

Legal Definition of 'Conspiracy' Given

By BERT HYDE

What is a conspiracy?

Clay L. Shaw, 55-year-old retired businessman, is on trial here on charges of conspiring to kill President John F. Kennedy.

In order to obtain a conviction, the state will have to prove he participated in a combination of one or more persons (the number is unlimited) to commit a crime—in this case, the murder of the president.

KENNEDY WAS SHOT TO DEATH IN Dallas Nov. 22, 1963. District Attorney Jim Garrison charges Shaw conspired with Lee Harvey Oswald and others here in September, 1963, to commit the crime.

According to the Warren Commission, which investigated the slaying, Oswald acted alone in killing the president. The commission reported it could find no credible evidence of a conspiracy.

The Louisiana statute under which Shaw is charged makes it a violation on the part of each of the conspirators if any member of the conspiracy commits any act in furtherance of the plan—even if no member actually takes an active part in the crime itself.

SHOULD THE CRIME OCCUR, a party to the conspiracy can be charged with the commission of the crime or with conspiracy.

Should the conspiracy occur in Louisiana and the crime in another state (as is alleged in the Shaw matter), a conspirator could be charged with the crime in another state and still charged in Louisiana with conspiracy.

A conspiracy can be terminated at any time prior to commission of the crime by any member of the conspiracy, provided he conveys to every one of the other conspirators that he wants to get out. It cannot be broken

merely by dropping out unilaterally or by not showing up for the commission of the crime.

TO BE CONVICTED OF CONSPIRACY does not prevent the conspirator from being prosecuted for the crime itself, in Louisiana or out of state.

Louisiana law requires a 12-man jury in such cases. At least nine members of the jury must vote guilty to obtain a conviction.

By the same token, at least nine members must vote not guilty for an acquittal to result. If nine jury members cannot agree one way or another, a mistrial will result. The state then has the option of setting the case for trial again, or dropping the charges.

THE PENALTY FOR CONSPIRACY is one to 20 years at hard labor in the state penitentiary.

No matter what the sentence, it is possible under Louisiana law for a first offender to apply for parole immediately after he is imprisoned.

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Whether a first offender or not, a convicted man under a 20-year sentence would automatically come up for pardon or parole after serving a third of his sentence, or 80 months. He can be freed on parole, but the governor has the final say or pardon and restoration of citizenship.

THE PARDON BOARD IS MADE UP OF the lieutenant governor, the attorney general and the presiding judge at the trial.

While in prison, the convict may appear before the pardon board at any of its quarterly meetings seeking a commutation of sentence or shortening of term merely by filing an application.

Should the board recommend commutation and the governor concur, the prisoner can be pardoned or paroled at any time after serving a third of his sentence.