

(RUBY)

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RUBY

(150)

AUSTIN, TEX., OCT. 19 (AP)-THE TEXAS COURT OF CRIMINAL APPEALS CLERK'S OFFICE WAS NOTIFIED TODAY THAT DALLAS DIST. ATTY. HENRY WADE PLANS TO ASK TOMORROW FOR RECONSIDERATION OF THE JACK RUBY APPEAL VERDICT.

TOMORROW IS THE DEADLINE FOR THE STATE TO ASK A REHEARING OF THE COURT OF CRIMINAL APPEAL'S OCT. 6 DECISION THAT THE DEATH SENTENCE GIVEN RUBY FOR KILLING LEE HARVEY OSWALD SHOULD BE ERASED AND ANOTHER TRIAL HELD, NOT IN DALLAS.

OSWALD WAS IDENTIFIED BY THE WARREN COMMISSION INVESTIGATION REPORT AS THE ASSASSIN OF PRESIDENT JOHN F. KENNEDY.

WADE SAID FOLLOWING THE APPEAL DECISION THAT HE WOULD ASK THE COURT TO RECONSIDER ITS ACTION. HE ALSO SAID THE STATE EXPECTS TO ASK THE DEATH PENALTY AGAIN IF A NEW TRIAL IS HELD.

THE THREE-MAN COURT HELD THAT RUBY DID NOT RECEIVE A FAIR TRIAL, BECAUSE SOME TESTIMONY SHOULD NOT HAVE BEEN ALLOWED AND BE AUSE THE TRIAL JUDGE WOULD NOT LET THE TRIAL BE TRANSFERRED OUTSIDE DALLAS.

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