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Hearing Set On 2 Ruby Trial Moves

A full hearing on two defense motions in the Jack Ruby case, described by the state as delaying tactics, Friday was set for 10 a.m. Monday in Judge Joe B. Brown's Criminal District Court.

Defense lawyer Phil Burleson said condemned murderer Ruby will be present at the hearing.

The hearing was set by the judge after the state filed motions asking the court to deny an extension of time for an additional defense motion for new trial and the defense request for a copy of testimony.

Mr. Burleson said in light of the state's motions which both stated there was not cause for delay of the new trial hearing, he wanted the opportunity to prove he had grounds for his motions.

Judge Brown gave the defense until Monday morning to file ad-

ditional proof supporting its requests.

Asst. Dist. Atty. Bill Alexander pointed out, however, "the clock is still running" and under the law the new trial hearing must be held by April 29.

The district attorney's office filed answers Friday morning asking the court to deny the two defense motions.

The defense motions asked for an extension of time to file a second amended motion for a new trial and requested a copy of trial testimony. The state asked that both be denied because the requests failed to show legal cause for such actions.

The state's answer to the motion asking for more time argued that the request was not backed up by facts.

STATE'S POINTS

Regarding the defense motion for a copy of testimony, the state pointed out: (1) The defense failed to state legal grounds for such an act; (2) the defense failed to identify any part of the testimony it needed for its motion for new trial; (3) two attorneys, Mr. Burleson and Joe Tonahill, were present during the testimony and had the opportunity to preserve any points they needed; (4) granting a copy of the testimony would only delay further a hearing on a motion for new trial without good cause.

The state asked both requests be denied and a hearing on the new trial motion be set within 20 days of April 9.

Mr. Burleson cited 195 alleged

Mr. Tolson _____
 Mr. Belmont _____
 Mr. Mohr _____
 Mr. Casper _____
 Mr. Callahan _____
 Mr. Conrad _____
 Mr. DeLoach _____
 Mr. Evans _____
 Mr. Gale _____
 Mr. Rosen _____
 Mr. Sullivan _____
 Mr. Tavel _____
 Mr. Trotter _____
 Tele. Room _____
 Miss Holmes _____
 Miss Gandy _____

(Indicate page, name of newspaper, city and state.)

21 "The Dallas
 Times-Herald"
 Dallas, Texas

Date: 4-10-64

Edition:

Author:

Editor: Felix R. McKnight

Title:

Jack Ruby Trial

Character:

or

Classification:

Submitting Office: Dallas

Being Investigated

44-2401-1A
 NOT RECORDED
 48 APR 29 1964

File copy

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trial errors in his first and Ruby's amended motion for new trial. The trial ended in a death penalty verdict March 14.

A third defense motion filed late Thursday asked the court for a copy of all testimony heard during the trial.

The motion stated that newly appointed attorney Dr. Hubert Winston Smith needed to study the testimony to prepare for the hearing on a motion for new trial.

Dr. Smith, a professor of law at the University of Texas, entered the Ruby case late in March after chief defense lawyer Melvin Belli was fired by the convicted slayer's family.

Ruby's lawyers based their request for a new trial in a 51-point motion, claiming Judge Brown erred repeatedly in his rulings both during the trial and in pre-trial hearings. Among the allegations of error were four points raised during the change of venue hearing, in which the defense asked the trial be removed from Dallas County, where Ruby shot Lee Harvey Oswald two days after the assassination of President Kennedy.

The motion claimed nine errors had been committed in jury selection, including the seating of jurors who saw the shooting on television, the seating of jurors who had an opinion of Ruby's guilt and limiting of defense examination of prospective jurors.

The defense also claims that 15 specific errors were made by the court in refusing to admit certain evidence favorable to Ruby.