

PMS BUDGET (420)

RUBY TRIAL

BY THE ASSOCIATED PRESS

DALLAS, TEX., DEC. 7 (AP)-DIST. ATTY. HENRY WADE SAYS HE AGAIN WILL DEMAND THE DEATH PENALTY FOR JACK RUBY. THE DEFENSE DISCOUNTS WADE'S CHANCES FOR WINNING IT IN A NEW TRIAL OF THE MAN WHO KILLED LEE HARVEY OSWALD.

THESE VIEWPOINTS WERE VOICED AFTER WICHITA FALLS WAS DESIGNATED YESTERDAY AS THE SITE OF A SECOND TRIAL, POSSIBLY IN FEBRUARY, AS ORDERED BY THE TEXAS COURT OF CRIMINAL APPEALS.

DEFENSE COUNSEL POINTED OUT THAT THE APPELLATE COURT SPECIFICALLY BARRED THE ADMISSIBILITY OF TESTIMONY BY A POLICEMAN, HEARD EARLIER, WHICH INDICATED PREMEDITATION BY RUBY TO SHOOT THE ACCUSED PRESIDENTIAL ASSASSIN.

RUBY'S LAWYERS SAID ELIMINATION OF THAT EVIDENCE BRIGHTENED THEIR PROSPECTS FOR A MURDER-WITHOUT-MALICE VERDICT, WHICH DOES NOT CARRY THE DEATH SENTENCE.

WADE SAID "WE HAVE FIVE OR SIX NEW WITNESSES WE ARE GOING TO USE." HE GAVE NO DETAILS.

DIST. JUDGE LOUIS T. HOLLAND ANNOUNCED SELECTION YESTERDAY OF WICHITA FALLS, A CITY OF ABOUT 115,000 PERSONS, AFTER A CONFERENCE WITH DEFENSE AND PROSECUTION ATTORNEYS. WICHITA FALLS IS 140 MILES NORTHWEST OF DALLAS.

"IT IS ACCESSIBLE TO ALL WITNESSES, HAS AMPLE FACILITIES, AND IS MADE UP OF A MULTITUDE OF GOOD, FAIR, HONEST PEOPLE," THE JUDGE SAID.

ALTHOUGH HOLLAND SET NO EXACT DATE FOR THE TRIAL, HE SAID THE CASE WOULD BE HEARD IN EARLY 1967--POSSIBLY FEBRUARY.

RUBY, 55, IS A FORMER DALLAS NIGHTCLUB OPERATOR WHO SHOT OSWALD BEFORE A NATIONAL TELEVISION AUDIENCE JUST TWO DAYS AFTER THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

EA55

THE WARREN COMMISSION SAID OSWALD, ALONE AND WITH NO CONSPIRATORS, CONCEIVED AND CARRIED OUT THE KENNEDY SLAYING.

HOLLAND WAS APPOINTED PRESIDING JUDGE WHEN RUBY'S TRIAL JUDGE JOE B. BROWN VOLUNTARILY STEPPED OUT DURING THE APPEAL.

EXCHANGING SEATS WITH THE JUDGE OF THE 30TH DISTRICT COURT IN WICHITA COUNTY, HOLLAND SAID HE WOULD HEAR THE DURATION OF RUBY'S SECOND TRIAL.

HOLLAND ALSO SAID THE CHANGE OF VENUE ORDERED LAST OCT. 5 BY THE TEXAS COURT OF CRIMINAL APPEALS WILL BECOME EFFECTIVE IMMEDIATELY . ALTHOUGH THE OFFICIAL ORDER HAS NOT BEEN SIGNED.

THE CHANGE OF VENUE WILL TAKE RUBY OUT OF THE DALLAS COUNTY JAIL AND FROM THE CUSTODY OF DALLAS SHERIFF BILL DECKER. HOWEVER, RUBY'S REMOVAL TO THE WICHITA COUNTY JAIL IS NOT EXPECTED UNTIL JUST PRIOR TO THE NEW TRIAL.

RUBY WAS CONVICTED OF MURDER IN HIS FIRST TRIAL AND SENTENCED TO DEATH. IN ITS OCTOBER DECISION, HOWEVER, THE TEXAS COURT OF CRIMINAL APPEALS REVERSED THE CONVICTION AND ORDERED THE CHANGE OF VENUE.

CITED AS INADMISSIBLE EVIDENCE IN THE FIRST TRIAL WAS TESTIMONY FROM A DALLAS POLICEMAN. THE APPEALS COURT ADDED, HOWEVER, THAT HOLDING THE FIRST TRIAL IN DALLAS ALSO AMOUNTED TO A REVERSIBLE ERROR.

FF431AES