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11/20/67

AIRTEL

AIR MAIL

TO: DIRECTOR, FBI (89-1333)
FROM: SAC, NEW ORLEANS (89-79)
SUBJECT: CARLOS MARCELLO, aka; *N.B.*
SA PATRICK J. COLLINS, JR. - VICTIM
AFO

W
USA LOUIS C. LACOUR, Eastern District of Louisiana, New Orleans, confidentially advised 11/20/67 that he had a private discussion with Federal District Judge FREDERICK J. R. HEEBE, EDLA.

Judge HEEBE advised that he is transferring captioned case to Laredo, Texas, for trial. Judge HEEBE is refraining from making his decision public until such time as he has determined the best method of conducting the transfer without raising the question of "reversible error" on his part. Judge HEEBE pointed out to USA LACOUR that MARCELLO had raised an issue hitherto unraised in law when he filed a motion for change of venue and then attempted to rescind the motion.

Judge HEEBE feels that MARCELLO, no matter what happens, will appeal on the grounds that he has a right to be tried in the jurisdiction where the offense occurred, as per the 5th Amendment to the Constitution. Judge HEEBE stated that under the 5th Amendment, MARCELLO also has the right to a fair and impartial trial and MARCELLO claimed, at the hearing, that he could not get a fair and impartial trial due to Life magazine articles relative to him and subsequent statements by the Louisiana Governor.

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3 - New Orleans
PJC:sam
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