

WITH RUBY REVERSAL (320)

RBY

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DALLAS, TEX., OCT. 5 (AP)-JACK RUBY WAS "VERY, VERY HAPPY" AT THE REVERSAL OF HIS DEATH SENTENCE FOR THE KILLING OF LEE HARVEY OSWALD, CALLED BY THE WARREN COMMISSION THE ASSASSIN OF PRESIDENT KENNEDY, HIS LAWYER SAID TODAY.

THE LAWYER, PHIL BURLESON, TALKED WITH RUBY FOR 20 MINUTES IN RUBY'S JAIL CELL.

"WE DISCUSSED VARIOUS POSSIBILITIES OPEN TO US," BURLESON SAID, "BECAUSE RUBY WILL BE A PART OF MAKING THESE FUTURE PLANS."

BURLESON LISTED THREE POSSIBLE FUTURE ACTIONS.

1. GET RUBY OUT ON BOND.
2. PREPARE FOR A NEW TRIAL.
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- *1. GET RUBY OUT ON BOND.
2. PREPARE FOR A NEW TRIAL.
3. "WORK SOMETHING OUT AGREEABLE BETWEEN THE STATE AND THE DEFENSE AS TO AN AGREED PUNISHMENT FOR RUBY."

"I SAID, 'JACK, YOU WON, YOU GOT A REVERSAL TODAY,'" BURLESON SAID.

BURLESON SAID RUBY WAS NOT LAUGHING OR CRYING BUT WAS OBVIOUSLY HAPPY AT THE NEWS.

"YOU DON'T JUMP UP AND DOWN FOR JOY WHEN THE DEATH PENALTY IS TAKEN OFF OF YOU," BURLESON SAID. "YOU'RE VERY SERIOUS."

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BURLESON SAID HE FELT THE COURT'S STRIKING DOWN THE TESTIMONY OF POLICE SGT. P. T. DEAN LEFT THE STATE WITH A CONSIDERABLY WEAKENED CASE. AND HE FELT THE CASE WAS NOW A MURDER-WITHOUT-MALICE SITUATION AS HE HAD PLEADED FOR IN THE ARGUMENTS TO THE JURY IN THE ORIGINAL TRIAL.

BURLESON SAID HE COULD NOT REMEMBER THE SPECIFIC WORDS RUBY SAID IN REACTING TO THE NEWS OF THE REVERSAL. "I'M SORT OF IN A STATE OF SHOCK MYSELF," HE SAID.

BURLESON SAID HE FELT RUBY COULD BE ELIGIBLE FOR BOND, BUT THAT DECISION MUST BE MADE BY STATE DIST. JUDGE LOUIS HOLLAND, WHO NOW HAS CHARGE OF THE CASE. JUDGE HOLLAND ALSO WILL DECIDE IN WHAT

CITY THE NEXT TRIAL WILL BE HELD IF ONE IS NECESSARY.

BURLESON SAID THE STATE HAS 15 DAYS TO FILE FOR A REHEARING IN THE APPEALS COURT IN AUSTIN AND IF IT FILES SUCH A MOTION, THE COURT WILL REQUIRE SEVERAL WEEKS TO RETURN A DECISION. THIS PROCEDURE MUST BE COMPLETED IN RUBY'S FAVOR BEFORE BOND FOR RUNY COULD BE CONSIDERED, BURLESON SAID.

THE LAWYER SAID, "IF WE'RE ABLE TO WORK SOMETHING OUT, THERE WILL BE NO NEW SANITY HEARING."

BURLESON SAID RUBY LOOKED WELL AND APPEARED COMPLETELY AWARE OF THE IMPLICATIONS OF THE DECISION.

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