

EB79

(130)

DALLAS, TEX., MARCH 22 (AP)-A NOTICE OF APPEAL AGAINST THE FEDERAL DISTRICT COURT ORDER WHICH LAST FRIDAY SENT THE JACK RUBY CASE BACK TO STATE COURT WAS RECEIVED HERE TODAY BY STATE DIST. JUDGE JOE BROWN.

THE APPEAL WAS FILED IN THE FIFTH CIRCUIT COURT OF APPEALS IN NEW ORLEANS BY TEXAS CIVIL LIBERTIES UNION ATTORNEY SAM HOUSTON CLINTON JR. ON BEHALF OF RUBY. THE NOTICES WERE SENT TO BROWN AND TO DIST. ATTY. HENRY WADE OF DALLAS.

THE APPEAL NOTICE ALSO NAMES SOL A. DANN AND BAKER GENTZ AS ATTORNEYS FOR RUBY, WHO WAS SENTENCED TO DEATH LAST YEAR IN BROWN'S COURT FOR THE SHOOTING DEATH OF PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD.

FEDERAL JUDGE T. WHITFIELD DAVIDSON REMANDED THE RUBY CASE TO THE STATE COURTS, DENYING A DEFENSE CONTENTION THAT RUBY'S CONSTITUTIONAL RIGHTS HAD BEEN VIOLATED IN THE SELECTION OF HIS ATTORNEYS.

DJ923PCS