

63 Warren

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## Ruby's First Words to Police Key to Plea for New Trial

AUSTIN, TEX. (AP) — Jack Ruby's first words to police after he fired a fatal bullet through Lee Harvey Oswald's vital organs were the big issue Friday in the condemned nightclub operator's plea for a new trial.

Ruby's attorneys and lawyers for the state also argued about whether widespread news coverage of Oswald's slaying and the selection of jurors who saw the killing on television denied Ruby a fair trial.

### Question of Malice

After a hearing that lasted most of the day, Texas' elected three-judge court of criminal appeals took the arguments under advisement for a probable fall decision. The court goes into summer recess Saturday.

What Ruby said, how he said it and under what circumstances are vital, both sides agreed, in showing whether he acted with malice. Murder with malice is punishable by death in Texas. Murder without malice is not.

### Ordered Death

A Dallas jury found Ruby acted with malice and assessed the death penalty March 14, 1964.

Oswald, identified by the Warren Commission as the assassin of President Kennedy, was killed Nov. 24, 1963, two days after the assassination.