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Ruby Case Appears Heading Toward Texas 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. Oswald was named by the Warren Commission as the assassin of President John F. Kennedy. Kennedy was shot Nov. 22, 1963.

Found To Be Sure

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.

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.

Deliberations Short

It took a seven-man five-woman 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.

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