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Tavel	<input type="checkbox"/>
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Holmes	<input type="checkbox"/>
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UPI ASIN DA
 NIGHT LEAD RUBY
 BY PRESTON MCGRAW

UNITED PRESS INTERNATIONAL

DALLAS, JUNE 21 (UPI)--DIST. JUDGE JOE P. BROWN, WHO TRIED JACK RUBY ON A MURDER CHARGE AND IS WRITING A BOOK ABOUT IT, VOLUNTARILY WITHDREW FROM THE CASE TODAY.

BROWN ASKED DALLAS BLANKENSHIP, PRESIDING JUDGE OF THE DISTRICT, TO APPOINT ANOTHER JUDGE IN HIS PLACE. BLANKENSHIP SAID HE WILL APPOINT A SUCCESSOR WITHIN 24 HOURS.

IN A TWO-SENTENCE LETTER TO JUDGE BLANKENSHIP, BROWN CITED NO REASON FOR WANTING TO WITHDRAW. BROWN HAS REPEATED HIS DEATH SENTENCE FOR MURDERING THE PAPVEY SMALL, PRESIDENT KENNEDY'S ASSASSIN.

BUT RUBY'S LAWYERS HAVE ACCUSED BROWN OF A CONFLICT OF INTEREST IN THE CASE BECAUSE HE IS WRITING A BOOK ABOUT IT. THE PUBLISHERS HAVE ALREADY GIVEN HIM A \$5,000 ADVANCE.

A HEARING HAD TENTATIVELY BEEN SET FOR JULY 8 ON A DEFENSE MOTION TO REMOVE JUDGE BROWN FROM THE CASE. JUDGE BLANKENSHIP SAID THAT BROWN'S WITHDRAWAL MAKES SUCH A HEARING POINTLESS.

TWO OTHER DEFENSE MOTIONS ARE PENDING FOR HEARING BY BROWN'S SUCCESSOR. ONE ASKS FOR A SANITY TRIAL AND THE OTHER ASKS THAT THE SANITY TRIAL, IF THERE IS ONE, BE MOVED OUT OF DALLAS.

THE 54-YEAR-OLD RUBY'S CASE WAS BEFORE THE STATE COURT OF CRIMINAL APPEALS WHEN AN ARGUMENT OVER RUBY'S SANITY RETURNED IT TO DISTRICT COURT, WHERE RUBY WAS TRIED FOR MURDER.

THE APPEALS COURT ORDERED JUDGE BROWN TO SETTLE THE QUESTION OF RUBY'S SANITY. RUBY WANTED TO DISCHARGE DEFENSE LAWYER J. H. TONAHILL.

NOT RECORDED
 46 JUN 28 1965

WASHINGTON CAPITAL NEWS SERVICE

TCNAHILL REFUSED TO RESIGN, SAYING RUBY WAS INSANE AND NOT COMPETENT TO DECIDE WHO SHOULD DEFEND HIM. JUDGE LOUIS HOLLAND OF MONTAGUE, TEX., SITTING IN FOR BROWN, REMOVED TCNAHILL FROM THE CASE LAST MONTH.

BUT HOLLAND ACTED WITHOUT GOING THROUGH A SANITY TRIAL, OR, INDEED, EVEN RULING WHETHER THERE SHOULD BE ONE. A SANITY TRIAL, WITH JURY, IS CONSIDERED ALMOST A CERTAINTY.

IF A JURY PRONOUNCES RUBY INSANE, HE WILL GO TO A HOSPITAL FOR THE CRIMINALLY INSANE UNTIL HE RECOVERS HIS SANITY, AT WHICH TIME HIS APPEAL WILL START ON ITS WAY THROUGH THE COURT OF CRIMINAL APPEALS AGAIN.

ONCE A PERSON GOES INTO A HOSPITAL FOR THE CRIMINALLY INSANE, HOWEVER, IT REQUIRES ANOTHER JURY TRIAL TO ESTABLISH HE HAS REGAINED SANITY.

IF A JURY DECIDES RUBY IS SANE--AND HIS FAMILY AND LAWYERS CLAIM HE HAS DELUSIONS OF PERSECUTION--THE APPEALS COURT WILL START CONSIDERING HIS APPEAL AGAIN.

IT STOPPED CONSIDERING THE APPEAL WHEN IT ORDERED RUBY'S SANITY DETERMINED IN THE LOWER COURT.

THERE IS NO LEGAL QUESTION OF RUBY'S SANITY WHEN HE SHOT OSWALD OR WHEN HE WAS TRIED. THE TRIAL JURY REJECTED AN INSANITY DEFENSE.

JUDGE BROWN REFUSED TO DISCUSS HIS RESIGNATION FROM THE CASE OR TO ENLARGE UPON HIS LETTER TO JUDGE BLANKENSHIP. THE LETTER SAID:

"I WOULD LIKE TO RESUCE MYSELF FROM ANY FURTHER DUTY IN THE CASE STYLED THE STATE OF TEXAS VERSUS JACK RUBY. THEREFORE, I REQUEST THAT YOU APPOINT ANOTHER JUDGE TO HANDLE ALL FUTURE PROCEEDINGS."