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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. —AP —The Jack Ruby murder case, plagued by legal complications and wrangles among defense lawyers, 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.

March 14, 1964, in the same court — Criminal District Court No. 3. — that adjudged him 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 put off. Reasons given were that such a proceeding at this time would violate Ruby's constitutional rights and would only serve to slow the appeal of the murder conviction.

But Judge Louis Holland denied formal motions to that effect Monday and the jury panel was selected and sworn in 42 minutes.

The state chose 12 jurors and put on five witnesses — four jailers and the jail doctor — to back up its contention that Ruby is of sound mind.

#### Ruby Testifies

Ruby himself took the witness stand for one minute during the trial to say: "Never at any time have I tried to make anyone believe that I was of unsound mind. I never tried to camouflage 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 sanity trial 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 She tried to have it withdrawn Friday but Holland denied the attempt.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

trial be held to clear up a dispute over which lawyers should represent Ruby.

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 therefore could not dismiss him.

The lawyer fight persisted until the appellate court ordered a sanity trial which would clear up the dispute.

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 cards had been played."

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

But one major obstacle to the movement of Ruby's trial was removed Monday when a Dallas District Court jury ruled that the 55-year-old former strip joint operator was legally sane.

#### Issue Settled

The Texas Court of Criminal 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 sanity issue was settled.

Ruby was convicted of murder