

K ..

SR24DN

(160)

DALLAS, TEX., NOV. 8 (AP)-PROSECUTORS SAY THEY WILL OFFER NO ORAL ARGUMENTS TOMORROW AS THE TEXAS COURT OF CRIMINAL APPEALS CONSIDERS A MOTION FOR RE-HEARING ON THE JACK RUBY MURDER CASE.

THE COURT, THE HIGHEST FOR CRIMINAL CASES IN TEXAS, REVERSED RUBY'S MURDER CONVICTION OCT. 5 AND DIRECTED THAT THE FORMER NIGHT CLUB OPERATOR BE GIVEN A NEW TRIAL OUTSIDE DALLAS.

RUBY WAS SENTENCED TO DEATH BY A DALLAS JURY MARCH 14, 1964, FOR KILLING LEE HARVEY OSWALD, THE ALLEGED ASSASSIN OF PRESIDENT KENNEDY.

THE APPEALS COURT SAID RUBY DID NOT RECEIVE A FAIR TRIAL BECAUSE TESTIMONY OF A DALLAS POLICEMAN WAS INADMISSIBLE AND BECAUSE THE TRIAL WAS HELD IN DALLAS COUNTY.

PROSECUTORS, WHO ASKED FOR THE REHEARING, CONTENDED THAT THE APPELLATE COURT WAS NOT SPECIFIC ENOUGH WHEN IT OVERTURNED THE CONVICTION.

IN A BRIEF MAILED TO THE HIGHER COURT YESTERDAY, DIST. ATTY. HENRY WADE AND ASST. DIST. ATTY. JAMES WILLIAMSON SAID THE U.S. SUPREME COURT, IF IT COULD REVIEW THE RUBY CASE, WOULD UPHOLD THE TRIAL COURT AND THE CONVICTION. THEY DID NOT ELABORATE.

DP343ACS NH