

- Mr. Tolson _____
- Mr. DeLoach _____
- Mr. Mohr _____
- Mr. Wick _____
- Mr. Casper _____
- Mr. Callahan _____
- Mr. Conrad _____
- Mr. Felt _____
- Mr. Gale _____
- Mr. Rosen _____
- Mr. Sullivan _____
- Mr. Tavel _____
- Mr. Trotter _____
- Tele. Room _____
- Miss Holmes _____
- Miss Gandy _____

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Ruby Lawyer Sees Chance Of Freedom

AUSTIN, Tex. (AP) — A Texas appeals court on Wednesday overturned Jack Ruby's conviction for the slaying of Lee Harvey Oswald and ordered that the pudgy, former nightclub operator be given a new trial outside of Dallas County.

The Warren Commission found that Oswald was the man who assassinated President John F. Kennedy in Dallas on Nov. 22, 1963.

Ruby shot Oswald before live television cameras two days later.

Dist. Atty. Henry Wade of Dallas, the original prosecutor, said Wednesday that the state would again ask the death penalty for Ruby in a new trial. Defense lawyers expressed confidence, however, that Ruby would not receive another capital punishment verdict.

The conviction and death sentence were reversed by the Texas Court of Criminal Appeals, the highest state court in criminal cases.

KEY ELEMENTS

The reversal was based on two key elements:

1. That Ruby should not have been tried in Dallas;
2. That the trial court should not have allowed certain testi-

mony by police officers which implied that Ruby killed Oswald with premeditation.

Wade said he would not agree to Ruby's now entering a guilty plea unless the penalty would be a life sentence.

"The defense attorneys have indicated they wouldn't plead him to anything unless there was a five-year sentence, and we are not interested in that," Wade said.

CAN WALK FREE

Joe Tonahill of Jasper, Tex., one of Ruby's original lawyers, had this comment: "Ruby can walk free on a plea of guilty to murder without malice."

A murder-without-malice conviction carries an imprisonment term of two to five years. Ruby has been in jail nearly three years already.

The court said Ruby's statements to police soon after the shooting — such as "I hope I killed the s.o.b." — were not spontaneous and therefore were not legally admissible at the trial.

Trial testimony brought out that such statements were made at least 10 minutes after the shooting. This proves he was "not speaking spontaneously," the appellate court said.

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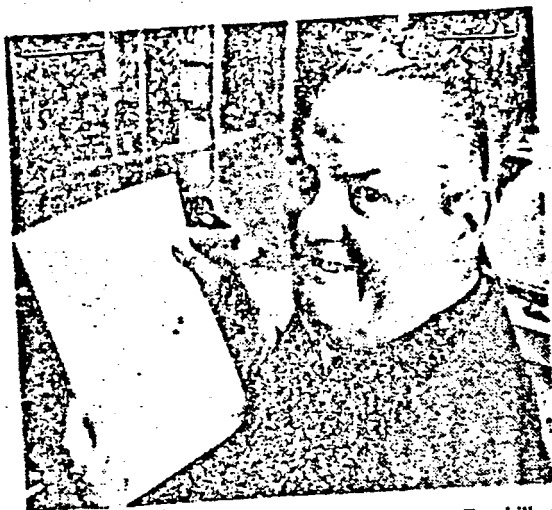
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GRATIFIED AT REVERSAL. — Attorney Joe Tonahill, of Jasper, Tex., one of the first lawyers hired by Jack Ruby's family, said in Austin he was gratified that the Texas Court of Criminal Appeal reversed the conviction of Ruby for the slaying of Lee Harvey Oswald. Tonahill holds a copy of the court opinion which he said he would take to Ruby. — AP photo.