

SB3DN

DALLAS OUT

(230)

DALLAS, TEX., NOV. 6 (AP)-STICKING WITH A DEFENSE REFUSAL TO JOIN THE STATE IN ASKING COMMUTATION OF JACK RUBY'S DEATH SENTENCE, ONE OF HIS LAWYERS TOOK A NEW STEP IN APPEALING HIS CASE YESTERDAY.

THIS WAS A REQUEST THAT DIST. JUDGE LOUIS T. HOLLAND ORDER THE COUNTY TO FOOT THE BILL FOR TRANSCRIBING TESTIMONY IN A HABEAS CORPUS HEARING AND SEND IT TO THE TEXAS COURT OF CRIMINAL APPEALS.

PHIL BURLESON OF THE DEFENSE STAFF NOTED THAT RUBY, THE CONDEMNED SLAYER OF PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD, ALREADY HAD FILED A PAUPER'S OATH IN TELLING THE JUDGE HIS CLIENT CAN'T PAY FOR SUCH A TRANSCRIPT.

DIST. ATTY. HENRY WADE DISCLOSED THE DAY BEFORE THAT HE HAS OFFERED TO JOIN COUNSEL FOR RUBY IN URGING THAT THE DEATH SENTENCE BE COMMUTED TO LIFE IN PRISON. UNDER THE LAW, THIS COULD BE DONE ONLY AFTER THE DEFENSE DROPS ITS APPEAL OR THE COURT HAS RULED FINALLY ON THE MATTER.

BURLESON SAID EARLIER HE EXPECTED TO KEEP ON TRYING FOR A REVERSAL. IF THE EFFORT FAILS, HE INDICATED HE WOULD BE WILLING TO ACCEPT THE LIFE TERM, UNDER WHICH MANY CONVICTS GO FREE AFTER 8 TO 15 YEARS.

THE LATEST MOTION STEMS FROM A HABEAS CORPUS HEARING AT WHICH THE DEFENSE ARGUED UNSUCCESSFULLY THAT RUBY'S SENTENCE SHOULD BE SET ASIDE. THIS WAS BASED ON A CONTENTION THAT DIST. JUDGE JOE B. BROWN, WHO TRIED RUBY, HELD A FINANCIAL INTEREST IN THE CASE BECAUSE OF A BOOK ABOUT THE TRIAL.

A SANITY HEARING FOR RUBY HAS BEEN DELAYED UNTIL THE APPELLATE COURT RULES ON THE MOVE TO DISQUALIFY BROWN AS JUDGE.

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