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RUBY STAY PLEA DENIED

Justice Refuses To Grant Sanity Hearing Delay

Washington, June 3 (AP) — Justice Hugo L. Black of the Supreme Court refused today to stay a sanity hearing for Jack Ruby, convicted of killing Lee Harvey Oswald, named by the Warren Commission as the assassin of President John Kennedy.

The hearing is scheduled for June 13 in Criminal Court in Dallas. Ruby is under sentence of death.

Black issued a brief order of denial in which he said:

"I do not feel justified in granting a stay which will interfere with the orderly and customary processes of the courts of Texas in attempts to give Ruby a fair and prompt determination of his rights."

Formal Appeal Pending

William M. Kunstler, New York

attorney for Ruby, had asked that the sanity hearing be deferred until formal appeal in the Ruby case is filed later in the Supreme Court.

The stay request questioned whether Ruby could be compelled to undergo the hearing when represented by a lawyer he does not want.

The formal appeal planned for later also will ask the Supreme Court to rule whether Judge Joe B. Brown, who presided at Ruby's trial, violated the defendant's rights by undertaking to write a book about the case. The judge who tried the case was Joe B. Brown.

Black's order noted that an appeal by Ruby to the Texas Court of Criminal Appeals, asking reversal of the murder conviction, was being held up by a dispute between lawyers as to who should represent him.

Rees Order Cited

In that connection, Black cited an order by the full Supreme Court Tuesday in the case of Melvin Davis Rees, Jr., who is under death sentence in a Virginia killing.

The high tribunal in that order told the United States District Court in Alexandria, Va., to conduct an appropriate medical examination to determine the mental capacity of Rees. Black said an order of the Texas Court of Criminal Appeals for a sanity hearing in Ruby's case was "strikingly" like the Supreme Court's order in the Rees case.