

## RUBY CASE CHARGE

# Judge to Tell Jury Limits of Choice

The jury, and the jury alone, must decide who is telling the truth in the Jack Ruby murder trial.

When Judge Joe B. Brown gives his instructions to jurors in a legal document known as the court's charge, he will tell them: "You must accept the law as given you by the court, but you are the sole judges of the credibility of the witnesses."

State laws prohibit judges in criminal cases from commenting on testimony or implying that they do not believe certain witnesses.

Even a casual comment by a judge can lead the Court of Criminal Appeals to grant a new trial.

Jurors may consider the demeanor of witnesses, their interest in the outcome of the trial and conflicts in testimony while deciding who is worthy of belief.

Prosecutors will emphasize in their closing arguments that Ruby's relatives and close friends have a vital interest in the outcome of the trial.

Dist. Atty. Henry Wade and his assistants will urge jurors to con-

sider this factor when they weigh the testimony.

Defense lawyers will argue that Dallas police officers, who gave damaging testimony against Ruby, also have a personal interest in the outcome of the trial since the shooting of Lee Harvey Oswald "embarrassed" the Dallas Police Department.

Each side will point to discrepancies in testimony while trying to sway the jury.

If jurors disagree during deliberations over what a witness said, they may send a note to Judge Brown. Then he will call them back to the jury box and have the court reporter read the testimony to them.

## Signs Show Ruby Won't Take Stand

Jack Ruby will not testify at his murder trial.

That became virtually certain Wednesday.

Defense lawyers rested their basic case without putting the slayer on the stand and indicated they had no intention of calling him during rebuttal testimony.

They set the stage for keeping him off the stand with testimony from Dr. Manfred Guttmacher, a Baltimore psychiatrist.

Dr. Guttmacher said Ruby might go berserk in the courtroom if subjected to the strain of questioning.

Actually, defense lawyers got much of Ruby's "testimony" before the jury without giving prosecutors a chance to cross-examine him.

They did so by asking psychiatrist and a psychologist what Ruby told them.

Normally, defense witnesses are not allowed to repeat what a suspect told them. The law makes an exception, however, when these witnesses are experts who consider the statements of a defendant in diagnosing his condition.