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Court Clerk Glenn Haynes Holds Ruby's Gun

Rules in Fall

Texas Court Gets Appeal for Ruby

AUSTIN, Tex. (AP) — The Texas Court of Criminal Appeals considered opposing arguments Saturday that Jack Ruby either was an "avenging angel" or "a man gripped by a rage that overwhelmed him."

The state's highest court for state criminal cases heard 3½ hours of arguments Friday from nine attorneys on Ruby's appeal of the death sentence given him for killing Lee Harvey Oswald, named by the Warren Commission as the assassin of President John F. Kennedy.

To Be Given in Fall

The court's decision on the Ruby appeal will not be known until fall. The court went into summer recess Saturday until Oct. 3. Attorneys will be allowed until late August to submit additional written briefs.

Ruby was not present. He has been confined in the Dallas County jail since a Dallas District Court jury sentenced him to death in Texas' electric chair following his trial in March 1964.

Television viewers saw Oswald shot on Nov. 24, 1963, as he was being transferred from the Dallas city jail to the county jail. Oswald died just two days after he was charged with fatally shooting President Kennedy and seriously wounding Texas Gov. John B. Connally with a high-powered rifle.

facts that the state had the burden to prove," Burleson said. "The only thing that was left was the matter of punishment."

James Williamson, another assistant district attorney, claimed the defense tried to make Ruby "an avenging angel" and said they did not try to get the trial delayed because "They wanted it tried while emotions were still up in his (Ruby's) favor and the memory of John Kennedy was still warm."

Sol Dann, Detroit lawyer, argued the substitution of Dist. Judge J. Frank Wilson for one day of the Dallas trial was "just as fatal as a juror being absent one day. No man should be sent to his death by reason of one of these technicalities."

State Atty. Leon Douglas said it would have been useless to transfer the trial to another Texas county. "The whole world saw it on TV," he said. "If you ruled out jurors who had not seen it on TV you never would have been able to bring him to trial."