

RBY

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353 PCS

EB147!DN

WITH RUBY (540)

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DALLAS, TEX., OCT. 5 (AP)--"JACK, YOU WON--YOU GOT A REVERSAL TODAY," SHOUTED JUBILANT DEFENSE LAWYER PHIL BURLESON AS HE ENTERED JACK RUBY'S JAIL CELL.

BURLESON SAID BOTH HE AND RUBY WERE IN "KIND OF A STATE OF HAPPY SHOCK" UPON LEARNING THE TEXAS COURT OF CRIMINAL APPEALS HAD REVERSED RUBY'S CONVICTION FOR KILLING LEE HARVEY OSWALD.

OSWALD, WHOM THE WARREN COMMISSION SAID ASSASSINATED PRESIDENT JOHN F. KENNEDY DURING A DALLAS MOTORCADE NOV. 22, 1963, WAS BEING ESCORTED ON A ROUTINE TRANSFER FROM CITY TO COUNTY JAIL BUILDINGS WHEN RUBY DARTED OUT OF JAIL BASEMENT CROWD AND GUNNED HIM DOWN. MILLIONS OF PERSONS SAW LIVE TELECASTS OF THE SHOOTING.

BURLESON SAID RUBY, A ONCE-FLAMBOYANT MAN ABOUT TOWN AND NIGHT CLUB OWNER, WAS "VERY, VERY HAPPY--BUT YOU DON'T JUMP UP AND DOWN FOR JOY WHEN THE DEATH PENALTY IS TAKEN OFF YOU."

RUBY AND BURLESON WASTED LITTLE TIME ON CONGRATULATING EACH OTHER IN THEIR 20-MINUTE CONFERENCE.

BURLESON SAID HE AND RUBY DISCUSSED POSSIBLE ALTERNATIVE FUTURE ACTIONS. ONE INCLUDES PLEADING GUILTY TO A REDUCED CHARGE OF MURDER WITHOUT MALICE WHICH COULD MEAN RUBY WOULD BE OUT OF JAIL SOON IF THE JUDGE COUNTED TIME HE HAS ALREADY SERVED.

BURLESON SAID HE FELT THE STATE HAD NO EVIDENCE TO PROVE RUBY ACTED WITH MALICE AFORETHOUGHT, NOW THAT THE AUSTIN COURT KNOCKED OUT TESTIMONY FROM POLICE SGT. P. T. DEAN.

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TODAY'S DECISION CAME JUST SHY OF SEVEN WEEKS BEFORE RUBY'S THIRD ANNIVERSARY IN THE COUNTY JAIL, WHICH FACES THE SLOPING STREET ON WHICH KENNEDY WAS ASSASSINATED.



RUBY AND BURLESON ALSO TALKED ABOUT PREPARING STRATEGIES FOR A RETRIAL IF THE STATE REFUSES TO AN AGREED VERDICT ON THE REDUCED CHARGE.

SHERIFF BILL DECKER SAID HE CONTEMPLATED NO PUBLIC APPEARANCES OF RUBY ANYTIME SOON.

RUBY WAS LAST SEEN IN PUBLIC LAST JUNE WHEN HE ASSERTED AT HIS SANITY TRIAL THAT "NEVER AT ANY TIME HAVE I TRIED TO MAKE ANYONE BELIEVE THAT I WAS OF UNSOUND MIND." THE JURY TOOK 10 MINUTES TO AGREE AND FIND RUBY LEGALLY SANE.

BURLESON SAID RUBY'S SISTER, MRS. EVA GRANT OF DALLAS, "NEARLY FAINTED WITH GLEE AND HAPPINESS" AT HEARING THE NEWS AND PLANNED TO VISIT HER BROTHER LATER IN THE DAY.

ATTORNEY JOE TONAHILL OF JASPER, TEX., SAID HE ALSO PLANNED TO COME SEE RUBY "AND SHAKE HIS HAND." TONAHILL WAS ONE OF THE FIRST DEFENSE LAWYERS HIRED BUT THE FAMILY LATER FIRED HIM. HE INSISTED RUBY HIMSELF WANTED HIM TO REMAIN IN THE CASE AND FILED LEGAL ACTION WHICH IS STILL UNSETTLED.

ANOTHER OF THE ORIGINAL TRIAL LAWYER TEAM, MELVIN BELLI, WAS VISITING IN HOUSTON BUT SAID HE DIDN'T INTEND TO SWERVE BY DALLAS AND CONGRATULATE RUBY. RUBY PERSONALLY FIRED BELLI AFTER THE LAWYER CAUSTICALLY CRITICIZED DALLAS AND THE JURY FOLLOWING THE CONVICTION.

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"I HOPE SOMETHING CAN BE WORKED OUT FOR HIM EVEN THOUGH I'M NOT HIS LAWYER ANYMORE," BELLI SAID.

MRS. MARGUERITE OSWALD, THE MOTHER OF LEE HARVEY OSWALD AND A FORT WORTH RESIDENT, REFUSED TO TALK TO NEWSMEN BUT SENT A TELEGRAM REPEATING HER CLAIM THAT HER SON DID NOT KILL PRESIDENT KENNEDY.

MARINA OSWALD, LEE HARVEY'S ATTRACTIVE WIDOW WHO NOW IS MARRIED TO KENNETH JESS PORTER AND LIVES IN GREENVILLE, TEX., SAID SHE NEVER HAD WISHED RUBY TO DIE IN THE ELECTRIC CHAIR.

"I THINK HE'S BEEN PUNISHED ENOUGH ALREADY. I'VE ALWAYS SAID THAT. HE'S A HUMAN BEING, TOO. THAT'S ALL I CAN SAY."

DALLAS DIST. ATTY. HENRY WADE, WHO LED THE PROSECUTION, SAID HE WOULD ASK THE APPELLATE COURT TO RECONSIDER, AND IF IT DOES NOT WOULD NOT AGREE TO A MURDER-WITHOUT-MALICE GUILTY PLEA UNLESS THE DEFENSE AGREED TO A LIFE SENTENCE.

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