

EA206 (LX F)1DN

RUBY (170)

AUSTIN, TEX., OCT. 26 (AP)-THE TEXAS COURT OF CRIMINAL APPEALS TODAY SET A NOV. 9 HEARING ON WHETHER IT SHOULD RECONSIDER ITS REVERSAL OF THE DEATH PENALTY CONVICTION OF JACK RUBY FOR THE SLAYING OF LEE HARVEY OSWALD, ACCUSED BY THE WARREN COMMISSION OF ASSASSINATING PRESIDENT KENNEDY.

DALLAS DIST. ATTY. HENRY WADE ASKED THE COURT LAST THURSDAY TO RECONSIDER ITS DECISION AND UPHOLD RUBY'S CONVICTION.

THE APPEALS COURT RULED OCT. 5 THAT RUBY WAS DENIED A FAIR TRIAL. IN REVERSING THE CONVICTION, THE COURT SAID ANY SECOND TRIAL FOR THE FORMER DALLAS NIGHT CLUB OPERATOR SHOULD BE HELD OUTSIDE DALLAS COUNTY, WHERE HE WAS CONVICTED IN MARCH 1964.

OSWALD WAS IDENTIFIED BY THE WARREN COMMISSION AS THE MAN WHO SHOT PRESIDENT KENNEDY IN DALLAS NOV. 22, 1963. RUBY SHOT OSWALD TO DEATH TWO DAYS LATER IN THE BASEMENT OF THE DALLAS POLICE STATION.

THE HIGH COURT SAID TRIAL JUDGE JOE B. BROWN ERRED IN ADMITTING TESTIMONY OF A POLICE OFFICER CONCERNING REMARKS MADE BY RUBY SHORTLY AFTER THE SHOOTING. THE COURT ALSO HELD RUBY SHOULD NOT HAVE BEEN TRIED IN DALLAS.

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