

OCT 23 1975

## DeMarco Appeal Is Planned

By Watergate Prosecutors  
NYTimes OCT 23 1975

WASHINGTON, Oct. 21 (AP)

—The Special Watergate Prosecutor's office will appeal the dismissal of all charges against Frank DeMarco Jr., who was accused of obtaining an illegal tax break for former President Richard M. Nixon, a spokesman for the office said Tuesday.

United District Judge Warren J. Ferguson ordered the charges dropped Oct. 9 on the ground that the prosecutors had acted improperly by failing to turn

over certain evidence to the defense.

Abruptly ending the trial in Los Angeles, Judge Ferguson dismissed charges that Mr. DeMarco had blocked a Congressional investigation and had given false answers to Internal Revenue Service agents.