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Shaw Trial 200

NEW ORLEANS AP - The trial of Clay L. Shaw, who is charged with conspiring to assassinate the late President John F. Kennedy, was delayed Tuesday by a federal three-judge panel pending Shaw's appeal to the U.S. Supreme Court.

Shaw filed notice Aug. 1 that he intended to appeal a decision by the same three-judge court which had refused to block the state's prosecution, and asked for a delay in the trial which had been rescheduled for Sept. 10.

The delay was opposed by the office of Dist. Atty. Jim Garrison.

"It is obvious that Shaw's appeal to the U.S. Supreme Court cannot be considered and disposed of prior to Sept. 10, 1968, and that unless the prosecution is stayed, Shaw's appeal will become moot without having a chance for its consideration by the U.S. Supreme Court," the ruling today said.

The court also restrained the district attorney's office from further prosecution of the Shaw case until the appeal is decided by the Supreme Court.

The appeal followed the refusal July 23 by the same three judges of a motion by Shaw to halt further prosecution by Garrison. The federal tribunal at that time also denied a motion by Shaw's attorneys which asked that the Warren Commission Report be ruled "valid, accurate, binding and controlling upon all courts in the United States."

The Warren Commission concluded that Lee Harvey Oswald acted alone in killing the president. Garrison, however, contends that Shaw conspired with Oswald and others in New Orleans to plot the assassination.

In opposing the request for a delay in the Sept. 10 trial date, the district attorney's office noted that Shaw was arrested and charged in March 1967 and said such a delay is "unreasonable and injurious to the state's case."

The decision was handed down today by Judge Robert A. Ainsworth Jr. of the U.S. 5th Circuit Court of Appeals and Judges Frederick J. R. Heebe and James A. Comiskey of U.S. District Court.

Shaw had been scheduled to go on trial in June, but that trial was prevented when Judge Heebe issued a temporary restraining order against further prosecution by Garrison.

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