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Legal Verdict On Jack Ruby Never Decided

One of the largest and most involved cases in the history of Texas criminal law ended with the death of Jack Ruby.

Even so, it was not resolved.

It dragged more than three years—through one trial, assorted hearings, motions and appeals.

But mere mortals were never to return the final verdict. At the time of his death, Jack Ruby was an "innocent" man.

A reversal by the Texas Court of Criminal Appeals had returned the case to the "innocent until proven guilty" status.

And now, according to Dist. Atty. Henry Wade, even the murder indictment against Ruby will be "routinely" dismissed.

"In any case where the defendant dies, the state files a motion for the judge to dismiss the indictment," Wade said. "Since the indictment is pending in Wichita Falls, the motion to dismiss will have to be filed by the district attorney there."

Ruby was to have been tried again — this time in Wichita Falls—for the slaying of accused presidential assassin Lee Harvey Oswald. The trial was to have been set early this year.

But that possibility, like so many others, died with Ruby.

WICHITA FALLS Dist. Atty. Stanley Kirk, the man who was to have directed prosecution in the new trial, Wednesday said he "hadn't really thought" about legal steps still remaining to wind up the Ruby case.

"I'll just leave it up to them down there (in Dallas)," Kirk said. "I'll just ask Henry (Wade) what he wants to do and how he wants to do it."

Kirk was asked if the usual

process were to dismiss indictments in cases terminated by the defendant's death.

"That's right," he said. "We had about four or five of them last year, and we did the same thing on all of them."

He did not indicate, however, when such action might be expected.

But while prosecuting attorneys pondered the next—and apparently the final—step in the lengthy proceedings, some authorities on criminal law viewed the Ruby case in retrospect and said they believe the entire process deteriorated into a tragic three-ring circus.

"I SIMPLY can't see how some of his lawyers can maintain they actually had Jack Ruby's best interests at heart," one attorney commented. "With some of them, everything they did was for publicity—they were

out his gun—he always carried a gun—and began shooting."

Dann said that "anyone in his right mind wouldn't enter a jail with \$2,500 and try to kill a man as well protected as Oswald was.

"Ruby had made no plans for a getaway.

"It was just an irresistible impulse," Dann said.

looking out for themselves instead of Jack Ruby."

The chronology of the case went like this:

Nov. 24, 1963—Ruby shot Lee Harvey Oswald.

Nov. 26, 1963—Ruby was indicted for the murder of Oswald and the trial was set in Judge Joe B. Brown's Criminal District Court for Dec. 9, 1963.

Dec. 3, 1963—Dist. Atty. Henry Wade and attorney Tom Howard, then representing Ruby, agreed to a continuance until February (1964) and Judge Brown authorized the postponement.

Dec. 12, 1963—A Dallas psychiatrist examined Ruby and said he found no trace of insanity as attorneys gave first indications they might use that strategy in defending the balding nightclub owner.

DEC. 23, 1963—a bond hearing for Ruby stretched over three and one-half hours, then was postponed until Jan. 10 (1964) in view of testimony and the upcoming holidays.

Jan. 3, 1964—Judge Brown ordered a two-week delay (until Jan. 24) in resuming the bond hearing.

Jan. 7, 1964—The bond hearing was changed again, this time to Jan. 20.

Jan. 19, 1964—Prosecution and defense attorneys agreed that Jack Ruby be submitted to extensive brain tests and named Dr. Martin Towler, professor of neuropsychiatry at the University of Texas Medical School, to conduct the examinations.

Jan. 21, 1964—The bond hearing was dropped; Ruby attorneys requested change of venue hearing and Judge Brown scheduled it for Feb. 10.

Feb. 10, 1964—A change of venue hearing began.

Feb. 15, 1964—Judge Brown announced jury selection would begin Feb. 17 and withheld his ruling on the change of venue motion until efforts were made to get a jury in Dallas.

Feb. 17, 1964—Jury selection began.

March 4, 1964 — Testimony started after last juror was selected.

MARCH 14, 1964—Jury returned its verdict: "We the jury find Jack Ruby guilty of mur-

der with malice aforethought and assess the penalty of death . . ."

March 20, 1964—Ruby's attorneys cited 36 reasons in asking for a new trial.

April 27, 1964—Judge Brown turned down a request to move Ruby to a hospital for further mental tests as the condemned man's sister, claiming he was insane, filed a request for a jury hearing on his mental state.

April 29, 1964—Judge Brown denied motions for new trial.

July 28, 1964—Defense attorneys took first steps toward preparing legal instruments supporting their contention that the death sentence should be reversed by the Texas Court of Criminal Appeals.

Aug. 7, 1964—Judge Brown refused to approve any of 15 formal bills of exception raised in Ruby's appeal.

FEB. 24, 1965—Possibility of another jury trial for Ruby loomed suddenly as the Texas Court of Criminal Appeals referred the question of Ruby's sanity to a district court at Dallas.

March 8, 1965—A sanity trial for Jack Ruby was set for March 29.

March 24, 1965—The sanity trial was postponed pending a ruling by the 5th Circuit Court of Appeals as to whether the proceedings stayed in state courts or—as was requested by an attorney for the Texas Civil Liberties Union—were transferred to a federal court.

April 23, 1965—A federal appeals court at Jacksonville, Fla., declined to enter the case.

June 12, 1965—Defense Attorneys brought action seeking to remove Judge Joe B. Brown as presiding judge because he was writing a book about the Ruby trial, and thus had a monetary interest in the case.

Sept. 10, 1965—Judge Brown withdrew from the case and was replaced by visiting Judge Louis T. Holland of Montague.

June 13, 1966—The long-delayed sanity hearing was finally held in Dallas and a seven-man, five-women jury found Ruby sane after brief deliberation. It cleared the way for the Texas Court of Criminal Appeals to rule on the Ruby case.

Oct. 5, 1966—The Texas Court of Criminal Appeals unanimously reversed Ruby's conviction.