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Ruby Murder Case Heads for Appeals Court

BY TOM JOHNSON

DALLAS (AP)—The Jack Ruby murder case, plagued by legal complications, 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 Kennedy. Kennedy was shot Nov. 22, 1963.

Ruby Ruled Sane

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

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 March 14, 1964, in the same court — Criminal District court No. 3—that adjudged him sane.

Hearing Was Delayed

The defense, saying Ruby was insane, had requested a

sanity hearing a month after the conviction. It was repeatedly delayed for various reasons.

The Texas Appeals court ordered on May 18 of this year that Ruby's sanity be judicially determined without delay.

It took a seven-man, five-woman jury only 10 minutes yesterday to rule that Ruby was sane.

Denies Defense Motions

However, the defense Friday asked that the sanity trial be put off. Reasons given were that such a proceeding now would violate Ruby's constitutional rights and slow down the appeal of the murder conviction.

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

The state chose the 12 jurors it ~~wanted and put on 5 witnesses—4 jailers and the jail doctor—to back up its contention that Ruby is of sound mind.~~

Takes Stand Himself

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."

The defense put on no witnesses, conducted no cross-examination, and gave no final arguments.

Defense Lawyers Phil Burlison of Dallas and Joe Tonahill of Jasper, Tex., repeatedly entered formal objections to the proceeding. Ruby's lawyers all agreed that Ruby was sane.