

JUN 14 1966

Ruby Case Heads

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.

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

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 Burle 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 1966. She tried to have it withdrawn Friday but Holland denied the at-

For Appeals Court

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.

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.