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DALLAS, TEX., NOV. 7 (AP)-THE DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE SAYS THAT THE U.S. SUPREME COURT, IF IT COULD HEAR THE CASE, WOULD AFFIRM THE MURDER CONVICTION OF JACK RUBY.

IN A BRIEF MAILED TODAY TO THE TEXAS COURT OF CRIMINAL APPEALS, DIST. ATTY. HENRY WADE AND ASST. DIST. ATTY. JAMES WILLIAMSON SAID THEY DO NOT PLAN TO OFFER ORAL ARGUMENTS WEDNESDAY WHEN THE APPELLATE COURT TAKES UP A MOTION FOR RE-HEARING ON THE RUBY CASE.

THE COURT OF CRIMINAL APPEALS, THE HIGHEST IN TEXAS FOR CRIMINAL CASES, REVERSED THE DALLAS TRIAL COURT JUDGMENT OCT. 5.

RUBY WAS CONVICTED AND ASSESSED THE DEATH PENALTY MARCH 14, 1964, FOR THE MURDER OF LEE HARVEY OSWALD, THE ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

THE STATE ASKED FOR THE REHEARING.

WADE AND WILLIAMSON SAID THE APPELLATE COURT WAS NOT SPECIFIC ENOUGH WHEN IT RULED THAT RUBY DID NOT GET A FAIR TRIAL.

THE CONVICTION WAS REVERSED, THE APPEALS COURT SAID, BECAUSE CERTAIN TESTIMONY FROM A DALLAS POLICEMAN WAS INADMISSIBLE, AND BECAUSE THE TRIAL SHOULD NOT HAVE

AND BECAUSE THE TRIAL SHOULD NOT HAVE BEEN HELD IN DALLAS COUNTY.

IT DIRECTED THAT A NEW TRIAL BE HELD FOR RUBY OUTSIDE DALLAS.

THE PROSECUTORS' BRIEF NOTED THAT THE U.S. SUPREME COURT IS "FORECLOSED" FROM REVIEWING THE CASE, BUT IT THEORIZED THAT THE HIGH COURT "WOULD AFFIRM THE TRIAL COURT" IF THE CASE WERE BEFORE IT.

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