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NEW YORK AP - A petition to shift black militant H. Rap Brown's trial for attempted murder and robbery from State Supreme Court to U.S. District Court was filed Saturday by his new lawyers.

The lawyers, William Kunstler and Howard Moore Jr., claim they need more time than the state court will allow to prepare the defense. The trial is scheduled to start Monday.

Kunstler filed a petition in U.S. District Court here relying on a Civil War statute which gave blacks a chance to move their trials to federal courts when states were violating their rights. The lawyer claims refusal by the state court to grant a delay violates Brown's constitutional rights.

Kunstler and Moore entered the case after his original lawyer, Raymond A. Brown of Jersey City, withdrew on Oct. 23. Raymond Brown could not be reached to say why he withdrew.

Both Kunstler and Moore have represented Brown in earlier cases. Kunstler said he was involved in the early stages of the current case, but has been out of it for a long time.

Brown is charged with attempted murder, robbery and possession of dangerous weapons in the current case stemming from the holdup of a Manhattan bar on Oct. 17, 1971. Brown was captured and wounded by police on a rooftop near the bar.

Until his arrest here, Brown had been on the FBI's most-wanted list for 18 months for skipping bail on a federal gun violation conviction in New Orleans.

He was taken back to New Orleans under protest last May 30 and sentenced to five years in prison on the gun charge.

Last Monday, a federal judge rejected his suit to have federal officials held in contempt for moving him from New York to New Orleans.

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