

UFWFUBY

A105DN

WITH RUBY-FOREMAN (260)

DALLAS, MARCH 22 (AP)-ATTORNEY JOE TONAHILL IN A LETTER HAS TOLD JACK RUBY, NOW UNDER THE DEATH SENTENCE, THAT "WE CAN REVERSE THE CASE....YOU SHOULDN'T HAVE OVER A YEAR TO SERVE."

THE JASPER ATTORNEY IN A LETTER WRITTEN WEDNESDAY TOLD THE CONVICTED SLAYER OF ACCUSED PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD THAT ONCE THE CASE IS REVERSED HE CAN ONLY BE TRIED FOR MURDER WITHOUT MALICE, WHICH CARRIES A PENALTY OF FROM TWO TO FIVE YEARS.

RUBY, BALDING 52-YEAR-OLD NIGHT CLUB OPERATOR, WAS GIVEN THE DEATH PENALTY MARCH 14 AFTER A JURY OF FOUR WOMEN AND EIGHT MEN FOUND HIM GUILTY OF MURDER WITH MALICE IN THE NATIONALLY TELEVISED NOV. 24 SLAYING OF OSWALD IN THE DALLAS CITY JAIL. THE DEFENSE HAD CONTENDED RUBY WAS TEMPORARILY INSANE.

IN HIS LETTER, A COPY OF WHICH WAS SENT TO THE ASSOCIATED PRESS, TONAHILL SAID:

"EVEN IF YOU ENTERED A PLEA (OF GUILTY), THEN YOU WOULD BE GIVEN CREDIT, MOST ASSUREDLY, FOR THE TIME SPENT IN JAIL. YOU SHOULDN'T HAVE OVER A YEAR TO SERVE (GOOD BEHAVIOR REDUCES TWO-THIRDS OF THE SENTENCE) UNDER A MAXIMUM SENTENCE OF FIVE YEARS."

TONAHILL SAID THAT IF RUBY SHOULD DECIDE TO CONTEST THE CASE "VERY LIKELY THE JURY WILL FIND YOU NOT GUILTY."

TONAHILL, AN AIDE TO ATTORNEY MELVIN BELLI DURING THE MURDER TRIAL IN DALLAS AND NOW ASSISTING NEW CHIEF DEFENSE COUNSEL PERCY FOREMAN, TOLD RUBY "A LOT OF MESSAGES ARE COMING IN FROM EVERYWHERE, JACK. MANY ACCLAIM YOU A HERO FOR SHOOTING OSWALD."

THE JASPER ATTORNEY ENDED THE LETTER BY SAYING, "HOLD ON TO YOUR COURAGE AND DIGNITY, JACK. YOU HAVE SHOWN THAT YOU HAVE PLENTY OF THAT AS WELL AS HONEST-TO-GOD RED-BLOODED AMERICAN PATRIOTISM."

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