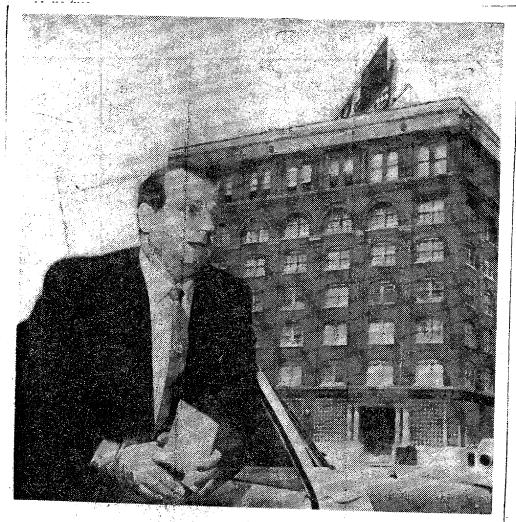
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Times - UPI Photo

Jack Ruby as he was returned to the Dallas County jail for lunch. In background is the Texas School Book Depository Building from which Lee Harvey Oswald fired the shots that killed President Kennedy.

## **Ruby Found Sane; Case Headed For Appeals Court**

## By TOM JOHNSON

DALLAS, Tex.  $\rightarrow AP$  —The Jack Ruby murder case, plagued by legal complications and wrangles among defense law-yers, appears finally to be on its way to the Texas Court of Criminal Appeals.

Ruby's conviction and death sentence for the Nov. 24, 1963, killing of Lee Harvey Oswald has not yet technically progressed beyond the trial court level.

Oswald was named by the Warren Commission as the assassin of President John F. Kennedy. Kennedy was shot Nov. 22, 1963.

removed Monday when a Dallas minutes. District Court jury ruled that the 55-year-old former strip joint operator was legally sane.

**Issue Settled** 

The Texas Court of Criminal is of sound mind. Appeals - the highest court in the state for noncivil cases - had indicated that it would not take up the appeal of the murder conviction until the samty issue was settled.

Ruby was convicted of murder

March 14, 1964, in the same trial be held to clear up a discourt - Criminal District Court pute over which lawyers should No. 3 — that adjudged him represent Ruby. sane.

It took a seven-man five-woman jury only 10 minutes Monday to rule that Ruby was sane. **Delay Sought** 

The defense last Friday had asked that the sanity trial be therefore could not dismiss him. put off. Reasons given were that such a proceeding at this time til the appellate court ordered a would violate Ruby's constitutional rights and would only up the dispute.

serve to slow the appeal of the murder conviction.

But Judge Louis Holland denied formal motions to that ef-But one major obstacle to the fect Monday and the jury panel movement of Ruby's trial was was selected and sworn in 42

The state chose 12 jurors and put on five witnesses - four jailers and the jail doctor - to back up its contention that Ruby

**Ruby Testifies** 

Ruby himself took the witness stand for one minute during the cards had been played." trial to say :"Never at any time have I tried to make apyone believe that I was of ursound mind. I never tried to camou-

flage my mental capacities." Defense lawyers Phil Burleson of Dallas and Joe Tonahill of Jasper, Tex., repeatedly entered formal objections to the proceeding. Ruby's lawyers all agreed that Ruby was sane.

Ruby's sister, Eva Grant, filed the original motion for a santiy trail in April 1964. She tried to have it withdrawn Friday but Holland denied the attempt.

The appeals court had suggested in 1965 that a sanity

The Ruby family had said it did not want Tonahill, but Tonahill contended that whereas Ruby was sane when he hired him before the murder trial, he had since become insane, and

The lawyer fight persisted unsanity trial which would clear

Tonahill said Monday he would continue as Ruby's lawyer until ordered to get out of the case by the appellate court. One state witness, jailer K. H. Crory, said he considered Ruby to be sane because "he's a pretty good gin rummy player. "Did you ever catch him cheating?" asked Asst. Dist. Atty. Bill Alexander.

"Yes sir, but he had a very excellent memory of which