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Ruby Counsel Asks Court To Drop Federal Appeal

Attorneys for Jack Ruby announced Wednesday the withdrawal of Ruby's federal appeal to have a sanity hearing under federal jurisdiction.

The U.S. 5th Circuit Court of Appeals was asked to drop the appeal from a Dallas decision.

The announcement was made through the Texas Civil Liberties Union in Austin. In a statement on behalf of Sam Houston Clinton Jr. of Austin, Sol Dann of Detroit, Elmer Gertz of Chicago, William Kunstler of New York and Phil Burleson of Dallas, the withdrawal was requested because appeal complaints "have been remedied by appropriate action of the State of Texas."

The appeals contended that U.S. Dist. Judge T. Whitfield Davidson should have removed sanity hear-

ing proceedings from Dist. Judge Joe B. Brown's state district court to federal court. Ruby attorneys also complained that Brown refused to allow Ruby lawyers of his choice.

The attorneys' statement explained that Ruby now has his choice of lawyers and Judge Brown has been replaced by Dist. Judge Louis Holland of Montague.

"There is no reason for continuance of the present federal appeal," they stated.

Two appeals are still pending in the Texas Court of Criminal Appeals. One is the appeal from the original guilty verdict for the death of Lee Harvey Oswald and the other an appeal of a habeas corpus hearing ruling based on Judge Brown's book on the Ruby trial.

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124

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