

EB64

(280)

DALLAS, TEX., NOV. 9 (AP)-JACK RUBY, WHO KILLED PRESIDENT KENNEDY'S ASSASSIN, SITS ALONE IN HIS JAIL CELL THESE DAYS WITH HIS CASE ON DEAD CENTER AND NO INDICATION WHEN ANY ACTION WILL TAKE PLACE.

THE CASE IS SO STALEMATED THAT DIST. ATTY. HENRY WADE OFFERED LAST WEEK TO RECOMMEND RUBY'S DEATH SENTENCE BE REDUCED TO LIFE IN PRISON IF DEFENSE LAWYERS WOULD AGREE. THEY WOULD NOT.

THE DEFENSE SAYS IT WILL AGREE TO A SENTENCE BASED ON A FINDING OF MURDER WITHOUT MALICE, WHICH CARRIES A MAXIMUM FIVE-YEAR TERM IN PRISON.

SHOULD THE RUBY SENTENCE FINALLY BE REDUCED TO LIFE IN PRISON, HE CAN ASK FOR PAROLE IN SEVEN YEARS.

THE DEFENSE AT THE MOMENT IS APPEALING A HABEAS CORPUS-NEW TRIAL HEARING WHICH WENT AGAINST IT SOME TIME AGO. THE DEFENSE CLAIMED RUBY SHOULD HAVE A NEW TRIAL BECAUSE THE TRIAL JUDGE, JOE B. BROWN SR., IS WRITING A BOOK ABOUT THE TRIAL. THEY CLAIM THIS SHOWS HE WAS NOT IMPARTIAL DURING THE TRIAL.

THIS APPEAL COULD TAKE MONTHS. IF A NEW TRIAL IS ORDERED, THAT MIGHT REQUIRE MONTHS TO GET UNDER WAY.

IF THE DEFENSE LOSES ITS HABEAS CORPUS APPEAL TO THE TEXAS COURT OF CRIMINAL APPEALS, THEN A SANITY HEARING PROBABLY WOULD BE THE NEXT STEP. IF RUBY IS FOUND INSANE, HE WOULD BE SENT TO A STATE HOSPITAL.

IF RUBY IS FOUND SANE AT THE TIME HE KILLED THE PRESIDENTIAL ASSASSIN, LEE HARVEY OSWALD, NOV. 24, 1963, THEN THE ORIGINAL TRIAL COULD BE APPEALED.

IN BETWEEN, THE DEFENSE MAY BE ABLE TO FIND SOME OTHER POINTS TO APPEAL.

IF ANY OF THE APPEALS ACTIONS IN STATE COURTS GO AGAINST THE DEFENSE, IT CAN THEN TAKE THE CASE THROUGH FEDERAL APPEALS PROCEDURE TO THE UNITED STATES SUPREME COURT IF ANY CONSTITUTIONAL QUESTIONS CAN BE RAISED.

NONE OF THE PRINCIPALS IN THE CASE SEE ANYTHING EXCEPT A LONG ROAD HEAD BEFORE A FINAL DISPOSITION IS MADE.

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