

EB104

AUSTIN, TEX., NOV. 16 (AP)-THE TEXAS COURT OF CRIMINAL APPEALS OVERRULED TODAY, WITHOUT WRITTEN OPINION, THE STATE'S MOTION FOR A REHEARING ON THE REVERSAL OF JACK RUBY'S CONVICTION FOR THE SLAYING OF LEE HARVEY OSWALD.

OSWALD WAS IDENTIFIED BY THE WARREN COMMISSION AS THE ASSASSIN OF PRESIDENT KENNEDY.

THE CASE NOW GOES BACK TO STATE DISTRICT COURT IN DALLAS, WHICH WAS INSTRUCTED IN THE APPELLATE COURT'S OCT. 5 DECISION TO TRANSFER ANY NEW TRIAL OF RUBY TO ANOTHER COUNTY.

DALLAS DIST. ATTY. HENRY WADE HAS SAID RUBY WOULD BE RETIRED IF THE MOTION FOR REHEARING WAS DENIED AND THAT THE DEATH PENALTY AGAIN WOULD BE SOUGHT.

THE COURT'S ACTION TODAY AS NOT UNEXPECTED.

THE STATE'S MOTION AND BRIEF IN SUPPORT OF THE MOTION WERE HIGHLY CRITICAL OF THE OCT. 5 DECISION.

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