

JUN 14 1966

Ruby Sane, Stage Set For Appeal

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. 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.

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.

Attending the hearing was the hearing was Mrs. Marguerite Oswald, mother of Lee Harvey Oswald who took pictures of Ruby despite a court order banning photographs.

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.

It took a seven-man five-wom-



RUBY ESCORTED
Back to Court

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COURT SPECTATOR
Mrs. Marguerite Oswald

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an jury only 10 minutes Monday to rule that Ruby was sane.

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 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 hear 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.

A source near the appeals court said it was unlikely that the appeal could be considered until October. The court's summer recess starts June 25.

One Ruby lawyer, Sol Dann of Detroit, said the defense might take the case into the federal courts to further protest the sanity trial hearing.