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RUBY-APPEAL ROUTE (420)

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DALLAS MARCH 14 (AP)-JUST LIKE ANY OTHER PERSON CONVICTED OF A FELONY IN TEXAS, JACK RUBY MUST BEGIN THE APPEAL OF HIS CONVICTION AT THE TEXAS COURT OF CRIMINAL APPEALS.

THAT IS THE ONLY TEXAS COURT WITH APPELLATE JURISDICTION IN CRIMINAL CASES. THE TEXAS SUPREME COURT PASSES JUDGMENT ONLY ON CIVIL MATTERS.

SHOULD THE COURT OF CRIMINAL APPEALS RULE AGAINST RUBY, SENTENCED TODAY TO DEATH IN THE ELECTRIC CHAIR FOR SLAYING ALLEGED PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD, THE APPEAL ROUTE IN STATE COURTS WOULD BE EXHAUSTED.

HIS ATTORNEYS WOULD THEN HAVE TO TURN TO THE 5TH U.S. CIRCUIT COURT OF APPEALS IN NEW ORLEANS. FROM THERE, THEY COULD APPEAL TO THE U.S. SUPREME COURT.

IF THE U.S. SUPREME COURT ALSO SHOULD DECIDE AGAINST RUBY, HE THEN WOULD OFFICIALLY BEGIN SERVING HIS SENTENCE.

HOWEVER, FURTHER LEGAL ACTION COULD BE SOUGHT FROM A U.S. DISTRICT COURT ON THE CLAIM THAT RUBY WAS BEING ILLEGALLY CONFINED IN PRISON.

IN THAT CASE, HE OR HIS LAWYERS WOULD FILE A WRIT OF HABEAS CORPUS WITH A FEDERAL DISTRICT JUDGE.

HABEAS CORPUS ACTIONS USUALLY INVOLVE ALLEGED VIOLATIONS OF CONSTITUTIONAL RIGHTS. THESE VIOLATIONS CAN STEM FROM SUCH THINGS AS SUPPRESSION OF EVIDENCE, ILLEGAL SEARCH AND FAILURE TO INFORM AN ARRESTED PERSON OF HIS RIGHTS.

AGAIN, IF RUBY WERE TURNED DOWN AT THE U.S. DISTRICT COURT LEVEL, HE COULD TAKE THE HABEAS CORPUS MATTER TO THE U.S. CIRCUIT COURT OF APPEALS AND AGAIN TO THE U.S. SUPREME COURT.

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ASST. DIST. ATTY. A. D. JIM BOWIE POINTED OUT THAT RUBY COULD FILE A WRIT OF HABEAS CORPUS WITH THE TEXAS COURT OF CRIMINAL APPEALS AS WELL AS THE U.S. DISTRICT COURT AFTER AN ADVERSE RULING BY THE SUPREME COURT.

"BUT THOSE WRITS ARE USUALLY RULED AGAINST, BECAUSE THE CRIMINAL APPEALS COURT WOULD HAVE ALREADY DECIDED ON THE CASE," BOWIE EXPLAINED.

CHIEF DEFENSE COUNSEL MELVIN BELLI CLAIMED AT ONE POINT IN THE TRIAL THAT MANY REVERSIBLE ERRORS ALREADY WERE IN THE RECORD. IF AN APPELLATE COURT RULED THAT AN ERROR WAS MADE, THE CASE WOULD BE SENT BACK TO THE ORIGINAL COURT AND A NEW TRIAL ORDERED.

DEFENSE LAWYERS EARLY IN THE TRIAL ASKED THE TEXAS SUPREME COURT TO RULE THAT PERSONS WHO SAW RUBY SHOOT OSWALD ON TELEVISION WERE WITNESSES TO THE EVENT AND THEREFORE INELIGIBLE TO SERVE AS JURORS. ELEVEN OF THE 12 JURORS IN THE CASE SAID THEY SAW THE TELEVISION SCENES, EITHER LIVE OR ON RERUN VIDEO TAPE.

THE STATE SUPREME COURT REFUSED TO RULE ONE WAY OR THE OTHER ON THE ISSUE.

"SINCE THE STATE SUPREME COURT HAS NO JURISDICTION IN CRIMINAL CASES, IT COULD MAKE NO RULING ON THE MATTER," BOWIE SAID. HE POINTED OUT, THOUGH, THAT THE SUPREME COURT DOES ISSUE WRITS OF PROHIBITION, BUT ONLY IN CIVIL MATTERS.

THE COURT OF CRIMINAL APPEALS, BOWIE SAID, ISSUES WRITS OF PROHIBITION ONLY ON QUESTIONS WHEREIN IT HAS ALREADY PASSED JUDGMENT. THE TELEVISION-WITNESS-JUROR ISSUE HAS BEEN NEITHER PLACED BEFORE NOR RULED ON BY THE CRIMINAL APPEALS COURT.

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