

(Mount Clipping in Space Below)

Ruby Lawyers- Base Plea on Planned Book

By JOHN GEODIE

Attorneys for Jack Ruby will attempt to free him from a death sentence verdict by a habeas corpus hearing based on Judge Joe B. Brown's proposed book, an application filed Friday revealed.

The request for a habeas corpus hearing claims Ruby is now illegally confined because his conviction is "void."

The application charges that "during all or part of such proceedings, the said Judge Brown was contemplating, researching, preparing and actually writing a book upon the subject matter of the proceedings then pending before him."

For those reasons, he was disqualified and his actions null, attorney Phil Burleson claimed.

Burleson requested a hearing to show that Judge Brown was involved in the proposed book prior to and during the trial.

If so, and Judge Brown is disqualified, Ruby would be freed from the sentence and retried.

Judge Louis Holland of Montague ruled in the last Ruby hearing that he had no jurisdiction to determine disqualification of Judge Brown. He also said he considered the question "moot" because Judge Brown has resigned from the case.

Burleson said Friday that Judge Holland does have jurisdiction to issue a writ of habeas corpus and call an evidentiary hearing. The same evidence and witnesses ruled out by the denial of a disqualification hearing would be expected to be made public in a hearing to free Ruby.

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