

## IN COURT'S CHARGE

# Jury Gets Choice Of Four Verdicts

Judge Joe B. Brown told jurors in the Jack Ruby murder trial Friday night they have the choice of four verdicts.

Judge Brown gave them the choices in a legal document known as the court's charge. It also contained his instructions on the law which they must follow in arriving at their verdict.

Closing arguments were delayed throughout the afternoon while defense lawyers urged Judge Brown to change the wording of the charge. Despite their protests, he made only minor revisions before reading it to the jury.

Judge Brown told jurors they have the choice of these verdicts.

**Guilty of Murder with Malice**—The punishment under this verdict could be death in the electric chair or a prison term ranging from two years to life.

**Guilty of Murder without Malice**—The penalty under this verdict could range from two to five years in prison.

**Not Guilty**—This is the verdict jurors would return if they felt prosecutors failed to prove Ruby shot Lee Harvey Oswald.

(Judge Brown was required to include it even though defense lawyers concede Ruby fired the fatal shot.)

**Not Guilty through Insanity**—This is the verdict which jurors would return if convinced Ruby could not distinguish between right and wrong.

If the jury finds Ruby not guilty through insanity, Judge Brown continued, it must rule on his mental condition now as well as at the time of the slaying.

If ruled insane then and now, he would go to a mental hospital. If ruled sane now although insane then, he would go free.

Judge Brown also instructed jurors they should not consider the failure of Ruby to testify in his own defense. And, he said, they should not consider "any experience or knowledge you may have, nor any fact or matter not in evidence in this case."

Discussing the insanity issue, Judge Brown said "partial insanity is not sufficient to exempt him from responsibility." The jurist added, however, that the jury should find a defendant innocent if it agrees there is insanity which "overwhelms the reason, conscience and judgment."

The basic test, Judge Brown noted, is whether the defendant could distinguish between right and wrong.

Judge Brown said that if the jury convicted Ruby and sentenced him to five years or less in prison it could suspend his sentence and let him go free. He pointed out, however, that the jurors were not required to suspend the sentence.

## ★ NO \$25 FINE FOR BELLI

Jack Ruby defense attorney, Melvin Belli, was commenting on the difference in Texas law and that of other states.

"Why, you can get anything from the death penalty to a \$25 fine for a cruel, cold-blooded murder here," he said.

"Would you settle for the \$25 fine for Jack Ruby?" asked a reporter.

"Absolutely not," Belli snapped.

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