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# Ruby Ruled Sane, Case Finally Heads For Texas Appeals Court

DALLAS, Tex. (AP)—The 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. The defense, claiming that 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 May 18 that Ruby's sanity be judicially determined without delay.

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. The Texas Court of Criminal

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 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 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 She tried to have it withdrawn Friday but Holland denied the attempt.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.