

EB46

(140)

JACKSONVILLE, FLA., APRIL 20 (AP)-JUDGES OF THE 5TH U.S. CIRCUIT COURT OF APPEALS TAKE UP THE JACK RUBY MURDER CASE TODAY.

RUBY, 54, WAS CONVICTED MARCH 14, 1964 AND SENTENCED TO THE ELECTRIC CHAIR IN THE SLAYING OF PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD. BUT THE APPEAL OF HIS CONVICTION HAS NOT PROGRESSED BEYOND THE TRIAL COURT.

LAWYERS HIRED BY THE RUBY FAMILY WILL ASK THE APPEALS COURT TO STOP PROCEEDINGS IN THE TEXAS STATE COURTS PENDING THE FEDERAL APPEAL OF A SIDE ISSUE. THE DALLAS, TEX., DISTRICT ATTORNEY'S OFFICE WILL OPPOSE A STAY.

THE COURT MAY NOT LIMIT ITSELF TO THE STAY ISSUE BUT TAKE UP THE APPEAL POINTS, SAID ATTORNEY SAM HOUSTON CLINTON JR., OF AUSTIN, TEX., ALSO HIRED BY THE RUBY FAMILY.

SOME 20 ATTORNEYS HAVE BEEN IN AND OUT OF THE CASE. ONE RUBY DEFENSE ATTORNEY, JOE TONAHILL OF JASPER, TEX., SAID HE WOULD ASK THE APPEALS COURT TO BAR THOSE ATTORNEYS HIRED BY THE RUBY FAMILY FROM TAKING FURTHER PART IN THE CASE.

RUBY IS BEING HELD IN THE DALLAS COUNTY JAIL.

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