tried elsewhere in Louisiana, outside the New Orleans area.

—Another application for particulars in the state's case against Shaw.

THE DEFENSE claims it is impossible for Shaw to receive a fair trial now because of actions by Garrison.

The DA, said the defense, "destroyed or seriously prejudiced the right" of Shaw to a fair trial with a "deliberate and calculated publicity barrage" since Shaw was arrested March 1.

The application for particulars noted that under the criminal conspiracy statute, 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."

Judge Haggerty was angry that defense attorney F. Irvin Dymond did not file the motions until late yesterday, because today is the last day for the jury panel which the judge planned to use to determine if a change of venue is needed.

"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," said the judge.

"This means this case will be thrown back a whole month due to Mr. Dymond's tardiness," Judge Haggerty said.

The possibility exists that the state might agree to the six-month delay, or even a change of venue, which would make the hearing unnecessary.